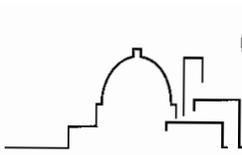


LOCAL COMMENTERS



SMUD

SACRAMENTO MUNICIPAL UTILITY DISTRICT
The Power To Do More.®

SMUD-1

P.O. Box 15830, Sacramento, CA 95852-1830; 1-888-742-SMUD (7683)

July 13, 2009

CITY OF FOLSOM
PLANNING DEPARTMENT
ATTN: Gail Furness De Pardo
50 NATOMA STREET
FOLSOM, CA 95630

And

US Army Corps of Engineers
Attn: Lisa Gibson
1325 J Street, Room 1480
Sacramento, CA 95814-2922

Subject: Draft Environmental Impact Report/Draft Environmental Impact Statement for the Folsom South of US Highway 50 Specific Plan, Folsom, Sacramento County, CA.

Ms. Gail Furness De Pardo and Ms. Lisa Gibson,

The previously prepared letter that was sent to the City of Folsom on May 11, 2009 remains up to date and correct. For your reference the exact same information is repeated below:

The Folsom South of US Highway 50 Specific Plan Project will have a significant impact on SMUD's electrical facilities and will require new electrical substations and power lines in the area bounded by Prairie City Road (Western Boundary), US Highway 50 (Northern Boundary), the Sacramento County Line (Eastern Boundary), and White Rock Road (Southern Boundary). The existing facilities within the project boundaries are inadequate to serve the future load. A minimum of 3 distribution substations and new overhead 69kV lines will be required to serve future demand based on the Specific Plan Land Uses shown in Table 1 and the Conceptual Land Use Plan shown in Exhibit 3 on pages 6 and 7, respectively, of the Notice of Preparation document prepared by EDAW.

Please note the following:

Estimated electrical demand based on proposed September 2008 Land Uses:

102 MVA

Existing 230 kV and 69 kV routes within the area:

1. Overhead double circuit 230 kV line within the transmission line corridor through the western portion of the specific plan between Highway 50 and White Rock Road.

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- 2. Overhead single circuit 69kV line within the transmission line corridor southerly approximately 2,100 feet; turns west to Prairie City Road.
- 3. Overhead single circuit 69 kV line along the eastern property line of APN 072-0231-048 southerly to Prairie City Road, continues on the west side of Prairie City Road to White Rock Road.

3
cont.

Future distribution substations and 69 kV routes within the area:

- 1. Minimum of three distribution substations.
- 2. New overhead 69 kV route along the existing Placerville Road from Highway 50 to White Rock Road.
- 3. Overhead 69kV route along White Rock Road from Placerville Road to Prairie City Road.
- 4. Additional overhead 69kV routes may be required; dependent upon locations of the three distribution substations.

4

Please feel free to contact me with any requests for further information or concerns that you might have.

Thank You,

Rachel V. Del Rio
Land Agent – Real Estate Services
SMUD
6201 S Street, B304
Sacramento, CA 95817
916-732-5997
rdelrio@smud.org

cc: M. Ellis, SMUD Planning Dept.

- SMUD-1-1 *The comment states that the Sacramento Municipal Utility District (SMUD) letter that was prepared and sent on May 11, 2009 to the City of Folsom remains valid, and that the text of the May 2009 letter is repeated in the current comment letter.*
- A copy of SMUD’s comment letter on the NOP for this project, which is dated January 23, 2009, is attached to the DEIR/DEIS in Appendix B, and the City/USACE considered the commenter’s concerns during preparation of the DEIR/DEIS. The City/USACE did not receive a letter from SMUD dated May 11, 2009. Based on a review of the text contained in SMUD’s January 23, 2009 NOP letter, the same text appears to be repeated in the comment letter submitted on the DEIR/DEIS dated July 13, 2009.
- SMUD-1-2 *The comment states that based on September 2008 land uses (shown in the Specific Plan, provided in Appendix N of the DEIR/DEIS), the estimated electrical demand for the project is 102 MVA.*
- As shown in Chapter 5, “Errata” of this FEIR/FEIS, the discussion of Impact 3A.16-8 under the Proposed Project Alternative has been revised to correct the typographical error from 120 megavolt ampere (MVA) to 102 MVA.
- SMUD-1-3 *The comment provides the location of SMUD’s existing electrical transmission lines that are in the vicinity of the SPA.*
- SMUD’s existing electrical infrastructure in the vicinity of the SPA is described in Section 3A.16, “Utilities and Service Systems” (pages 3A.16-5 and 3A.16-6) of the DEIR/DEIS.
- SMUD-1-4 *The comment identifies future distribution substations and electrical transmission lines that would be required for SMUD to serve the SPA.*
- The locations of new substations and electrical transmission line routes that are required for SMUD to serve the SPA are described under Impact 3A.16-8, “Increased Demand for Electricity and Infrastructure,” on page 3A.16-33 of the DEIR/DEIS.

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Municipal Services Agency
Paul Hahn,
Agency Administrator

Interim County Executive
Steven C. Szalay

County of Sacramento

July 20, 2010

Ms. Gail Furness de Pardo
City of Folsom Community Development Department
50 Natoma Street
Folsom, CA 95630

SUBJECT: Request to Extend the Public Comment Period on the Draft Environmental Impact Report/Environmental Impact Statement for the Folsom South of U.S. Highway 50 Specific Plan Project

Dear Ms. Furness De Pardo:

Thank you for providing the County of Sacramento ("County") the opportunity to review and comment on the Draft Environmental Impact Report/Environmental Impact Statement ("DEIR/EIS") for the Folsom South of U.S. Highway 50 Specific Plan Project ("Project") prepared by the City of Folsom ("City"). The Project proposes developing approximately 3,500 acres of Sacramento County's vacant grazing land south of U.S. Highway 50 and north of White Rock Road between Prairie City Road to the west and Placerville Road to the east.

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The County of Sacramento respectfully requests that the City extend the Project's public comment period for a reasonable amount of time to allow complete review of the document. As you are aware, the executive summary is 180 pages long and requires substantial study to digest. The main body of the DEIR/EIS is over 1,600 pages long not including the appendices. Due to the size and printing costs, the City was unable to provide any hard copies to County staff for review. Additionally, the project separates the analysis into two major sections "land" development and "water" supply resulting in two chapters for each CEQA topic. It will take substantial time and effort for the County to read the parallel chapters and combine the information to get an understanding of the whole of the action.

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In determining what a reasonable amount of time is for public review, recall that last week on July 12, 2010 at the Sacramento County Planning Commission Hearing for the Teichert Quarry Project, City staff testified that the public comment period for the Teichert project (which had been open for 22 months) needed to remain open due to the complexity of the project and alleged unresolved issues with transportation. This testimony sets a benchmark as to what the City believes is appropriate and should be considered when responding to this request.

4

Thank you for your time and consideration and please let us know as soon as possible the extension of time for public comment that the City will be providing.

Sincerely,

Paul J. Hahn, Administrator

cc: Joyce Horizumi, Michael Penrose, Robert Sherry

Sac Cnty-1-1

The comment thanks the City for the opportunity to review the DEIR/DEIS, summarizes the project and length of the DEIR/DEIS, and requests additional time for public comment on the DEIR/DEIS.

Under PRC Section 21091 and State CEQA Guidelines CCR Section 15105, after a DEIR is submitted to the State Clearinghouse, the public review period for the DEIR shall be not less than 45 days. This DEIR/DEIS was released for public review on June 28, 2010, with an initial public review period closing on August 16, 2010, providing a 49-day comment period, in compliance with CEQA. The comment period was subsequently extended to September 10, 2010. Thus, the public comment period for the DEIR/DEIS totaled 74 days and complied with (and exceeded) CEQA's requirements.

Sac Cnty-1-2

The comment states that because of the size and printing costs, Sacramento County was not provided hard copies of the DEIR/DEIS.

Electronic versions of the DEIR/DEIS were made available on CD to Sacramento County and other interested parties on June 28, 2010, the date of the commencement of the public comment period and notice of availability of the DEIR/DEIS. At the County's request, the City also provided a hard copy of the DEIR/DEIS to the County within a week of commencement of the public comment period.

Sac Cnty-1-3

The comment notes that the DEIR/DEIS is divided into "land" and "water" sections and states that it will take the County a substantial amount of time to read the DEIR/DEIS and understand the document in its entirety.

The DEIR/DEIS integrates an analysis of impacts at the approximately 3,500-acre SPA (designated as "land" sections 3.1 through 3.18), as well as off-site impacts from provision of water supply to the SPA (designated as "water" sections 3.1 through 3.17). Explanations regarding document organization are provided in the DEIR/DEIS in Chapter 1, "Introduction" (pages 1-1 through 1-3) and Section 3.0, "Affected Environment, Environmental Consequences, and Mitigation Measures" (page 3-2). The City provided a public review period in compliance with CEQA. See response to comment Sac Cnty-1-1.

Sac Cnty-1-4

The comment compares the public comment period for this DEIR/DEIS with that of Sacramento County's Teichert Quarry project for determining a reasonable time for public review of the document.

The City provided a public review period for the Folsom South of U.S. 50 Specific Plan project in compliance with CEQA. See response to comment Sac Cnty-1-1.

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Main Office
10060 Goethe Road
Sacramento, CA 95827-3553
Tele: [916] 876-6000
Fax: [916] 876-6160

Sacramento Regional Wastewater Treatment Plant
8521 Laguna Station Road
Elk Grove, CA 95758-9550
Tele: [916] 875-9000
Fax: [916] 875-9068

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- Claudia Goss
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August 20, 2010

Gail Furness de Pardo
City of Folsom Community Development Department
50 Natoma Street
Folsom, CA 95630

Subject: Notice of Availability of the Draft Environmental Impact Report and Public Meeting/Hearing on the Folsom South of US 50 Specific Plan Project

Dear Ms. de Pardo:

Sacramento Regional County Sanitation District (SRCS D) has received the Notice of Availability of the Draft Environmental Impact Report and Public Meeting/Hearing on the Folsom South of US 50 specific plan project and has the following comments:

The subject property is located outside the SRCS D Service Area. This area will need to be annexed into the SRCS D Service Area through LAFCo in order to receive sewer service. This process is to be initiated by the City of Folsom, not SRCS D.

Local sewer service for this specific plan area would be provided by the City of Folsom. Conveyance from these local trunk lines to the Sacramento Regional Wastewater Treatment Plant (SRWTP) is provided by SRCS D through large pipelines called interceptors. The SRCS D Interceptor Master Plan 2000 provides information regarding these interceptor lines. SRCS D is in the process of finalizing an Interceptor Sequencing Study that will aid SRCS D in funding and implementing regional conveyance projects and assist contributing agencies in coordinating collection system facilities.

SRCS D sewer systems are designed using predicted wastewater flows that are dependent on land use information provided by each land use authority. Sewer studies will need to be completed to fully assess the impacts of any zoning changes that have the potential to increase existing or future flow demands. Development of the subject property will require payment of sewer impact fees. SRCS D impact fees shall be paid prior to the issuance of building permits.

SRCS D is not a land-use authority. Projects identified within SRCS D planning documents are a direct result of growth projections and potential growth inducements that are considered by land-use authorities. Impacts associated with providing and expanding sanitary sewer conveyance and treatment must also be considered by the land-use authority and included within this environmental impact report.

T E C H N O L O G Y I N B A L A N C E W I T H N A T U R E

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Page 2-26 states that "The Wastewater Division discharges its wastewater into County systems; Sacramento Regional County Sanitation District (SRCS D) and County Sanitation District No. 1 (CSD-1) for conveyance and treatment at SRCS D regional facility." The Folsom wastewater division discharges directly into the SRCS D Interceptor system, not through CSD-1.

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Comments to Section 3A.16 – Utilities and Service Systems – Land

Page 3A.16-1, Sacramento Regional County Sanitation District – Wastewater Collection

Please revise the following:

- **Paragraph 1** - "Sanitary-sewer service for approximately 3,313 acres of the SPA would be provided by SRCS D..." Sewer service will be provided by both the City of Folsom and SRCS D.
- **Paragraph 1** - "This district owns, operates, and is responsible for the public collection, trunk, and interceptor sewer systems throughout Sacramento County" SRCS D is responsible for interceptor sewers and for wastewater treatment in Sacramento County, not the public collection, trunk, and interceptor sewer systems.
- **Paragraph 5** – "The Proposed Project Alternative would connect to an existing 24-inch force main located within Iron Point Road north of U.S. 50 downstream of the existing Folsom East 3B Pump Station." The project area will ultimately connect to the Folsom East Interceptor via the Folsom South Pump Station (FSPS) and the 24" Folsom South Force Main (FSFM), not the 24-inch force main located within Iron Point Road. A portion of the FSFM has already been constructed and is located west of the Iron Point Lift Station, within the Broadstone Park Professional Center property. A Wastewater Infrastructure Plan (WWIP) for the Folsom Specific Plan Area (FSPA) was prepared by MacKay and Somp; however, a more detailed WWIP will be required to evaluate sewer service for the proposed project.

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Page 3A.16-2, Wastewater Treatment

- **Paragraph 1** - Please remove "... and there is currently 40 MGD of available capacity within the 181 MGD."

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Page 3A.16-12, Table 3A.16-3

- The WWIP (dated September 2008) assumes all flows, including those tributary to the El Dorado Irrigation District (EID), are tributary to the FSPS. It appears that the DEIR/DEIS assumes that flows within the EID service area (189 acres) are being directed to the El Dorado Hills Wastewater Treatment Plant. It needs to be determined which agency will provide sewer service to the portion of the project area located within the EID service area. Coordination between SRCS D, the City of Folsom, and the FSPA owners will be required to determine sewer service for the proposed project.

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Page 3A.16-14, Impact 3A.16-1, Increased Demand for On-Site Wastewater Collection and Conveyance Facilities and the Off-Site Force Main and Page 3A.16-15, Impact 3A.16-2, Increased Demand for SRCS D Off-site Wastewater Collection and Conveyance Facilities, NCP, PP, RIM, CD, RHD

11

- "Sewer flows from the SRCSD service area would be conveyed to the Folsom South Pump Station north of Easton Valley Parkway and approximately 1,500 feet west of Oak Avenue. From the Folsom South Pump Station, the project would construct an off-site force main to convey flows to an existing SRCSD 24-inch force main located within Iron Point Road, north of U.S. 50, and downstream of the existing Folsom East 3B Pump Station (see Impact 3A.16-3)." The project area will ultimately connect to the Folsom East Interceptor via the Folsom South Pump Station (FSPS) and the 24" Folsom South Force Main (FSFM), not the 24-inch force main located within Iron Point Road. A portion of the FSFM has already been constructed and is located west of the Iron Point Lift Station, within the Broadstone Park Professional Center property. A Wastewater Infrastructure Plan (WWIP) for the Folsom Specific Plan Area (FSPA) was prepared by MacKay and Soms; however, a more detailed WWIP will be required to evaluate sewer service for the proposed project.

11 cont.

Comments to Section 3B.16 – Utilities and Service Systems – Water

Page 3B.16-2, Sanitary Sewer Collection

- Paragraph 1 - SASD, and the Cities of Elk Grove, Folsom, Sacramento, and West Sacramento provide local sewer collection services, while SRCSD is responsible for conveyance from these local agencies to the regional treatment plant as well as wastewater treatment.
- Paragraph 2 - "... SRCSD is also proposing to upgrade the Mather Interceptor along Douglas Road and Sunrise Boulevard." The Mather Interceptor is identified as a potential project in SRCSD'S Master Plan 2000 (MP2000). This is not an existing facility, therefore no upgrades will occur.

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If you have any questions regarding these comments, please contact me at (916) 876-9994.

Sincerely,



Sarena Deeble
SRCSD/SASD
Policy and Planning

cc: Prabhakar Somavarapu
Ruben Robles
Michael Meyer
SRCSD Development Services
SASD Development Services

- SRCSD-1 *The comment states that the subject property is outside the SRCSD service area. The comment also states that the City of Folsom, not SRCSD, must initiate the annexation into the SRCSD service area through LAFCo.*
- The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The comment is noted.
- SRCSD-2 *The comment provides information on the conveyance and treatment facilities that would serve the project.*
- The comment restates text that is contained in Section 3A.16, “Utilities and Service Systems”; the comment is noted.
- SRCSD-3 *The comment states that sewer studies would be needed, and that impact fees would need to be paid to SRCSD before building permits were issued.*
- The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The comment is noted.
- SRCSD-4 *The comment states that SRCSD is not a land use authority, and that impacts associated with providing and expanding sanitary sewer conveyance and treatment must be considered by the land use authority and included in the DEIR/DEIS.*
- An evaluation of sanitary sewer conveyance needs and treatment capacity associated with development of the SPA is provided in Section 3A.16, “Utilities and Service Systems - Land” on pages 3A.16-15 through 3A.16-22 of the DEIR/DEIS. Physical impacts from expansion of off-site infrastructure necessary to serve the project are addressed in Section 3B.16, “Utilities and Service Systems - Water” of the DEIR/DEIS. Physical impacts of constructing the sanitary sewer conveyance facilities on the SPA are analyzed throughout each topic area of the DEIR/DEIS.
- SRCSD-5 *The comment provides a correction to the description of sanitary sewer conveyance on page 2-26 of the DEIR/DEIS; namely, the Folsom wastewater division discharges directly into the SRCSD interceptor system, not through SRCSD-1 as described.*
- As shown in Chapter 5, “Errata” of the FEIR/FEIS, the text on page 2-26 of the DEIR/DES has been revised in response to this comment.
- SRCSD-6 through
SRCSD-7 *The comments provide corrections to the descriptive text under ‘Wastewater Collection’ on page 3A.16-1 of the DEIR/DEIS.*
- As shown in Chapter 5, “Errata” of the FEIR/FEIS, the text on page 3A.16-1 of the DEIR/DEIS has been revised in response to these comments.

- SRCSD-8 *The comment requests that paragraph 5 of DEIR/DEIS page 3A.16-1 be revised to indicate that while the applicants have prepared a wastewater infrastructure plan (WWIP), a more detailed WWIP will be required.*
- The City and the project applicants are aware that a more detailed WWIP is required. Prior to the preparation of improvement plans for the proposed backbone infrastructure, the project applicant(s) would prepare a Level 3 Sewer Study, which would further refine the project's WWIP, for review as required by SRCSD and the Sacramento Area Sewer District (SASD). The project's connection into the SRCSD interceptor system would occur at a main pump station near Alder Creek and Easton Valley Parkway; from there, it would then be pumped across U.S. 50 and connect into the existing SRCSD Interceptor System on the north side of the freeway. Thus, the only portion that SRCSD needs to further review is the section from the pump station to the existing SRCSD Interceptor System connection.
- SRCSD-9 *The comment requests that in paragraph 1 on DEIR/DEIS page 3A.16-2, the reference to an existing 40 million gallons per day (mgd) capacity be removed.*
- As shown in Chapter 5, "Errata" of this FEIR/FEIS, the first paragraph of page 3A.16-2 of the DEIS/DEIR has been revised as requested by the commenter.
- SRCSD-10 *The comment states that the 2008 Wastewater Infrastructure Plan assumes that wastewater from the entire project site would be conveyed to SRCSD facilities, although the DEIR/DEIS assumes that wastewater from the existing EID service area would be conveyed to EID facilities. The comment further states that coordination among the SRCSD, the City, and EID would be needed to determine which agency would provide sewer service to the project.*
- The City acknowledges that coordination among these agencies would be needed to determine the wastewater service plan for the project site. The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS.
- SRCSD-11 *The comment suggests several changes to the DEIR/DEIR text to clarify the way in which the proposed system to serve the project would tie into SRCSD's existing facilities in the vicinity.*
- As shown in Chapter 5, "Errata" of this FEIR/FEIS, the pages 3A.16-14 and 3A.16-15 of the DEIS/DEIR have been revised as requested by the commenter.
- SRCSD-12 *The comment requests that additional text be added to Section 3B.16 of the DEIR/DEIS to clarify the roles and responsibilities of SASD and SRCSD.*
- As shown in Chapter 5, "Errata" of this FEIR/FEIS, the first paragraph of page 3B.16-2 of the DEIS/DEIR has been revised with the additional text to clarify the roles and responsibilities of SSAD and SRCSD.
- SRCSD-13 *The comment indicates that page 3B.16-2 of the DEIR/DEIS is inaccurate in its description of the Mather Interceptor as this facility is not yet constructed.*
- As shown in Chapter 5, "Errata" of this FEIR/FEIS, the second paragraph of page 3A.16-2 of the DEIS/DEIR has been revised to clarify this description.

From: Dave Pickett [mailto:d36lao@volcano.net]
Sent: Wednesday, August 04, 2010 1:00 PM
To: Gail Furness De Pardo
Cc: 'ED SANTIN'; 'wes justyn'; 'De Wall, Jason'
Subject: SOI

Hello Gail. Been a while.

At the first public meeting a few years back, I and asked for some kind of documents ACKNOWLEDGING the State SVRA/Prairie City recreation unit across the street from the proposed SOI and build out.

Has the City acknowledged this, and set into motion PROTECTIONS of the SVRA from possible future lawsuits about sound/soil disturbance/traffic etc?

Basically, build the project, and then like an airport, file complaints or suits..

THIS INFORMATION NEEDS WAIVERS IN PLACE TO PROTECT THE FACILITY. CC&R acknowledgements, Waiver Forms, etc.

Facility will have its 40th anniversary in 2012.

Thank you.

David Pickett
David Pickett, Director
Legislative Action Office
AMA District 36 - Motorcycle Sports Committee

*** PLEASE NOTE NEW CONTACT INFO***

Email: D36LAO@volcano.net
Office: 209-295-1207
FAX: 209-295-1207
Cell: 916-705-1545

Pickett-1

The comment references a previous request for documents relating to the State Vehicular Recreational Area (SVRA)/Prairie City recreation unit located southwest of the SPA. The comment asks if the City intends to protect the SVRA from possible future lawsuits related to noise/soil disturbance/traffic, etc. The comment states that the SVRA facility needs waivers to protect future operation of the facility.

Analysis of noise in the DEIR/DEIS identified the SVRA as an existing noise-generating source in the vicinity of the SPA and acknowledged that occasional noise from vehicles using the SVRA might influence noise levels in the SPA (refer to the bottom of page 3A.11-5 of the DEIR/DEIS). The DEIR/DEIS further stated that noise emissions from recreational vehicles are governed by state regulations and noted that off-road vehicles were audible in the SPA during noise surveys (refer to page 3A.11-7 of the DEIR/DEIS). The analysis conducted for Impact 3A.11-7 (beginning on page 3A.11-50 of the DEIR/DEIS) determined that less-than-significant impacts would result because the worst-case simultaneous operation of off-road vehicles operating in the same location for an extended period of time on the SVRA boundary and emitting the maximum legal noise level would produce a noise level of approximately 40 decibels (dB) at the nearest residential receptor in the SPA, which would not exceed the City's noise standards and therefore would not cause a significant impact.

The comment does not provide any evidence to show inadequacy in the DEIR/DEIS analysis of noise. Because the impact would be less than significant, no further mitigation measures are required.

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August 25, 2009

Gail Furness De Pardo
City of Folsom
50 Natoma Street
Folsom, CA 95630

Dear Ms. De Pardo:

The Sacramento Local Agency Formation Commission (LAFCo) appreciates this opportunity to review and comment on the Draft EIS/EIR for the Folsom South of 50 Specific Plan project. In reviewing the document as a responsible agency under the California Environmental Quality Act, we make reference to our Notice of Preparation comment letter dated November 4, 2008, and LAFCo Resolution 1196 and the mitigation measures adopted in our approval of the City's Sphere of Influence Amendment (SOIA) for the territory encompassed by the Specific Plan. We recognize that subsequent to LAFCo's action on the SOIA, the voters of the City of Folsom adopted the majority of the LAFCo-adopted conditions and mitigation measures as City policy via Measure W.

1

Our review of the EIS/EIR and the Specific Plan indicates that many of these measures have been satisfied in the planning and design of the Specific Plan, are reflected in the mitigation measures set forth in the EIS/EIR, or are in progress and acknowledged by the City to be necessary prior to LAFCo taking action on any subsequent annexation requests. We appreciate the City's cooperation in implementing the previously adopted mitigation measures and conditions of approval for the SOIA.

This letter sets forth our understanding of the project's compliance with the CEQA process documented in the City's EIS/EIR, and the adequacy of that document to serve LAFCo as a responsible agency when considering future requests to annex all or portions of the project area. Our review does not constitute the discharge of our formal responsibility to monitor compliance with our adopted SOIA mitigation measures or the conditions of approval set forth in LAFCo Resolution 1196.

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Because of the complexity of the project and the large amount of underlying documentation, and the fact that many of the Specific Plan policies and EIS/EIR mitigation measures require prospective actions of the City or the project applicants that have not yet been completed, our failure to raise an issue within the CEQA process for this document over which we have jurisdiction does not indicate that a particular condition or measure has been satisfied, nor does it bar us from evaluating the project's compliance with such conditions or mitigation measures during LAFCo's application review and consideration process.

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Our detailed comments on the EIS/EIR follow:



Project Description (EIS/EIR Chapters 1, Statement of Purpose and Need, and 2, Alternatives) – These chapters properly set forth LAFCo’s role in the entitlement process, the history of project area entitlements previously considered and approved by LAFCo, the City’s stated commitment to implement LAFCo-adopted conditions and mitigation measures, and the identification of a Proposed Project Alternative that implements several of the adopted LAFCo mitigation measures. These measures include the set-aside of 30 percent of the project site in open space, identification of a water supply to serve the project, and the roadway and infrastructure networks. We request that the discussion of LAFCo entitlements necessary to approve the project be modified to include the following actions:

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- Amendment to the Sacramento Regional County Sanitation District Sphere of Influence and annexation of the project area into District boundaries;
- Detachment of the project area from the Sacramento Metropolitan Fire District; and,
- Any other detachments or change in service providers for other utilities and public services that may be required based on the plan for service and Master Services Element proposed by the City of Folsom.

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Population and Housing (EIS/EIR Chapter 3A.13, Population, Employment and Housing) – The EIS/EIR discusses regional housing requirements for both Sacramento County and the City of Folsom in the setting of this chapter, and concludes (within the setting discussion) that implementation of the project would allow the City to exceed its targeted housing goals, except for low income housing units. LAFCo is required to ensure that there will be no net loss of targeted housing resources on a countywide basis, both in incorporated and unincorporated areas. While it is unlikely that Sacramento County would have targeted the Specific Plan project area for the citing of a targeted housing type, prior to any request for annexation the City must be able to demonstrate that the net effect of the project for both the City and County will be neutral regarding both entities meeting their respective regional housing needs targets. As set forth in our NOP comment, prior to LAFCo considering any annexation request within the project area, the City must demonstrate compliance with the SACOG Regional Housing Needs Assessment and obtain compliance from the California Department of Housing and Community Development that the City is meeting its Regional Share Housing goals for all income levels through its adopted General Plan Housing Element.

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Public Services

Parks and Recreation (EIS/EIR Chapters 3A.12, Parks and Recreation – Land, 3B.12, Parks and Recreation – Water, and 3A.10, Land Use, 4.1, Cumulative Impacts) – The EIS/EIR evaluates whether implementation of the proposed project would meet City of Folsom park standards for mini, neighborhood, and community parks. The analysis concludes that, with the implementation of parks identified in the Specific Plan, adequate park resources within the Specific Plan area and citywide would be provided to meet City standards. While we do not disagree with this conclusion, we note that the City will also be required to demonstrate the adequacy of recreation resources for both the existing City and any area to be annexed prior to LAFCo consideration of any annexation request.

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Impact 3A.12-2 evaluates the potential indirect effects of the proposed project on regional recreation resources, but fails to evaluate any direct effects on existing neighboring regional recreation resources such as the Prairie City State Vehicle Recreation Area. Additionally, the impact concludes, without any factual support, that there would be no indirect effect on recreation resources outside of the City of Folsom because “revenues from use charges and admission fees of these off-site facilities would increase along with increased usage, thus supporting increased maintenance.” A similar conclusion with respect to regional recreation resources is set forth in Section 4.1, Cumulative Impacts, of the EIS/EIR. In addition to not evaluating whether the project, by itself or cumulatively, would contribute to the need to construct additional regional recreation resources, LAFCo cannot concur that fee revenues are, or would be, adequate to develop, upgrade, or maintain regional park resources.

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Consistent with our NOP comments, LAFCo requests the following:

- The evaluation of regional park resources be amended to evaluate the adequacy of regional park resources on a regional basis to serve existing and projected populations, and the project’s effect on the adequate provision of such resources; and
- The EIS/EIR provide evidence that supports the document’s environmental conclusion regarding the adequacy of fees or other sources of revenue to support the development of any new needed regional facilities, and/or the maintenance of existing facilities.

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Law Enforcement/Fire Protection/Schools (EIS/EIR Chapter 3A.14, Public Services – Land) – This chapter evaluates the potential effects to these three public services. For schools, according to the EIS/EIR, the Folsom Cordova Unified School District has initiated a number of different funding mechanisms to assure funding of all needed K-12 school facilities in the long term. Based on these long term funding mechanisms, the EIS/EIR concludes that impacts to school facilities would be less than significant. There are no apparent concurrency requirements in these funding mechanisms; school construction would necessarily lag behind the need for such facilities as fees were collected from new development and taxes were collected from constructed uses.

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For law enforcement and fire protection services, the EIS/EIR concludes that identification of needed new facilities, reservations for their citing in the Specific Plan, and the payment of the City’s Capital Improvement New Construction Fee would result in a less-than-significant impact to these services with implementation of the Specific Plan project. While not necessarily disagreeing with the conclusions of the EIS/EIR regarding the availability of facilities to house these public services, we note that LAFCo is statutorily required to evaluate whether the City and the FCUSD have the service capability and capacity to serve the project area, and also whether they can provide services to the project area without adversely affecting existing service levels elsewhere in their service areas, including personnel. Additionally, LAFCo must evaluate whether the deletion of territory now served by the Sacramento County Sheriff’s Department and the Sacramento Metropolitan Fire District would lead to the loss of tax revenues, thereby diminishing the ability of these two agencies to deliver adequate services within their remaining service areas. Though this information is not now presented in the EIS/EIR,

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the City will need to provide sufficient information to LAFCo to evaluate these questions prior to the Commission’s consideration of any annexation requested within the project area.

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Wastewater Collection/Wastewater Treatment/Solid Waste/Electricity/Natural Gas/Telecommunications/Cable Television and Communications (EIS/EIR Chapter 3A.16 and 3B.16, Utilities and Service Systems) – Impacts 3A.16-1 to 3A.16-3 evaluate the project’s potential impacts to wastewater collection and treatment facilities operated by the Sacramento Regional County Sanitation District (SRCSD). The document concludes that, with mitigation, all impacts could be reduced below a level of significance. We note that the timing of each mitigation measure (3A.16-1 and 3A.16-3) requires that proof of adequate transmission and treatment capacity be provided to the City prior to recordation of any final subdivision map. LAFCo is statutorily required to evaluate whether the SRCSD has the service capability and capacity to serve the project area, and also whether the District can provide services to the project area without adversely affecting existing service levels elsewhere in their service area. Though this information is not now presented in the EIS/EIR, the City will need to provide sufficient information to LAFCo to evaluate these questions prior to the Commission’s consideration of any annexation requested within the project area.

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Regarding potential affects to the wastewater collection and treatment facilities of the El Dorado Irrigation District (EID) (Impacts 3A.16-4 to 3A.16-5), the EIS/EIR concludes that neither transmission nor treatment facilities may have sufficient capacity to serve proposed development within the Specific Plan project area. The document identifies mitigation measures that require the following:

- For transmission facilities, mitigation measure 3A.16-4 requires that proof of adequate transmission facilities or evidence of adequate funding of such facilities be provided to the City of Folsom prior to the recordation of any final subdivision map;
- For the wastewater treatment plant, mitigation measure 3A.16-5 requires that, prior to issuance of a tentative subdivision map, a study be prepared identifying any needed improvements to the wastewater treatment plant, and that prior to final map or the issuance of building permits, that the plant have adequate capacity for the amount of development identified by the subdivision map.

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LAFCo is concerned that by allowing a surety in lieu of constructing adequate transmission facilities, mitigation measure 3A.16-4 would not ensure that adequate transmission facilities would be provided concurrent with increases in project generated wastewater. We request that the measure be amended to ensure that adequate facilities would be provided with need. For both EID wastewater collection and treatment, LAFCo is statutorily required to evaluate whether the EID has the service capability and capacity to serve the project area, and also whether the District can provide services to the project area without adversely affecting existing service levels elsewhere in their service area. Though this information is not now presented in the EIS/EIR, the City will need to provide sufficient information to LAFCo to evaluate these questions prior to the Commission’s consideration of any annexation requested within the project area.

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For solid waste, though the EIS/EIR evaluates the capacity of the Kiefer Landfill to accept solid waste from the project area, the document does not evaluate the capacity of the City of Folsom’s solid waste collection facilities and operations, and whether implementation of the project would require expansion of the City’s collection fleet and a concurrent expansion of corporation yard facilities to serve the expanded fleet. The document does not evaluate whether the City would need to construct any diversion or non-disposal facilities to handle the increased volume of solid waste from project implementation, and to meet state solid waste reduction requirements. We request that these evaluations be included in the EIS/EIR.

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For electricity, the EIS/EIR evaluates transmission facilities, but does not evaluate whether SMUD has planned for adequate generation capacity to serve the proposed project. The document in its evaluation of wasteful energy use does not evaluate the operational energy that would be used in pumping wastewater uphill to the EID system rather than designing a gravity flow system that would be served by SRCSD facilities. We request that these evaluations be included in the EIS/EIR.

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We have no comments regarding the other utilities evaluated in this chapter except to note that there are several other public services provided by the City, such as animal control, street lighting, library services, public transit, and other municipal services. As described above, LAFCo will be required to evaluate all utilities and services for adequacy prior to considering any annexation within the project area.

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Water Supply/Treatment/Distribution (EIS/EIR Chapter 2, Alternatives, and 3A.18, Water Supply – Land) – As described in the Specific Plan and the EIS/EIR, a major portion of the proposed project is to identify and secure a source of water to serve the project, and to design and construct those treatment and transmission facilities necessary to serve the Specific Plan project area. We have no comments regarding the EIS/EIR’s analysis of water supply and infrastructure issues. In compliance with our Resolution 1196, the City will be required to demonstrate that an adequate, assured supply of water is available to serve the project area prior to LAFCo’s consideration of annexation of all or a portion of the project area to the City of Folsom.

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Agricultural Land (EIS/EIR Chapter 3A.10, Land Use and 3B.10, Land Use) – The EIS/EIR correctly notes that no high value agricultural resources are located within the project area, and that no adverse effects to such resources would result. The EIS/EIR also evaluates the potential direct and indirect effects of obtaining a water supply, and constructing and operating water facilities to serve the project. We concur that pipeline and water treatment plant construction would be unlikely to convert important agricultural resources to non-agricultural use directly, and with the document’s conclusions regarding less-than-significant indirect effects to agriculture in the Natomas Mutual Water Company’s service area. We also note that implementation of several of the water treatment plant alternatives would occur on lands currently protected by Williamson Act contracts, but that such lands are currently in non-renewal.

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Open Space (Not evaluated in the EIS/EIR) – The proposed project would permanently reserve 30 percent of the project site in open space as required by LAFCo’s previously

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adopted Resolution 1196. Even with this reservation, up to 2,531 acres of existing open space would be converted to urban uses under the preferred project. We request that the EIS/EIR include an evaluation of any open space resources as defined by California Government Code §65560 that are located within or adjacent to the project area. Such resources should be depicted on a map. If the project would result in the loss of open space resources, the EIS/EIR needs to evaluate the trend of open space loss countywide, and what portion of the overall inventory and loss this project represents.

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Environmental Justice (EIS/EIR Chapter 3A.6, Environmental Justice, and 3B.6, Environmental Justice) – This chapter properly addresses the potential for environmental justice effects from implementation of the proposed Specific Plan project and its supporting infrastructure.

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Biological Resources (EIS/EIR Chapters 3A.3, Biological Resources – Land, and 3B.3, Biological Resources – Water) – Our comments for this issue area relate not to questions regarding the evaluation of potential impacts to biological resources or the environmental conclusions of the EIS/EIR, but rather to the evaluation and mitigation strategy employed in the EIS/EIR. LAFCo Resolution 1196 requires that the City evaluate biological resources as a whole within the Specific Plan area and develop a comprehensive, coordinated mitigation plan for avoiding or reducing identified effects, either through a multi-species mitigation strategy or through participation in the South Sacramento County Habitat Conservation Plan.

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As presented in the EIS/EIR, the evaluation appears to consist of the aggregation of a number of different biological reconnaissance studies for various properties within the project area, completed at different times, having differing study goals, and targeting different species and habitats. Mitigation measures identified in Chapter 3A.3 defer impact characterization (in cases such as oak trees and oak woodland) and mitigation definition to each individual project and phase prior to approval of a tentative subdivision map, rather than advancing a comprehensive approach to biological resource characterization and mitigation. Thus, each project would be responsible for mitigating its own effects, typically within each project site, and opportunities to provide meaningful, large-scale mitigation would be lost.

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Under the current impact evaluation and mitigation scheme, it will be difficult for the City to demonstrate compliance with the provisions of Resolution 1196. We therefore request that the City either revise the impact characterizations and mitigation strategy to comply with the requirements of our Resolution, or be prepared to present to LAFCo an alternative method to achieve compliance with the requirements of LAFCo’s Resolution 1196 and with the conditions of the Memorandum of Understanding (MOU) between Sacramento County and the City of Folsom, prior to the Commission’s consideration of any annexation in the project area.

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Mitigation Deferral / Exemptions for Residential Projects from CEQA / Vesting Tentative Subdivision Maps / Development Agreements – Many of the environmental conclusions and mitigation measures identify prospective actions required to fully characterize an impact and develop mitigation measures to the latter stages of the development process (e.g., tentative or final map) or to future environmental documents

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prepared for future development projects within the Specific Plan area. Because of this, LAFCo is concerned that there may be no triggering event to cause these anticipated actions (because residential projects would be exempt from future CEQA compliance if consistent with the Specific Plan, and non-residential projects consistent with zoning requirements may not require further discretionary approval). Additionally, for measures that require compliance with as yet undefined mitigation conditions at the time of final map, approval of a vesting tentative subdivision map may vest the project with mitigation requirements in existence at the time of map approval, thereby making it difficult to impose conditions developed at a later date. Though not limited to the following example, Mitigation Measure 3A.4-2a provides a good illustration of this concern:

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Each increment of the project site requiring discretionary approval (e.g., proposed tentative subdivision map, conditional use permit) shall be subject to a project-specific environmental review and will require that GHG emissions from construction and operation of each phase of development be reduced by 30% from business-as-usual 2006 emissions...

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As set forth in the State CEQA Guidelines §15182, residential projects consistent with the Specific Plan would be exempt from CEQA, and thus, mitigation measure 3A.4-2a would never be triggered. Additionally, many uses within commercial and business-professional zones within the City are permitted by right, and thus would not trigger the need for discretionary approval or a tentative subdivision map. Because City approval would be limited to a ministerial building permit, the mitigation measure would not be triggered.

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To remedy these concerns, we request that all mitigation measures in the EIS/EIR be reviewed to determine their applicability to all classes of projects contributing to any specific impact, and that the timing and applicability of the measures be revised as necessary to ensure implementation of mitigation.

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We look forward to working with the City to develop an environmental document and project that complies with LAFCo Resolution 1196, our previously adopted mitigation measures applicable to the project area, and the terms and conditions of the MOU between Sacramento County and the City. Please contact me if you have any concerns or questions regarding our comments.

Very truly yours,

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION

Peter Brundage,
Executive Officer

cc: LAFCo Commissioners



LAFCo-1

The comment states that the Sacramento LAFCo reviewed the document as a responsible agency under CEQA and references the NOP comment letter dated November 4, 2008. The comment also states that many measures incorporated within Measure W are reflected in the DEIR/DEIS.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The comment is noted.

LAFCo-2

The comment states that the comment letter does not constitute discharge of LAFCo's formal responsibility to monitor compliance with LAFCo's adopted Sphere of Influence Amendment mitigation measures or conditions of approval, set forth in LAFCo Resolution 1196.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The comment is noted.

LAFCo-3

The comment states that because of the complexity of the project, LAFCo's failure to raise an issue during the CEQA process for an issue over which LAFCo has jurisdiction does not indicate that a particular condition or measure has been satisfied, nor does it bar LAFCo from evaluating the project's compliance with such conditions or mitigation measures during LAFCo's application review and consideration process.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The comment is noted.

LAFCo-4

The comment states that Chapters 1 and 2 of the DEIR/DEIS correctly state LAFCo's role in the entitlement process. The comment also states that the Proposed Project Alternative incorporates several adopted LAFCo mitigation measures.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The comment is noted.

LAFCo-5

The comment requests that the discussion of LAFCo entitlements necessary to implement the project include three additional actions: annexation of the SPA into the SRCSD Sphere of Influence and District boundaries; detachment of the SPA from the Sacramento Metropolitan Fire District (SMFD); and any other change in service providers that may be required.

The City and the project applicants have consulted with SRCSD, and SRCSD has determined that the SPA is already within its existing service district boundaries, with the exception of that portion of the SPA that is proposed to be served by EID (see Section

3A.16 “Utilities and Services Systems,” on page 3A.16-1 of the DEIR/DEIS.) The City is aware that upon annexation of the SPA, fire protection services within the SMFD service area would become the responsibility of the City of Folsom Fire Department (see Section 3A.14 “Public Services” on page 3A.14-1 of the DEIR/DEIS). The City would identify other changes in service providers as part of the required LAFCo approval process.

LAFCo-6

The comment refers to the DEIR/DEIS discussion of regional housing requirements for both Sacramento County and the City of Folsom and the conclusion that project implementation would allow the City to exceed its targeted housing goals, except for low-income housing units. The comment then states that LAFCo is required to ensure that no-net-loss of targeted housing resources would occur on a Countywide basis, in incorporated and unincorporated areas. The comment further states that it would be unlikely for Sacramento County to target the SPA for siting of a targeted housing type, but the comment requests that, before any request for annexation, the City would demonstrate that the net effect of the project for both the City and County would be neutral regarding both entities meeting their respective Regional Housing Needs Assessment (RHNA) targets.

The sphere-of-influence area was not counted in the most recent RHNA numbers because urban land uses had not been determined for this area. The County had no urban uses planned for the SPA. Fair-share housing need is determined based on existing and planned land uses, where urban use creates a need for a share and rural use creates very little or no need for a fair share of affordable housing. Therefore, the RHNA numbers did not include any housing need calculations for the SPA. In the next round of RHNA, after the SPA is annexed into the City of Folsom, the City will be allocated its fair share of affordable housing for the SACOG region that is appropriate for this area plus the existing City, as determined by SACOG. Until then, no fair share would need to be picked up from the County.

LAFCo-7

The comment (continued from comment LAFCo-6) states that, before LAFCo would consider any annexation request within the SPA, the City would need to demonstrate compliance with SACOG RHNA and obtain compliance from the California Department of Housing and Community Development that the City was meeting its regional share housing goals for all income levels through its adopted General Plan Housing Element.

The City intends to bring the annexation request to LAFCo during the second quarter of 2011, which will be concurrent with the next round of the SACOG RHNA process. The annexation into the City of Folsom would occur at the same time as SACOG is assessing land use in cities and counties and allocating the fair share of housing to each jurisdiction. This process would ensure that an equitable housing share was allocated to Sacramento County and the City of Folsom via the RHNA process.

LAFCo-8

The comment states that, although the DEIR/DEIS indicates the adequacy of park resources, the City also would be required to show the adequacy of recreation resources for both the existing City and the area to be annexed before LAFCo’s consideration of an annexation request.

Section 3A.12, “Parks and Recreation – Land,” and Section 3B.12, “Parks and Recreation – Water” of the DEIR/DEIS contain a discussion of both park and recreation facilities. Such recreation facilities include the Folsom Rotary Clubhouse, Folsom City Hall/Parks and Recreation Department, R.G. Smith Clubhouse, Folsom Library, and the Folsom Aquatic Center (see Exhibit 3A.12-1 on page 3A.12-5 of the DEIR/DEIS). Other recreation facilities include the Hinkle Creek Nature Area, Folsom City Zoo, Folsom

Sports Complex, and the Folsom Community Center/Seniors and Arts Center (see Table 3A.12-1 on page 3A.12-7 of the DEIR/DEIS). The City's parks and recreation resources would be sufficient to serve the City and the SPA. Additionally, as indicated on page 2-19 of the DEIR/DEIS, the SPA would include two community parks that would provide communitywide recreational facilities serving multiple neighborhoods.

LAFCo-9

The comment notes that Impact 3A.12-2 does not evaluate the direct impact on existing nearby regional recreation resources, such as Prairie City State Vehicle Recreation Area (SVRA).

As shown in Chapter 5, "Errata" of this FEIR/FEIS, the Prairie City SVRA has been added to the discussion of regional recreational facilities on page 3A.12-16 of the DEIR/DEIS. The City notes that the regional facilities discussed on page 3A.12-16 was not intended to be an all-inclusive list. This change does not affect the intensity or severity of significance conclusions contained in the DEIR/DEIS, or require new mitigation measures. Indirect physical impacts of constructing the project in relation to the Prairie City SVRA are evaluated in DEIR/DEIS Sections 3A.2, "Air Quality" and 3A.11, "Noise."

LAFCo-10 through
LAFCo-11

The comments state that without any factual support, the impact analysis concludes no indirect effect would occur on recreation resources outside of the City of Folsom because "revenues from use charges and admission fees of these off-site facilities would increase along with increased usage, thus supporting increased maintenance." The comments further state that a similar conclusion in the cumulative impacts discussion also lacks factual support.

A thorough analysis of land-use related direct and indirect project impacts on regional recreational resources is provided on pages 3A.12-16 through 3A.12-17 of the DEIR/DEIS.

The Proposed Project Alternative and the other four action alternatives would accommodate future demands for new housing and employment centers for between 15,000 to 25,000 new residents, but would not, as a function of the types of land uses and activities proposed for the SPA, directly or indirectly result in such substantial demands on recreational resources outside of the City of Folsom to the extent that significant impacts on those resources would occur. The development proposed within the SPA is expected to attract a similar mix of people and jobs as that currently existing in the rest of the City of Folsom. The SPA is expected to accommodate projected new population and job growth in the Folsom area (see Section 3A.13, "Population, Employment and Housing" of the DEIR/DEIS).

Nothing is unique about the expected demographic makeup of new residents in the SPA that would be expected to result in, or by virtue of the proposed land uses create any significant new demands on, existing regional recreational resources, such as Folsom Lake State Recreation Area, Prairie City SVRA, Folsom Powerhouse State Historic Park, and the American River Parkway, that could not be accommodated through the existing usage and admission fee structure currently being used to manage and maintain those resources. New residents of the SPA that might visit these resources would be expected to pay the same fees as other visitors from around the region.

Moreover, a land development project, such as the Folsom South of U.S. 50 Specific Plan project, would not create entirely "new" users of regional recreational resources, but

would theoretically accommodate a number of residents in the region already. Some of the residents that move to the SPA likely already would be residents somewhere else in Sacramento or El Dorado County or elsewhere in the same region, although others might be from out-of-region or out-of-state (or would “take the place” of in-state residents who would “vacate” their current residences to move to the new project). The out-of-state or out-of-region residents could constitute new regional recreational resource users in a regional context, but residents who merely moved from somewhere else in the region would not necessarily be adding new users to the regional recreational resources.

The comment provides no contrary evidence to support the idea that the population growth that would be accommodated by development within the SPA would result in a uniquely significant or extraordinary impact on the regional recreational resources outside the City, nor does the comment provide any evidence to explain the concern that the increased fees and other sources of revenue generated by more users than were assumed for the analysis would not be adequate to address those new users’ demands on the resources.

LAFCo-12

The comment disagrees with the conclusion that fee revenues are, or would be, adequate to develop, upgrade, or maintain regional park resources.

See response to comment LAFCo-10.

LAFCo-13

The comment suggests that the evaluation of regional park resources should be revised to include an evaluation of adequacy of regional park resources needed to serve existing and projected populations in the region, and the project’s effects on those resources.

The significance criteria used to evaluate the project’s impacts on recreation are based on Appendix G of the State CEQA Guidelines, namely:

The project would have a significant impact on recreation and parks if it would:

- ▶ include new recreational facilities, or require the construction or expansion of existing recreational facilities that might have a substantial adverse physical effect on the environment; or
- ▶ increase demand on existing neighborhood and community parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

Furthermore, evaluation of recreational resources was based on the policies of the Folsom General Plan and Folsom Parks and Recreation Master Plan, as discussed on page 3A.12-12 of the DEIR/DEIS. The City’s adopted park acreage standard of 5 acres per 1,000 residents was used to estimate demand. All development alternatives would meet or exceed the park acreage standard; therefore, the project would provide for adequate parkland to meet increased demand for recreational facilities. In addition to the 5 acres for every 1,000 residents of parkland planned for the SPA, all five action alternatives would include the development of bicycle trails, including Class I paved off-street bike paths, Class II bicycle trails, and 12-foot-wide multi-use trails.

The discussion on pages 3A.12-16–17 of the DEIR/DEIS acknowledges the increase in population from buildout of the SPA would result in an indirect impact to off-site facilities, such as the American River Parkway, Folsom Lake State Recreation Area/Folsom Powerhouse State Historic Park. The response to comment LAFCo-9 adds

the Prairie City SRVA to that list of regional facilities (which was not intended to be all inclusive). A comprehensive study of regional park resources and needs in the region is outside the scope of the DEIR/DEIS; thus, it is unnecessary to reach the conclusion that the project would result in increased demand on regional recreational resources. See response to comment LAFCo-10 for additional discussion of demand on regional recreational resources.

LAFCo-14

The comment requests evidence to support the conclusion regarding the adequacy of fees or other sources of revenue to support the development of any new needed regional facilities and/or the maintenance of existing facilities.

For the reasons set forth in responses to comments LAFCo-10 and LAFCo-11, the City and USACE believe that the supporting analysis provided in the DEIR/DEIS is adequate.

LAFCo-15

The comment states that no apparent concurrency requirements exist to account for a lag between the need for additional school facilities and the funding and construction of these facilities.

The impacts discussion related to public school facilities on page 3A.14-24 of the DEIR/DEIS notes that payment of school impact fees has been deemed full and adequate mitigation under CEQA by the California legislature. Under Measure W requirements, the project applicants are required to fund and construct sufficient school facilities to serve the project. The FPASP states on page 11-7 (Appendix N of the DEIR/DEIS) that the funding and timing of school construction would be determined by an agreement between the project applicants and the Folsom Cordova Unified School District (FCUSD), consummated before approval of the first tentative subdivision or parcel map. This agreement would avoid lag time between the need for additional facilities and their funding and construction.

LAFCo-16 through
LAFCo-19

The comments state that while LAFCo does not disagree with the conclusions presented in DEIR/DEIS Section 3A.14, LAFCo is statutorily required to evaluate whether the City and the FCUSD would have the service capability and capacity to serve the SPA, and whether they could provide services to the SPA without adversely affecting existing service levels elsewhere. The comments further state that LAFCo also would need to evaluate whether deletion of territory from the Sacramento County Sheriff's Department and Metropolitan Fire District would lead to loss of tax revenues, thereby diminishing the ability of those agencies to provide adequate services. The comments also state that this information is not presented in the DEIS/DEIR, and that the City would need to provide sufficient information to LAFCo to evaluate these questions before LAFCo consideration of any annexation request.

The City would provide sufficient information to LAFCo as part of its annexation request, and the City anticipates that the Public Facilities Finance Plan for the SPA would provide much of the information required for action on an annexation request.

LAFCo-20 through
LAFCo-21

The comments summarize impacts and mitigation measures from Impacts 3A.16-1, 3A.16-2, and 3A.16-3 (beginning on page 3A.16-13 of the DEIR/DEIS). The comments note that LAFCo would be required to evaluate whether Sacramento Regional County Sanitation District (SRCSD) would have capacity to serve the SPA and whether service could be provided without adversely affecting service levels elsewhere. The comments

state that this information would need to be provided to LAFCo before consideration of annexation requests.

In addition to those portions of the DEIR/DEIS referenced by the commenter, page 3A.16-1 states, “The wastewater flows generated by the Proposed Project Alternative, including the 189-acre portion of the SPA that would be served by EID, have been planned for in the SRCSD Master Plan 2000.” The City also notes that it would provide sufficient information to LAFCo as part of its annexation request, and the City anticipates that the Public Facilities Finance Plan for the SPA would provide much of the information required for action on an annexation request

LAFCo-22 through
LAFCo-25

The comments summarize text from Impacts 3A.16-4 and 3A.16-5 (beginning on page 3A.16-23 of the DEIR/DEIS). The comments note LAFCo’s concern that by allowing a surety in lieu of constructing facilities, Mitigation Measure 3A.16-4 would not ensure that facilities would be provided concurrent with need. The comments state that LAFCo would be required to evaluate adequacy of service, and the City would be required to provide this information before consideration of annexation requests.

Mitigation Measure 3A.16-4 on page 3A.16-24 of the DEIR/DEIS would require: (1) proof of adequate EID off-site wastewater conveyance; and (2) implementation of off-site EID infrastructure or assurance of adequate financing for the infrastructure. The City would provide sufficient information to LAFCo as part of its annexation request, and the City anticipates that the Public Facilities Finance Plan for the SPA would provide much of the information required for action on an annexation request.

As shown in Chapter 5, “Errata” of the FEIR/FEIS, in Mitigation Measure 3A.16-4 on page 3A.16-24 of the DEIR/DEIS, a clarification that infrastructure must be installed prior to the issuance of occupancy permits has been added.

LAFCo-26 through
LAFCo-28

The comments state that the DEIR/DEIS does not evaluate the capacity of the City’s solid waste collection facilities and operations, including whether the project would require expansion of the City’s collection fleet and a concurrent expansion of corporation yard facilities to serve the expanded fleet and whether any diversion or non-disposal facilities would be needed to handle the increased volume of solid waste. The comments ask that these evaluations be included in the DEIR/DEIS.

See Master Response 10 – Programmatic Nature of EIR/EIS Analysis. The requested analysis is not appropriate with the program-level data currently available for the project. The SPA buildout is expected over an approximately 15-year period through 2027, thus an evaluation about the specifics of solid waste collection and diversion activities would be speculative, based on this program-level data. The City collects a solid waste capital improvement fee, and future expansion of City waste collection facilities, potentially including expansion of corporation yard facilities, would be considered as needed.

LAFCo-29

The comment states that the DEIR/DEIS does not evaluate whether SMUD has planned adequate generation capacity to serve the project.

The discussion on page 3A.16-5 of the DEIR/DEIS states that SMUD has received approval from CPUC to build the first phase of the Cosumnes Power Plant, which provides the utility with power to ensure SMUD’s long-range plans meet the power needs of Sacramento County.

LAFCo-30

The comment states that the DEIR/DEIS does not evaluate wasteful energy use from pumping wastewater uphill to EID system rather than using a gravity-flow system into SRCSD facilities.

The discussion on page 3A.16-42 of the DEIR/DEIS states that “indirect impacts associated with consumption of energy (e.g., construction of additional power generation plants and impacts associated therewith such as increased consumption of water at the plants, loss of biological habitat or cultural resources as result of power plant construction, etc.) are uncertain and are too far removed in place and time from the project to allow for a meaningful evaluation of impacts.”

Similarly, a comparison of the relative energy consumption of a wastewater connection from the EID system to a hypothetical change in district boundaries permitting connection to the SRCSD (which likely also would include force main connections based on topographic and engineering constraints) would be too speculative for meaningful consideration.

LAFCo-31

The comment requests that the evaluations described in comments LAFCo-29 and LAFCo-30 be included in the DEIR/DEIS.

See responses to comments LAFCo-29 and LAFCo-30. The DEIR/DEIS includes information pertaining to SMUD’s generating capacity, and the evaluation requested in comment LAFCo-30 would be too speculative for meaningful consideration. Therefore, no changes to the DEIR/DEIS are necessary in response to this comment.

LAFCo-32

The comment states that LAFCo would be required to evaluate all utilities and services provided by the City for adequacy before considering annexation requests, including animal control, street lighting, library services, public transit, and other municipal services.

See responses to comments LAFCo-20 through LAFCo-31. The City would provide sufficient information to LAFCo as part of its annexation request, and the City anticipates that the Public Facilities Finance Plan for the SPA would provide much of the information required for action on an annexation request.

LAFCo-33

The comment states that compliance with the LAFCo Resolution 1196 would require the City to demonstrate that an adequate, assured supply of water would be available to serve the SPA before LAFCo’s consideration of annexation proposal and that LAFCo has no comments regarding the DEIR/DEIS’s analysis of water supply and infrastructure issues.

LAFCo’s approval authority over annexation of the SPA lands into the City is discussed on pages 1-12 and 1-15 of the DEIR/DEIS.

LAFCo-34

The comment states that LAFCo concurs with the DEIR/DEIS’s description of agricultural land.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The comment is noted.

The comment also states that LAFCo concurs that pipeline and water treatment plant construction would be unlikely to convert important agricultural resources to non-agricultural use directly and concurs with the DEIR/DEIS's conclusions regarding less-than-significant indirect effects to agriculture in NCMWC's service area, as discussed in Sections 3A.10 and 3B.10, "Land Use and Agricultural Resources – Land" and "– Water" of the DEIR/DEIS.

The comment expresses agreement with the analysis contained in the DEIR/DEIS; the comment is noted.

The comment further states that implementation of several of the water treatment plant alternatives would occur on lands currently protected by Williamson Act contracts, but such lands are currently in non-renewal.

The comment restates text that is discussed on page 3B.10-7 of the DEIR/DEIS; the comment is noted.

LAFCo-35 through
LAFCo-36

The comments request that the DEIR/DEIS evaluate open space resources as defined by California Government Code Section 65560, and if the project would result in the loss of open space resources, the comment suggests that the DEIR/DEIS should evaluate the trend of open space loss Countywide and determine what portion of the overall inventory and loss this would represent.

Government Code Section 65560 deals with the establishment of open space elements of city general plans. Therefore, the commenter is suggesting that the DEIR/DEIS should analyze the project's consistency with the City of Folsom's open space element. See Master Response 8 – Land Use Incompatibility. Land use compatibility *per se* is not a required analysis topic under CEQA or NEPA (see Appendix G of the State CEQA Guidelines and DEIR/DEIS Chapter 3 for a list of thresholds that were used in the analysis of the Folsom South of U.S. 50 Specific Plan project under both CEQA and NEPA). However, CEQA does require an analysis for a project to "conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect" (State CEQA Guidelines, Appendix G, Land Use). NEPA contains a similar requirement that for any potential inconsistencies with such policies, the extent to which the agency would reconcile its proposed action with the plan or law should be included in the EIS (40 CFR Sections 1502.16(d) and 1506.2[d]). Any such potential conflict is addressed in the DEIR/DEIS as a separate impact in the relevant topic area (for example, see Section 3A.11, "Noise" for an evaluation of the project's potential to exceed City/County noise standards adopted as part of each respective general plan; see Section 3A.3 "Biological Resources" for an evaluation of the project's consistency with adopted tree preservation ordinances).

An analysis of "trends of open space loss" is not required under CEQA. However, cumulative impacts to biological resources, which does consider regional loss of habitat, are evaluated on pages 4-29 through 4-33. The City also notes that the project would preserve 30% of the SPA as open space, as required by Measure W and the LAFCo MOU.

LAFCo-37

The comment states that the environmental justice “chapters,” Sections 3A.6 and 3B.6, properly address the potential for environmental justice impacts.

The comment indicates agreement with analysis contained in Sections 3A.6 and 3B.6 of the DEIR/DEIS; the comment is noted.

LAFCo-38

The comment states that LAFCo Resolution 1196 requires the City to evaluate biological resources as a whole within the SPA and develop a comprehensive, coordinated mitigation plan for avoiding or reducing identified effects, either through a multi-species mitigation strategy or through participation in the South Sacramento County Habitat Conservation Plan.

The City believes that the mitigation proposed in the DEIR/DEIS is consistent with LAFCo Resolution 1196 because the proposed mitigation addresses direct and indirect impacts on habitat and biological and sensitive environmental resources in a manner that meets Federal and state requirements, which is the specific condition language of the LAFCo Resolution (condition number 9, page 4 of the LAFCo Resolution). The City also believes that the FPASP and the mitigation measures proposed in Section 3A.3 are consistent with the goals and policies of the City’s General Plan because they preserve valuable open space within the SPA that supports high priority habitat including vernal pools and other aquatic habitats, the riparian corridor of Alder Creek (although Alder Creek is not one of the creek corridors identified in the City’s General Plan for preservation), and blue oak woodlands; they provide measures to preserve habitat for special-status species on-site and provide compensatory mitigation consistent with state and Federal law and agency guidelines where unavoidable impacts would occur; and they preserve oak and heritage trees to the extent feasible and provide compensatory mitigation consistent with City guidelines where unavoidable loss of protected trees would occur. The on-site open space would preserve a large, interconnected network of natural habitats that could support a number of common and sensitive species and allow movement to and from adjacent natural habitats.

Because the proposed SSHCP is not an adopted plan, no opportunity for participation in the SSHCP exists at this time and no guarantee exists that the SSHCP would be adopted in time to provide a means for obtaining incidental take authorization and providing mitigation for species and habitat impacts for the project. See responses to comments ECOS-4, ECOS-5, and ECOS-6 for further discussion regarding consistency with the proposed SSHCP.

LAFCo-39

The comment states that the DEIR/DEIS evaluates biological reconnaissance studies for various properties within the SPA, completed at different times, having differing study goals, and targeting different species and habitats.

See Master Response 10 – Programmatic Nature of EIR/EIS Analysis. Compilation of multiple baseline biological investigations is a standard approach and is adequate for establishing baseline biological conditions for this program-level CEQA/NEPA analysis. CEQA requires an EIR to include a description of the physical environment at the time of the NOP and does not require that the baseline be established through one coordinated biological investigation. The SPA is a large and varied area, consisting of parcels owned by a number of different entities and individuals and containing a wide range of biological resources. Therefore, it was impossible to coordinate a single biological survey covering all habitats and all species over the entire site; the comment presents no evidence or reasoning to assume a single biological investigation conducted at one time would provide more valuable results than an aggregation of numerous protocol-level

investigations, focused on specific resources. Furthermore, AECOM biologists peer reviewed the biological resources technical reports and conducted reconnaissance-level biological investigations before preparing the DEIR/DEIS, to confirm that biological resources conditions reported from the various project applicant's biological consultants were accurate. The ultimate goal of all of the biological investigations was to provide an accurate characterization of the existing biological resources conditions in the SPA.

LAFCo-40 through
LAFCo-43

The comments state that Chapter 3A.3, "Biological Resources," contains mitigation measures that defer impact characterization (e.g., oak trees and oak woodland) to each individual project and phase before approval of a tentative subdivision map. The comments state that this does not allow for a meaningful, large-scale approach to mitigation. The comments suggest that the impact characterizations and mitigation strategy should be revised to be in compliance with LAFCo Resolution 1196.

Several tree surveys were conducted in the SPA (see list of report sources on pages 3A.3-1 and 3A.3-2 of the DEIR/DEIS), but because the oak woodland area includes a large community of oak trees, the City of Folsom, as the CEQA lead agency and the agency responsible for enforcing its own municipal code, allowed the method of using aerial footage to measure canopies of communities of trees as well as individual trees to determine acreage of impact. As shown in Table 3A.3-5 on page 3A.3-76 of the DEIR/DEIS, impacts on oak woodland habitat and oak tree canopy have been determined and are not deferred. Table 3A.3-5 shows that implementation of the Proposed Project Alternative would result in the removal or disturbance of 243 acres of blue oak woodland habitat containing 81.6 acres of oak tree canopy, and another 8.4 acres of isolated native oak tree canopy not contiguous with the blue oak woodland habitat (see also Exhibit 3A.3-12 on page 3A.3-89 of the DEIR/DEIS). A detailed methodology for avoiding and minimizing impacts on oak woodlands and isolated oak trees is proposed under Mitigation Measure 3A.3-5 on page 3A.3-84 of the DEIR/DEIS. (See also edits to Mitigation Measure 3A.3-5 as shown in Chapter 5, "Errata" of this FEIR/FEIS.) The City believes the impact characterization and mitigation proposal presented in the DEIR/DEIS is consistent with LAFCo Resolution 1196. See also Master Response 9 - Deferred and/or Hortatory Mitigation.

LAFCo-44

The comment expresses concern that a "triggering event" that would cause anticipated actions may not occur for some anticipated actions because many conclusions and mitigation measures identify prospective actions required to fully characterize an impact and develop mitigation measures.

Mitigation measures presented in the DEIR/DEIS are designed to be implemented at the appropriate stage of the development process. See response to comment LAFCo-45.

LAFCo-45

The comment states, "Additionally, for measures that require compliance with as yet undefined mitigation conditions at the time of final map, approval of a vesting tentative subdivision map may vest the project with mitigation requirements in existence at the time of map approval, thereby making it difficult to impose conditions developed at a later date. Though not limited to the following example, Mitigation Measure 3A.4-2a provides a good illustration of this concern."

The City and USACE believe that the mitigation measures identified in the DEIR/DEIS are appropriate for the program-level nature of the analysis (see Chapter 1, "Introduction" pages 1-9 through 1-10 for a discussion of program vs. project-level analyses and CEQA compliance for subsequent project development phases). See also Master Response 10 –

Programmatic Nature of EIR/EIS Analysis. The City would ensure that any additional mitigation properly imposed on future entitlements, such as tentative maps, are imposed consistent with CEQA and the Subdivision Map Act. If appropriate at the time of approval of the entitlement, the City may impose a mitigation in the form of establishing a performance standard to be met by the land use-entitlement applicant. See also Master Response 9 - Deferred and/or Hortatory Mitigation.

LAFCo-46

The comment states that State CEQA Guidelines CCR Section 15182 permits residential projects consistent with the Specific Plan to be exempt from further CEQA review, and thus mitigation measures such as DEIR/DEIS Mitigation Measure 3A.4-2a would not be triggered.

State CEQA Guidelines CCR Section 15168(c) directs that mitigation measures developed in the program EIR shall be incorporated into later activities. Although projects consistent with the specific plan may be exempt from further CEQA review, pursuant to State CEQA Guidelines CCR Section 15182, such later activities would be required to adhere to the mitigation measures required by the program EIR. See Chapter 1, "Introduction" pages 1-9 through 1-10 for a discussion of CEQA compliance for subsequent project development phases, including State CEQA Guidelines CCR Section 15182. See also Master Response 10 – Programmatic Nature of EIR/EIS Analysis and Master Response 9 - Deferred and/or Hortatory Mitigation.

LAFCo-47

The comment states that many commercial and business-professional uses are permitted by right and would not trigger compliance with mitigation measures.

See response to comment LAFCo-46.

LAFCo-48

The comment requests that all mitigation measures in the DEIR/DEIS be reviewed to determine their applicability to all classes of projects contributing to any specific impact and that the timing and applicability of the measures be revised as necessary to ensure implementation of mitigation.

The commenter's request that the mitigation measures in the DEIR/DEIS be reviewed to determine their applicability to all classes of projects contributing to any specific impact is unclear. CEQA and NEPA require that an EIR/EIS disclose direct and indirect, temporary and short-term and long-term impacts of implementing a project (see DEIR/DEIS Section 3.0 and Sections 3A "Land" and 3B "Water"). An analysis of cumulative impacts is also required under both CEQA and NEPA, and CEQA requires an analysis of growth-inducing impacts, irreversible and irretrievable commitment of resources, the relationship between short-term use of the environment and the maintenance and enhancement of long-term productivity, and a discussion of any significant environmental impacts that cannot be avoided if the project is implemented (see DEIR/DEIS Chapter 4, "Other Statutory Requirements"). Therefore, the DEIR/DEIS is thorough and meets the requirements of both CEQA and NEPA. With regards to the commenter's request that the timing and applicability of proposed mitigation measures be reviewed to ensure implementation of mitigation, the timing and implementation of each mitigation measure recommended in the DEIR/DEIS is appropriately identified in the text immediately following each mitigation measure.

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FRIENDS OF THE RIVER

1418 20TH STREET, SUITE 100, SACRAMENTO, CA 95811

PHONE: 916/442-3155 ● FAX: 916/442-3396

WWW.FRIENDSOFTHERIVER.ORG

Gail Furness de Pardo
City of Folsom Community Development Department
50 Natoma St., Folsom, CA 95630

Re: Folsom draft Specific Plan & draft Environmental Impact Report (South of Hwy. 50)

Friends of the River has reviewed the draft Environmental Impact Report and Environmental Impact Statement (dEIR/EIS) associated with the City of Folsom plans to annex lands and develop a water supply for the undeveloped lands south of Highway 50. We have also reviewed comments submitted by the Environmental Council of Sacramento (ECOS)¹. In particular, we wish to draw to your attention the water-supply section of ECOS's comments, comments that we incorporate here by reference.

1

First we commend the City of Folsom for identifying a water supply for all of its alternatives that does not divert any additional supplies from Lake Natoma and Folsom Reservoirs. This is consistent with both the spirit and substance of the Water Forum Agreement.

2

Instead, project developers have reached an agreement with the Natomas Central Mutual Water Company (NCMWC) to transfer a portion of the company's Sacramento River supply to the City of Folsom through the Freeport Water Authority's soon-to-be-completed pipeline to the Specific Plan area. However, as the dEIR/EIS has noted that in contrast to the physical water-delivery facilities, approvals for this transfer have "no similar reasonable certainty from a legal and regulatory standpoint, since additional

3

¹ The City of Folsom, ECOS, and Friends of the River are all signatories to the Water Forum Agreement. This potential action by the City was contemplated at the time of the Agreement. "Nothing in the *Water Forum Agreement* provides support for an expanded water service area for the area south of Highway 50." City of Folsom purveyor specific agreement, Water Forum Agreement, 2000, p. 177.

actions by the Bureau of Reclamation and SCWA [Sacramento County Water Agency] would be necessary."

3 cont.

The observation in the dEIR/EIS is important. As noted in the ECOS letter, there are provisions in the Settlement Contract between NCMWC and Reclamation to permit the assignment of NCMWC to others with the permission of Reclamation.

"The parties anticipate that during the term of this Settlement Contract, a gradual change in purpose of use of water will occur with the place of water use shown in Exhibit B from predominantly agricultural purposes to a mixture of municipal land industrial, wildlife habitat and agricultural purposes, and the parties agree to work cooperatively to accommodate and facilitate such change. ...[T]he Contractor shall not deliver or furnish Project Water for municipal and industrial purposes outside those areas without the written consent of the Contracting Officer."

4

Since NCMWC is predominantly an agricultural water supplier, a transfer (assignment) of NCMWC settlement contract water to an urban water supplier that could serve the Exhibit B lands (much of the Natomas Basin) such as the City of Sacramento is more likely to be the type of transfer contemplated by Reclamation's Contracting Officer under the transfer provisions of the NCMWC contract, rather than a transfer to undeveloped land south of the City of Folsom. The former transfer does not add to the land served by Reclamation reservoirs. The latter transfer (absent a corresponding durable reduction in demand by both NCMWC and the City of Sacramento and others in the Natomas Basin) increases overall demand served by Reclamation reservoirs.

5

As noted in the ECOS letter, the collapse of the critical Sacramento River fisheries, recent state legislation focusing on Delta inflows and outflows, and Reclamation's Endangered Species Act responsibilities are likely to make the Contracting Officer reluctant to approve such a discretionary transfer.

6

Since all of the dEIR/EIS alternatives rely on approval of Reclamation's Contracting Officer, this critical vulnerability requires greater discussion. Given the acknowledged uncertainty of the water supply identified for all of the Project development alternatives, the apparent expectation of a secure water supply may not (in the words of the ECOS comments) properly support "decision makers who attempt to rely on the document to approve project development, the size of the City of Folsom, or develop contingencies to prevent entitlements or other irrevocable commitments of public or private resources to lands that may not find a water supply."

7



Sincerely yours,

A handwritten signature in black ink that reads "Ronald M. Stork". The signature is written in a cursive style with a prominent flourish at the end of the name.

Ronald Stork
Friends of the River
rstork@friendsoftheriver.org

FOR-1

The comment states that Friends of the River (FOR) has revised and incorporates by reference the water supply comments that were submitted by ECOS.

See responses to comments ECOS-96 through ECOS-131.

FOR-2

The comment states that FOR commends the City for identifying water supply alternatives that would not divert any additional supplies from Lake Natoma and Folsom reservoirs, consistent with both the spirit and substance of the Water Forum Agreement (WFA).

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The comment is noted.

FOR-3

The comment states that the project applicants have reached an agreement with the NCMWC to transfer a portion of its water supply to the City via the Freeport Regional Water Project (Freeport Project) to the Specific Plan Area (SPA); however, as noted in the DEIR/DEIS, the approvals required for the water assignment and use of the Freeport Project have no similar reasonable certainty from a legal and regulatory standpoint.

The approvals cited by the commenter are contingent on the completion of the environmental review process for the project. As the process is not yet complete, it is possible that the approvals would not occur. Therefore, as discussed on page 3A.18-23 of the DEIR/DEIS, the City considered additional water supply options because CEQA requires the discussion of other possible water supplies where the primary water supply is not secure. As provided in the impact discussion, implementation of Mitigation Measure 3A.18-1 (on page 3A.18-14 of the DEIR/DEIS) would ensure that a reliable water supply was secured before any project-specific approvals.

FOR-4

The comment states that because NCMWC is predominantly an agricultural water supplier, a transfer (water assignment) of NCMWC settlement contract water to an urban water supplier that could serve the Exhibit B lands (much of the Natomas Basin), such as the City of Sacramento, would be more likely the type of transfer contemplated by Reclamation's contracting officer under the transfer provisions of the NCMWC contract, rather than a transfer to undeveloped land south of the City of Folsom.

The type of transfer suggested in the comment cannot be specifically inferred from NCMWC's settlement contract. From the City's perspective, the proposed water assignment would trigger terms of the CVPIA that would favor contractors in the area of origin. See responses to comments USBR-17, USBR-20, and USBR-95.

FOR-5

The comment states that a transfer within NCMWC's Exhibit B lands would not add to the land area served by Reclamation reservoirs; however, the proposed water assignment (absent a corresponding durable reduction in demand by NCMWC and the City of Sacramento, and others in the Natomas Basin) would increase overall demand served by Reclamation reservoirs.

The comment does not acknowledge the effects of the proposed water assignment as shown in Table 3B.9-3 on page 3B.9-29 and discussed on pages 2-80 through 2-81 of the DEIS/DEIR. With the assignment of up to 8,000 AFY of its water supply to the City, NCMWC's remaining contract water supplies would total 112,200 AFY, subject to dry year shortages of up to 25%. No additional contract supplies would be pursued by NCMWC to supplement the supplies assigned to the City. Additionally, based on the findings of Wagner and Bonsignore Report (2007), NCMWC would maintain sufficient surface water supplies to supply both 2004 and 2007 cropping patterns even with the assignment.

If the City of Sacramento proposed new development within NCMWC's service area, including the Natomas Joint Vision Area, separate environmental review would be required after the details regarding the development's water use were better known. Further, even if these projects were to develop in the future, no net increase in total water usage within NCMWC's service area beyond its total settlement contract amount of 120,200 AFY is expected. Rather, given current building code standards and water conservation requirements for new development, urban growth within the Natomas Basin would likely have a reduced water demand on a per acre basis when compared to current agricultural uses within NCMWC's service area. Additionally, the Natomas Joint Vision Memorandum of Understanding (MOU) signed by the City of Sacramento and Sacramento County encourages a 1:1 ratio of open space to development, thereby further limiting total urban water use. Additionally, new development and associated water use within the Natomas Joint Vision Area was considered as part of the cumulative analysis, as provided on pages 4-40 through 4-41 of the DEIR/DEIS.

FOR-6

The comment states that the collapse of the critical Sacramento River fisheries, recent state legislation focusing on Delta inflows and outflows, and Reclamation's responsibilities for Endangered Species Act (ESA) compliance are likely to make Reclamation's contracting officer reluctant to approve a discretionary transfer of NCMWC settlement contract water.

The comment does not account for the fact that the City proposes to divert existing CVP settlement contract supplies within the Freeport Project's existing capacity, which is considered in Reclamation's Operations Criteria and Plan (OCAP 2004 and 2008). Therefore, no net increase in diversion capacity would occur. Additionally, the comment does not consider the benefits of changing the Agricultural delivery schedule to an M&I schedule. This change would reduce deliveries in July and August, but would extend the deliveries into the months of September, October, and November, thereby contributing to minor additions of flow to the Sacramento River and to the stabilization of flows during the fall-run/late fall-run spawning period, consistent with the River Protection Act (RPA) and CVPIA Anadromous Fish Restoration Program guidelines.

Furthermore, Articles 3(e) and 7(a) of NCMWC's settlement contract (Contract No. 14-06-200-885A-R-1) anticipates that: (1) use of NCMWC's supplies might shift from agricultural to M&I; and (2) NCMWC might assign its water supply under that contract for M&I use outside of NCMWC's service area, subject to Reclamation's consent, which Reclamation may not unreasonably withhold.

FOR-7

The comment states that there is an acknowledged uncertainty of the water supply identified for all of the Off-site Water Facility Alternatives, “the apparent expectation of a secure water supply” may not properly support (in the words of ECOS comments) “decision makers who attempt to rely on the document to approve project development, the size of the City of Folsom, or develop contingencies to prevent entitlements or other irrevocable commitments of public or private resources to lands that may not find a water supply.”

The City believes that the DEIR/DEIS provides a robust evaluation of the project’s water supply needs and the sources of supplies considered by the City to support the decision-making process, consistent with the requirements of CEQA.

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ALEXANDER...
DIRECTOR OF WATER AND NATURAL RESOURCES
(510) 287-1662
acoate@ebmud.com

RICHARD G. SYKES
MANAGER OF NATURAL RESOURCES
(510) 287-1629
rsykes@ebmud.com

September 3, 2010

Ms. Lisa Gibson
U.S. Army Corps of Engineers, Sacramento District
1325 J Street, Room 1480
Sacramento, CA 95814

Folsom South of U.S. Highway 50 Specific Plan Area Project – Draft Environmental Impact Report/Environmental Impact Statement (DEIR/DEIS)

Dear Ms. Gibson:

The East Bay Municipal Utility District (EBMUD) has reviewed the draft environmental documentation prepared by the Corps for the above Project. EBMUD has the following comments on the DEIR/DEIS.

1. **We request that a statement be added to the DEIR/DEIS in its Subsection 2.6.1 [Components Common to All “Water” Alternatives] to the effect that the City of Folsom, the El Dorado Irrigation District, and other entities that may rely on water delivery for the proposed Project via the Freeport Project have reviewed and will comply with all applicable agreements related to the Freeport Project.** The DEIR/DEIS states that the City of Folsom (“City”) has identified use of elements of the Freeport Project, specifically the facilities owned and operated by the Freeport Regional Water Authority (FRWA), as established through a joint exercise of powers agreement between the Sacramento County Water Agency (SCWA) and EBMUD, to convey its designated water supply for the Project. To enable appropriate arrangements for its intended use of the FRWA facilities, the City entered into a MOU (see Appendix M3 to the DEIR/DEIS) with SCWA on or about December 15, 2009, which outlines prospective negotiations whereby the City may acquire from SCWA a portion of SCWA’s capacity in the FRWA facilities (and perhaps a portion of the Freeport Project facilities owned entirely by SCWA). During any additional discussions, in order to meet its obligations in the Freeport Project, EBMUD will refer to and enforce as necessary the various agreements associated with the Freeport Project to ensure (i) appropriate allocations of any future FRWA capital costs pursuant to the FRWA joint exercise of powers agreement, (ii) appropriate allocations of FRWA annual operations and maintenance costs, (iii) satisfaction of all obligations of FRWA and of all benefits to which its members are entitled, and (iv) satisfaction of all obligations of EBMUD and benefits to EBMUD related to the Freeport Project.

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3



The agreements referred to above include but are not limited to the:

- a. *Settlement and General Release Agreement* between Santa Clara Valley Water District, FRWA, EBMUD, and SCWA, dated October 2003;
- b. *Settlement and General Release Agreement* between Contra Costa Water District, FRWA, EBMUD, and SCWA, dated January 30, 2004;
- c. *Financial Settlement Agreement for Mitigation of the Freeport Regional Water Project (FRWP)*, between FRWA, EBMUD, SCWA and the Sacramento Municipal Utility District, dated July 30, 2004;
- d. *Long Term Renewal Contract Between the United States and East Bay Municipal Utility District Providing for Project Water Service from the American River Division* [of the Central Valley Project], dated April 10, 2006
- e. *Second Amended Joint Exercise of Powers Agreement Concerning the Freeport Regional Water Authority (FRWA)*, between EBMUD and SCWA, dated November 20, 2006;
- f. *Agreement for Delivery of Water: the Freeport Authority Intake and Pipeline*, between FRWA, EBMUD and SCWA, dated December 11, 2006; and
- g. *Agreement for Provision of Operation and Maintenance Services: the Freeport Authority Intake and Pipeline*, between FRWA and SCWA, dated December 11, 2006;

3 cont.

2. **The DEIR/DEIS should include a statement in its Subsection 2.6.1 [Components Common to All “Water” Alternatives] and in other applicable sections of the DEIR/DEIS such as Section 4 to the effect that the City of Folsom, the El Dorado Irrigation District and other entities that may rely on water delivery for the proposed Project via the Freeport Project acknowledge that construction of any new facilities tying in to the FRWA and/or SCWA Freeport facilities for the purposes of water supply for the Project must accommodate EBMUD’s schedules for delivery of water via the Freeport Project, including water EBMUD is obligated to deliver for third parties, including obligations pursuant to the settlement agreement with the Contra Costa Water District as listed under comment 1 above.** The DEIR/DEIS states in 2.6.1 that the City’s planned connection point with Freeport Project facilities will be made near the point where FRWA facilities bifurcate to deliver water to SCWA and/or EBMUD or with SCWA’s facilities in the vicinity of the Vineyard Water Treatment Plant. Construction tie-ins in the vicinity of the bifurcation could impact EBMUD’s ability to deliver water via the Freeport Project, although EBMUD will discuss adjustment to its delivery schedules to

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Ms. Lisa Gibson
US Army Corps of Engineers
September 3, 2010
Page 3

EBMUD

accommodate SCWA's and/or the City's construction activities as long as EBMUD can still meet its own supply needs and its obligations to deliver water to third parties.

5 cont.

EBMUD appreciates the opportunity to provide these comments and is available to discuss any questions or issues. Please contact Garth Hall at (510) 287-2061 or ghall@ebmud.com if you have any questions.

Sincerely,



Michael T. Tognolini
Manager, Water Supply Improvements Division

cc: Jim Abercrombie, General Manager, El Dorado Irrigation District
Keith DeVore, Director, Sacramento County Water Agency
Kenneth Payne, Chief of Environmental/Water Resources Development,
City of Folsom
Alexander Coate, EBMUD

- EBMUD-1 *The comment requests that a statement be added to the DEIR/DEIS, to the effect that the City of Folsom, the El Dorado Irrigation District, and other entities that might rely on water delivery for the project via the Freeport Regional Water Project (Freeport Project) have reviewed and would comply with all applicable agreements related to the Freeport Project.*
- As shown in Chapter 5, “Errata” of this FEIR/FEIS, the requested text has been added to third paragraph on page 2-82 of the DEIR/DEIS under the topic of “Integration with Freeport Project Facilities.”
- EBMUD-2 *The comment references the second and third paragraphs of page 2-83 of the DEIR/DEIS, which give an overview of the MOU between Sacramento County Water Agency (SCWA) and the City, provided in Appendix M3 of the DEIR/DEIS.*
- The commenter restates text that is contained in Chapter 2, “Alternatives,” of the DEIR/DEIS; the comment is noted.
- EBMUD-3 *The comment states that during any additional discussions related to the MOU, for EBMUD to meet its obligations in the Freeport Project, EBMUD will refer to and enforce as necessary the various agreements associated with the Freeport Project to ensure (1) appropriate allocations of any future Freeport Regional Water Authority (FRWA) capital costs (pursuant to the FRWA joint exercise of powers agreement), (2) appropriate allocations of FRWA annual operations and maintenance costs, (3) satisfaction of all obligations of FRWA and all benefits to which its members are entitled, and (4) satisfactions of all obligations for EBMUD and benefits to EBMUD related to the Freeport Project. The comment lists all of the major agreements that it references.*
- The project would not affect EBMUD’s benefits or obligations related to the Freeport Project. The project only would include provisions to purchase and use conveyance capacity on SCWA’s portion of the Freeport Project and, therefore, would not affect EBMUD’s portion whatsoever.
- EBMUD-4 *The comment requests that a statement be added to the DEIR/DEIS to acknowledge that the construction of any new facilities tying into the Freeport Project for the purpose of water supply for the project would accommodate EBMUD’s schedule for delivery of water via the Freeport Project, including water EBMUD is obligated to delivery to third parties, including obligations pursuant to the settlement agreement with Contra Costa Water District.*
- The Off-site Water Facility Alternatives would not involve constructing any new facilities that would affect or directly interact with EBMUD’s facilities. All new facilities would connect to SCWA-owned infrastructure. The City considers the statement requested by the commenter would be more appropriate to include in the updated MOU with SCWA and would work with SCWA to ensure its inclusion as negotiations with SCWA progressed.

EBMUD-5

The comment states that construction of the preferred Off-site Water Facility Alternative tie-in with the Freeport Project could impact EBMUD's ability to delivery water via the Freeport Project, although EBMUD would discuss adjustment to its delivery schedules to accommodate SCWA's and/or the City's project-related construction activities, as long as EBMUD could still meet its own supply needs and its obligations to deliver water to third parties.

The City appreciates EBMUD's willingness to be flexible in its facilitation of the City's connection to the Freeport Project. The City would strive to minimize any disruption to EBMUD's operations at Freeport during project construction, with the intention to sequence the City's ultimate connection to minimize, if not avoid, any disruption to EBMUD. At this time, the preferred Off-site Water Facility Alternative would not involve any connection to EBMUD's portions of the Freeport Project.

Sphere of Influence

During the Visioning Process of acquiring a 3600-acre area south of Highway 50, issues of residential, business, schools, open space and transportation were discussed.

During this process, little has been mentioned of the old Southern Pacific Railroad Corridor running through the Sphere of Influence. The rail corridor was built in 1864 to provide freight and passenger service to and from Placerville.

Environmentally, the amount of daily vehicle trips will be a nightmare for traffic, as well as air and water quality. Let us think of revitalizing the rail corridor with transit oriented development in the S.O.I., utilizing energy efficient rail vehicles such as energy efficient frequent traveling trolley/streetcars to connect with the Palladio, Folsom Lake College and Folsom's Historic District. Our organization would recommend that additional rail lines are added to the single track on the east side of the SOI rather than installing the BRT lanes. BRT lanes as proposed would only be used by the busses, whereas tracks for trolleys/streetcar can be installed in a street without a lot of special traffic controls and could be driven upon 98% of the time. Few would prefer buses to trolley/streetcar system. Businesses and communities will build and thrive where there is a real and permanent transportation hub. The nice part about a bus route is their flexibility to be changed. The problem of a bus route is their flexibility to be changed, making it something that cannot be counted on for business and community viability designs.

Rail travel is making a comeback throughout our Nation. It is proven that revitalizing railroad lines increases property values.

Vehicle traffic on East Bidwell Street, Old Placerville Road, and Scott Road will only increase with development of the S.O.I.

The use of a trolley/streetcar system will not only help reduce vehicle emissions by reducing traffic on East Bidwell, but will also bring tourist dollars to the community. Visit the Embarcadero in San Francisco. Here lies a proven success. This same ultra light-rail scenario has also worked well in many other small, medium and larger cities in the USA, plus in Europe, and Latin America. Why are we thinking of an archaic out-of-place semi-fixed bus line now in the planning stages before the SOI is even built? Pound for pound, there is no system more efficient in transportation than steel wheels on steel rail.

The existing rail line property, right-of-way, grading, and base is owned, in place and available. Expanding this existing public trolley/streetcar rail system will be less expensive and provide dual use if it was incorporated into the street and extended into the new Folsom dense business and housing area of the SOI. This would be an environmental crime not to use what is existing and with visionary planning; what we could have to make this rail system a viable people moving link to Folsom to the north of Hwy 50 without tying up traffic. The trolleys/streetcars will become a magnet for tourists and residents alike to make the businesses, schools, and other services on both sides of Hwy 50 connected and thriving.

Let's take advantage of the rail corridor and put it to use as it was originally intended.....transportation.

Bill Anderson

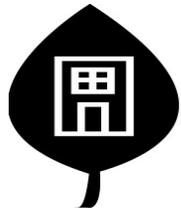
Folsom, El Dorado & Sacramento Historical Railroad Association.

HRA-1

The comment suggests that the project should incorporate active rail transportation through the creation of a “rail corridor” by reactivating the out-of-service Southern Pacific rail line in the eastern portion of the project site, rather than incorporating the proposed BRT line. The comment states that the existing rail line is “owned, in place and is available.”

The City notes that this comment does not pertain to the environmental analysis contained in the DEIR/DEIS and therefore the City has no obligation to respond to this comment (State CEQA Guidelines, CCR Section 15088[c]). Nevertheless, responses to specific comments are provided as follows. The commenter suggests a revitalized or improved rail corridor, stating that such development would reduce dependence on cars and buses. The comment also states that the existing railroad lines are owned and available. The City of Folsom does not own the railroad line that traverses the eastern portion of the project site, nor is the line currently available for use. Railroad lines are governed by and under the control of various state and Federal agencies, and any proposal by the City to expand or operate the rail corridor would require substantial planning, funding, and coordination with other jurisdictional agencies such as the Southern Pacific Railroad (which has the rights to operate the rail line). Therefore, the City has very little authority or control over expanded use or redevelopment of right-of-ways for railroad lines. The project already incorporates transit-oriented development; thus, the City does not believe that the comment’s suggestion is practical or feasible.

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ECOS
ENVIRONMENTAL
COUNCIL
OF SACRAMENTO

September 8, 2010

Gail Furness de Pardo
City of Folsom Community Development Department
50 Natoma Street
Folsom, CA 95630

Lisa Gibson
U.S. Corps of Engineers
Sacramento Regulatory Branch
1325 J Street, Room 1480
Sacramento, CA 95814-2922

Dear Ms. Furness de Pardo and Ms. Gibson:

Thank you for the opportunity to comment on the Draft Environmental Impact Report / Draft Environmental Impact Statement for the Folsom South of U.S. 50 Specific Plan Project. The Environmental Council of Sacramento (ECOS) is a coalition of environmental and civic organizations with a combined membership of more than 12,000 citizens throughout the Sacramento Region. Our mission is to achieve regional and community sustainability and a healthy environment for existing and future residents.

Following are the specific areas of the Draft Environmental Document of concern to ECOS for which we have prepared written comments.

Biological Resources

The DEIR states that the impact on the California Pond Turtle will be less than significant because the proposed Project “would not directly fill the occupied or suitable ponds in the western-central portion of the site or the perennial portions of Alder Creek and its tributaries, and upland habitats suitable for nesting would be retained in proximity to aquatic habitat.” However, if it isolates the ponds and disconnects them from access to other water resources, particularly Alder Creek, genetic inflow from other individuals traveling to/from other water resources would be stymied. Over time, the reduced genetic variability resulting from a smaller gene pool caused by this isolation has the potential to reduce the capacity of the isolated individuals to adapt to environmental changes. With the specter of global warming it can be assumed that these isolated individuals will have upcoming challenges. This weakness would only rise to a potential impact.

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The second weakness relates to the American badger. These animals tend to have large ranges that tend to overlap at the margins with those of other badgers as noted in the following report:

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They have large home ranges that vary according to geography, season (Ahlborn 2005), and distribution of food sources (USFS 2008). Male home ranges are typically larger than female ranges and much larger during the summer breeding season (Messick and Hornocker 1981, Minta 1993). Generally, the home range of the badger is 395 to 2,100 acres (137-850 ha) (Sargeant and Warner 1972, Lindzey 1978, Messick and Hornocker 1981). However, larger home ranges in California have recently been documented in California. In a 2005 study, mean home range across all seasons for females (n=5) was estimated at 1.94 km² (480 acres) while mean home range across all seasons for males (n=4) was estimated at 11.23 km² (2,775 acres) (Quinn 2008). Badgers are generally solitary aside from temporary family groups, transient mating bonds, and overlapping home ranges (Davis 1942, Messick and Hornocker 1981, Minta 1993). In Idaho, population densities have ranged from two to six badgers per km² (e.g., Messick and Hornocker 1981). Population densities in California appear to be much lower. Badger density in the Fort Ord Public Lands was estimated to be at minimum 1 badger per 4 km² or 988 acres (Quinn et al. 2006). Excerpted from the Yolo Conservation Plan, April 20, 2009

This DEIR deals with the American badger as follows:

2 cont.

American badger is a wide-ranging species that uses grassland and oak woodland habitats. American badger has been documented adjacent to the SPA by Matus (1981, cited in GenCorp 2007e), and nearly the entire SPA provides suitable habitat. It is unknown if the species currently occurs in the SPA. Although implementation of the Proposed Project Alternative would result in loss of habitat for American badger, oak woodland and grassland habitat would be preserved in the open space areas and abundant grassland habitat is present to the south of the SPA. The loss of habitat from the SPA would not be likely to cause loss of individuals because there would still be adequate suitable foraging and denning habitat in the area to support the local population. Therefore, **direct** and **indirect** impacts to American badger are considered **less than significant**.

The flaw with the argument is the claim that there would be no loss of individuals because they could simply move to other nearby areas. Given the territorial nature of these animals, and their large home ranges, this would only be possible if another badger did not hold nearby areas within its own home range. This would be a potential impact because it is not even clear that any badger are active in the Project area.

The shared concern with both the pond turtle and the badger, as well as the other listed species under consideration in this DEIR, is the restriction of movement and destruction of critical habitat brought on by ever expanding urban development. Species movement and habitat requirements have been squeezed and compressed through many years of low density sprawl development. New projects must operate in this more difficult landscape where resources are already strained and many different entities are making local land use decisions. For Folsom to take a purely local view of its new development flies in the face of this reality. It is easy enough to say that their will be habitat available for badgers outside of the Project area, and that Folsom

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has no control over those habitats because they are part of the county. This tact of clearly discerning discretionary control and oversight has the very real potential to lead to greatly reduced benefits for the biological resources in the Project area.

3 cont.

An excellent example of this problem can be found in the determination that the Project is not in conflict with any local HCP's. It is easy to say that the Project area is not covered by the proposed SSHCP, and that the offsite improvements would be under the proposed SSHCP, and that if it were to be approved, Folsom would have the voluntary option to participate in that Plan. This is a technical and legal explication of why there is no conflict, meeting the letter of the requirement. It, however, totally ignores the effort and benefit of the proposed SSHCP. One of the significant benefits of the SSHCP as proposed is that it will endeavor to create large landscape sized preserves that are connected to more of the same with viable wildlife corridors. It is the beginning of what should be a more regional effort to preserve ecosystems. Rather than merely determining that a technical and legal conflict does not exist with the SSHCP because Folsom is not a participant, an examination of how the proposed Project could positively interact with the proposed SSHCP could yield substantial benefits to wildlife with no additional costs to the developers planning to build out the Project area. Mitigation will be required for the development that will occur in the Project area. With the appropriate consultation with the SSHCP implementers, it would be possible to site mitigation acquisitions to take advantage of the proposed preserves as well as wildlife corridors, thereby limiting edge effects and increasing the geographic reach of wildlife corridors. This is clearly a missed opportunity. The FEIR should address what benefits would accrue to the biological resources at question in the Project area if the mitigation for development in the project area is orchestrated with other proposed HCP's preserve acquisitions in mind.

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The badger is again a good example of how critical this more regionalized approach is. The DEIR claims that the impacts are less than significant because the animal can use other nearby resource areas. But, these resource areas are not protected and they could easily be developed in the future. So, the problem is just pushed ahead down the road where another proposal will have to conclude that the impact is now significant and unavoidable because all access to other usable resource areas has now been cutoff or is so fragmented that it is essentially useless. This is the inevitable outcome of an approach where development is carefully planned and open space preservation is handled only as a required byproduct and nuisance required by government agencies so that permits for development will be issued. The development in the Folsom Project, given all of the other large development projects planned in the region, must be balanced by a regional open space preservation effort that intelligently addresses the impacts on our local wildlife.

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This regional perspective becomes increasingly important when the effects of global warming are factored into the equation. Rising temperatures will likely result in the geographic displacement of many listed species, as well as wildlife in general. This movement will be to east to take advantage of the cooling effects of altitude and to the north to take advantage of the cooler conditions in northern latitudes. It is absolutely critical that intact sustainable wildlife corridors are maintained to allow for this likely migration. The Sierra Club has undertaken a national campaign to create resilient habitats, places "where plants, animals, and people are

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able to survive and thrive on a warmer planet.” The second approach presented by this campaign to attain this is: “Protect adequate space. The best defense against climate change is to protect large wild places and surrounding buffer areas which are connected to other protected core areas. This connected wildlands network will allow imperiled species to move to more hospitable habitats as the climate changes, thereby increasing the chances of survival.” How is this Project planning to ensure that there is a connected wildlands network available to perform this function when the Project only seems to plan on a narrow stream corridor and when the largest nearby open space area (the oak woodland to the south of White Rock Road) is ignored by saying they have no jurisdiction over it? How will Folsom work to participate in a regional effort to create resilient habitats? And given the significance of the oak woodland to the south of White Rock Road, and the growth inducing nature of the Project, how will Folsom ensure that the habitat values in that area are protected and maintained?

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Climate Change

This section focuses primarily on the DEIR’s inadequate discussion of recommendations for mitigation measures and project design features to minimize significant greenhouse gas (“GHG”) emissions and global climate change impacts under the California Environmental Quality Act (“CEQA”). Among its flaws, the DEIR claims that Project GHG impacts are significant but relies on a threshold of significance that is not supported by substantial evidence and that was determined by the Attorney General as being unable to “withstand legal scrutiny.”¹ The DEIR also relies on uncertain and vague greenhouse gas mitigation measures that do not conform to CEQA’s standards of adequacy. In addition, a Mitigation Monitoring and Reporting Plan (MM&RP) is not provided to ensure that measures that are specified are installed and verified.

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The DEIR’s Analysis of Impacts from the Project’s Greenhouse Gas Emissions is Inadequate

A. The DEIR’s Significance Threshold Does Not Withstand Scrutiny

The methodology for determining the significance of the Project’s GHG impacts is flawed in that it is assumed that the Project by being 30% below “business as usual” is an adequate solution (DEIR 3a.4-26). The DEIR’s use of 30% below “business as usual” as a threshold is fundamentally flawed because it: 1) is not supported by substantial evidence; 2) disregards multiple expert analyses finding that far more stringent GHG thresholds are required to be effective at reducing emissions and meeting California’s emission reduction objectives; 3) allows the Project applicant to meet the threshold largely through compliance with foreseeable regulation, thereby avoiding any duty to adopt feasible measures within the Project applicant’s control; 4) does not take into account that buildings constructed during the 19 year build out will have an average service life of 50 years and will affect the State’s ghg emission’s inventory for up to 69 years; and 5) fails to account for California’s longer term emission reduction targets.

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¹ Letter from California Attorney General to San Joaquin Valley Air Pollution Control District (Nov. 4, 2009).

The DEIR's efficiency metric mitigation methodology is based on the unsubstantiated assumption that new development that is 30% below "business as usual" is defensible by meeting California's near-term emissions reduction. *Communities for a Better Env't v. City of Richmond*, 184 Cal. App. 4th 70, 83 (2010) (EIR inadequate as a matter of law where conclusions are "not adequately supported by facts and analysis contained in the EIR"). The "business as usual" concept is imported from the Scoping Plan for the Global Warming Solutions Act ("AB 32"), which outlines a general strategy for California to meet AB 32's target of reducing GHG emissions to 1990 levels by 2020.

The Scoping Plan notes in passing that reaching this statewide goal "means cutting approximately 30 percent from business-as-usual emissions levels projected for 2020." Scoping Plan at ES-1. The Scoping Plan provides no further detail or analysis on the relative expected reductions from existing and new land use development to meet AB 32's overall emission reduction objectives.

To counter the 30% better than "business as usual" argument and taking into account the: (1) 19 year build out period and (2) average service life of a building to be 50 years, (a) the Scoping Plan also says; "Getting to the 2020 goal is not the end of the State's effort. According to climate scientists, California ... will have to cut emissions by 80 percent from today's levels ... by 2050" (page ES-2). And (b) BAAQMD encourages lead agencies to prepare similar projections for 2050 (the Executive Order S-03-05 benchmark year). As we approach the 2020 timeframe, BAAQMD will reevaluate this significance threshold to better represent progress toward 2050 goals. The Lead Agency should use the projected build-out emissions profile of the general or area plan as a benchmark to ensure that adoption of the plan would not preclude attainment of 2050 goals.²

In direct contravention of CEQA, the DEIR simply presumes that because the Scoping Plan states that California's overall emissions must be reduced to 30% below "business as usual" to meet the state's target of reducing GHG emissions to 1990 levels by 2020, new development need only reduce emissions to 30% below "business as usual" to fully mitigate its impacts under CEQA. (DEIR 3A.4-26); Pub. Res. Code § 21082.2(c) ("argument, speculation, unsubstantiated opinion or narrative, [and] evidence which is clearly inaccurate or erroneous" does not constitute substantial evidence). To the contrary, as opportunities for reducing emissions from the built environment present greater challenges, there is no legitimate basis upon which to simply presume that expectations for minimizing emissions from new development, through energy efficiency, renewables, increased density, mixed-use and siting close to transit, should be equal to that of existing development, where emissions reduction opportunities are more constrained.³

Thus, in explaining why the 30% below "business as usual" threshold used in the DEIR "will not withstand legal scrutiny," the Attorney General cited the lack of evidence to directly apply a 30% economy-wide "business as usual" target to new development under CEQA, stating that "it

² BAAQMD CEQA Air Quality Guidelines, June 2010, p 9-4

³ See CAL. AIR POLLUTION CONTROL OFFICERS ASS'N [hereinafter CAPCOA], CEQA AND CLIMATE CHANGE 33 (2008) ("greater reductions can be achieved at lower cost from new projects than can be achieved from existing sources").

seems new development must be more GHG-efficient than this average, given that past and current sources of emissions, which are substantially less efficient than this average, will continue to exist and emit.”⁴

28 cont.

In presuming that the Project need only reduce emissions to 30% below “business as usual,” the DEIR disregards expert analyses of the emissions reduction expectations from new development under the Scoping Plan. Rather than rely on the unsupported premise that a 30% below “business as usual” reduction applies to new land use development, the Bay Area Air Quality Management District (“BAAQMD”) conducted an extensive analysis of the “gap” between state actions to reduce emissions identified in the Scoping Plan and the need for local government to further reduce emissions from land use driven sectors.⁵ After a series of calculations, BAAQMD arrived at a threshold for new development of approximately 1,100 tons.⁶ In glaring contrast, using the 30% below “business as usual” standard set forth in the DEIR, the Project and its various alternatives would still result in well over 200,000 tons of GHG pollution per year (given 291,000 tons/yr unmitigated baseline; DEIR 3A.4-17)—orders of magnitude greater than the threshold calculated by BAAQMD.

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Unlike the “business as usual” approach used in the DEIR, the BAAQMD significance threshold is supported by the Attorney General and has been adopted by other jurisdictions, including Santa Barbara County.⁷

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The DEIR also improperly dismisses analyses of potential approaches to determining significance of GHG emissions by the California Air Pollution Control Officers Association (“CAPCOA”), which determined that reducing emissions 28-33% below “business as usual” emissions had “low” GHG emission reduction effectiveness.⁸

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Indeed, CAPCOA determined that even where emissions from new development are reduced by 50% below “business as usual,” “it would not be possible to reach the 2050 emissions target with this approach even if existing emissions were 100 percent controlled.”⁹ Looked at from the

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⁴ Letter from California Attorney General to SJVACD re: Final Draft Staff Report on Greenhouse Gas Emissions Under CEQA at 1, 3 (Nov. 4, 2009).

⁵ BAAQMD, CEQA AIR QUALITY GUIDELINES (May 2010); BAAQMD, THRESHOLDS REPORT (May 2010); BAAQMD, UPDATED CEQA GUIDELINES ADOPTED (June, 2010).

⁶ BAAQMD, CEQA AIR QUALITY GUIDELINES at 2-2. The Response to Comments significantly misrepresents the BAAQMD thresholds by only stating that the BAAQMD analysis “determined that the land use/housing sector will not need to achieve a 29 percent reduction” and omitting any discussion of the thresholds adopted by BAAQMD. RTC-051-9; Guidelines § 15088(c) (response to comments must reflect “good faith, reasoned analysis.”).

⁷ Letter from California Attorney General to to BAAQMD (2009); SANTA BARBARA COUNTY INTERIM PROCEDURES FOR EVALUATING GHGS UNDER CEQA (2010); SANTA BARBARA COUNTY, SUPPORT FOR USE OF BAAQMD THRESHOLDS (2010).

⁸ CAPCOA at 56.

⁹ *Id.* at 33-34.

standpoint of net emissions, the over 200,000 tons of emissions resulting from the Project is over four times greater than the 50,000 tons of emissions threshold CAPCOA also determined had “low” GHG emissions reduction effectiveness and “low” consistency with state emissions reduction targets.¹⁰ Because the “determination of whether a project may have a significant effect on the environment calls for careful judgment . . . based to the extent possible on scientific and factual data,” the DEIR’s reliance on unsupported assumptions in lieu of expert analyses indicating that the 30% below “business as usual” threshold does not adequately address the Project’s environmental effects violates CEQA. Guidelines § 15064(b); see also *Protect the Historic Amador Waterways v. Amador Water Agency*, 116 Cal. App. 4th 1099, 1109 (2004) (“[I]n preparing an EIR, the agency must consider and resolve every fair argument that can be made about the possible significant environmental effects of a project, irrespective of whether an established threshold of significance has been met with respect to any given effect.”).

33 cont.

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CAPCOA’s determination that the 30% below “business as usual” threshold has a “low” emissions reduction effectiveness is hardly surprising given that compliance with the threshold could largely be achieved merely through compliance with existing and anticipated regulatory requirements. Indeed, the Attorney General also determined that because the “business as usual” approach “would award emission reduction ‘points’ for undertaking mitigation measures that are already required by local or state law,” it results in “significant lost opportunities” to require meaningful mitigation.¹¹ For example, here, the DEIR takes credit for significant reductions through the presumed effectiveness of future statewide measures such as the renewable energy standard, improved fuel economy standard, and low carbon fuels standard. The DEIR’s heavy reliance on state regulatory action to address Project emissions functions to largely relieve the Project applicant of any independent obligation to adopt needed additional measures to further reduce Project emissions. This outcome flies in the face of the findings in the Scoping Plan, which recognize that local governments “are essential partners” in achieving California’s emissions reduction goals, further highlighting the lack of legitimacy of the DEIR’s significance criteria. Scoping Plan at 26; see also *Californians for Alternatives to Toxics v. Dept. of Food & Agric.*, 136 Cal. App. 4th 1, 17 (2005) (compliance with existing environmental laws or regulations is not sufficient to support a finding that a project will not have significant environmental impacts).

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The DEIR’s determination that reducing Project GHG impacts to 30% better than “business as usual” also fails because projects with high net emissions cannot legitimately benefit from the presumption that impacts become less than significant through compliance with an efficiency-based threshold. Absent a programmatic analysis through a climate action plan or similar document, the notion that any quantity of emissions from a project is less than significant provided the project meets certain performance criteria is not supportable. Depending on community needs, a large project resulting in significant GHG emissions, though efficient on a per capita basis, may undermine community-wide emission reduction objectives.

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¹⁰ *Id.* at 57.

¹¹ Letter from California Attorney General to SJVAPCD at 1.

Were a large project consistent with a qualified climate action plan as described under new Guideline § 15183.5, it could tier off this document and determine its GHG impacts are less than significant. However, because GHG emissions must be significantly reduced from existing levels to reduce the risk of severe climate impacts, there is no scientific basis to conclude that large new sources of emissions, when viewed in isolation without the support of a programmatic document, are not cumulatively considerable. Thus, in finding that the “business as usual” threshold does not withstand legal scrutiny, the Attorney General determined that:

It appears that any project employing certain, as of yet unidentified, mitigation measures would be considered to not be significant, regardless of the project’s total GHG emissions, which could be very large. For instance, under the Air District’s proposal, it would appear that even a new development on the scale of a small city would be considered to not have a significant GHG impact and would not have to undertake further mitigation, provided it employs the specified energy efficiency and transportation measures. This would be true even if the new development emitted hundreds of thousands of tons of GHG each year, and even though other feasible measures might exist to reduce those impacts. The Staff Report has not supplied scientific or quantitative support for the conclusion that such a large-emitting project, even if it earned 30 “points,” would not have a significant effect on the environment.¹²

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Moreover, SCAQMD stated in its latest proposal that a project cannot use an efficiency-based metric if its net emissions exceed 25,000 tons. Here, the over 291,000 tons of emissions resulting from the Project exceed this amount by a factor of 11. Accordingly, absent a programmatic analysis, there is no legitimate basis upon which to conclude that being 30% better than business as usual will meet community wide efforts.

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Given the extended duration of Project buildout (19 years) and average service life of buildings (approximately 50 years), the DEIR’s significance criteria also improperly disregards California’s longer range emissions reduction commitments. Through AB 32 and Executive Order S-3-05, California is committed to reducing GHG emissions to 1990 levels by 2020 and to 80 percent below 1990 levels by 2050. Health & Safety Code § 38550; Exec. Order S-3-05. This long-term target was not developed by the State in a vacuum, but was arrived at through review of scientific evidence, an overwhelming amount that indicated that the target is appropriate, and not speculative.

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This emissions reduction trajectory is consistent with the underlying environmental objective of stabilizing atmospheric concentrations of GHGs at a level that will substantially reduce the risk of dangerous climate change.¹³ Because the Project anticipates build out over a number of

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¹² Letter from California Attorney General to SJVACD re: Final Draft Staff Report on Greenhouse Gas Emissions Under CEQA at 1, 3 (Nov. 4, 2009).

¹³ The emissions reduction targets embodied in AB 32 and Executive Order S-3-05 can inform a determination of significance thresholds to the extent they reflect scientific data on needed emissions reductions. Under CEQA, regulatory standards can serve as proxies for significance,

years, and because the service lives of the buildings is so long, the DEIR’s exclusive and myopic focus on interim 2020 emissions reduction objectives fails to account for scientific evidence on needed additional emissions reductions beyond the 2020 timeframe. Guidelines § 15064(b); Scoping Plan at 118 (calling for additional emissions reductions of approximately 5% per year between 2020 and 2030).

44 cont.

In lieu of an unsupported approach to determining significance, the DEIR could have applied a zero- or 900-ton threshold, which CAPCOA determined had “high” effectiveness at reducing GHG emissions and “high” consistency with California’s short and longer term emissions reduction targets.¹⁴ Like the County of Santa Barbara, the DEIR could also import the thresholds adopted by BAAQMD, which the Attorney General concluded were defensible, unlike those used in the DEIR. By claiming that the Project need only reduce its GHG pollution to approximately 200,000 tons, the DEIR misleads decision makers and the public on the significance of Project impacts and improperly limits its obligation to consider meaningful mitigation and alternatives to reduce Project emissions.

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B. The DEIR Fails to Adequately Mitigate Project Impacts

The overarching purpose of the EIR process is to identify ways that a project’s significant environmental impacts can be avoided or minimized. Pub. Res. Code §§ 21002, 21002.1. Among the findings the lead agency must make in conjunction with Project approval is that the mitigation measures and project design features incorporated into the DEIR will in fact “mitigate or avoid the [Project’s] significant effects on the environment.” *Id.* § 21081; *see also* CEQA Guidelines § 15091(a)(1). In particular, measures included in a DEIR must meet two independent criteria: effectiveness in reducing the identified impact and enforceability. Pub. Res. Code §§ 21002.1(b), 21081.6; *see also Gray v. County of Madera*, 167 Cal. App. 4th 1099 (2008); *Lincoln Place Tenants Ass’n v. City of Los Angeles* 155 Cal. App. 4th 425, 445 (2007).

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The Florin Vineyard Gap Community Plan in Sacramento County included a climate action plan that claimed 42% CO2 mitigation, yet the plan was unmeasurable and unenforceable. Attachment A was provided to the County as an example of what a measurable and enforceable climate action plan might look like.

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Measurable (although not enforceable as written) mitigation measures are also provided in BAAQMD CEQA Air Quality Guidelines, June 2010, starting on page 4-13

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but only to the extent that they accurately reflect the level at which an impact can be said to be less than significant. (*See, e.g., Protect the Historic Amador Waterways*, 116 Cal.App.4th at 1109.)

¹⁴ CAL. NATURAL RES. AGENCY, FINAL STATEMENT OF REASONS FOR REGULATORY ACTION, AMENDMENTS TO THE STATE CEQA GUIDELINES ADDRESSING ANALYSIS AND MITIGATION OF GREENHOUSE GAS EMISSIONS PURSUANT TO SB 97 at 30 (2009) (noting that “[a] lead agency could potentially use CAPCOA’s suggestions in developing its own thresholds” provided threshold is supported by substantial evidence); *see also Communities for a Better Env’t*, 184 Cal. App. 4th at 92 (EIR using a net-zero significance threshold).

The DEIR’s conclusion is that the baseline efficiency for the project is 7.8 MT/yr-SP (DEIR 3A.4-17) and that projects that are constructed by 2020 must achieve an efficiency metric of 4.4 MT/yr-SP and that projects completed by 2030 must achieve an efficiency metric of 3.7 MT/yr-SP (DEIR 3A.4-11). Although the efficiency metric is fundamentally flawed per previous discussion, the DEIR also states that the metric will be achieved through an as yet unknown combination of State regulation and project design (DEIR 3A.4-26). Many of the mitigation measures and project design features outlined in the DEIR may not be effective at avoiding significant GHG emissions because they are dependent upon the successful implementation of uncertain regulatory schemes. Pub. Res. Code § 21081.6 (“A public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures.”). Despite these significant uncertainties, the DEIR fails to include a mitigation monitoring and reporting program (MM&RP) to ensure that impacts are fully mitigated if the DEIR’s assumptions prove to be unrealized.

The narrative incorrectly states that the Green Building Code (CalGreen) will improve energy efficiency (DEIR 3A.4-25). The baseline for CalGreen is to simply meet Title 24 requirements. Tier 1 and Tier 2, which are voluntary, will beat Title 24 by 15% and 30% respectively. Although not stated, Title 24 is updated every 3 years and generally efficiency is improved with each release.

Given that under the worst of circumstances all projects tiered under this DEIR will have to reduce GHG emissions by 45% (4.36/7.8) or 55% (3.68/7.8) and under the best of circumstances each project will have to mitigate 100% of emissions, it would seem reasonable that a list of mandatory measures should be included in DEIR, not simply a listing of potential measures (DEIR 3A.4-27). For example, all construction will be:

- CalGreen Tier 2 energy efficient;
- Solar pv will be provided at 1:10 homes;
- Solar thermal will be provided at 1:2 homes;
- Trees will be provided at 2 per home;
- NEV’s will be provided at 1:20 homes;
- Water efficiency will beat CalGreen’s minimum by 40%.
- Purple pipe recycled water system will be provided for Park and School irrigation and to other properties
- See Attachment A, etc.
- Measurable (although not enforceable as written) mitigation measures are also provided in BAAQMD CEQA Air Quality Guidelines, June 2010, starting on page 4-13

1. Successful Implementation of Measures in the Scoping Plan Is Speculative and Cannot Be Relied Upon To Mitigate Project Impacts

The majority of the measures to mitigate Project impacts hinge upon anticipated statewide regulatory action that has yet to be realized, including California’s “Clean Car Standards” bill, Assembly Bill No. 1493, also known as the “Pavley rule” and the low carbon fuel standard.

Although there is considerable uncertainty as to whether some or all of these measures will be fully realized, the DEIR both fails to acknowledge this uncertainty and to set forth an alternative

means to mitigate Project impacts should these statewide measures fail to be fully implemented. | 57 cont.
Accordingly, the DEIR cannot legitimately conclude that Project will comply with flawed |
efficiency metric. | 58

a. Assembly Bill 32 and the Scoping Plan

The DEIR relies heavily on the background regulatory scheme of AB 32, as well as its |
corresponding Scoping Plan adopted by ARB in December 2008, which includes a range of | 59
GHG emission reductions strategies that California will use to implement AB 32. However, the
DEIR fails to mention Proposition 23, a recently qualified ballot initiative for the upcoming
November 2011 election that would suspend AB 32 until California’s unemployment rate drops
to or below 5.5 percent for a full year.¹⁵ California has only experienced an unemployment rate
of or below 5.5 percent three times in the past three decades.¹⁶ Especially given the current
economic recession, if Proposition 23 passes, California’s implementation of AB 32 and the
GHG reduction strategies outlined in the Scoping Plan will halt for an indefinite, but probably
lengthy period. | 60

A recent field poll shows that among voters who had some awareness of Proposition 23,
opinions about the Proposition were almost evenly divided: 44 percent of those surveyed were
in favor of Proposition 23, while 45 percent were against it.¹⁷ |

Indeed, it is quite possible that Proposition 23 will pass and implementation of AB 32 will grind
to a halt. Consequently, the DEIR’s references to AB 32-related measures to avoid GHG | 61
emissions, such as the low carbon fuel standard, cap-and-trade programs, clean car standards,
expansion of California’s RPS, and improved energy efficiency standards, could be moot.
Therefore, to the extent that the DEIR’s mitigation measures and project design features are
contingent upon implementation of AB 32 and the Scoping Plan, it is inappropriate to rely on | 62
these measures to claim Project threshold will be met.

b. The Pavley Rule

The DEIR’s Mobile Source Emissions calculations rely upon California’s regulations under |
Assembly Bill No. 1493, the “Clean Car Standards” bill, also known as the Pavley rule (DEIR | 63
Appendix C). The goal of the Pavley rule is to reduce emissions from passenger vehicles by
30% by 2016. Since 2004, thirteen states and the District of Columbia have adopted California’s
standards. On June 30, 2009, the U.S. Environmental Protection Agency (“EPA”) granted
California’s request for a waiver of preemption under the Clean Air Act, which allows California
and any other states adopting California’s standards to proceed with implementing such
emissions standards.¹⁸ Additionally, on December 15, 2009, EPA issued an Endangerment and

¹⁵ Prop. 23, pending approval by voters, Gen. Elec. (Nov. 2010).

¹⁶ Lindsay Riddell, *PG&E, Cleantechs Fight Prop. 23*, SAN FRANCISCO BUS. TIMES, July 9, 2010,
available at <http://sanfrancisco.bizjournals.com/sanfrancisco/stories/2010/07/12/story5.html>.

¹⁷ FIELD RESEARCH CORP., THE FIELD POLL, RELEASE # 2342 at 4 (July 9, 2010).

¹⁸ Notice of Decision Granting a Waiver of Clean Air Act Preemption for California’s 2009 and Subsequent
Model Year Greenhouse Gas Emission Standards for New Motor Vehicles, 74 Fed. Reg. 32,744 (July 8,
2009).

Cause or Contribute Finding under section 202(a) of the Clean Air Act (“Endangerment Finding”), which formally declares that GHGs endanger public health and welfare and therefore compels EPA to regulate mobile source emissions.¹⁹ Consequently, on May 7, 2010, the EPA and the National Highway Traffic Safety Administration (“NHTSA”) issued a joint rulemaking that set national mobile source emissions standards equivalent to the Pavley rule.²⁰

63 cont.

Yet, at least seventeen petitions challenging the Endangerment Finding have been filed in the U.S. District Court for the District of Columbia by Texas, Virginia, and multiple extractive industries trade groups, among others.²¹ Challenges to the endangerment finding have been consolidated into *Coalition for Responsible Regulation, Inc. v. EPA* (D.D.C., Dec. 23, 2009, No. 09-1322). In addition, at least two petitions have been filed in the U.S. Court of Appeals for the District of Columbia Circuit challenging the EPA’s decision to regulate mobile source emissions on a level equivalent with the Pavley rule. See *Coal. for Responsible Regulation v. EPA* (D.C. Cir., May 7, 2010, No. 10-1092); *Southeastern Legal Foundation v. EPA* (D.C. Cir., May 11, 2010, No. 10- 1094). On top of all of the lawsuits against the EPA, there are at least three outstanding lawsuits challenging the Pavley rule, itself or other states’ adoptions of the Pavley rule. See *Green Mountain Chrysler-Plymouth-Dodge v. Crombie* (2nd Cir, No. 07-4342); *Central Valley Chrysler-Jeep v. Goldstene* (9th Cir., Oct. 30, 2008, No. 08-17378); *Zangara Dodge, Inc. v. Curry* (D.N.M., Dec. 27, 2007, No. 07-01305). The DEIR fails to mention any of these legal challenges.

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Considering the above ongoing challenges, all of which draw into question the legal adequacy of the Pavley Rule, it is certainly inappropriate for the DEIR to rely upon the Pavley Rule regulations in its Mobile Source Emissions calculations. Indeed, it is quite possible that the Pavley Rule will be invalidated. Accordingly, the DEIR cannot conclude that the Project will have no significant environmental impacts based partially on an overoptimistic assumption that the Pavley rule will be in effect to reduce passenger vehicle emissions.

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¹⁹ 40 C.F.R. ch. I.

²⁰ Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards, 75 Fed. Reg. 25,324 (May 7, 2010) (to be codified at 40 C.F.R. pts. 85, 86, 600; 49 C.F.R. pts. 531, 533, 536 et al.).

²¹ *Coal. for Responsible Regulation, et al. v. EPA* (D.D.C., Dec. 23, 2009, No. 09-1322); *Nat’l Mining Ass’n v. EPA* (D.D.C., Feb. 12, 2010, No. 10-1024); *Peabody Energy Co. v. EPA* (D.D.C., Feb. 12, 2010, No. 10-1025); *Am. Farm Bureau Fed. v. EPA* (D.D.C., Feb. 12, 2010, No. 10-1026); *Chamber of Commerce of the v. EPA, et al.* (D.D.C., Feb. 12, 2010, 10-1030); *Se. Legal Found., et al. v. EPA* (D.D.C., Feb. 12, 2010, No. 10-1035); *Commonwealth of Virginia v. EPA* (D.D.C., Feb. 16, 2010, No. 10-1036); *Gerdau Ameristeel Corp. v. EPA* (D.D.C., Feb. 16, 2010, No. 10-1037); *American Iron & Steel Inst. v. EPA* (D.D.C., Feb. 16, 2010, No. 10-1038); *State of Alabama v. EPA* (D.D.C., Feb. 16, 2010, No. 10-1039); *Ohio Coal Ass’n v. EPA* (D.D.C., Feb. 16, 2010, No. 10-1040); *State of Texas, et al. v. EPA* (D.D.C., Feb. 16, 2010, No. 10-1041); *Util. Air Regulatory Group v. EPA* (D.D.C., Feb. 16, 2010, No. 10-1042); *Nat’l Ass’n of Mfrs., et al. v. EPA* (D.D.C., Feb. 16, 2010, No. 10-1044); *Competitive Enter. Inst., et al. v. EPA* (D.D.C., Feb. 16, 2010, No. 10-1045); *Portland Cement Ass’n v. EPA* (D.D.C., Feb. 16, 2010, No. 10- 1046); *Alliance for Natural Climate Change Sci., et al. v. EPA* (D.D.C., Feb. 12, 2010, No. 10-1049).

c. The Low Carbon Fuel Standard

In concluding that the Project as designed and mitigated will meet flawed threshold, the DEIR relies upon the implementation of the low carbon fuel standard, which aims to reduce the carbon intensity of California’s transportation fuels by 10% by 2020. (DEIR 3A.4-6).

Yet, the legality of the low carbon fuel standard is currently being challenged in *National Petrochemical and Refiners Association v. Goldstene* (E.D.Cal. June 16, 2010). Indeed, a federal court recently denied California’s motion to dismiss the lawsuit, indicating that the court is willing to entertain challengers’ claims. If challengers are successful, the court will find that California does not have authority to regulate fuels.

66 cont.

Thus, it is possible that the low carbon fuel standard will not be in operation during the life of the Project. The absence of the low carbon fuel standard would significantly increase Project impacts. As the DEIR itself acknowledges, “On-road transportation emissions composed 41.1% of Folsom’s GHG emissions” (DEIR 3A.4-3). Additionally, “...construction activities associated with development of the project and off-site elements would result in increased generation of GHG emissions..” (DEIR 3A.4-13). Consequently, the agency should not conclude that the Project will have no significant environmental impacts based partially on an assumption that the low carbon fuel standard will be in effect.

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C. The DEIR Skirts its Obligation to Adopt Effective Mitigation for Project Greenhouse Gas Impacts

The DEIR’s improper threshold of significance coupled with uncertain and vague mitigation measures amounts to an improper end-run around CEQA’s requirement to adopt all feasible mitigation and alternatives. As a result, the DEIR fails to adopt meaningful measures that would reduce Project impacts, including increased density, increased use of on-site renewable energy, and an alternate location closer to transit.

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Attachment A provides an example of what might be used as a measurable and enforceable plan.

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Measurable (although not enforceable as written) mitigation measures are also provided in BAAQMD CEQA Air Quality Guidelines, June 2010, starting on page 4-13

Once all feasible on-site measures have been utilized, off-site measures to be adopted include energy efficient retrofits of existing structures and SCAQMD’s adopted protocols for replacement of inefficient boilers.²²

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²² SCAQMD, BOILER PROTOCOL (2010).

D. The DEIR Fails to Outline a Process for Implementing Effective Measurement and Verification of Mitigation for Project Greenhouse Gas Impacts

The BAAQMD CEQA Air Quality Guidelines, page D-15 indicates that on-site operational mitigation is difficult beyond 30%. Include in the narrative that off-site mitigation must comply with CARB Cap and Trade regulations and perhaps future SMAQMD Indirect Source Rule guidelines.

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For off-site operational mitigation, require the vintage of the CO2 emissions reduction to be newer than or equal to the actual time of the emission; front loading of emissions reductions is acceptable, back loading is not acceptable. For example, if a project emits 1,000 tons per year for 50 years, then it is:

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- ok to purchase 50,000 tons of emissions in year 1 and
- ok to purchase 1,000 tons per year for 50 years;
- NOT ok to purchase 50,000 tons of offsets in year 50 (equivalent to a financial “balloon” payment).

Mitigation Measure 3A.4-2a: Provide an MM&RP. “Implementation of mitigation measures means that they are made conditions of project approval and included in a Mitigation Monitoring and Reporting Plan (MM&RP)”²³. See Florin-Vineyard Gap checklist for sample of what could be used to develop MM&RP.

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Land Use

Impact 3.A 10-2 Project implementation could conflict with the SACOG Sacramento Region Preferred Blueprint Scenario.

The summary (page ES-112) shows that the No Project, No Corp Permit and Resource Impact Minimization (NP, NCP, RIM) alternatives are inconsistent with the SACOG Preferred Blueprint Scenario, while the Preferred Project, Compact Development and Reduced Hillside Development (PP, CD, RHD) are shown to be consistent. No mitigation is proposed in either scenario, despite significant and unavoidable impacts. ECOS believes that none of project alternatives are fully compatible with SACOG Preferred Blueprint Scenario and that additional mitigation is required.

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The DEIR/DEIS offers a thorough discussion of the SACOG Blueprint planning process (3A.10-7), and the Preferred Blueprint Scenario which seeks to reduce the impact of new growth through more compact development. The Preferred Scenario envisions approximately 12,000 housing units and an additional 7,500 jobs in the SPA. None of the alternatives reach this level of housing, although the anticipated number of jobs exceeds the Blueprint in certain scenarios. The NP, NCP, and RIM are found inconsistent using the following reasoning:

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Based on Blueprint principles, development under the No USACE Permit Alternative could potentially result in future conversion of agricultural land and less protection of

23 BAAQMD CEQA Air Quality Guidelines, June 2010, p 4-3.

natural resources over the long term in the greater Sacramento region because more land would be required for expansion of the overall regional urban areas. [3A.10-37]

79 cont.

While using the lower number of housing units to find the NP, NCP, and RIM alternatives inconsistent, the PP, CD, and RHD are found consistent using different criteria. The development in PP, CD, and RHD does include many of the smart growth principles espoused in the Blueprint, however held to the same criteria as the other alternatives, it too would be inconsistent as there are less units than anticipated by the Preferred Blueprint Scenario.. (see table below)

Alternative	Units	Less units
SACOG	12000	
NP	0	12000
NCP	6373	5627
RIM	7965	4035
PP	10210	1790
CD	9026	2974
RHD	11553	447

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Although the PP CD, and RHD contain more housing units than the other alternatives, they still fall short of the 12,000 unit standard in the SACOG Blueprint. The DEIR/DEIS must use consistent criteria and reasoning in evaluating consistency with the Sacramento Blueprint. If the alternatives to the preferred project are inconsistent with the Blueprint, then there must be a defensible explanation of why the Preferred Project, which also falls short of the Blueprint targets is not also inconsistent. Although the Blueprint is advisory in nature, it is an applicable plan under CEQA as it a policy of a regional agency “adopted for the purpose of avoiding or mitigating an environmental effect” (CEQA guidelines, appendix G, IX.B), that of further unconstrained regional development.

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In order to assure that SPA project does adequately address the concerns of the Blueprint, the specific plan needs to contain measures to ensure that the actual yield of dwelling units reaches the number of units expected in the Preferred Scenario. Since the specific plan limits the total number of units in the SPA to below the Bueprint targets, additional mitigation should be undertaken to minimize further regional expansion due to insufficient density in the plan area. Medium and high density multi-family residential zones make up only 3.3% of the total area in the plan (see table below) and it is critical that these areas are built up with adequate density to meet the overall unit counts and to support both businesses and transit service in the town center. Multi-Family Low density and Single Family High Density zones also need to be built out at adequate densities to support the range of uses envisioned in the plan.

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Mitigation should be included in the DEIR/DIES to guarantee development in the SPA meets the kind of density envisioned in the Blueprint. ECOS proposes a specific plan amendment to ensure that the multifamily density meets the target density through the establishment of a floor in the following zones (See Attachment B).

- Single Family High Density (SFHD)- 5.25 DU/Acre
- Multi-Family Low Density (MLD) – 9 DU/Acre
- Multi-Family Medium Density (MMD) - 17 DU/Acre
- Multi-Family High Density (MHD) – 25.5 DU/Acre

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Housing

<p>The City of Folsom <i>total</i> housing needs, as projected by the SACOG Regional Housing Needs Plan, could be met under all alternatives, including the No Project or No USACE Permit alternatives. Under none of these alternatives however, does the City of Folsom meet the need for low income housing. How does the City plan to address this?</p>	<p>88 89</p>
<p>The City of Folsom cannot meet the needs for very low or low income housing with current built and planned projects and the number of potential housing units within the existing City limits. And on the other hand, it has (or will have) an oversupply of moderate and above-moderate units with current built and planned projects and the number of potential housing units within the existing City limits. The City should address this imbalance.</p>	<p>90 91</p>
<p>In general the more centralized and denser development alternatives are better for housing and reducing related impacts on the infrastructure, land, water and air.</p>	<p>92</p>
<p>More commercial development, included in all of the alternatives (except No Project), tends to attract low-wage workers. Low wage workers need to have work nearby in order to reduce greenhouse gas emissions. More affordable housing should be included in the plan to address this.</p>	<p>93 94 95</p>

Water Supply

Introduction

<p>The preferred plan of the City of Folsom to serve the areas south of Highway 50 is to seek an assignment of 8,000 acre-feet annually of Natomas Central Mutual Water Company (NCMWC) United States Bureau of Reclamation (USBR) settlement-contract water and have the Sacramento County/EBMUD Freeport Project divert and deliver it to Folsom’s contemplated pipelines, which will then deliver it to the City’s proposed treatment facilities for delivery to yet-to-appear south of Highway 50 customers.</p>	<p>96</p>
<p>The DEIR/DEIS also identifies potential alternative supply options as Central Sacramento County subbasin groundwater extractions, long-term purchase and transfer from senior Sacramento Valley water-right holders, and water conservation within the City of Folsom.</p>	

Water Forum Agreement

<p>Consistent with its commitments in the Water Forum Agreement of 2000, the City of Folsom is not proposing to supply areas south of Highway 50 with diversions from Folsom or Lake Natoma Reservoirs.</p>	<p>97</p>
<p>The Water Forum Agreement did not include water service to the City of Folsom sphere of influence (SOI) expansion area south of Highway 50. This was explicitly recognized in the City</p>	

of Folsom purveyor specific agreement.²⁴ Water Forum signatories are free to support or oppose water-supply facilities that serve this area, as well as to support or oppose land-use decisions to urbanize this area²⁵.

97 cont.

Key elements of the preferred alternative (NCMWC transfer)

USBR consent

NCMWC has executed an agreement with the project partners to transfer 8,000 acre-feet of its “Project Water.” This is summer-delivery water that would not have been consistently available in the absence of the United States Bureau of Reclamation’s (USBR) Central Valley Project, (CVP). NCMWC proposes to seek approval from the USBR to change this delivery schedule to an M&I (year-round urban) schedule. (dEIR/dEIS 3A.1812) The Company intends to assign this water to the City of Folsom consistent with §3(e) of its 2005 USBR renewal contract²⁶. (DEIR/DEIS 3A.1812)

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This USBR water is settlement-contract water made available to NCMWC in order to settle water-rights disputes between the USBR and the Company that arose around the construction of Shasta Dam and the operation the CVP. NCMWC’s water-rights licenses and permit, the basis for its original dispute with the USBR, have a “place of use” confined to the Company’s operations in the Natomas Basin. §3(a) of the settlement contract confines the use of this water to a mapped area, Exhibit B of the contract, much of the Natomas Basin, which the DEIR/DEIS describes as corresponding to the water-right place of use. (DEIR/DEIS table 3A. 181.)

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²⁴ “Nothing in the *Water Forum Agreement* provides support for an expanded water service area for the area south of Highway 50.” City of Folsom purveyor specific agreement, p. 177, Water Forum Agreement, City County Office of Metropolitan Water Planning, January 2000.

²⁵ “In Sacramento County only, signatories retain the ability to support or oppose water facilities that would serve new development outside of the Urban Services Boundary that was defined in the Sacramento County General Plan, December 1993. All parties also retain the right to support or oppose sizing of water distribution facilities that would allow service to new development outside of the Urban Services Boundary.” p. 152, Water Forum Agreement, *Supra*.

²⁶ See Appendix G B NCMWC B Bureau of Reclamation Contract No. 1406200885A, dEIR/dEIS.

The City of Folsom is a CVP contractor, and the USBR has a consolidated place of use under the state’s water rights system for much of the lands served by the CVP (including the City of Folsom). Thus, the assignment of NCMWC settlement-contract water to the City of Folsom may not require review by the State Water Resources Control Board. However, the assignment will require consent from the USBR contracting officer (Settlement contract §3(e) 7(e)). This section also requires that “consent will not be unreasonably withheld and a decision will be rendered in a timely manner.”²⁷ The DEIS/DEIR recognizes that (presumably with the construction of the Freeport Project and the contemplated construction of Folsom’s works) as a physical matter, deliveries from NCMWC are “reasonably certain.” However, “there is no similar reasonable certainty from a legal and regulatory standpoint, since additional actions by the Bureau of Reclamation and SCWA would be necessary.” (DEIR/DEIS 3A. 1814).

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²⁷ “For long-term actions that will occur in a period longer than one year, the decision will be rendered with 90 days after receipt of a complete written proposal. For a proposal to be deemed complete by the Contracting Officer, it must comply with all provisions required by State and Federal law, including information sufficient to enable the Contracting Officer to comply with the National Environmental Policy Act, the Endangered Species Act, and applicable rules or regulations then in effect;...” (Settlement Contract, *supra*, §3(e). A similar but less detailed provision can be found in §7(a)).

The basis for NCMWC’s proposed assignment is a determination that these waters are surplus to the Company’s expected demand, because of lack of need²⁸ because of (1) demand-reducing recirculation systems,²⁹ (2) changing cropping patterns,³⁰ (3) less land in production,³¹ or (4) the related reduction in the lands served by the NCMWC because the lands are urbanized³² and water service is provided by others, primarily the City of Sacramento.³³ In effect, in the absence of an assignment to the City of Folsom, these waters are not being and will not be diverted by NCMWC and are being used for USBR project purposes, including environmental purposes. With the assignment, they will be used consumptively (other than return flows to the Regional Treatment Plant) to supply the City of Folsom.

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In the absence of a showing that there will be no adverse impacts on other CVP water users, USBR may have little incentive to consent to the assignment.

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²⁸ dEIR/dEIS, Appendix M2, Wanger and Bonsignore Report, ES2,3, summarized at p. 27.

²⁹ *Id.* at p. E1

³⁰ *Id.* at p. E1 and Table 6.

³¹ *Id.* at p. 9 and Table 6.

³² *Id.* at p. 9, by implication in the title of section 2.3.1 Historical Land Use c Cropping Patterns, Urbanization. The Settlement contract acknowledges urbanization will change the purpose of use of deliveries in Exhibit B lands but does not expressly contemplate reduction in NCMWD demand from urbanization. “The parties anticipate that during the term of this Settlement Contract, a gradual change in purpose of use of water will occur with the place of water use shown in Exhibit B from predominantly agricultural purposes to a mixture of municipal and industrial, wildlife habitat and agricultural purposes, and the parties agree to work cooperatively to accommodate and facilitate such change. ...[T]he Contractor shall not deliver or furnish Project Water for municipal and industrial purposes outside those areas without the written consent of the Contracting Officer.” Settlement Contract, *supra*, §7a.

³³ Not clearly discussed in the dEIR/dEIS is the observation that urbanization of the NCMWC service area will continue to reduce the lands served by NCMWC Sacramento River diversions in favor of the City of Sacramento deliveries to urbanizing areas in the NCMWC. The City is primarily a surface water supplier, relying on American River, Sacramento River, and some groundwater supplies. Future service to the NCMWC “Blueprint” urban areas in the Natomas Basin is expected to be a subject of the City of Sacramento’s upcoming Water Supply Master Plan. The City of Sacramento has a contract with USBR to supply it with non-CVP water from the USBR’s Folsom Reservoir.

This is particularly true if there are changes to the USBR’s water rights either directly or indirectly restricting deliveries to its contractors as a result of the State Water Resources Control Board’s recent delta outflow recommendations.³⁴ It is foreseeable that USBR will not give its consent to assignments that increase operational problems for the CVP. On a project history or legal basis, the USBR may conclude that the 40-year NCMWC settlement contract is tied to the underlying water rights of NCMWC and is thus tied to the Exhibit B lands in the basin.³⁵ It may also conclude that on a policy basis that consent to transfer land-based settlement contracts to lands outside the lands of the settlement contracts will not be consented to unless it results in less CVP or system consumptive demand. The City of Folsom’s preferred project will result in an overall increase in system demand.

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In summary, the DEIR/DEIS does not discuss adverse impacts to other CVP water contractors, other water rights holders, or environmental impacts to the Sacramento and American River systems from increased system diversions or different points of diversions associated with transfer of water once used or potentially used for agricultural uses in the Natomas Basin to urban uses in an expanded City of Folsom and increased diversions by the City of Sacramento to resupply urbanizing formerly agricultural Natomas Basin lands. The DEIR/DEIS does acknowledge that a USBR assignment is uncertain, but does not provide the reviewer with a discussion of the nature and legal underpinnings of the uncertainty. Since all of the project alternatives rely on this supply, the lack of discussion is an important deficiency and does a disservice to decision makers who attempt to rely on the document to approve project development, the size of the City of Folsom, or develop contingencies to prevent entitlements or other irrevocable commitments of public or private resources to lands that may not find a water supply.

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³⁴ Development of Flow Criteria for the Sacramento-San Joaquin Delta Ecosystem, prepared pursuant to the Sacramento-San Joaquin Delta Reform Act of 2009. State Water Resources Control Board. Approved August 2010. Section 9 of the Settlement Contract establishes mediation procedures for the parties to modify their contract in the event that the State Water Resources Control Board or the courts issue “a final decision or order modifying the terms and conditions of the water rights of either party...in order to impose Bay-Delta water quality obligations...” The Settlement Contract does not specify the outcome of the mediation. (§9(c))

³⁵ It should be noted that the existing contract remains in effect until March 31, 2045, and can be renewed “under terms and conditions mutually agreeable to the parties...” and can be renewed “for successive periods not to exceed 40 years each.” Settlement Contract, *supra*, §2(a). However, “[i]n the event this Settlement Contract terminates, the rights of the parties to thereafter divert and use water shall exist as if this Settlement Contract had not been entered into...” Settlement Contract, *supra*, §9(d). Currently NCMWC does not have the water rights to deliver water out of the Exhibit B area outside of the Natomas Basin and the dEIR/dEIS does not discuss the legal basis in state and federal law for deliveries of assigned water from a terminated settlement contract based on water rights that do not include the lands that the assigned water is being delivered to.

Sacramento County Water Agency

While Sacramento County has executed an MOU with the City of Folsom for space in its portion of the Freeport project, a contract has not yet been signed. The DEIR/DEIS does recognize that this is an uncertainty. (DEIR/DEIS 3A. 1814) | 113

The County is also a conjunctive-use water-service supplier, and, acting as the groundwater authority³⁶, is potentially the referee over the currently unallocated Sacramento County central groundwater subbasin. The Freeport project is the potential surface-water supply source for conjunctive use in this subbasin, and the City of Folsom's entry into the pipeline space represents a diminution in the County's ability to manage this groundwater subbasin with surface-water augmentation. It also reduces the supply available for other unnamed users or uses of Sacramento County's portion of the Freeport project. | 114
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These issues are not discussed in the DEIR/DEIS. Since they may have an effect on the viability of the Project water supply and the County's permission to use the pipeline has been identified as a project uncertainty, a thorough discussion and analysis of this uncertainty is warranted. See the following comment section, *Groundwater from the Central Sacramento Groundwater Basin*, for additional comment discussion. | 117

Optional Water Supplies

Optional water-supply options were described in addition to the NCMWC assignment to respond to the guidance of the California courts for California Environmental Quality Act (CEQA) documents (DEIR/DEIS 3A.18-23). These contingencies are described as backup water sources in case the water source developed for all of the project alternatives becomes unavailable. The DEIR/DEIS developed three additional contingency options: groundwater, Sacramento water-rights transfers, and conservation. Some of these discussions contain important information, insights, or lack of insights. Given the uncertainties of the water-supply alternative developed for the DEIR/DEIS alternatives, some or all of these alternatives should have been developed and described in greater depth. | 118
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Groundwater from the Central Sacramento Groundwater Basin

The Water Forum Agreement assumed the Central Sacramento groundwater subbasin's long-term sustainable yield was of 273,000 acre-feet per year and estimated expected extractions and surface-water imports that may augment groundwater-basin supplies. The dEIR/dEIS concludes that the project's demand of up to 5,600 acre feet yearly (AFY) "would be within the safe yield range of the basin" since the Central Sacramento County Groundwater Management Plan of 2006 estimates normal 2030 demand at 235,060 AFY and a dry-year demand of 261,784 AFY – "a high level of certainty." (DEIR/DEIS 3A. 18-24). | 120

³⁶ See Water Forum Agreement, *supra*, Groundwater Management Element.

“However, the DEIR/DEIS also concludes that under cumulative conditions and beyond 2030, other sources of demand are identified in the Sacramento County General Plan Update EIR in unincorporated portions of the County. These additional sources of demand combined with the Folsom SPA could lead to exceedances of the groundwater basin’s safe yield and lead to a further lowering of the regional aquifer. This would be a **significant** and **unavoidable**, cumulative impact ...” (DEIR/DEIS 3A. 18-32)

120 cont.

The DEIR/DEIS does not note that there has been no allocation of subbasin among existing and potential pumpers including incorporated cities other than the City of Folsom. Without an allocation of groundwater subbasin yield among the various pumpers and a mechanism to control pumping so that pumpers not exceed their potential allocations neither the City nor the County can provide assurances that the safe yield of the subbasin will not be exceeded. Neither does the DEIR/DEIS note the recent decision by the Sacramento Groundwater Authority to adopt sustainability groundwater-extraction goals for the Sacramento County North Area subbasin that are notably lower than the Water Forum “safe yield” determination in the North Sacramento groundwater subbasin.³⁷ There is, of course, thus no discussion of whether the experience in the adjacent subbasin may be repeated in the Central subbasin.

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In summary, if this option is to be a viable option, the DEIR/DEIS should discuss the implications of its cumulative condition conclusion, the implications of an additional straw into a potentially over-allocated aquifer, the reliability of the subbasin yield estimates, and the necessary mechanisms to make this a long-term viable option, as well as the feasibility of such necessary mechanisms.

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Other Senior Sacramento River Water Right Holders

The DEIR/DEIS identifies acquisition of “up to 8,000 AFY from one or more water rights holders on the Sacramento River to meet dry-year conditions.” It is proposed that such water might become available from substituting local groundwater for surface water or by water-conservation actions that might make surface water available. (DEIR/DEIS 3A.18-37)

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The DEIR/DEIS does not note that groundwater exports by downslope Sacramento River senior water-right holders are controversial with upslope groundwater users, who may experience more significant groundwater-level declines (and even areal availability) from groundwater exports than their downslope brethren. This could be a significant impediment to some groundwater export scenarios.

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³⁷ Water Forum Recommendation on Sustainable Yield for the North Area: 131,000 AFY. Water Forum Agreement *Supra*, p. 97. Sustainability goals for the Sacramento Groundwater Authority Water Accounting Framework, Phase III Effort adopted June 10, 2010, 93,000 to 108,000 AFY.

City of Folsom water conservation efforts

Another option discussed by the DEIR/DEIS is water conservation in the City of Folsom. It does seem plausible that conserved water from an aggressive water-conservation and reclamation program within the City or regionally could reduce consumption enough so that the area south of Highway 50 could be served by saved water. There are, of course, competing beneficiaries of City and regional water-conservation efforts, some of which will be occurring as a result of state mandates. The DEIR/DEIS does not provide much information on the institutional, political, cultural, financial, and legal constraints of such a program to assess the viability of such an effort.

Growth Inducement Impacts

The Environmental document correctly identifies a significant growth inducing impact on page 4-74 of the DEIR/DEIS:

Implementing the Proposed Project or the other four action alternatives would result in large-scale urban development adjacent to undeveloped grazing lands south of the SPA and could potentially place pressure on these lands to convert to urban uses. As explained above, the land south of the SPA is located in a rural unincorporated portion of Sacramento County beyond the USB and UPA, and it is not expected this area would receive urban levels of public infrastructure and services to support urban development. Further, because it would require Sacramento County to amend its general plan, land use designations, and zoning, such a land use conversion to urban development is not assured.

The DEIR/DEIS simply concludes that despite the creation of a 4-lane White Rock Road with urban and commercial uses on the northerly side, that the area immediately south would “not receive urban levels of public infrastructure services to support urban development” because it is “in the rural unincorporated portion of Sacramento County beyond the USB and the UPA.” Putting it another way: Adopted plans don’t show it as urban, so therefore the project won’t induce growth there.

That matches exactly the circumstances of the Folsom South SOI Expansion Area when it was first proposed. It is well past the time that facile and expedient rationalization of the growth inducing impacts of development should be accepted without appropriate, feasible, implementable and necessary mitigation measures included as part of the plans authorizing new development.

Folsom City has suggested in public hearing testimony that their Specific Plan provides for significant open space within the proposed development area. That is all well and good, but their plan is a response to natural resources within the proposed development area, not beyond, and is entirely irrelevant to growth inducement.

A 4-lane White Rock Road with urban density development on its north side WILL induce growth south of White Rock, based on 40 years of experience that similar development at the fringe of the urban area (for example, Elk Grove Blvd west of Highway 50 and Del Paso Blvd in Natomas) has ultimately led to unassailable pressures for development beyond.

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It is therefore essential that the EIR/EIS include a mitigation measure for the project's growth inducing impacts that requires the Specific Plan to include a financing program sufficient to acquire development rights for a one-mile wide buffer of land on the south side of White Rock Road

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SUMMARY

In closing, ECOS does appreciate the opportunity to comment on the Draft Environmental Impact Report / Draft Environmental Impact Statement for the Folsom South of U.S. 50 Specific Plan Project. The above comments address numerous deficiencies that we have identified concerning this document which need to be adequately addressed. If you would like to meet with ECOS representatives responsible for these comments, please contact Ron Maertz at RonMaertz@sbcglobal.net.

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Respectfully Submitted,

Alex Kelter, President
Environmental Council of Sacramento

cc: USBR, Michael Finnegan
LAFCO, Commissioners

ATTACHMENT A

Florin-Vineyard Gap Community Plan

27 April 2010

Appendix A Climate Action Mitigation Plan Supplement

Note to County: Although designed to be replicable for other projects and programs, this EXAMPLE climate action mitigation plan supplement (CAMPS) was designed for use with the Draft Environmental Impact Report Climate Change Plan for the Florin-Vineyard Gap Community Plan (see DEIR; Volume 3, Appendix C). The Community Plan consists of approximately 26 projects, 3,700 acres, 13,000 living units, 5 million square feet of commercial/ industrial space and has an estimated base case ghg emissions rate of 350,000 tonnes per year at full build out. (7% of County emissions)

In reviewing the DEIR Climate Change Plan (CCP) for the above project, it became apparent that any CEQA CCP must achieve the following objectives:

- permit holders must be able to easily understand and implement CCP
- CEQA lead agencies must be able to easily verify compliance with CCP
- enforcement and regulatory agencies must be able to quantify emissions savings from CCP

Although not necessary, additional desirable attributes of a CAP would include:

- a simple plan would allow AQMD's (or local jurisdictions) to specify a low significance threshold (perhaps 1,100 t/yr, similar to BAAQMD proposal) and
- a standardized template would provide a level-playing-field for all future CEQA CCP's and could assist in making the SB375 Sustainable Communities Strategy more consistent between State regions

The CCP submitted in the DEIR partially meets the first objective. The attached CAMPS is intended to be a supplement to the DEIR CCP and meets all 5 objectives. The attached CAMPS is coordinated with SB375 requirements and is simple for permit holders and CEQA lead agencies because all questions can be answered with a Yes, No or Not Applicable.

The County should not accept a CCP that does not meet at least the first 3 objectives. The only other efforts that I'm aware of that try to quantify the value of greenhouse gas emissions under CEQA are:

- City of Davis staff report, April 2009
- CAPCOA RFP, June 2009

Both of these efforts are in the formative stages of development, as was the DEIR CCP and as is this CAMPS.

The County should not require a CCP that drives up capital costs by more than 4 or 5%; therefore less than 100% mitigation is probable in 2010. Efforts should be ramped up gradually over the years until 100% mitigation is achieved (e.g. 60% in 2010, 64% in 2011, ..., 100% in 2020). This cost containment feature could help improve buy-in from diverse pool of stakeholders.

Simplicity to users comes at a price; to make this process simple for permit holders and CEQA lead agencies, some significant work should be put into a CAMPS template either by the County, AQMD, MPO, or perhaps OPR, Energy Commission, Air Resources Board, Integrated Waste Management Board, and/or Department of Water Resources. Some efforts would include:

1. Although this CAMPS is measurable, the actual ghg emissions are not measurable without more information. A units column is required to truly quantify ghg savings (an Excel measurable version of this is available- w/o correlated data)
2. Determine the benchmark "triggers" that would allow permit holder to answer Yes to a question, although with stakeholder modifications attached table could be used without benefit of ghg measurability
3. If a simple Yes/No process is desired, then the measures identified should be roughly equal in ghg emissions savings
 - a. Several measures are tiered so that "Yes" may be answered many times for high value measures
 - b. Some high value measures are double counted- e.g. Yes'es can be achieved for mixed use occupancy AND proximity to amenities
 - c. A point system could be used instead of Yes/No/NA (similar to the 1980's Title 24 Residential prescriptive compliance method or LEED)

4. Carbon reducing measures shown are examples; stakeholder input is required to develop an acceptable template
Additional Features To Promote Market Penetration: In addition to conventional carbon reducing measures, this CAMPS includes features that should be considered for inclusion no matter what type of final process is settled upon for CEQA CAP's

1. Market Transformation: This CAMPS attempts to reward permit holders that implement measures that are not commonplace today, but may be in the future- e.g. restaurants that agree to not use Styrofoam food containers for at least a 6 month pilot period, PG&E offers maintenance for solar thermal systems, project chooses to exceed State RPS requirements. Similar to LEED, as market transforms, CAMPS measures should be updated.
2. Behavioral Changes Over Time: This CAMPS attempts to "sprinkle" some measures over an entire project to assist market transformation- e.g. relative even spacing of Neighborhood Electric Vehicles and raised bed gardens, solar photovoltaic throughout sub-divisions
3. Reward Local Jurisdictions: This CAMPS attempts to reward local jurisdictions that: (1) implement market transforming processes, policies or ordinances or (2) attempt to meet various State goals; e.g. implementing a RECO ordinance, Big and Tall ordinance, bi-level street lighting, offer carbon neutral water and solid waste services
 - a. This is intended to meet the spirit of... "providing regulatory relief under CEQA" as identified in SB375. In effect permit holders receive credit at no cost to their project for processes, policies, and ordinances that are implemented by their local jurisdictions.
4. Guidelines: For measures that County or State would like to see implemented, but do not want to codify at this time; e.g. 2 trees per lot, improved commercial recycling, web accessible parcel/ neighborhood level ghg emissions
5. Mandatory: Some measures are identified as "Mandatory". These items are generally cost effective, but not required by State Code. Mandatory features could be specific to local jurisdictions that require them.

REQUIREMENT: Each of the 26 projects in this Community Plan must achieve at least 50% Yes ratio to meet carbon dioxide mitigation requirements.

Permit holders are to:

1. Fill out attached table and include in EIR with backup calculations.
2. Some measures are required and are indicated as Mandatory.
3. If a measure is not applicable to a project, indicate NA.
4. How many questions were answered with a Yes? ____
5. How many questions were answered with a No? ____
6. What percentage of questions were answered with a Yes where percentage = [Yes/(Yes+No)] ____
7. Did the project pass? [Y/N] ____

The outcome of some measures will not be fully known until construction is complete. If Yes ratio falls below percentage above, then fee of \$ xx per percent (times base case ghg emissions for full build-out of project) shall be paid to County (or SMAQMD?) as an in lieu fee for off-site climate change mitigation projects.

Notes to County:

1. Fee should be based on NYMEX(?) value of CO2 at time of permit AND as approved by ARB Cap and Trade program.
2. **EXAMPLE responses and explanatory notes are shown in red and italicized.**
3. An Excel, operational version of this table is available.

Measure	Benchmark For Suburban		Actual For This Project		Benchmark Met?	
	Res	Comm	Res	Comm	Res	Comm

LAND USE (Stationary Source)							
Percent of project acreage that utilizes "brownfield", underused properties beneficially							
>=10%	Y/N	Y/N	15%	NA	Yes	NA	
>=20%	Y/N	Y/N	15%	NA	No	NA	
>=30%	Y/N	Y/N	15%	NA	No	NA	
>=40%	Y/N	Y/N	15%	NA	No	NA	
Percent of project acreage that is considered infill							
>=10%	Y/N	Y/N	25%	NA	Yes	NA	
>=20%	Y/N	Y/N	25%	NA	Yes	NA	
>=30%	Y/N	Y/N	25%	NA	No	NA	
>=40%	Y/N	Y/N	25%	NA	No	NA	
Percent of project (in acres) that is mixed use							
>= 10%	Y/N	Y/N					
>= 25%	Y/N	Y/N					
>= 50%	Y/N	Y/N					
>= 75%	Y/N	Y/N					
Density of Project							
>= 6 DU/acre	100%	NA	100%	NA	Yes	NA	
>= 9 DU/acre	60%	NA	58%	NA	No	NA	
>= 12 DU/acre	25%	NA	23%	NA	No	NA	
>= 15 DU/acre	10%	NA	12%	NA	Yes	NA	
Employees (FTE) per Acre							
>= 5 ?	NA	100%					
>= 10 ?	NA	60%					
>= 50 ?	NA	30%					
>= 100 ?	NA	10%					
Number of intersections per square mile (should be high)	12-16	6-12					
Number of dead-ends (e.g. cul-de-sacs) per square mile (should be low)	1	1	0	0	Yes	Yes	
Percent of estimated burdened construction funds spent to build new roads vs. bicycle lanes, ped/bike amenities, NEV amenities, charging stations, transit capital improvements, transit operating costs, car sharing program start-up costs (modified metric from SB375 to suit new development)	40%	40%	<i>Note: Per metric, maximum of 60% spent on road construction; minimum of 40% spent on alternative modes; to include car share program start-up and placement of NEV's evenly through residential subdivision</i>				
All living units and commercial spaces front on a continuous pedestrian network	Mandatory	Mandatory					
Percent of living units within ½ mile riding distance of a bicycle lane							
Class I	50%	NA	30%	NA	No	NA	
Class II	80%	NA	100%	NA	Yes	NA	

Class III	100%	NA	100%	NA	Yes	NA
Percent of living units within ½ mile walking distance of at least x amenities (as defined by LEED for Neighborhood Development)			<i>Note: More amenities should be required for urban design</i>			
>= 1 amenity	40%	NA				
>= 3 amenities	25%	NA				
>= 5 amenities	10%	NA				
ALTERNATE for suburban projects: Number of auto, bike or ped connections per acre between adjacent projects that have complementary, yet different zoning	0.3	0.3	<i>Note: This metric does not require parcel level calculation and is appropriate only for suburban design</i>			
Percent of living units within ½ mile of class B Park, community garden, publicly accessible open space, (or separated Class I bike path with minimum easement of 30 foot width)	80%	NA				
Jobs to Housing Ratio: Jobs (real or zoned) within ½ mile walking distance of residential project (SB375 metric)						
Total	1:10	NA				
Percent of jobs able to afford rent/ mortgage (max 40% wage, for FTE, 1 earner)	60%	NA				
Jobs to Housing Ratio: Living units (real or zoned) within ½ mile walking distance of commercial project (SB375 metric)						
Total	NA	10:01				
Percent of jobs able to afford rent/ mortgage (max 40% wage, for FTE, 1 earner)	NA	60%				
Percent of living units within ½ mile of a transit stop with a minimum transit frequency service level of x stops/week (SB375 metric) per RT calcs (service level met within 5 years of permit)			<i>Note: This benchmark is under land use because supportable transit frequency is heavily dependent on living unit density</i>			
Level of Service B	25%	NA	<i>12% per RT</i>	<i>NA</i>	<i>No</i>	<i>NA</i>
Level of Service C	40%	NA	<i>15% per RT</i>	<i>NA</i>	<i>No</i>	<i>NA</i>
Level of Service D	70%	NA	<i>20% per RT</i>	<i>NA</i>	<i>No</i>	<i>NA</i>
Percent of commercial spaces within ½ mile of a transit stop with a minimum service level of x stops/week (SB375 metric)			<i>Note: This benchmark is under land use because supportable transit frequency is heavily dependent on employment density</i>			
Level of Service B	NA	80%				
Level of Service C	NA	100%				

Level of Service D	NA	100%				
Number of trees planted per living unit (including apartments)	2.0	NA				
Number of trees planted per square foot of commercial space	NA	0.01				
Percent estimated tree canopy coverage after 15 years (include roads)	20%	20%				
CC&R's do not restrict solar, clothes drying lines, chickens allowed per following guidelines(?)	100%	NA				
Percent of living units that require residential vehicle parking permit			<i>Note: County action required for this one-not likely sellable in suburbs unless there is a chance for homeowners to receive credit- e.g. \$20/yr fee for standard car; \$20/yr credit for plug-in hybrid; \$30/yr credit for NEV... need funding source though or charge high fees for standard cars (i.e. feebate)</i>			
Permit required for cars, no/low fee for first car	100%	NA				
Increased fees for 2 nd and subsequent vehicles	25%	NA				
Reduced fees for NEV's, plug-in hybrids, alt fuel vehicles	25%	NA				
TRANSPORTATION (Mobile Source)						
Percent of commercial space that includes end-of-trip bicycle amenities (shower, lockers)	NA	25%				
Percent of commercial space that meets LEED ND requirements for bicycle parking	NA	Mandatory				
Percent of road-miles that are NEV capable (<= 35 mph)	100%	50%				
Impermeable surfaces that have reflectivity greater than State requirements			<i>Note: State action required for this one to identify benchmark</i>			
Roads	75%	75%				
Sidewalks	100%	100%				
Parking Lots	75%	75%				
Percent of transit stops that are covered, have benches, have at least 2 sides protected from wind, solar powered lighting and electronic schedule update board w/ GPS on buses to improve board schedule accuracy (in lieu fees ok in high-vandal areas?)						
Level of Service B	100%	100%				
Level of Service C	50%	50%				
Level of Service D	25%	25%				
Percent of apartment houses that						
Decouple room rent from car space rent	100%	NA				

Offer car share programs to their tenants and have a minimum of 1 car per x units	100%	NA				
Tenants agree to not have a second car for at least 6 months (one car ok)	50%	NA				
Percent of businesses (> 50 employees) that have transportation system management plans						
>=50% transit subsidy	NA	100%				
Parking cash out/ charge employees for parking	NA	100%				
Provide results from bi-annual survey to SACOG(?)	NA	100%				
Percent of homes provided with neighborhood electric vehicle (NEV), relatively evenly spaced at 1 per 10 living units	10%	NA				
Percent of homes provided with car share vehicle						
AND at least 4 other homes within ¼ mile agree to share	10%	NA				
AND half agree to NOT have second car for at least 6 month pilot	100%	NA				
Percent of fuel stations that offer B-5 bio-diesel and E-85	NA	100%				
AND B-20 bio-diesel	NA	50%				
Percent of homes provided with electric lawn mower	100%	NA				
Percent of construction vehicles that meet SMAQMD preferred emissions rate (should be high, but may be difficult to enforce over long period of construction?)	80%	80%				
GOODS MOVEMENT (Mobile Source)						
Percent of homes provided with raised bed garden, minimum of 200 square feet, relatively evenly spaced at 1 per 10 living units	10%	NA				
Apartment houses that offer (100% compliance required):						
Community gardens of at least 50 SF to x% of tenants	10%	NA				
Community gardens of at least 50 SF to x% of tenants	20%	NA				
Fenced, gated, water, tool shed, \$500/yr annual budget provided by owner	100%	NA				
Apartment houses that do NOT offer on site gardens (100% compliance on and off-site required):						

Fee to City ok if new garden is within ½ mile and SF portion earmarked for tenants	100%	NA				
Four times fee to City ok if new garden is > 1 mile away; no earmark for tenants	100%	NA				
Percent of markets > 5,000 SF that have agreed to provide 25% of fruits and vegetables from farm sources within 100 mile radius						
6 month pilot	NA	50%				
Permanent	NA	25%				
Percent of markets > 5,000 SF that have agreed to provide 10% of canned goods from processing plants within 100 mile radius						
6 month pilot	NA	50%				
Permanent	NA	25%				
Percent of shops > 5,000 SF that have agreed to provide 10% of goods from manufacturing plants within 100 mile radius						
6 month pilot	NA	50%				
Permanent	NA	25%				
Project includes manufacturing plant that projects that >=50% of raw materials to produce product will be sourced from < 300 miles						
Per x tons/yr of mat'l used	NA	100				
Per x tons/yr of mat'l used	NA	200				
Project includes manufacturing plant that projects that >=50% of products will be sold to vendors within 300 miles						
Per x tons/yr of product	NA	100				
Per x tons/yr of product	NA	200				
FACILITY ENERGY (Stationary Source)						
Percent of living units and commercial that exceed Title 24 (to include on-site solar)			<i>Note: County and CEC action required for this one to beat Title 24 by 15%</i>			
>= 15%	Mandatory	Mandatory	100%	100%	Yes	Yes
>= 25%	50%	50%				
>= 35%	25%	25%				
Carbon Neutral (Off-Site)	10%	10%				
Net Zero Energy (On-Site)	5%	5%				
Living units are built in a jurisdiction that has a Big and Tall ordinance similar to Marin County's except sized for [1,500] SF	100%	NA	<i>Note: County action required for this one. This is an "environmental justice" concept which requires larger homes to be more efficient</i>			
Living units are built in a jurisdiction that has a Residential Energy Conservation Ordinance that meets State requirements	100%	NA	<i>Note: State and County action required for this one</i>			

Living units are built in a jurisdiction that has a Commercial Energy Conservation Ordinance that meets State requirements	100%	NA	<i>Note: State and County action required for this one</i>			
Percent of electric operating power provided to project over the next 30 years that is above and beyond State Renewable Portfolio Standard (RPS) requirements (to include on-site solar electric, but not energy efficiency)			<i>Note: Need to work with SMUD, this is not an existing program. This would be similar to a long-term Greenergy program</i>			
10%	Mandatory	Mandatory	<i>Note: County action required for this one to beat State RPS</i>			
20%	60%	60%				
40%	30%	30%				
Carbon Neutral (Off-Site)	5%	5%				
Natural gas fired cogeneration, minimum thermal/electric efficiency of 55% serves at least 10% of project electrical needs (solar pv ok)	1 each	1 each				
x% of annual fuel use is renewable	25%	25%				
x% of annual fuel use is renewable	50%	50%				
x% of annual fuel use is renewable	75%	75%				
Percent of living units equipped with solar domestic hot water that provides minimum of 60% annual needs (* PG&E approval of system design)	100%	NA				
PG&E monitors Smart meter and has method to notify customer if solar system appears to need maintenance	100%	NA	<i>Note: Similar line items could be developed for SMUD and solar pv systems</i>			
* PG&E offers monthly fee for service for maintenance	100%	NA				
Percent of living units that are pre-plumbed for solar photovoltaic	100%	NA				
Percent of living units equipped with solar electric that provides minimum of 25% annual needs, relatively evenly spaced, facing street	10%	NA				
Percent of traffic intersections that utilize LED signal lighting	100%	100%	<i>Note: County action required for this one</i>			
Percent of street lighting that uses dual-level LED lighting with occupancy sensor control	50%	50%	<i>Note: County action required for this one; consider maintenance feedback and 911 feed-forward</i>			
Percent of fire stations, police stations, restaurants and fitness centers equipped with solar domestic hot water that provides minimum of 60% annual needs	NA	100%	<i>Note: County action required for this one to require solar for fire, police</i>			

Percent of businesses (by square foot) equipped with solar electric that provides minimum of 10% annual needs	NA	10%				
For living units that are provided with such (e.g. apartments), percent and number of refrigerators, washing machines, dishwashers, TV's that are Energy Star "Silver" compliant	100%	NA	<i>Note: Energy Star "Silver" may not yet be available. Coordinate with Federal EPA</i>			
Percent of homes that are pre-wired for plug-in hybrids and NEV's	100%	NA				
Percent of living units with access to natural gas in back yard for future BBQ and electric outlets for electric grounds maintenance equipment	100%	NA				
Percent of living units that have heating and cooling systems and electric dryers controlled remotely by utility for demand response through use of Smart meters	100%	NA				
WATER (Stationary Source)						
Percent of living units and commercial that use no more than x% of business as usual potable water						
<= 80%	Mandatory	Mandatory	<i>Per CalGreen effective 7/1/11</i>			
<= 60%	50%	50%				
<= 40%	25%	25%				
<= 25%	10%	10%				
Water purveyor offers voluntary carbon neutral water services			<i>Note: Need to work with water purveyors to develop program</i>			
Purveyor offers service	Y/N	Y/N	<i>Note: Surcharge approximately 2%, therefore enrollment requirements are HIGH</i>			
Percent enrolled	25%	15%				
Percent of living units and commercial meeting State approved drought resistant landscaping standards	100%	100%	<i>Note: State action required for this one to identify planting benchmark</i>			
Percent of living units utilizing recycled water for irrigation	80%	NA				
Percent of living units utilizing gray water for irrigation	20%	NA	<i>Note: County action may be required to allow gray water use</i>			
Percent of businesses (by acres) utilizing recycled water for irrigation	NA	80%				
Percent of roof space that has a "living" roof	NA	25%				
Percent of project acreage that utilizes low-impact storm water management (to include retention basins?)	>= 80%	>= 80%				

Percent of project acreage that utilizes high-impact conventional storm sumps (to include detention basins?)	<= 20%	<= 20%				
Local water purveyor has adopted a water resources loading order; if City operated, resolution has been passed similar to the attached	Y/N	NA				
WASTE (Stationary Source)						
Project achieves exemplary construction and demolition recycling under City and County ordinance	100%	100%	<i>Note: County (and City) action required to identify "exemplary"</i>			
Solid waste provider offers carbon neutral solid waste services			<i>Note: Need to work with solid waste providers to develop program</i>			
Provider offers service	Y/N	Y/N	<i>Note: Surcharge approximately 25%, therefore enrollment requirements are LOW</i>			
Percent enrolled in any program	10%	3%				
Percent of emissions sequestered due to local, "ARB additional", tree planting program	25%	25%				
Percent of restaurants (>1,000 SF) that have agreed to not use Styrofoam food containers for period shown			<i>Note: Some jurisdictions ban Styrofoam</i>			
6 month pilot	NA	50%				
Permanent	NA	25%				
Percent of shops (>1,000 SF) that have agreed to not use disposable plastic or paper bags for specified term			<i>Note: Some jurisdictions ban or impose fees on disposable bags</i>			
6 month pilot	NA	50%				
Permanent	NA	25%				
Percent of shops (>1,000 SF) that sell fountain drinks or coffee to go, that offer deep discount to those that use their own cup						
6 month pilot	NA	50%				
Permanent	NA	25%				
Percent of apartment houses provided with first class recycling facilities	100%	NA	<i>Note: County (and City) action required to identify "first class"</i>			
Percent of commercial space (>1,000 SF) provided with first class recycling facilities	NA	50%	<i>Note: County (and City) action required to identify "first class"</i>			
Percent of living units signed up to NOT receive junk mail from the post office	50%	NA				
Percent of annual green waste delivered to local distribution site (<10 miles) for residential and business use	25%	NA	<i>Note: This could go under GOODS MOVEMENT and is similar to program in Berkeley, CA</i>			
Green waste is used to provide power and nutrients to grow fruits and vegetables in a greenhouse	NA	1 ea				
Percent of homes provided with mulching/composting/ worm bins	25%	NA	<i>Note: This could go under GOODS MOVEMENT</i>			

AWARENESS							
Percent of utility accounts provided with Smart electric, gas and water meters and have one-site web accessible usage and comparison data by parcel and also neighborhood aggregated data	100%	100%	<i>Derived from Curtis Park Energy Stars program</i>				
Website to include neighborhood scale data regarding solid waste, updated once per year	100%	100%	0%	0%	No	No	
Website to include neighborhood scale data regarding transportation, updated once per year	100%	100%	0%	0%	No	No	
Website to include innovative neighborhood scale data (e.g. Goods Movement) regarding greenhouse gas emission data for other sectors, updated once per year	100%	100%	0%	0%	No	No	
Website to include neighborhood scale data regarding greenhouse gas emissions, updated once per year	100%	100%	0%	0%	No	No	
Percent of shops (>1,000 SF) that agree to provide educational materials (central location in mall ok) for a period shown on products that have high global warming potential (e.g. computer dusters, Styrofoam, virgin copy paper, incandescent bulbs, disposable batteries, bottled water, etc.)							
6 month pilot	NA	50%					
Permanent	NA	25%					
Number of businesses that provide bid preferences to vendors that operate per requirements of City of Sacramento sustainability preference program and achieve at least 20 points	NA	10%	<i>Note: Coordinate with City of Sacramento program</i>				
Percent of living units sold that are provided with a welcome basket that includes educational materials and a selection of "green" items as noted to right, (valued at say \$1,000) <i>Higher cost items would have line item entry- e.g. NEV, raised bed garden, electric mower, solar pv, etc.</i>	100%	<i>Note: Items that might be included in welcome basket are-several compact fluorescent (and LED?) light bulbs, reusable coffee mug, reusable drink mug, canvas shopping bag, rechargeable batteries and charger, BBQ chimney charcoal starter or natural gas BBQ, clothes line, fruit and vegetable seeds, 90 day free car share program gift certificate, 90 day free bus pass gift certificate and 2 years subsidized at 50% bus pass gift certificate, occupancy sensor controlled plug strip</i>					

Attachment B

Zoned and Expected Densities in the Specific Plan Area under the Preferred Alternative

Land Use	Gross Area (Acres)	% of Site	Minimum (DU/Acre)	Maximum (DU/Acre)	Target DU	% of Allocated units	Projected Population	DU at Min	DU at Max	Target DU as % of max	Proposed Floor (%)	Proposed Floor (DU/Acre)
SF	557.8	15.9	1	4	1,687.00	16.5	4,926.00	557.80	2,231.20	75.6%		
SFHD	532.5	15.2	4	7	2,933.00	28.7	8,564.00	2,130.00	3,727.50	78.7%	75%	5.25
MLD	266.7	7.6	7	12	2,434.00	23.8	4,722.00	1,866.90	3,200.40	76.1%	75%	9
MHD	67	1.9	12	20	1,224.00	12	2,375.00	804.00	1,340.00	91.3%	85%	17
MHD	49.9	1.4	20	30	1,251.00	12.3	2,427.00	998.00	1,497.00	83.6%	85%	25.5
MU	59.1	1.7	9	30	681.00	1.7	1,321.00	531.90	1,773.00	38.4%		

Source: Folsom Plan Area Specific Plan, June 2010 public review draft. P. 4-11

Note: No density floor is proposed for the Mixed Use (MU) Zone due to its special characteristics or to the Single Family (SF) Zone

ECOS-1

The comment states concern that the project could result in isolated western pond turtle habitat if occupied ponds become disconnected from water resources, particularly Alder Creek. The comment further states that if these pond turtles were to become isolated, the result would be a decrease in genetic variability, which would make these individuals less able to adapt to environmental changes, such as global climate change.

The project would include from 1,050 acres up to 1,506 acres of open space, depending on which alternative is approved, and would be designed to preserve wetlands and other waters of the U.S. present in the SPA, including most of Alder Creek. Applying the thresholds of significance to the analysis (summarized on page 3.A3-27 of the DEIR/DEIS), loss of some western pond turtle habitat and/or individuals would not constitute a significant impact determination because suitable western pond turtle habitat would be preserved on much of the project site, including the pond where western pond turtles were documented, and because the potential loss of a few western pond turtle individuals would not be expected to substantially reduce the population in the area. Furthermore, the open space design would provide connectivity along stream corridors between preserved habitats in the SPA and other natural habitats off-site, so western pond turtles would not become isolated.

ECOS-2

The comment cites an excerpt from the Yolo Conservation Plan of April 20, 2009, describing the variable home range and territorial nature of male and female American badgers and the solitary behavior of badgers outside the breeding season. The comment further states that impacts to American badger could be more significant than what is concluded in the DEIR/DEIS. The comment states that, because the American badger is territorial and the home range is large, and because it is possible that the adjacent habitat is already occupied by another badger, it is erroneous to conclude that individual badgers in the SPA could simply move to a nearby area and, therefore, a less-than-significant impact would occur.

A reduction in the amount of habitat in the vicinity could result in territorial conflicts amongst individuals; however, these conflicts would not be expected to lead to a substantial decline in the number of American badgers in the regional population. Therefore, the potential impact would still be considered less than significant under the CEQA thresholds of significance (see page 3.A3-27 of the DEIR/DEIS). As shown in Chapter 5, "Errata" of this FEIR/FEIS, the text on page 3A.3-61 of the DEIR/DEIS has been revised to explicitly state that loss of habitat from the SPA would not substantially reduce local population numbers.

Badger home ranges are highly variable, as the comment notes, and the minimum home range necessary to support an individual badger has not been established. As the comment also notes, there is overlap in badger home ranges so the maximum or even mean home range of an individual badger is not indicative of the amount of exclusive territory a badger must have in order to survive and reproduce. The comment provides no evidence to refute the ultimate conclusion in the DEIR/DEIS that the loss of habitat from the SPA would be less than significant because it would not substantially reduce the local population size. While the document cited in the comment quotes one study that found badger density to be a minimum of one badger per 988 acres in the Fort Ord Public Lands, that document does not identify a minimum area required per badger and badger

density is generally correlated with prey availability and varies both seasonally and geographically.

ECOS-3

The comment states concern for a loss of species movement and destruction of critical habitat in the region caused by many years of low-density sprawl development. The comment further states that the City is not adequately addressing this issue by limiting its analysis to only those areas over which the City has discretionary control and oversight.

No designated critical habitat exists in the SPA, and the open space design would provide movement corridors between habitat preserve areas within the SPA and natural habitat areas off site. The City is limited by law to the exercise of its authority only within the boundaries that fall within its jurisdictional limits; therefore, it would be pointless to attempt, and furthermore CEQA and NEPA do not require, that this EIR/EIS engage in a speculative analysis of the potential impacts of every development project in the region on potential loss of movement of every known wildlife species and potential destruction of critical habitat. The City/USACE believe that the cumulative impact analysis contained in Chapter 4, "Other Statutory Requirements" appropriately determines whether the overall long-term impacts of the related projects (identified on pages 4-7 through 4-16) would be cumulatively significant and second, appropriately determines whether the Folsom South of U.S. 50 Specific Plan project itself would cause a "cumulatively considerable" (and thus significant) *incremental* contribution to any such cumulatively significant impacts (see pages 4-1 through 4-33 of the DEIR/DEIS).

ECOS-4

The comment states that an example of the issue stated in comment ECOS-3 can be found in the determination that the project would not be in conflict with any local habitat conservation plans (HCPs). The comment further states that to dismiss the South Sacramento Habitat Conservation Plan (SSHCP) because it technically does not cover the SPA ignores the effort and benefit of the SSHCP, which is that it endeavors to create large preserves that are connected by viable wildlife corridors.

As stated under Impact 3A.3-7 beginning on page 3A.3-03 of the DEIR/DEIS, the project would not result in conflicts with the goals of any adopted habitat conservation plan, pursuant to CEQA requirements. At this time, the SSHCP is only proposed, it is not adopted. The commenter states that the analysis of this issue in the DEIR/DEIS meets the CEQA requirement to consider adopted plans. The project would preserve open space (from 1,050 to 1,506 acres), including wildlife corridors, under each project alternative design. The main wildlife corridor in the SPA that provides the most cover for wildlife migration would be preserved along Alder Creek and would connect the on-site habitat preserve areas with natural habitats to the south of the SPA. Ensuring that the conservation lands in the project site would complement the conservation lands outlined in the currently proposed SSHCP, as suggested by the commenter, would be difficult until the HCP is finalized and adopted, as the HCP may change and it is unknown to what degree. Nevertheless, the City believes that the habitat preservation and wildlife corridor elements that would be part of the proposed open space design would be likely to complement the conservation goals set forth by the SSHCP, when it is finally adopted.

ECOS-5

The comment states that rather than determining that a technical and legal conflict does not exist with the SSHCP because the City is not a participant, an examination of how the project could positively interact with the proposed SSHCP could result in substantial benefits to wildlife within the SPA and surrounding region.

See responses to comments ECOS-4 and USFWS-44 through USFWS-46. The intention of the City of Folsom is not to dismiss the effort and benefit of the proposed SSHCP;

however, the DEIR/DEIS responds to compliance with an HCP according to the parameters set forth by CEQA, which expressly states the threshold as a conflict with the provisions of an adopted HCP. The City believes, and the commenter himself states, that the analysis contained in the DEIR/DEIS on this issue meets the CEQA requirements. Therefore, no further analysis of this issue is required. It is impossible know the exact provisions of the SSHCP until it is finalized and adopted; the conservation strategy outlined in the draft HCP could be very different from the final adopted version; and a final plan might never be adopted. Until conservation commitments for the SSHCP are secured and the locations of SSHCP habitat preserves are established, a project design for habitat conservation areas to compliment SSHCP preserves is not possible. Finally, the current draft information available on the SSHCP website does not identify any conservation planning areas adjacent to the SPA.

ECOS-6

The comment states that by consulting with SSHCP implementers, proposed preserves and wildlife corridors within the SPA could be designed to connect with those outlined in the SSHCP, thereby limiting edge effects and increasing geographic reach of wildlife corridors. The comment further states that the FEIR/FEIS should address what benefits would accrue to the biological resources in the SPA if mitigation was orchestrated with other proposed HCP preserve acquisitions taken into consideration.

As stated on page 3A.3-33 of the DEIR/DEIS, the open space design would provide a large habitat patch that would maintain stream networks and wetland complexes, provide corridors for habitat connectivity both on and off the SPA, and minimize the perimeter-to-area ratio (i.e., edge effects). The Proposed Project Alternative would include 1,053 acres of open space that would provide habitat preservation, including complete avoidance of approximately 700 acres of oak woodland and wetland habitats. Because the SSHCP has not been adopted, it would be difficult to confidently design mitigation orchestrated with other proposed acquisitions, and the level of regional planning the comment suggests is not required under CEQA or NEPA. The open space design elements of the project alternatives would result in less-than-significant impacts on wildlife movement and native and migratory wildlife corridors.

ECOS-7

The comment states the issue of the badger, referenced in comment ECOS-2, provides a good example for why a regional approach to conservation is critical. The comment further states that by making a less-than-significant impact determination, the badger would become limited to an area that would not be protected and could be developed in the future, thereby pushing the problem down the road to another development proposal that would have to conclude that the impact was significant and unavoidable because all access to other usable resource areas was cutoff or was so fragmented that it was useless.

Project impacts on American badger would be less than significant because project design would preserve 30% of the existing SPA as open space and provide connectivity to other suitable habitat areas. It should be noted that 700 acres of the proposed 1,053 acres of open space would be placed into a preserve and would be protected under a conservation easement in perpetuity. Therefore, the project would not substantially reduce local population numbers and would not cut off access to all other usable resource areas (see also response to comment ECOS-2). The land immediately south of the SPA is unincorporated county land that is zoned Ag-80 under the County General Plan. It is also outside of the County's Urban Services Boundary and is, therefore, unlikely to be developed into urbanized land uses within the foreseeable future. Furthermore, the regional planning approach suggested by the commenter related to impacts on American

badger is not required under CEQA or NEPA, and would exceed the City's jurisdictional authority.

ECOS-8

The comment states that the scenario referenced in comment ECOS-7 would be the inevitable outcome of an approach where open space preservation occurred as a byproduct of obtaining the required permits for development. The comment suggests that the development in the project, given all of the other large development projects planned in the region, should be balanced by a regional open space preservation effort that intelligently addresses the impacts on local wildlife.

The mitigation measures identified in the DEIR/DEIS are designed to feasibly mitigate the project's environmental impacts consistent with CEQA and NEPA guidelines and regulations, not to obtain permits. Obtaining permits or approvals from the agencies charged with protecting biological resources is included in the mitigation measures, where applicable, because certain terms and conditions that would be enforceable and measurable generally have to be met as a condition of obtaining these permits and approvals. For example, in order to obtain a CWA Section 404 permit, applicants must develop a plan demonstrating how they have avoided and minimized losses to waters of the U.S., and how they would compensate for any unavoidable loss of waters of the U.S. on a no-net-loss basis, and in order to obtain a lake and streambed alteration agreement, applicants must develop a plan demonstrating how they would compensate for any loss of associated habitat on a no-net-loss basis. The project would retain 30% of the SPA as open space to preserve habitat (as required by Measure W). This project would also provide multiple movement corridors connecting habitats that would be preserved on-site to other valuable off-site habitats. For example, the Alder Creek corridor would be preserved within the SPA and is also proposed for preservation on the adjacent Glenborough at Easton project; similarly, the corridor for the tributary to Carson Creek is proposed for preservation on both projects. A regional open space preservation effort, as suggested by the commenter, goes beyond the scope of this project because preservation must be evaluated on a project-specific basis and would require the cooperation and approval of numerous local, state, and Federal agencies in order to be implemented. Therefore, the commenter's suggestion is not considered to be feasible mitigation.

ECOS-9

The comment states that a regional approach to addressing loss and fragmentation of habitat becomes more important when the effects of global climate change are considered. The comment suggests that permanent sustainable wildlife corridors should be maintained to address local species migration because of changes of climate.

Any attempt to predict how climate change will affect biological resources on the SPA and how species in the SPA will respond is too speculative for meaningful consideration at this time. The project would include preservation of the Alder Creek corridor as open space, which would provide a migration corridor across the SPA. The Alder Creek corridor would be 100 feet wide at its narrowest point in the northwest corner of the SPA, but would be much wider throughout most of the SPA. Alder Creek would provide preferable cover and access for wildlife movement across the landscape and connect the habitat that would be preserved with habitat off site to the south and west of the SPA. The Alder Creek corridor is also planned for preservation within the Glenborough development west of the SPA, thus this would serve as a movement corridor between Lake Natoma and undeveloped areas adjacent to the SPA into the future. However, intensive urban development already exists to the north and east of the SPA, and industrial development exists to the west of the SPA; thus, the value of migration corridors across the SPA are already limited by existing conditions. No known

established migration routes or major movement corridors are located in the SPA. Alder Creek likely would be the corridor of choice for local species migration because of the cover provided. The project also would include corridors along drainages on the site to connect the eastern portion of the SPA to oak woodland habitat in the larger preserve area and to the Alder Creek corridor. Lands east and north of the SPA are already developed; however, project design would retain an open space corridor along the eastern edge of the SPA that would provide migration potential northward to Folsom Lake and eastward from there, in addition to the connection via Lake Natoma.

ECOS-10

The comment cites The Sierra Club's recommendation for creating habitats that are resilient to global climate change, which includes creating a "connected wildlands network that will allow imperiled species to move to more hospitable habitats as the climate changes." The comment asks how the project would ensure a connected wildlands network when the project only seems to plan on a narrow stream corridor and when the largest nearby open space area (oak woodland south of White Rock Road) is ignored by saying the City would have no jurisdiction over it.

Because the SPA is already surrounded by development on three sides, to the opportunities for connection to other wildland habitats are limited. All project alternative designs, with the exception of the Reduced Hillside Development Alternative, have wildlife corridors built into the design to connect oak woodland, riparian, freshwater marsh, drainages and other habitats that would be preserved on-site and would provide multiple corridors connecting to the open space habitat south of the SPA. Therefore, the project design would not ignore the habitat to the south. Furthermore, any habitat south of the SPA (south of White Rock Road) falls within the jurisdiction of Sacramento County; therefore the City of Folsom has no control over what land use planning or preservation decisions may or may not be implemented on that land. See response to comment ECOS-9.

ECOS-11

The comment asks how the City of Folsom would work to participate in a regional effort to create resilient habitats. Resilient habitats are defined by the Sierra Club as places "where plants, animals, and people are able to survive and thrive on a warmer planet."

No current regional plan exists in which the City can participate. Furthermore, the City and USACE believe that the impact analysis contained in Section 3A.3, "Biological Resources" fully meets the requirements set forth in both NEPA and CEQA, and no further analysis is required. The City and USACE note that the project would provide over 1,000 acres of habitat preserve and other open space that would connect with other natural habitats where available. See responses to comments ECOS-9 and ECOS-10.

ECOS-12

The comment asks how the City would ensure that the habitat values in the area (i.e., the oak woodland to the south of White Rock Road) are protected and maintained given the growth inducing nature of the project.

The oak woodland located south of White Rock Road is outside of the SPA. No oak woodland habitat exists immediately south of the SPA, and the nearest stand of oak trees to the south is over 0.5 mile from the SPA's southern boundary. The nearest contiguous expanse of oak woodland habitat is over 2 miles to the south within unincorporated Sacramento County. Therefore, the project would not affect oak woodland habitat to the south of the SPA.

As discussed on page 4-74 of the DEIR/DEIS, it would be speculative to try to predict exactly where new services resulting from growth-inducing effects of the project would

be located, but the most logical assumption is that they would be located where the existing general plans currently anticipate them. The Sacramento County General Plan diagram designates the lands south of the SPA in unincorporated Sacramento County as a combination of 80-acre general agriculture lands and resource conservation areas. The general plans have already undergone environmental review and any new individual projects requiring discretionary approvals would be required to undergo their own environmental review.

ECOS-13

The comment states that the DEIR/DEIS inadequately discusses recommendations for mitigation measures and project design features to minimize significant GHG emissions and global climate change impacts under the California Environmental Quality Act.

See Master Response 3 – GHG Mitigation Measures.

ECOS-14

The comment states that although the DEIR/DEIS claims that project-related GHG impacts are significant, the analysis relies on a threshold of significance that is not supported by substantial evidence and that was determined by the Attorney General to be unable to “withstand legal scrutiny,” based on a letter from the California Attorney General to the San Joaquin Valley Air Pollution Control District (dated November 4, 2009).

See Master Response 1 – GHG Thresholds of Significance.

ECOS-15

The comment suggests that the DEIR/DEIS provides uncertain and vague GHG mitigation measures that do not conform to State CEQA Guidelines.

See Master Response 3 – GHG Mitigation Measures.

ECOS-16

The comment states that the DEIR/DEIS lacks a mitigation monitoring and reporting plan to ensure that the mitigation measures specified would be installed and verified.

There is no requirement that a mitigation monitoring and reporting plan be circulated with the DEIR/DEIS. The City will prepare such a plan as required by CEQA, consistent with PRC Section 21081.6, prior to certification of the EIR and adoption of the project. Under NEPA, the ROD must identify all practicable mitigation measures that have been adopted and must also adopt and summarize a monitoring and enforcement program where applicable (40 CFR Section 1505.2[c]). In *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332 (1989) the Supreme Court confirmed that NEPA does not require agencies to circulate a mitigation and monitoring plan in the EIS.

ECOS-17

The comment states that the methodology for determining the significance of the project’s GHG impacts is flawed because it is assumed that by being 30% below “business as usual,” the project would be an adequate solution (see page 3A.4-26 of the DEIR/DEIS). The comment further states that the DEIR/DEIS’s use of 30% below “business as usual” as a threshold is fundamentally flawed because it is not supported by substantial evidence.

See Master Response 1 – GHG Thresholds of Significance.

- ECOS-18 *The comments states that the DEIR/DEIS's use of 30% below "business as usual" as a threshold is fundamentally flawed because it disregards "multiple expert analyses" finding that far more stringent GHG thresholds are required to be effective at reducing emissions and meeting California's emission reduction objectives.*
- This comment does not specify which expert analyses of land-use-related GHG thresholds are referred to, and thus, it cannot be addressed. See also Master Response 1 – GHG Thresholds of Significance.
- ECOS-19 *The comments states that the DEIR/DEIS's use of 30% below "business as usual" as a threshold is fundamentally flawed because it allows the project applicants to meet the threshold largely through compliance with foreseeable regulations, thereby avoiding any duty to adopt feasible measures within the project applicants' control.*
- See Master Response 1 – GHG Thresholds of Significance.
- ECOS-20 *The comments states that the DEIR/DEIS's use of 30% below "business as usual" as a threshold is fundamentally flawed because it does not take into account that buildings constructed during the 19-year buildout would have an average service life of 50 years and would affect the State's GHS emissions inventory for up to 69 years.*
- As shown in Chapter 5, "Errata" of the FEIR/FEIS, Table 3A.4-1 of the DEIR/DEIS has been revised to include a calculation of cumulative emissions, although this will not affect the determination that the cumulative impact of the project on GHG emissions would be significant and unavoidable.
- Cumulative GHG emissions would be calculated in accordance with SMAQMD guidance (i.e., amortization of construction emissions, plus operational emissions for 40 years of operation assumed for new residential developments, per pages 6–8 of the SMAQMD 2009 CEQA Guidelines).
- ECOS-21 *The comments states that the DEIR/DEIS's use of 30% below "business as usual" as a threshold is fundamentally flawed because it fails to account for California's longer term emission reduction targets.*
- See Master Response 1 – GHG Thresholds of Significance.
- ECOS-22 *The comment states that the DEIR/DEIS' efficiency metric mitigation methodology is based on the unsubstantiated assumption that new development that is 30% below "business as usual" would be defensible by meeting California's near-term emissions reduction requirement.*
- See Master Response 1 – GHG Thresholds of Significance.
- ECOS-23 *The comment states that the "business as usual" concept is imported from the Scoping Plan for the Global Warming Solutions Act (Assembly Bill 32), which outlines a general strategy for California to meet the law's target of reducing GHG emissions to 1990 levels by 2020.*
- The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The comment is noted.

ECOS-24

The comment states that the Scoping Plan notes in passing that reaching this statewide goal means cutting approximately 30 % from business-as-usual emissions levels projected for 2020, and provides no further detail or analysis on the relative expected reductions from existing and new land use development to meet AB 32’s overall emission reduction objectives.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. Existing land use reductions are not the subject of the DEIR/DEIS. See also Master Response 1 – GHG Thresholds of Significance.

ECOS-25

The comment states, “To counter the 30% better than ‘business as usual’ argument and taking into account the: (1) 19 year build out period and (2) average service life of a building to be 50 years, (a) the Scoping Plan also says; ‘Getting to the 2020 goal is not the end of the State’s effort. According to climate scientists, California ... will have to cut emissions by 80 percent from today’s levels ... by 2050,’ and (b) the Bay Area Air Quality Management District (BAAQMD) encourages lead agencies to prepare similar projections for 2050 (the Executive Order S-03-05 benchmark year). As we approach the 2020 timeframe, BAAQMD will reevaluate this significance threshold to better represent progress toward 2050 goals. The Lead Agency should use the projected build-out emissions profile of the general or area plan as a benchmark to ensure that adoption of the plan would not preclude attainment of 2050 goals.”

The comment does not clearly state which plans are being referenced (i.e., the FPASP or the City of Folsom General Plan). The comment seems to suggest comparing the project’s buildout emissions (unspecified whether the emissions are pre- or post-mitigation) with the City’s General Plan to determine whether the 2050 goals would be hindered by its development. This approach would only make sense if the City had already adopted an AB 32-compliant Climate Action Plan or General Plan, which is not the case, as noted on page 3A.4-9 of the DEIR/DEIS. See also Master Response 1 – GHG Thresholds of Significance.

ECOS-26

The comment states that in direct contravention of CEQA, the discussion on page 3A.4-26 of the DEIR/DEIS simply presumes that because the Scoping Plan states that California’s overall emissions must be reduced to 30% below “business as usual” to meet the state’s target of reducing GHG emissions to 1990 levels by 2020, new development need only reduce emissions to 30% below “business as usual” to fully mitigate its impacts under CEQA.

As shown in Chapter 5, “Errata” of the FEIR/FEIS, the text on page 3A.4-26 of the DEIR/DEIS have been revised to reflect that GHG thresholds of significance would be met for each increment of new development within the project site.

ECOS-27

The comment states that as opportunities for reducing emissions from the built environment would present greater challenges, no legitimate basis exists on which to simply presume that expectations for minimizing emissions from new development, through energy efficiency, renewables, increased density, mixed-use, and siting close to transit should be equal to that of existing development, where emissions reduction opportunities are more constrained.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify

additional information needed or particular insufficiencies in the DEIR/DEIS. GHG significance thresholds for existing development are not the subject of the DEIR/DEIS. The DEIR/DEIS does not contain a statement about GHG performance standard that suggests minimizing emissions from new development is equal to minimizing emissions from existing development.

ECOS-28

The comment states that, in explaining why the 30% below “business as usual” threshold used in the DEIR/DEIS “will not withstand legal scrutiny,” the Attorney General cited the lack of evidence to directly apply a 30% economy-wide “business as usual” target to new development under CEQA, stating that, “It seems new development must be more GHG-efficient than this average, given that past and current sources of emissions, which are substantially less efficient than this average, will continue to exist and emit.”

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. GHG significance thresholds for existing development are not the subject of the DEIR/DEIS. See also Master Response 1 – GHG Thresholds of Significance.

ECOS-29

The comment states that the DEIR/DEIS disregards expert analyses of the emissions reduction expectations from new development under the Scoping Plan. “Rather than rely on the unsupported premise that a 30% below “business as usual” reduction applies to new land use development, BAAQMD conducted an extensive analysis of the “gap” between state actions to reduce emissions identified in the Scoping Plan and the need for local government to further reduce emissions from land use driven sectors.”

BAAQMD also derived GHG performance-based standards as significance thresholds for project- and plan-level development, which were both less conservative than the one used in the DEIR/DEIS (pages 3A.4-11 and -12). See also Master Response 1 – GHG Thresholds of Significance.

ECOS-30

The comment states that after a series of calculations, BAAQMD arrived at a threshold for new development of approximately 1,100 tons. “In glaring contrast, using the 30% below ‘business as usual’ standard set forth in the DEIR/DEIS, the Project and its various alternatives would still result in well over 200,000 tons of GHG pollution per year (given 291,000 tons/yr unmitigated baseline; DEIR 3A.4-17)—orders of magnitude greater than the threshold calculated by BAAQMD.”

See Master Response 1 – GHG Thresholds of Significance.

ECOS-31

The comment states that, unlike the “business as usual” approach used in the DEIR/DEIS, the BAAQMD significance threshold is supported by the Attorney General and has been adopted by other jurisdictions, including Santa Barbara County.

A GHG performance standard similar to but more restrictive than the one developed by the BAAQMD was used in the DEIR/DEIS. See Master Response 1 – GHG Thresholds of Significance.

ECOS-32

The comment states that the DEIR/DEIS improperly dismisses analyses of potential approaches to determining significance of GHG emissions by the California Air Pollution Control Officers Association (CAPCOA), which determined that reducing emissions 28-33% below “business as usual” emissions would have “low” GHG emission reduction effectiveness.

The DEIR/DEIS does not dismiss other potential approaches to determine GHG significance and makes no claim that one approach is superior to another. See Master Response 1 – GHG Thresholds of Significance.

ECOS-33

The comment states, “CAPCOA determined that even where emissions from new development are reduced by 50% below ‘business as usual’, ‘it would not be possible to reach the 2050 emissions target with this approach even if existing emissions were 100 percent controlled’. Looked at from the standpoint of net emissions, the over 200,000 tons of emissions resulting from the Project is over four times greater than the 50,000 tons of emissions threshold CAPCOA also determined had ‘low’ GHG emissions reduction effectiveness and ‘low’ consistency with state emissions reduction targets.”

The above-referenced CAPCOA document also suggests that “the 50% reduction from BAU [business as usual] by 2020 by project” threshold cited by the commenter also has low economic, technical, and logistical feasibility; low cost- effectiveness; and moderate to high uncertainty. See Master Response 1 – GHG Thresholds of Significance.

ECOS-34

The comment states that because the “determination of whether a project may have a significant effect on the environment calls for careful judgment...based to the extent possible on scientific and factual data,” the DEIR/DEIS’s reliance on unsupported assumptions in lieu of expert analyses indicating that the 30% below “business as usual” threshold does not adequately address the project’s environmental effects violates Section 15064(b) of the State CEQA Guidelines. The comment further suggests consideration of a statement from Protect the Historic Amador Waterways v. Amador Water Agency, 116 Cal. App. 4th 1099, 1109 (2004).

The DEIR/DEIS does not rely on unsupported assumptions. Furthermore, the CAPCOA document referred to by the commenter (ECOS-33) discusses, but does not develop, numerical performance standards for GHG significance thresholds. See Master Response 1 – GHG Thresholds of Significance.

ECOS-35

The comment states, “CAPCOA’s determination that the 30% below ‘business as usual’ threshold has a ‘low’ emissions reduction effectiveness is hardly surprising given that compliance with the threshold could largely be achieved merely through compliance with existing and anticipated regulatory requirements.” The comment also quotes from a letter from the California Attorney General to the San Joaquin Valley Air Pollution Control District, stating, “Indeed, the Attorney General also determined that because the ‘business as usual’ approach would award emission reduction ‘points’ for undertaking mitigation measures that are already required by local or state law,” which the comment goes on to say “would result in ‘significant lost opportunities’ to require meaningful mitigation.”

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The comment is noted.

ECOS-36 *The comment suggests that the project would inappropriately take credit for significant emission reductions through the presumed effectiveness of future statewide measures such as the renewable energy standard, improved fuel economy standard, and low carbon fuel standard. The comment further states that the heavy reliance in the DEIR/DEIS on state regulatory action to address project emissions functions to largely relieve the project applicant[s] of any independent obligation to adopt needed additional measures to further reduce project emissions.*

See Master Response 3 – GHG Mitigation Measures. Furthermore, the DEIR/DEIS includes mitigation for GHG impacts (see Mitigation Measures 3A.2-2 on page 3A.2-43, and Mitigation Measures 3A.4-2a and 3A.4-2b on pages 3A.4-26 through 3A.4-30 of the DEIR/DEIS) and does not rely solely on foreseeable future regulations to mitigate GHG emissions, although it notes that future regulations and technological improvements will enable easier achievement of the performance standard threshold of significance (see page 3A.4-30 of the DEIR).

ECOS-37 *The comment states that the outcome [carried over from comment ECOS-36] flies in the face of the findings in the Scoping Plan, which recognize that local governments “are essential partners” in achieving California’s emissions reduction goals, further highlighting the lack of legitimacy of the DEIR/DEIS’s significance criteria.*

See Master Response 3 – GHG Mitigation Measures.

ECOS-38 *The comment states that the DEIR/DEIS’s determination that reducing project GHG impacts to 30% better than “business as usual” fails because projects with high net emissions cannot legitimately benefit from the presumption that impacts become less than significant through compliance with an efficiency-based threshold.*

The DEIR/DEIS makes no presumption that the project’s GHG impacts become less than significant through compliance with an efficiency-based threshold. See Master Response 1 – GHG Thresholds of Significance.

ECOS-39 *The comment states that, absent a programmatic analysis through a climate action plan or similar document, the notion that any quantity of emissions from a project would be less than significant provided the project met certain performance criteria is not supportable.*

The DEIR/DEIS makes no presumption that the project’s GHG impacts would become less than significant through compliance with certain performance criteria. In fact, the DEIR/DEIS concludes that the impact would remain significant and unavoidable after the implementation of all feasible mitigation measures (DEIR/DEIS Impact 3A.4-1 [pages 3A.4-22 and 3A.4-23] and Impact 3A.4-2 [pages 3A.4-30]). See Master Response 1 – GHG Thresholds of Significance.

ECOS-40 *The comment states that, depending on community needs, a large project resulting in significant GHG emissions, though efficient on a per capita basis, might undermine community-wide emission reduction objectives.*

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The comment is noted.

ECOS-41

The comment states that were a large project consistent with a qualified climate action plan as described under Section 15183.5 of the State CEQA Guidelines, “it could tier off this document and determine its GHG impacts are less than significant. However, because GHG emissions must be significantly reduced from existing levels to reduce the risk of severe climate impacts, there is no scientific basis to conclude that large new sources of emissions, when viewed in isolation without the support of a programmatic document, are not cumulatively considerable.” The comment concludes by referring to the Attorney General’s determination that was quoted to state: “It appears that any project employing certain, as of yet unidentified, mitigation measures would be considered to not be significant, regardless of the project’s total GHG emissions, which could be very large. For instance, under the Air District’s proposal, it would appear that even a new development on the scale of a small city would be considered to not have a significant GHG impact and would not have to undertake further mitigation, provided it employs the specified energy efficiency and transportation measures. This would be true even if the new development emitted hundreds of thousands of tons of GHG each year, and even though other feasible measures might exist to reduce those impacts. The Staff Report has not supplied scientific or quantitative support for the conclusion that such a large-emitting project, even if it earned 30 ‘points’, would not have a significant effect on the environment.”

The comment is not relevant to the DEIR/DEIS because the DEIR/DEIS contains a numeric, performance-based GHG threshold and makes no presumption that the project’s GHG impacts would become less than significant after mitigation. BAAQMD offers several options for project- and planning-level thresholds of significance, including compliance with a qualified climate action plan, performance metrics, or “bright line” thresholds. See also Master Response 1 – GHG Thresholds of Significance and Master Response 3 – GHG Mitigation Measures.

ECOS-42

The comment states that SCAQMD [South Coast Air Quality Management District] stated in its latest proposal that a project cannot use an efficiency-based metric if its net emissions exceed 25,000 tons. The comment also states “Here, the over 291,000 tons of emissions resulting from the Project exceed this amount by a factor of 11. Accordingly, absent a programmatic analysis, there is no legitimate basis upon which to conclude that being 30% better than business as usual will meet community wide efforts.”

SMAQMD (which is the air district with jurisdiction over the SPA) has not adopted significance thresholds for GHGs. Furthermore, the City of Folsom does not have a climate action plan, GHG inventory, or climate policies in its General Plan on which to base a programmatic GHG analysis. See Master Response 1 – GHG Thresholds of Significance.

ECOS-43

The comment states that because of the extended duration of the project buildout (19 years) and average service life of buildings (approximately 50 years), the DEIR/DEIS’s significance criteria improperly disregards California’s longer range emissions reduction commitments. The comment references that through AB 32 and Executive Order S-3-05, California is committed to reducing GHG emissions to 1990 levels by 2020 and to 80% below 1990 levels by 2050. The comment further states that this long-term target was not developed by the State in a vacuum but was arrived at through review of scientific evidence, an overwhelming amount determined the target to be appropriate and not speculative.

See Master Response 2 – Post-2020 GHG Significance Thresholds. See also response to comment ECOS-20.

ECOS-44

The comment [continued from comment ECOS-43] states that this emissions reduction “trajectory” is consistent with the underlying environmental objective of stabilizing atmospheric concentrations of GHGs at a level that will substantially reduce the risk of dangerous climate change. “Because the Project anticipates build out over a number of years, and because the service lives of the buildings is so long, the DEIR’s exclusive and myopic focus on interim 2020 emissions reduction objectives fails to account for scientific evidence on needed additional emissions reductions beyond the 2020 timeframe. Guidelines §15064(b); Scoping Plan at 118 (calling for additional emissions reductions of approximately 5% per year between 2020 and 2030).”

See Master Response 2 – Post-2020 GHG Significance Thresholds. Furthermore, the Scoping Plan (on page 117) states, “While measures needed to meet the 2050 goal are too far in the future to define in detail, we can examine the policies needed to keep us on track through at least 2030.” Hence, the State of California’s own climate action plan (the “Scoping Plan”) does not lay out specific, post-2020 measures to meet longer-term climate targets.

ECOS-45

The comment states that, in lieu of an unsupported approach to determining significance, the DEIR/DEIS could have applied a zero- or 900-ton threshold, which CAPCOA determined had “high” effectiveness at reducing GHG emissions and “high” consistency with California’s short and longer term emissions reduction targets. “Like the County of Santa Barbara, the DEIR could also import the thresholds adopted by BAAQMD, which the Attorney General concluded were defensible, unlike those used in the DEIR.”

The thresholds singled out by the commenter in the CAPCOA document also have low to moderate economic, technical, and logistical feasibilities, as well as low to moderate cost-effectiveness and moderate to high uncertainties. The approach used in the DEIR/DEIS was similar to, and more stringent than, the approach used by BAAQMD in terms of development of a GHG performance metric. See Master Response 1 – GHG Thresholds of Significance.

ECOS-46

The comment states that by claiming the project would only need to reduce its GHG pollution to approximately 200,000 tons, the DEIR/DEIS misleads decision makers and the public on the significance of project impacts and improperly limits its obligation to consider meaningful mitigation and alternatives to reduce project emissions.

The DEIR/DEIS makes no presumption that the project’s GHG impacts would become less than significant after mitigation. See Master Response 1 – GHG Thresholds of Significance and Master Response 3 – GHG Mitigation Measures.

ECOS-47

The comment describes Public Resource Code sections, State CEQA Guidelines CCR Sections, and case law regarding the requirement that mitigation measures included in a DEIR must be effective in reducing the identified impact and must be enforceable.

The comment correctly summarizes requirements regarding mitigation measures.

ECOS-48 *The comment states, “Florin Vineyard Gap Community Plan in Sacramento County included a climate action plan that claimed 42% CO₂ mitigation, yet the plan was unmeasurable and unenforceable. The comment also includes an Attachment A that was provided to the County as an example of what a measurable and enforceable climate action plan might look like.”*

The comment is directed towards a hypothetical climate action plan, which was provided to the County (not the City, as CEQA lead agency for this project), and which does not pertain to the analysis contained in the DEIR/DEIS. No response is required.

ECOS-49 *The comment states that measurable (although not enforceable as written) mitigation measures also are provided in BAAQMD CEQA Air Quality Guidelines, June 2010, starting on page 4-13.*

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The comment is noted.

ECOS-50 *The comment states, “The DEIR/DEIS’s conclusion is that the baseline efficiency for the project is 7.8 metric tons per year per service population (MT/yr-SP) (DEIR 3A.4-17) and that projects that are constructed by 2020 must achieve an efficiency metric of 4.4 MT/yr-SP and that projects completed by 2030 must achieve an efficiency metric of 3.7 MT/yr-SP (DEIR 3A.4-11). Although the efficiency metric is fundamentally flawed per previous discussion, the DEIR/DEIS also states that the metric will be achieved through an as yet unknown combination of State regulation and project design (DEIR 3A.4-26).”*

The project’s efficiency metric is addressed in Master Response 1 – GHG Thresholds of Significance.

ECOS-51 *The comment states that many of the mitigation measures and project design features outlined in the DEIR/DEIS might not be effective at avoiding significant GHG emissions because they would be dependent on the successful implementation of uncertain regulatory schemes.*

See Master Response 3 – GHG Mitigation Measures.

ECOS-52 *The comment [continued from comment ECOS-51] states that despite these significant uncertainties, the DEIR/DEIS fails to include a mitigation monitoring and reporting program to ensure that impacts would be fully mitigated if the DEIR/DEIS assumptions were not realized.*

CEQA does not require that a mitigation monitoring and reporting program be circulated for public review with the DEIR/DEIS. The City will prepare a mitigation monitoring and reporting program, consistent with PRC Section 21081.6, prior to certification of the EIR and adoption of the project.

ECOS-53

The comment states that on page 3A.4-25 of the DEIR/DEIS, the discussion incorrectly asserts the CALGreen Code will improve energy efficiency. The comment states that the baseline for the CALGreen Code is to simply meet Title 24 requirements, and that Tier 1 and Tier 2, which are voluntary, will beat Title 24 by 15% and 30% respectively. The comment further states that, although not stated, Title 24 is updated every 3 years and generally efficiency is improved with each release.

As shown in Chapter 5, “Errata” of the FEIR/FEIS, the text on page 3A.4-25 of the DEIR/DEIS has been revised to reflect that the CALGreen Code will not be more efficient than Title 24.

ECOS-54

The comment states that at worst, all projects tiered under the DEIR/DEIS would have to reduce GHG emissions by 45% (4.36/7.8) or 55% (3.68/7.8) and, under the best of circumstances, each project would have to mitigate 100% of emissions. “... [It] would seem reasonable that a list of mandatory measures should be included in DEIR/DEIS, not simply a listing of potential measures (DEIR 3A.4-27).”

Potential measures have been included to allow for future technological innovations and regulations, instead of locking in current standards and conditions that might be obsolete and/or potentially less effective than those available 20 years from now. The feasibility of mitigation measures is likely to change as well, which could enable future incorporation of emerging technologies into building designs (i.e., distributed electricity generation using hydrogen fuel cells, which is currently infeasible). The mitigation measures include performance standards as required by CEQA. See Master Response 3 – GHG Mitigation Measures.

ECOS-55

The comment [continued from ECOS-54] suggests mitigation measures that should be listed as mandatory, not potential, using a list of examples for project construction.

This comment provides suggestions for mitigation measures that are similar to those already listed in the DEIR/DEIS; in fact, some of the measures contained in the DEIR/DEIS go beyond those suggested by ECOS (i.e., inclusion of clean alternative energy features to promote energy self-sufficiency such as photovoltaic cells, solar thermal electricity systems, small wind turbines; California Energy Commission Tier 2 energy efficiency in buildings; cool pavements; reclaimed water use; provision of the facilities and infrastructure in all land use types to encourage the use of low- or zero-emission vehicles; etc.). Therefore, the list of mitigation measures suggested by the commenter would not result in any further reduction of impacts beyond what would already be achieved by the existing mitigation measures and, in some cases, would achieve a lesser level of reduction. The list of measures contained in the DEIR/DEIS, coupled with performance standards (which could change as the regulatory environment evolves and significance thresholds are developed by SMAQMD) as already contained in the DEIR/DEIS allows the City and future project applicants to implement future technological innovations and regulations, instead of locking in current standards and conditions that might be obsolete and/or potentially less effective than those available 20 years from now. See Master Response 3 – GHG Mitigation Measures.

ECOS-56 *The comment states that the majority of the measures to mitigate project impacts would hinge on anticipated statewide regulatory action that has yet to be realized, including California’s “Clean Car Standards” bill, Assembly Bill No. 1493, also known as the “Pavley rule” and the low carbon fuel standard.*

The mitigation measures specified in the DEIR/DEIS would not hinge on anticipated statewide reductions; however, the amount of GHG reductions that are realized in the future as well as any future adopted GHG thresholds and regulatory requirements would influence which types of mitigation measures were feasible and necessary, so that each increment of development would meet, at a minimum, the performance standards specified in the DEIR/DEIS. See Master Response 3 – GHG Mitigation Measures.

ECOS-57 *The comment states that although considerable uncertainty exists as to whether some or all of the measures would be fully realized, the DEIR/DEIS both fails to acknowledge this uncertainty and to set forth an alternative means to mitigate project impacts should these statewide measures fail to be fully implemented.*

See response to comment ECOS-56. Alternative mitigation measures are not necessary; if the Pavley rule or another statewide Scoping Plan mitigation measure fails, the project would still have to meet the specified GHG performance standard (or whatever GHG threshold is required in the future regulatory environment) using measures that were feasible at the time of each increment of development. While examples of potentially feasible measures were provided in the proposed mitigation, the measure states that the list is not intended to be exclusive or exhaustive.

ECOS-58 *The comment [continued from comment ECOS-57] states that accordingly, the DEIR/DEIS cannot legitimately conclude that the project would comply with a flawed efficiency metric.*

See Master Response 1 – GHG Thresholds of Significance.

ECOS-59 *The comment states that the DEIR/DEIS relies heavily on the background regulatory scheme of AB 32, as well as its corresponding Scoping Plan adopted by California Air Resources Board (ARB) in December 2008, which includes a range of GHG emission reductions strategies that California will use to implement AB 32. “However, the DEIR/DEIS fails to mention Proposition 23, a recently qualified ballot initiative for the upcoming November 2011 election that would suspend AB 32 until California’s unemployment rate drops to or below 5.5 percent for a full year.”*

Proposition 23 was not in existence at the time the DEIR/DEIS was written. Furthermore, it was not passed by California voters on Election Day, November 2, 2010.

ECOS-60 *The comment states that California has only experienced an unemployment rate of or below 5.5% three times in the past three decades. “Especially given the current economic recession, if Proposition 23 passes, California’s implementation of AB 32 and the GHG reduction strategies outlined in the Scoping Plan will halt for an indefinite, but probably lengthy period.”*

Proposition 23 was not in existence at the time the DEIR/DEIS was written; furthermore, it was not passed by California voters on Election Day, November 2, 2010.

ECOS-61 *The comment states that it is quite possible that Proposition 23 will pass, and implementation of AB 32 will grind to a halt. “Consequently, the DEIR’s references to AB 32-related measures to avoid GHG emissions, such as the low carbon fuel standard, cap-and-trade programs, clean car standards, expansion of California’s RPS, and improved energy efficiency standards, could be moot.”*

Proposition 23 was not passed by California voters on Election Day, November 2, 2010.

ECOS-62 *The comment [continued from comment ECOS-61] states that, to the extent that the DEIR/DEIS mitigation measures and project design features are contingent on implementation of Assembly Bill 32 and the Scoping Plan, it is inappropriate to rely on these measures to claim project threshold would be met.*

See Master Response 3 – GHG Mitigation Measures.

ECOS-63 *The comment states that the DEIR/DEIS’ mobile source emissions calculations rely on California’s regulations under Assembly Bill No. 1493, the “Clean Car Standards” bill, also known as the Pavley rule (see Appendix C of the DEIR/DEIS), the goal of which is to reduce emissions from passenger vehicles by 30% by 2016.*

The mobile source emissions calculations in the DEIR/DEIS, as prepared in the spring of 2010, do not include the Pavley rule GHG reductions (mobile source GHG emissions were calculated using URBEMIS, as stated on page 3A.4-13 of the DEIR/DEIS), although it currently (spring of 2011) is standard practice to subtract estimated GHG reductions using both the Pavley rule and low carbon fuel standard when estimating mobile source emissions from projects and plans (including climate action plans). See Master Response 3 – GHG Mitigation Measures. The City notes that many of the comments in the letter submitted by ECOS appear to have been copied and pasted verbatim from a letter that was apparently submitted by ECOS on a completely different project, since they do not apply to the Folsom South of U.S. 50 Specific Plan project.

ECOS-64 *The comment states that at least 17 petitions challenging the Endangerment Finding have been filed in the U.S. District Court for the District of Columbia, by Texas, Virginia, and multiple extractive industries trade groups, among others. “Challenges to the endangerment finding have been consolidated into Coalition for Responsible Regulation, Inc. v. EPA (D.D.C., Dec. 23, 2009, No. 09-1322).”*

The EPA denied 10 of the petitions challenging the Endangerment Finding on July 29, 2010 (see <http://www.epa.gov/climatechange/endangerment/petitions.html>). Furthermore, according to ARB’s initial statement of reasons for the new passenger vehicle GHG standards (September 7, 2009, available at <http://www.arb.ca.gov/regact/2009/ghgpv09/ghgpvisor.pdf>): “Since Board approval in 2004, motor vehicle manufacturers and their trade associations have challenged the Pavley regulations in numerous Federal and state court proceedings and have opposed California’s request to (U.S. EPA) for a required waiver of preemption under the Federal Clean Air Act to allow California to enforce its adopted standards... On May 19, 2009, challenging parties, automakers, California, and the Federal government reached agreement on a series of actions that would resolve these current and potential future disputes over the standards through model year 2016.”

ECOS-65

The comment [continued from comment ECOS-64], states that in addition, at least two petitions have been filed in the U.S. Court of Appeals for the District of Columbia Circuit, challenging the U.S. Environmental Protection Agency's decision to regulate mobile source emissions on a level equivalent with the Pavley rule. "See Coal. for Responsible Regulation v. EPA (D.C. Cir., May 7, 2010, No. 10-1092); Southeastern Legal Foundation v. EPA (D.C. Cir., May 11, 2010, No. 10-1094). On top of all of the lawsuits against EPA, there are at least three outstanding lawsuits challenging the Pavley rule, itself or other states' adoptions of the Pavley rule. See Green Mountain Chrysler-Plymouth-Dodge v. Crombie (2nd Cir, No. 07-4342); Central Valley Chrysler-Jeep v. Goldstene (9th Cir., Oct. 30, 2008, No. 08-17378); Zangara Dodge, Inc. v. Curry (D.N.M., Dec. 27, 2007, No. 07-01305). The DEIR fails to mention any of these legal challenges."

See response to comment ECOS-64.

ECOS-66

The comment [continued from comment ECOS-65] states that considering the (above) ongoing challenges, all of which draw into question the legal adequacy of the Pavley rule, it is certainly inappropriate for the DEIR/DEIS to rely on the Pavley rule regulations in its mobile source emissions calculations. The comment states it is quite possible that the Pavley rule will be invalidated. The comment suggests that, accordingly, the DEIR/DEIS cannot conclude that the project would have no significant environmental impacts based partially on an over-optimistic assumption that the Pavley rule would be in effect to reduce passenger vehicle emissions.

As stated in response to comment ECOS-63, the analysis contained in the DEIR/DEIS does not rely on the Pavley rule. Furthermore, the DEIR/DEIS does not conclude that the project would have no significant environmental impacts or that they could be fully mitigated to a less-than-significant level.

The comment further states that, in concluding that the project as designed and mitigated would meet a flawed threshold, the DEIR/DEIS relies on the implementation of the low carbon fuel standard, which aims to reduce the carbon intensity of California's transportation fuels by 10% by 2020 (page 3A.4-6 of the DEIR/DEIS). "Yet, the legality of the low carbon fuel standard is currently being challenged in National Petrochemical and Refiners Association v. Goldstene (E.D.Cal. June 16, 2010). Indeed, a Federal court recently denied California's motion to dismiss the lawsuit, indicating that the court is willing to entertain challengers' claims. If challengers are successful, the court will find that California does not have authority to regulate fuels."

This comment references page 3A.4-6 in the DEIR/DEIS; however, that page does not contain a reference to the low carbon fuel standard program. The DEIR/DEIS did not utilize reductions associated with the low carbon fuel standard in the calculation of operational GHG emissions; it was not used in the derivation of the performance standard or specified as a mitigation measure, and absence of the low carbon fuel standard would not change reported operational GHG emissions, mitigation measures, or significance of impacts contained in the DEIR/DEIS).

- ECOS-67 *The comment states that the low carbon fuel standard possibly will not be in operation during the life of the project. The comment further states that the absence of the low carbon fuel standard would significantly increase project impacts because, as the DEIR/DEIS acknowledges, on-road transportation emissions composed 41.1% of Folsom’s GHG emissions (page 3A.4-3 of the DEIR/DEIS).*
- See response to comment ECOS-66.
- ECOS-68 *The comment states that “the agency” should not conclude that the project would have no significant environmental impacts, based partially on an assumption that the low carbon fuel standard would be in effect.*
- See response to comment ECOS-66.
- ECOS-69 *The comment states that the improper DEIR/DEIS threshold of significance coupled with uncertain and vague mitigation measures amount to an improper end-run around CEQA’s requirement to adopt all feasible mitigation and alternatives.*
- See Master Response 1 – GHG Thresholds of Significance and Master Response 3 – GHG Mitigation Measures, respectively. See also responses to comments ECOS-54 and ECOS-55.
- ECOS-70 *The comment states, that the DEIR/DEIS fails to adopt meaningful measures that would reduce project impacts, including increased density, increased use of on-site renewable energy, and an alternate location closer to transit.*
- Some of the measures suggested in the comment are already incorporated into the site design and the air quality management plan (AQMP). The AQMP (Mitigation Measure 3A.2-2, page 3A.2-43 of the DEIR/DEIS and attached to the DEIR/DEIS as Appendix C2) includes a 20-point public transit mitigation measure (i.e., “Transit Corridor”) as well as 28 points of additional transportation and other mitigation measures. Mitigation Measures 3A.4-2a and 3A.4-2b on pages 3A.4-26 to 3A.4-29 of the DEIR/DEIS include on-site renewable energy measures (photovoltaic cells, solar thermal electricity systems, small wind turbines); building, water, waste, and transportation efficiency measures; and sequestration. The feasibility of increased density has already been analyzed in the DEIR/DEIS as part of the Increased Density Alternative. Moving the project to an alternate location would not be consistent with Measure W or the LAFCo MOU as stated in the project purpose and need (see DEIR/DEIS Chapter 1, “Introduction” page 1-6). See also Master Response 3 – GHG Mitigation Measures and responses to comments ECOS-54 and ECOS-55. In addition, USACE determined that there were no alternate locations for the project that are available and would meet the purpose and need of the project.
- ECOS-71 *The comment references an attachment from the Florin-Vineyard project, intended to provide an example of what might be used as a measurable and enforceable plan. The comment also references measurable (although not enforceable as written) mitigation measures, provided in the BAAQMD CEQA Air Quality Guidelines (June 2010), beginning on page 4-13.*
- The GHG mitigation plan attached by the commenter has been reviewed. The mitigation plan ECOS cites (and attached to its comments) was a generic climate action mitigation plan supplement (CAMPS) for Florin-Vineyard, and appeared to be for a single (i.e. proposed project) alternative, meaning that multiple alternatives were not analyzed. The CAMPS was generic, and utilized a benchmark approach with no quantification of GHG

reductions. The CAMPS also made numerous assumptions about the quality of the future development (i.e. number of jobs provided close to residences, how much the jobs paid, how much the average mortgages were in the community, etc.). Furthermore, the plan attached by the commenter specifies various development suggestions by percentage of project covered, but the plan does not quantify GHG reductions; thus, whether the GHG mitigation plan would result in impacts that would be less than significant is unknown. When the Folsom DEIR/DEIS was prepared, neither CAPCOA's "Quantifying Greenhouse Gas Mitigation Measures" document nor the updated BAAQMD CEQA Air Quality Guidelines had been published.

ECOS-72

The comment [continued from comment ECOS-71] states that once all feasible on-site measures have been utilized, off-site measures to be adopted would include energy efficient retrofits of existing structures and SCAQMD's [South Coast Air Quality Management District] -adopted protocols for replacement of inefficient boilers.

The SPA would not contain any currently existing structures at buildout, and therefore the comment regarding replacement of inefficient boilers is irrelevant. Furthermore, the DEIR/DEIS was written before the SCAQMD boiler protocol was published.

ECOS-73

The comment references BAAQMD CEQA Air Quality Guidelines, page D-15, which indicate that on-site operational mitigation is difficult beyond 30%. The comment suggests that the DEIR/DEIS should include a statement that off-site mitigation must comply with the ARB Cap and Trade regulations and perhaps future SMAQMD Indirect Source Rule guidelines.

The City and USACE believe that inclusion of the commenter's suggested statement in the DEIR/DEIS is unnecessary; the project would be subject to all applicable local, state, and Federal laws and regulations (such as CARB Cap and Trade regulations and future SMAQMD Indirect Source Rule guidelines).

ECOS-74

The comment suggests that for off-site operational mitigation, to require the vintage of the CO₂ emissions reduction to be newer than or equal to the actual time of the emission; front loading of emissions reductions would be acceptable, back loading would not be acceptable. The comment states that, for example, if a project emitted 1,000 tons per year for 50 years, then it would be: okay to purchase 50,000 tons of emissions in year 1; okay to purchase 1,000 tons per year for 50 years; but NOT okay to purchase 50,000 tons of offsets in year 50 (equivalent to a financial "balloon" payment).

The discussion on page 3A.4-30 of the DEIR/DEIS states that operational GHG emissions associated with the off-site elements would be less than significant; therefore, no mitigation measures are required.

ECOS-75

The comment suggests that Mitigation Measure 3A.4-2a (on page 3A.4-26 of the DEIR/DEIS) should provide a mitigation monitoring and reporting plan. The comment also suggests reviewing the Florin-Vineyard Gap checklist for sample of what could be used to develop the plan.

There is no need for a mitigation measure that requires preparation of a mitigation monitoring and reporting plan, because preparation of such a plan is already required by PRC Section 21081.6. See response to comment ECOS-16.

ECOS-76 through
ECOS-78

The comments reference the summary discussion on page ES-112 of the DEIR/DEIS and state that the No Project, No USACE Permit, and Resource Impact Minimization alternatives are inconsistent with the SACOG Preferred Blueprint Scenario (Blueprint), but no mitigation is proposed despite significant and unavoidable impacts. The comments further state that none of the project alternatives are fully compatible with the Blueprint and additional mitigation is required.

As discussed on page 3A.10-9 of the DEIR/DEIS, the Blueprint is an advisory document and provides policy guidance for jurisdictions throughout the Sacramento region. However, SACOG has no land use authority and, therefore, would have no jurisdiction over the project. In Appendix G of the State CEQA Guidelines, the Land Use and Planning threshold IX(b) pertains to “conflict with any applicable land use plan, policy, or regulation with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.” SACOG would have no jurisdiction over the project, and the Blueprint does not qualify as a plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect under the criteria of Appendix G, Land Use and Planning Threshold IX(b). See also 40 CFR Section 1502.16(c). Although an evaluation of the project’s (and alternatives’) consistency with the Blueprint was provided on page 3A.10-30 of the DEIR/DEIS, it is contained in the “Introduction to the Analysis” subsection since no significance conclusion was provided and no mitigation was proposed because this evaluation is not an impact analysis, and therefore inconsistency with the Blueprint is not a significant impact and no mitigation is required. Therefore, no changes to the DEIR/DEIS are necessary.

ECOS-79 through
ECOS-82

The comments state that the Blueprint envisions approximately 12,000 residential units and an additional 7,500 jobs in the SPA, and that none of the project alternatives meet these targets. Because none of the project alternatives would include 12,000 residential units, the comment states that none of the alternatives are consistent with the SACOG Blueprint. The comments state that the DEIR/DEIS must use a consistent criteria and reasoning in evaluating all of the alternatives for consistency with the Blueprint.

See responses to comments ECOS-76 to ECOS-78.

ECOS-83 through
ECOS-85

The comments state that the Blueprint is a plan which should be analyzed under Appendix G threshold IX(b) of the State CEQA Guidelines, and that the project must contain measures to ensure that the actual yield of dwelling units meets the number of units expected in the Blueprint. The comments suggest that because the Specific Plan would limit the total number of units in the SPA to below the Blueprint targets, additional mitigation should be undertaken to minimize further regional expansion resulting from insufficient density in the SPA.

See responses to comments ECOS-76 to ECOS-78.

ECOS-86 through
ECOS-87

The comments state that the project includes a relatively small area proposed for multifamily development, and that in order to assure that the project adequately addresses the Blueprint concerns, it is critical that these areas be built at an adequate density. The comments suggest that the DEIR/DEIS should include a mitigation measure requiring a minimum density in multifamily-designated areas.

See responses to comments ECOS-76 to ECOS-78.

ECOS-88

The comment states that all of the City of Folsom's housing needs, as projected by SACOG's Regional Housing Needs Plan, could be met under any of the project alternatives, including the No Project alternative. The comment further states that under none of the alternatives would the City meet low income housing needs, and the comment asks how this would be addressed by the City.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The City's housing needs could not be met under the No Project Alternative, because no new housing within the City of Folsom would be constructed. Furthermore, the City believes that it could accommodate its Regional Housing Needs Allocation, including low income housing allocation, under all five of the action alternatives evaluated in the DEIR/DEIS.

Pursuant to State law, SACOG is the regional agency responsible for defining the fair share allocation of affordable housing among the various cities in its jurisdiction, including Folsom, in a document identified as the "Regional Housing Needs Plan." The City must have an adequate area of land zoned for 20+ units to the acre to accommodate the number of units allocated to the City for low, very low, and extremely low income housing. All five action alternatives designate sufficient land for higher-density (20+ units per acre) residential use to allow the City to comply with this requirement. The 2009 City of Folsom Housing Element adopted several programs to ensure the production of affordable housing (e.g., extremely low, very low, and low-income housing), all of which apply to the SPA (see DEIR/DEIS Appendix N). Program 18d requires the creation of a mixed use overlay zone within one-quarter mile of transit stops, which is proposed in the FPASP. Program 18j requires that the City amend the General Plan to increase the maximum density for the Multifamily Medium Density land use designation from 17.9 to 20 units per acre, and also increase the Multifamily High Density land use designation from 25 to 30 units per acre. In the proposed General Plan amendments associated with adoption of the FPASP, the City requires that residential density ranges incorporate minimum densities at the bottom of each density range as mandatory minimums. Chapter 5, "Housing Strategies," of the FPASP recognizes the City's Inclusionary Housing Ordinance, setting forth proactive measures for the acquisition of land by the City for affordable housing and identifying several funding mechanisms to enable the production of affordable housing.

ECOS-89

The comment asks how the City will address the lack of low-income housing necessary to meet its Regional Housing Needs Allocation.

See response to comment ECOS-88.

ECOS-90

The comment states that the City cannot meet the needs for very low or low-income housing with the current built and planned projects and potential housing units in the existing city limits.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The City currently imposes the Inclusionary Zoning Ordinance (FMC 17.104) for all residential projects of 10 or more units proposed within city limits. This requires that 10% of the units be affordable to very low-income families and 5% be affordable to low-income families. In addition to this ordinance, the City collects \$1.20 per square foot for all new commercial building projects, garnered for its Housing Trust Fund, to be used exclusively for below-market-rate housing. The City is actively involved with two projects and over 100 new dwelling units, slated to be affordable to low and very low-income families. The City is proactive within the bounds of its financial resources to produce affordable housing. Very few cities or counties in California can meet all the affordable housing needs within their jurisdictions; however, the level of effort by the City of Folsom is considerable in comparison. Furthermore, as described in the response to comment ECOS-88, sufficient land is designated at a 20+ unit per acre density in the Proposed Project and the other four action alternatives to accommodate the City's RHNA obligation for lower income units.

ECOS-91

The comment states that the City will have an oversupply of moderate and above-moderate housing units and should address imbalance.

See response to comment ECOS-90. Furthermore, the balance or imbalance of housing units does not constitute a physical impact on the environment, and therefore does not require a significance determination under CEQA. (See Chapter 4, "Other Statutory Requirements," pages 4-55 through 4-56 of the DEIR/DEIS for a general discussion of the project's projected jobs-housing balance.)

ECOS-92

The comment states that in general, more centralized and denser development alternatives are better for housing and reducing impacts to infrastructure, land, water, and air.

The comment does not identify any specific impact that would be reduced by denser development, nor does the comment propose denser development as a mechanism to mitigate a particular impact. Therefore, no response to this comment is required, and no edits to the DEIR/DEIS are necessary.

ECOS-93 through
ECOS-95

The comments state that more commercial development, included in all of the project alternatives, would tend to attract low-wage workers, who would need to have work nearby to reduce GHG emissions. The comments further state that more affordable housing should be included in the plan to address this.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The SPA includes a mix of development types, such as commercial and mixed-use designations, office parks, and a wide range of residential densities. The SPA also includes a substantial area of higher density residential designations (20 units per acre and higher),

suitable for provision of housing affordable to all income levels. No revisions to the DEIR/DEIS are required. See also responses to comments ECOS-88 and ECOS-89.

ECOS-96

The comment states that the City's preferred plan to serve the SPA is to seek an assignment of 8,000 AFY of NCMWC/ Reclamation settlement-contract water and have the Sacramento County/East Bay Municipal Utility District's (EBMUD) Freeport Project divert and deliver it to project pipelines. The comment also references the DEIR/DEIS identification of potential alternative supply options such as Sacramento County central groundwater subbasin extractions, long-term purchase and transfer from senior Sacramento Valley water-right holders, and water conservation within the City.

The City is proposing to purchase capacity from SCWA's allocated capacity within the Freeport Project. The comment restates text that is already contained in Chapter 2, "Alternatives" of the DEIR/DEIS; the comment is noted.

ECOS-97

The comment states that, consistent with the City's commitments in the WFA of 2000, the project's water supply would not be supplied from new diversions from Folsom Lake or Lake Natoma. The comment also states that the WFA did not include water service to the SPA, as recognized in the City's purveyor specific agreement. The comment further states that WFA signatories are free to support or oppose water supply facilities that serve the area as well as to support or oppose land use decisions to develop the area.

The comment is correct that the project's proposed water supplies would not involve a diversion from Folsom Lake or Lake Natoma. The City considered supplies from the American River in its overall evaluation of water supplies for the SPA; however, these sources were not carried forward for further analysis under CEQA and NEPA (see pages 2-97 through 2-100 of the DEIR/DEIS).

ECOS-98

The comment states that NCMWC has executed an agreement with the project proponents to assign up to 8,000 AFY of its "summer-delivery water" to the City, consistent with Section 3(e) of its 2005 Reclamation renewal contract.

The comment restates text that is already contained in Chapter 2, "Alternatives" of the DEIR/DEIS; the comment is noted. For clarification purposes, it is important to note that the City is proposing the assignment of "Project" water supplies under NCMWC's settlement contract and not "Base" supply. See also Master Response 13 – Relationship of the Water Component of the Project to the Natomas Central Mutual Water Company and the U.S. Bureau of Reclamation.

ECOS-99

The comment states that the source water for the project is settlement-contract water made available to NCMWC to settle water right disputes with Reclamation that arose around the construction of Shasta Dam concerning NCMWC's water right licenses and permit, confined to NCMWC's "place of use" as shown in Exhibit B of the contract.

NCMWC's existing water right permits and licenses are identified on page 2-81 and Table 3A.18-1 of the DEIR/DEIS. The comment restates text that is already contained in Chapter 2, "Alternatives" of the DEIR/DEIS; no further response is required.

ECOS-100

The comment states that the City is a CVP contractor and is within Reclamation's consolidated place of use under the California's water rights system.

The comment is generally consistent with the description that is already provided in the first paragraph on page 2-81 of the DEIR/DEIS; the comment is noted.

ECOS-101 *The comment states that the assignment of NCMWC settlement-contract water to the City might not require review by the State Water Resources Control Board (SWRCB).*

The City is currently a CVP contractor. The SPA is within the place of use under Reclamation's state-issued water-right permits. For this reason, the City does not contemplate SWRCB action in conjunction with the proposed water assignment.

ECOS-102 *The comment notes that the proposed water assignment will require consent from the Reclamation contracting officer (Settlement contract Section 3[e] 7[e]) and that this section also requires that "consent will not be unreasonably withheld and a decision will be rendered in a timely manner."*

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The comment is noted.

ECOS-103 *The comment states the DEIR/DEIS' purported recognition that, presumably with the construction of the Freeport Project and the SPA project, deliveries from NCMWC would be reasonably certain. The comment also states that no similar reasonable certainty exists from a legal and regulatory standpoint because additional actions by Reclamation and SCWA would be necessary (referencing page 3A.18-4 of the DEIR/DEIS).*

The comment incorrectly characterizes the assigned water as being delivered to the City from NCMWC. The project would involve the City purchasing the assigned water supply from NCMWC's settlement contract with Reclamation. Because subsequent approvals would be required from Reclamation for the water assignment and from SCWA for use for the Freeport Project, outside USACE's and the City's discretion, Section 3A.18.5 on page 3A.18-23 of the DEIR/DEIS evaluates other water supply options to satisfy the requirements of CEQA in response to the case of *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova*, 40 Cal. 4th 412 (2007).

ECOS-104 *The comment states that the project's water supply would be based on a determination that the assigned water was in surplus to NCMWC's expected demand, because of (1) demand-reducing recirculation systems, (2) changing cropping patterns, (3) less land in production, or (4) the related reduction in the lands served by NCMWC because the lands would be urbanized and water service would be provided by others, primarily the City of Sacramento.*

The comment is generally accurate in terms of the multiple reasons that would enable NCMWC to permanently assign up to 8,000 AFY of water to the City without resulting in corresponding decreases in agricultural production, including rice, within NCMWC's service area. USACE and the City note, however, that the impact determinations discussed in the DEIR/DEIS are supported by the findings of the 2007 Wagner and Bonsignore evaluation, provided in Appendix M2 of the DEIR/DEIS. These findings indicate that, following the proposed assignment, NCMWC would be capable of serving both 2004 and 2007 cropping patterns with its remaining contract supplies without the need for supplemental groundwater pumping.

Further, even if urbanization continues within NCMWC's service area into the future, no net increase in total water usage beyond NCMWC's total settlement contract amount of 120,200 AFY is expected. Rather, given current building code standards (e.g., CalGreen) and water conservation requirements for new development (e.g., California Urban Water

Conservation BMPs), urban growth within the Natomas Basin would likely have a reduced water demand on a per acre basis when compared to current agricultural uses within NCMWC's service area. Additionally, the Natomas Joint Vision MOU signed by the City of Sacramento and Sacramento County encourages a 1:1 ratio of open space to development; thereby potentially further limiting total urban water use.

As shown in Chapter 5, "Errata" of this FEIR/FEIS, the discussion under the "Water Supply" heading on page 4-59 of the DEIR/DEIS has been modified to expand on the City's reasoning for concluding a less-than-significant impact for water use within the NCMWC service area.

ECOS-105

The comment states that, in the absence of an assignment to the City where the water would be consumptively used, the proposed water supply is not currently being diverted by NCMWC and, therefore, is used by Reclamation for other CVP uses, including environmental purposes. The comment further states that, with the assignment, the proposed water supply would be used consumptively (other than return flows to the regional treatment plant) to supply the City.

See Master Response 13 – Relationship of the "Water" Component of the Project to the Natomas Central Mutual Water Company and the U.S. Bureau of Reclamation, and Master Response 15 – Formulation of Assumptions for Baseline Conditions for the Sacramento River, Central Valley Project-State Water Project Operations, and the Delta. The comment mischaracterizes existing conditions in terms of contracted water supplies available for use within the NCMWC service area. Although the 2007 Wagner and Bonsignore evaluation (provided in Appendix M2 of the DEIR/DEIS) indicates that NCMWC did not use its full contract entitlement in 2004 or 2007, the actual water use does not negate the fact that NCMWC could have used its entire contract supply in either year, subject potentially to its 25% shortage provision. The full use of NCMWC's Base Supply and Project Water supplies was considered appropriate for the DEIR/DEIS analysis for the three reasons discussed below.

First, Reclamation renewed NCMWC's settlement contract in 2005, which is the source water supply for the assignment water. This supply was covered under an EIS for NEPA compliance, and ROD subsequently was approved in 2005. This diversion was considered in Reclamation's Operating Criteria and Procedures (OCAP, 2004 and 2008) and was factored into the baseline for CalSim II modeling, in which the impacts of the water assignment were evaluated. Additionally, the assignment would be diverted within the permitted capacity of the Freeport Project, which has already undergone CEQA and NEPA review.

Second, the City cannot speculate as to what other beneficial uses Reclamation could have supplied with NCMWC's unused CVP water. The unused water could have remained in storage in Shasta Reservoir, been transferred to another CVP contractor either north or south of the Delta, or used to support Delta outflows. Since it would be inappropriate for the City to speculate regarding other beneficial uses and in considering Reclamation's recent renewal of NCMWC's settlement contract, the full contract amount, subject to contract shortage provisions, is adequate for the purposes of characterizing existing conditions and analyzing potential effects.

Third, congressional policy, established in the CVPIA, dictates that even though NCMWC may not have taken full contract deliveries in recent years, it does not otherwise affect the amount of water available for NCMWC to assign.

The comment states that, in the absence of a showing that no adverse impacts would occur to other CVP water users, Reclamation might have little incentive to consent to the water assignment.

See Master Response 15 – Formulation of Assumptions for Baseline Conditions for the Sacramento River, Central Valley Project-State Water Project Operations, and the Delta. The potential effects of the water assignment in the context of overall CVP operations are discussed in detail in Impact 3B.9-4 on pages 3B.9-28 through 3B.9-30 of the DEIR/DEIS, and in the cumulative analysis on pages 4-40 through 4-41. Table 3B.9-3 on page 3B.9-28 of the DEIR/DEIS provides a monthly summary of the potential effects, including those to the CVP. As discussed in Impact 3B.9-4, the main effects of the water assignment area would be associated with the change in the delivery schedule from Agriculture to M&I, combined with a reduction in the efficiency of return flows (e.g., 65 to 80%) to the Sacramento River. This change would reduce deliveries in July and August, but would extend the deliveries into September, October, and November, thereby contributing to minor additions of flow to the Sacramento River and to the stabilization of flows during the fall-run/late fall-run spawning period, consistent with National Marine Fisheries Service (NMFS) Reasonable and Prudent Alternative (RPA) and CVPIA Anadromous Fish Restoration Program guidelines.

These effects then need to be considered in the context of the City’s proposed purchasing of capacity within the existing Freeport Project, which has already undergone NEPA review. With the purchasing of diversion and conveyance capacity within the Freeport Project from SCWA, no corresponding increase in diversion capacity would occur along the Sacramento River. Additionally, the water assignment would involve the use of existing CVP contract supplies and, therefore, would not infringe on any other CVP contractor’s supply. In this context, the effects described in Impact 3B.9-4 consider all the operational changes that would occur in conjunction with the water assignment and appropriately conclude that the impact would be less than significant. These findings suggest that the water assignment could provide Reclamation with minor benefits for CVP operations, giving Reclamation an incentive to approve the assignment.

As shown in Chapter 5, “Errata” of this FEIR/FEIS, additional details regarding the project’s potential effects to average monthly storage within Shasta Reservoir have been added to Table 3B.9-3 of the DEIR/DEIS.

The comment states that the water assignment to the project could adversely affect other CVP users if changes occur to Reclamation’s water rights, either directly or indirectly as a result of the SWRCB’s recent delta outflow recommendations, thereby potentially restricting deliveries to existing CVP contractors.

At this time, it is not possible to accurately assess the potential implications of SWRCB’s recently released Report on the Development of Flow Criteria for the Sacramento-San Joaquin Delta Ecosystem (Resolution No. 2010-0039) on Reclamation’s current water rights for the CVP. Most importantly, none of the determinations in the report have regulatory or adjudicatory effect; rather, any corresponding regulatory or adjudicative effect would need to occur through SWRCB’s water quality control planning or water rights processes, in conformance with applicable law. Because the water assignment would involve an existing water right and would be diverted at an existing, authorized point of diversion for the CVP (e.g., Freeport Project), the application of the recommended criteria would be inappropriate. Furthermore, any future reductions in CVP contract allocations as a result of the implementation of recommended flow criteria would be speculative to try to quantify at this time. Likewise, the City cannot speculate as

to how Reclamation might or might not attempt to apply any supply reductions to high-priority settlement contracts such as NCMWC's contract.

ECOS-108

The comment states that it is foreseeable Reclamation would not consent to assignments that increased operational problems for the CVP and might conclude that the 40-year NCMWC settlement contract is exclusively tied to lands within NCMWC's service area.

There are multiple provisions within NCMWC's settlement contract along with CVPIA policies that support the proposed assignment. First, NCMWC's settlement contract (Contract No. 14-06-200-885A-R-1) anticipates, in Articles 3(e) and 7(a), that: (1) use of NCMWC's supplies may shift from agricultural to M&I; and (2) NCMWC may assign "Project" water under that contract for M&I use outside of NCMWC, subject to Reclamation's consent, which Reclamation may not unreasonably withhold. Second, the proposed assignment would trigger terms of CVPIA that would favor contractors in the area of origin. The assignment would trigger CVPIA Section 3405(a)(1)(M), which states that transfers between area of origin contractors like the City and NCMWC are deemed to satisfy CVPIA Section 3405(a)(1)(A). As explained in response to comment USBR-1, the City and USACE acknowledge that if Reclamation was to approve the proposed assignment, it could seek to do so under different conditions, including different or additional water shortage conditions or limited liability provisions which could require additional environmental review and NEPA compliance.

ECOS-109

The comment states that Reclamation might not consent to transfer land-based settlement contracts to lands outside the lands of the settlement contracts unless it would result in less CVP or system-consumptive demand. The comment also states that the project would result in an overall increase in system demand.

See responses to comments ECOS-106 and ECOS-108.

ECOS-110

The comment states that the DEIR/DEIS does not discuss adverse impacts to other CVP water contractors, other water rights holders, or environmental impacts to the Sacramento and American River systems from the assignment or increased diversions by the City of Sacramento to resupply urbanizing lands in the Natomas Basin.

Potential impacts to fishery resources and riparian habitats along the Sacramento River are described and evaluated in Impacts 3B.3-2 and 3B.3-6, on pages 3B.3-35 through 3B.3-61 of the DEIR/DEIS. Changes in flows within the Sacramento River and potential implications to CVP operations are described and evaluated in Impacts 3B.9-4 and 3B.16-2, on pages 3B.9-28 through 3B.9-30 and 3B.16-17 of the DEIR/DEIS. The effects of the proposed assignment in relation to other cumulatively considerable projects are discussed on pages 4-40 through 4-41 of the DEIR/DEIS, under the heading of surface water flows. As discussed on page 4-12 of the DEIR/DEIS, the cumulative analysis in support of the assignment considered the Sacramento River Water Reliability Project, which would represent the most probable diversion point for new water demands within the City of Sacramento.

As previously stated in response to comment ECOS-104, continued urbanization within the Natomas Basin, even if served by the City of Sacramento, would be expected to result in further reductions in total water use within NCMWC's service area. The comment provides no evidence to support the assertion that the assignment would result in a net increase in total water use within NCMWC's service area as a result of the City of Sacramento providing water service to urbanizing lands.

ECOS-111

The comment notes that the DEIR/DEIS acknowledges a Reclamation assignment is uncertain but does not provide the reviewer with a discussion of the nature and legal underpinnings of the uncertainty.

As discussed on page 3A.18-23 of the DEIR/DEIS, the main source of uncertainty for the assignment is associated with the additional approvals that would be required by Reclamation and SCWA for the assignment, which are outside the direct control of the City or USACE. More specifically, uncertainty remains in relation to Reclamation's discretionary approval for the permanent assignment of a portion of NCMWC's "Project" water supply and the corresponding change in delivery schedule, which could not be otherwise considered certain until Reclamation completed its consultation requirements with pertinent resource agencies.

ECOS-112

The comments states that because all of the project alternatives rely on the NCMWC water supply, the lack of discussion of its certainty is an important deficiency in the DEIR/DEIS.

A discussion of the relative certainty of the NCMWC water supply for the project is provided in the Impact Conclusion on pages 3A.18-13 and 3A.18-14 of the DEIR/DEIS. Because the NCMWC water supply could not be secured and water conveyance and treatment facilities constructed in advance of approval of the project, additional contingencies would be required for the project applicants to confirm the availability of water. Mitigation Measure 3A.18-1 on page 3A.18-14 of the DEIR/DEIS is proposed to address the comment's concerns. Furthermore, Section 3A.18 contains an analysis of other water supply options considered in addition to the preferred water supply as required by the California Supreme Court in the case of *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova*, 40 Cal.4th 412 (2007).

ECOS-113

The comment states that although Sacramento County has executed an MOU with the City for a portion of the capacity within the Freeport Project (see Appendix M3 of the DEIR/DEIS), the DEIR/DEIS does not recognize that a contract has not yet been signed and, therefore, provides an element of uncertainty (DEIR/DEIS page 3A.18-14).

The comment restates text that is presented in the DEIR/DEIS on page 3A.18-14; the comment is noted.

ECOS-114

The comment states that Sacramento County also is a conjunctive-use water service supplier and, acting as the groundwater authority, potentially would be the referee over the currently unallocated Sacramento County central groundwater subbasin.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The comment is noted.

ECOS-115 through
ECOS-116

The comment states that the Freeport Project would be the potential surface-water supply source for conjunctive use in the central groundwater subbasin, that the City's use of the Freeport Projects would represent a diminution in the County's ability to manage the central groundwater subbasin with surface water augmentation, and that this could also reduce the supply available for other unnamed users or uses of SCWA's portion of the Freeport Project.

The ability of SCWA to utilize the Freeport Project for conjunctive use activities would not be precluded by the project. With the project, SCWA would continue to maintain, on average, 78.5 mgd of capacity within the Freeport Project. As described in Impact 3B.17-2 on page 3B.17-12 of the DEIR/DEIS, the effect of the City's purchasing of capacity within Freeport would translate into a need for SCWA to pump more groundwater in future years as SCWA's Zone 40 approached buildout. As discussed on pages 3B.17-12 through 3B.17-13 of the DEIR/DEIS, this consequence would be less than significant based on demands generated by the currently adopted County General Plan Update. However, as indicated on pages 4-42 through 4-44 of the DEIR/DEIS, under cumulative conditions, which could include an expanded urban service area for the County as proposed in the current County General Plan Update, the project's indirect increase for groundwater demands could be cumulatively considerable. Nevertheless, this cumulative impact would not otherwise preclude SCWA's ability to provide surface water augmentation to the central groundwater subbasin via the Freeport Project.

ECOS-117

The comment states that indirect effects to SCWA might have an effect on the viability of the project water supply and the County's permission to use the Freeport pipeline, and that a thorough discussion and analysis of this uncertainty is warranted in the DEIR/DEIS.

The DEIR/DEIS is clear in acknowledging that uncertainties would remain for the project water supply in relation to the City's potential use of the Freeport Project. A discussion of the relative certainty of the City's use of the Freeport Project for the project is provided in the Impact Conclusion on pages 3A.18-13 and 3A.18-14 of the DEIR/DEIS. Notwithstanding this element of uncertainty, as described on pages 2-97 through 2-103 of the DEIR/DEIS, the City evaluated numerous water supply sources and conveyance alternatives, each with its own element of uncertainty. Following extensive evaluation, the project water supply was selected as the most certain for the project, and this choice is supported by crucial agreements with the pertinent entities (e.g., NCMWC and SCWA). The discussion on pages 4-42 through 4-44 of the DEIR/DEIS clearly states that the indirect effects to SCWA would come mainly in the form of increased groundwater demands, presuming the adoption and buildout of the draft Sacramento County General Plan.

ECOS-118

The comment states that optional water supply options were described on page 3A.18-23 of the DEIR/DEIS, in addition to the NCMWC assignment to satisfy the requirements of CEQA, and include three additional contingency options: groundwater, Sacramento water rights transfers, and conservation.

Section 3A.18.5, beginning on page 3A.18-23 of the DEIR/DEIS, evaluates other water supply options to satisfy the requirements of CEQA as part of the court ruling in the case of *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova*, 40 Cal.4th 412 (2007).

ECOS-119 *The comment suggests that because of the uncertainties associated with the project water supply as discussed in the DEIR/DEIS, some or all of the water supply options should be described in greater depth.*

As discussed in Section 3A.1.5, beginning on page 3A.18-23 of the DEIR/DEIS, for each of these water supply options, similar, if not greater, elements of uncertainty exist with these sources. Furthermore, the water supply options were developed sufficiently enough to enable a qualitative evaluation, as required under CEQA by the court ruling in the case of *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova*, 40 Cal.4th 412 (2007).

ECOS-120 *The comment states that the WFA assumed the central groundwater subbasin's long-term sustainable yield was 273,000 AFY and estimated expected extractions and surface water imports that might augment groundwater basin supplies. The comment references the DEIR/DEIS conclusion on page 3A.18-32 of the DEIR/DEIS that the project's demand of up to 5,600 AFY would be within the safe yield range of the central groundwater subbasin. The comment states that the DEIR/DEIS concludes that under cumulative conditions and beyond 2030, additional sources of demand combined with the project could lead to exceedances of the groundwater basin's safe yield and to a further lowering of the regional aquifer, which would be a significant and unavoidable cumulative impact.*

The comment restates text contained in the DEIR/DEIS in Section 3A.18; the comment is noted.

ECOS-121 *The comment states that the DEIR/DEIS does not note that there has been "no allocation of subbasin among existing and potential pumpers," including incorporated cities other than the City of Folsom.*

The comment does not factor in that SCWA is responsible for providing wholesale water to the unincorporated areas of Laguna and Vineyard and the incorporated Cities of Elk Grove and Rancho Cordova, which collectively comprise Zone 40. As a result, the demand estimates summarized on page 3B.17-4 of the DEIR/DEIS account for the vast majority of groundwater demands for the central groundwater subbasin.

ECOS-122 *The comment states concern that, without an allocation of groundwater subbasin yield among the various pumpers and a mechanism to control pumping so that pumpers would not exceed their potential allocations, neither the City nor the County could provide assurances that the safe yield of the subbasin would not be exceeded.*

The concern expressed by the commenter and the potential impacts to groundwater resources are addressed in the cumulative impacts discussion on pages 4-42 through 4-44 of the DEIR/DEIS.

ECOS-123 *The comment states that the DEIR/DEIS does not include discussion on the recent decision by the Sacramento Groundwater Authority to adopt sustainability groundwater-extraction goals for the Sacramento County North Area subbasin that are notably lower than the WFA "safe yield" determination for the North Sacramento subbasin, or whether the experience in the adjacent subbasin might be repeated in the central groundwater subbasin.*

The sustainability groundwater-extraction goals, presented in the Phase 3 Effort of the Sacramento Groundwater Authority's (SGA) Water Accounting Framework (on June 10, 2010), were just recently released and therefore were not available for review during

preparation of the DEIR/DEIS. Furthermore, the City notes that sustainability groundwater-extraction goals are prescribed just for the central unit basin and are not indicative of the entire northern subbasin. The sustainable yield estimates provided in the Central Sacramento County Groundwater Management Plan (CSCGMP) were considered the best available information for the DEIR/DEIS and adequate for characterizing and quantifying the project's potential direct and indirect affects to groundwater resources.

ECOS-124 *The comment suggests that if Water Supply Option 1 is to be a viable option, the DEIR/DEIS should discuss the implications of its cumulative impact.*

The implication of the significance determination for cumulative groundwater impacts for Water Supply Option 1 is summarized on page 3A.18.37 of the DEIR/DEIS. This option entails concerns related to the long-term reliability of groundwater supplies.

ECOS-125 *The comment suggests that the DEIR/DEIS should discuss the implications of “an additional straw” into a potentially over-allocated aquifer (e.g., the central groundwater subbasin).*

The analysis of potential groundwater impacts, as discussed for Water Supply Option 1 on pages 3A.18-29 through 3A.18-35 of the DEIR/DEIS, describe and evaluate the implications of additional groundwater demands from the project, in terms of groundwater quality, groundwater withdrawal, effects to adjacent wells, and alteration of surface water hydrology.

ECOS-126 *The comment questions the reliability of the subbasin yield estimates provided by the WFA.*

See response to comment ECOS-123.

ECOS-127 *The comment suggests that the DEIR/DEIS should include a discussion of the necessary mechanisms to make Water Supply Option 1 viable over the long-term, as well as the feasibility of such mechanisms.*

As discussed in the fifth paragraph on page 3A.18-24 of the DEIR/DEIS, given the complexities of implementing a conjunctive use program, the City purposely did not assume the inclusion of any conjunctive use facilities. Although a conjunctive use program would represent the primary mechanism for minimizing long-term impacts to the central groundwater subbasin, any such program would more than likely be administered by SCWA, which is already implementing a conjunctive use program.

ECOS-128 *The comment references Water Supply Option 2 on page 3A.18-37 of the DEIR/DEIS and requests clarification as to whether such water might become available from substituting local groundwater for surface water or by water-conservation actions that might make surface water available.*

Under Water Supply Option 2, the City would enter into an agreement with one or more of several entities to purchase a portion of their CVP water, similar to the project. However, each entity would make water available through different means (e.g., water conservation or supplemental groundwater pumping). For the purposes of analysis, the City assumed that supplemental groundwater pumping could be required to offset the surface supplies purchased by the City, unlike the source water for the Off-site Water Facility Alternatives.

ECOS-129

The comment states that the DEIR/DEIS does not note that groundwater exports by downslope Sacramento River senior water right holders are controversial with upslope groundwater users, who might experience more significant groundwater-level declines (and even “areal” availability) from groundwater exports.

The commenter’s concern is addressed in the Option 2 conclusion at the top of page 3A.18-41 of the DEIR/DEIS: the transferring entities might replace surface water supplies purchased by the City with groundwater, thus leading to additional groundwater impacts. As shown in Chapter 5, “Errata” of this FEIR/FEIS, additional text has been added to page 3A.18-41 of the DEIR/DEIS to expand on the City’s reasoning for not carrying forward Water Supply Option 2 for analysis under NEPA.

ECOS-130

The comment states that Water Supply Option 3 seems plausible, assuming that water would be conserved from an aggressive water conservation and reclamation program by the City.

As discussed in the third paragraph on page 3A.18-46 of the DEIR/DEIS, the City has not determined whether sufficient supplies could be produced under Water Supply Option 3 or how the City’s adopted Measure W would apply to such a program. Additionally, the City remains in the process of completing a leak detection study to determine what infrastructure improvements would be required and the corresponding quantity of supply conserved. As shown in Chapter 5, “Errata” of this FEIR/FEIS, additional discussion has been added to page 3A.18-47 of the DEIR/DEIS to include additional detail as to the City’s reasoning for not carrying forward Water Supply Option 3 for analysis under NEPA.

ECOS-131

The comment states that the DEIR/DEIS does not provide much information on the institutional, political, cultural, financial, and legal constraints of a City water conservation program to allow for an assessment of the viability of such an effort.

The description of Water Supply Option 3, provided on pages 3A.18-41 through 3A.18-43 of the DEIR/DEIS, is sufficient to enable evaluation of potential environmental impacts. As alluded to on page 3A.18-46 of the DEIR/DEIS and in the response to comment ECOS-130, the main institutional, political, cultural, financial, and legal constraints centered around Water Supply Option 3 relate to the City’s adoption of Measure W, which is described in its entirety on page 3A.10-14 of the DEIR/DEIS.

ECOS-132

The comment states that page 4-74 of the DEIR/DEIS correctly identifies the growth-inducing potential for pressure on undeveloped grazing lands to be converted to urban uses because of the proximity of large-scale urban development proposed by the project or the other four action alternatives.

The comment restates text contained on page 4-74 of the DEIR/DEIS; the comment is noted.

ECOS-133 through
ECOS-134

The comments purport to restate the reasoning of DEIR/DEIS impact conclusions regarding growth inducing impacts as, “Adopted plans don’t show it as urban, so therefore the project won’t induce growth there.” The comments also state that the SPA, when first proposed, was not anticipated for urban levels of public infrastructure services as it was to be beyond the USB [urban service boundary] and the UPA [urban policy area].

The comment speculates that development of the SPA could encourage growth in the unincorporated area of the County south of the SPA. The commenter does not present facts to support the suggested changes in land use in the County, and the speculative claims are not evidence of an environmental impact. (See CEQA Guidelines Section 15384[b] [argument, speculation, and unsubstantiated opinion are not substantial evidence of an environmental impact].) In any event, the County’s land use designations immediately south of the SPA are rural. It would be improper for the City to speculate at this time as to possible land use changes to the area south of the SPA in the absence of any indication from the County to provide for such a land use change. So far, there is no such indication from the County. In fact, the referenced County area is subject to the County’s SSCHP, [providing a further impediment to urbanization of this area and indicating an intent by the County not to urbanize the area](#). The City’s project does not remove barriers to growth in the areas of the County south of the SPA, nor does the project provide for infrastructure to serve an urbanized area south of the SPA. (See CEQA Guidelines Section 15126.2[d].) Furthermore, CEQA does not require an EIR to anticipate and mitigate the effect of a project on growth in other areas. (*Napa Citizens for Honest Government v. Napa County Board of Supervisors* [2001] 91 Cal.App.4th 342, 371.) Such an analysis is more appropriately undertaken at the time a project is proposed in that area. Therefore, the DEIR/DEIS properly addressed growth-inducing impacts.

ECOS-135

The comment states that development should not be accepted without appropriate, feasible, implementable, and necessary mitigation measures for growth-inducing impacts.

The commenter suggests that the DEIR/DEIS should provide significance conclusions and mitigation measures, rather than identifying whether certain factors could or could not be growth inducing. However, Section 15126.2(d) of the State CEQA Guidelines states:

Growth-Inducing Impacts of the Proposed Project. Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas). Increases in population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment [emphasis added].

Some growth is inevitable and in fact desirable. CEQA acknowledges this: “It is the intent of the Legislature that all agencies of the state government...shall regulate

[activities within their jurisdiction] so that major consideration is given to preventing environmental damage, *while providing a decent home and satisfying living environment for every Californian.*” (Pub. Resources Code Section 21000[g]) Mandating mitigation measures to preclude growth in any particular area, outside of a comprehensive planning effort, would infringe on the agencies’ legislative powers and unduly hamper large scale planning efforts. In point of fact, the City of Folsom will soon be engaged in such a planning effort as it updates its general plan.

This understanding of section 15126.2(d) is supported by the Court of Appeal’s opinion in *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342. That case provides the most comprehensive discussion of growth-inducing impacts in the context of an EIR and explains that “Nothing in the Guidelines, or in the cases, requires more than a general analysis of projected growth.” (*Id.* at p. 369.) Here, such a discussion is necessarily limited because the precise growth-inducing impacts of the proposed project are difficult to forecast and to a large degree are speculative. Contrary to the commenter’s suggestion, CEQA does not require mitigation for these growth-inducing impacts; as the *Napa Citizens* court explained: “Neither CEQA itself, nor the cases that have interpreted it, require an EIR to anticipate and mitigate the effects of a particular project on growth in other areas.” (*Id.* at p. 371.) Rather, such precise mitigation is best determined at the time specific projects are proposed. (*Ibid.*) “[I]t is enough that the [DEIR] warns interested persons and governing bodies of the possibility or probability of growth inducement, so that the agency can take appropriate steps in its planning efforts. (*Ibid.*)

Therefore, because the State CEQA Guidelines state that it must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance, the City believes it would be inappropriate to assign a significance conclusion for the growth-inducing impacts identified in Chapter 4 of the DEIR/DEIS or to provide mitigation for those impacts. No revisions to the DEIR/DEIS are necessary.

ECOS-136 *The comment states that the City of Folsom has suggested that the Specific Plan provides “significant open space.” The comment further states that this observation by the City is irrelevant to growth inducement.*

The commenter’s meaning is not clear; the amount of open space included in the SPA is not related to growth-inducing impacts. No further response can be prepared.

ECOS-137 *The comment states that widening of White Rock Road to four lanes with urban development on the north side of the road will induce growth on the south side of the road. The comment offers examples of Elk Grove Boulevard and Del Paso Road.*

The potential for growth-inducement south of White Rock Road is addressed on pages 4-72 and 4-73 of the DEIR/DEIS. See also Master Response11 – Disagreement Regarding the Conclusions of the DEIR/DEIS.

ECOS-138 *The comment states that the [Final] EIR/EIS must include a financing program to acquire development rights for a 1-mile-wide buffer on the south side of White Rock Road to mitigate for the project’s growth-inducing impacts.*

See response to comment ECOS-135.

ECOS-139

The comment summarizes the fact that ECOS' letter addresses numerous concerns identified in the DEIR/DEIS and offers a meeting with ECOS representatives to address deficiencies.

City representatives will be happy to meet with ECOS representatives at any time. The City already has extended this offer during preparation of the DEIR/DEIS, and two productive meetings were held in 2010.



MAINTENANCE DIVISION
2441 Headington Road
Placerville CA 95667
Phone: (530) 642-4909
Fax: (530) 642-9238

JAMES W. WARE, P.E.
Director of Transportation

Internet Web Site:
<http://edcgov.us/dot>

MAIN OFFICE
2850 Fairlane Court
Placerville CA 95667
Phone: (530) 621-5900
Fax: (530) 626-0387



September 9, 2010

Ms. Gail Furness de Pardo
City of Folsom Community Development Department
50 Natoma Street
Folsom, CA 95630

Subject: Folsom Sphere of Influence Draft Environmental Impact Report

Dear Ms. Furness de Pardo,

Thank you for providing an opportunity for the County of El Dorado Department of Transportation to review the Folsom Sphere of Influence (SOI) Draft Environmental Impact Report (EIR). We have reviewed the document as well as the Folsom Plan Area Specific Plan. Our comments are attached.

Thank you for your willingness to work with the County of El Dorado and accommodate our concerns in your analysis. Should you have any questions or would like to discuss any of the issues listed, please contact Craig McKibbin, Deputy Director, Transportation Planning & Land Development Division. Mr. McKibbin can be reached at 530-621-5914 or via email at craig.mckibbin@edcgov.us.

Sincerely,

For 
Jim Ware, P.E.
Director of Transportation

enclosure

c: Craig McKibbin, Deputy Director, EDC DOT
Rich Lorenz, Public Works Director, City of Folsom

Folsom South of U.S. Highway 50 Specific Plan DEIR/DEIS

<u>Page</u>	<u>Comment / question</u>	
1.	3A.15-1 The Traffic and Transportation - Land chapter of the document indicates that the cumulative conditions reflect year 2030 conditions and that the land use and transportation networks are all based on regional Sacramento Area Council of Governments forecasts and General Plan and specific project information in jurisdictions near the Specific Plan Area. Since the County of El Dorado (County) General Plan reflects transportation and land use through 2025, has it been adjusted to match the year 2030 used for the Folsom SOI analysis? Have the County forecasts been adjusted to reflect the year 2030 forecasts? Are all the assumptions for El Dorado Hills Business Park reflected correctly including the employment cap or its removal?	2 3 4
2.	3A.15-3 The Sophia Parkway / Iron Point Road / Saratoga Way intersection is not included on Table 3A.15-1 <i>Locations of Detailed Traffic Analyses</i> . This intersection should be analyzed to determine both near term and long term impacts from the SOI development.	5
3.	3A.15-10 The County uses peak hour volumes for the threshold determination whereas Table 31.15-3 of the DEIR reflects daily volume thresholds. Which thresholds are used to determine the mitigation measures for County facilities?	6
4.	3A.15-24 Has the bikeway connectivity between the Folsom SOI and the community of El Dorado Hills been studied? If so, has it been planned as part of the SOI?	7 8
5.	3A.15-26 There is no discussion on how mitigation measures are proposed for roadway segments in the County of El Dorado. What criteria was used?	9
6.	3A.15-29 The cumulative conditions scenario roadway network list indicates Grant Line Road as a four lane roadway. Does that include the expressway designation proposed by the Capital Southeast Connector Joint Powers Authority?	10
7.	3A.15-30 The cumulative regional roadway improvements indicates that White Rock Road will be widened to four lanes from Rancho Cordova Parkway to U.S. 50 at the new Silva Valley interchange. That should be corrected to six lanes within El Dorado County.	11
8.	3A.15-41 Table 3A.15-21 <i>Intersection Level of Service - Existing Plus Project Conditions - El Dorado County</i> indicates LOS F for the White Rock Road / Windfield Way Intersection. The County is currently in the bidding process for signal construction at this location. Is that included in this analysis?	12

Folsom South of U.S. Highway 50 Specific Plan DEIR/DEIS

<u>Page</u>	<u>Comment / question</u>	
9.	3A.15-43 Table 3A.15-23 <i>Freeway Mainline Levels of Service - Existing Plus Project Conditions</i> - Caltrans indicates LOS F for the Eastbound U.S. 50 segment between El Dorado Hills Blvd - Latrobe Road to Bass Lake Grade. Does this include the improvements being built under the Phase 1 HOV Lane Project that is currently under construction in the County?	13
10.	3A.15-45 Table 3A.15-24 <i>Merge/Diverge/Weave Levels of Service - Existing Plus Project Conditions</i> - Caltrans indicates LOS F for Westbound U.S. 50 El Dorado Hills Boulevard - Latrobe Road on and off-ramps. Does this include the improvements being built under the US 50 HOV Lane Project under construction in the County?	14
11.	3A.15-48 Section c. of the Project Participation in Funding Transportation Improvements states that the City of Folsom will pursue agreements with affected jurisdictions to create fair share mitigation payments and implement the mitigation measures. Has this effort started? If not, when would it start?	15
12.	3A.15-48 There is statement that certain impacts outside of the City of Folsom would remain significant and unavoidable. Have any such unavoidable impacts in the County of El Dorado been identified and have they been discussed with the County? If not, when will those discussions occur?	16
13.	3A.15-58 The County is currently in the bidding process to install a signal at the White Rock Road / Windfield Way intersection (see <i>question 8</i>). If additional mitigation measures are required in addition to the signal due to the SOI development, the SOI Fair Share Agreements should reflect those measures.	17
14.	3A.15-58 The document has no discussion of the impact of the SOI development on the Latrobe Road / White Rock Road intersection. That intersection analysis should be included in the document for both existing and cumulative conditions.	18
15.	3A.15-65 IMPACT 3A.15-1t indicates an unacceptable LOS on Eastbound U.S. 50 between El Dorado Hills Boulevard - Latrobe Road and Bass Lake Grade (Freeway Segment 9). Did the analysis include the Phase1 HOV Lane Project (see <i>question 9</i>) currently under construction in the County?	19
16.	3A.15-72 IMPACT 3A.15-1bb and 3A.15-1cc indicate unacceptable LOS at the U.S. 50 Eastbound / El Dorado Hills Boulevard - Latrobe Road Merge (Freeway Merge 19) and at the U.S. 50 Westbound / El Dorado Boulevard Diverge (Freeway Diverge 20). Did the analysis include the Phase1 HOV Lane Project (see <i>question 9</i>) currently under construction in the County?	20
		21

Folsom South of U.S. Highway 50 Specific Plan DEIR/DEIS

<u>Page</u>	<u>Comment / question</u>	
17.	3A.15-91 Table 3A.15-30 <i>Intersection Levels of Service - Cumulative (2030) Conditions - El Dorado County</i> indicates LOS F at White Rock Road / Valley View Parkway and Latrobe Road / Town Center Blvd intersections in the P.M. Peak Hour with no project scenario during the year 2030. However, it is indicated as LOS E in the P.M. Peak Hour for the year 2030 with several SOI project alternatives. Is this change due to any mitigation measures proposed by the SOI? If so, will the mitigation be included in the SOI / County Fair Share Agreement?	22
18.	3A.15-93 Table 3A.15-32 <i>Freeway Mainline Levels of Service - Cumulative (2030) Conditions - Caltrans</i> indicates LOS E at Westbound U.S. 50 Silva Valley Road to El Dorado Hills - Latrobe Road at the A.M. Peak Hour with no project scenario during the year 2030. However, it is indicated as LOS D at the A.M. Peak Hour for the year 2030 with several SOI project alternatives. Is this change due to any mitigation measures proposed by the SOI? If so, will the mitigation be included in the SOI / County Fair Share Agreement?	23
19.	3A.15-109 Under cumulative conditions an unacceptable LOS is indicated at the White Rock Road / Carson Crossing Road intersection. This section identifies the necessary improvements and indicates that the County will be responsible for implementation with fair share contribution from the SOI applicant. Has this been initiated by the City of Folsom yet?	24
20.	3A.15-134 Section 3A.15.4 Cumulative Quarry Truck Traffic discusses the impact of the three proposed quarries for the area south of the SPA. Does this analysis reflect the latest information available from the East Sacramento Region Aggregate Mining Truck Traffic Study and Management Plan?	25
21.	3A.15-143 Table 3A.15-45 <i>Roadway Segment Levels of Service - Cumulative (2030) Conditions - Sacramento County - Quarry Truck Influence for White Rock Road - Empire Ranch Road to Carson Crossing Road</i> indicates deterioration of LOS from D to E with certain Quarry Project Alternatives, while other alternatives improve the LOS. Would the quarry truck fair share contribution be included as a part of SOI Fair Share Agreement with the County of El Dorado?	26
22.	3A.15-149 Table 3A.15-48 <i>Intersection Levels of Service - Cumulative (2030) Conditions - El Dorado County - Quarry Truck Influence</i> indicates that for the White Rock Road / Valley View Parkway and the Latrobe Road / Town Center Boulevard intersections, the LOS with no project is indicated as LOS F while most of the Proposed Project alternatives indicate LOS improvements. Would the quarry truck fair share contribution be included as a part of SOI Fair Share Agreement with the County of El Dorado?	27
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Folsom South of U.S. Highway 50 Specific Plan DEIR/DEIS

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23.	3A.15-157 Section 3A.15.6 <i>Residual Significant Impacts</i> discusses the significant unavoidable impacts in the Folsom area and to U.S.50 and that mitigation measures for these segments call for fair share payments to the Connector JPA. However, it also indicates that based upon available information, it cannot be determined that the connector will reduce traffic on U.S. 50 and those impacts are considered significant and unavoidable.	30
24.	3A.15-157 The Residual Significant Impacts Section should also include any County of El Dorado facilities that fall under that category based on SOI analysis	31
25.	Area Specific Plan Please correct Figure 7.1 (Circulation Plan) in the Specific Plan document to reflect the El Dorado County classification of White Rock Road as a four-lane divided road instead of the "Expressway" classification shown in the Sacramento County section.	32

EDC DOT-1

The comment states that the County of El Dorado Department of Transportation (EDC DOT) has reviewed the DEIR/DEIS and submits comments. The comment also identifies appropriate EDC DOT personnel for coordination and questions.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The comment is noted.

EDC DOT-2 through
EDC DOT-4

The comments state that the cumulative year 2030 traffic forecasts in the “Traffic and Transportation – Land” discussion, beginning on p. 3A.15-1 of the DEIR/DEIS, are based on Sacramento Council of Government’s forecasts, General Plan, and specific project information in jurisdictions near the SPA. The comments ask if the El Dorado County General Plan land use and roadway network assumptions, based on a cumulative year of 2025, were changed to reflect year 2030 conditions. The comments also ask if the El Dorado Hills Business Park development cap was lifted or not.

The development assumptions and roadway network for El Dorado Hills in the DEIR/DEIS cumulative year 2030 forecasts reflect the same assumptions used for cumulative conditions (2025) in the El Dorado County General Plan EIR. The DEIR/DEIS assumes approximately 22,000 employees in the El Dorado Hills Business Park. Subsequent to the DEIR/DEIS analysis, the County capped employment in the El Dorado Hills Business Park at 10,045. Thus, the DEIR/DEIS assumes that the cap would be lifted by the cumulative horizon year.

EDC DOT-5

The comment states that the intersection of Sofia Parkway/Saratoga Way was not included on Table 3A.15-1, “Locations of Detailed Traffic Analyses” on p. 3A.15-3 of the DEIR/DEIS, and suggests that it should be.

The intersection of Empire Ranch Road/Iron Point Road was analyzed as City of Folsom Intersection 24. Sofia Parkway becomes Empire Ranch Road when it enters the Folsom city limits. Saratoga Way becomes Iron Point Road when it enters the Folsom city limits. The intersections of Empire Ranch Road/Sofia Parkway and Iron Point Road/Saratoga Way are inside Folsom city limits.

EDC DOT-6

The comment states that El Dorado County uses peak-hour thresholds for the roadway segments’ LOS analysis, but the DEIR/DEIS states daily thresholds for roadway segments LOS analysis. The comment asks which thresholds were used to analyze impacts to El Dorado County roadways.

Roadway segment LOS thresholds were not used to analyze impacts to El Dorado County roadways. As stated on p. 3A.15-9 of the DEIR/DEIS, the traffic analysis in El Dorado County focused on intersections, similar to the El Dorado County practice for recent projects in the area, such as the Traffic Operations Study for the Saratoga Way extension. Highway Capacity Manual 2000 methods were used to analyze El Dorado County intersections.

- EDC DOT-7 *The comment asks if bikeway connectivity between the City of Folsom’s SPA and El Dorado Hills has been studied.*
- The DEIR/DEIS assessed bikeway connectivity between the City’s SPA and adjacent jurisdictions, including El Dorado County. See response to comment EDC DOT-8 and the Bike Lane and Class I Trail Exhibit on Page 7-59 of the FPASP (depicting two future Class I trail connections between the SPA and El Dorado Hills).
- EDC DOT-8 *The comment asks if any bikeway connections between the City of Folsom’s SPA and El Dorado Hills are planned.*
- The project does not include any bikeway connections with El Dorado Hills, primarily because of the steep topography and the low density residential subdivisions planned along the entire SPA/El Dorado Hills boundary. Some bikeway connections could be made at the project level when subdivisions are planned. The City’s Bikeway Master Plan is regularly updated and could include additional connections as opportunities present themselves.
- EDC DOT-9 *The comment refers to p. 3A.15-26 of the DEIR/DEIS and asks why no roadway segment mitigation measures are proposed for El Dorado County roadways, and what criteria was used to determine that none would be needed.*
- See response to comment EDC DOT-6 as to why El Dorado County roadway segments were not analyzed. Study area El Dorado County intersections were analyzed, impacts are stated, and mitigation measures are proposed in Section 3A.15, “Traffic and Transportation” of the DEIR/DEIS.
- EDC DOT-10 *The comment asks whether Grant Line Road was designated as an expressway in the cumulative conditions, on page 3A.15-29 of the DEIR/DEIS, as proposed by the Capitol Southeast Connector JPA.*
- The Cumulative Plus Project analysis did not assume that Grant Line Road would be an expressway facility, as described by the Capitol Southeast Connector project description and EIR. The Cumulative Plus Project analysis assumed that Grant Line Road would be a thoroughfare with high access control between White Rock Road and Douglas Road, and a thoroughfare with moderate access control between Douglas Road and Jackson Highway (SR-16). The Cumulative Plus Project – Mitigated Network analysis assumed that Grant Line Road would be a thoroughfare with high access control between White Rock Road and Jackson Highway (SR-16). (See DEIR/DEIS pages 3A.15-3 through 3A.15-134.)
- EDC DOT-11 *The comment references the assumption on p. 3A.15-30 of the DEIR/DEIS that White Rock Road would be widened to four lanes between Rancho Cordova Parkway and the U.S. 50/Silva Valley Parkway interchange by the cumulative year 2030. The comment suggests that this should be corrected to six lanes in El Dorado County.*
- The El Dorado County General Plan and the Metropolitan Transportation Plan include the ultimate widening of White Rock Road to six lanes between Latrobe Road and the U.S. 50/Silva Valley Parkway interchange, and four lanes between the Sacramento County line and Latrobe Road. The cumulative year 2030 traffic analysis in the DEIR/DEIS assumed four lanes on White Rock Road between Latrobe Road and the U.S. 50/Silva Valley Parkway interchange with the proposed project and indicates that six lanes are not required on that segment because intersections would operate at an

acceptable LOS E with only four through lanes. Analyzing the road with only four lanes was conservative but still resulted in no project impacts. With the project, traffic operating conditions improved from LOS F to E at the intersection of White Rock Road and Valley View Parkway (also see response to comment EDC DOT-22).

EDC DOT-12

The comment states that Table 3A.15-21 on p. 3A.15-41 of the DEIR/DEIS indicates an impact at the White Rock Road/Windfield Way intersection under Existing Plus Project conditions and asks whether the new signal that is out to bid was assumed.

The new signal at the White Rock Road/Windfield Way intersection was not assumed under Existing conditions or Existing Plus Project conditions because it has not yet been built. The proposed mitigation measure, installing a signal at this intersection, is the improvement that was recently put out for bid by El Dorado County.

EDC DOT-13

The comment references the data on p. 3A.15-43 of the DEIR/DEIS regarding LOS F on the Eastbound segment of U.S. 50 between El Dorado Hills Boulevard/Latrobe Road and Bass Lake Road under Existing Plus Project conditions and asks whether the new HOV lanes that are now under construction were assumed.

The new carpool (HOV) and truck climbing lane on eastbound U.S. 50 between El Dorado Hills Boulevard/Latrobe Road and Bass Lake Road were not assumed under Existing conditions or Existing Plus Project conditions because they have not yet been built. No mitigation measure is proposed because the new HOV and truck climbing lanes currently are under construction and would reduce the impact to a less-than-significant level.

EDC DOT-14

The comment references the Caltrans indication of LOS F on the Westbound U.S. 50 on- and off- ramps at El Dorado Hills Boulevard/Latrobe Road under Existing Plus Project conditions, shown on Table 3A.15-24 on page 3A.15-45 of the DEIR/DEIS. The comment asks whether the improvements that are included in the new HOV lane project, now under construction, were assumed.

The new carpool (HOV) and truck climbing lane on Eastbound and Westbound U.S. 50 between El Dorado Hills Boulevard/Latrobe Road and Bass Lake Road were not assumed under Existing conditions or Existing Plus Project conditions because they are not yet built. No mitigation measure is proposed because the new HOV and truck climbing lanes are currently under construction and would reduce the impacts to a less-than-significant level.

EDC DOT-15

The comment asks if fair share funding agreements have been discussed with affected jurisdictions and, if not, when those discussions would begin.

Fair share funding calculations, negotiations, and payment would not be initiated until the project was approved and the SPA was annexed by the City of Folsom.

EDC DOT-16 through
EDC DOT-17

The comment notes that the DEIR/DEIS states that certain impacts outside the City of Folsom would be significant and unavoidable. The comment asks if any such impacts are within El Dorado County and if so, when the City will discuss those impacts with the County.

None of the significant and unavoidable transportation impacts that are identified in the DEIR/DEIS would occur within El Dorado County.

- EDC DOT-18 *The comment asks whether any additional mitigation measures are needed at the intersection of White Rock Road/Windfield Way beyond the signal installation that is out to bid, in reference to discussion on p. 3A.15-58 of the DEIR/DEIS.*
- No additional mitigation measures are needed under Existing Plus Project conditions.
- EDC DOT-19 *The comment states that the intersection of White Rock Road/Latrobe Road was not analyzed but suggests that it should be, in reference to discussion on p. 3A.15-58 of the DEIR/DEIS.*
- The intersection of White Rock Road/Latrobe Road was analyzed as El Dorado County Intersection 4. No impact would occur at this location under either Existing Plus Project conditions or Cumulative Plus Project conditions.
- EDC DOT-20 *The comment repeats comment EDC DOT-13.*
- See response to comment EDC DOT-13.
- EDC DOT-21 *The comment repeats comment EDC DOT-14.*
- See response to comment EDC DOT-14.
- EDC DOT-22 *The comment references the data on p. 3A.15-91 of the DEIR/DEIS that the PM peak-hour LOS improves at the intersection of White Rock Road/Valley View Parkway from LOS F under Cumulative No Project to LOS E under Cumulative Plus Project or Alternative conditions and asks if this is due to any mitigation measure that was assumed as part of the project.*
- No improvements were assumed outside of the SPA, including in El Dorado County, as part of the project and in the plus-project traffic analysis. No significant impacts were identified at this intersection and thus, no mitigation measures are required. The modest improvement in traffic operating conditions at this location during the p.m. peak hour results from a redistribution of travel patterns because of the additional land use and roadway network assumed as part of the project. In particular, 10,210 new dwelling units and about 13,200 new jobs are assumed as part of the project. When added to cumulative No Project conditions, the travel demand model projects that this development would result in different travel patterns into and out of El Dorado County. That is, the origins and destinations of people living and working in El Dorado County, particularly in the El Dorado Hills area, would be somewhat different with the proposed project than without it. Although the project would result in increases in traffic volumes on some turning movements at some intersections in El Dorado Hills, it also would result in decreased volumes for other movements.
- EDC DOT-23 *The comment asks about an SPA/County fair-share agreement related to the intersection mentioned in comment EDC DOT-22.*
- Because no mitigation measure or further improvement is assumed at this location, an SPA/County fair-share agreement is not required.

EDC DOT-24

The comment references the information on p. 3A.15-93 of the DEIR/DEIS that the PM peak-hour LOS improves on westbound U.S. 50 between Silva Valley Parkway and El Dorado Hills Boulevard/Latrobe Road from LOS E under Cumulative No Project to LOS D under Cumulative Plus Project or Alternative conditions and asks if this is because of any mitigation measure that was assumed as part of the project.

No improvements or mitigation measures were assumed outside of the SPA, including in El Dorado County, as part of the project and in the plus-project traffic analysis. The modest improvement in traffic operating conditions at this location during the p.m. peak hour results from the following two factors.

First, a redistribution of travel patterns would occur because of the additional land use and roadway network assumed as part of the project. In particular, 10,210 new dwelling units and about 13,200 new jobs are assumed as part of the project. When added to cumulative No Project conditions, the travel demand model projects that this development would result in different travel patterns into and out of El Dorado County. That is, the origins and destinations of people living and working in El Dorado County, particularly the El Dorado Hills area, would be somewhat different with the proposed project than without it. Although the project would result in increases in traffic volumes on some roadway segments in El Dorado Hills, it also would result in decreased volumes on other segments.

Second, at the specific location on U.S. 50 referenced by the commenter, a shift would occur in traffic volumes from the mixed flow lanes to the auxiliary lane between Silva Valley Parkway and Empire Ranch Road. A higher exit volume would occur at the Empire Ranch Road off-ramp with the proposed project because it would serve more development. This shift would result in improved conditions for the freeway mixed-flow lanes.

EDC DOT-25

The comment asks about an SPA/County fair-share agreement related to the intersection mentioned in comment EDC DOT-24.

Because no mitigation measure or further improvement is assumed at this location, an SPA/County fair-share agreement is not required.

EDC DOT-26

The comment asks if fair share funding by the project applicant has been initiated with respect to improvements to the White Rock Road/Carson Crossing Road intersection, in reference to the discussion on page 3A.15-109 of the DEIR/DEIS.

Fair share funding calculations, negotiations, and payment would not be initiated until the project was approved and the SPA was annexed by the City of Folsom.

EDC DOT-27

The comment asks whether the quarry truck analysis on p. 3A.15-134 of the DEIR/DEIS includes the latest data from the East Sacramento Region Aggregate Mining Truck Traffic Study.

This DEIR/DEIS used truck data from the (now) certified Teichert Quarry EIR. The East Sacramento Region Aggregate Mining Truck Traffic Study is ongoing and has not yet resulted in an adopted truck routing plan. The truck trip generation in the Teichert Quarry EIR was based on a higher quarry production level than the East Sacramento Region Aggregate Mining Truck Traffic Study and, thus, has a higher number of trucks on most roadway segments. The truck volumes used in the DEIR/DEIS are considered conservatively high.

- EDC DOT-28 *The comment asks if fair share funding agreements with El Dorado County will include quarry truck fair share contributions.*
- See response to EDC DOT-26.
- EDC DOT-29 *The comment notes that the intersection LOS at White Rock Road/Valley View Parkway and Latrobe Road/Town Center Boulevard improves with the addition of the proposed project under any truck scenario (Table 3A.15-48 on p. 3A.15-149 of the DEIR/DEIS). The comment asks if the quarry truck fair-share contribution to roadway improvements would be included in the proposed projects fair-share agreement with El Dorado County.*
- As noted in the response to comment EDC DOT-22, the improvement in traffic operating conditions at these locations results from a redistribution of travel patterns resulting from the additional land use and roadway network assumed as part of the project. See also response to comment EDT DOT-26.
- EDC DOT-30 *The comment states that the proposed project would cause significant impacts to U.S. 50 in the City of Folsom area and that the mitigation measures call for a fair-share payment to the Capitol SouthEast Connector Joint Power Authority. The comment further states that it cannot be determined if the Connector will reduce traffic volumes on U.S. 50; therefore, the impact is considered significant and unavoidable. The comment suggests that this determination is premature and that the analysis should be revised after the Draft EIR for the Capitol SouthEast Connector is released to see if impacts are still significant after implementing the Capitol SouthEast Connector mitigation measure.*
- Over the last few years, traffic analyses conducted for both the 50 Corridor Mobility Partnership and the Capitol SouthEast Connector have indicated that improving White Rock Road to a limited access, high capacity/speed roadway would divert traffic from U.S. 50. As stated on p. 3.15-112 of the DEIR/DEIS, it is reasonable to expect that the Capitol SouthEast Connector will reduce traffic volumes on U.S. 50 by some amount; therefore, the impact would be partially mitigated. However, because the design of the Capitol SouthEast Connector is not known yet, whether it will reduce traffic volumes on U.S. 50 enough to fully mitigate the freeway impacts cannot be determined.
- The Capitol SouthEast Connector EIR is programmatic and it will not result in a project design that can provide certainty on the amount of traffic expected to be diverted from U.S. 50.
- EDC DOT-31 *The comment suggests that the Residual Significant Impacts section on p. 3A.15-157 of the DEIR/DEIS also should include any El Dorado County facilities that fall under that category.*
- No El Dorado County facilities exist that would have residual significant impacts. All of the impacts in El Dorado County can be fully mitigated. Therefore, no change to the text of the DEIR/DEIS is required.
- EDC DOT-32 *The comment suggests that Figure 7.1 (Circulation Plan) in the Specific Plan be corrected to remove the expressway designation for White Rock Road in El Dorado County.*
- The change requested by the commenter is to the FPASP (provided in Appendix N of the DEIR/DEIS) rather than to the DEIR/DEIS. No deficiency in the environmental review is suggested by this comment, and no change to the DEIR/DEIS is proposed.



Municipal Services Agency
Paul Hahn,
Agency Administrator

Interim County Executive
Steven C. Szalay

County of Sacramento

September 9, 2010

Ms. Gail Furness de Pardo
City of Folsom Community Development Department
50 Natoma Street
Folsom, CA 95630

SUBJECT: Comments on the Draft Environmental Impact Report/Environmental Impact Statement for the Folsom South of U.S. Highway 50 Specific Plan Project

Dear Ms. Furness De Pardo:

Thank you for providing the County of Sacramento ("County") the opportunity to review and comment on the Draft Environmental Impact Report/Environmental Impact Statement ("DEIR/EIS") for the Folsom South of U.S. Highway 50 Specific Plan Project ("Project") prepared by the City of Folsom ("City"). The Project proposes developing approximately 3,500 acres of Sacramento County's vacant grazing land south of U.S. Highway 50 and north of White Rock Road between Prairie City Road to the west and Placerville Road to the east. This would place over 10,000 residences, over 360 acres of commercial and industrial uses and over 179 acres of public/quasi public uses in an area of the County which is a primary natural resource and conservation area for the County.

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Overview: The County is very concerned that the DEIR/EIS inadequately addresses the potential for land use and other conflicts arising from the proposed Project. The scope of these omissions are so substantial and pervasive throughout the document that it lacks the necessary information required in a DEIR/EIS and does not afford the reviewing public a meaningful opportunity to review and evaluate the adverse environmental effects of the Project. Recirculation of the draft is required by law in order to disclose the substantial information currently absent from the draft analysis. The County is particularly perplexed at the magnitude of the missing analysis given that we articulated the requirement for such analysis to the City in our November 6, 2008 comment letter on the Notice of Preparation for the Project (attached). The following comments detail these inadequacies.

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Land Use: Prairie City State Vehicular Recreation Area - The DEIR/EIS fails to analyze the potential land use incompatibility that exists between the proposed Project and the existing Prairie City State Vehicular Recreation Area ("SVRA") on the south side of White Rock Road just southwest of the Project. Even though an analysis of this impact was requested in our NOP comment letter, no discussion of compatibility appears in the Land Use or Parks and Recreation chapter of the DEIR/EIS. The only mention of the SVRA is in the noise section where it is concluded that there will be no impact to the proposed Project from the SVRA. There is no analysis of the Project's impacts on the SVRA. The Project would introduce potentially incompatible urban uses in close proximity to the SVRA. This type of land use arrangement has been repeatedly shown to result in complaints from the new residents against the existing use. In this particular case complaints regarding noise and dust are inevitable and would likely result in adverse restrictions on the operations and potential expansion of the SVRA. The DEIR should also discuss the impacts that the Project may have on the SVRA's existing General Plan.

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Land Use: Greencycle Project – The DEIR/EIS fails to adequately address County’s proposed Green Waste Composting Facility (“Greencycle”) and the land use compatibility impacts of bringing residential development associated with the Project nearer to such use even though this analysis was requested in our NOP comment letter. The Final Environmental Impact Report for the Greencycle project, certified as complete and adequate by the Solid Waste Authority Board of Directors on March 11, 2010, determined that odors from the Greencycle project on Scott Road will not impact the Folsom South of 50 Specific Plan area. Yet, on page 4-29 of the cumulative impacts chapter of the Folsom South of 50 DEIR/EIS it is stated “... new residents that would be generated within the SPA could be exposed to odors generated by the Easton project to the west, by the proposed City Corporation Yard to the south, and by the proposed Sacramento GreenCycle Project further south below the Corporation Yard.”

This wording implies that the DEIR/EIS is considering impacts **to** the Folsom South of 50 Specific Plan Project instead of the considering the impacts **from** the Folsom South of 50 Specific Plan Project which would be the correct evaluation pursuant to CEQA. The analysis contained in the DEIR/EIR should be revised to respond to the CEQA guidelines checklist item that asks would the Project, “Create objectionable odors affecting a substantial number of people?”.

Land Use: Agricultural Resources and Growth Inducement - As indicated in our November 6, 2008, comment letter on the NOP, the area south of White Rock Road is zoned for permanent agriculture, is used for cattle grazing operations and contains several Williamson Act contracts. The DEIR/EIS fails to consider the impact of urban development on these adjacent lands, propose suitable mitigation, or discuss feasible alternatives. The introduction of dense urban uses (e.g., retail commercial and high density residential at 30du/ac) adjacent to ongoing agricultural uses will undoubtedly result in significant land use conflicts and will also place substantial growth inducement pressure on these adjacent lands . The DEIR/EIS is deficient for failing to address these impacts and provide appropriate mitigation. Potential mitigation for the impact to adjacent agricultural lands could include a requirement to protect additional lands of similar agricultural quality located in the general vicinity of the Project. An example of this type of mitigation can be found in Sacramento County’s EIR for the Teichert Quarry (County Control Number: 02-GPB-RZB-UPB-REB-DGB-0636), which included a mitigation measure requiring the aggregate operator to protect an amount of land equal to the footprint of the quarry via conservation easements in the general vicinity of the quarry. Mitigation could also utilize the strategies contained in Sacramento County’s Right to Farm Ordinance; this Ordinance is intended to provide notice to adjacent land uses that there could be potentially incompatible activities associated with the adjacent agricultural land uses such as dust and odors, which could be perceived as nuisances to urban lifestyles but are protected as a matter of right in an agricultural zone. Such notice could be provided to future residents within the Project. Moreover, the DEIR/EIS is further deficient for failing to consider feasible alternatives such as reduced densities, a land use transition to more compatible land uses at the south Project boundary, or agricultural conservation easements.

The DEIR/EIS discussion under Williamson Act contract cancellation for the Project’s off-site elements (Impact 3A.10-3) states that “feasible mitigation measures, such as participation in an agricultural conservation easement, are not available to reduce impacts associated with the cancellation of these Williamson Act contracts to a less-than-significant level because no such programs are available.” This is not correct, in that there are numerous conservation easements available through non-profit groups such as the Rangeland Trust, or the Sacramento Valley Conservancy that can be used to protect and improve the environmental quality of these lands and the economic stability of the ranching operations. The DEIR/EIS violates CEQA requirements by not including mitigation when there are feasible options available.

The DEIR/EIS erroneously states (under Impact 3A.10-4) that the proposed Teichert Quarry and the Granite Walltown Quarry would require cancellation of Williamson Act contracts. That is incorrect. Those portions of the lands on which these quarries are proposed are not subject to Williamson Act contracts.

Land Use: Aggregate Resources – As indicated in our November 6, 2008, comment letter on the NOP, the area south of U.S. Highway 50 is a designated State Mineral Resource Zone (MRZ) by the California Department of Conservation (DOC). The DEIR/EIS addresses the impacts of the on- and off-site elements of the Project on mineral resources; however, there is no mention of the Project impacts on mineral resources located on adjacent lands. One of the most significant oversights of the DEIR/EIS is that there is no acknowledgment that in 2009, the State Mining and Geology Board reclassified approximately 1,000 acres of those lands south of White Rock Road from MRZ-3 to MRZ-2. The DEIR/EIS acknowledges that these adjacent lands are designated MRZ-3, which describes an area containing mineral deposits, the significance of which cannot be evaluated from existing data. The MRZ-2 designation, on the other hand, describes an area where adequate information (e.g., drill records) indicates that significant mineral deposits are present or where it is judged that a high likelihood for their presence exists.

The executive officer’s report to the State Mining and Geology Board in 2009 for the Mangini Property (CGS Special Report 213) and for the Wilson Ranch (CGS Special Report 214) indicates that aggregate tests results indicate the presence of aggregate materials on these properties which meet the specifications for a variety of construction aggregate uses up to and including PCC-grade aggregates, and further that the aggregate resources present on these properties exceed the minimum threshold value of \$17.38 million 2008-dollars established by the State Mining and Geology Board. The report also notes that “potential urban encroachment in this area constitutes a threat to the intended mining of the mineral resources on these properties.”

The primary goal of the DOC mineral land classification is to help ensure that the mineral resource potential of lands is recognized and considered in the land-use planning process. The fact that the DEIR/EIS did not recognize the reclassification of these lands is a significant omission. Due to the improper omission of this significant fact, critical analysis of the Project’s potential adverse environmental impacts to the mineral resources in the area was not performed in the DEIR/EIS. As noted in our NOP comment letter, the proposed Project would have impacts on the extraction of this regionally and locally significant resource by placing potential incompatible uses in proximity to quarry operations and hauling routes. While the DEIR/EIS did recognize the pending quarry proposals by Teichert Aggregates and Granite Construction on portions of these lands as contributing to cumulative environmental impacts, the DEIR/EIS fails to acknowledge the potentially significant effects of the Project on either the current mining proposals or potential future mining operations that are likely given the significant mineral deposits in the area. The DEIR/EIS must be revised to acknowledge the presence of these significant aggregate resources and the impact of the Project on the extraction of these resources. To be valid, the revised analysis must include an evaluation of the adverse effects of the Project upon logical transportation routes for the mining operations, acknowledging that the most likely, direct and only logical route for the distribution of the mined material is through the Project using Scott Road (AKA: East Bidwell Road). Restrictions on aggregate truck routes, hours of operation, blasting or other operation elements of the extraction process, could mean additional pressure to import aggregates from outside of the Sacramento region which would lead to increased traffic congestion, increased roadway maintenance, increased air quality impacts, increased construction overruns and higher costs to consumers and taxpayers, all of which are indirect impacts of the Project’s proposed mitigation measures that must be disclosed.

Land Use: Open Space – As indicated in our November 6, 2008, comment letter on the NOP, the area south of White Rock Road is designated as a Resource Conservation Area (RCA). The RCA

designation is intended to identify areas with special resource management needs, and the area to the south of White Rock Road is characterized by blue oak woodlands and grasslands that provide valuable habitat areas and wildlife corridors. The Open Space Element of the Sacramento County General Plan encourages the permanent protection of areas having natural resource value (Policy OS-1), and the connectivity of these areas such that they provide for biodiversity, accommodate wildlife movement and sustain ecosystems (Policy OS-2). The DEIR/EIS for the Project fails to recognize the presence of the RCA designation for adjacent lands, and does not discuss the potential impacts to these valuable resources from adjacent urban development.

The importance of these lands is highlighted by recent planning efforts by Sacramento County. The DEIR prepared for the Teichert Quarry, released in August 2008, includes mitigation requiring that the aggregate operator protect an amount of land equal to the footprint of the quarry via conservation easements in the general vicinity of the quarry. The County Planning Department staff report prepared for the Teichert Quarry, released in March 2010, recommends conditions of approval that require dedication of 380 acres of land as a conservation easement, and the exhibits attached to the report identify an area south of White Rock Road that Teichert Aggregates has agreed in concept to dedicate as a conservation easement to satisfy this mitigation measure. These exhibits identify a corridor from White Rock Road to the south boundary of the Teichert Aggregates property, a distance of approximately 1.5 miles, consistent with the above General Plan open space policies. The DEIR/EIS for the Project fails to recognize these ongoing planning efforts for adjacent lands, and fails to discuss the compatibility of the proposed urban development with these planning efforts.

Also indicated in our November 6, 2008, comment letter on the NOP, the configuration of the proposed open space is heavily weighted toward the north and drops off significantly toward the south. The proposed open space connection or “fingers” at each location where the open space meets White Road Road is extremely narrow, particularly at the point where Alder Creek crosses White Rock Road. As noted above, the staff report exhibits for the Teichert Quarry identify an open space connection on the south side of White Rock Road where Alder Creek crosses this roadway. The DEIR/EIS for the Project should be revised to recognize this fact, and discuss how the efforts could be coordinated consistent with the above General Plan open space policies. In addition, the Draft Sacramento County Bicycle Master Plan, released in January 2010, identifies a planned Class I multi-purpose trail, labeled as the “Deer Creek Trail”, to cross White Rock Road at this location. The planned trail is shown to connect to a planned “Alder Creek Trail” within the Project to the north, and to the Deer Creek Hills Preserve property to the south. This trail is also referenced in the 2009 SACOG Draft Regional Bicycle, Pedestrian, and Trails Master Plan. It is noted that the Conceptual Pedestrian, Bicycle and Transit Corridor map, labeled Exhibit 2-10, as contained in the DEIR/EIS for the Project, identifies a proposed trail for this alignment, but it is not identified as a “Class I” trail consistent with these other draft plans. The DEIR/EIS for the Project must be revised to recognize this Project’s impact on this important regional trail connection, with consideration given to significantly widening the finger of open space in which this multi-purpose trail will be located.

Public Services: Solid Waste - We concur with the analysis of solid waste generation rates and agree with the conclusion that the additional solid waste generated by construction activities in the SPA, as well as generated by residents and businesses occupying the SOI when it is built, can be managed by existing County of Sacramento disposal and recycling capacity.

Biological Resources: Swainsons Hawk – The DEIR/EIS does not adequately disclose or fully mitigate the impact to Swainson’s hawk foraging habitat. The DEIR/EIS identifies 2,594 acres of grassland habitat as potential foraging habitat for Swainson’s hawk and other raptors that would be affected by the proposed Project, with further reductions in impact to be determined by future studies to be conducted as part of a “Swainson’s hawk mitigation plan” using the 1994 DFG Swainson’s Hawk Guidelines as the basis for establishing the value of the habitat lost. The analysis is flawed in

several ways. Not only does the DEIR/EIS improperly defer the quantification of impact, more importantly, it grossly underestimates the acreage impacted due to the use of an outdated methodology. Since 2006 Sacramento County has not used the DFG guidelines but instead has used a methodology specific to Sacramento County and endorsed by DFG as a “better fit” for Sacramento County than the 1994 Guidelines. This methodology was jointly developed with DFG and recognizes that Swainson’s hawk foraging habitat value is greater in large expansive open spaces and agricultural areas than in areas which have been fragmented by agricultural-residential or urban development. The concept is that impact to foraging habitat occurs as properties develop to increasingly more intensive uses on smaller minimum parcel sizes. Therefore, foraging habitat impacts are assessed when agricultural and agricultural-residential parcels are rezoned to smaller minimum parcel sizes. The level of impact is calculated in acres and is based on the starting habitat value and ending habitat value.

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As a baseline, the methodology assumes that properties zoned AG-40 and larger have 100% habitat value, AG-20 properties have 75%, and AR-10 properties have 25% habitat value. Properties zoned AR-5 and smaller, such as AR-2, AR-1, the urban Residential Densities (RD-1 thru 40), commercial and industrial zonings, retain no habitat value. Table 1 below illustrates the continuum of habitat values by zoning and Table 2 provides the possible impact scenarios based on different starting and ending zonings.

Table 1: Swainson’s Hawk Foraging Habitat Value by Zoning Category

Zoning Category	Habitat Value Remaining
AG-40 and larger (e.g., AG-80, A-80, AG-160 etc.)	100%
AG-20, A-20, Some IR and UR	75%
AR-10, A-10	25%
AR-5 and A-5 and smaller (e.g., AR-2, A-2, AR-1, A-1, RE, RD, R, Commercial and Industrial Zones)	0%

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Table 2: Swainson’s Hawk Foraging Habitat Impacts Associated with Different Rezone Proposals

Rezone Request (From)	Rezone Request (To)	Impact
AG-40 and larger (e.g., AG-80, A-80, AG-160 etc.)	AG-20	25% of project size
AG-40 and larger (e.g., AG-80, A-80, AG-160 etc.)	AR-10	75% of project size
AG-40 and larger (e.g., AG-80, A-80, AG-160 etc.)	AR-5, AR-2, AR-1 and any RD, Commercial or Industrial Zone	100% of project size
AG-20, A-20, Some IR and UR	AR-10	50% of project size
AG-20, A-20, Some IR and UR	AR-5, AR-2, AR-1 and any RD, Commercial or Industrial Zone	75% of project size
AR-10, A-10	AR-5, AR-2, AR-1 and any RD, Commercial or Industrial Zone	25% of project size
AR-5 and A-5 and smaller (e.g.,	AR-5, AR-2, AR-1 and any RD,	0% of project size

AR-2, A-2, A-1, RE, RD(1 thru 40), R, Commercial and Industrial Zones)	Commercial or Industrial Zone		79 cont.
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Under CDF's preferred methodology for Sacramento County, the entire project site (3,584 acres) is considered foraging habitat that would be lost if the area is urbanized, not just the 2,594 acres identified in the document as "grassland habitat". Thus, the DEIR/EIS underestimates the area impacted by nearly 1,000 acres. This is a significant flaw in the analysis. 80

To further compound the flaw, the DEIR/EIS does not require full 1:1 mitigation, instead relying upon partial mitigation based on mitigation ratios to be determined at an unspecified future date based on an outdated methodology. Thus the City proposes to under-mitigate for an already grossly understated impact. 81

In addition to failing to disclose the full amount of impact to Swainson's hawk foraging habitat, deferring quantification of impact, and utilizing an inappropriate impact assessment/mitigation methodology no longer used in Sacramento County, the mitigation measures also contain inappropriate and unenforceable assignment of mitigation responsibilities to the City of Folsom and County of Sacramento instead of to the Project applicant. For example, the third paragraph of page 3A.3-53 states that, "Before approval of such mitigation, the City, or Sacramento County for the off-site detention basin shall consult with DFG regarding the appropriateness of the mitigation." If consultation with DFG is necessary to determine the appropriateness of the mitigation then such consultation should have been done as part of the environmental review process prior to release of the Draft EIR/EIS. If consultation with DFG is recommended as mitigation then it should be the responsibility of the Project applicant, and not jurisdictions, to carry out the mitigation. 82

Similarly, the last paragraph of page 3A.3-53 states, "The City Planning Department shall ensure that mitigation habitat established for impacts on habitat within the City's planning area is properly established and is functioning as habitat by conducting regular monitoring of the mitigation site(s) for the first 10 years after establishment of the easement. Sacramento County shall monitor habitat and ensure success for impacts on habitat at the off-site detention basin." If the intent is to require extended monitoring as part of the mitigation then this should be explicitly stated, with the responsibilities of the Project applicant and the approving jurisdiction clearly laid out within the mitigation monitoring and reporting program. However, it is improper to transfer the mitigation responsibility from the applicant and City of Folsom to the County of Sacramento, who is neither a party to the application nor the approving jurisdiction. As written, the mitigation would not only require that the County of Sacramento take over the City of Folsom's monitoring responsibilities, but could also make the County responsible for the applicant's failed mitigation. This inappropriate delegation of responsibilities is present throughout the entire DEIR/EIS and is further detailed in the following comment. 84

Inappropriate Delegation of Responsibilities: The County is also very concerned that the City of Folsom appears to be abrogating their responsibilities as lead agency in regard to mitigation monitoring. Throughout the DEIR/EIS, the Sacramento County Planning and Community Development Department is repeatedly listed as an enforcement entity for the City's proposed mitigation measures. This is wholly inappropriate. Mitigation monitoring is not a responsibility of the Sacramento County Planning and Community Development Department, even for projects in which the County is lead agency. It is certainly not their responsibility for projects under another lead agency. Under CEQA Guidelines Section 15097, mitigation monitoring or reporting responsibilities can be delegated to another agency, but only if the agency accepts the delegation. The County was 85

not asked nor accepts this responsibility. The DEIR/EIS must be revised to correctly delegate mitigation monitoring responsibilities to the City of Folsom rather than the County of Sacramento. | 98
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The DEIR/EIS also places mitigation requirements on Sacramento County, or other responsible agencies, rather than on the project proponents. For example, Mitigation Measure 3A.2-1h requires the responsible agency to conduct detailed dispersion modeling of construction generated PM₁₀ emissions. This deferral of responsibility is inappropriate and makes the mitigation unenforceable. The DEIR/EIS must be revised so that mitigation responsibility is borne by the project applicant and/or the lead agency, not outside agencies such as the County of Sacramento. | 100
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Similarly, the DEIR/EIS places numerous mitigation requirements on non-related project applicants (e.g., quarry operators) for impacts caused by the Project. Again, this is improper delegation of responsibilities. Mitigation for Project impacts is the responsibility of the Project proponents, not unrelated parties. Further, as noted in the DEIR/EIS, the City of Folsom has no direct jurisdiction over the quarry projects as the projects are located within the unincorporated County of Sacramento. As such, the City does not control quarry-related activities, rendering the proposed mitigation unenforceable. CEQA Guidelines Section 15126.4(a)(2) requires that mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. CEQA Section 15126.4(4) also requires mitigation measures to be consistent with applicable constitutional requirements, including an essential nexus and rough proportionality. It does not appear that the proposed mitigation measures meet either of these criteria. Additionally, CEQA Guidelines Section 15126.4 (a)(1)(A) requires that mitigation measures be either measures proposed by the proponents to be included in the project or measures proposed to be required as conditions of approving the project. Mitigation cannot be arbitrarily placed on outside parties. The improper delegation of mitigation measures is pervasive throughout the document. The DEIR/EIS must be revised to include enforceable mitigation that places full responsibility for Project impacts on the Project itself. | 104
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Biological Resources: - Valley Needlegrass Grasslands – The DEIR/EIS correctly identifies the importance of the valley needlegrass grasslands but fails to establish quantitative mitigation and defers establishment of mitigation to some time in the future upon consultation with DFG and the City of Folsom. The DEIR/EIR should establish a quantitative mitigation principle such as 1:1 mitigation and hold the applicants to this unless otherwise determined by DFG. While we understand that DFG has oversight as a trustee agency, it is the responsibility of the preparers of the DEIR/EIS to quantify impacts and identify feasible mitigation. If this cannot be done without consultation with DFG then such consultation should have occurred prior to release of the DEIR/EIS. | 115
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Aesthetic Impacts: Mitigation Measure 3A.1-1 Construct and Maintain a Landscape Corridor Adjacent to U.S. 50 – The DEIR/EIS identifies the significant impact that development will have on scenic resources and proposes a 50 foot landscape corridor adjacent to U.S. 50 as partial mitigation, “except that the landscaped corridor width shall be reduced to 25 feet adjacent to the proposed regional mall.” There is no justification or analysis provided for a reduced landscape corridor adjacent to the proposed regional mall. It is not clear if the finding of the DEIR/EIS is that the proposed regional mall is less visually obtrusive than the remainder of the development and therefore requires only a 25 foot landscaped corridor when the rest of the Project requires 50 feet. Additional clarification is required. | 121
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Noise Impacts: Traffic - The DEIR/EIS fails to include reasonably foreseeable quarry truck traffic in the noise modeling for the Future (2030) noise scenarios and therefore underestimates the traffic noise exposure at on- and off-site site land uses under future conditions. The City of Folsom has been involved in numerous meetings regarding the Teichert Quarry Project and Walltown Quarry Project, and has been repeatedly advised that these projects would utilize Scott Road and/or Prairie City Road through the SPA area to access U.S. Highway 50. The quarry projects have been under CEQA review and had Notices of Preparation available before the Notice of Preparation was issued | 126
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for the subject DEIR/EIS and therefore are required to be considered as reasonably foreseeable and analyzed as part of the environmental baseline of the proposed Project. | 130

Further, although the Noise chapter evaluates the increase in noise associated with Project-related traffic, it fails to address the impact of introducing new noise-sensitive land uses where they would be exposed to future traffic noise. This is a significant impact of the project that has not been acknowledged and mitigated. This omission warrants a recirculation of the draft document. | 131
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Airport/Air Traffic Impacts: Hazardous Wildlife Implications at Mather Airport: - The County is concerned about the potential generation of hazardous wildlife attractants that could cause wildlife movement into or across aircraft approach, departure and circling airspace. The Federal Aviation Administration (FAA) establishes policies and guidance relative to the placement of hazardous wildlife attractants on and near airports, in particular with regard to projects within a five-mile radius of airports subject to FAA grant assurances. FAA Advisory Circular 150/5200-33B¹, "Hazardous Wildlife Attractants On Or Near Airports", August 28, 2007 (Wildlife Hazards AC), requires airport operators, such as the County Airport System, to strongly discourage land uses that may attract hazardous wildlife within minimum separation distances from an airport's air operations area (AOA)² to protect approach, departure, and circling airspace. For Mather Airport (MHR), the 10,000-foot and five-mile separation criteria should at least be considered when designing land uses that have the potential to attract hazardous wildlife (e.g., stormwater and wastewater management facilities, water features associated with residential and commercial developments, wetlands mitigation areas, wildlife habitat conservation areas, etc.). Exhibit 1 (attached) depicts the 10,000-foot and five-mile perimeters for MHR. | 134
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While the Project area is not within five miles of MHR, Exhibit 2 (Attached) demonstrates that portions of the Project area directly underlie the MHR Runway 22L Instrument Landing System (ILS) final approach course where terrain elevations average approximately 275 feet above mean sea level (MSL), putting aircraft as low as 1,000 feet above the ground within the Project area based on radar flight track analysis. County Airport System records indicate that most damaging birdstrikes occur at altitudes below 3,000 feet MSL. Therefore, it is appropriate for the DEIR to consider the potential for wildlife attractants within the Project area. The DEIR does not assess the potential attraction of hazardous wildlife to MHR or its surrounding airspace. The County Airport System requests that the DEIR address the proximity of Project alternative sites and measures that will be incorporated into the Project to avoid adversely affecting MHR aircraft operations. Off-site Water Facility Alternatives 4 and 4a in the DEIR call for the development of a Folsom Boulevard Water Treatment Plant within five miles of MHR. Water treatment plants and similar open water facilities are designated by the FAA as potential hazardous wildlife attractants. | 139
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Airport/Air Traffic Noise Impacts: Noise Implications and Concerns at Mather Airport - Page 3A. 11-27 states that the EIR/EIS will not discuss exposure to aircraft noise because the nearest 60 dB CNEL noise contour from Mather Airport is 5,000 feet away. Yet in the analysis on Page 3A.11-40 impact 3A.11-6 is presented and discusses the potential impacts of Single-Event Aircraft Noise from Mather Airport. Although the analysis ultimately concludes a less-than-significant impact, the presence of the analysis is contradictory to the statement that aircraft noise would not be discussed. | 148
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The County concurs with the City's conclusions stated in the Project DEIR that, as is the case within the entirety of the current City limits, current and forecast aircraft noise impacts associated with MHR within the proposed Project area will not exceed any federal or State thresholds of significance. | 151

¹ Analysis of proposed projects and land uses should rely upon the most recent version.

² The AOA is defined in the Wildlife Hazards AC as "any area of an airport used or intended to be used for landing, takeoff, or surface maneuvering of aircraft".

However, given the City's and a small number of its residents' extensively documented history of concern about aircraft overflight noise exposure that falls well below such thresholds of significance in other areas of the City that are even further away from both the airport and its associated flight paths than is the proposed Project's location, the County is concerned that residences, schools, and other noise sensitive developments within the proposed Project area have strong potential to both expose future residents, students/ teachers, and others to aircraft noise exposure they and the City might find objectionable, which could result in expanded and unreasonable criticism of continued or increased aircraft operations at MHR. Therefore, at a minimum, the DEIR should require acoustical insulation of all noise sensitive developments to the State of California Division of Aeronautics Title 21 Noise Standards interior noise standard of a Community Noise Equivalent Level (CNEL) of 45 dB. Specifically, the DEIR should explicitly require that prior to construction, an acoustical analysis be prepared and submitted to the City's Building Department demonstrating that an interior noise level of 45-dB CNEL has been achieved for all:

- residences, including but not limited to, detached single-family dwellings, multi-family dwellings, apartments or condominiums, and mobile homes,
- classrooms in all public or private schools,
- rooms used for patient care in all hospitals and convalescent homes, and
- churches, synagogues, temples, and other places of worship.

The Project area is at an approximate distance of eight to twelve miles from the Airport Reference Point (ARP) and runways at MHR. Of greater significance, the Instrument Landing System (ILS) final approach course passes over the northwestern portion of the Project area. No point within the Project area is more than three miles from the ILS final approach course centerline.

In consideration of the history of and potential for City and resident concerns, Exhibit 3 (attached) provides a flight track analysis the County Airport System performed for the Project area. Radar data indicates that arrivals and traffic pattern operations will result in frequent overflights of the area at altitudes between (but not limited to) 1,200 to 3,000 feet above the ground by all manner and type of aircraft, including air cargo, military transport, and fighter jet aircraft, at all hours of the day and night. Additionally, the MHR Runway 22L ILS approach procedure and local nighttime noise abatement procedures currently result in a high concentration of nighttime flight activity along the ILS Runway 22L final approach course, which places aircraft at approximately 2,000 feet MSL directly over the northwest portion of the Project area. These procedures are voluntary rather than mandatory, meaning that their existence does not assure that other areas will not be subject direct overflights due to poor weather or during the nighttime. Additionally, the County's aircraft noise complaint records demonstrate that overflights do not need to occur directly overhead to be objectionable to residents living in these areas. The County Airport System regularly receives aircraft noise complaints from residents living between one and three miles from the MHR Runway 22L ILS final approach course centerline for aircraft overflight noise originating from aircraft on course and at the appropriate altitude for the approach segment. Therefore, it is appropriate for the DEIR to conclude that the less than significant aircraft noise exposure will be considered objectionable by residents throughout the Project area and to recommend mitigation measures that will reduce or eliminate those anticipated effects.

The location at which arriving aircraft intercept the MHR Runway 22L ILS final approach course is dependent on a number of factors: their origin, weather conditions, and air traffic volume and congestion. The majority of aircraft arriving from Southern California and airports in the Pacific Northwest are able to intercept the ILS glideslope very close to the Airport the majority of the time. However, when the weather conditions reduce cloud ceilings and visibility, or when there are multiple

aircraft on the approach or in the traffic pattern, FAA procedures require that these aircraft be directed to intercept the Runway 22L ILS at distances further out from the Airport and be adequately separated from each other. Aircraft that arrive from the East are typically given en route clearances that result in them entering the region somewhat southeast of the Runway 22L ILS final approach course. The point at which they then intercept the ILS is determined in part by weather, traffic, and pilot/controller discretion. Flight track analyses conducted by the County Airport System indicate that approximately thirty percent of aircraft arriving at MHR will fly over some portion of the Project area at altitudes generally between 1,500 and 3,500 feet MSL, which is estimated to be between 1,000 to 3,200 feet above ground level depending on which part of the Project area is overflown.

Impact 3A.11-6 of the DEIR concludes that “Overflights would not result in interior noise levels that create sleep disturbance.” While it is unlikely that aircraft flyovers would generate interior noise levels greater than the ANSI standard threshold used to determine significance (i.e., 55 dB with windows and doors closed), the City of Folsom and the County Airport System have received numerous complaints by Folsom residents who reside at greater distances from MHR (therefore aircraft were at higher altitudes than they would have been over the Project area) but who are in the same relative proximity, one to three miles, of the ILS final approach course. These residents assert that their sleep is disturbed by aircraft approaching MHR, despite living outside the 60 CNEL noise contour for MHR airport.

The American National Standards Institute’s (ANSI) methodology for predicting nighttime awakenings includes equations and recommendations for both disturbances where people are familiar with the noise environment and the effects of new sounds to an area such as a new airport or runway. While neither MHR nor its runways are new, it can be concluded that, unless the noise sensitive developments within the Project are acoustically insulated, a portion of the residents in the proposed Project area will not be familiar with the noise environment and will experience the effects of new sounds to which they are unaccustomed. Policy 30.4 included in the DEIR additionally states “The potential for sleep disturbance is usually of primary concern, and should be evaluated on a case-by-case basis.”

The County Airport System supports the City’s conclusions in the DEIR that the Project area is not located within the currently adopted 60 and 65 dB CNEL contours of the MHR Airport Land Use Compatibility Plan or the revised contours included in the MHR Master Plan and that the cumulative noise exposure in terms of Ldn/CNEL is within acceptable limits per FAA and National Environmental Policy Act (NEPA) guidelines, and that since “the SPA would not be located in an area exposed to excessive aircraft-generated noise levels (e.g., not within the 60 dB Ldn/CNEL contour of any airport), there would be no impact related to aircraft noise...³”. Notwithstanding these conclusions, and taking into account the well-documented historic aircraft noise complaints by residents of the City Folsom regarding aircraft overflight, it is reasonable to conclude that given the Project area’s proximity to the Runway 22L ILS final approach course, there will be some level of concern expressed by new residents within the Project area; even though the aircraft noise exposure does not exceed Federally or State established significance thresholds.

The Sacramento County Board of Supervisor’s resolution 2006-1378, adopted April 19, 2006, established the Mather Airfield Airport Planning Policy Area (APPA) and prohibited new residential development within the 60 CNEL noise exposure contour for MHR and also required new residential development within the APPA boundary but outside the 60 CNEL to meet the following conditions prior to any approval by Sacramento County:

³ Conclusion stated in DEIR, page 3A-11-27, **ISSUES NOT DISCUSSED FURTHER IN THIS EIR/EIS**
Exposure to aircraft noise:

1. Minimum noise insulation to protect persons from excessive noise within new residential dwellings, including single family dwellings, that limits noise to 45 dB CNEL, with windows closed, in any habitable room.
2. Notification in the Public Report prepared by the California Department of Real Estate disclosing to prospective buyers that the parcel is located within the applicable airport planning policy area and that aircraft operations can be expected to overfly that area at varying altitudes less than 3,000 feet Above Ground level (AGL)
3. Execution and recordation with the Sacramento County Recorder of Avigation Easements prepared by the Sacramento County Counsel's Office on each individual residential parcel contemplated in the development in favor of the County of Sacramento. All avigation easements recorded pursuant to this policy shall, once recorded, be copied to the director of Airports and shall acknowledge the property location within the appropriate Airport Planning Policy Area and shall grant the right of flight and unobstructed passage of all aircraft into and out of the appropriate airport.

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The Folsom South of U.S. 50 Specific Plan Project location is currently in an area of unincorporated Sacramento County and is entirely within the Mather Airfield APPA as depicted in Exhibit 4 (Attached). Under the No Project Alternative, the Project would be required to meet the conditions referenced above.

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The County Airport System strongly encourages the City of Folsom to require that all 10,210 residential units planned in the proposed Project area to be conditioned with all Mather Airfield APPA conditions in order to facilitate home buyer awareness, minimize the impact of aircraft overflights which may be experienced by residents within the proposed Project area, and to protect the public's current and future investment in an economic resource that is MHR.

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Without such conditions being adopted and required by the City, the County must conclude that the City has determined that any current and future aircraft noise exposure within the City limits but occurring beyond any airport's 60 CNEL contour to be less than significant and would not cause any impacts related to aircraft noise and, therefore, does not warrant consideration of any form of noise abatement or mitigation on the part of the County.

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Water Supply and Infrastructure Impacts: Sacramento County Water Agency (SCWA) –

Although the DEIR/EIS analyzes several water supply options, these all rely on water to be conveyed to the site via SCWA capacity in the Freeport Regional Water Authority infrastructure. At this time the agreement between SCWA and the City of Folsom does not represent a commitment from either party and is intended only to frame future negotiations between the entities. SCWA has prepared a separate comment letter that details the Agency's concerns with the analysis provided in the DEIR/EIS and the assumption that a water supply delivery agreement is in place to serve the Project.

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Infrastructure Impacts: Lack of Adequate Financing Plan - The DEIR/EIS correctly points out that LAFCo Resolution 1196 established conditions to ensure that annexation of the Project area by the City would include adequate services. The DEIR/EIS fails however, to identify any plan for providing adequate services and has not shown that the level of funding and infrastructure needed to support development in the Project area is financially feasible. Given the extensive roadway, sewer, open space and water infrastructure necessary to develop the Project area, it is unclear at this time how the Project can proceed without having a financial impact on other areas in the City of Folsom or surrounding jurisdictions. The DEIR/EIS should be revised to include this analysis.

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Traffic Impacts: Page Specific Comments and Deficiencies – The following itemized list contains numerous errors and deficiencies that must be corrected in the Draft EIR/EIS in order to adequately disclose the Project's potential impacts to surrounding jurisdictions. Some of the corrections

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necessary will result in substantial new information that must be incorporated into a re-circulated Draft ERI/EIS.	201
1. Page ES-154. Mitigation Measure 3A.15-4i. The project shall pay its fair share towards the urban interchange at the White Rock Road and Grant Line Road intersection. This mitigation measure is consistent with the draft Sacramento County General Plan Update. Please include this mitigation measure in the public facilities financing plan and collect fair share for this proposed mitigation measure.	202 203 204
2. Page 3A.15-3. Table 3A.15-1. Intersections no. 27, 28, 29 and 30 under City of Folsom should be considered Sacramento County facilities under existing conditions.	205
3. Page 3A.15-4. Table 3A.15-1. Some Grant Line Road segments are shown under both Sacramento County (segments no. 6, 7 & 8) and the City of Rancho Cordova (segments no. 2, 3 & 4). Facilities that are located partially within the City of Rancho Cordova should be analyzed using Rancho Cordova’s significance criteria rather than the County’s since the City’s significance criteria are more stringent.	206 207
4. Page 3A.15-8. Level of Service Standards. SR 16 is typically analyzed as a local road rather than a state highway. For portions within the County, LOS D should be considered acceptable for the rural segments located outside the County’s Urban Service Boundary (USB), and LOS E should be considered acceptable for the urban segments within the USB. Please use these criteria when determining potential project impacts on SR 16.	208 209 210 211
5. Page 3A.15-14. Table 3A.15-8. Roadway segment no. 13, SR 16 – Grant Line Road to Dillard Road, is outside the USB, therefore the LOS D standard will apply. Please show this as an existing deficiency.	212 213 214
6. Page 3A.15-26. Unsignalized Intersections. Please correct the Sacramento County impact criteria listed in the third bullet item for unsignalized intersections. In addition to the LOS standards, a signal warrant must be satisfied. Please evaluate signal warrants for all of the unsignalized intersections.	215 216 217
7. Page 3A.15-26. Unsignalized Intersections. Please correct the Sacramento County impact criteria listed in the fourth bullet item for unsignalized intersections. It should read: “For an unsignalized intersection that meets a signal warrant, increase the delay by more than 5 seconds at a movement/approach that is operating at an unacceptable LOS (LOS F for urban or LOS E or F for rural areas) without the project.”	218
8. Page 3A.15-28 & 3A.15-29. Existing Scenarios Roadway Networks. Is the project fully paying for and constructing the external roadway improvements and new interchanges assumed in the with-project conditions? When would these new facilities be constructed? What would be the impact of the project on the County roadways until all these improvements are fully constructed? Even though the analysis considers new interchanges and external roadways under the with-project conditions, nowhere in the DEIR/DEIS is it indicated that the project will fully fund and construct these facilities. Unless full construction of these new facilities is a part of the project description, the DEIR/DEIS should analyze the impacts of the project without these new roadways and interchanges.	219 220 221 222 223
9. Page 3A.15-37. Table 3A.15-18. Roadway segment no. 5, Grant Line Road – White Rock Road to Douglas Road, is located partially within the City of Rancho Cordova and should be analyzed using the City’s significance criteria. The acceptable level of service for this segment is LOS D.	224 225 226

10. Page 3A.15-47. Project Participation in Funding Transportation Improvements. Paragraph b. If the project results in a direct impact, then the project should be 100% responsible for the mitigation measure as opposed to a fair share.	227
11. Page 3A.15-48. Project Participation in Funding Transportation Improvements. Paragraph c. The County staff is willing to work with the City of Folsom staff regarding the cross jurisdictional infrastructure mitigation measures. We would recommend that the fair share fees or 100% fees be collected by the City of Folsom prior to issuance of building permits for mitigation measures related to the Sacramento County facilities. The County at time of implementation of improvements at impacted facilities would ask the City of Folsom to transfer these collected funds to Sacramento County. The details of this agreement can be drafted by the City of Folsom and County of Sacramento staff for Board of Supervisors and City Council's adoption/approval. Please coordinate with SACDOT and County Engineering Infrastructure Financing Section (IFS) staff to finalize these details.	228 229 230 231 232
12. Page 3A.15-83. Table 3A.15-26. Hazel Avenue/Gold Country Boulevard has an impact during the AM peak hour under cumulative plus project (Centralized Development) because this intersection degrades from an acceptable LOS standard (LOS E) to an unacceptable LOS standard (LOS F). Please correct this and provide an appropriate feasible mitigation measure.	233 234
13. Page 3A.15-85. Table 3A.15-27. As commented earlier, Grant Line Road segments no. 6, 7 & 8 are located partially within the City of Rancho Cordova and should be analyzed using the City's more stringent significance criteria. The acceptable level of service for these segments is LOS D.	235 236 237
14. Page 3A.15-85. Table 3A.15-27. Jackson Road segment no. 15 and Prairie City Road segment no. 16 are outside or on the border of the USB. Please use LOS D as the acceptable standard for these roadways. In this case, both of these segments would be operating at unacceptable conditions under cumulative no project conditions.	238 239 240
15. Page 3.15-125. Table 3A.15-36. The "Lanes" column does not show the number of lanes assumed for the "Proposed Project with Mitigated Transportation Network". Please add this information to the table.	241
16. Page 3A.15-133. Sacramento County. The DEIR/DEIS needs to mention that the mitigated transportation network will add significant traffic to some of the area roadways and that several roadways will continue to operate at unacceptable levels of service even after all the widenings proposed under this scenario. In addition, the mitigated network does not mitigate the impacts on Scott Road (West), since no impacts had been identified on this roadway under the Proposed Project. Furthermore, the mitigated network results in an impact on the intersection of Hazel Avenue/Gold Country Boulevard that did not occur under the Proposed Project.	242 243 244 245
17. Page 3A.15-134 & 3A.15-135. Cumulative Quarry Truck Traffic. The DEIR/DEIS states that the trip distribution assumed for the proposed quarries and shown on Exhibit 3A.15-111 is not considered acceptable to the City of Folsom, but it reflects a logical distribution of truck trips. Why does the DEIR/DEIS assume that Exhibit 3A.15-111 reflects a logical distribution of truck trips? The Draft East Sacramento Region Aggregate Mining Truck Management Plan, prepared by DKS Associates and in association with the City of Folsom, shows that the future Oak Avenue Parkway would not be competitive with Scott Road and Prairie City Road as a truck route and no more that 2% of the total quarry trucks would be anticipated to use this road. The DEIR/DEIS either needs to be consistent with the extensive analysis that was	246 247 248 249 250

conducted as part of the Truck Management Plan or needs to provide sufficient justification for any assumption that contradicts that Plan. | 250 cont.

Traffic Impacts: General Comments and Deficiencies – The following itemized list provides a continuation of the above comments on general traffic and circulation topics. | 251

18. Please coordinate with Southeast Connector JPA staff regarding the number of access points and signal spacing on White Rock Road. | 252

19. The project should be conditioned by the City of Folsom to install frontage improvements on Prairie City Road using a 6 lane (98 foot) thoroughfare standard and a public utility public facilities (PUPF) easement. The multiuse pedestrian and bicycle trail on the Folsom SOI frontage should be installed in this easement. For reference, the Easton development west of this project is providing an 8 foot wide multiuse pedestrian and bicycle trail in this easement. Also, a 5 foot wide bike lane should be provided on the roadway. Since this is a regional route, we recommend that City of Folsom coordinate the proposed cross sections on the Prairie City Road with Sacramento County staff for consistency. Generally, this same comment applies to White Rock Road but the cross sections for White Rock Road should be coordinated with Southeast Connector JPA staff and Sacramento County staff for review and comments. | 253
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20. The project applicant and City of Folsom should coordinate with SACDOT staff for the Prairie City Road and Easton Valley Parkway intersection improvements. For reference, the cross section (see figure below) on Easton Valley Parkway in the Easton project consists of a 98 foot thoroughfare with 39 foot PUPF easement. 4 foot on street bike lanes will be provided on Easton Valley Parkway and an 8 foot wide multiuse pedestrian and bicycle trail will be installed in the PUPF. Additionally, at major 6x6 or 6x4 intersections, dual left turns and exclusive rights turns will be provided. At a minimum the cross sections should be aligned for smooth transitions through the intersections when travelling east-west. The Easton project is conditioned to construct outside four lanes on Easton Valley Parkway and to provide room for expansion to six lanes in the medians. | 259



Figure 5.3, Easton Valley Parkway Concept, Four Lanes

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21. The project applicant and City of Folsom should coordinate with SACDOT and County Regional Parks department for the connectivity of the Class I trails to the west of the project. The Easton project will be providing a trail under crossing at Prairie City Road to connect with the future Folsom SOI project. The cost sharing of this under crossing and placement needs to be coordinated with both developments and jurisdictions. | 261
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22. Right in and right out driveways should not be allowed on Prairie City Road, Scott Road and White Rock Road. Access on these roadways should be limited to signalized intersections with 1,200 foot or more spacing. Also, a landscape median should be installed on these roadways.	264 265 266
23. The DEIR/DEIS did not evaluate the Project’s safety impacts on Prairie City Road. This road currently has a horizontal and vertical curve alignment deficiency. Prairie City Road needs an upgrade to the horizontal and vertical alignments to meet a six lane thoroughfare standard.	267 268 269
24. Phasing triggers should be developed to address the needs of infrastructure improvements. The Project should be conditioned to limit further development until these new interchanges are open.	270 271
25. The public facilities financing plan should assume collection of the fees for the mitigation measures/infrastructure improvements outside of City of Folsom jurisdiction. These fees should be later transferred to County of Sacramento for the implementation.	272 273
26. The Sacramento County General Plan Update designates a need for an urban interchange at Prairie City Road and White Rock Road; therefore, the City of Folsom should preserve the right of way for this urban interchange. The project should also contribute a fair share towards this urban interchange. The right of way foot print of this interchange needs to be coordinated with SACDOT and the Southeast Connector JPA staff.	274 275 276 277
27. The project should pay its fair share towards the mitigated network above and beyond the mitigation measures listed in the DIER/DEIS. This roadway network is necessary to relieve the congestion on the surrounding roadway network.	278
28. In addition to the Folsom SOI mitigation measures and US 50 Corridor Mobility Partnership fee program, this Project should contribute its fair share towards the regional roadway infrastructure needs as identified by City of Folsom and SACDOT staff. This could include the Project’s fair share payment towards the Sacramento County Transportation Development Fee (SCTDF) program which accounts for regional roadway infrastructure needs.	279 280
29. General. Since Prairie City Road, Scott Road (east) and White Rock Road are designated as six lane thoroughfares in the draft Sacramento County General Plan Update and these roadways provide direct access to the regional freeway U.S. 50, quarry trucks should not be restricted on these roadways.	281
30. General. Please identify the fair share percentages for all of the mitigation measures. These percentages will later be used to compute the fair share payments to the Sacramento County roadway and intersection mitigation measures.	282
Cumulative Impacts: Toxic Air Contaminants: - The discussion of Toxic Air Contaminant (TAC) exposure within the “Other Statutory Requirements – Cumulative Impacts” chapter (page 4-23) stated that exposure to mobile-source TAC emissions from U.S. 50 was significant and unavoidable, with or without additional quarry truck trips and despite implementation of all feasible mitigation measures identified in Section A3.2 “Air Quality”. This contradicts the conclusions regarding TAC exposure contained in the Air Quality chapter of the DEIR/EIS, which found impacts associated with TAC emissions from U.S. 50 to be less than significant. The DEIR/EIS analyses need to be revised so that the conclusions are consistent.	283 284 285
The methodology utilized for the cumulative impact TAC analysis appears highly biased. Throughout the analysis related to TAC the DEIR/EIS cites methodologies put forward by SMAQMD for disclosing impacts for projects located near major roadways. However, the analysis deviates substantially from those methodologies. The DEIR/EIS focuses on impacts associated with Scott	286 287 288 289

<p>Road, although the screening thresholds of the SMAQMD methodologies (<i>Recommended Protocol for Evaluating the Location of Sensitive Land Uses Adjacent to Major Roadways</i>, January 2010) would screen out Scott Road from in-depth analysis. However, there is no in-depth analysis of U.S. 50, which does not screen out under the methodologies. This intentional manipulation of the adopted methodologies unjustly inflates impacts associated with the quarry projects currently under consideration within Sacramento County and is inappropriate within the context of a CEQA analysis.</p>	<p>289 cont. 290 291 292 293</p>
<p>The DEIR/EIS states without any substantiation that the Teichert Quarry Draft Environmental Impact Report did, “not fully analyze the potential impacts of TAC [Toxic Air Contaminant]-emitting truck traffic at off-site sensitive receptors, including those planned in the SPA.” (Page 4-23) This is purely conjecture and is not relevant to the impacts of the City’s proposed Project. The statement should be removed.</p>	<p>294 295 296</p>
<p>The DEIR/EIS in its analysis of TAC on Scott Road concludes that there is a potentially significant impact to sensitive receptors located within 400 feet of the roadway segments when quarry trucks are included in the traffic mix. However, the DEIR/EIR relies on inappropriate adaptations of screening methodologies and not on a formal Health Risk Assessment (HRA) as required under SMAQMD’s Protocol. The preparers of the DEIR/EIS have not included a formal HRA nor have they reported the results of either the HRA conducted for the Teichert Quarry project DEIR or the HRA conducted by Granite Construction Company and peer reviewed by SMAQMD (summary provided to the City of Folsom and SOI property owners through their participation in East County Quarry Truck Management Study meetings). Both HRAs conducted for the quarry projects found the maximum incremental cancer risk in the SPA area from quarry diesel trucks to be far below the 296 in a million threshold of significance established in the DEIR/EIS (Cumulative Mitigation Measure AIR-1). Thus, impacts from toxic air contaminants are less than significant. By choosing to ignore the results of the HRAs and instead relying on a makeshift analysis which deviates substantially from adopted protocol, it appears that the DEIR/EIS preparers deliberately manipulated the facts to suit their own agenda to shift the burden of mitigation from the SOI land owners and Project applicants to the quarry operators. As required by CEQA principles, reasonable mitigation within control of the Project should include responsible community design that avoids incompatible uses adjacent to long-established major travel corridors.</p>	<p>297 298 299 300 301 302 303 304 305</p>
<p>Further, the DEIR/EIS puts forward two mitigation measures for TAC that are inappropriate. As discussed above, the DEIR/EIR has not identified any facts to support the contention that mitigation for TAC exposure is necessary. Nonetheless, the DEIR/EIS recommends draconian measures aimed not at the project under analysis, but at unrelated projects and specifically requires the costs of said mitigation for Project impacts to be borne by quarry operators who are not involved with the proposed Project.</p>	<p>306 307 308 309</p>
<p>The first mitigation measure states that the City “could” designate truck routes through newly-annexed City areas so as to force trucks that have been using the existing roadways to reroute around the new development brought to the area by the Project. This mitigation is to occur as a future recommendation by the City’s traffic department to the City Council, at the time of future discretionary actions that precede site development. The mitigation is invalid in that it relies on the voluntary action of a future City Council that may never occur. It also pre-supposes the findings of future CEQA analyses. Furthermore, the mitigation measure would create its own impacts not disclosed in the current document; for example, eliminating the most direct route to U.S. 50 would be expected to result in increased TAC, NO_x, ROG and GHG emissions. This is particularly ironic given that the impact being addressed is TAC. This mitigation measure would also shift truck traffic to other existing communities such as Rancho Cordova and unincorporated Sacramento County which could have other traffic, noise or air quality impacts. Mitigation that shifts an impact from one community to another is not feasible mitigation. Furthermore this mitigation measure could impede</p>	<p>310 311 312 313 314 315 316 317 318</p>

the extraction of minerals resources at the nearby proposed quarries, which, as noted in the Comment entitled “Land Use – Aggregate Resources” above, is an impact not analyzed in the DEIR/EIS. CEQA Guidelines Section 15126.4(a)(1)(D) requires that if a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be disclosed. As, such a discussion of the adverse effects of the proposed mitigation measure, including but not limited to increased emissions, increased truck traffic and noise in other jurisdictions, and other effects related to hampering the extraction of known mineral resources is required. Such an analysis would likely disclose new or substantially more severe significant impacts than previously identified; thus recirculation of the DEIR/EIS would be required.

Another proposed mitigation measure is equally infeasible and improper. It seeks to require the quarry operators to “voluntarily” pay the City for one or more of the following: (1) lost development profits associated with increased setbacks of sensitive receptors from the roadways, (2) roadside tree plantings and their maintenance, and/or (3) installation of HEPA filtration systems and/or other specialized HVAC systems on Project schools and residences. Once again, the City is punting the responsibility for Project impacts to an outside party. It is the responsibility of the City to design a land use plan that requires appropriate setbacks from major roadways and to build-in appropriate health and safety measures for proposed development and the preparers of the DEIR/EIS should include them as Project mitigation measures.

As proposed, these two mitigation measures are misplaced, unrealistic and unenforceable. A future City Council may choose not to apply restrictive truck routes and/or the quarry operators may choose not to “voluntarily” pay. The impact would remain unmitigated, even though there are other feasible options, such as including appropriate setbacks in community design, which would mitigate the impact. CEQA requires the inclusion of feasible mitigation measures when they are available. The DEIR/EIS must be modified to include such measures.

Finally, it is curious that the preparers of the DEIR/EIS choose to focus so exclusively on the pollution from quarry truck trips while ignoring the pollution generated by U.S. 50, an acknowledged source of TAC emissions, or that of the construction-related truck traffic generated by the Project’s development.

Cumulative Impacts: Noise: - Similar to the flawed analysis and mitigation discussed above in the Toxic Air Contaminants comments, the noise analysis suffers from many of the same inadequacies.

First and foremost, the DEIR/EIS fails to acknowledge that the Project would create an impact by bringing sensitive receptors into an area with high future traffic noise levels. Instead, the DEIR/EIS focuses on only one of the components of the future noise (quarry truck traffic) and attempts to shift impact and mitigation responsibility away from the current Project and to the quarry operators. Thus the DEIR/EIR fails to examine the most reasonable Project alternative for dealing with any potential noise and air quality impacts. That alternative would be to formulate a land use plan which does not attempt to place sensitive receptors immediately adjacent to the Plan’s own 6-lane roadway (Scott Road). Instead the preparers of the DEIR/EIS propose infeasible mitigation similar to that discussed above under “Cumulative Impacts: Toxic Air Contaminants”, which again pre-supposes a future City Council will to decide to designate truck routes through newly-annexed City areas so as to force trucks that have been using the existing roadways to reroute around the new development brought to the area by the Project. This mitigation is flawed for the same reasons discussed in the Toxic Air Contaminants discussion above.

The other mitigation measure proposes options that are fairly standard for noise attenuation (i.e., sound walls/berms, rubberized asphalt, increased sound transmission class rated windows) and would constitute reasonable, effective and enforceable mitigation if placed as conditions of approval

on the Project. However, the City oversteps its authority and renders the mitigation infeasible and unenforceable by specifying that the cost of the physical improvements is to be borne by the quarry operators. As we have previously pointed out, it is not the responsibility of outside parties to mitigate for any impacts of the City's plan to develop in the SOI area.

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In conclusion, the DEIR/EIS is inadequate for the reasons stated in this letter. The nature of the inadequacies can be remedied through additional analysis and recirculation of the Draft EIR/EIS per CEQA Guidelines Section 15088.5.

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Thank you for this opportunity to comment.

Sincerely,


Paul J. Hahn
Administrator, Municipal Services Agency

Attachments: NOP Comment Letter
Airport Exhibits 1 through 4

Municipal Services Agency
Paul Hahn
Agency Administrator



County Executive
Terry Schutten

County of Sacramento

November 6, 2008

Ms. Gail Furness de Pardo
City of Folsom
Community Development Department
50 Natoma Street
Folsom, CA 95630

SUBJECT: Comments on Notice of Preparation for Joint Draft Environmental Impact Report/Environmental Impact Statement for the Folsom South of U.S. Highway 50 Specific Plan Project

Dear Ms. Furness De Pardo:

Thank you for the opportunity to comment on the environmental scope of work for this important project. The County of Sacramento did not receive a copy of the Notice of Preparation. On September 30th one of our staff members discovered the NOP online and downloaded and distributed it appropriately. As a result we were not aware of, and missed, the opportunity to attend the Scoping Meeting held September 25, 2008. We respectfully request that the attached Sacramento County staff addresses and emails be added to the City's distribution and notification list for any notices or postings related to this project in the future:

The County of Sacramento has significant interests in the successful planning and development of the project area. We request that the environmental analysis examine the following issues (in no particular order):

Land Use Incompatibilities – The unincorporated area south of White Rock Road is a primary natural resource and conservation area for the County. It contains a number of open space and resource-related land uses and is planned for others. It is imperative to the region that the proposed land uses in the SOI project area not be allowed to adversely effect existing and planned land uses in the surrounding area. Of particular concern is the protection of these existing and planned land uses from complaints and development pressures from future City residents. Please examine these impacts as related to existing and future planned land uses in the area including:

- Prairie City Off-Highway Vehicle Park on the south side of White Rock Road
- Proposed GreenCycle Green Waste Compost Facility on Scott Road, south of White Rock Road
- Designated Resource Conservation Area (see the current Sacramento County General Plan)

Ms. Gail Furness de Pardo
Page 2
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Land Use Incompatibilities – continued:

- County General Plan Designated Mineral Resource Zones (see the current Sacramento County General Plan and California Department of Conservation Open-File Report #99-09)
- Proposed hard rock quarries (see Teichert, Granite and DeSilva-Gates pending quarry entitlement applications with Sacramento County)
- Existing cattle ranching operations, Williamson Act lands, and large agricultural holdings south of Scott Road
- Planned open space preserves, biological preserves, passive recreation areas, and trails surrounding and linking to the proposed Specific Plan Project.

Biological Resources – Please address impacts to the area's biological resources, in particular riparian, wetland, oak woodland, and vernal pool communities. Also be advised that nesting burrowing-owls have recently been documented in the SOI area at foothill elevations. This information has been reported to the Department of Fish and Game's California Natural Diversity Database but may not yet be reflected in the records.

Scenic Corridors – Please analyze impacts to Scott Road (south) which is a designated scenic corridor within the Scenic Highways Element of the current Sacramento County General Plan.

Aggregate Resources – The area south of U.S. Highway 50 is a designated State mineral resource zone (MRZ) by the California Department of Conservation (OFR 99-09), and recent drilling records provided by Teichert Aggregates, Granite Construction and DeSilva Gates Construction have proven that the area south of White Rock Road is known to contain approximately 20 million tons of feasibly harvestable aggregate. The proposed project would have impacts on the extraction of this regionally and locally significant resource by placing potentially incompatible uses in proximity to quarry operations and hauling routes. These impacts are further exacerbated by the proposal to restrict through truck trips in the Specific Plan Project area. Please analyze the primary and secondary impacts of proximate urbanization and potentially limited access to U.S. Highway 50 for aggregate and other hauling.

Please analyze the regional impacts associated with loss of the state designated MRZ within the proposed Specific Plan Project area, including whether this will put more pressure on the County to supply aggregate for the region. Please look at the primary and secondary impacts to aggregate transport.

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Truck Route Restrictions – County staff were informed September 30, 2008 that the City has implemented a new policy precluding through-truck trips within the City limits. We are not clear on the details about this new policy or how it is evidenced in the City's regulations. The City's website contains conflicting information on this issue. We were not able to identify any posted signage that might provide a code reference. Nevertheless it is our understanding that included in the development of the subject project the City proposes to preclude all truck traffic north through the project area, including potentially traffic on Prairie City Road, future Oak Avenue Parkway, Scott Road/East Bidwell Street, and Empire Ranch Road.

Regarding this issue, please ensure that the EIR/EIS examines the following:

- Impacts of this policy on regional movement of goods
- Impacts of this policy on extraction of state designated aggregate resources south of White Rock Road
- Impacts of this policy, and required alternate routes, on air quality, noise, land use compatibility, safety, traffic congestion, regional and local circulation, and greenhouse gases/climate change
- Environmental justice issues associated with this policy

Agricultural Resources – Please consider the impacts of the proposed development to existing cattle operations south of White Rock Road, as well as impacts to rangeland and impacts to existing Williamson Act contracts in the area. Note that the proposed reclamation for the adjacent Teichert quarry is to return the pit floor to grazing land for cattle operations.

Cumulative Impacts – Please analyze the entire range of reasonably foreseeable projects in the cumulative analysis including:

- Teichert Quarry application (DEIR circulating)
- Teichert Grant Line East application
- Granite Walltown Quarry application (EIR in process)
- DeSilva Gates Barton Ranch Quarry application (EIR in process)
- SWA GreenCycle project (EIR in process)
- General Plan Update (EIR in process)
- South Sacramento HCP/NCCP (EIR in process)
- Country Day School application (EIR in process)
- Easton application (EIR in process)
- Rancho Cordova SOI planning/Cordova Hills Application
- Rancho Murietta projects
- Deer Creek Hills Preserve Master Plan (EIR in process)
- El Dorado County growth

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Cumulative Impacts – continued:

- Boys Ranch expansion/operation
- Prairie City OHV Park expansion/operation
- Kiefer Landfill expansion/operation
- White Rock Road Realignment and rehabilitation (EIR in process)
- Capital Southeast Connector Project, formally known as the Elk Grove, Rancho Cordova, El Dorado Connector Project (EIR in process)

Growth Inducement -- Please discuss the growth-inducing effects of placing the proposed dense urban uses (e.g. retail commercial and high-density residential of 30 du/ac) at the boundary of the County's permanent agricultural/open space area, in light of several Williamson Act contracts and policies in the current Sacramento County General Plan intended to preserve the agricultural value, natural resources and scenic qualities of this area.

Open Space -- The configuration of the proposed green space is heavily weighted toward the north and drops off significantly toward the south. The proposed open space connections at White Rock appear to be very narrow. Please consider significantly widening the green space "fingers" at each location where they meet White Rock (especially at the planned undercrossing where Alder Creek crosses White Rock Road).

Please ensure that the planned trail undercrossing of White Rock where Alder Creek crosses White Rock Road is fully funded and planned for early construction.

Please expand the open space and add a new at-grade trail crossing to the south, at Scott Road (north).

We would like to work cooperatively with your staff to widen and align the planned open space and crossings along White Rock Road with those being planned to the south.

Please ensure that the planned right-of-way for White Rock includes a green belt along the north side, including a multi-purpose off-road Class 1 trail from Prairie City to New Scott Road. This will allow future open space users crossing at any point on the future open space trail to move east or west safely and continue north or south along multiple trail links.

Sacramento County is working to ensure at least one trail connection from Deer Creek Hills Preserve north to White Rock Road within ten years. The City of Folsom is encouraged to do the same from White Rock Road northward.

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Please verify that ultimately there will be multiple connecting trail links planned within all the open space areas. This is the approach Sacramento County is taking south of White Rock Road, which we believe will result in outstanding open space and trail resources for future generations.

Please consider third party management of the planned open space areas, which could be combined with management of open spaces in the Easton project and potentially other planned open space in the area to form a continuous swath of open space with consistent oversight and maintenance.

Project Alternatives -- Please consider the following project alternatives/options which may result in lower impacts to the County and surrounding areas and are therefore merited under CEQA:

- Realignment of Prairie City Road to Scott Road (south)
- Realignment of Oak Avenue Parkway so it does not bisect the planned open space area
- Shift the town center east or west to a new north/south roadway thus freeing up Scott Road (north) for regional access to Highway 50
- Expansion of the road network. Consider extending "Street B" west and south at least to Oak Avenue.

Roadway Impacts – Please analyze the impacts to County roadway facilities that will result from phasing and build-out of the proposed project and identify appropriate multi-jurisdictional mitigation measures and funding mechanisms for each scenario.

The County is currently considering adoption of the Sacramento County Transportation Development Fee (SCTDF) Program to fund major transportation infrastructure needed to accommodate future travel demand in Sacramento County. The project area is a significant component of the SCTDF Program and any adopted fees, improvement projects and updates should be fully supported in the subject project and environmental analysis.

Along with the City of Folsom, the County is a participant in the 50 Corridor Mobility Partnership (Partnership) which is a public/private partnership with the objective to improve mobility, relieve congestion and reduce dependence on auto travel throughout the 50 Corridor. The Partnership is currently considering a fee program to fund improvements in the 50 Corridor. The project area is a significant component of the project area and any adopted fees, improvement projects and updates should be fully supported in the subject project and environmental analysis.

Ms. Gail Furness de Pardo
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The County is currently updating the County General Plan. The subject project and environmental analysis should be aware of and consider the proposed transportation infrastructure and policies of the circulation element of the General Plan Update. Facilities that should be anticipated include, but are not limited to, an urban interchange at the intersection of White Rock Road and Prairie City Road, wildlife grade separations, transit service along Easton Valley Parkway, and planned trail undercrossing of White Rock where Alder Creek crosses White Rock Road.

Sacramento County is a member agency of the Sacramento-Placerville Transportation Corridor Joint Powers Authority (JPA) which oversees an existing rail corridor through the proposed Folsom SOI. Recently, the JPA board members authorized an Execution of Nonbinding Letter of

Intent for Excursion Rail Operations with the El Dorado & Sacramento Historical Railroad Association along this rail corridor. It is Sacramento County's intent that this corridor be used for excursion rail operations in the near future.

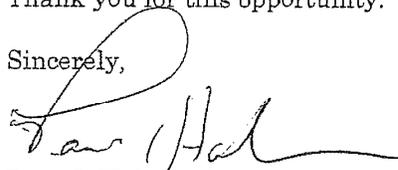
Along with the City of Folsom, Sacramento County is a member agency of the Capital Southeast Connector Joint Powers Authority which is charged with developing and implementing transportation improvements that may be affected by the planning and development of the project. Coordination and collaboration with the Authority's Executive Director, Tom Zlotkowski is highly recommended.

Transit Operations -- Additionally, the EIR should assess the impacts of proposed land uses and densities on the feasibility of transit service, especially along Easton Valley Parkway, and identify the right of way necessary to provide bus rapid transit, trolley or streetcar service along this major arterial.

Water Supply and Infrastructure -- Please analyze proposed water rights and the planned delivery system, including impacts of failure to successfully procure the water rights or implement the proposed water treatment and conveyance system.

Thank you for this opportunity.

Sincerely,

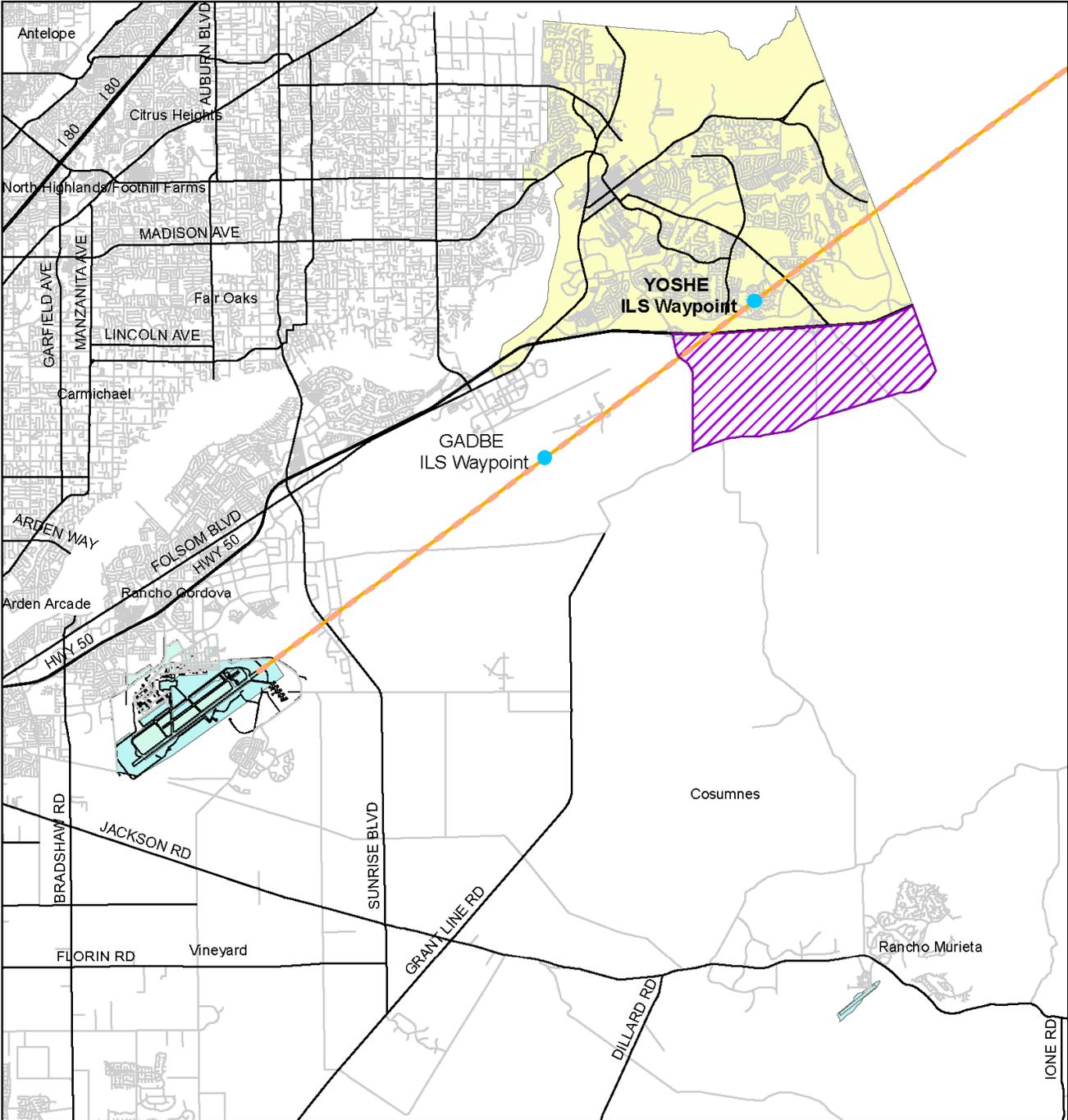


Paul J. Hahn, Administrator

CS/PJH/ds

Cc: Robert Sherry, Joyce Horizumi, Michael Penrose

Mather Airport Runway 22L Instrument Landing System (ILS) Final Approach Course and Proximity to Folsom South SOI



0 0 0 0 Nautical Miles

Legend

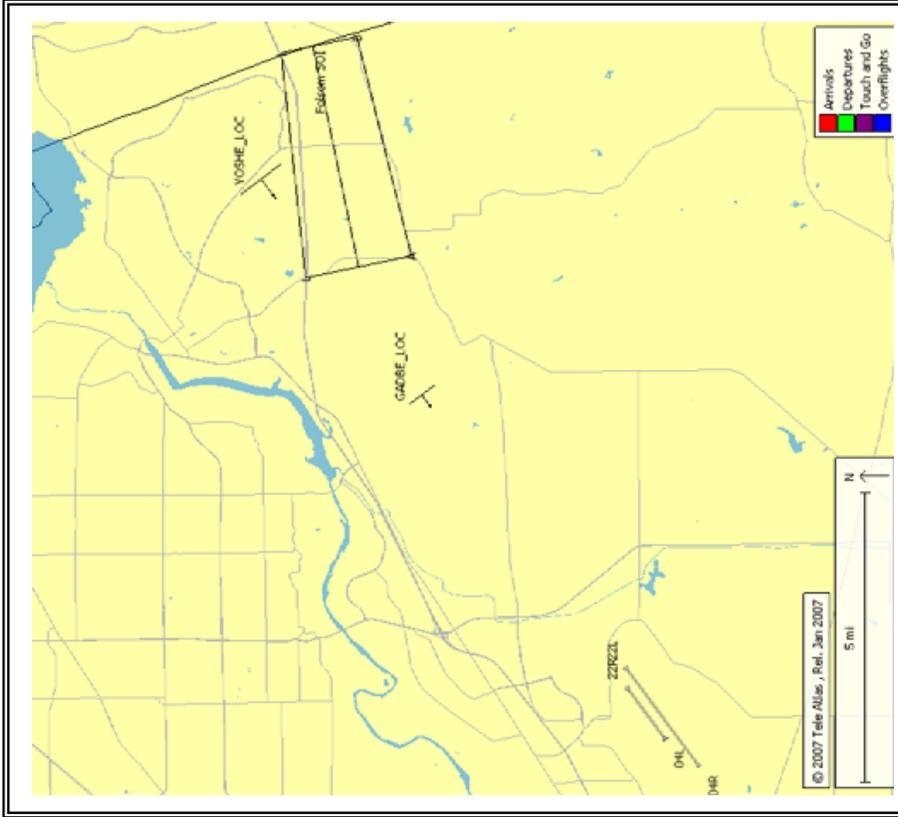
-  Folsom SOI
-  ILS Final Approach Course

**Sacramento County Airport System
Aircraft Noise Information Office**

Mather Airport Flight Altitudes Near Proposed Folsom South of U.S. 50 Specific Plan Project
Flight Track Analysis

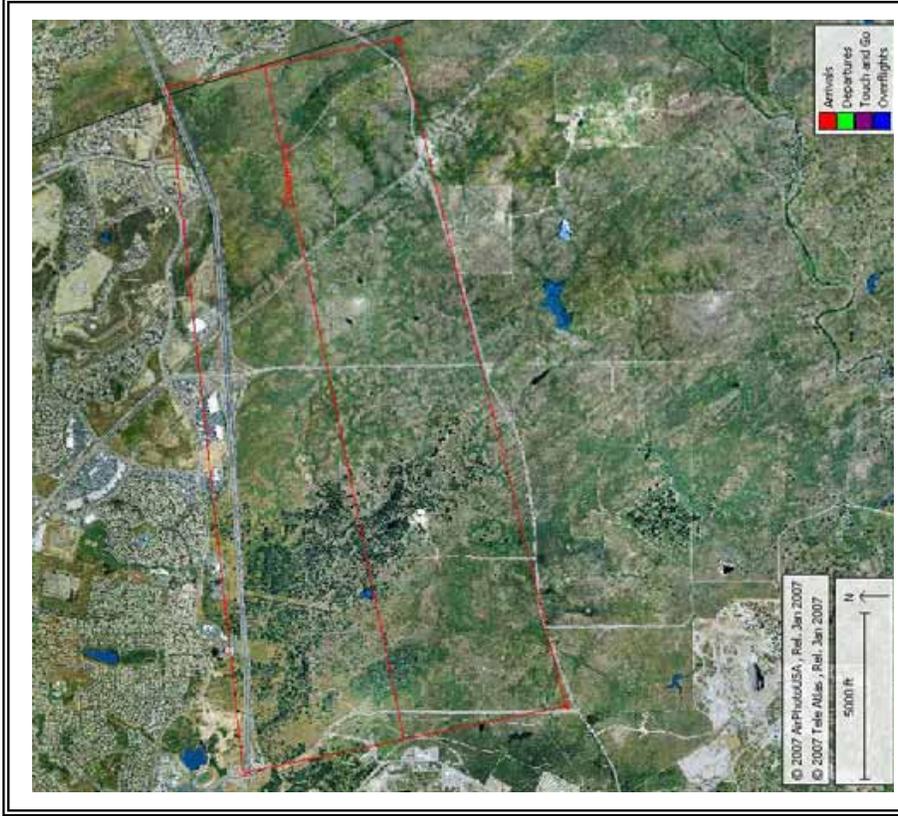


Basic Location



A flight corridor was created in the Airport Noise & Operations Management System (ANOMS) to emulate the boundaries of the proposed location: south of U.S. Highway 50 (U.S. 50), east of Prairie City Road, North of White Rock Road, and west of the El Dorado County Line.

Geographic Representation of the Corridor



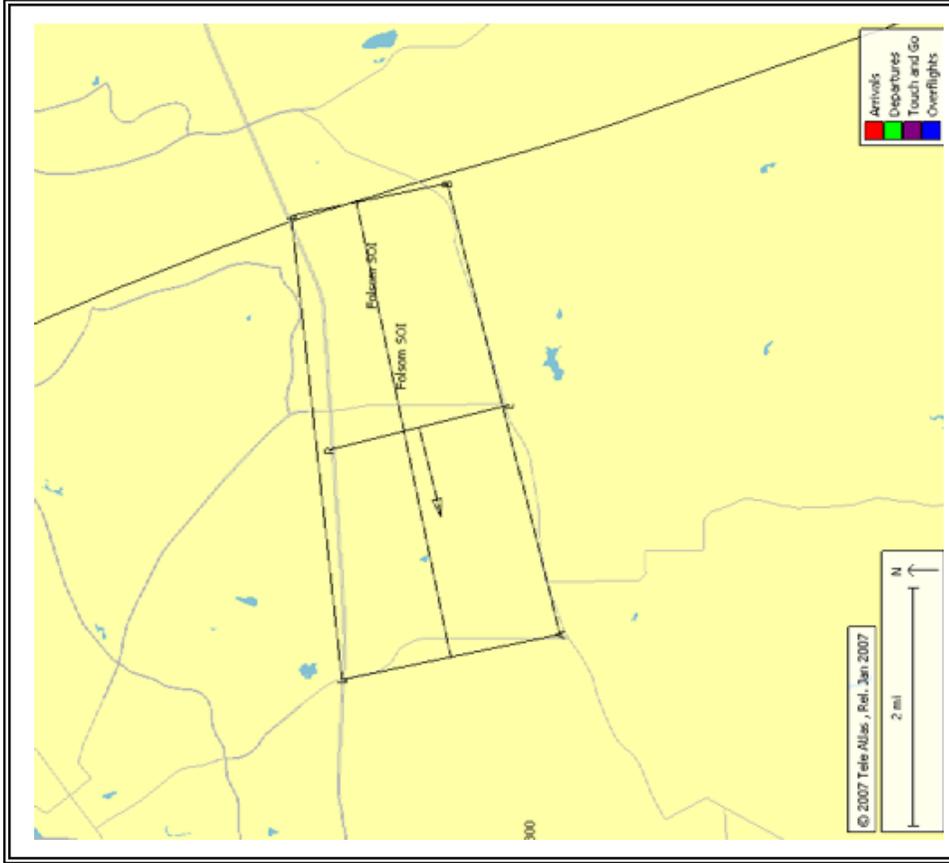
The penetration gate is centered at the coordinates of 38°34'36.99"N, 121°14'26.38"W, spanning the site for two miles and is oriented to capture the majority of the flights that directly overfly the location.

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Mather Airport Flight Altitudes Near Proposed Folsom South of U.S. 50 Specific Plan Project
Flight Track Analysis

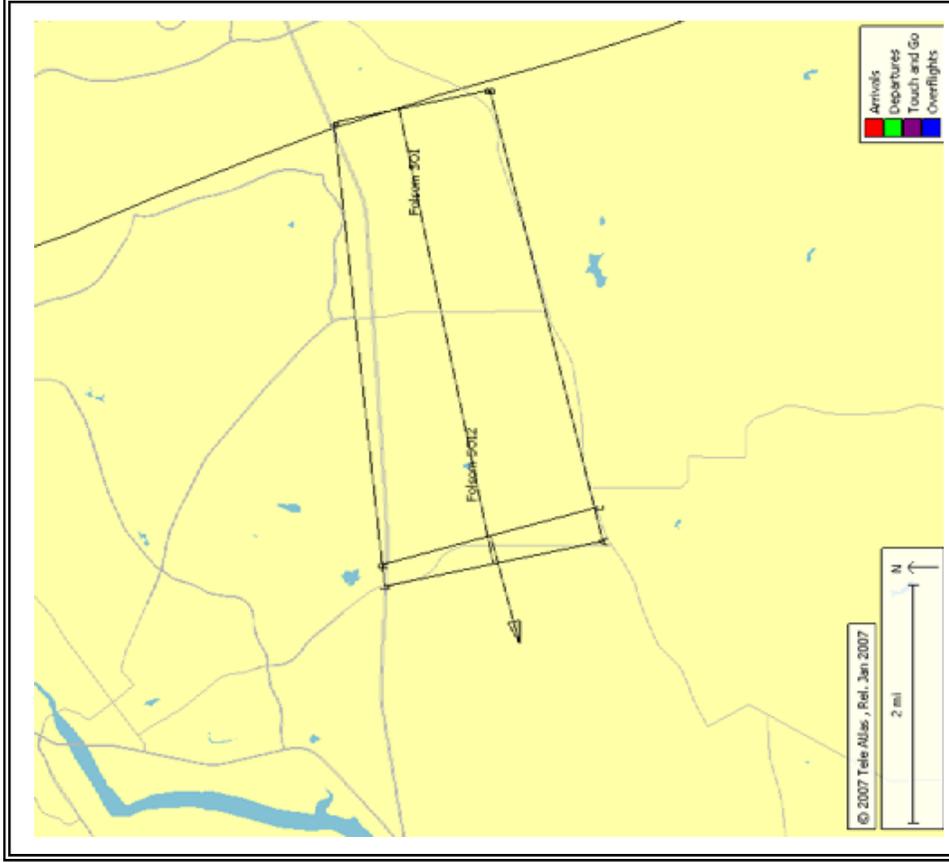


Basic Location of Penetration Gate 1



The first penetration gate is located approximately at the center of the site from U.S. 50 to White Rock Road and is oriented to capture the majority of the flights that directly overfly the location.

Basic Location of Penetration Gate 2

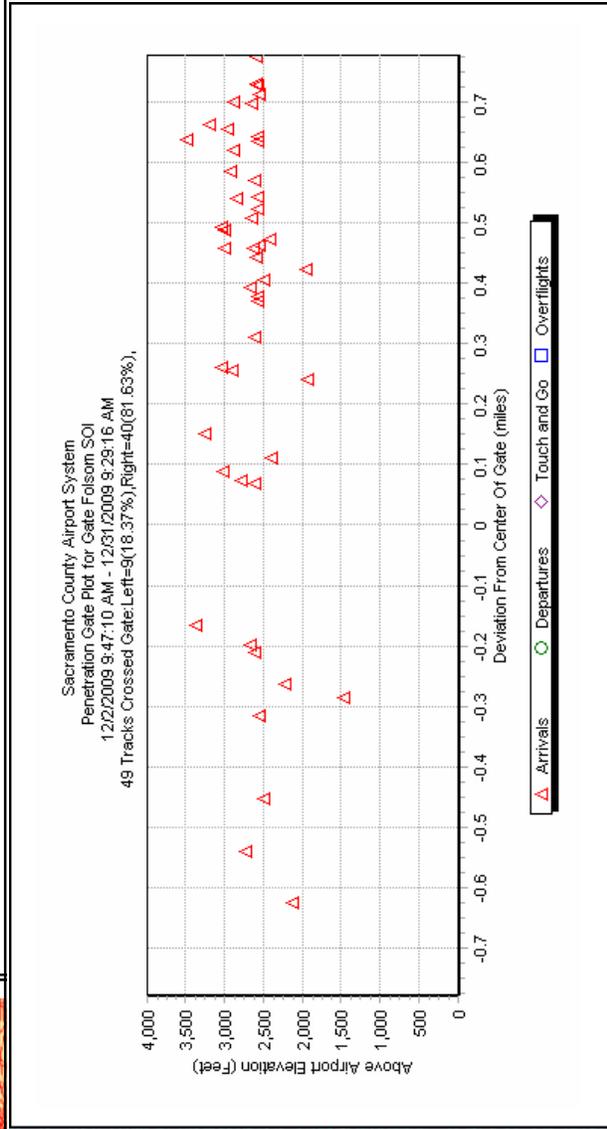
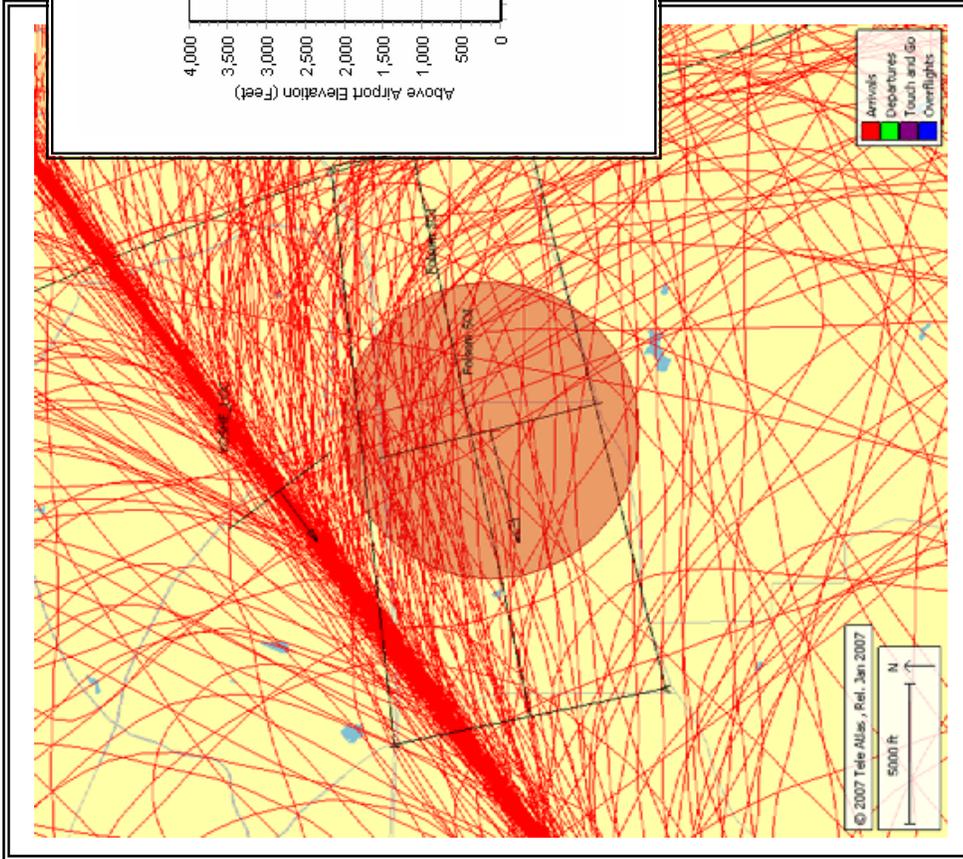


The second penetration gate is located approximately at the southwestern border of the site from U.S. 50 to White Rock Road and is oriented to capture the majority of the flights that directly overfly the location.

**Sacramento County Airport System
 Aircraft Noise Information Office
 Mather Airport Flight Altitudes Near Proposed Folsom South of U.S. 50 Specific Plan Project
 Flight Track Analysis**



Arrival Analysis Penetration Gate 1, December 2009



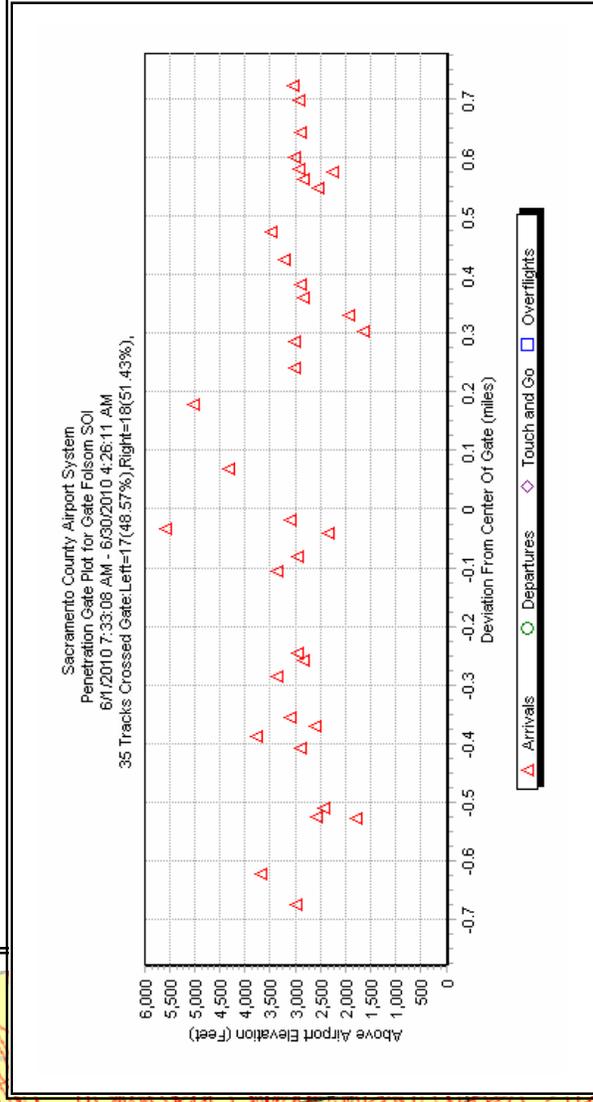
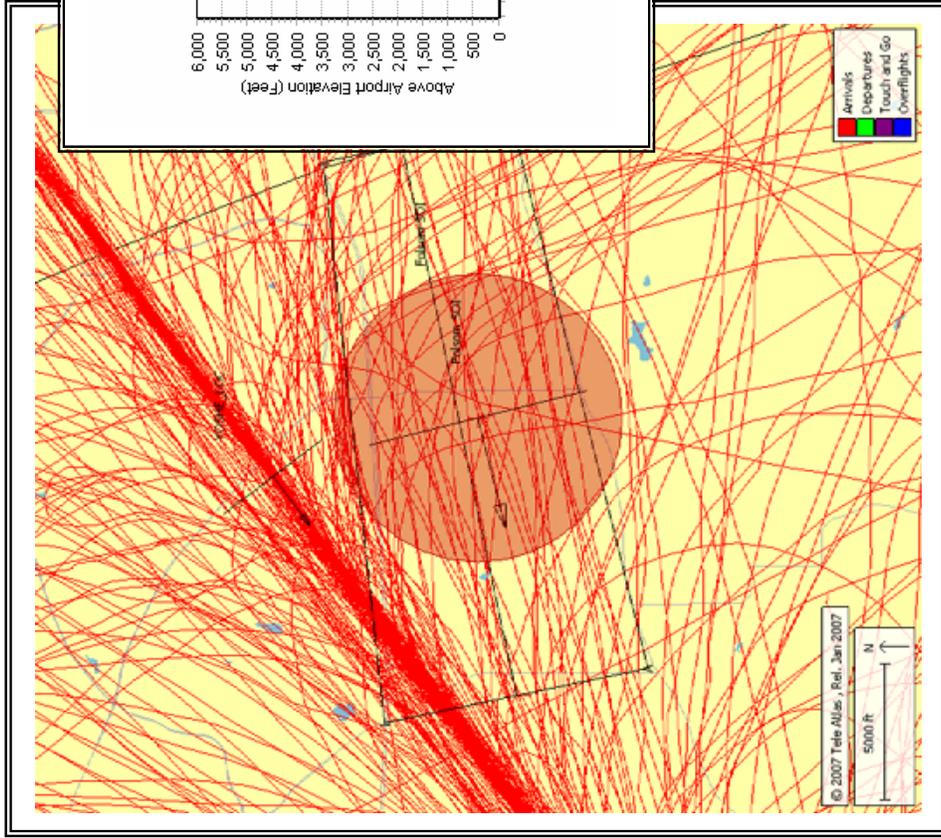
During December 2009, a total of 873 arrival flight tracks were recorded at Mather Airport. Of these, 76 flew with a 1-mile radius of the center of Penetration Gate (as indicated by the red sphere) 49 penetrated the gate spanning the location. As indicated by the graphic above, these flights typically passed over the site at altitudes between 2,000 and 3,500 ft MSL. The Operator Category for the number of arrivals within the 1-mile radius includes 18 Cargo, 13 Commercial, 34 General Aviation, 3 Military and 8 Unknown. The Aircraft Category for the total number of arrivals includes 14 Business Jets, 4 Helicopter, 18 Jets, 3 Military, 12 Propeller, 10 Regional Jets, 7 Turbo-prop and 8 Unknown.

The proposed location is in direct proximity to the Instrument Landing System (ILS) Approach for Runway 22L at Mather Airport. Due to this proximity, the majority of overflights of the site are from arrivals.

**Sacramento County Airport System
Aircraft Noise Information Office
Mather Airport Flight Altitudes Near Proposed Folsom South of U.S. 50 Specific Plan Project
Flight Track Analysis**



Arrival Analysis Penetration Gate 1, June 2010



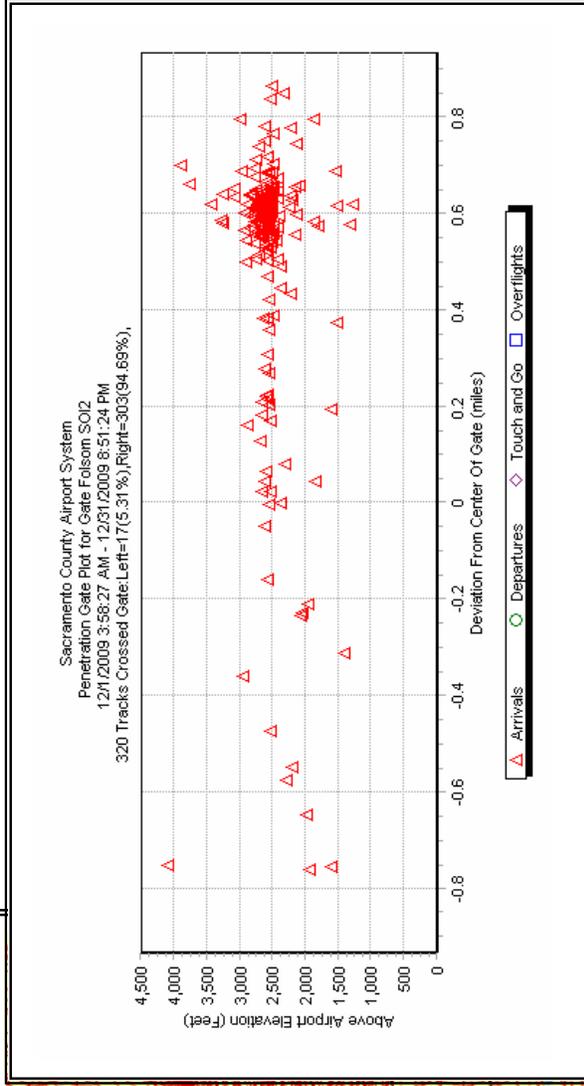
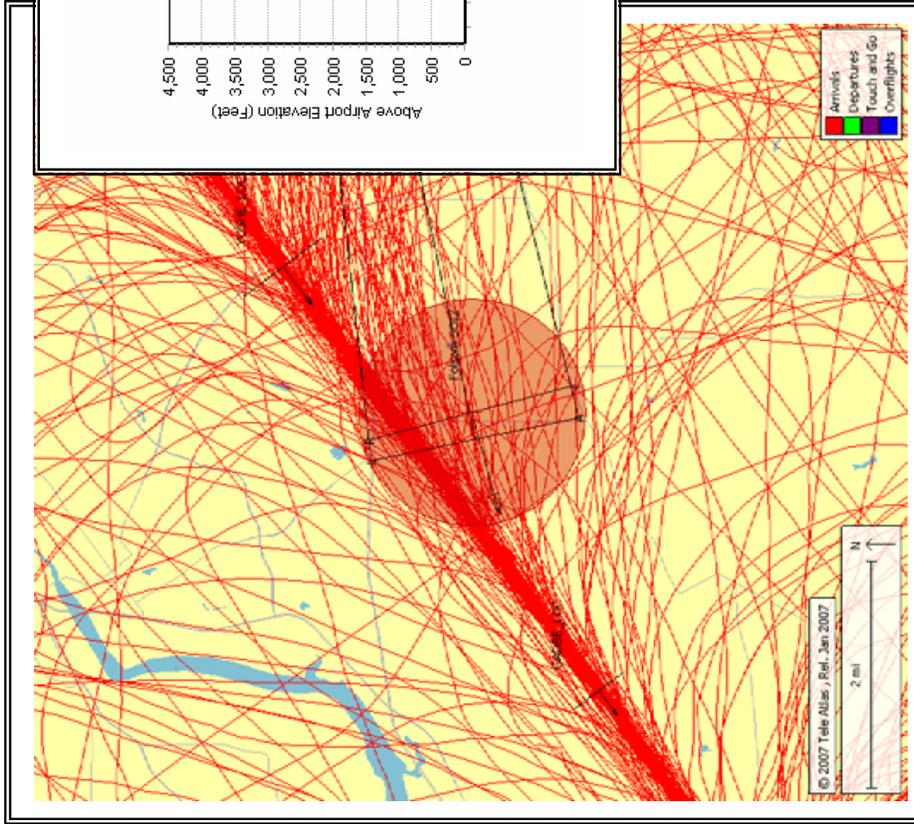
During June 2010, a total of 1,060 arrival flight tracks were recorded at Mather Airport. Of these, 53 flew with a 1-mile radius of the center of Penetration Gate (as indicated by the red sphere) 35 penetrated the gate spanning the location. As indicated by the graphic above, these flights typically passed over the site at altitudes between 2,000 and 4,000 ft MSL. The Operator Category for the number of arrivals within the 1-mile radius includes 15 Cargo, 2 Commercial, 28 General Aviation and 8 Unknown. The Aircraft Category for the total number of arrivals includes 12 Business Jets, 4 Helicopter, 15 Jets, 10 Propeller, 1 Regional Jet, 3 Turbo-prop and 8 Unknown.

The proposed location is in direct proximity to the Instrument Landing System (ILS) Approach for Runway 22L at Mather Airport. Due to this proximity, the majority of overflights of the site are from arrivals.

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Aircraft Noise Information Office**
Mather Airport Flight Altitudes Near Proposed Folsom South of U.S. 50 Specific Plan Project
Flight Track Analysis



Arrival Analysis Penetration Gate 2, December 2009



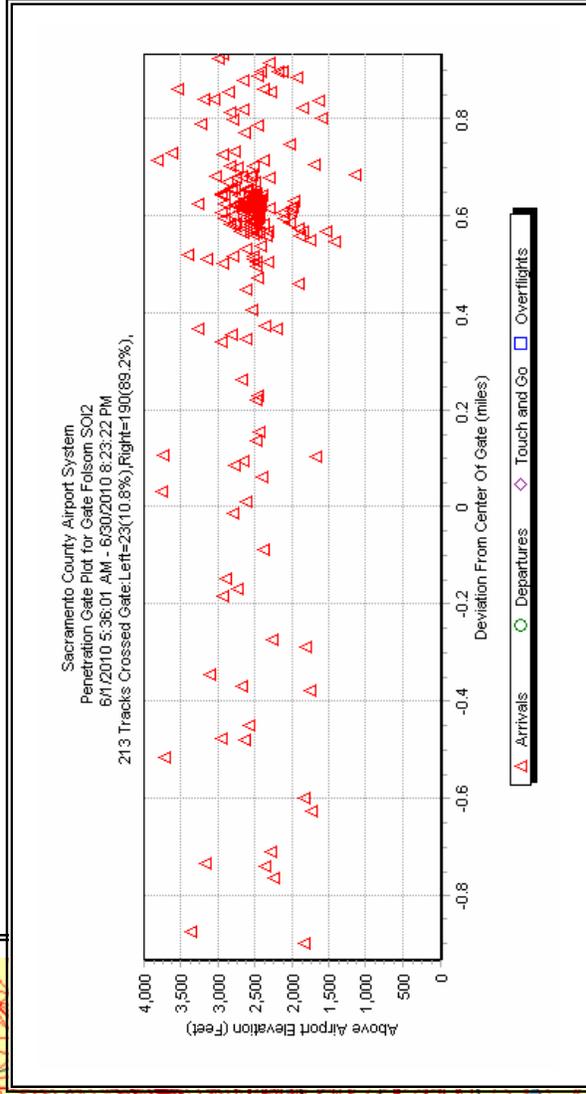
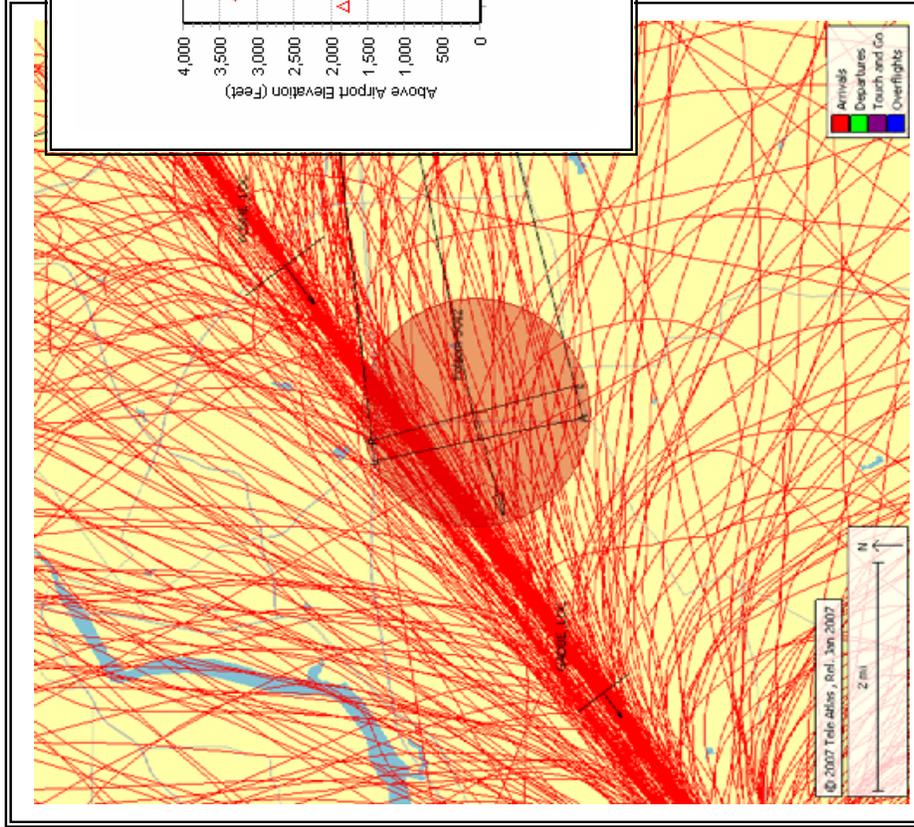
During December 2009, a total of 873 arrival flight tracks were recorded at Mather Airport. Of these, 324 flew with a 1-mile radius of the center of Penetration Gate (as indicated by the red sphere) 320 penetrated the gate spanning the location. As indicated by the graphic above, these flights typically passed over the site at altitudes between 1,500 and 3,500 ft MSL. The Operator Category for the number of arrivals within the 1-mile radius includes 140 Cargo, 37 Commercial, 119 General Aviation, 6 Military and 22 Unknown. The Aircraft Category for the total number of arrivals includes 47 Business Jets, 12 Helicopter, 140 Jets, 6 Military, 42 Propeller, 25 Regional Jets, 30 Turbo-prop and 22 Unknown.

The proposed location is in direct proximity to the Instrument Landing System (ILS) Approach for Runway 22L at Mather Airport. Due to this proximity, the majority of overflights of the site are from

**Sacramento County Airport System
Aircraft Noise Information Office**
Mather Airport Flight Altitudes Near Proposed Folsom South of U.S. 50 Specific Plan Project
Flight Track Analysis



Arrival Analysis Penetration Gate 2, June 2010



During June 2010, a total of 1,060 arrival flight tracks were recorded at Mather Airport. Of these, 228 flew with a 1-mile radius of the center of Penetration Gate (as indicated by the red sphere) 213 tracks penetrated the gate spanning the location. As indicated by the graphic above, these flights typically passed over the site at altitudes between 1,500 and 3,500 ft MSL. The Operator Category for the number of arrivals within the 1-mile radius includes 73 Cargo, 15 Commercial, 101 General Aviation, 2 Military and 37 Unknown. The Aircraft Category for the total number of arrivals includes 39 Business Jets, 6 Helicopter, 74 Jets, 2 Military, 48 Propeller, 9 Regional Jet, 13 Turbo-prop and 37 Unknown.

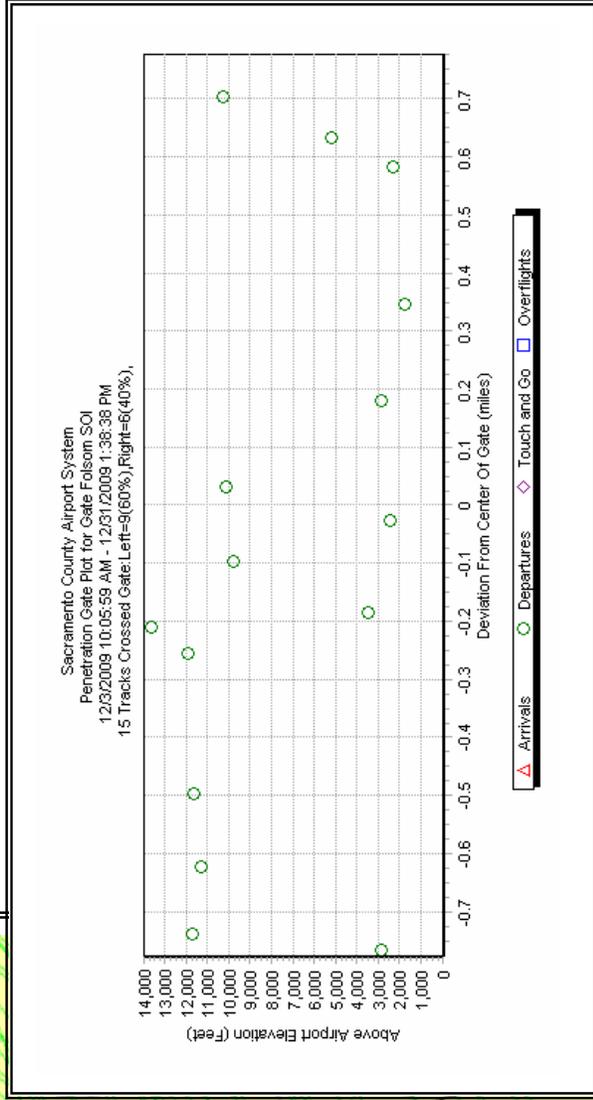
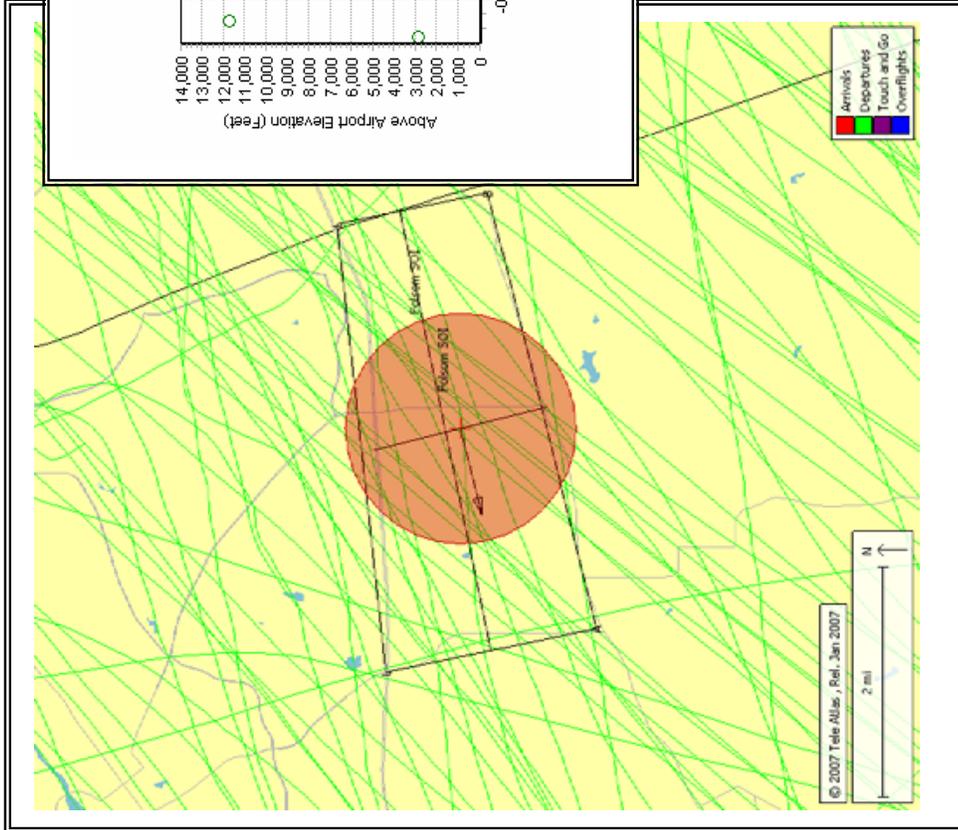
The proposed location is in direct proximity to the Instrument Landing System (ILS) Approach for Runway 22L at Mather Airport. Due to this proximity, the majority of overflights of the site are from arrivals.

**Sacramento County Airport System
Aircraft Noise Information Office**

Mather Airport Flight Altitudes Near Proposed Folsom South of U.S. 50 Specific Plan Project
Flight Track Analysis



Departure Analysis Penetration Gate 1, December 2009



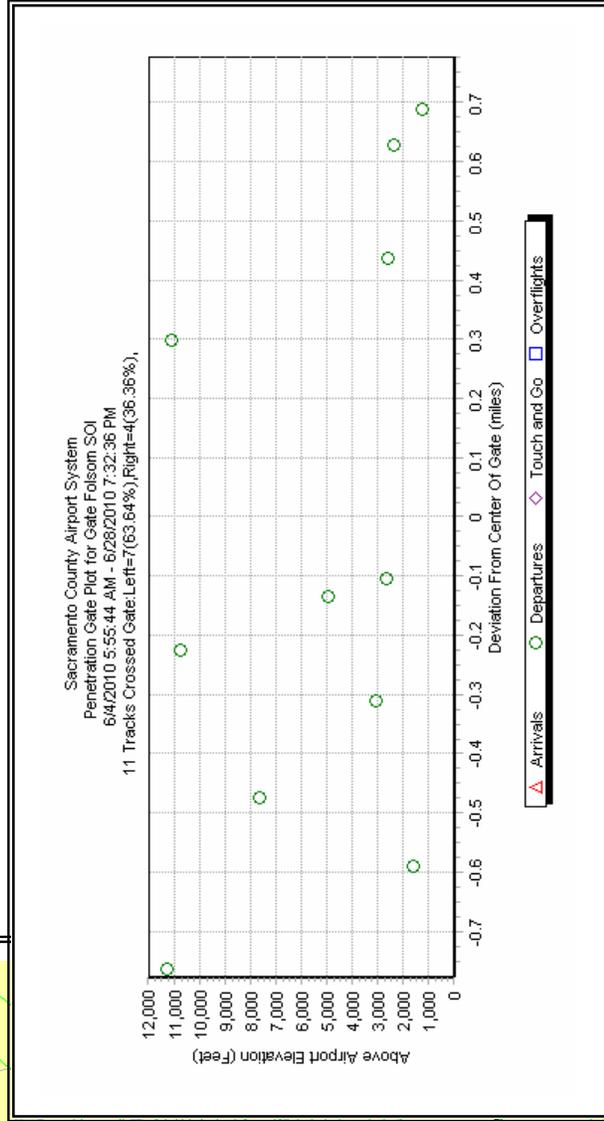
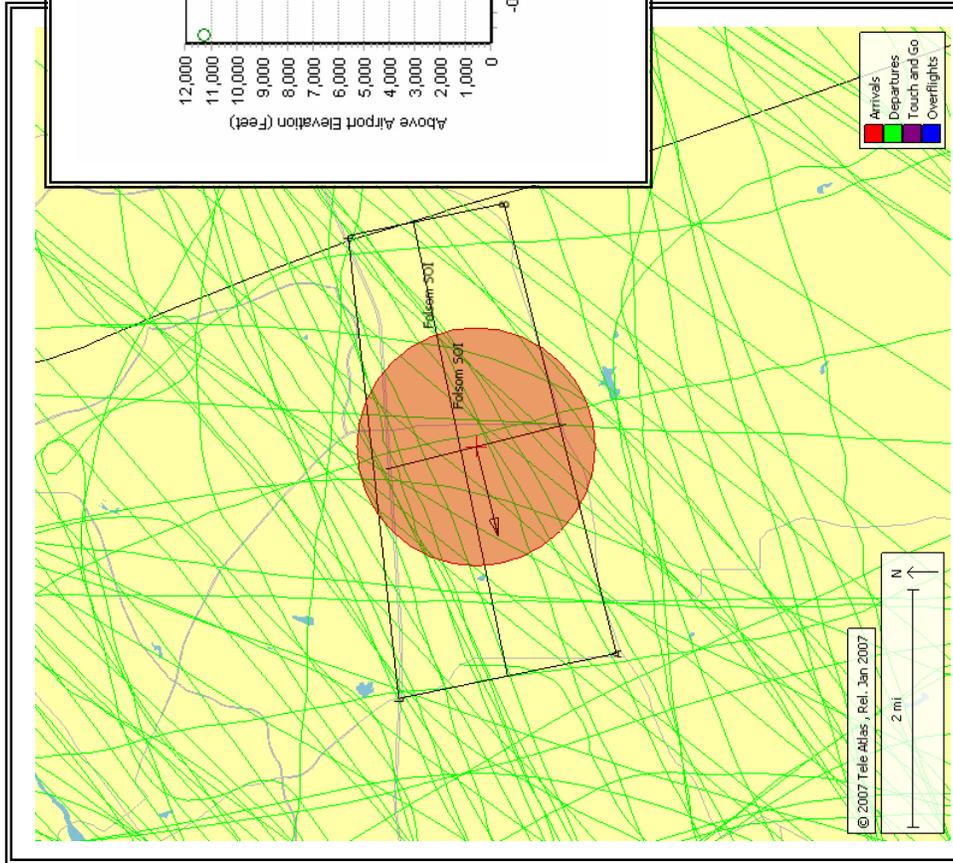
During December 2009, a total of 868 departure flight tracks were recorded at Mather Airport. Of these, 21 flew with a 1-mile radius of the parcel; 15 penetrated the gate spanning the location. As indicated by the graphic above, these flights typically passed over the site at a wide variety of altitudes. The Operator Category for the total number of departures includes 9 Cargo, 5 General Aviation and 7 Unknown. The Aircraft Category for the total number of departures includes 2 Business Jets, 9 Jets, 2 Propeller, 1 Turbo-prop and 7 Unknown.

Operations departing to the east or north may pass over the location as they proceed on course to their destination.

**Sacramento County Airport System
Aircraft Noise Information Office**
Mather Airport Flight Altitudes Near Proposed Folsom South of U.S. 50 Specific Plan Project
Flight Track Analysis



Departure Analysis Penetration Gate 1, June 2010



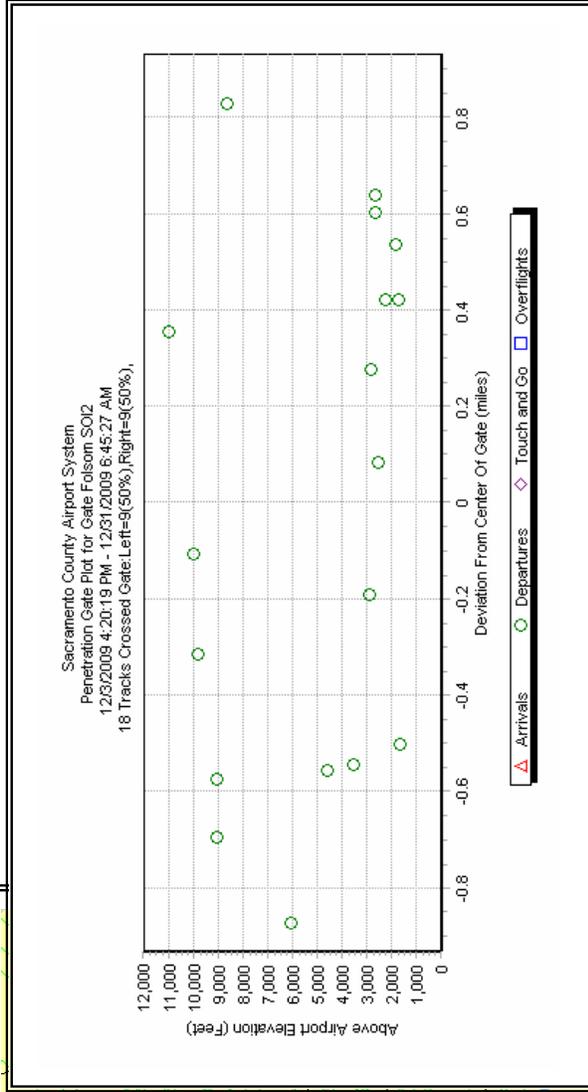
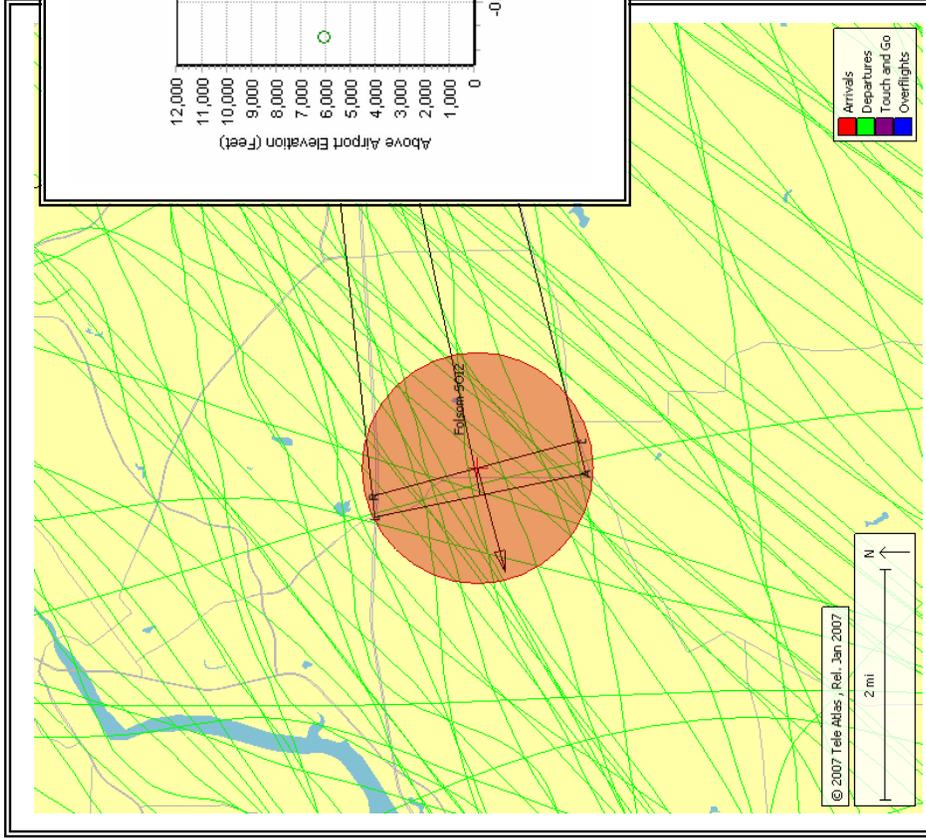
During June 2010, a total of 1,059 departure flight tracks were recorded at Mather Airport. Of these, 22 flew with a 1-mile radius of the parcel; 15 penetrated the gate spanning the location. As indicated by the graphic above, these flights typically passed over the site at a wide variety of altitudes. The Operator Category for the total number of departures includes 4 Cargo, 11 General Aviation, 1 Military and 6 Unknown. The Aircraft Category for the total number of departures includes 4 Business Jets, 1 Helicopter, 4 Jets, 1 Military, 6 Propeller, and 6 Unknown.

Operations departing to the east or north may pass over the location as they proceed on course to their destination.

Sacramento County Airport System
Aircraft Noise Information Office
Mather Airport Flight Altitudes Near Proposed Folsom South of U.S. 50 Specific Plan Project
Flight Track Analysis



Departure Analysis Penetration Gate 2, December 2009



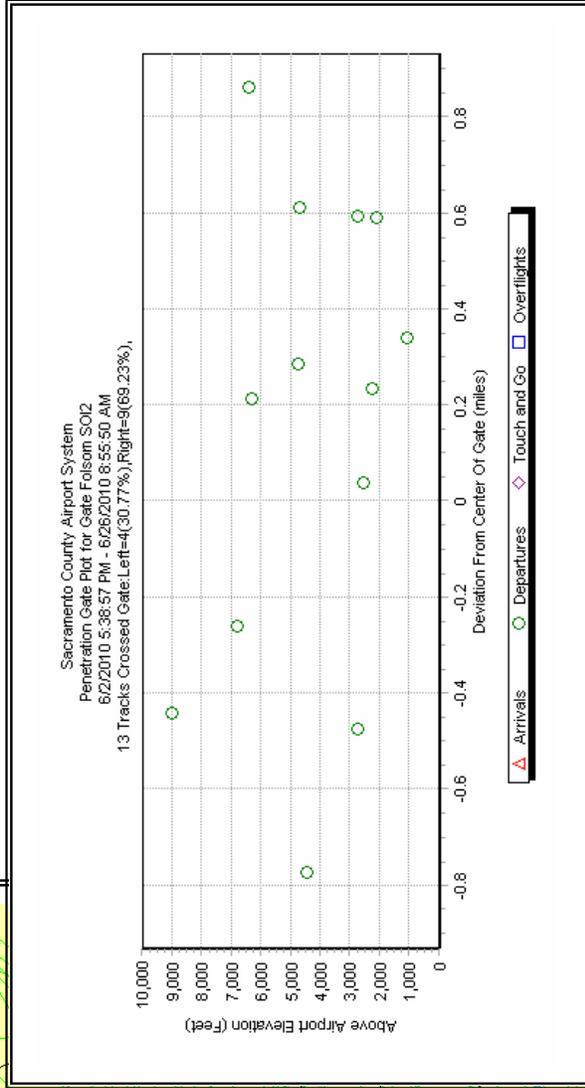
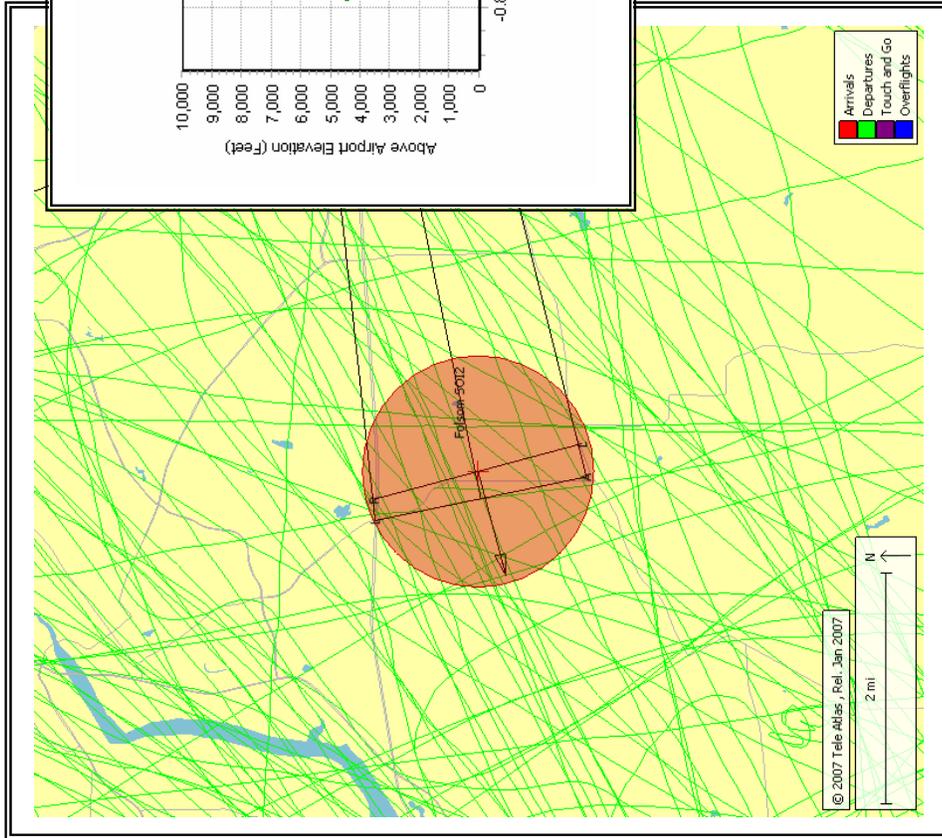
During December 2009, a total of 868 departure flight tracks were recorded at Mather Airport. Of these, 20 flew with a 1-mile radius of the parcel; 18 penetrated the gate spanning the location. As indicated by the graphic above, these flights typically passed over the site at a wide variety altitudes. The Operator Category for the total number of departures includes 6 Cargo, 6 General Aviation and 8 Unknown. The Aircraft Category for the total number of departures includes 2 Business Jets, 6 Jets, 2 Propeller, 2 Turbo-prop and 8 Unknown.

Operations departing to the east or north may pass over the location as they proceed on course to their destination.

**Sacramento County Airport System
Aircraft Noise Information Office
Mather Airport Flight Altitudes Near Proposed Folsom South of U.S. 50 Specific Plan Project
Flight Track Analysis**



Departure Analysis Penetration Gate 2, June 2010



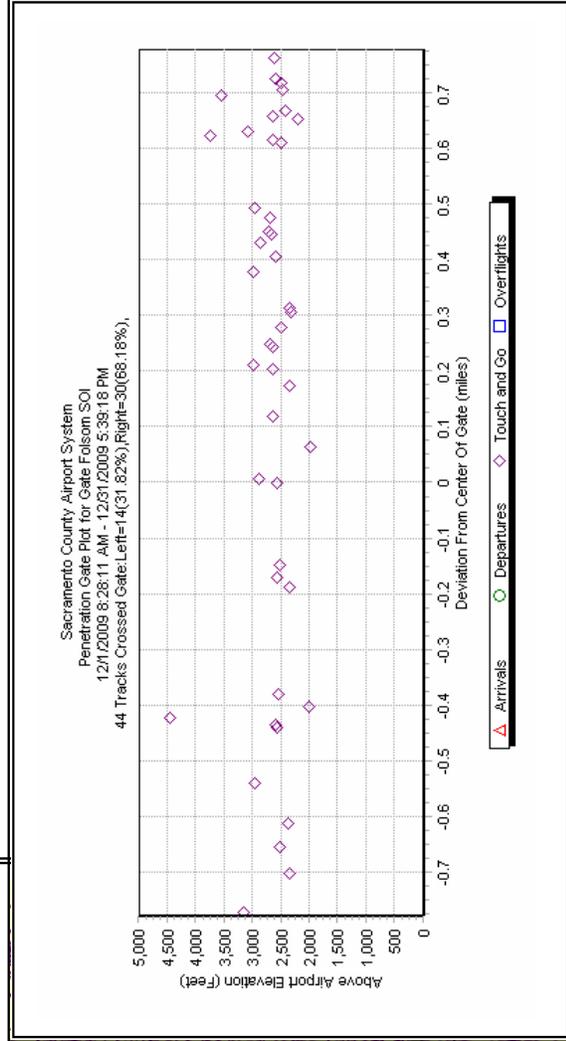
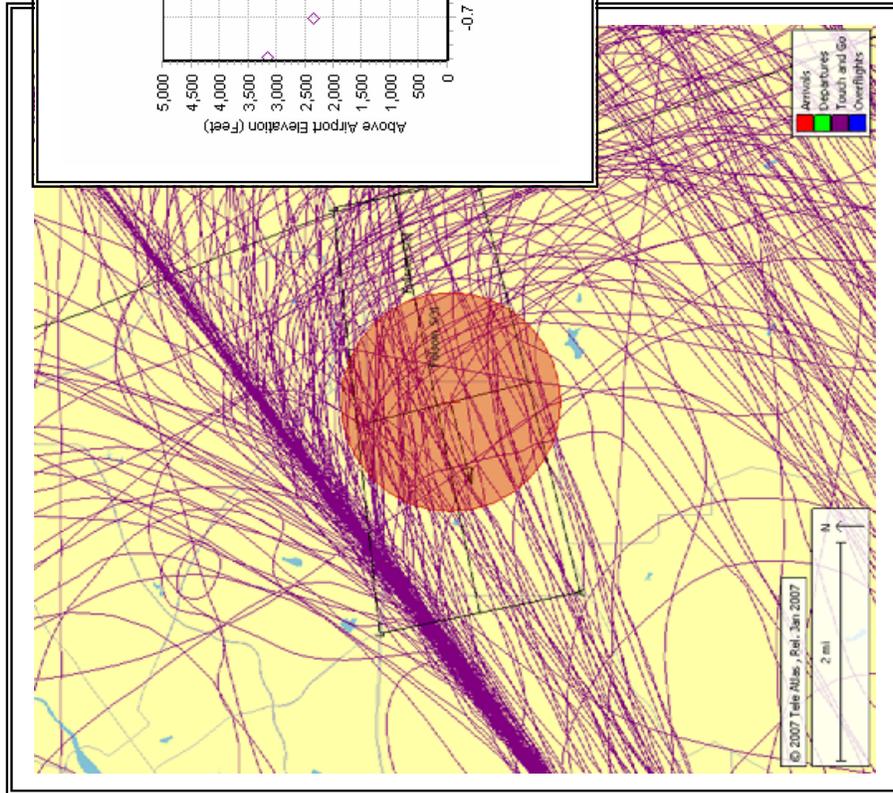
During June 2010, a total of 1,059 departure flight tracks were recorded at Mather Airport. Of these, 26 flew with a 1-mile radius of the parcel; 13 penetrated the gate spanning the location. As indicated by the graphic above, these flights typically passed over the site at a wide variety of altitudes. The Operator Category for the total number of departures includes 1 Cargo, 1 Commercial, 11 General Aviation, and 13 Unknown. The Aircraft Category for the total number of departures includes 5 Business Jets, 1 Jet, 6 Propeller, 1 Regional Jet and 13 Unknown.

Operations departing to the east or north may pass over the location as they proceed on course to their destination.

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Aircraft Noise Information Office**
Mather Airport Flight Altitudes Near Proposed Folsom South of U.S. 50 Specific Plan Project
Flight Track Analysis



Touch-and-Go Analysis, Penetration Gate 1, December 2009



During December 2009, a total of 235 touch-and-go flight tracks were recorded at Mather Airport. Of these, 45 flew with a 1-mile radius of the location. The gate spanning the location was penetrated 44 times due to the fact that one touch-and-go flight track may comprise multiple operations. As indicated by the graphic above, these flights typically passed over the site at altitudes between 2,000 and 3,500 ft MSL. The Operator Category for the total number of touch-and-go flight tracks includes 37 General Aviation and 8 Military. The Aircraft Category for the total number of touch-and-go flight tracks includes 2 Business Jets, 3 Helicopters, 8 Military, 31 Propeller and 1 Turbo-prop.

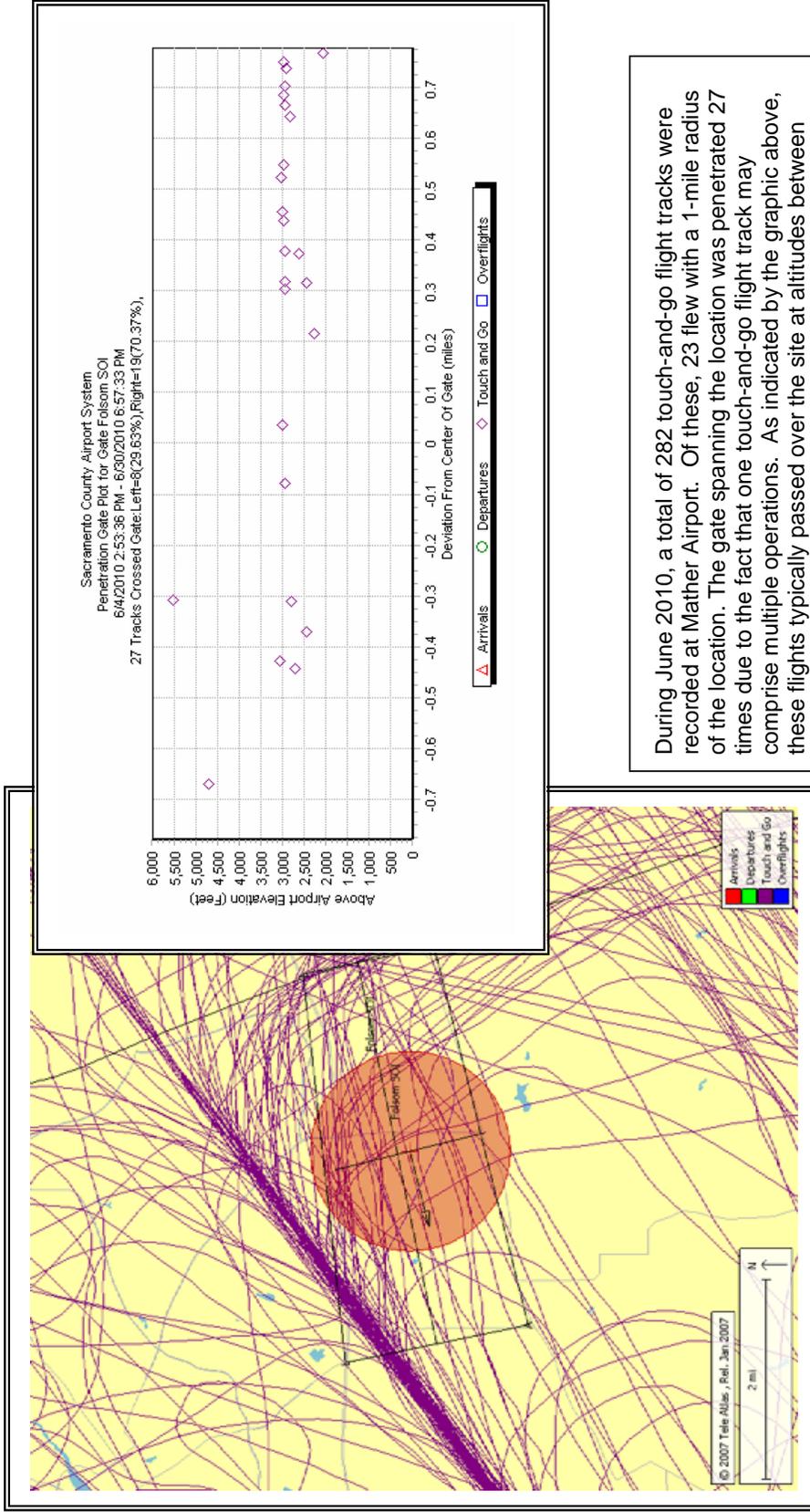
The proposed location is in close proximity to the base leg turn for final approach for the left traffic pattern for touch-and-go traffic.

**Sacramento County Airport System
Aircraft Noise Information Office**

**Mather Airport Flight Altitudes Near Proposed Folsom South of U.S. 50 Specific Plan Project
Flight Track Analysis**



Touch-and-Go Analysis, Penetration Gate 1, June 2010



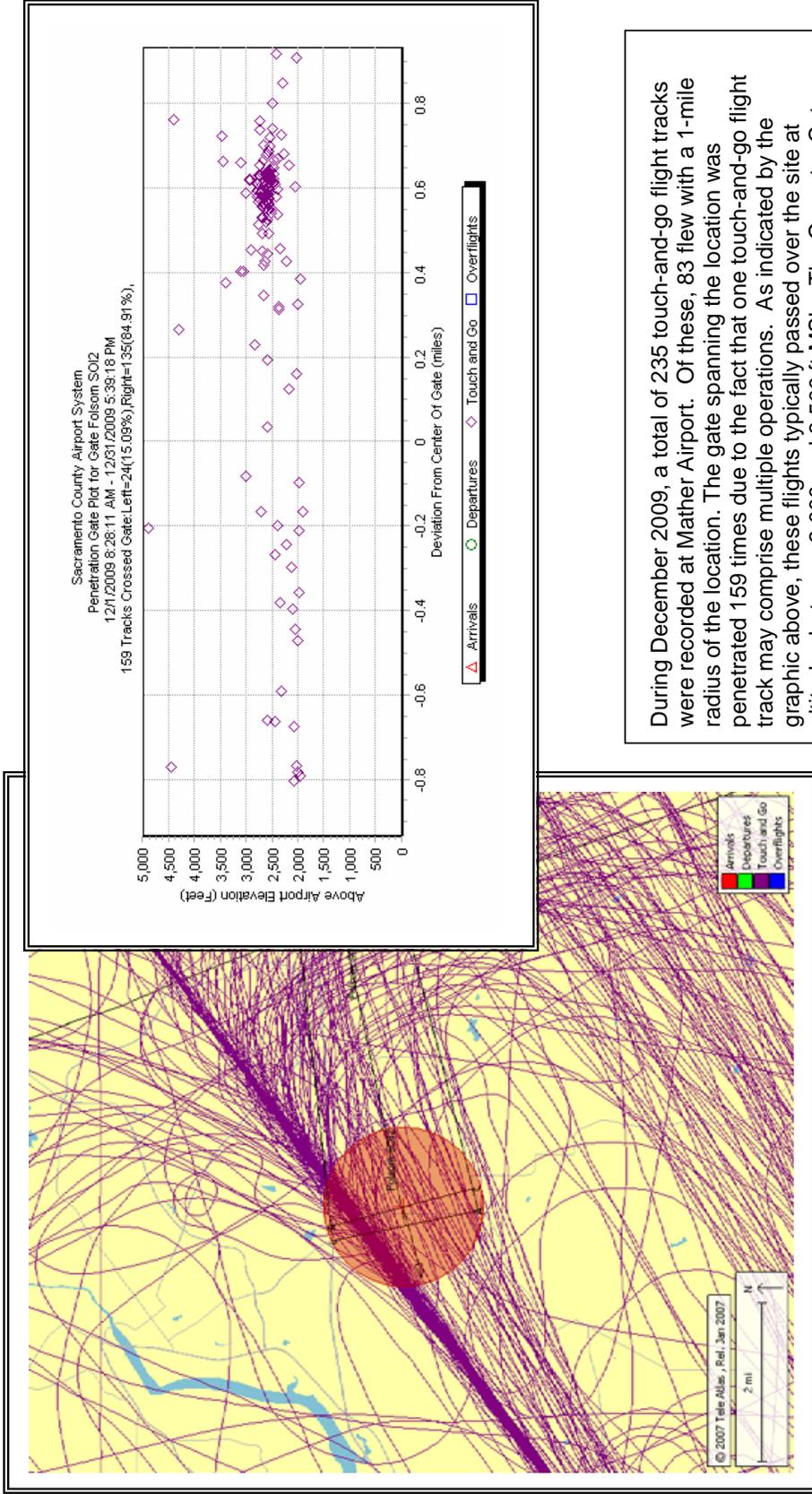
During June 2010, a total of 282 touch-and-go flight tracks were recorded at Mather Airport. Of these, 23 flew with a 1-mile radius of the location. The gate spanning the location was penetrated 27 times due to the fact that one touch-and-go flight track may comprise multiple operations. As indicated by the graphic above, these flights typically passed over the site at altitudes between 2,000 and 3,500 ft MSL. The Operator Category for the total number of touch-and-go flight tracks includes 5 Commercial, 13 General Aviation, 4 Military and 1 Unknown. The Aircraft Category for the total number of touch-and-go flight tracks includes 3 Business Jets, 1 Jet, 4 Military, 10 Propeller, 4 Turbo-prop and 1 Unknown.

The proposed location is in close proximity to the base leg turn for final approach for the left traffic pattern for touch-and-go traffic.

**Sacramento County Airport System
Aircraft Noise Information Office
Mather Airport Flight Altitudes Near Proposed Folsom South of U.S. 50 Specific Plan Project
Flight Track Analysis**



Touch-and-Go Analysis, Penetration Gate 2, December 2009



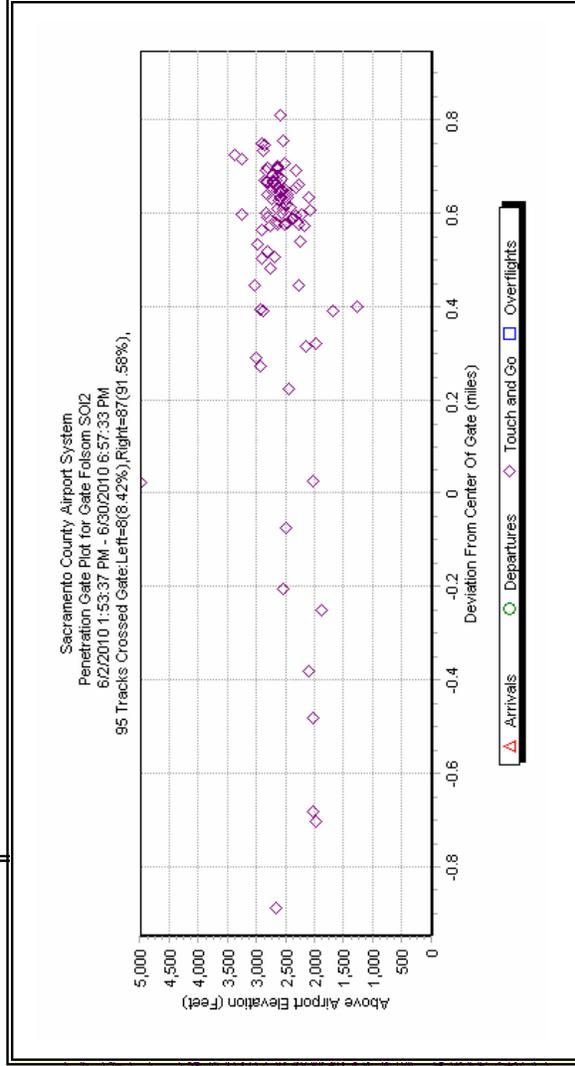
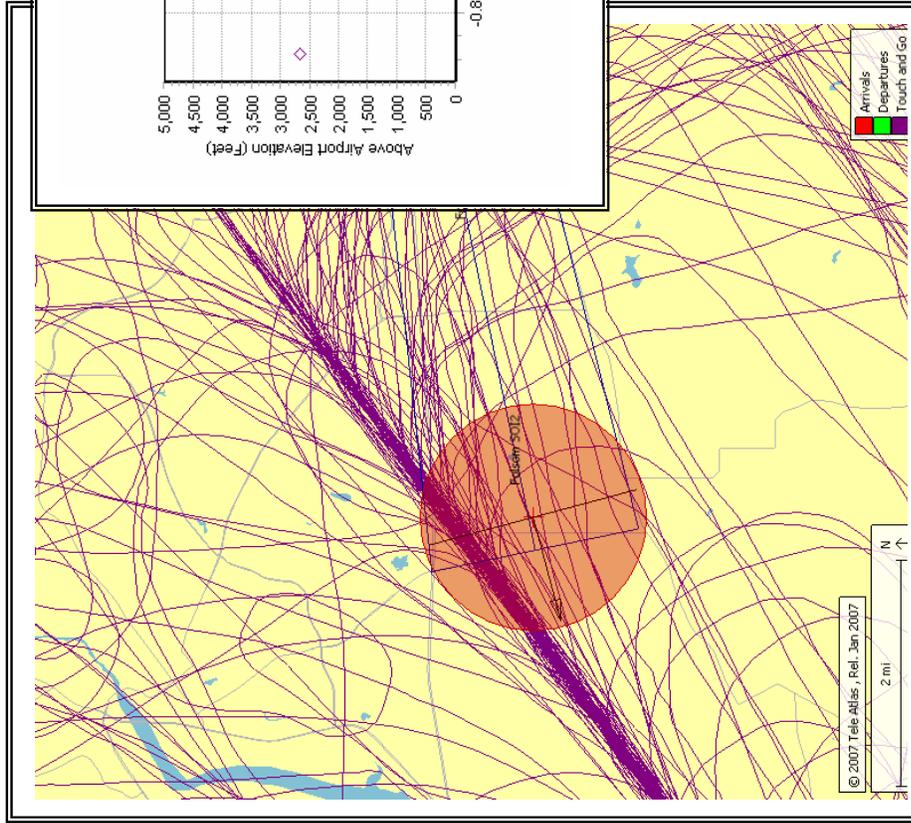
During December 2009, a total of 235 touch-and-go flight tracks were recorded at Mather Airport. Of these, 83 flew with a 1-mile radius of the location. The gate spanning the location was penetrated 159 times due to the fact that one touch-and-go flight track may comprise multiple operations. As indicated by the graphic above, these flights typically passed over the site at altitudes between 2,000 and 3,500 ft MSL. The Operator Category for the total number of touch-and-go flight tracks includes 58 General Aviation, 22 Military and 3 Unknown. The Aircraft Category for the total number of touch-and-go flight tracks includes 5 Business Jets, 5 Helicopters, 22 Military, 46 Propeller, 2 Turbo-prop and 3 Unknown.

The proposed location is in close proximity to the base leg turn for final approach for the left traffic pattern for touch-and-go traffic.

**Sacramento County Airport System
Aircraft Noise Information Office**
Mather Airport Flight Altitudes Near Proposed Folsom South of U.S. 50 Specific Plan Project
Flight Track Analysis



Touch-and-Go Analysis, Penetration Gate 2, June 2010

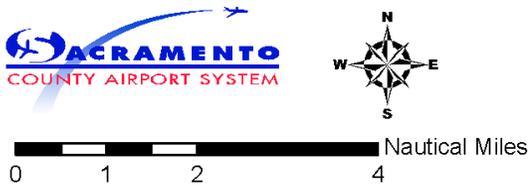
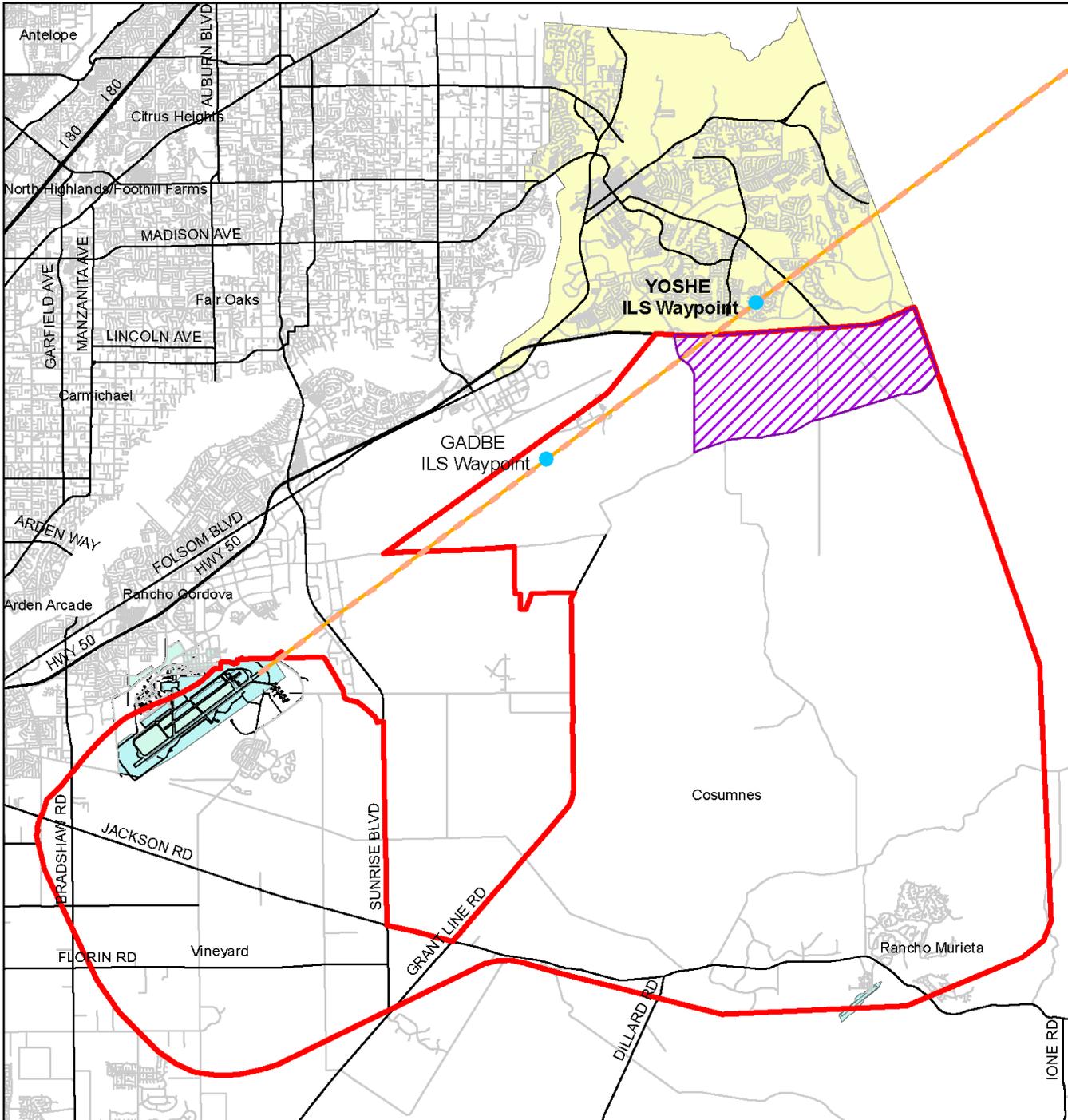


During June 2010, a total of 282 touch-and-go flight tracks were recorded at Mather Airport. Of these, 51 flew with a 1-mile radius of the location. The gate spanning the location was penetrated 95 times due to the fact that one touch-and-go flight track may comprise multiple operations. As indicated by the graphic above, these flights typically passed over the site at altitudes between 2,000 and 3,500 ft MSL. The Operator Category for the total number of touch-and-go flight tracks includes 11 Commercial, 23 General Aviation, 16 Military and 1 Unknown. The Aircraft Category for the total number of touch-and-go flight tracks includes 5 Business Jets, 3 Jet, 16 Military, 17 Propeller, 9 Turbo-prop and 1 Unknown.

The proposed location is in close proximity to the base leg turn for final approach for the left traffic pattern for touch-and-go traffic.

Exhibit 4

Mather Airport Planning Policy Area Boundary and Proximity to Folsom South SOI



	MHR_APPA Boundary		Folsom SOI
	ILS_Final_Approach_Course_Line	COMMUNITY	
			Folsom

- Sac Cnty-2-1 *The comment provides a brief description of the project and states that the project would place urban uses in a natural resource and conservation area of Sacramento County. The comment further states the County's concern that the DEIR/DEIS inadequately addresses the potential for land use and other conflicts arising from the project.*
- The commenter provides a general introduction to specific concerns that are described in later comments in this letter. See responses to comments Sac Cnty-2-1 through Sac Cnty-2-347 for additional, detailed responses to the specific concerns identified by the County in later comments.
- Sac Cnty-2-2 *The comment states that omissions in the DEIR/DEIS cause the document to be incapable of providing the public with a meaningful opportunity to review and evaluate the adverse environmental impacts of the project.*
- For the reasons specified below in responses to comments Sac Cnty-2-4 through Sac Cnty-2-347, the DEIR/DEIS is sufficient and provides the public and decision makers with adequate information regarding the environmental consequences of the project, as required by CEQA and NEPA.
- Sac Cnty-2-3 *The comment states that recirculation of the draft document is required by law to disclose information that is currently absent from the DEIR/DEIS.*
- The minor revisions to the DEIR/DEIS contained in Chapter 5, "Errata" of this FEIR/FEIS do not meet the requirements for recirculation provided in State CEQA Guidelines CCR Section 15088.5 or the NEPA requirements for supplementation provided in 40 CFR Section 1502.9(c). See Master Response 12 – DEIR/DEIS Recirculation is Not Required.
- Sac Cnty-2-4 *The comment expresses the County's concern regarding the missing analysis in the DEIR/DEIS, in spite of the need for additional information expressed in the County's November 6, 2008 comment letter regarding the Notice of Preparation (NOP) for the project.*
- The City acknowledges the County's November 6, 2008 comment letter regarding the NOP. The letter is included in Appendix B of the DEIR/DEIS, and the County's concerns expressed in that November 2008 letter were considered during preparation of the DEIR/DEIS.

The comments state that the DEIR/DEIS fails to evaluate the potential land use incompatibility between the project and the Prairie City SVRA. The comments further state that this analysis was requested by the County in its comments on the Notice of Preparation. The comments also state that the DEIR/DEIS does not contain an analysis of the effects the project would have on the SVRA, and that this type of land use arrangement has been repeatedly shown to result in complaints by new residents. The comments suggest that the DEIR/DEIS should consider the Prairie City SVRA's General Plan.

The County's November 2008 comment letter on the NOP is included in Appendix B of the DEIR/DEIS and was considered during preparation of the analysis contained in the DEIR/DEIS. See Master Response 8 – Land Use Incompatibility.

As explained on page 3-3 and 3-4 of the DEIR/DEIS, thresholds of significance provide criteria established by the lead agencies to define at what level an impact would be considered significant in accordance with CEQA. Thresholds may be quantitative or qualitative; they may be based on examples found in CEQA regulations or the State CEQA Guidelines; scientific and factual data relative to the lead agency's jurisdiction; legislative or regulatory performance standards of Federal, state, regional, or local agencies relevant to the impact analysis; City goals, objectives, and policies (e.g., City General Plan); views of the public in the affected area; the policy/regulatory environment of affected jurisdictions; or other factors. Generally, however, the thresholds of significance used in the DEIR/DEIS were derived from Appendix G of the State CEQA Guidelines; a Federal agency's NEPA regulations, where defined; factual or scientific information and data; and regulatory standards of Federal, state, regional, and local agencies. These thresholds also include the factors taken into account under NEPA to determine the significance of the action in terms of the context and the intensity of its effects.

As explained more fully in Master Response 8 – Land Use Incompatibility, an analysis of "land use incompatibility" per se is not required by CEQA. However, both CEQA and NEPA require an analysis of any potential conflict of the project with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect (see State CEQA Guidelines Appendix G Land Use, and 40 CFR Section 1502.16[c]). CEQA also requires that a project's direct and indirect physical impacts on the environment be evaluated (State CEQA Guidelines CCR Section 15126.2[a]).

The only applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect that would apply to development of the project in the vicinity of the Prairie City SVRA relates to potential exceedance of adopted noise ordinances in the City/County general plans, which were evaluated in DEIR/DEIS Section 3A.11, "Noise."

The direct and indirect physical impacts of the project on the environment are evaluated throughout Chapters 3 and 4 of the DEIR/DEIS; see specifically Section 3A.2 "Air Quality" (SPA is more than 1 mile from Prairie City SVRA—no impact from dust); Section 3A.11, "Noise" (noise measurements were taken at southwest corner of the SPA—noise from Prairie City SVRA was indistinguishable from noise generated by roadways, therefore impact is less than significant); Section 3A.12 "Park and Recreation" and associated edits to that section in Chapter 5, "Errata" of this FEIR/FEIS (indirect impacts regarding physical deterioration of off-site recreational facilities at Prairie City

SVRA, among others, were discussed and these indirect impacts were found to be less than significant); and the air quality, noise, and parks and recreation subsections of DEIR/DEIS Chapter 4.1, “Cumulative Impacts.” Therefore, the City and USACE believe that the appropriate analysis required by CEQA and NEPA is included in the DEIR/DEIS.

Sac Cnty-2-11 through
Sac Cnty-2-16

The comments state that the DEIR/DEIS fails to evaluate the potential land use incompatibility between the project and the Green Waste Composting Facility (GreenCycle facility). The comments further state that this analysis was requested by the County in its comments on the Notice of Preparation. The comments state that the environmental document for the GreenCycle Project identified no odor impacts on the SPA, but the DEIR/DEIS cumulative analysis identifies potential impacts related to odors from the GreenCycle facility. The comment states that the DEIR/DEIS inappropriately analyzed impacts to the project rather than impacts from the project. The comments state that the DEIR/DEIS should be revised to respond to the CEQA Checklist item that asks whether the project would create objectionable odors affecting a substantial number of people.

See response to Sac Cnty-2-5 through Sac Cnty-2-10. See also Master Response 8 – Land Use Incompatibility. As shown in Exhibit 4-1 on page 4-8 of the DEIR/DEIS, the City/USACE considered the GreenCycle project in every topic area of the cumulative impact analysis found in Chapter 4, “Other Statutory Requirements” of the DEIR/DEIS. Cumulative impacts are defined in the State CEQA Guidelines (CCR Section 15355) as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” A cumulative impact occurs from “the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. (State CEQA Guidelines CCR Section 15355[b].) The analysis contained on DEIR/DEIS page 4-29 appropriately concluded that “the project’s odor impacts, when considered in combination with odor impacts of the related projects, could result in cumulatively significant impacts.” The Appendix G threshold referred to by the commenter, related to creation of objectionable odors affecting a substantial number of people, is included in the DEIR/DEIS on page 3A.2-23 and is evaluated in Impact 3A.2-6 (pages 3A.2-59 through 3A.2-62). Therefore, no revisions to the DEIR/DEIS are necessary.

Sac Cnty-2-17 through
Sac Cnty-2-22

The comments state that the DEIR/DEIS fails to evaluate the potential land use incompatibility between the project and nearby agricultural lands, or to propose feasible mitigation or consider alternatives. The comments further state that the introduction of urban land uses would result in significant land use conflicts and place growth inducement pressure on adjacent lands. The comments also state that the DEIR/DEIS is deficient because it does not evaluate these impacts and provide appropriate mitigation.

The County’s November 2008 comment letter on the NOP is included in Appendix B of the DEIR/DEIS and was considered during preparation of the analysis contained in the DEIR/DEIS. See Master Response 8 – Land Use Incompatibility. The DEIR/DEIS evaluates impacts related to agriculture throughout Section 3A.10, “Land Use and Agricultural Resources.” Growth-inducing impacts of the project are discussed in Chapter 4, “Other Statutory Requirements” beginning on page 4-65 of the DEIR/DEIS, and include a specific discussion of impacts related to the potential for conversion of

adjacent undeveloped land to urban development on page 4-72. Therefore, no revisions to the DEIR/DEIS are necessary.

Sac Cnty-2-23 through
Sac Cnty-2-24

The comments state that potential mitigation for the impact to adjacent agricultural lands could include a requirement to protect additional lands of similar agricultural quality located in the general vicinity of the project. The comments also state that a potential mitigation measure for impacts to adjacent agricultural land uses could be the protection of land via conservation easements of an amount equal to the footprint of the project, similar to a mitigation measure in the Sacramento County EIR for the Teichert Quarry.

See responses to comments DOC-DLRP-7 and DOC-DLRP-8.

Sac Cnty-2-25

The comment references the Sacramento County Right to Farm Ordinance and states concern about possible nuisance impacts to property adjacent to agricultural uses.

Mitigation Measure 3A.2-6 in Section 3A.2 “Air Quality,” on pages 3A.2-61 and 3A.2-62 of the DEIR/DEIS addresses potential impacts to proposed on-site sensitive receptors that might be located adjacent to agricultural uses south of White Rock Road. This mitigation measure provides that deeds to all properties in the SPA that would be located within one mile of an area zoned or used for agricultural use (including livestock grazing) would be accompanied by a written disclosure advising of potential odor impacts of surrounding agricultural operations, and directing the new owner to contact the County of Sacramento for information regarding any such agricultural properties within the County (see the fourth arrow point of Mitigation Measure 3A.2-6).

Sac Cnty-2-26 through
Sac Cnty-2-28

The comments state that the DEIR/DEIS is deficient because it fails to consider feasible alternatives such as reduced densities, land use transition, or use of agricultural conservation easements to reduce impacts related to incompatibility with agricultural uses.

See Master Response 8 – Land Use Incompatibility. See also responses to comments Sac Cnty-2-17 to Sac Cnty-2-22 for a discussion of the impacts relating to the issues noted by the commenter. See also responses to comments DOC-DLRP-7 and DOC-DLRP-8 for a discussion of conservation easements as mitigation for loss of agricultural land. The Resource Impact Minimization Alternative contains a reduced density and is evaluated throughout every topic area of the 3A sections in DEIR/DEIS Chapter 3. The commenter suggests that reduced densities or a transition to “more compatible land uses” would reduce impacts related to incompatibility with surrounding agricultural areas. However, the significant agricultural and land use impacts of the project as identified in the DEIR/DEIS relate only to potential cancellation of Williamson Act contracts and potential inducement of future conversion of adjacent agricultural land uses to urban development (see DEIR/DEIS Section 3A.10, “Land Use and Agricultural Resources”). These impacts have to do with the overall change in land use to urban uses, rather than with “land use conflicts” between specific urban land uses and agricultural land uses (which is not a CEQA impact). Shifting the land use plan to place different urban uses along the edge of the SPA as proposed by the commenter would not reduce the level of impact identified for either potential cancellation of Williamson Act contracts or potential inducement of future conversion of adjacent agricultural land uses to urban development.

- Sac Cnty-2-29 *The comment acknowledges that the DEIR/DEIS states feasible mitigation measures are not available to reduce impacts associated with the cancellation of Williamson Act contracts to a less than significant level.*
- The commenter restates text that is contained in Section 3A.10 of the DEIR/DEIS; the comment is noted.
- Sac Cnty-2-30 through
Sac Cnty-2-31 *The comments state that conservation easements could be obtained through several groups. The comments further state that the DEIR/DEIS violates CEQA requirements by not including mitigation when feasible options are available.*
- See responses to comments DOC-DLRP-7 and DOC-DLRP-8.
- Sac Cnty-2-32 through
Sac Cnty-2-33 *The comments state that text in Impact 3A.10-4 discussing that the proposed Teichert Quarry and Walltown Quarry projects would require cancellation of Williamson Act contracts is incorrect. The comments further state that the areas that would operate as quarries are not under Williamson Act contracts.*
- Based on the revised text contained in the Teichert Quarry project DEIR/DEIS, Section 3.2 “Agricultural Resources,” page 3.2-1, which was changed by the County in the FEIR to state that the Teichert Quarry project site is not located on lands currently under a Williamson Act, the City and USACE agree that the text of the Folsom South of U.S. 50 Specific Plan DEIR/DEIS can be changed accordingly. See Chapter 5, “Errata” of this FEIR/FEIS.
- Sac Cnty-2-34 *The comment states that the area south of U.S. 50 is a designated State Mineral Resource Zone (MRZ) by the California Department of Conservation.*
- The commenter restates text that is contained in DEIR/DEIS Section 3A.7, “Geology, Soils, Minerals, and Paleontological Resources”; the comment is noted.
- Sac Cnty-2-35 *The comment states that although the DEIR/DEIS addresses the project’s on-site and off-site impacts on mineral resources, it contains no mention of the project’s impacts on mineral resources on adjacent lands.*
- See Master Response 8 – Land Use Incompatibility. A discussion of the mineral resource classification of lands adjacent to the SPA is provided on page 3A.7-13 of the DEIR/DEIS and is shown in Exhibit 3A.7-3 on page 3A.7-15. The DEIR/DEIS addresses the project’s on-site and off-site impacts on mineral resources, on pages 3A.7-36 and 3A.7-37. Construction of the development proposed on the SPA would be confined to the land within the SPA boundary, as shown in numerous exhibits contained throughout the DEIR/DEIS (for example, see the land use plan for the proposed project in Exhibit 2-3 on page 2-15). Construction of the off-site water facilities required to support development of the SPA would have no impact on mineral resources (DEIR/DEIS Section 3.0 page 3-8). Therefore, construction of the project would have no physical impact on any mineral resources that might be present on any land adjacent to the SPA or the off-site water facilities. Cumulative impacts related to mineral resources are discussed on page 4-37 of the DEIR/DEIS.

Sac Cnty-2-36 through
Sac Cnty-2-38

The comments state that the DEIR/DEIS does not acknowledge the State Mining and Geology Board reclassified approximately 1,000 acres of land south of White Rock Road from MRZ-3 to MRZ-2 in 2009. The comments further state that the MRZ-2 classification indicates areas where adequate information exists, that significant mineral deposits are present or a high likelihood for their presence exists.

As shown in Chapter 5, “Errata” of this FEIR/FEIS, the text on page 3A.7-13 of the DEIR/DEIS has been revised to reflect an MRZ-2 classification on land south of White Rock Road. This change has no effect on the impact conclusions presented in the DEIR/DEIS. The definition of all mineral resource classifications used by the State Mining and Geology Board, including MRZ-2, is provided on page 3A.7-12 of the DEIR/DEIS.

Sac Cnty-2-39

The comment cites two reports regarding “the Mangini property” and “the Wilson Ranch” that the comment states were submitted to the State Mining and Geology Board in 2009, and the comment references various statistics from those reports regarding the purported value of mineral resources at those locations. The comment also states that one of the reports indicated that “potential urban encroachment in the area constitutes a threat to the intended mining of these resources.”

The portion of this comment regarding the purported value of the referenced mineral resources is noted; this does not pertain to the environmental analysis contained in the DEIR/DEIS.

The City and USACE understand that the Wilson Ranch property is located south of the SPA, on the south side of White Rock Road, and that Granite Construction is seeking entitlements to operate a mining and aggregate production facility, known as the Walltown Quarry, on the Wilson Ranch property. The proposed Walltown Quarry would be located approximately 1.2 miles south of the SPA. The comment does not identify the location of “the Mangini property” and, therefore, the relevance of mineral resources at that location to the SPA cannot be ascertained. The closest proposed mining project for which a CEQA NOP has been circulated to the public is located approximately 1.2 miles south of the SPA. Because the proposed development on the SPA would not occur on or adjacent to the lands proposed for mining, it is unclear to the City and USACE, nor does the comment specify, exactly how the physical development of the SPA would constitute a physical threat to mining activities that would occur 1.2 miles to the south.

Sac Cnty-2-40 through
Sac Cnty-2-46

The comments state that the DEIR/DEIS did not recognize land south of White Rock Road is classified as MRZ-2 rather than MRZ-3, and that the DEIR/DEIS does not acknowledge a significant impact on both known and unknown future mining activities that would occur from implementing the project. The comments further state that a significant impact would occur from placing incompatible land uses in proximity to quarry operations and hauling routes. The comments suggest that the City should acknowledge “the most likely, direct and only logical route for the distribution of the mined material is through the project using Scott Road (AKA: East Bidwell Road).”

See responses to comments Sac Cnty-2-36 through Sac Cnty-2-38. Regardless of the MRZ classification of lands south of White Rock Road, the closest mining project for which a CEQA NOP has been circulated to the public is approximately 1.2 miles south of SPA. Therefore, physical development of the SPA would have no effect on the physical

ability of any landowner to recover mineral resources from the known proposed quarry projects, nor would the SPA be located in close proximity to mining operations.

CEQA and NEPA require that a cumulative impact analysis consider “reasonably foreseeable” projects. For purposes of this analysis, the City and USACE consider the term “reasonably foreseeable” to mean projects for which a CEQA NOP or NEPA NOI, or projects that require wetland permits of which USACE is aware, have been submitted. The fact that lands south of White Rock Road contain mineral resources does not mean they will ever be mined; to assume that they will be mined at some unknown time in the future, without a project description or any details of the mining methods, would be speculative.

With regards to the quarry truck haul routes, see Master Response 7 – Quarry Truck Cumulative Impact Analysis and Master Response 8 – Land Use Incompatibility.

The City does not agree that the “most likely, direct, and only logical route for the distribution of the mined material is through the project using Scott Road (AKA: East Bidwell Road).” In fact, numerous other routes could be used by quarry trucks to access U.S. 50.

Sac Cnty-2-47 through
Sac Cnty-2-48

The comment states that restrictions placed on truck haul routes or other aspects of mining operations could lead to increased pressure to import aggregates from outside of the Sacramento region, which the comment states could in turn result in increased traffic congestion, roadway maintenance, air quality impacts, and construction overruns, all of which the comment suggests are indirect impacts of the project’s mitigation measures.

The comment cites no evidence supporting the claim that increased importation of aggregates from outside of the Sacramento region would result in increased traffic congestion or increased roadway maintenance. Traffic congestion and roadway maintenance also would increase if the aggregate were mined south of White Rock Road (as already identified in the DEIR prepared by Sacramento County for the Teichert Quarry project). Because it is unclear how this purported increased traffic congestion from importation of aggregate would occur (over and above what already would occur from the increase that would be caused by mining south of White Rock Road), it also is unclear how additional air quality impacts would occur from importation of aggregate (over and above air quality impacts that already would occur from the increased trucks on local roadways that would be caused by mining south of White Rock Road). Although the importation of aggregate in turn could increase the cost of construction, this would not result in “cost overruns” because the cost of the aggregate would be known ahead of time and included in the bids submitted by construction contractors. Therefore, the comment provides no evidence to support the claim that the project’s mitigation measures would result in indirect impacts. See also Master Response 7 – Quarry Truck Cumulative Impact and Mitigation Approach.

Sac Cnty-2-49 through
Sac Cnty-2-54

The comments state that the County has designated the area south of White Rock Road as a Resource Conservation Area (RCA), and describes the purpose of this designation and its relationship to the Sacramento County General Plan. The comments further state that it is important to protect these areas and provide connectivity of these areas and that the DEIR/DEIS fails to recognize the RCA designation and does not discuss potential impacts to these resources from urban development.

The County designated RCA is located over 0.5 mile from the SPA's southern boundary. Therefore, urban development in the SPA would not affect the County's ability to manage or conserve biological resource values in the RCA south of White Rock Road. No designated RCAs exist immediately adjacent to the SPA. However, the project's open space design provides multiple connectivity corridors to natural habitats located south of the SPA in unincorporated Sacramento County. Furthermore, the project's open space design preserves the majority of the blue oak woodland and riparian habitats, and stream corridors in the SPA and provides large areas of wetland preservation. Approximately one-third of the SPA would be designated open space. Therefore, the project is consistent with General Plan policies OS-1 and OS-2, which call for protection, as open space, of interconnected areas of natural resource value, including wetland preserves, riparian corridors, woodlands, and floodplains, to accommodate wildlife movement and sustain ecosystems.

Sac Cnty-2-55 through
Sac Cnty-2-58

The comments describe the County's recent planning efforts in its Resource Conservation Area relative to the Teichert Quarry project. The comments state that the DEIR/DEIS fails to recognize these ongoing planning efforts and fails to discuss the compatibility of the proposed urban development with these planning efforts.

The project's open space design provides multiple connectivity corridors to the open space lands south of White Rock Road in unincorporated Sacramento County. The County Planning Department, therefore, has multiple options for linking with the project's open space areas during its ongoing planning efforts. Because the County's planning efforts for these adjacent lands south of White Rock Road are ongoing and not final, the project can only provide opportunities for connectivity and cannot ensure compatibility with a plan that does not yet exist. The County Planning Department staff report and exhibits referenced in the comment do not appear to be available on the County website and this is the first time the City of Folsom has been made aware of the conservation easement proposed to extend from White Rock Road to the southern boundary of the Teichert Quarry project site. In the Teichert Quarry final EIR (page 3.12-30, bullet 4), a 380-acre annual grassland habitat preserve is proposed to be established in the vicinity of the Teichert Quarry project site within the east County RCA, contiguous with the RCA, or in the Deer Creek Hills preserve, but the specific location of the land dedication is not identified. Therefore, it is not possible for the project applicants to design their open space plan to be consistent with the proposed Teichert Quarry conservation land.

Sac Cnty-2-59 through
Sac Cnty-2-63

The comments state that the proposed open space is weighted to the north of the SPA. The comments suggest that the DEIR/DEIS should be revised to identify the County's proposed open space connection where Alder Creek crosses White Rock Road, and to clarify how efforts would be made to coordinate consistency with the County's General Plan policies.

Proposed open space in the SPA is weighted toward the northwestern portion of the site because that is where the highest concentration of high value biological resources are located, including oak woodland, riparian, and aquatic habitats. The project's open space design provides multiple connectivity corridors to natural habitats to the south, including a corridor along Alder Creek. Alder Creek would provide preferable cover and access for wildlife movement across the landscape and connect the habitat that would be preserved with habitat to the south and west of the SPA, and thus, would serve as a movement corridor between Lake Natoma and undeveloped areas south of the SPA into the future. As stated on page 2-24 of the DEIR/DEIS, most of the stream channels and intermittent drainage channels are included in proposed open space corridors. The open space designation includes riparian corridors, landscape parkways 30 feet in width or greater, and wetland and stream and drainage channel habitats. Buffers of at least 75 feet are included in the open space design to protect preserved habitats from adjacent development. The comment provides no evidence or reasoning to conclude that the open space connections to the south of White Rock Road are inadequate. See responses to comments Sac Cnty-2-49 through Sac Cnty-2-54 regarding consistency with County General Plan policies.

Sac Cnty-2-64 to through
Sac Cnty-2-69

The comments state that County and Sacramento Area Council of Governments (SACOG) plans identify a regional trail connection where Alder Creek crosses White Rock Road. The comments further state that Exhibit 2-10 illustrates this trail as a "proposed trail" rather than a "Class I" trail. The comments suggest that the DEIR/DEIS should be revised to recognize impacts to this trail connection, including consideration of the width of the open space area where it crosses White Rock Road.

The commenter is correct that Exhibit 2-10 on page 2-39 of the DEIR/DEIS illustrates this trail as a proposed trail. On page 7-59 of the FPASP (in Appendix N of the DEIR/DEIS), this trail is further defined as a Class I trail. This regional trail connection is included in the project. The City notes that the point at which this trail is planned to pass under White Rock Road of necessity would be less wide than the open space areas away from the roadway because of the engineering requirements for overpass construction that would limit the span of each overpass. The commenter does not specify how the width of the open space area where Alder Creek crosses White Rock Road would have any impacts on this trail connection. No revisions to the DEIR/DEIS are required.

Sac Cnty-2-70 through
Sac Cnty-2-71

The comments state that the County concurs with the DEIR/DEIS analysis of solid waste generation rates, and that solid waste generated by the project could be managed within existing capacity.

The comments do not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comments do not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The comments are noted.

Sac Cnty-2-72 through
Sac Cnty-2-75

The comments state that the DEIR/EIS does not adequately disclose or fully mitigate the impact to Swainson's hawk foraging habitat because the document identifies 2,594 acres of potential foraging habitat for Swainson's hawk and other raptors by using the 1994 California Department of Fish and Game (DFG) Swainson's Hawk Guidelines as the basis for establishing the value of habitat lost.

See responses to comments Sac Cnty-2-77 and Sac Cnty-2-78.

Sac Cnty-2-76

The comment states that the DEIR/EIS improperly defers the quantification of the impact to Swainson's hawk foraging habitat.

See responses to comments Sac Cnty-2-82 and Sac Cnty-2-83 and Tsakopoulos-2-102 and Tsakopoulos-2-103. See also Master Response 9 – Deferred and/or Hortatory Mitigation.

Sac Cnty-2-77

The comment states that the use of an outdated methodology causes the DEIR/DEIS to grossly underestimate the acreage of impact.

The County's methodology for determining habitat value does not take into account that portions of the SPA are wooded and, therefore, are not suitable for Swainson's hawk foraging. Under the County methodology, the entire SPA would be considered high value foraging habitat for Swainson's hawk because it is zoned Ag 80. However, Swainson's hawks do not forage in woodland habitats, which make up approximately 642 acres of the SPA. The City believes it is unreasonable to require habitat that is not suitable for Swainson's hawk foraging to be included in the calculation of impacts on Swainson's hawk foraging habitat. Typical habitat is identified as open desert, grassland, or cropland containing scattered large trees or small groves (Polite 2006). Furthermore, based on range maps available on the DFG website, the SPA is just outside the eastern edge of the species' range (Hunting 2006, DFG 2007) and is therefore not in an area that would provide the highest conservation values to the species. The methodology used to determine impacts to Swainson's hawk foraging habitat satisfies the CEQA and NEPA requirements because it is based on established guidelines set forth by DFG, the trustee agency charged with the protection of Swainson's hawk under the California Endangered Species Act (CESA).

Sac Cnty-2-78 through
Sac Cnty-2-79

The comment states that since 2006, Sacramento County has used methodology specific to Sacramento County and endorsed by DFG rather than the 1994 Guidelines. The comment further states that this methodology recognizes Swainson's hawk foraging habitat value is greater in large expansive open spaces and agricultural areas and would calculate the level of foraging habitat impact more accurately than analyses using the 1994 guidelines. The comments also state the methodology used by Sacramento County and reference the County's suggested revisions to foraging habitat impact calculations.

The commenter provides no substantiation for the statement that the 2006 County methodology calculates the level of foraging habitat impact more accurately than the methodology used in the DEIR/DEIS. The County's 2006 methodology for determining impacts on Swainson's hawk foraging habitat applies to unincorporated areas of Sacramento County where a permit from the Department of Environmental Review and Assessment (DERA) would be required. The Folsom South of U.S. 50 Specific Plan project would not require discretionary approval from DERA. Therefore, the methodology for calculating impacts on Swainson's hawk foraging habitat would be

under the discretion of the City of Folsom as long as that methodology was acceptable to DFG. For this project, the City appropriately intends to rely on DFG's 1994 guidelines, established to help DFG, CEQA lead agencies, and project proponents judge the adequacy of mitigation designed to offset adverse impacts on Swainson's hawks throughout the Central Valley. The mitigation measures presented in the 1994 guidelines have been determined to be consistent with policies, standards, and legal mandates of the State Legislature and DFG (DFG 1994). Therefore, unless DFG issued a directive for CEQA lead agencies to stop using the 1994 guidelines in favor of a different methodology, no reason would exist for the City to assume these guidelines were invalid. Therefore, no changes to the text of the DEIR/DEIS are required.

Sac Cnty-2-80

The comment states that under CDF's preferred methodology for Sacramento County, the entire project site (3,584 acres) is considered foraging habitat that would be lost if the area was urbanized, not just the 2,594 acres identified in the DEIR/DEIS as "grassland habitat."

The comment presumably intended to state "DFG's preferred methodology" rather than "CDF's preferred methodology." DFG has not advised the City of Folsom to follow a different methodology for evaluating impacts on Swainson's hawk foraging habitat in their role as CEQA lead agency, other than the 1994 guidelines. See responses to comments Sac Cnty-2-77 through Sac Cnty-2-79.

Sac Cnty-2-81

The comment states that the DEIR/DEIS underestimates the amount of foraging habitat by nearly 1,000 acres.

See responses to comments Sac Cnty-2-77 through Sac Cnty-2-79.

Sac Cnty-2-82 through
Sac Cnty-2-83

The comments state that the mitigation described in the DEIR/DEIS would only partially mitigate based on mitigation ratios to be determined at an unspecified future date based on outdated methodology, and the mitigation fails to require a ratio of 1:1.

The appropriate mitigation ratios would be based on the locations of active nest sites, as determined during preconstruction nest surveys conducted according to guidelines provided in *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in the Central Valley* (Swainson's Hawk Technical Advisory Committee 2000), as stated on page 3A.3-53 of the DEIR/DEIS. The timing is also specified on page 3A.3-62 of the DEIR/DEIS, and would occur before the approval of grading, improvement, or construction plans and before any ground-disturbing activity in any project development phase that would affect Swainson's hawk foraging habitat. Mitigation at a 1:1 ratio would be required for foraging habitat within 1 mile of active nest sites, consistent with the 1994 guidelines (see DEIR/DEIS page 3A.3-53). Foraging habitat within 5 miles of an active nest but more than 1 mile from an active nest would be mitigated at a ratio of 0.75:1. Foraging habitat greater than 5 miles but less than 10 miles from an active nest would be mitigated at a ratio of 0.5:1.

Sac Cnty-2-84

The comment suggests that mitigation for Swainson's hawk foraging habitat should be the responsibility of the project applicant rather than the City of Folsom and County of Sacramento.

As stated on page 3A.3-54 of the DEIR/DEIS, the project applicant(s) of all project phases are responsible for implementing the measures to mitigate impacts on Swainson's hawk foraging habitat.

Sac Cnty-2-85 *The comment suggests that consultation with DFG, if necessary, should be completed as part of the environmental review process before the release of the DEIR/DEIS.*

The DEIR/DEIS specifies that project applicant(s) of all project phases are responsible for implementing mitigation measures (see response to comment Sac Cnty-2-84). The text to which the comment refers states that the agency of jurisdiction would consult with DFG before approving the Swainson's hawk mitigation plan that the applicant(s) would be required to prepare and implement. DFG was provided with a copy of the Notice of Preparation for the DEIR/DEIS and has been contacted by the City. Consultation with DFG is not, however, required to be completed before release of a DEIR/DEIS.

Sac Cnty-2-86 *The comment suggests that if consultation with DFG is included in mitigation, it should be the responsibility of the project applicant, not jurisdiction, to carry out the mitigation.*

See response to comment Sac Cnty-2-85.

Sac Cnty-2-87 through
Sac Cnty-2-92

The comments state that the DEIR/DEIS improperly transfers the mitigation responsibility to the City of Folsom and County of Sacramento (on page 3A.3-53 of the DEIR/DEIS). The comments further state that the County of Sacramento is not a party to the application or the approving jurisdiction and would become responsible for failed mitigation. The comments conclude that this is an inappropriate delegation of responsibility.

As shown in Chapter 5, "Errata" of this FEIR/FEIS, the text on page 3A.3-53 of the DEIR/DEIS has been revised to clarify that the project applicant(s) shall fund monitoring through an endowment or other funding mechanism and the monitoring shall be carried out by the third party conservation operator. The City or County shall review the monitoring reports to ensure performance standards and success criteria are met.

Sac Cnty-2-93 through
Sac Cnty-2-99

The comments state that the DEIR/DEIS inappropriately lists the Sacramento County Planning and Community Development Department as the enforcement entity for mitigation monitoring. The comments state that the County was not asked and would not accept responsibility for mitigation monitoring, and suggests that the DEIR/DEIS should be modified to delegate mitigation monitoring responsibilities to the City of Folsom.

As stated on page 3A.3-54 of the DEIR/DEIS, the County would be responsible for enforcing mitigation only on the detention basin site that would be constructed on the west side of Prairie City Road on land that would not be annexed into the City of Folsom and would remain within County jurisdiction.

Sac Cnty-2-100 through
Sac Cnty-2-103

The comments state that by misplacing mitigation requirements with Sacramento County and other agencies rather than the project proponents, responsibility would be deferred and would make the mitigation unenforceable. The comments state that Mitigation Measure 3A.2-1h is unenforceable because of inappropriate deferral of responsibility, and that the DEIR/DEIS should be revised so that the project proponents and/or lead agency are listed as the entities responsible for enforcing mitigation.

Mitigation Measure 3A.2-1h (on page 3A2-40 of the DEIR/DEIS) concerns future project-level analysis of PM₁₀ emissions for off-site elements. The implementation portion of the measure states, "Project-level analysis shall be performed by the

responsible lead agency...and funded by the project applicant(s).” The enforcement portion of the measures lists Sacramento County Planning and Community Development Department as the enforcement agency for all off-site improvements within Sacramento County (i.e., the detention basin west of Prairie City Road, which would not be annexed into the City of Folsom), and Caltrans as the enforcement agency for the U.S. 50 interchange improvements. The DEIR/DEIS appropriately identifies the project applicant(s) as being responsible for implementing mitigation measures; however, the approving jurisdictions are responsible for ensuring that the applicant(s) do indeed implement the mitigation as required. Without responsible and trusted agency oversight to enforce the mitigation, no way would exist to ensure that the mitigation was carried out as specified in the DEIR/DEIS.

This mitigation measure specifically addresses off-site improvements within Sacramento County; thus the DEIR/DEIS properly identifies Sacramento County as the appropriate enforcement agency for work on land that would not be annexed into the City of Folsom and that would be performed within Sacramento County. For improvements related to the U.S. 50 interchange, the DEIR/DEIS correctly identifies Caltrans as the appropriate enforcement agency.

Sac Cnty-2-104 through
Sac Cnty-2-105

The comment states that the DEIR/DEIS places numerous mitigation requirements on the applicants of non-related projects, such as quarry operators, for impacts caused by the project, and that mitigation for project impacts is the responsibility of the project applicant, not unrelated parties

See Master Response Master Response 7 – Quarry Truck Cumulative Impact and Mitigation Approach.

Sac Cnty-2-106

The comment states that the City of Folsom would have no direct jurisdiction over the quarry projects because the quarry projects would be located within the unincorporated area of Sacramento County.

The commenter restates text that is contained in the DEIR/DEIS; the comment is noted.

Sac Cnty-2-107

The comment states that because the City would have no direct jurisdiction over the quarry projects, mitigation measures proposed in this DEIR/DEIS affecting the quarry-related activities would be unenforceable.

See Master Response Master Response 7 – Quarry Truck Cumulative Impact and Mitigation Approach.

Sac Cnty-2-108 through
Sac Cnty-2-110

The comment states that State CEQA Guidelines CCR Section 15126.4(a)(2) requires mitigation measures to be fully enforceable through permit conditions, agreements, or other legally binding instruments; that State CEQA Guidelines CCR Section 15126.4(4) requires that mitigation measures be consistent with applicable constitutional requirements, including an essential nexus or rough proportionality; and the mitigation measures in the DEIR/DEIS regarding the quarry operators do not appear to meet either of these criteria.

See Master Response Master Response 7 – Quarry Truck Cumulative Impact and Mitigation Approach.

Sac Cnty-2-111 through
Sac Cnty-2-112

The comment states that State CEQA Guidelines CCR Section 15126.4(a)(1)(A) requires that mitigation measures be included by the applicant in the project or as conditions of approval by the approving agency, and mitigation cannot be arbitrarily placed on outside parties.

See Master Response Master Response 7 – Quarry Truck Cumulative Impact and Mitigation Approach.

Sac Cnty-2-113

The comment states that “improper delegation of mitigation measures is pervasive throughout the DEIR/DEIS.”

The commenter does not include specific details or locations in the DEIR/DEIS regarding the context of the statement, thus the City is unable to respond with specificity. The City and USACE do not believe that the DEIR/DEIS contains improper delegation of mitigation measures. See also responses to comments Sac Cnty-2-87 through Sac Cnty-2-110 and Master Response 9 – Deferred and/or Hortatory Mitigation.

Sac Cnty-2-114

The comment suggests that the DEIR/DEIS should be revised to include enforceable mitigation measures that would place full responsibility for project impacts on the project applicant(s).

The City and USACE believe that mitigation requirements have been correctly placed on project applicant(s). With regard to mitigation measures pertaining to quarry trucks, see Master Response Master Response 7 – Quarry Truck Cumulative Impact and Mitigation Approach.

Sac Cnty-2-115 through
Sac Cnty-2-120

The comments suggest that the DEIR/DEIS should establish mitigation ratios for valley needlegrass grasslands and hold the applicants to the ratios, unless otherwise determined by DFG. The comment states that it would be inappropriate to rely on future consultation with DFG and the City of Folsom, and if consultation was required to determine mitigation, it should be done before the release of the DEIR/DEIS.

As shown in Chapter 5, “Errata” of this FEIR/FEIS, page 3A.3-75 of the DEIR/DEIS has been revised to state that the project applicant(s) shall compensate for any loss of valley needlegrass grassland resulting from project implementation at a minimum 1:1 replacement ratio.

Sac Cnty-2-121 through
Sac Cnty-2-123

The comments reference the DEIR/DEIS’ identification of the significant impact that development will have on scenic resources, as stated in Mitigation Measure 3A.1-1. The comments restate the DEIR/DEIS requirement for a 50-foot landscape corridor along U.S. 50, except adjacent to the regional mall, where the buffer would be 25 feet wide. The comments also state that no justification exists and no analysis is provided in the DEIR/DEIS for this reduced landscape corridor adjacent to the proposed regional mall.

The economic and social benefits of the regional mall to the City and the requirement of an adequate tax base to support the City’s sphere of influence would override aesthetic concerns. An urban freeway intersection is not intended to feature undeveloped open space. Visual access to the regional retail center would be essential to the success of the center. A reduced buffer in this area also would be necessary to accommodate right-of-way requirements for the U.S. 50 interchange. As the DEIR/DEIS indicates on pages

3A.1-24 and 3A.1-25, over 2,000 acres of undeveloped land would be converted to urban development; the impact is identified as significant and unavoidable.

Sac Cnty-2-124 through
Sac Cnty-2-125

The comment states that it is unclear if the DEIR/DEIS found that the regional mall would be less visually intrusive than the remainder of development and therefore would require a smaller corridor. The comment states that additional clarification is required.

See responses to comments Sac Cnty-2-121 through Sac Cnty-2-123.

Sac Cnty-2-126

The comment states that the DEIR/DEIS fails to include reasonably foreseeable quarry truck traffic in the noise modeling for future (2030) noise scenarios.

Table 4-8 (page 4-49) in the DEIR/DEIS shows the potential noise level increases that would be caused by increased quarry truck traffic.

Sac Cnty-2-127 through
Sac Cnty-2-128

The comment states that the City has been involved in numerous meetings related to the Teichert Quarry Project and Walltown Quarry Project, and has been repeatedly advised that these projects would use Scott Road and/or Prairie City Road through the plan area to access U.S. 50.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The comment is noted.

Sac Cnty-2-129 through
Sac Cnty-2-130

The comments state that the quarry projects have been under CEQA review and NOPs were available for the quarry projects before the NOP was issued for the Folsom South of U.S. 50 Specific Plan DEIR/DEIS, and therefore the quarry projects should be considered as reasonably foreseeable projects and analyzed as part of the environmental baseline of the proposed project.

The environmental baseline for this project properly consists of the environmental conditions that were present on the ground at the time the NOP and the NOI for this project were released. This baseline is consistent with the guidance set forth in State CEQA Guidelines CCR Section 15125, which provides that the environmental baseline is normally the conditions as they exist at the time of publication of the notice of preparation. Although the NEPA regulations do not establish a fixed point in time for the environmental baseline of a Federal project, courts have upheld the position that the NEPA environmental baseline consists of existing conditions at a fixed point in time. See *American Rivers v. Federal Energy Regulatory Commission*, 187 F.3 1007 (9th Cir. 1999). The NEPA lead agency should describe the point in time that was selected for the baseline; in this case, it is the date of publication of the NOI. Thus, the proposed quarry projects should not be included as part of the environmental baseline for this project because they did not exist at time of release of the NOP/NOI. Rather, they properly belong in the cumulative impact analysis as “reasonably foreseeable projects” required under both CEQA and NEPA. See DEIR/DEIS Chapter 4, “Other Regulatory Requirements.”

Sac Cnty-2-131

The comment suggests that the noise discussion should address impacts associated with introducing new noise-sensitive land uses where exposed to future traffic noise.

Impact 3A.11-7 (beginning on page 3A.11-50 of the DEIR/DEIS) fully analyzes impacts associated with compatibility of proposed on-site land uses with the ambient noise environment, including future vehicle traffic on area roadways.

Sac Cnty-2-132

The comment states that impacts associated with introducing new noise-sensitive land uses where exposed to future traffic noise has not been acknowledged and mitigated.

Impact 3A.11-7 (beginning on page 3A.11-50 of the DEIR/DEIS) addresses traffic impacts at new noise-sensitive receptors located within the SPA. A significant impact was concluded, based on the analysis conducted, as stated on page 3A.11-50. Mitigation measures have been recommended to reduce future traffic noise levels at proposed new noise-sensitive receptors within the SPA in Mitigation Measure 3A.11-4, beginning on page 3A.11-51 of the DEIR/DEIS.

Sac Cnty-2-133

The comment states that omission of impacts associated with introducing new noise-sensitive land uses where exposed to future traffic noise warrants recirculation.

See response to comment Sac Cnty-2-131. The DEIR/DEIS recommends implementation of Mitigation Measure 3A.11-4, beginning on page 3A.11-51 of the DEIR/DEIS, to reduce impacts related to exposing new noise-sensitive land uses to future traffic noise. Therefore, the issues raised by the commenter have been addressed, and no recirculation is warranted.

Sac Cnty-2-134 through
Sac Cnty-2-143

The comments reference Federal Aviation Administration (FAA) Advisory Circular 150/5200-33B1 that addresses hazardous wildlife attractants near airports and requires airport operators, including the County Airport System, to discourage land uses that could cause wildlife movement within a 5-mile airport radius. The comments state that the SPA does not lie within a 10,000-foot or 5 mile separation criteria distance from Mather Airport (MHR). The comments state that, however, the project site underlies the final approach course for runway 22L. The comments state that aircraft could be as low as 1,000 feet above the ground surface in this approach course, and that records indicate the most damaging bird strikes occur below 3,000 feet above the ground surface. The comments state that the DEIR/DEIS does not assess the potential attraction of hazardous wildlife to MHR or its surrounding airspace.

Guidance Circular 150/5200-33B1 published by the FAA indicates that the potential for hazardous wildlife attraction should be considered within 10,000 feet or 5 miles of airports. Based on these criteria, which were considered by the City and USACE, an evaluation of hazardous wildlife attraction is not required; as admitted by the commenter, the SPA is more than 10,000 feet and more than 5 miles from MHR.

No information is provided by the commenter to suggest that the use of these FAA criteria to rule out consideration of hazardous wildlife attraction is not appropriate; furthermore, Sacramento County did not suggest that this analysis should be considered in its comment letter submitted in response to the NOP circulated for this project in fall 2008. No revisions to the DEIR/DEIS are required.

Sac Cnty-2-144 through
Sac Cnty-2-145

The comment states the County Airport System's request that the DEIR/DEIS address the proximity of project alternative sites and measures that will be incorporated into the project to avoid adversely affecting Mather Airport aircraft operations.

See responses to comments Sac Cnty-2-134 through Sac Cnty-2-143.

Sac Cnty-2-146 through
Sac Cnty-2-147

The comments state that the Off-site Water Facility Alternatives 4 and 4a as described in the DEIR/DEIS call for the development of a Folsom Boulevard Water Treatment Plant (WTP) within 5 miles of Mather Airport (MHR). The comments also state that WTPs and similar open water facilities are designated by the Federal Aviation Administration (FAA) as potential hazardous wildlife attractants.

Under Off-site Water Facility Alternatives 4 and 4A, the WTP would be located approximately 4.6 miles northeast of MHR. This distance is just within the approach, departure, and circling airspace for MHR. However, as noted in Chapter 2, "Minor Modifications to the Proposed Project" and as shown in Chapter 5, "Errata" of this FEIR/FEIS, the City has determined that the WTP would be placed in the SPA. Guidance Circular 150/5200-33B1 published by the FAA indicates that the potential for hazardous wildlife attraction should be considered within 10,000 feet or 5 miles of airports. Based on these criteria, which were considered by the City and USACE, an evaluation of hazardous wildlife attraction is not required; as stated by the commenter, the SPA is more than 10,000 feet and more than 5 miles from MHR. Therefore, no additional analysis of hazardous wildlife attractants is required. See also responses to comments Sac Cnty-2-134 through Sac Cnty-2-143.

Sac Cnty-2-148 through
Sac Cnty-2-150

The comment refers to the DEIR/DEIS discussion on page 3A.11-27 that exposure to aircraft noise would not be analyzed because the nearest 60 dB community noise equivalent level (CNEL) noise contour from Mather Airport would be 5,000 feet away from the project boundary. However, an analysis of single-event aircraft noise from Mather Airport is presented and discussed under Impact 3A.11-6 on page 3A.11-40 of the DEIR/DEIS; therefore, the text in the DEIR/DEIS is contradictory.

As stated on page 3A.11-27 of the DEIR/DEIS, "the nearest 2005 60-dB CNEL noise contour attributable to Mather Airport would be approximately 5,000 feet to the west of the nearest SPA boundary line. Because the SPA would not be located in an area exposed to excessive aircraft-generated noise levels (e.g., not within the 60 dB day-night average sound level (L_{dn})/CNEL contour of any airport), there would be no impact related to aircraft noise, and therefore this issue is not discussed further in this EIR/EIS." As shown in Chapter 5, "Errata" of this FEIR/FEIS, this text has been revised to indicate that the noise analysis from airports that was not carried forward in the DEIR/DEIS relates to the potential for project implementation to exceed adopted noise standards as a result of placing different types of land uses in close proximity to one another (i.e., Impact 3A.11-7). Impact 3A.11-6 relates to single-event aircraft overflight noise.

Sac Cnty-2-151

The comment states agreement with conclusions in the DEIR/DEIS that current and forecast aircraft noise associated with Mather Airport would not exceed any thresholds within the SPA.

The comment restates text from DEIR/DEIS Section 3A.11; the comment is noted.

Sac Cnty-2-152 *The comment expresses the County's concern that since current City residents have expressed noise concerns about Mather Field, noise-sensitive receptors in the SPA could be exposed to single-event aircraft noise levels that would generate future complaints.*

The DEIR/DEIS discusses potential effects from single-event aircraft noise in Impact 3A.11-6, and finds that the impact is less than significant.

Sac Cnty-2-153 *The comment states that having noise-sensitive receptors in the SPA being exposed to aircraft noise that future residents and the City would find objectionable could result in expanded and unreasonable criticism of continued or increased aircraft operations at Mather Airport.*

The DEIR/DEIS discusses single-event aircraft noise in Impact 3A.11-6. The impact was determined to be less than significant. The DEIR/DEIS does not indicate that the City would find noise from single-event aircraft to be objectionable.

Sac Cnty-2-154 *The comment suggests that at a minimum, the DEIR/DEIS should require acoustical insulation of all noise sensitive developments to the State of California Division of Aeronautics Title 21 Noise Standards interior noise standard of a CNEL of 45 dB as mitigation for single-event aircraft noise.*

As discussed in Impact 3A.11-6 (page 3A.11-49), the DEIR/DEIS determined that the impact from single-event aircraft noise would be less than significant; therefore, no mitigation measures are required.

Sac Cnty-2-155 *The comment suggests that the DEIR/DEIS should require an acoustical analysis before construction, demonstrating to the City that an interior noise level of 45 dB could be achieved for noise-sensitive receptors to provide mitigation for single-event aircraft noise.*

As discussed in Impact 3A.11-6 (page 3A.11-49), the DEIR/DEIS determined that the impact from single-event aircraft noise would be less than significant; therefore, no mitigation measures are required.

Sac Cnty-2-156 through
Sac Cnty-2-162 *The comments provide various pieces of information related to the operations at Mather Airport, including an exhibit showing a flight track analysis performed by Sacramento County.*

The City and USACE note that Exhibit 4 attached to Sacramento County's comment letter shows a different (i.e., larger) Sacramento County Mather Airport Planning Area Policy (MAPA) Boundary than what is depicted in the currently adopted and publically available 2005 MAPA. Furthermore, the County of Sacramento General Plan Noise Element, page 39, provides a codified map of the MAPA. As shown in the County General Plan Noise Element exhibit, the SPA does not lie within the MAPA. Finally, the City and USACE note that the City of Folsom is not within Sacramento County's MAPA Policy Boundary. As part of the project, the SPA would be annexed into the City of Folsom. Therefore, the SPA also would not be located within Sacramento County's MAPA Policy Boundary, and Sacramento County would not have land use planning jurisdiction or approval over the SPA. The comment raises no specific issues regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS.

Sac Cnty-2-163 through
Sac Cnty-2-164

The comment states that the County's aircraft noise complaint records show that overflights do not need to occur directly overhead to be objectionable to residents living in the area, and that the County Airport System regularly receives aircraft noise complaints from residents living 1 to 3 miles from the Mather Airport's Runway 22L Instrument Landing System final approach course centerline.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The comment is noted.

Sac Cnty-2-165 through
Sac Cnty-2-166

The comment states that "it is appropriate for the DEIR to conclude that the less than significant aircraft noise exposure will be considered objectionable by residents throughout the SPA and to recommend mitigation measures that will reduce or eliminate those anticipated effects."

The comments suggest that although the impact has been determined to be less than significant, a conclusion which the commenter agrees with as stated in comments Sac Cnty-2-178 through Sac Cnty-2-180, mitigation should still be included for this impact in the DEIR/DEIS. Neither CEQA nor NEPA require mitigation for less-than-significant impacts. (See State CEQA Guidelines CCR 15126.4(a)(1) ["An EIR shall describe feasible measures which could minimize significant adverse impacts ..."] and Section 15126.4(a)(3) ["Mitigation measures are not required for effects which are not found to be significant."] .) Therefore, no changes to the DEIR/DEIS are necessary.

Sac Cnty-2-167 through
Sac Cnty-2-174

The comments provide details of various factors used to determine the location by which arriving aircraft intercept MHR Runway 22L Instrument Landing System final approach course. The comments references the conclusion of the DEIR/DEIS that overflights would not result in interior noise levels that create sleep disturbances, and acknowledge that although it would be unlikely that aircraft overflights would generate interior noise levels greater than the American National Standards Institute (ANSI) standard threshold used to determine significance (i.e., 55 dB with windows and doors closed), the City and the County Airport System have received numerous complaints from Folsom residents who reside at greater distance from Mather Airport but who are in the same relative proximity, i.e., 1 to 3 miles, of the Instrument Landing System final approach course. The comments further state that the residents who have complained of aircraft overflight noise assert their sleep is disturbed by aircraft approaching Mather Airport, even though they live outside the 60 dB CNEL noise contour for the airport.

See response to comment Sac Cnty-2-154.

Sac Cnty-2-175

The comment states that ANSI's methodology for predicting nighttime awakenings includes equations and recommendations for both disturbances where people are familiar with the ambient noise environment and the effects of new sounds to an area (such as a new airport or runway).

See response to comment Sac Cnty-2-154. See also Master Response 11 – Disagreement Regarding the Conclusions of the DEIR/DEIS.

- Sac Cnty-2-176 *The comment states that unless noise-sensitive receptors in the SPA were acoustically insulated, a portion of residents in the proposed SPA would not be familiar with the noise environment and would experience the effects of new sounds (such as aircraft) to which they were unaccustomed.*
- See response to comment Sac Cnty-2-154. See also Master Response 11 – Disagreement Regarding the Conclusions of the DEIR/DEIS.
- Sac Cnty-2-177 *The comment references City of Folsom General Plan Policy 30.4 that is included in the DEIR/DEIS, and states that this policy also says, “The potential for sleep disturbance is usually of primary concern, and should be evaluated on a case-by-case basis.”*
- The Mather Airport noise contours are discussed in the DEIR/DEIS on page 3A.11-10 thru 3A.11-11. As stated in the third paragraph on page 3A.11-11, the SPA is not located within the currently adopted 60 and 65 dB CNEL noise contours of the ALUCP for Mather Airport. The nearest 60 dB CNEL noise contour would be approximately 5,000 feet to the west of the nearest SPA boundary line. Furthermore, an analysis of single-event aircraft noise levels is discussed on page 3A.11-49 of the DEIR/DEIS. The analysis determined that sleep disturbances would be less than significant based on the Harris Miller Miller & Hanson 2002 report referenced within the impact discussion and FAA requirements for interior noise levels to achieve 55 dB, the maximum interior noise level that would not create significant sleep disturbance. See also Master Response 11 – Disagreement Regarding the Conclusions of the DEIR/DEIS.
- Sac Cnty-2-178 *The comment states that the County Airport System supports the City’s conclusions in the DEIR/DEIS that the SPA is not located in the adopted 60 or 65 dB CNEL contours of the Mather Airport Land Use Compatibility Plan or the revised contours included in the Mather Master Plan.*
- The comment restates text contained in DEIR/DEIS Section 3A.11; the comment is noted.
- Sac Cnty-2-179 *The comment supports the conclusion in the DEIR/DEIS that cumulative noise exposure in terms of L_{dn} /CNEL is within acceptable limits per Federal Aviation Administration and NEPA guidelines.*
- The comment restates text contained in DEIR/DEIS Section 3A.11; the comment is noted.
- Sac Cnty-2-180 *The comment supports the conclusion in the DEIR/DEIS that no impact would occur related to aircraft noise because the SPA would not be located in a place exposed to excessive aircraft-generated noise levels.*
- The comment restates text contained in DEIR/DEIS Section 3A.11; the comment is noted.

Sac Cnty-2-181

The comment states that, taking into account the well-documented historic aircraft noise complaints by City residents regarding aircraft overflight, it would be reasonable to conclude that given the SPA's proximity to the Runway 22L Instrument Landing System final approach course, concern would be expressed by new residents in the SPA, even though aircraft noise exposure would not exceed Federally or State-established significance thresholds.

The Mather Airport noise contours are discussed in the DEIR/DEIS on page 3A.11-10 thru 3A.11-11. As stated in the third paragraph on page 3A.11-11, the SPA is not located within the currently adopted 60 and 65 dB CNEL noise contours of the ALUCP for Mather Airport. The nearest 60 dB CNEL noise contour would be approximately 5,000 feet to the west of the nearest SPA boundary line. Furthermore, an analysis of single-event aircraft noise levels is discussed on page 3A.11-49 of the DEIR/DEIS. The analysis determined that sleep disturbances would be less than significant based on the Harris Miller Miller & Hanson 2002 report referenced within the impact discussion and FAA requirements for interior noise levels to achieve 55 dB, the maximum interior noise level that would not create significant sleep disturbance. As noted in the comment, aircraft noise exposure would not exceed Federal or state established significance thresholds. Furthermore, the commenter himself agrees with the CEQA and NEPA significance conclusions contained in the DEIR/DEIS; see comments Sac Cnty-2-178 through Sac Cnty-2-180. See also Master Response 11 – Disagreement Regarding the Conclusions of the DEIR/DEIS.

Sac Cnty-2-182 through
Sac Cnty-2-184

The comment states that Sacramento County Board of Supervisor's resolution 2006-1378 established the Mather Airfield Airport Planning Policy Area. Resolution 2006-1378 prohibits new residential development within the 60 CNEL noise exposure contour for Mather Airport. The comment states that resolution 2006-1378 requires new residential development within the Mather Airfield Airport Planning Policy Area boundary but outside the 60 CNEL to meet certain conditions (listed in the comment) before any approval by Sacramento County.

The County of Sacramento General Plan Noise Element page 39 provides a codified map of the MAPA. The Map shows the adopted 1997 airport CNEL noise contours and shows a 3,000-foot buffer from the 60 dB CNEL noise contour to the policy area boundary. Development of noise sensitive uses within the 3,000-foot buffer would require the conditions outlined in comments Sac Cnty-2-182 thru Sac Cnty-2-184 to be included in the DEIR/DEIS as a mitigation measure. However, measuring from the closest point of the 1997 Mather Airport 60 dB CNEL noise contour, the nearest boundary of the SPA is over 18,000 feet away. In addition, when applying the same 3,000-foot buffer to the adopted 2005 Mather Airport 60 dB CNEL noise contour, the nearest boundary of the proposed project is over 4,000 feet away. Therefore, the SPA lies over 1,000 feet outside of the MAPA and over 18,000 feet away from the closest point of the Mather Airport 60 dB CNEL noise contour, and would not be required to meet the conditions outlined in the MAPA. Therefore, this impact was determined to be less than significant and no mitigation measures are required. Exhibit 4 attached to Sacramento County's comment letter shows a different (i.e., larger) MAPA boundary than what is depicted in the currently adopted and publically available 2005 MAPA. Furthermore, the County of Sacramento General Plan Noise Element, page 39, provides a codified map of the Mather Airport Policy Area. As shown in the County General Plan Noise Element exhibit, the SPA does not lie within the codified Mather Airport Planning Area. Finally, the City and USACE note that the City of Folsom is not within Sacramento County's MAPA Policy

Boundary. As part of the project, the SPA would be annexed into the City of Folsom. Therefore, the SPA also would not be located within Sacramento County's MAPA Policy Boundary, and Sacramento County would not have land use planning jurisdiction or approval over the SPA.

Sac Cnty-2-185 through
Sac Cnty-2-186

The comment states that the SPA is located in an unincorporated area of Sacramento County and is entirely within the MAPA, as shown in Exhibit 4 attached to the comment letter, and therefore under the No Project Alternative, the project would be required to meet the conditions referenced in comment Sac Cnty-2-184.

The SPA does not lie within the codified MAPA boundary shown in the adopted Sacramento County General Plan Noise Element. Exhibit 4 attached to Sacramento County's comment letter shows a different (i.e., larger) MAPA boundary than what is depicted in the currently adopted and publically available 2005 MAPA. However, regardless of these circumstances, under the No Project Alternative, the project would not be developed and the SPA would not be annexed into the City of Folsom. Therefore, under the No Project Alternative, Sacramento County would retain its land use planning jurisdiction and approval authority over the approximately 3,500-acre project site.

Sac Cnty-2-187

The comment encourages the City to require all residential units planned in the SPA to be regulated under all Mather Airfield Airport Planning Policy Area conditions (referenced in comment Sac Cnty-2-184), to facilitate home buyer awareness, minimize the impact of aircraft overflights that might be experienced by residents within the SPA, and protect the public's current and future investment in an economic resource (Mather Airport).

As stated in Sac Cnty-2-180, the County agrees with the DEIR/DEIS' conclusion that the impact is less than significant. Therefore, no mitigation measures are required.

Sac Cnty-2-188 through
Sac Cnty-2-190

The comment states that without adopting the referenced conditions established by Sacramento County Board of Supervisors resolution 2006-1378 regarding the Mather Airport Policy Area (in comment Sac Cnty-2-184), the County would have to conclude that the City determines any current and future aircraft noise exposure [impacts] within the City limits but beyond any airport's 60 CNEL contour to be considered less than significant and does not warrant consideration of any form of noise abatement or mitigation on the part of Sacramento County.

See responses to comments Sac Cnty-2-182 through Sac Cnty-2-184. The impact is less than significant; therefore, no mitigation measures are required.

Sac Cnty-2-191

The comment states that although the DEIR/DEIS analyzes several water supply options, these all rely on water to be conveyed to the site via SCWA capacity in the FRWA (Freeport Project) infrastructure.

See Master Response 20 – Formulation of Off-Site Water Facility Alternatives and Water Supply Options. To clarify, the DEIR/DEIS includes three tiers of water supplies that were considered as part of the City's overall evaluation of the "Water" Project. The Off-site Water Facility Alternatives (described in Section 2.6, "Water Alternatives" of the DEIR/DEIS) all share a common water source (i.e., NCMWC) that would be diverted using the existing Freeport Project and were selected for consideration under both CEQA and NEPA. Water supplies considered, including other water sources, but not carried

forward for analysis under CEQA/NEPA are described in Section 2.8, “Water Alternatives Considered and Eliminated from Further Consideration” of the DEIR/DEIS. Furthermore, other water supply options considered by the City to satisfy the requirements of the *Vineyard* decision are described in Section 3A.18.5 beginning on page 3A.18-23 of the DEIR/DEIS and are qualitatively evaluated, consistent with the requirements of CEQA. Many of the water supplies considered by the City would not require the use of the Freeport Project and instead would require the construction of new infrastructure and/or the use of the Folsom South Canal.

Sac Cnty-2-192

The comment indicates that the existing agreement between SCWA and the City does not represent a commitment by either party and is intended only to frame future negotiations between them.

As stated in Sections 2, 11, and 12 in both the draft MOU (provided in Appendix M3 of the DEIR/DEIS) and the final executed MOU, the MOU does not represent a binding commitment by the City or SCWA. The DEIR/DEIS’s description of the MOU and a potential Delivery Agreement between the City and SCWA (on page 2-82 of the DEIR/DEIS) is consistent with the terms of both the draft MOU and the executed MOU. As described in Section 4.1 in both the draft MOU and the final executed MOU, those terms provide the basis for the City’s and USACE’s analysis of the potential impacts associated with implementing the project. A firm commitment by the City or SCWA cannot be obtained until after completion of the environmental review processes.

Sac Cnty-2-193 through
Sac Cnty-2-194

The comments state that SCWA has prepared a separate comment letter, detailing the agency’s concerns with the DEIR/DEIS analysis and the assumption that a water supply delivery agreement is in place that would serve the project.

The SCWA comment letter was received. As discussed in response to comment Sac Cnty-2-192, the DEIR/DEIS states that a Delivery Agreement has not been executed. However, both the draft and final MOU outline the terms of use that provide the basis for analyzing potential impacts associated with the Off-site Water Facility Alternatives. A firm commitment by the City or SCWA cannot be obtained until after completion of the environmental review processes.

Sac Cnty-2-195

The comment affirms the DEIR/DEIS discussion that LAFCo Resolution 1196 establishes conditions ensuring SPA annexation by the City would include adequate services.

The conditions required under LAFCo’s Resolution 1196 are provided on pages 1-4 through 1-7 of the DEIR/DEIS.

Sac Cnty-2-196 through
Sac Cnty-2-197

The comment states that the DEIR/DEIS fails to identify any plan for providing adequate services and does not show that the level of funding and infrastructure needed to support the finding that development in the SPA would be financially feasible.

As part of the specific plan planning process, the City described the planned layout and phasing for the public infrastructure that would be required to service the SPA in the DEIR/DEIS, to the extent those details were available. These facilities are specifically described in Chapter 2, “Alternatives” on pages 2-24 through 2-37 and pages 2-75 through 2-93 of the DEIR/DEIS. Although the draft Financing Plan (released in June 2010) indicates that substantial infrastructure costs would be associated with the project, the plan concludes that backbone infrastructure and public facility improvements would

be financially feasible, based on the availability of local, state, and Federal funding sources (EPS 2010).

Sac Cnty-2-198 through
Sac Cnty-2-199

The comment states that because of the extensive roadway, sewer, open space, and water infrastructure necessary to develop the project, it is unclear how the project could proceed without having a financial impact on other areas in the City of Folsom or surrounding jurisdictions. The comment also suggests that the DEIR/DEIS should be revised to include an analysis of the potential financial impacts on other areas in the City of Folsom or surrounding jurisdictions.

See responses to comments Sac Cnty-2-196 and Sac Cnty-2-197, LAFCo-16 through LAFCo-28, and LAFCo-32. Furthermore, the means by which a project will be financed does not constitute a physical impact on the environment; therefore, such an analysis is not required under CEQA.

Sac Cnty-2-200

The comment references an itemized list of errors and deficiencies in the DEIR/DEIS related to traffic impacts and states that they must be corrected to adequately disclose the project's potential impacts to surrounding jurisdictions.

This comment provides a general introduction to detailed comments; specific responses are provided in responses to comments Sac Cnty-2-202 through Sac Cnty-2-282.

Sac Cnty-2-201

The comment states that some of the corrections noted in comment Sac Cnty-2-200 will result in substantial new information that must be incorporated into a recirculated DEIR/DEIS.

The minor revisions to the DEIR/DEIS (contained in Chapter 5, "Errata" of this FEIR/FEIS) that are proposed in responses to comments Sac Cnty-2-202 through Sac Cnty-2-282 do not constitute significant new information requiring recirculation, as described in State CEQA Guidelines CCR Section 15088.5. The revisions noted in Chapter 5, "Errata" also do not meet the NEPA requirements for supplementation provided in 40 CFR Section 1502.9(c). See Master Response 12 – DEIR/DEIS Recirculation is Not Required.

Sac Cnty-2-202 through
Sac Cnty-2-204

The comments reference Mitigation Measure 3A-15-4i on page ES-154 of the DEIR/DEIS that concludes "the project shall pay its fair share toward the urban interchange at the White Rock Road/Grant Line Road intersection" and states that this mitigation measure is consistent with the Sacramento County General Plan Update. The comments ask that this mitigation measure be included in the public facilities financing plan.

The Draft Public Facilities Financing Plan (PFFP) (EPS 2010), Executive Summary, page 5 states that the project would pay its fair share of specific off-site improvements, one of which is "White Rock Road, Rancho Cordova city limits to Prairie City Road." The intersection referenced by the commenter falls within the limits of this segment identified in the PFFP. Therefore, the City does not believe that the mitigation measure suggested by the commenter is necessary.

Sac Cnty-2-205

The comment suggests that City of Folsom Intersections 27 through 30 in Table 3A.15-1 on p. 3A.15-3 of the DEIR/DEIS be considered Sacramento County intersections under existing conditions.

Although City of Folsom Intersections 27 through 30 are under Sacramento County's jurisdiction under both Existing No Project and Cumulative No Project conditions, they may be under City of Folsom jurisdiction under both Existing Plus Project and Cumulative Plus Project conditions as the City may annex them as part of annexing and developing the SPA. An impact analysis requires that the No Project and Plus Project conditions be analyzed with the same methodologies and impact thresholds. The City of Folsom's LOS threshold of impacts LOS C is stricter than Sacramento County's LOS E or D policy. For these reasons, it is appropriate to analyze these intersections with City of Folsom methodologies and impact thresholds.

Sac Cnty-2-206 through
Sac Cnty-2-207

The comments note that in Table 3A.15-1 on p. 3A.15-4 of the DEIR/DEIS, segments of Grant Line Road are listed as evaluated under both Sacramento County and City of Rancho Cordova roadway segments.

As requested by the commenter and as shown in Chapter 5, "Errata" of this FEIR/FEIS, Table 3A.15-1 has been revised to indicate that the segments of Grant Line Road are now only listed under Sacramento County for analysis, as opposed to both Sacramento County and Rancho Cordova

The comments also suggest that segments of Grant Line Road that are partially in the City of Rancho Cordova should be analyzed using the City of Rancho Cordova more stringent LOS criteria.

Two of the subject segments are on the boundary of Rancho Cordova (west side of the roadway). For these segments, changing the LOS criteria from Sacramento County's LOS E threshold to the City of Rancho Cordova's LOS D threshold would not result in any new impacts under Existing Plus Project conditions. The segment of Grant Line Road between White Rock Road and Douglas Road is only approximately 30% in the City of Rancho Cordova, and therefore, it remains classified as a Sacramento County segment for analysis purposes.

All of the Grant Line Road segments would be affected under Cumulative Plus Project conditions; therefore, as stated in mitigation measure 3A.15-4j on page 3A.15-104 of the DEIR/DEIS, the project would pay a fair share toward the widening of Grant Line Road. City of Rancho Cordova staff did not ask that any of the affected Grant Line Road segments be evaluated as City of Rancho Cordova roadway segments.

Sac Cnty-2-208 through
Sac Cnty-2-214

The comments state that normally SR-16 is evaluated as a local road rather than a state highway. The comments suggest that a LOS impact threshold of LOS D should be used outside of the County's Urban Service Boundary (USB) and LOS E should be used inside of the USB.

State Route 16 (Jackson Highway) was evaluated as a Sacramento County roadway segment. As shown in Chapter 5, "Errata" of this FEIR/FEIS, Tables 3.15-18 and 3.15-27 of the DEIR/DEIS have been revised to show the LOS deficiencies on SR-16 outside the USB (east of Grant Line Road) based on a standard of LOS D.

Sac Cnty-2-215 through
Sac Cnty2-218

The comments suggest that the Sacramento County unsignalized intersection impact criteria be revised to include meeting signal warrants and that a signal warrant analysis be performed on Sacramento County unsignalized intersections.

As requested by the commenter and as shown in Chapter 5, “Errata” of this FEIR/FEIS, the third and fourth bullet items for unsignalized intersections have been revised to satisfy signal warrants. Furthermore, a signal warrant analysis at all affected Sacramento County unsignalized intersections has been completed, in accordance with the Sacramento County Traffic Impact Analysis Guidelines, and the results are provided in Chapter 5, “Errata” of this FEIR/FEIS, in Table 3.15-17A. As shown in Table 3.15-17A, the results of the analysis indicate that signal warrants would be met at both Scott Road (South)/White Rock Road and Grant Line Road/White Rock Road intersection locations.

Sac Cnty-2-219

The comment asks if the project is fully paying for and constructing the Rowberry Overcrossing, Prairie City Road along project frontage, and White Rock Road along project frontage and new interchanges (Oak Avenue Parkway and Empire Ranch Road) that are included in the Plus Project condition.

Section 3A.15 “Traffic and Transportation” of the DEIR/DEIS, page 3.15-28, states that the projects listed by the commenter are considered part of the proposed project; it is therefore the responsibility of the project applicant(s) to construct improvements that are above and beyond those already assumed in the City of Folsom Capital Improvement Program (CIP). For example, the Oak Avenue interchange at U.S. 50 is in the City’s CIP, but the project applicant(s) would be responsible for modifications at the interchange to provide access to the SPA. The project applicant(s) would construct each of the improvements, but funding may be shared with other stakeholders, or the project applicant(s) may fund construction and receive fee credits for those portions of the improvements which were the responsibility of the City.

Sac Cnty-2-220

The comment asks when the new facilities described in the Existing Scenarios Roadway Network on page 3A.15-28 (Rowberry Overcrossing, Prairie City Road along project frontage, and White Rock Road along project frontage) and new interchanges (Oak Avenue Parkway and Empire Ranch Road) that are included in the Plus Project conditions will be constructed.

Timing of construction would depend on development of the specific land uses that would benefit from and would also provide funding for each improvement. Development is market-driven, and therefore subject to volatility. Any estimate of construction timing at this point would be highly speculative.

Sac Cnty-2-221

The comments asks what the impacts would be on County roadways until all the improvements described on Page 3A.15-28 are constructed.

The comment suggests the possibility of an interim impact on County roads pending the construction of certain roadway and interchange improvements. However, no evidence, data, or facts are provided to indicate an interim impact, and speculation that an impact might occur is not evidence of an environmental impact. (See CEQA Guidelines Section 15384(b) [argument, speculation, and unsubstantiated opinion are not substantial evidence of an environmental impact].) Nonetheless, Impact 3A.15-1 of the DEIR/DEIS (discussed at pages 3A.15-47 to 3A.15-49 of the DEIR/DEIS) acknowledges that implementation of the project would have a significant impact on area roadways, including those outside the City’s jurisdiction, which could result in an unacceptable

level of service on such roadways. As mitigation for this impact, the City would require the applicant to perform certain improvements within the SPA and the project vicinity. The City would also participate in good faith to reach fair share funding agreements or other arrangements with other local agencies, including the County of Sacramento, to mitigate the impacts. (See DEIR/DEIS at pages 3A.15-47 to 3A.15-49; *id.* at pages ES-131 to ES-132 [summarizing mitigation].) However, even with the proposed mitigation, and in light of the fact that the City does not have jurisdiction over roadways outside the City's jurisdictional boundaries (such as County roadways), the impact to area roadways would remain significant and unavoidable. (See DEIR/DEIS at pages 3A.15-48 to 3A.15-49.) Nonetheless, the DEIR/DEIS concludes that these other agencies should cooperate with the City in implementing the mitigation. (*Id.*)

Sac Cnty-2-222 through
Sac Cnty-2-223

The comment states that the EIR does not indicate that the improvements listed on page 3A.15-28 will be fully funded and constructed by the project, and that the DEIR should analyze impacts of the project without the facilities listed on page 3A.15-28 unless they are fully constructed by the project.

See response to Sac Cnty-2-219

Sac Cnty-2-224 through
Sac Cnty-2-226

The comments repeat comments Sac Cnty-2-206 and Sac Cnty-2-207.

See responses to comments Sac Cnty-2-206 and Sac Cnty-2-207.

Sac Cnty-2-227

The comment states that with regards to project participation in funding for transportation improvements, as discussed on page 3A.15-47 paragraph b of the DEIR/DEIS, if the project results in a direct impact then the project should be 100% responsible for the mitigation measure, as opposed to fair share participation, for those improvements that would be outside of the project boundaries.

The City does not agree that the commenter's suggested methodology is appropriate for projects of regional significance and cross-jurisdictional fair share allocations, such as the FPASP. The range of development that contributes to these impacts is extensive, and to place the financial burden for such extensive regional transportation improvements on one development would be financially impractical and inequitable. The City believes that the methodology suggested by the commenter would be better suited for localized impacts associated with development on a much smaller scale. See also responses to comments Sac Cnty-2-229 and Sac Cnty-2-230.

Sac Cnty-2-228

The comment states that with regard to the discussion on page 3A.15-48 paragraph c, [related to City pursuit of agreements with any jurisdictions outside of the City of Folsom that would be affected by traffic from the project] County staff are willing to work with the City regarding cross-jurisdictional infrastructure mitigation measures.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The comment is noted.

Sac Cnty-2-229 through
Sac Cnty-2-230

The comment recommends that the City of Folsom collect fair share fees or 100% fees prior to issuance of building permits for mitigation measures related to Sacramento County facilities, and the County requests that Folsom transfer collected fees to Sacramento County at the time improvements to affected Sacramento County transportation facilities are implemented.

The City and Sacramento County are currently in discussions regarding the Sacramento County Transportation Development Fee and its relationship to the regional transportation impacts of the SPA, including off-site improvements, internal improvements of regional significance, and the as-yet-to-be determined quarry truck routing improvements. The discussions between Sacramento County and the City will result in an agreed-upon methodology for determining fair share, but the City contends that the actual calculation of fair share should not occur until the time the transportation improvement is needed. CEQA does not require the calculation of specific fair-share percentages for mitigation measures, particularly given the programmatic nature of this EIR. The City has discussed the approach described in this response with Sacramento County transportation staff, and they support the approach advocated by the City herein.

Sac Cnty-2-231 through
Sac Cnty-2-232

The comment states that City and County staff can work together on a funding agreement for cross-jurisdictional transportation improvements, and that the City should coordinate with County staff.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. City staff would work with Sacramento County Department of Transportation and Infrastructure Financing Section staff to develop funding agreements if and when the SPA is annexed into the City of Folsom.

Sac Cnty-2-233 through
Sac Cnty-2-234

The comments suggest that because the intersection of Hazel Avenue/Gold Country Boulevard degrades from LOS E under Cumulative No Project Alternative conditions to LOS F under Cumulative Plus Centralized Development Alternative, an impact would occur and a mitigation measure should be proposed.

As shown in Chapter 5, “Errata” of this FEIR/FEIS, the typographical error in Table 3.15-26 of the DEIR/DEIS has been revised to include the correct LOS (E) associated with the Reduced Hillside Development Alternative (with a volume to capacity ratio of 1.00). Accordingly, no impact would occur and no mitigation measure would be required.

Sac Cnty-2-235 through
Sac Cnty-2-237

The comments repeat comments Sac Cnty-2-206 and -207.

See responses to comments Sac Cnty-2-206 and Sac Cnty-2-207.

Sac Cnty-2-238 through
Sac Cnty-2-240

The comments repeat comments Sac Cnty-2-206 and -207. The comments suggest that because Prairie City Road is on the County's USB border, a LOS D threshold should be used instead of LOS E.

See responses to comments Sac Cnty-2-206 and Sac Cnty-2-207. Furthermore, using a LOS D threshold instead of a LOS E threshold on Prairie City Road would not result in a change in the impact conclusion.

Sac Cnty-2-241

The comment suggests that the Mitigated Roadway Network version of the Sacramento County roadway segment LOS table should show the Mitigated Roadway Network number of lanes.

As shown in Chapter 5, "Errata" of this FEIR/FEIS, Table 3.15-36 in the DEIR/DEIS has been revised to reflect the information requested by the commenter.

Sac Cnty-2-242 through
Sac Cnty-2-244

The comments suggest that the discussion on p. 3A.15-133 of the DEIR/DEIS should also state that the Mitigated Roadway Network adds traffic to unwidened roads that operate at deficient LOS.

This issue is addressed in detail on page 3A.15-121 in the Mitigated Network Analysis Conclusion section of the DEIR/DEIS.

Sac Cnty-2-245

The comment states that the Mitigated Network would create a new impact at the intersection of Hazel Avenue/Gold Country Boulevard.

The DEIR/DEIS states that the Mitigated Roadway Network does not mitigate the impact to the intersection of Hazel Avenue/Gold Country Boulevard (page 3A.15-133 of the DEIR/DEIS). The Sacramento County roadway segment of Hazel Avenue between Curragh Downs and U.S. 50, including the Gold Country Boulevard intersection, is evaluated in DEIR/DEIS Impact 3A.15-41.

Sac Cnty-2-246 through
Sac Cnty-2-250

The comments reference the DEIS/DEIR statement (on p. 3A.15-134–135 and in Exhibit 3A.15-111) that the quarry truck distribution assumed in the study is logical but is not acceptable to the City of Folsom. The comments ask why the DEIS/DEIR assumes the truck distribution used is logical. The comments reference the Draft East Sacramento Region Aggregate Mining Region Truck Traffic Study that shows Oak Avenue Parkway is not competitive to Scott Road or Prairie City Road and only 2% of the quarry trucks would use it. The comments suggest that the DEIR/DEIS should use the Draft East Sacramento Region Aggregate Mining Region Truck Traffic Study distribution or justify any differences.

The DEIR/DEIS assumed the truck traffic distribution from the Teichert Quarry EIR, which indicated a reasonable percentage of quarry trucks would flow to U.S. 50. The proposed routing of those trucks (how the trucks would get to U.S. 50) is the element that is not acceptable to the City of Folsom. Therefore, the DEIR/DEIS anticipates that through truck traffic would be prohibited from Scott Road (E) and other roadways would need to be used to reach U.S. 50. The routing concept in the DEIR/DEIS represents one possible scenario that would not use Scott Road (E). The ongoing East Sacramento Region Aggregate Mining Truck Management Plan effort has evaluated a number of different truck routing concepts but no concept has been selected as the preferred routing

plan. Therefore, the use of different truck routing assumptions from those used in this DEIR/DEIS would be speculative. See Master Response 7 – Quarry Truck Cumulative Impact and Mitigation Approach.

Sac Cnty-2-248

The comment states that the Draft East Sacramento Region Aggregate Mining Truck Management Plan indicates that Oak Avenue Parkway would not be a competitive route for quarry truck traffic, compared to Scott Road and Prairie City Road.

At the time of preparation of the DEIR/DEIS, the only publically available document that addressed quarry truck traffic in eastern Sacramento County was the Teichert Quarry DEIR. Therefore, the DEIR/DEIS appropriately relied on the information in that document as the basis of analysis of relevant roadway impacts.

The Draft East Sacramento Region Aggregate Truck Management Plan is the product of an on-going collaboration of local agencies and aggregate entities that strive to develop a comprehensive and mutually acceptable solution to the routing and distribution of aggregate from the Teichert quarry and other planned quarry applications. Although the work of this group ultimately may result in a routing plan that differs from that shown in either the Teichert DEIR or the FPASP (Appendix N of the DEIR/DEIS), at the time the DEIR/DEIS was prepared, the truck management plan was (and is) still a work in progress that has not been adopted. The plan has not been approved by Sacramento County or any other stakeholder and has not been evaluated for CEQA compliance. Furthermore, the ongoing East Sacramento Region Aggregate Mining Truck Management Plan effort has evaluated a number of different truck routing concepts but no concept has been selected as the preferred routing plan. Therefore, the plan was not considered in the DEIR/DEIS analysis of potential impacts, nor can it play a role in the mitigated transportation network. See also Master Response 7 – Quarry Truck Cumulative Impact and Mitigation Approach.

Sac Cnty-2-249

The comment states that the Draft East Sacramento Region Aggregate Mining Truck Management Plan projects that no more than 2% of quarry trucks would use Oak Avenue Parkway.

See response to comment Sac Cnty-2-248. See also Master Response 7 – Quarry Truck Cumulative Impact and Mitigation Approach.

Sac Cnty-2-250

The comment states that the DEIR/DEIS needs to be consistent with the findings of the Draft East Sacramento Region Aggregate Mining Truck Management Plan or provide sufficient justification for assumptions that contradict said plan.

See response to comment Sac Cnty-2-248. See also Master Response 7 – Quarry Truck Cumulative Impact and Mitigation Approach.

Sac Cnty-2-251 through

Sac Cnty-2-252

The comments state that the following comments are a continuation of the previous comments, and suggest that the City staff should coordinate with Southeast Connector JPA staff regarding the number of access points and signal spacing on White Rock Road.

The City of Folsom is a member of the Capital SouthEast Connector JPA and routinely coordinates with JPA staff on design issues. The conceptual transportation plan for the FPASP was developed consistent with the objectives of the Capital SouthEast Connector, and City staff would continue to refine the transportation system as the Capital SouthEast Connector further develops.

Sac Cnty-2-253

The comment states that the project should be conditioned to install frontage improvements on Prairie City Road using a 6-lane (98-foot) thoroughfare standard with a public utility easement.

The FPASP transportation system was designed with Smart Growth principles in mind. One key element of Smart Growth is to minimize the width of major roads so that less of an impediment to non-motorized transportation uses is created by (1) constructing narrower lanes to promote lower vehicle speeds and (2) constructing narrower widths resulting in shorter crossing distances. To that end, lane widths on arterial roads were designed to an 11-foot standard, with additional width for lanes adjacent to raised curbs; this results in a 100-foot-wide right-of-way north of Easton Valley Parkway. The project also includes an open space easement along the east side of Prairie City Road between White Rock Road and U.S. 50; this easement could also be designated as a utility easement. For the reasons stated above, the changes requested by the commenter are not appropriate.

Sac Cnty-2-254

The comment states that the multiuse pedestrian and bicycle trail on the Folsom SPA frontage should be installed in the public utility easement referenced in Comment 2-253.

The commenter is suggesting that Prairie City Road be designed to a 98-foot thoroughfare standard with a public utility easement adjacent to it. The FPASP calls for a 100-foot cross-section (wider than that requested by the commenter) and has an open space area adjacent to it that would likely also serve as a public utility easement, but it is on the east (i.e., SPA) side of the road. The commenter appears to be suggesting that the FPASP should include construction of a multi-purpose trail on the west side of the road and connect it with the trail being planned by Easton/Glenborough. This would be an off-site improvement, and would be on property currently owned by Aerojet, which is beyond the scope of this project.

Sac Cnty-2-255

The comment states that, as an example, a proposed 8-foot-wide multiuse trail on the Easton frontage of Prairie City Road would be built in a public utility easement.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The comment is noted.

Sac Cnty-2-256

The comment states that a 5-foot-wide bicycle lane should be provided on Prairie City Road.

The proposed cross sections for Prairie City Road already feature a 5-foot-wide bicycle lane in both directions (see FPASP page 7-20, Figure 7.8, "Prairie City Road Corridor-Urban").

Sac Cnty-2-257

The comment recommends that City staff coordinate with County staff regarding the proposed cross section improvements for Prairie City Road.

If the project is adopted, the City would coordinate the design of improvements to Prairie City Road with County staff and other relevant stakeholders.

Sac Cnty-2-258 *The comment states the same comments provided previously regarding Prairie City Road also apply to White Rock Road.*

See responses to comments Sac Cnty-2-253 through Sac Cnty-2-257.

Sac Cnty-2-259 through
Sac Cnty-2-260

The comments state that City staff should coordinate with County staff regarding the Prairie City/Easton Valley intersection improvements, and provide a summary of information contained in the FPASP regarding planned improvements to East Valley Parkway. The comments also state that the Easton Valley Parkway cross sections should be aligned for a smooth transition through the intersection when traveling east-west.

If the project is approved, the City would coordinate the design of improvements to East Valley Parkway with County staff and other relevant stakeholders. The commenter restates text contained in the FPASP, which requires no response. The City agrees that the Easton Valley Parkway cross-sections should be aligned for a smooth transition through the intersection when traveling in an east-west direction.

Sac Cnty-2-261

The comment recommends that the City of Folsom coordinate with the Sacramento County Department of Transportation and Sacramento County Regional Parks regarding connections of Class I trails with projects west of the SPA.

The City notes that the FPASP, page 7-59, "Bike Lane and Class 1 Trail Exhibit," depicts a Class I trail connection along the Alder Creek corridor within the SPA, which would align with a similar proposed trail to the west in the Glenborough project. Section 7.9.5 on page 7-58 of the FPASP (Appendix N of the DEIR/DEIS) has been revised to indicate that following annexation, the City would coordinate with neighboring jurisdictions on the design of, and cost-sharing for, all regional trail connections that connect with the SPA.

Sac Cnty-2-262 through
Sac Cnty-2-263

The comment notes that the Easton project will include a trail undercrossing at Prairie City Road to connect with the City of Folsom's SPA and that cost sharing of the Prairie City trail undercrossing needs to be coordinated by the Easton and FPASP development planners and their respective municipalities.

See response to comment Sac Cnty-2-261.

Sac Cnty-2-264

The comment states that right-turn only driveways should not be allowed on Prairie City Road, Scott Road and White Rock Road.

The comment fails to cite a specific rationale, standard, or basis for denying right-turn only driveway access to these arterial roadways. City of Folsom standards allow driveway access onto arterial roadways when there are no public road access points convenient to the development associated with the driveway.

Sac Cnty-2-265

The comment states that access to Prairie City Road, Scott Road, and White Rock Road should be limited to signalized intersections with a minimum spacing of 1,200 feet.

The City of Folsom normally spaces intersections at one-quarter mile (1,200 feet) along major arterials but exceptions are occasionally made where geometric or topographic constraints cause intersections to be spaced closer than the normal spacing. In those

circumstances, the City considers interconnection and signal coordination to maintain traffic flow.

Sac Cnty-2-266

The comment states that landscape medians should be installed on Prairie City Road, Scott Road, and White Rock Road.

As shown in Figures 7.7 through 7.12 of the FPASP (Appendix N of the DEIR/DEIS), landscape medians are included on all major arterial roads in the SPA, including Prairie City Road, Scott Road, and White Rock Road.

Sac Cnty-2-267 through

Sac Cnty-2-269

The comment states that the DEIR/DEIS did not evaluate safety impacts on Prairie City Road, which is necessary because Prairie City Road has existing horizontal and vertical curve alignment deficiencies and needs to be upgraded to correct these deficiencies.

The project includes a major widening of Prairie City Road from its current two-lane, rural configuration to a four- or six-lane urban arterial. The design speed of this facility would likely be in excess of 45 miles per hour, which would require broad horizontal curves and low vertical curves, along with wider travel lanes and paved shoulders/bicycle lanes—all of which would eliminate the existing horizontal and vertical curve deficiencies on Prairie City Road.

Sac Cnty-2-270 through

Sac Cnty-2-271

The comment states that phasing triggers should be developed related to the timing of infrastructure improvements, and that the project should be conditioned to limit development until new freeway interchanges are open.

The primary funding source for major infrastructure improvements is anticipated to be developer impact fees, which could only be collected as development in the SPA is approved. Therefore, limitations on development would be counterproductive to the goal of collecting sufficient funds for the timely construction of needed improvements.

Sac Cnty-2-272 through

Sac Cnty-2-273

The comment states that the project's public facilities financing plan (PFFP) should assume that fees will be collected to mitigate project impacts on facilities outside of the City's jurisdiction, and that fees collected for off-site roadway improvements will be transferred to the County for implementation.

Page 5 of the Draft PFFP (EPS 2010) states that project would pay its fair share towards off-site roadway improvements identified in the Sacramento County Transportation Development Fee.

Sac Cnty-2-274 through

Sac Cnty-2-275

The comment states that the Sacramento County General Plan Update designates a need for an urban interchange at the intersection of Prairie City Road and White Rock Road, and that the City of Folsom should preserve right of way for a future urban interchange at the intersection of Prairie City Road and White Rock Road.

The City of Folsom is a participant in the Capital SouthEast Connector JPA and will preserve all necessary right-of-way for the ultimate roadway and intersection geometry along the portion of the corridor adjacent to the City of Folsom.

Sac Cnty-2-276

The comment states that the project should contribute its fair share towards the funding of an urban interchange at the intersection of Prairie City Road and White Rock Road.

Mitigation Measure 3A.15-4m (DEIR/DEIS pages 3A.15-107 and 3A.15-108) states that the project would pay a fair share towards improvements on White Rock Road between Prairie City Road and Grant Line Road but does not specifically address the intersection of White Rock Road and Prairie City Road. It is likely that the six lanes would continue through the intersection for distance east of Prairie City Road long enough for full lane utilization. To mitigate this impact to U.S. 50 under cumulative conditions, Mitigation Measures 3A.15-4q, 3A.15-4r, and 3A.15-4s (DEIR/DEIS pages 3A.15-111 through 3A.15-114) state that the project would pay a fair share towards improvements on White Rock Road and Grant Line Road as part of the Capital SouthEast Connector to convert those roadways to expressways. The Capital SouthEast Connector has not yet been defined or designed; however, it is likely that it would include conversion of the intersection of White Rock Road and Prairie City Road into an interchange. It is not possible to calculate a fair share of the interchange improvement at this point in time. See also responses to comments Sac Cnty-2-229 and Sac Cnty-2-230.

Sac Cnty-2-277

The comment states that the right-of-way footprint of the Prairie City/White Rock urban interchange needs to be coordinated with Sacramento County DOT and SE Connector JPA staff.

See response to comment Sac Cnty-2-257.

Sac Cnty-2-278

The comment states that the project should pay its fair share towards the mitigated transportation network, above and beyond the mitigation measures listed in the DEIS/DEIR.

The project would be responsible for paying for transportation improvements required to mitigate project-related impacts. The project also would contribute to the cost of the mitigated network, through developer impact fees that ultimately would be spent on major road improvements in and around the SPA (see FPASP, Appendix N of the DEIR/DEIS). See also response to comment Sac Cnty-2-229.

Sac Cnty-2-279

The comment states that the project should contribute its fair share towards regional roadway infrastructure.

See response to comment Sac Cnty-2-273.

Sac Cnty-2-280

The comment states that the project should pay a fair share of the costs for regional road improvements through the Sacramento County Transportation Development Fee program.

See response to comment Sac Cnty-2-273.

Sac Cnty-2-281

The comment states that quarry truck access to U.S. 50 should not be restricted on Prairie City Road, Scott Road, or White Rock Road because of their designations as 6-lane thoroughfares in the draft Sacramento County General Plan.

Implementation of the project would include annexation of the SPA into the City of Folsom, at which time the City's roadway designations would be applied to these roadways within city limits. On annexation, County designations would cease to apply to

the portions of these roadways that would be within city limits. See also Master Response 7 - Quarry Truck Cumulative Impact and Mitigation Approach.

Sac Cnty-2-282

The comment suggests that the fair share percentages for all mitigation measures should be identified, to later be used to compute fair share payments to Sacramento County.

See responses to comments Sac Cnty-2-229 and Sac Cnty-2-230.

Sac Cnty-2-283 through
Sac Cnty-2-285

The comments state that the discussion of toxic air contaminant (TAC) exposure under “Other Statutory Requirements – Cumulative Impacts” on page 4-23 of the DEIR/DEIS concludes that exposure to mobile-source TAC emissions from U.S. 50 would be significant and unavoidable, with or without additional quarry truck trips and despite implementation of all feasible mitigation measures identified in Section 3A.2, “Air Quality” of the DEIR/DEIS. The comments further state that this contradicts the conclusions regarding TAC exposure discussed in the Air Quality section of the DEIR/DEIS, which found impacts associated with TAC emissions from U.S. 50 to be less than significant. The comments suggest that the DEIR/DEIS should be revised so that the conclusions are consistent.

As shown in Chapter 5, “Errata” of this FEIR/FEIS, the inconsistencies noted by the commenter between Section 3A.2, “Air Quality” and Section 4.1, “Cumulative Impacts” of the DEIR/DEIS have been corrected. The conclusion of “less than significant” for U.S. 50 impacts remains unchanged in Section 3A.2, and this conclusion is stated again in Section 4.1. Any reference to the cumulative impacts of additional quarry trucks on sensitive receptors within the SPA have been removed from Section 3A.2 and are now discussed solely in Section 4.1.

Sac Cnty-2-286 through
Sac Cnty-2-288

The comment states that throughout the analysis related to toxic air contaminants (TAC), the DEIR/DEIS cites methodologies put forward by the Sacramento Metropolitan Air Quality Management District for disclosing impacts for projects located near major roadways, but the comment claims that the analysis deviates substantially from those methodologies.

See Master Response 6 – Quarry Trucks and TAC Exposure.

Sac Cnty-2-289

The comment states that the DEIR/DEIS focuses on impacts associated with Scott Road, although the screening thresholds of the Sacramento Metropolitan Air Quality Management District methodologies (Recommended Protocol for Evaluating the Location of Sensitive Land Uses Adjacent to Major Roadways, January 2010) would screen out Scott Road from in-depth analysis.

See Master Response 6 – Quarry Trucks and TAC Exposure.

Sac Cnty-2-290

The comment states that no in-depth analysis exists for U.S. 50, which does not “screen out” under the methodologies.

As stated on page 3A.2-55 of the DEIR/DEIS, U.S. 50 is more than 500 feet from any sensitive receptor in the SPA and would, therefore, “screen out.” Thus, the impact associated with off-site mobile-source TAC emissions in the SPA would be direct and less than significant. Furthermore, no indirect impact would occur.

Sac Cnty-2-291 through
Sac Cnty-2-293

The comment states that the DEIR/DEIS intentionally manipulates the adopted methodologies, unjustly inflates impacts associated with the quarry projects within Sacramento County that are currently under consideration, and is inappropriate within the context of a CEQA analysis.

See Master Response 6 – Quarry Trucks and TAC Exposure.

Sac Cnty-2-294 through
Sac Cnty-2-296

The comments quote text on page 4-23 of the DEIR/DEIS and state the analysis offers no substantiation that the Teichert Quarry Draft Environmental Impact Report (Teichert Quarry DEIR) did not fully analyze potential impacts of TAC-emitting truck traffic at off-site sensitive receptors, including those planned in the SPA. The comments further state that this is purely conjecture and not relevant to the impacts of the City's project. The comments suggest that the statement on page 4-23 of the DEIR/DEIS should be removed.

The Teichert Quarry DEIR (August 2008) was reviewed and summarized in the DEIR/DEIS. According to the discussion on pages 3.3-25 to 3.3-27 of the Teichert Quarry DEIR, the inhalation cancer risk caused by diesel particulate matter (DPM) from *on-site quarry activities* is 5.92 per million, based on Gaussian-plume dispersion modeling from the source (the quarry) and a resulting ambient concentration at the maximally exposed individual resident (MEIR) of 0.04 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$). The chosen location of the MEIR appeared to be in the center of the proposed Teichert Quarry project site, and the Teichert Quarry DEIR concluded that the cancer risk from DPM was less than significant, based on a threshold of 10 in a million.

The Teichert Quarry DEIR cancer risk analysis did not account for quarry trucks that would be hauling material and emitting DPM directly adjacent to sensitive receptors located within 50 feet of White Rock Road, Prairie City Road, and Oak Avenue Parkway. The mobile source modeling of heavy duty diesel trucks traveling directly adjacent to sensitive receptors in the SPA appears to have been omitted in the Teichert Quarry DEIR.

Pages E-130 to E-132 in Appendix 6 of the Teichert Quarry DEIR state that the inhalation cancer risk caused by DPM is 8.53 per million, based on an ambient concentration at the MEIR of $0.03 \mu\text{g}/\text{m}^3$, which appears to be inconsistent with the values reported in the body of the same document.

Sac Cnty-2-297 through
Sac Cnty-2-298

The comment states that in its analysis of TACs on Scott Road, the DEIR/DEIS concludes a potentially significant impact would exist to sensitive receptors located within 400 feet of the roadway segments when quarry trucks were included in the traffic mix, but that the DEIR/DEIS relies on inappropriate adaptations of screening methodologies and not on a formal HRA as required under SMAQMD's Protocol.

See Master Response 6 – Quarry Trucks and TAC Exposure. SMAQMD only recommends a site-specific HRA when project risk is greater than the existing evaluation criterion.

Sac Cnty-2-299 through
Sac Cnty-2-300

The comments state that the preparers of the DEIR/DEIS have not included a formal HRA, nor have they reported the results of either the HRA conducted for the Teichert Quarry DEIR or the HRA conducted by Granite Construction Company and peer reviewed by SMAQMD (summary provided to the City of Folsom and SPA property owners through their participation in East County Quarry Truck Management study meetings).

See Master Response 7 – Quarry Truck Cumulative Impact and Mitigation Approach.

The Granite/Walltown HRA referred to by the commenter is a “white paper” summary, rather than the actual HRA, and although it is dated April 16, 2010, it was not provided to the project applicants until after the Folsom South of U.S. 50 Specific Plan DEIR/DEIS was circulated. Although the April 16, 2010 “HRA” contains a summary of the results, it does not specify the numbers of trucks that were modeled or the distribution of the truck trips; therefore, the City cannot determine with certainty whether or not it agrees with the conclusions of the document.

The Granite/Walltown HRA reported cancer risks caused by incremental increases in mobile source traffic generated by the quarries, near the intersection of Scott Road and White Rock Road. The reported cancer risks (Table A-1, page 11) ranged from 0.1 to 21.2 in a million. Although SMAQMD does not have a threshold of significance, the reported risks caused by mobile sources associated with the quarries cannot be dismissed as less than significant.

As stated in the Granite HRA, an appropriate cancer risk threshold of significance might range from 1 to 100 in a million (EPA) or 10 to 100 in a million (AB 2588 and Proposition 65). Because the Granite HRA reports values higher than 10 in a million (the AB 2588 public notice threshold and Proposition 65 notification threshold), the combined quarry risk might not be less than significant, even if modeling results varied between Cal3QHC and Cal3QHC-R (variability results from differences in wind speeds and directions at near-receptor proximities).

Finally, the City notes that a HRA was not performed for the Folsom South of U.S. 50 Specific Plan as related to U.S. 50 because the proposed on-site receptors would be located more than 500 feet from the highway, which exceeds the recommended screening distance.

Sac Cnty-2-301 through
Sac Cnty-2-302

The comments state that the two HRAs conducted for the quarry projects found the maximum incremental cancer risk in the SPA area from quarry diesel trucks to be far below the 296 in a million threshold of significance established in the DEIR/DEIS (Cumulative Mitigation Measure AIR-1). The comments further state that the impacts from toxic air contaminants are less than significant.

SMAQMD has not established a threshold of significance for cancer risk caused by mobile sources. Cumulative Mitigation Measure AIR-1 states, “If the incremental increase in cancer risk determined by in the HRA exceeds 296 in one million (**or a different threshold of significance recommended by SMAQMD or ARB at the time, if any**), then project design mitigation should be employed...” [emphasis added] (see page 4-25 of the DEIR/DEIS). See also responses to comments Sac Cnty-2-299 and Sac Cnty-2-300; Master Response 7 – Quarry Truck Cumulative Impact and Mitigation

Approach; and edits to Cumulative Mitigation Measure AIR-1 contained in Chapter 5, “Errata” of this FEIR/FEIS.

Sac Cnty-2-303 through
Sac Cnty-2-304

The comments state that by choosing to ignore the results of the HRAs and instead relying on a makeshift analysis which deviates substantially from adopted protocol, the DEIR/DEIS preparers appear to have deliberately manipulated the facts to suit their own agenda to shift the burden of mitigation from the SPA land owners and project applicants to the quarry operators.

See responses to comments Sac Cnty-2-297 through Sac Cnty-2-302 and Master Response 7 – Quarry Truck Cumulative Impact and Mitigation Approach.

Sac Cnty-2-305

The comment suggests that as required by CEQA, reasonable mitigation should include responsible community design that avoids placing incompatible uses next to major travel corridors.

See Master Response 7 – Quarry Truck Cumulative Impact and Mitigation Approach. Cumulative Mitigation Measure AIR-1-Land, on page 4-24 of the DEIR/DEIS, would reduce the impact of exposure of sensitive receptors to operational emissions of TACs from quarry truck traffic to a less-than-significant level for all of the project’s five action alternative land use plans, evaluated in the DEIR/DEIS. The commenter does not, in fact, suggest mitigation; the commenter suggests that a new alternative should be designed that would favor quarry truck trips through the SPA. The DEIR/DEIS contains five “Land” alternatives that consider different land use configurations, densities, and amounts of preservation of biological and cultural resources, in addition to the required No Project/No Action Alternative. All six “Land” alternatives are evaluated at a similar level of detail throughout the DEIR/DEIS, as required under NEPA. The DEIR/DEIS also contains 10 Off-site Water Facility alternatives, in addition to the required No Project/No Action Off-site Water Facility Alternative. All 11 “Water” alternatives are evaluated at a similar level of detail throughout the DEIR/DEIS. Therefore, the City believes that these alternatives constitute a reasonable range of alternatives to the project, or to the location of the project, that could feasibly attain most of the basic objectives of the project while avoiding or substantially lessening any of the significant effects of the project. (State CEQA Guidelines CCR Section 15126.6[a] and [f].) DEIR/DEIS Section 2.3.7, “Land Alternatives Considered and Eliminated from Further Consideration,” discusses additional alternatives that were considered and rejected during the review process, including off-site alternatives. For a full discussion of these additional alternatives, refer to page 2-65 of the DEIR/DEIS.

An EIR need not consider all potential alternatives to the project but merely a reasonable range. (CEQA Guidelines section 15126.6[a].) The DEIR/DEIS analyzes a reasonable range of alternatives and need not include multiple variations of the alternatives that it does consider, including, for example, an alternative designed to favor quarry trucks through the SPA. (See *Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* [1982] 134 Cal.App.3d 1022 [EIR was not required to study what project opponents characterized as an “obvious alternative” when document already analyzed reasonable range of alternatives].) The commenter suggests that the DEIR/DEIS analyze an alternative to quarry truck haul routes but an EIR is not required to consider alternatives to a component of a project and should instead focus on alternatives to the project as a whole. (*California Native Plant Society v. City of Santa Cruz* [2009] 177 Cal.App.4th 957, 993 [EIR upheld despite opponents’ claim that City should have evaluated an off-site alternative to one of the trails in the plan].)

- Sac Cnty-2-306 *The comment states that the DEIR/DEIS puts forward two mitigation measures for TAC that are inappropriate.*
- It is unclear from the comment which TAC mitigation measures are considered to be inappropriate. See Master Response 7 – Quarry Truck Cumulative Impact and Mitigation Approach.
- Sac Cnty-2-307 *The comment states that the DEIR/DEIR does not identify any facts to support the contention that mitigation for TAC exposure would be necessary.*
- See responses to comments Sac Cnty-2-297 through Sac Cnty-2-302, and Master Response 7 – Quarry Truck Cumulative Impact and Mitigation Approach.
- Sac Cnty-2-308 through
Sac Cnty-2-309 *The comments state that the DEIR/DEIS recommends “draconian” measures aimed not at the project under analysis but at unrelated projects and specifically requires the costs of said mitigation for project impacts to be borne by quarry operators who are not involved with the project.*
- See Master Response 7 – Quarry Truck Cumulative Impact and Mitigation Approach.
- Sac Cnty-2-310 *The comment references Cumulative Mitigation Measure Air-1 in the DEIR/DEIS and states that the City could designate truck routes through newly annexed City areas, forcing trucks previously using the existing roadways to reroute around the new development, brought to the area by the project.*
- See Master Response 7 – Quarry Truck Cumulative Impact and Mitigation Approach.
- Sac Cnty-2-311 *The comment states that this mitigation is to occur as a future recommendation by the City’s traffic department to the City Council, at the time of future discretionary actions that precede site development.*
- The comment restates text contained in the DEIR/DEIS; the comment is noted.
- Sac Cnty-2-312 through
Sac Cnty-2-317 *The comments state that Cumulative Mitigation Measure AIR-1-Land on page 4-24 of the DEIR/DEIS is invalid because it would rely on voluntary actions which might never occur and presupposes the results of future CEQA analyses. The comments further state that the mitigation measure would create impacts not evaluated in the DEIR/DEIS, including increased TAC, ROG, oxides of nitrogen (NO_x), and GHG emissions. The comments also state that this mitigation measure would shift truck traffic to other communities, which could have other traffic, noise, or air quality impacts. The comments conclude that shifting an impact from one location to another would not be mitigation.*
- See Master Response 7 – Quarry Truck Cumulative Impact and Mitigation Approach.
- Sac Cnty-2-318 *The comment states that Cumulative Mitigation Measure AIR-1-Land on page 4-24 of the DEIR/DEIS could impede extraction of mineral resources from nearby proposed quarries. The comment further states that this impact is not analyzed in the DEIR/DEIS.*
- See Master Response 7 – Quarry Truck Cumulative Impact and Mitigation Approach and responses to comments Sac Cnty-2-40 through Sac Cnty-2-48.

Sac Cnty-2-319 through
Sac Cnty-2-322

The comments reference the CEQA requirement that significant effects of mitigation measures be disclosed. The comments state that the DEIR/DEIS requires analysis of the effects of Cumulative Mitigation Measure AIR-1-Land, including increased emissions, increased truck traffic and noise in other jurisdictions, and impeding extraction of mineral resources. The comments further state that the proposed analysis would likely disclose new or substantially more severe significant impacts, requiring recirculation of the DEIR/DEIS.

See Master Response 7 – Quarry Truck Cumulative Impact and Mitigation Approach.

Sac Cnty-2-323 through
Sac Cnty-2-328

The comments state that proposed mitigation potentially requiring payment for increased setbacks, roadside tree plantings, HEPA filtration systems, is infeasible and improper. The comments further state that the City would be placing responsibility for project impacts on an outside party, and it would be the responsibility of the City to design a land use plan with appropriate built-in health and safety measures. The comments suggest that if these measures are not included in the plan, the City should impose them as mitigation measures on the project.

See Master Response 7 – Quarry Truck Cumulative Impact and Mitigation Approach.

Sac Cnty-2-329 through
Sac Cnty-2-334

The comments state that proposed mitigation measures are unenforceable because a future city council could choose not to apply truck route restrictions, and quarry operations could choose not to pay. The comments further state that the impacts would then remain unmitigated and other feasible options, including setbacks and community design, would be available. The comments state that CEQA requires feasible mitigation measures to be included when they are available, and suggest that the DEIR/DEIS must be modified to include such measures.

See Master Response 7 – Quarry Truck Cumulative Impact and Mitigation Approach.

Sac Cnty-2-335 through
Sac Cnty-2-336

The comment states that the preparers of the DEIR/EIS choose to focus exclusively on the pollution from quarry truck trips while ignoring the pollution that would be generated by U.S. 50, an acknowledged source of TAC emissions, or that of the construction-related truck traffic that would be generated by the project's development.

Emissions from U.S. 50 were analyzed and found to be less than significant for the Proposed Project Alternative and all action alternatives because no residential land uses, schools, or other sensitive land uses would be developed within 500 feet of U.S. 50 (Section 3A.2, "Air Quality," Impact 3A.2-4 page 3A.2-55). Therefore, an HRA for the project related to emissions from vehicle traffic on U.S. 50 was not required.

Sac Cnty-2-337 through
Sac Cnty-2-338

The comment states that the noise analysis suffers from similar inadequacies as the Toxic Air Contaminants comments in that the DEIR/DEIS fails to acknowledge the project would create an impact by bringing sensitive receptors into an area with high future traffic noise levels.

The commenter does not provide specifics as to the perceived inadequacies of the noise analysis within the comment. However, Impact 3A.11-4 (beginning on page 3A.11-36 of

the DEIR/DEIS) discusses future traffic noise levels at proposed noise-sensitive receptors in the SPA. Impact 3A.11-7 (beginning on page 3A.11-50 of the DEIR/DEIS) discusses land use compatibility for future project-generated noise sensitive receptors. Mitigation Measure 3A.11-4 (on page 3A.11-51 of the DEIR/DEIS) recommends noise reduction techniques for future noise sources that might affect future project-generated noise sensitive receptors. See also responses to Sac Cnty-2-335 and Sac Cnty-2-336.

Sac Cnty-2-339

The comment states that the DEIR/DEIS focuses on only one component of future noise (quarry truck traffic).

The DEIR/DEIS includes an impact discussion related to future roadway traffic apart from the quarry truck traffic (refer to Impact 3A.11-7 on page 3A.11-50).

Sac Cnty-2-340

The comment states that the DEIR/DEIS attempts to shift impact and mitigation responsibility away from the current project and to quarry operators.

The proposed aggregate mining projects within Sacramento County would substantially increase traffic noise levels along designated aggregate haul routes. The proposed haul routes would be adjacent to proposed noise-sensitive receptors within the SPA. The environmental documentation prepared for the proposed aggregate mining projects within Sacramento County did not include an analysis of increased truck traffic noise levels at reasonably foreseeable future noise sensitive receptors along haul routes. Because the noise impacts at the SPA would be caused by the quarry trucks, the City believes that the quarry project applicants should be responsible for mitigating the impacts of their projects. Recommendations included in Mitigation Measure 3A.11-4 (on page 3A.11-51 of the DEIR/DEIS) provide techniques for reducing exterior and interior noise levels at proposed noise-sensitive receptors in the SPA. Cumulative Mitigation Measure Noise-1-Land (on page 4-51 of the DEIR/DEIS and modifications thereto contained in Chapter 5, “Errata” of this FEIR/FEIS) provides additional mitigation measures to reduce quarry haul truck noise levels. Because the Teichert EIR did not address the significance of traffic noise level increases at proposed sensitive receptors in the SPA resulting from proposed aggregate mining projects, and because it cannot be concluded from review of the Teichert EIR that input assumptions for its analysis considered heavy truck percentage variables, additional recommendations to reduce noise from quarry applicants involving the cooperation of the City of Folsom and the quarry project applicants are considered feasible. See also Master Response 7 – Quarry Truck Cumulative Impact and Mitigation Approach.

Sac Cnty-2-341 through

Sac Cnty-2-342

The comment states that the DEIR/DEIS fails to examine the most reasonable project alternative for dealing with any potential noise and air quality impacts, which would involve formulating a land use plan that would not attempt to place sensitive receptors immediately adjacent to Scott Road.

The commenter does not provide a specific suggestion for the reconfiguration or redesign of the project that would reduce or eliminate impacts to noise or air quality. The commenter also does not explain how any reconfiguration or redesign would actually reduce or eliminate impacts and meet project objectives. The DEIR/DEIS analyzed a reasonable range of alternatives consistent with CEQA and NEPA (see response to comment Sac Cnty-2-305).

- Sac Cnty-2-343 *The comment states that the DEIR/DEIS recommends infeasible mitigation by pre-supposing a future City Council decision to designate truck routes through newly annexed areas, thereby forcing trucks to reroute around the new development.*
- The SPA would be annexed into the City of Folsom; therefore, it is within the City’s purview to make a potential determination regarding truck routes through its jurisdictional boundaries. See also Master Response 7 – Quarry Truck Cumulative Impact and Mitigation Approach.
- Sac Cnty-2-344 *The comment states that the recommended cumulative noise mitigation measure in the DEIR/DEIS is flawed for the same reasons listed by the previous comments regarding cumulative TACs.*
- See responses to comments Sac Cnty-2-283 through Sac Cnty-2-336. The cumulative noise mitigation measures presented in the DEIR/DEIS (as modified in Chapter 5, “Errata” of this FEIR/FEIS) are considered feasible by the City/USACE and provide recommendations for substantially reducing traffic noise levels (e.g., sound walls, berms, quiet pavement, and increased building noise insulation). See also Master Response 7 – Quarry Truck Cumulative Impact and Mitigation Approach.
- Sac Cnty-2-345 *The comment states that other recommended cumulative noise mitigation in the DEIR/DEIS constitute reasonable, effective, and enforceable mitigation for noise attenuation if placed as conditions of approval on the project [rather than on the quarry operators].*
- See Master Response 7 – Quarry Truck Cumulative Impact and Mitigation Approach.
- Sac Cnty-2-346 *The comment states that the City oversteps its authority and renders recommended cumulative noise mitigation infeasible and unenforceable by specifying the cost of improvements be borne by the quarry operators.*
- See Master Response 7 – Quarry Truck Cumulative Impact and Mitigation Approach.
- Sac Cnty-2-347 *The comment states that it is not the responsibility of outside parties to mitigate for any impacts of the City’s plan to develop in the SPA.*
- See Master Response 7 – Quarry Truck Cumulative Impact and Mitigation Approach.
- Sac Cnty-2-348 *The comment states that the DEIR/DEIS is inadequate for the reasons detailed in the comment letter.*
- The DEIR/DEIS adequately analyzes the environmental impacts of the project, as required by CEQA and NEPA. See responses to comments Sac Cnty-2-1 through Sac Cnty-2-347.
- Sac Cnty-2-349 *The comment states that the nature of the inadequacies can be remedied through additional analysis.*
- The DEIR/DEIS provides adequate analysis, in compliance with CEQA and NEPA. See responses to comments Sac Cnty-2-1 through Sac Cnty-2-347.

Sac Cnty-2-350

The comment states that recirculation of the DEIR/DEIS is required, per State CEQA Guidelines CCR Section 15088.5.

The minor revisions to the DEIR/DEIS (contained in Chapter 5, “Errata” of this FEIR/FEIS) do not meet the requirements for recirculation provided in State CEQA Guidelines CCR Section 15088.5 or the NEPA requirements for supplementation provided in 40 CFR Section 1502.9(c). See also Master Response 12 – DEIR/DEIS Recirculation is Not Required.

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Department of Water Resources
Keith DeVore, Director



Including service
Elk Grove and Rancho Cordova

SACRAMENTO COUNTY
WATER AGENCY

September 9, 2010

Gail Furness de Pardo
City of Folsom
Community Development Department
50 Natoma Street
Folsom, CA 95630

Lisa Gibson
U.S. Army Corps of Engineers, Sacramento District
1325 J Street, Room 140
Sacramento, CA 95814

SUBJECT: Folsom Sphere of Influence Draft Environmental Impact Report Comments

Dear Ms. de Pardo and Ms. Gibson:

The Sacramento County Water Agency (SCWA) appreciates the opportunity to comment on the Folsom Sphere of Influence Draft Environmental Impact Report (DEIR). SCWA comments on the DEIR focus largely on the nature of the Memorandum of Understanding (MOU) between SCWA and the City of Folsom (SCWA-Folsom MOU). This agreement is not a water supply delivery agreement and, therefore, should not be characterized as one. SCWA requests that this MOU be represented accurately and consistently throughout the document and appendices.

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Comments:

1) **DEIR Appendix M.** On December 15, 2009, the SCWA Board of Directors authorized the Director of Water Resources to enter into an MOU with the City of Folsom (SCWA-Folsom MOU) that frames future negotiations between the two entities over the possibility of Folsom utilizing a portion of the SCWA capacity in the Freeport Regional Water Authority (FRWA) pipeline to transport Natomas Central Mutual Water Company (NCMWC) water to the Folsom Sphere of Influence (Folsom SOI) area. Although the MOU has been signed by SCWA as of the date of this letter, the executed MOU has not been returned to SCWA. The comments included in this letter are made under the assumption that the MOU has been or will be executed in the near future. Furthermore, the draft MOU included in Appendix M of the DEIR is not the same SCWA-Folsom MOU that was approved by the SCWA Board of Directors, or the City of Folsom on December 15, 2009.

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2) **DEIR Sect 2.** All alternatives discussed in Chapter 2 rely on water supplies from NCMWC delivered through the FRWA pipeline capacity. The SCWA-Folsom MOU (included in Appendix M of the DEIR) does not represent a commitment from either party and is intended only to frame future negotiations between the two entities. Furthermore, the information pertaining to the costs for the capital water infrastructure necessary to serve the Folsom SOI lacks sufficient detail to demonstrate that all identified financial obligations have been addressed. This information will be a necessary component of future discussions between SCWA and Folsom regarding the purchase of capacity.

3) **DEIR Sect 2.7, Page 2-95.** The DEIR states that construction of selected Off-Site Water Facility Alternative components would begin in early 2011. While some qualifiers are provided, this seems to be an overly optimistic schedule given that critical analysis on the use of SCWA facilities have not yet been identified and negotiations for capacity and other financial considerations with SCWA have not yet begun.

4) **DEIR Sect 2.8.1, Page 2-102.** The section states in pertinent part: *“Secondly, in preliminary negotiations with EBMUD, EBMUD has been adamant that any capacity allocated to the City within the Freeport Project must be replaced or augmented throughout the remainder of EBMUD’s portion of the Freeport Project, which extends south to the Mokelumne River. This arrangement would be required to ensure that EBMUD’s service area is not adversely impacted by a loss in conveyance capacity. Based on the City’s initial investigation, the level of improvements necessary to augment the capacity purchased by the City would render this alternative cost prohibitive. For these reasons, this ‘Water’ alternative was not carried forward for further analysis in this EIR/EIS.”* SCWA has the same requirements as EBMUD; however, the EBMUD alternative has been eliminated because it is considered cost-prohibitive. Under the terms defined in the SCWA-Folsom MOU, the City would be required to provide SCWA (at City’s cost) with an alternate supply of water equivalent to any capacity in the FRWA facilities purchased by City. As the DEIR/DEIS recognizes this as the preferred alternative (pending successful negotiations), the potential source or sources of this replacement water supply should be identified, and these costs should be factored into the financial analysis.

5) **DEIR Sect 3A.18-21.** The DEIR states that the use of the FRWA facilities to convey 6.5 mgd plus appropriate peaking factor to the Folsom SOI area would not increase SCWA’s permitted diversion capacity, and for this reason, no physical changes to the FRWA diversion, pump structure, and conveyance pipeline would occur. The impacts to SCWA for conveying the full 6.5 mgd have not been determined, and it is not known if physical changes in the FRWA intake and/or conveyance pipelines would be required to convey the full amount of water.

6) **DEIR Sect 3A.18.5.** The DEIR evaluates three potential options in the event that surface water from NCMWC is not available due to required actions by the Bureau of Reclamation or by SCWA. These alternatives include: Option 1 - Groundwater from the Central Sacramento Groundwater Basin; Option 2 - Other Senior Sacramento River Water Rights Holders; and Option 3 - Conservation of Existing City Supplies and Water System Retrofit.

Comments on Option 1:

- i. This option proposes to export groundwater for use outside of the groundwater basin. The impact of such an export should be considered as part of the Final EIR/EIS. The question of exporting water for use outside of the basin should be vetted with the Sacramento Central Groundwater Authority. 13 cont.
14
- ii. Groundwater pumping in this area was significantly limited by concerns expressed by both Aerojet and the California Department of Public Health. Limitations to groundwater pumping in this area should be evaluated when considering this option. 15
- iii. The *Groundwater Withdrawal* section (p. 3A.18-31) of this option states that: “SCWA currently pumps, on average, 131,000 AFY” of groundwater from the Central Basin. This statement is incorrect. SCWA pumps considerably less than this amount. This section goes on to state that: “SCWA anticipates diverting up to 90,000 AFY of surface water during normal years, thereby reducing its groundwater pumping to 41,000 AFY.” This statement is also incorrect. The conclusions drawn from these erroneous statements are also incorrect. Footnote 2 on the same page indicates that SCWA has 68,600 AFA in CVP water; SCWA CVP entitlements total 45,000 AFA (“Fazio Water” – 15,000 AFA and SMUD Assignment water – 30,000 AFA). Footnote 2 also refers to SCWA’s appropriative water right as being 12,000 AFA, referring to the long-term average use of this particular water supply. 16
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- iv. The *Drawdown in Adjacent Wells* section (p. 3A.18-32) does not consider potential impacts which may occur in the North Vineyard Well Field and, respectively, the surrounding private wells that are part of the North Vineyard Well Protection Program. This should be identified as part of the identified potentially significant impact. 19
- v. The *Alteration of Surface Water Hydrology* section (pp. 3A.18-32 and 34) focuses on potential impacts to the American River and indicates that because the distance between the proposed well sites and the river is in excess of 5 miles that the resulting impact would be less-than-significant. The section fails to mention any potential impacts that may occur to the Cosumnes River. 20
21

Comments on Option 2:

vi. The only difference between this alternative and the preferred alternative is the source of surface water. Issues associated with the purchase of capacity in the FRWA remain the same. 22

7) **DEIR Sect 3B.16.3, Page 3B.16-8.** The section states in pertinent part: *“Potential impacts to SCWA as a result of a reduced conveyance capacity within the Freeport Project would be minimized through compliance with the conditions contained within the MOU between the City and SCWA as provided in Appendix M-III. Even though the MOU is a non-binding agreement, without it the Off-site Water Facility Alternatives could not occur. For this reason, direct and indirect operational impacts to SCWA would be less than significant.”* 23

The potential impacts to SCWA for the proposed conveyance of 5,600 AFY to the Folsom SOI area have not been determined. The statement that compliance with the conditions of the non-binding MOU (SCWA-Folsom Agreement) will minimize impacts to SCWA operations doesn't accurately represent the purpose of the MOU, which is to establish principles to govern possible future negotiations between the two entities. The Folsom SOI EIR should acknowledge that negotiations may lead to a smaller negotiated capacity or no capacity at all. 24
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8) **Folsom Specific Plan Area SB 610 Water Supply Assessment.** Section 3.6.1, Facility Costs, states that anticipated potable water improvements included in the Draft PFFP (Public Facilities Financing Plan) are an off-site transmission main, an on-site water treatment plant, storage tanks, booster stations, distribution mains, and laterals. Additionally, the Draft PFFP includes the cost associated with the City of Folsom acquiring conveyance capacity in the FRWA facilities. According to sections 3.7 and 3.8 (see also section 7.3) of the SCWA-Folsom MOU, all costs associated with the provision of an alternate source of water (including any necessary facilities) will be the responsibility of the City. It is not clear from the PFFP if these costs are covered and, if they are, how much capital is provided to meet this commitment. 26

Thank you for this opportunity to comment. If you have any questions on the information provided, please contact me at (916) 874-4681.

Sincerely,


Kerry Schmitz
Principal Civil Engineer

- cc: Nav Gill – Sacramento County Chief Operations Officer
Rob Leonard – Sacramento County Director of Economic Development
Keith DeVore, Herb Niederberger, Darrell Eck, Forrest Williams – SCWA
Ken Payne – City of Folsom
Tom Gohring – Water Forum

SCWA-1

The comment states that the MOU between the City and SCWA is not a water supply delivery agreement and, therefore, should not be characterized as one.

Although the DEIR/DEIS uses the term “Delivery Agreement” to describe the proposed final agreement between the City and SCWA, the discussion on page 2-82 of the DEIR/DEIS also describes the existing MOU between the City and SCWA as a separate document. The City acknowledges that the MOU frames the negotiations between the City and SCWA in the development of the ultimate Delivery Agreement but is not a water supply delivery agreement in itself. The DEIR/DEIS accurately describes the MOU.

SCWA-2

The comment states that on December 15, 2009, the SCWA Board of Directors authorized the Director of Water Resources to enter into an MOU with the City to frame future negotiations between the two entities over the possibility of the City using a portion of SCWA’s capacity within the “Freeport Project,” in the FRWA pipeline to transport NCMWC water to the Folsom SPA.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The comment is noted.

SCWA-3

The comment states that although the MOU was signed by SCWA as of the date of SCWA’s comment letter [December 15, 2009], the executed MOU was not returned to SCWA.

The City has executed the MOU and returned the document to SCWA. The executed final MOU is contained in FEIR/FEIS Appendix T. The executed final MOU is consistent with the assumptions on which the City and USACE based their analysis of the project’s impacts, particularly regarding the capacity that the City would use in the Freeport Project under a Delivery Agreement negotiated and executed pursuant to the MOU. Both the discussion on page 2-82 of the DEIR/DEIS and Section 4.1 of the final MOU describe the capacity that the City would purchase as 6.5 mgd with consideration of additional limited capacity for peaking.

SCWA-4

The comment states that the draft MOU included in Appendix M of the DEIS/DEIR is not the same SCWA-Folsom MOU that was approved by the SCWA Board of Directors or the City of Folsom on December 15, 2009.

The comment is correct that the draft MOU, included in Appendix M3 of the DEIS/DEIR, is an older draft of the MOU that does not reflect negotiations between the City and SCWA through late 2009. As discussed in response to comment SCWA-3, the executed final MOU is consistent with the assumptions on which the City and USACE based their analysis of the project’s impacts, particularly regarding the capacity that the City would use in the Freeport Project under a Delivery Agreement negotiated and executed pursuant to the MOU. The executed final MOU is contained in FEIR/FEIS Appendix T

SCWA-5

The comment states that the MOU between SCWA and the City does not represent a commitment from either party and is intended only to frame future negotiations between the two entities.

The comment correctly states the MOU's purpose. As Sections 2, 11, and 12 in both the draft MOU (in Appendix M3 of the DEIR/DEIS) and the final executed MOU (Appendix T of the FEIR/FEIS) state, the MOU does not represent a binding commitment by the City or SCWA. The description of the MOU on page 2-82 of the DEIR/DEIS regarding a potential Delivery Agreement between the City and SCWA is consistent with the terms of both the draft MOU and the executed MOU. As stated in Section 4.1 in both the draft MOU and the final executed MOU, those terms provide the basis for the City's and USACE's analysis of the potential impacts associated with implementing the project. See also response to comment SCWA-4.

SCWA-6

The comment states that information pertaining to the costs for the capital water infrastructure necessary to serve the SPA lacks sufficient detail to demonstrate that all identified financial obligations have been addressed.

The City notes that this comment does not pertain to the environmental analysis contained in the DEIR/DEIS and therefore the City has no obligation to respond to this comment (State CEQA Guidelines, CCR Section 15088[c]). Nevertheless, responses to specific comments are provided as follows. The City and SCWA must discuss further financial terms before executing any binding agreement under which the City would acquire capacity in the Freeport Project's facilities, as referenced in the final MOU.

SCWA-7

The comment states that cost information will be a necessary component of future negotiations between SCWA and the City regarding the purchasing of capacity.

See response to comment SCWA-6. As referenced in Section 4.1 in both the draft MOU contained in Appendix M3 of the DEIR/DEIS and the final MOU executed by the City and SCWA, the DEIR/DEIS's analysis is based on the terms of the MOU executed by the City and SCWA and, therefore, is not dependent on future discussions between the City and SCWA.

SCWA-8

The comments states that a construction start date of early 2011 for selected Off-site Water Facility Alternative components, discussed on page 2-95 in the DEIR/DEIS, appears overly optimistic because critical analysis on the use of SCWA facilities have not yet been identified and negotiations for capacity and other financial considerations with SCWA have not yet begun.

At the time the DEIR/DEIS was prepared, 2011 was considered appropriate to use for characterizing potential impacts resulting from the construction of the selected Off-site Water Facility Alternative. However, even if the start of construction was delayed until 2012 or 2013, the impacts discussed in the DEIR/DEIS for the Off-site Water Facility Alternatives would remain the same.

SCWA-9

The comment references text on page 2-102 in the DEIR/DEIS, stating that the use of a portion of EBMUD's capacity within the Freeport Project would require that the City replace any loss in conveyance capacity. The comment further states that SCWA has the same requirements as EBMUD, and notes that the EBMUD alternative was eliminated because it was considered cost-prohibitive.

As the City's execution of the MOU between the City and SCWA indicates, the City acknowledges that: (1) its project would affect the amount of capacity in the Freeport Project facilities available to SCWA and, therefore, to SCWA's operations; and (2) further discussions between the City and SCWA are needed to address that issue. The discussion on page 2-102 of the DEIR/DEIS, however, notes that issues distinct to EBMUD's variable annual water demands, its particular use of the Freeport Project facilities, and its extension of its facilities to the Mokelumne River indicated that using a portion of EBMUD's capacity in the Freeport Project was not a viable option. This comment does not indicate that the City's use of a portion of SCWA's Freeport Project capacity would create the same issues for SCWA as would arise for EBMUD if the City were to use a portion of EBMUD's capacity.

SCWA-10

The comment states that, under the term defined in the MOU between the City and SCWA, the City would be required to provide SCWA with an alternate supply of water equivalent to any capacity in the Freeport Project purchased by the City.

As noted in comment SCWA-4, the draft MOU included in Appendix M3 of the DEIR/DEIS is not the executed final MOU that the City and SCWA signed. A key difference between the draft MOU and the executed final MOU is the deletion of draft MOU language on which this comment, specifically the language in Sections 3.7 and 7.3 of the draft MOU. Those draft MOU sections indicated that the City would provide SCWA with a water source equaling the amount of water that SCWA could have conveyed through Freeport Project capacity that the City would use. Those terms are not included in the executed final MOU.

The executed final MOU is contained in FEIR/FEIS Appendix T. The replacement resolves the issue raised by the comment. The replacement of the draft MOU with the executed final MOU does not affect the DEIR/DEIS's analysis of the project's impacts because the assumptions on which that analysis is based are consistent with the terms of the draft MOU that remain the same in the executed final MOU.

SCWA-11

The comment suggests that because the City's preferred alternatives rely on the use of FRWA facilities, the potential source or sources of replacement water supply should be identified and the associated costs factored into the financial analysis.

See response to comment SCWA-10.

SCWA-12

The comment references the DEIR/DEIS statement in Section 3A.18–21 that the use of the FRWA facilities to convey 6.5 mgd plus appropriate peaking factor to the SPA would not increase SCWA’s permitted diversion capacity, and for this reason, no physical changes to the FRWA diversion, pump structure, and conveyance pipeline would occur. The comment indicates that SCWA has not assessed the full impacts on the Freeport Project’s facilities of the City’s proposed use of a portion of those facilities’ capacity and that it is not known whether the City’s use of that portion of capacity would require any physical changes to those facilities.

As indicated by the City’s execution of the MOU with SCWA, the City and SCWA would have further discussions concerning the City’s proposed use of a portion of the Freeport Project’s capacity. However, as discussed in Section 4.1 in both the draft MOU contained in Appendix M3 of the DEIR/DEIS and the executed final MOU contained in FEIR/FEIS Appendix T, the DEIR/DEIS’ analysis is based on the terms of the MOU and, in particular, on the City’s fundamental proposal that the diversions of its proposed water supply would occur within the Freeport Project’s capacity without any expansion. This comment does not indicate that the City’s resulting analytical assumptions were incorrect or that the DEIR/DEIS’ impact analysis is not supported by existing facts. To the extent that further discussions between the City and SCWA under the MOU, or related facilities analyses, indicate that physical changes to the Freeport Project’s facilities would be necessary to implement the project, then supplemental or project-specific CEQA/NEPA analysis might be required at that time. At present, however, it would be speculative to attempt to analyze any impacts from physical changes to the Freeport Project’s facilities that have not been identified to date.

SCWA-13

The comment states that the DEIR/DEIS evaluates three potential water supply options in Section 3A.18.5, and that Option 1 proposes to export groundwater for use outside the groundwater basin. The comment suggests that the FEIR/FEIS should include consideration of the impact of such an export.

As discussed in Section 4.2 of the draft MOU included in Appendix M3 of the DEIR/DEIS, in preparing the DEIR/DEIS, the City examined water supply options in addition to its project because the proposed water supply would not be completely secure. As expressed in MOU Section 4.2, such a water supply option analysis is required by the California Supreme Court’s interpretation of CEQA in *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412. The water supply options reviewed in the DEIR/DEIS are not the City’s proposed water supply and, therefore, the City does not “propose...to export groundwater for use outside of the groundwater basin.”

Consistent with *Vineyard*, the DEIR/DEIS analyzes (at a general level) the impacts to the relevant groundwater basin that would occur if the City were to implement Water Supply Option 1, as discussed on pages 3A.18-31 through 3A.18-35 of the DEIR/DEIS. The comment suggests that some additional impact could occur because some of the City’s place of use for that pumped water would be outside of that basin. The comment, however, does not provide any information to indicate that using the water in that location would cause any impacts different than, or in addition to, the impacts caused by pumping the water for use in the basin. In addition, the place where the City would use pumped groundwater under this water supply option would be a tributary to the relevant groundwater basin, so percolation of pumped groundwater could return to that basin under this water supply option.

Furthermore, as discussed on pages 3A.18-35 and 3A.18-36 of the DEIR/DEIS, this water supply option would be consistent with the County's groundwater ordinance. Also, as discussed on pages 3A.16-1 to 3A.16-2, treated wastewater generated by the use of water in the SPA would be discharged to the Sacramento River from SRCSD's regional WWTP. SRCSD also treats and discharges municipal and industrial wastewater generated from within the Central Sacramento Groundwater Basin, so the location at which groundwater pumped by the City would return to the environment would be the same as if that water had been applied to municipal and industrial use in the basin.

SCWA-14

The comment states that the concept proposed under Water Supply Option 1 should be vetted with the Sacramento Central Groundwater Authority because it would involve exporting groundwater outside the basin.

See response to comment SCWA-13. In addition, as part of the City's evaluation of Water Supply Option 1, the CSCGMP (2006), was referenced to assess whether sufficient groundwater supplies were available without exceeding the basin's safe yield. Based on information contained in the CSCGMP, sufficient groundwater supplies would appear to be available for the SPA through 2030. However, because of supply concerns beyond 2030 in conjunction with a potential for migration of groundwater contaminants as a result of additional pumping, NCMWC's CVP supply would remain the City's preferred water supply. If, for whatever reason, the City elected to pursue Water Supply Option 1 in the future, the City would conduct supplemental CEQA/NEPA review and would coordinate its revised water supply proposal with the Sacramento Central Groundwater Authority.

SCWA-15

The comment states that groundwater pumping in the vicinity of the well sites for Water Supply Option 1 should consider pumping restrictions, reflecting concerns expressed by both Aerojet and CDPH.

As discussed in response to comment SCWA-13, Water Supply Option 1 is not the City's proposed water supply and is included in the DEIR/DEIS to comply with the *Vineyard* decision. Furthermore, the City agrees that, if it were to decide to implement this water supply option in the future, it would need to conduct supplemental CEQA/NEPA analysis of impacts, including further evaluation and modeling of the necessary groundwater pumping and addressing the water quality concerns identified in this comment. Those concerns are discussed on pages 3A.18-29 through 3A.18-31 of the DEIR/DEIS and were concluded to be a significant and unavoidable impacts of Water Supply Option 1.

SCWA-16

The comment states that the groundwater withdrawal discussion on page 3A.18-31 of the DEIR/DEIS incorrectly indicates that SCWA currently pumps, on average, 131,000 AFY of groundwater from the Central Sacramento Groundwater Basin although it actually pumps considerably less.

As discussed in response to comment SCWA-13, Water Supply Option 1 is not the City's proposed water supply and is included in the DEIR/DEIS to comply with the *Vineyard* decision. USACE and City note SCWA's clarification. To identify pumping rates for SCWA, the DEIR/DEIS relies on the CSCGMP (2006), which was considered the best available informational source when the DEIR/DEIS was prepared. Because the current estimates provided in the DEIR/DEIS overestimate groundwater use by SCWA, the supporting impact conclusions for Water Supply Option 1 may overstate the actual impact. However, because the comment does not provide any alternate estimates to replace those provided in the DEIR/DEIS, in conjunction with the conservative nature of

the estimates used, the analysis of groundwater impacts for Water Supply Option 1 sufficiently discusses the potential impacts to groundwater resources.

SCWA-17

The comment states that the groundwater withdrawal discussion (on page 3A.18-31 of the DEIR/DEIS) incorrectly states SCWA anticipates diverting up to 90,000 AFY of surface water during normal years, thereby reducing groundwater pumping to 41,000 AFY. The comment further states that, as a result, the supporting conclusions also are incorrect.

As discussed in response to comment SCWA-13, Water Supply Option 1 is not the City's proposed water supply and is included in the DEIR/DEIS to comply with the *Vineyard* decision. The surface and groundwater estimates referenced in the comment are based on values provided in the CSCGMP (2006). The estimates provided in the CSCGMP were the best available information when the DEIS/DEIR was prepared. Although the comment states that the estimates provided in the DEIR/DEIS are incorrect, the comment does not provide any revised estimates. In the absence of any additional data from SCWA, the City considers the discussion and conclusions on the topic of groundwater withdrawal on pages 3A.18-31 and 3A.18-32 of the DEIR/DEIS to be valid and adequate for the consideration of potential impacts as required per the Court's decision in the *Vineyard* case.

SCWA-18

The comment references surface water supplies for SCWA in footnote number 2 on page 3A.18-31 of the DEIR/DEIS.

The commenter does not describe any requested changes or inaccuracies with regards to the footnote number 2 on page 3A.18-31 of the DEIR/DEIS. The comment is noted. These figures contained in footnote number 2 were obtained from the CSCGMP (2006).

SCWA-19

The comment states that the discussion regarding drawdown of adjacent wells on page 3A.18-32 of the DEIR/DEIS does not consider potential impacts to the North Vineyard Well Field or private wells that are part of the North Vineyard Well Protection Program.

As discussed in response to comment SCWA-13, Water Supply Option 1 is not the City's proposed water supply and is included in the DEIR/DEIS to comply with the *Vineyard* decision. The discussion on page 3A.18-32 of the DEIR/DEIS accurately characterizes the potential impacts that could occur at adjacent wells in conjunction with this water supply option. Whether or not these impacts would extend to the North Vineyard Well Field is uncertain. As required per the Court's decision in the *Vineyard* case, the discussion adequately covers the potential impacts that could occur to adjacent private wells that might or might not be participating in the North Vineyard Well Protection Program. For these reasons, the discussion provided on page 3A.18-32 of the DEIR/DEIS is considered sufficient to describe the anticipated level of impact to adjacent wells, including those that are part of the North Vineyard Well Protection Program.

SCWA-20

The comment states that the discussion on page 3A.18-32 of the DEIR/DEIS focuses on potential impacts to the American River as a result of Water Supply Option 1 and that a less than significant determination was concluded based on the proximity of the well sites from the river.

The comment summarizes text on page 3A.18-32 of the DEIR/DEIS; the comment is noted.

SCWA-21

The comment states that the discussion under “Alteration of Surface Water Hydrology” on page 3A.18-32 of the DEIR/DEIS fails to mentioned impacts to the Cosumnes River.

As discussed in response to comment SCWA-13, Water Supply Option 1 is not the City’s proposed water supply and is included in the DEIR/DEIS to comply with the *Vineyard* decision. The DEIR/DEIS indicates that, even implementing this water supply option, pumping from the groundwater basin would be within the basin’s safe yield until at least 2030. Accordingly, this water supply option, if actually implemented, would not affect flows in the Cosumnes River. Although the DEIR/DEIS indicates post-2030 cumulative conditions could cause total pumping to exceed the basin’s safe yield, it would be speculative to analyze any possible related impacts to the Cosumnes River at this point without having any indication of the extent of such a potential exceedance. Furthermore, if the City were to actually seek to implement this water supply option, the City would conduct supplemental CEQA/NEPA analysis to address any resulting indirect impacts to the Cosumnes River.

SCWA-22

The comment states that Water Supply Option 2 shares similar issues to that of the preferred alternative, related to the purchase of capacity within the Freeport Project.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The comment is noted.

SCWA-23

The comment states that potential impacts to SCWA as a result of the City’s purchase of capacity within the Freeport Project have not been determined.

As the City’s execution of the final MOU indicates, the City acknowledges that further analysis would be necessary to determine precisely how the City’s proposed purchase of capacity in the Freeport Project would affect SCWA’s operations and facilities (see Sections 7.2–7.6 in the final MOU, in Appendix T of the FEIR/FEIS). As contemplated in Section 4.1 of the MOU, however, the DEIR/DEIS analyzes the environmental impacts that would occur if the City were to purchase 6.5 mgd of capacity, with consideration of an appropriate peaking factor. The primary resulting environmental impact would be to groundwater supplies in the South American Subbasin, and the DEIR/DEIS analyzes this in Impact 3B.17-2 on pages 3B.17-10 through 3B.17-13. In addition, the DEIR/DEIS’ cumulative impact analysis identifies potential cumulative effects to groundwater resources after 2030, on pages 4-42 through 4-44. The comment does not indicate that the analysis of the City’s proposed purchase of capacity in the Freeport Project is inadequate because the MOU lacks sufficient detail for a CEQA/NEPA analysis. To the extent that further discussions between the City and SCWA under the MOU would result in further actions or improvements to address any impacts on SCWA caused by the City’s acquisition of capacity in the Freeport Project, then a supplemental or more specific CEQA/NEPA analysis of those actions or improvements might be necessary.

SCWA-24

The comment states that assuming compliance with the MOU will minimize impacts to SCWA operations does not accurately characterize the purpose of the MOU.

Section 2 of both the draft MOU provided in Appendix M3 of the DEIR/DEIS and the final MOU provided in Appendix T of the FEIR/FEIS states: “The purpose of this MOU is to establish principles and parameters to govern any negotiations between the parties for the City’s purchase of a portion of the Agency’s [SCWA’s] capacity in the FRWA [Freeport Project] Facilities in order to convey Natomas Water to supply the area

encompassed by the SOI.” The MOU then describes various issues that the City and SCWA plan to discuss to address the impacts that the City’s purchase of capacity would have on SCWA (see the final MOU, Sections 3.7, 3.8, 4.4.2 [Agency Criteria], 7.1-7.6). Any Delivery Agreement negotiated between the City and SCWA under the MOU would be consistent the MOU’s terms and accordingly would address the impacts on SCWA of the City’s purchase of capacity in the FRWA facilities.

The discussion in Impact 3B.16-3 on page 3B.16-7 of the DEIR/DEIS, therefore, accurately characterizes the impact to SCWA and the manner in which the City would address that impact. However, the City agrees that the discussion should be clarified to reference the fact that the MOU’s terms would be reflected in a Delivery Agreement between the City and SCWA. As shown in Chapter 5, “Errata” of this FEIR/FEIS, the second paragraph on page 3B.16-8 has been revised to reflect this circumstance.

SCWA-25

The comment suggests that the DEIR/DEIS should acknowledge that future negotiations between the City and SCWA could result in a smaller negotiated capacity or no capacity (e.g. within the Freeport Project) at all.

Initially, the DEIR/DEIS’s identification of the amount of Freeport Project capacity that the City proposes to purchase complies with Section 4.1 of both the draft MOU in Appendix M3 of the DEIR/DEIS and the final MOU in Appendix T of this FEIR/FEIS. In Section 4.1, the City and SCWA agreed that the City would include, “as a project component in the City’s EIR for the SOI,” the City’s purchase of 6.5 mgd of capacity in the Freeport Project, with an appropriate peaking factor. If this capacity is less, it is still covered by the analysis. In addition, the DEIR/DEIS addresses the possibility that the City would not acquire capacity in the Freeport Project in other ways. The DEIR/DEIS includes an evaluation of the No Project Alternative, which could occur if the City was unable to negotiate the Delivery Agreement with SCWA that would be required for all of the Off-site Water Facility Alternatives. Section 3A.18 of the DEIR/DEIS (beginning on page 3A.18-23) also evaluates other water supply options required by the court’s decision in the *Vineyard* case, to account for uncertainties related to SCWA’s approval of the Delivery Agreement.

SCWA-26

The comment seeks clarification as to the costs considered in the PFFP and, in particular, how much capital would be provided to cover costs associated with the provision of an alternate water source and any associated facilities.

See response to comment SCWA-10. As discussed in the response to that comment, the final MOU (included in Appendix T to this FEIR/FEIS) does not contain certain proposed terms that were contained in the draft MOU (included in Appendix M3 of the DEIR/DEIS). The proposed terms that were not included concerned an alternate source of water (in sections 3.7, 3.8, and 7.3 of the draft MOU). Because this comment relies on those proposed terms in the draft MOU and those terms were excluded from the final MOU, this comment does not reflect project components that the City is required to analyze in the DEIR/DEIS.



Sac City

DEPARTMENT
OF UTILITIES

ENGINEERING
SERVICES DIVISION

CITY OF SACRAMENTO
CALIFORNIA

1395 35th AVENUE
SACRAMENTO, CA
95822-2911

PH 916-808-1400
FAX 916-808-1497/1498

September 10, 2010
DS:jp

Ms. Gail Furness de Pardo
City of Folsom Community Development Department
50 Natoma Street
Folsom, CA 95630

Dear Ms. Furness de Pardo,

Subject: Comments - Sphere of Influence South of Highway 50 Specific Plan Project Draft
Environmental Impact Report/Environmental Impact Statement (DEIR)

The City of Sacramento Department of Utilities (Sacramento) appreciates the opportunity to provide the following comments on the above DEIR:

1. The Natomas Central Mutual Water Company (NCMWC) has in the past submitted comments to the Sacramento Local Agency Formation Commission describing the financial detriment suffered by NCMWC as agricultural land within its service area urbanizes, due to the fact that such development shrinks the agricultural base that financially supports NCMWC's operations. Sacramento understands this impact, and shares a common interest in preserving the viability of NCMWC and the agricultural and habitat lands it provides irrigation water service to. Revenue from the proposed assignment to Folsom of a portion of NCMWC's CVP water entitlement can and should be used by NCMWC to offset any adverse financial impacts incurred by NCMWC due to urbanization in its service area and to maintain reasonable rates for NCMWC's irrigation water service customers. | 1-4
2. Sacramento supports the DEIR's determination to omit from further consideration any direct diversion of surface water from the Lower American River (DEIR, at p. 2-100), in favor of the DEIR's proposed use of Freeport Regional Water Project (FRWP) facilities to divert the portion of NCMWC's CVP water entitlement proposed for assignment to Folsom. Use of the FRWP diversion avoids any direct impact of the proposed diversions on Folsom Reservoir or the Lower American River; however, it is not clear from our review of the DEIR whether the proposed diversions could affect overall CVP operations (due to the amount and/or timing of the diversions) | 5-8

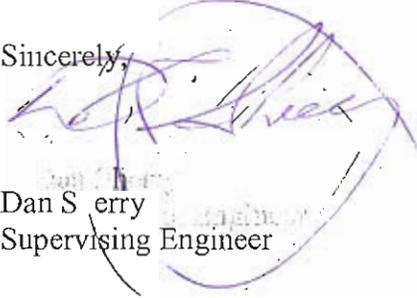


so as to create potentially significant indirect impacts on Folsom Reservoir or the Lower American River. The DEIR should specifically evaluate and identify any such indirect impacts, particularly during dry periods when such impacts would be most pronounced.

- 3. In addition to its analysis of Folsom’s proposed water supply (DEIR, at pp. 3A 18-1 and following), the DEIR should identify any potential impacts of the proposed diversions on the water supplies utilized by other water purveyors in the Sacramento region, including senior water right holders, such as Sacramento, whose diversions would take priority, in the event of a water shortage, over Folsom’s diversion of the portion of NCMWC’s CVP water entitlement proposed for assignment.

Please contact Jim Peifer if you have any questions at (916) 808-1416.

Sincerely,



Dan Serry
Supervising Engineer

Sac City-1 through
Sac City-2

The comments state that the City of Sacramento appreciates the opportunity to provide comments on the DEIR/DEIS. The comments further state that in the past NCMWC has submitted comments to LAFCo describing financial distress suffered by NCMWC as a result of urban development shrinking the agricultural base that supports NCMWC's operations.

The City is aware of NCMWC's financial difficulties and likely interest in the potential water assignment to the project. The existing conditions described in Section 3B.10, "Land Use and Agricultural Resources" of the DEIR/DEIS (see pages 3B.10-4 through 3B.10-7), generally support the City of Sacramento's statement regarding the agricultural base that supports NCMWC's service area.

Sac City-3

The comment states that the City of Sacramento shares a common interest in preserving the viability of NCMWC and the agricultural and habitat lands which it serves.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The comment is noted.

Sac City-4

The comment states that revenue from the proposed water assignment for the project could and should be used by NCMWC to offset any adverse financial impacts incurred because of urbanization within NCMWC's service area and to maintain reasonable rates for NCMWC's irrigation water service customers.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The comment is noted.

Sac City-5

The comment states the City of Sacramento's support for water supply alternatives discussed on page 2-100 of the DEIR/DEIS that do not consider any direct diversion of surface water from the Lower American River.

The City of Sacramento's position in relation to new, direct diversions of surface water from the Lower American River is noted. As discussed on page 2-100 of the DEIR/DEIS, the primary reason the City did not carry alternatives forward using un-appropriated water were in support of the City of Folsom's objective of securing a water supply consistent with the WFA.

Sac City-6 through
Sac City-7

The comment states the City of Sacramento's preference for the City's proposed use of the Freeport Regional Water Project (Freeport Project) for the diversion of water purchased under NCMWC's CVP settlement contract. The comment further states that the City's use of the Freeport Project would avoid any direct impact of the proposed diversion on Folsom Reservoir or the Lower American River.

The comment is generally correct. The City does not expect any adverse direct or indirect impacts to the Lower American River hydrology as a consequence of the water assignment.

Sac City-8

The comment states that the DEIR/DEIS is not clear as to whether the water assignment, diversion, and use of the Freeport Project could affect overall CVP operations.

Impact 3B.9-4 on pages 3B.9-28 through 3B.9-30 of the DEIR/DEIS provides specific analysis of the water assignment's potential impacts to overall CVP operations. Table 3B.9-3 on page 3B.9-29 of the DEIR/DEIS outlines the changes in quantities delivered to the City (via Freeport) and NCMWC under existing conditions and to be delivered as a result of the water assignment. As shown, the major change to CVP operations would be the change in the delivery schedule for the 8,000 AFY of "Project" water from agriculture to M&I. As discussed, this change would result in a smaller, more consistent diversion year-round, as opposed to larger diversion during July and August. As shown in Chapter 5, "Errata" of this FEIR/FEIS, text in Table 3B.9-3 on page 3B.9-29 has been revised to provide additional details regarding changes to storage with Shasta Reservoir, a CVP facility.

Sac City-9

The comment asks for clarification as to whether the water assignment could create potentially significant, indirect impacts to Folsom Reservoir or the Lower American River.

The water assignment could indirectly impact Folsom Reservoir and/or the Lower American River in one of two ways, each covered in different sections of the DEIR/DEIS. First, the water assignment could indirectly impact Folsom Reservoir if it required Reclamation to release additional water to counteract the movement of X-2 within the Delta. However, as analyzed in Impact 3B.9-2 on page 3B.9-24 of the DEIR/DEIS, the changes in river conditions as a result of the assignment would be negligible and substantially less than the 1% change in Delta outflow that would be required to change the position of X-2. As a result, this impact is appropriately concluded to be less than significant.

Second, the water assignment would carry the potential to indirectly impact the Lower American River as a result of irrigation return flows that would be indirectly discharged to the Lower American River by Alder and Buffalo Creeks. Potential water quality effects as a result of these discharges are discussed in Impact 3A.9-3 on pages 3A.9-39 through 3A.9-42 of the DEIR/DEIS. As discussed on page 3A.9-42 of the DEIR/DEIS, with the implementation of Mitigation Measure 3A.9-3, this indirect impact would be less than significant.

Sac City-10 through
Sac City-11

The comments suggest that DEIR/DEIS should specifically evaluate and identify any indirect impacts to Folsom Reservoir or the Lower American River, particularly during dry periods.

See response to comment Sac City-8. As discussed on page 3B.9-28 of the DEIR/DEIS, the impact analysis already considers the changes associated with the water assignment in the context of minimum flows within the Sacramento River, which are indicative of drier periods.

Sac City-12

The comment suggests that in addition to the City's proposed water supply, the DEIR/DEIS should identify any potential impacts of the proposed diversion of the water assignment on water supplies used by other water purveyors in the Sacramento Region.

The water assignment would involve the City purchasing up to 8,000 AFY of "Project" water under NCMWC's settlement contract, which was renewed by Reclamation for an additional 40 years in 2005. This supply was covered under an EIS for NEPA compliance, and the Notice of Determination subsequently was approved in 2005. Furthermore, the water assignment would be diverted within the permitted capacity of the Freeport Project, which has already undergone NEPA review; thus, no net increase in diversion capacity would occur along the Sacramento River. Based on these considerations, the water assignment would not infringe on existing water supplies for other water purveyors. These effects were also considered in the cumulative analysis on pages 4-40 through 4-41 of the DEIR/DEIS.

Sac City-13 through
Sac City-14

The comments suggest that the DEIR/DEIS should evaluate the impact of senior water right holders, whose diversions would take priority on the project water supply in the event of water shortages. The comments also provide contact information for questions on the comment letter.

Under Article 5(a) of NCMWC's settlement contract, the maximum reduction in "Project" Water would be 25%. Based on this shortage provision, the City is proposing the purchase of up to 8,000 AFY of "Project" water from NCMWC in anticipation of reductions in supplies during dry years. This shortage provision in NCMWC's settlement contract forms the basis of the DEIR/DEIS' assumption in terms of the maximum curtailment that could occur under an M&I schedule. Presumably, when the shortage provision was in effect, other senior water right holders would continue to receive their full allocations. Absent any speculation on the City's behalf, the impact on the project's water supply during dry conditions would be that the City's water supply could experience reductions of up to 25% although other senior water right holders would continue to receive their full entitlement. This issue is discussed further on pages 3A.18-12 through 3A.18-14 of the DEIR/DEIS.

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John P. Fraser – *President*
Division 2

George W. Osborne – *Director*
Division 1

Bill George – *Director*
Division 3



Harry J. Norris – *Vice President*
Division 5

George A. Wheelodon – *Director*
Division 4

Jim Abercrombie
General Manager

Thomas D. Cumpston
General Counsel

In Reply Refer To: ECL0910-854

September 10, 2010

Via Electronic Mail to gdepardo@folsom.ca.us
Via U.S. Mail

Gail Furness de Pardo
Community Development Department
City of Folsom
50 Natoma Street
Folsom, CA 95630

Subject: Comments on Folsom South of U.S. 50 Specific Plan Project Draft EIR/EIS

Dear Ms. Furness de Pardo:

Thank you for the opportunity to review and comment on the joint Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Folsom South of U.S. 50 Specific Plan Project (Project). As the draft EIR/EIS states, a portion of the specific plan area (SPA) lies within the El Dorado Irrigation District (EID) service area and this portion is proposed to be served water and wastewater services by EID. Therefore, EID is a California Environmental Quality Act (CEQA) responsible agency for the Project (§ 21069 CEQA Statutes and §15381 CEQA Guidelines). As such, EID requests that the following comments and clarifications be incorporated into the Final EIR/EIS so that EID can utilize this document to satisfy its CEQA requirements when considering any discretionary action related to the Project (§ 21153(c) and § 21167.3 CEQA Statutes; § 15050(b), 15086(c), 15096(d)and (f), and 15204 CEQA Guidelines).

1

Page ES-2 - Since a portion of the SPA is proposed to be served water and wastewater services from EID, the City of Folsom or its agent (City) must request a Facility Improvement Letter (FIL) from EID to determine the capacity of existing infrastructure near the proposed SPA. Within three years of receipt of the FIL, the City must submit a Facility Plan Report (FPR) to EID for approval. When approved, the FPR will specify those specific infrastructure improvements that are necessary to provide water and wastewater services to the portion of the SPA proposed to be served by EID.

2

Since this specific review and approval process is a reasonably foreseeable action at the time of CEQA environmental review and EID proposes to utilize this document to satisfy its CEQA requirements, these actions should be explicitly identified in the EIR/EIS. Additionally, EID should be added as an agency that must provide approval over a portion of the Project. Until approval of the FPR, the City should address any water and wastewater infrastructure necessary to serve this portion of the SPA on a programmatic basis under CEQA as described on page 1-9 of the EIR/EIS.

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Page 1-15 – EID should be added as an agency involved with *Regional and Local Actions/Permits* for the Project. Specifically, since a portion of the SPA lies within EID’s service area, one or more agreements between the City and EID will be required to address retail and/or wholesale water and wastewater services provided by each agency. These agreements should be expressly identified as one of the discretionary actions included within the Project and analyzed correspondingly in the EIR/EIS.

6

Page 2-13 – Any development agreements entered into between the City and project applicant(s) pursuant to California Government Code Section 65864 et seq. at the time of specific plan adoption must not conflict with EID policies and procedures for approval of water and wastewater infrastructure or service within the portion of the specific plan area to be served by EID.

7

Page 2-26 – EID has not determined the location of any on-site water facilities including water mains, storage tanks, and booster pump stations within the portion of the SPA to be served by EID. The location of any such infrastructure would be approved through EID’s FIL/FPR process outlined above. As such, the location of EID water facilities, conceptual or otherwise, should be removed from Exhibit 2-7. Additionally, the references to Exhibits 2-6 and 2-7 on this page should note that EID has not approved any locations of any on-site or off-site water or wastewater facilities, conceptual or otherwise. The last paragraph of the *Sewer* section on this page indicates that several pump stations would be included with the Project. It is not clear whether this statement references only that portion of the SPA proposed to be served by the City of Folsom Wastewater Division or the entirety of the SPA. However, EID’s design and construction standards require that when multiple projects or multiple phases of a project will connect over a period of time, such as build out of the SPA, that a lift station design be reasonably staged. Additionally, the 189 acre portion of the SPA to be served by EID first must consider all potential gravity options for the sewer collection system prior to approval of pumped systems.

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Page 2-37 – The *Off-site “Land Improvements”* section should also note EID off-site sewer facilities to be addressed on a programmatic basis.

12

Page 2-101 – It is unclear how the 32,000 acre-feet amount through two contracts with U.S. Bureau of Reclamation (Reclamation) was derived. The latest summary of EID’s water supply is provided in the EID 2009 Water Resources and Service Reliability Report, which is available on EID’s website. The third paragraph of this page states that the Reclamation water supply contract through Public Law 101-514 was intended to serve areas within El Dorado County and not Sacramento County. To clarify, this contract was intended to serve Georgetown Divide Public Utility District and EID through subcontracts with El Dorado County Water Agency and a portion of EID’s service area is located within Sacramento County as stated in the EIR/EIS. The *Non-Potable Water Supplies* section of this page should reflect that the City has also considered EID as a potential source of non-potable water supply.

13

14

15

Page 3A.16-1 – It appears the reference to Exhibit 2-9 at the top and bottom of this page for location of off-site sewer connection north of U.S. 50 should instead be Exhibit 2-8. As described above for water infrastructure, the location of any wastewater infrastructure within the

16

17

Letter No.: ECL0910-854
To: Gail Furness de Pardo



September 10, 2010
Page 3 of 3



portion of the SPA to be served by EID would be approved through EID's FIL/FPR process outlined above. As such, the location of EID wastewater facilities, conceptual or otherwise, should be removed from Exhibit 2-8.

17 cont.

Page 3A.16-3 –The most recent expansion of the EDHWWTP also included construction of two equalization tanks along the northern portion of the facility. These improvements should also be noted in the EIR/EIS. The last paragraph of the *Wastewater Treatment* section on this page describes some of EID's recycled water facilities and some of this information is not accurate. Since this Affected Environment section should simply describe existing conditions related to wastewater treatment, EID requests that all language after the first sentence of the paragraph be removed from the EIR/EIS.

18

19

If you have any questions regarding these comments or clarifications, please contact me at (530) 642-4082.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Corcoran", with a long horizontal flourish extending to the right.

Daniel Corcoran
Environmental Division Manager

cc: Brian Mueller, Director of Engineering
Cindy Megerdigian, P.E., Water/ Hydro Engineering Manager
Elizabeth Wells, P.E., Wastewater/ Recycled Water Engineering Manager

- EID-1 *The comment states that a portion of the SPA lies within the El Dorado Irrigation (EID) service area, making EID a responsible agency under CEQA, and requests that its comments and clarifications be incorporated into the FEIR/FEIS so that EID can utilize the document to satisfy its CEQA requirements when considering any discretionary action related to the project.*
- The comment correctly states that part of the SPA lies within EID’s service area and that EID is a responsible agency under CEQA. See response to comment EID-3.
- EID-2 *The comment states that the City or its agent must submit a Facility Improvement Letter to determine capacity of existing infrastructure near the SPA, and then submit a Facility Plan Report (FPR) for EID approval within 3 years. The comment further states that the FPR would specify those specific improvements necessary to provide water and wastewater services.*
- The comment describes the process for EID approval of water and wastewater facility design for the portion of the SPA that lies within the EID service area, as described in the DEIR/DEIS; the comment is noted.
- EID-3 *The comment states that the specific review and approval process should be explicitly identified in the FEIR/FEIS because EID intends to use the document to satisfy CEQA requirements during its own review process.*
- As shown in Chapter 5, “Errata,” of this FEIR/FEIS, Section 1.6.3 of the DEIR/DEIS has been revised to reflect the requirement for future approvals by EID.
- EID-4 *The comment states that EID should be added to the list of agencies that must provide approval over a portion of the project.*
- See response to comment EID-3.
- EID-5 *The comment states that the City should address any water and wastewater infrastructure necessary to serve the portion of the project site within EID’s service area on a programmatic basis until the Facility Plan Report is approved by EID.*
- See Master Response 10 – Programmatic Nature of EIR/EIS Analysis. As discussed in Section 1.4.3, “Program Environmental Impact Report/Environmental Impact Statement,” on page 1-9 of the DEIR/DEIS, the majority of environmental impacts are analyzed on a programmatic basis. Although some impacts are analyzed with greater specificity, utilities is not one of those topic areas.
- EID-6 *The comment states that at least one agreement addressing retail and/or wholesale water and wastewater services would be required. The comment further states that these agreements should be expressly identified as a discretionary action, included within the project and analyzed in the FEIR/FEIS.*
- See response to comment EID-3. Although edits reflecting the fact that EID would be a discretionary agency have been made in Chapter 5, “Errata” of this FEIR/FEIS, there is no requirement under CEQA or NEPA for the City to analyze the impacts of any future

agreements between the City and EID that may or may not be entered into; such an analysis would be speculative because the City does not have any information as to what the contents of those agreements might be. The City believes that to the extent potential physical environmental impacts that could result from EID's provision of water and wastewater services to the SPA are known at this time, they have been addressed in Sections 3A.18 "Water Supply," and 3A.16 "Utilities and Service Systems."

EID-7 *The comment states that any development agreements entered into at the time of the Specific Plan adoption must not conflict with EID policies and procedures for approval of water and wastewater within the portion of the area served by EID.*

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The comment is noted.

EID-8 *The comment states that EID has not determined the locations of any on-site water facilities, and that the locations of any water infrastructure would be approved by the mechanism described in comment EID-2. The comment requests that the locations of EID water facilities be removed from Exhibit 2-7 on page 2-26 of the DEIR/DEIS.*

The ultimate locations of EID facilities would be determined through the process described in comment EID-2. However, conceptual locations of EID water and wastewater facilities were included in the project description and Exhibit 2-7 to ensure that the DEIR/DEIS analysis describes the impacts that would result from the whole of the action, including installation of infrastructure necessary to support the project. Although the City acknowledges that the conceptual location of EID facilities shown on Exhibit 2-7 might differ from the final locations of these facilities after EID approval, the City believes that depicting and analyzing conceptual locations at this program level of analysis is a necessary part of the DEIR/DEIS. No change to the DEIR/DEIS is required.

EID-9 *The comment suggests that references to Exhibits 2-6 and 2-7 on page 2-26 of the DEIR/DEIS should note that EID has not approved any locations for on-site or off-site water or wastewater facilities, conceptual or otherwise.*

Both the DEIR/DEIS text and the exhibit titles state that the locations are conceptual; no changes to the DEIR/DEIS are required. See also response to comment EID-8.

EID-10 *The comment states that the last paragraph of the "Sewer" subsection on page 2-26 of the DEIR/DEIS states that several pump stations would be included in the project, but that it is unclear whether any of the pump stations would be within the area served by EID. The comment also states that EID's design and construction standards would require that a lift station design be reasonably staged when multiple projects or multiple phases connected over a period of time.*

To the extent this information is known to the City at the present time, it is presented conceptually in DEIR/DEIS Exhibit 2-6 (page 2-27). If wastewater service were provided to the SPA by EID, further engineering design and consultation would be required between the project applicant(s), the City, and EID.

- EID-11 *The comment states that the portion of the SPA that is to be served by EID would first need to consider all potential gravity options for the sewer collection system before approval of pumped systems.*
- See response to comment EID-10.
- EID-12 *The comment states that the “Off-Site Land Improvements” subsection on page 2-37 of the DEIR/DEIS should include EID off-site sewer facilities in the list of improvements addressed on a programmatic basis.*
- As shown in Chapter 5, “Errata,” of this FEIR/FEIS, the changes requested by the commenter have been made.
- EID-13 *The comment states that it is unclear how the 32,000 AFY amount through two contracts with Reclamation was derived in the DEIR/DEIS and indicates that EID’s Water Resources and Service Reliability Report (2009) provides the latest summary of EID’s water supplies and is available on EID’s website.*
- As shown in Chapter 5, “Errata” of this FEIS/FEIR, page 2-101 of the DEIS/DEIR has been revised to reflect EID’s latest water supply figures.
- EID-14 *The comment clarifies that the intended recipients of the Reclamation contract through Public Law 101-514 are Georgetown Divide Public Utility District and EID.*
- The comment provides additional clarification regarding text on DEIR/DEIS page 2-101. The comment is noted.
- EID-15 *The comment requests that the Non-Potable Water Supply Section on page 2-101 of the DEIR/DEIS be revised to indicate that the City also considered EID as a potential source of non-potable water supply.*
- As shown in Chapter 5, “Errata” of this FEIS/FEIR, the fifth paragraph on page 2-101 of the DEIS/DEIR has been revised to include EID as a potential source of non-potable water supply that would be considered by the City for the project.
- EID-16 *The comment suggests that the reference to Exhibit 2-9 on page 3A.16-1 should reference Exhibit 2-8.*
- As shown in Chapter 5, “Errata” of this FEIR/FEIS, the text on page 3A.16-1 of the DEIR/DEIS has been revised to the correct exhibit reference.
- EID-17 *The comment states that the conceptual location of EID wastewater facilities shown in Exhibit 2-8 on page 2-31 of the DEIR/DEIS should be removed because any wastewater infrastructure would be approved through EID’s FIL/FPR process.*
- Exhibit 2-8 is not intended to imply approval of conceptual locations, but rather to provide the reader with an idea of the general area in which connections and facilities might be located. Conceptual locations of EID wastewater facilities were included in the project description and Exhibit 2-8 to ensure that the DEIR/DEIS analysis describes the impacts that would result from the whole of the action (as required by CEQA), including installation of infrastructure necessary to support the project. As noted in the response to comment EID-3, Section 1.6.3 of the DEIR/DEIS has been revised to reflect the requirement for future approvals by EID.

EID-18

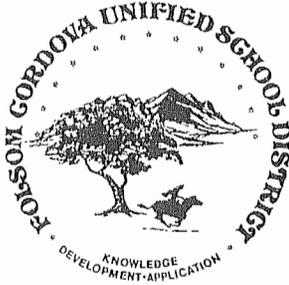
The comment states that the most recent expansion of the El Dorado Hills (EDH) WWTP also included construction of two equalization tanks along the northern portion of the facility. The comment suggests that these improvements should be noted in the DEIR/DEIS.

As shown in Chapter 5, “Errata” of this FEIR/FEIS, the text on page 3A.16-3 of the DEIR/DEIS has been revised to include a mention of the EDH WWTP expansion.

EID-19

The comment states that text describing reclaimed water facilities on page 3A.16-3 of the DEIR/DEIS contains inaccuracies and suggests deleting it.

As shown in Chapter 5, “Errata” of this FEIR/FEIS, the suggested text on page 3A.16-3 of the DEIR/DEIS has been deleted, pertaining to the reclaimed water facilities.



FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT

125 East Bidwell Street • Folsom, CA 95630-3252
Phone (916) 355-1100 • Fax (916) 985-0722

September 10, 2010

Gail Furness de Pardo
City of Folsom Community Development Department
50 Natoma Street
Folsom, CA 95630

RE: Response to the Draft EIR for the Folsom South of Hwy 50 Specific Plan

Dear Ms. Furness de Pardo:

The Folsom Cordova Unified School District provides the following response regarding the Draft Environmental Impact Report (EIR) for the Folsom South of Hwy. 50 Specific Plan. The following comments should be incorporated into the revised EIR:

- The following change and text addition should be made on Page 3A.14-3, under the heading, 'Public Schools'. In the first paragraph, the number of elementary schools should be changed to **20** instead of 21. At the end of the first paragraph the following statement should be added.

1

Due to the slowdown in residential building construction and economic uncertainty, the year in which this projection is expected to be reached will most likely be extended. As new residential building construction begins, additional capacity will be needed to house the students from new development.

- The following deletions and text insertions should be made on page 3A.14-4. The first paragraph, Table 3A.14-1, and the following three paragraphs should be deleted. The following statements should be added:

Students living in the SPA will attend the nearest Folsom school with capacity until a school is built in the SPA area.

2

A map of the current Folsom Area School Attendance Boundaries has been included illustrating the existing 2010-11 attendance boundaries in the Folsom area. An attendance boundary report is currently being prepared to be presented to the public with the expectation of adjusting attendance boundaries in the Folsom area beginning in the 2011/12 school year.

A map entitled 'Folsom Area School Attendance Boundaries' has been provided to be placed after the previous statement.

3

- The following text insertion should be made on Page 3A.14-5, in the first line after “5,823 students and require five,”:

4

to 6 elementary schools depending on final in depth analysis of build out estimates.

- The following text insertion should be made on Page 3A.14-5, in the second line after “one high school,”:

5

and one alternative education school in the northern portion of the SPA near local transportation routes.

- The following text insertion should be made on Page 3A.14-5, after the second sentence on the top of the page as a separate paragraph:

6

Final approval of the school site locations by FCUSD will require more in depth analysis and review. District approval will be dependent on more detailed site review and investigation relating to issues such as topography, site configuration, adjacency to streets, and conformity to the requirements outlined by the California Department of Education School Facilities Division.

- The following text deletion and text insertion should be made on Page 3A.14-5, in the first paragraph following Table 3A.14.2, delete ‘50% state funding and 50% local sources’ and replace with:

7

1/3 State funding, 1/3 Developer Impact Fees and 1/3 Local Bond Funds as approved by the voters in the Measure M area.

Further on in the paragraph, change ‘August 2008’ to **November 2009**, and the residential development fees from ‘\$6.99’ to **\$6.38**.

In the second paragraph following Table 3A.14.2, change the year of estimated completion for Mather High/Morrison Creek Middle School from ‘2015’ to **2017**.

- The following text insertion should be made on Page 3A.14-5 (in or after the paragraph about funding and fees):

8

The District and certain residential/commercial developers within the SPA attempted to negotiate an agreement whereby, in exchange for access to a pro-rata share of Measure M bond proceeds, the developers would ensure adequate funding for construction of all school facilities necessitated by their development. Once the appropriate share of bond proceeds, along with state funding allocated to the specific project, were exhausted, the developer would fund the remaining “gap.” The developers would also ensure that adequate funding was in place at the time necessary to construct needed school facilities, regardless of the timing or amount of other funding sources (i.e., they were willing to “front-fund” construction of facilities as needed). Although the parties came very close to agreement, ultimately they were not able to reach final resolution. The District,

however, continues to feel that involvement by residential and commercial developers in the SPA is a vital component in constructing adequate school facilities, and in mitigating the impact of construction in the SPA.

8 cont.

- The following deletion and text insertion should be made on Page 3A.14-7, in the second bullet in the second to last line. The date should be changed from August 2008 to **November 2009**, and the Level II fee should be changed from \$6.99 to **\$6.38**.

9

Thank you for the opportunity to review and comment on the Draft EIR. Please contact me if you have any questions or need additional information.

Sincerely,



Matt Washburn
Director of Facilities and Planning

cc:

Debbie Bettencourt, FCUSD
Rhonda Crawford, FCUSD
Paul Thompson, KBT

Folsom Elementary Schools Attendance Boundaries

- Legend**
- schools
 - Future Glenborough ES 1
 - Gold Ridge ES
 - Natoma Station ES
 - Oak Chan ES
 - Russell Ranch ES
 - T Judah ES
- Elem. School**
- B Sprentz ES
 - C Sundahl ES
 - Empire Oaks ES
 - Folsom Hills ES
 - Future Folsom SOI ES 1

NOTE: Pupils assigned to future elementary schools in Glenborough and the Folsom SOI will attend the nearest Folsom elementary school with capacity until the future elementary schools are built.

Folsom Middle Schools Attendance Boundaries

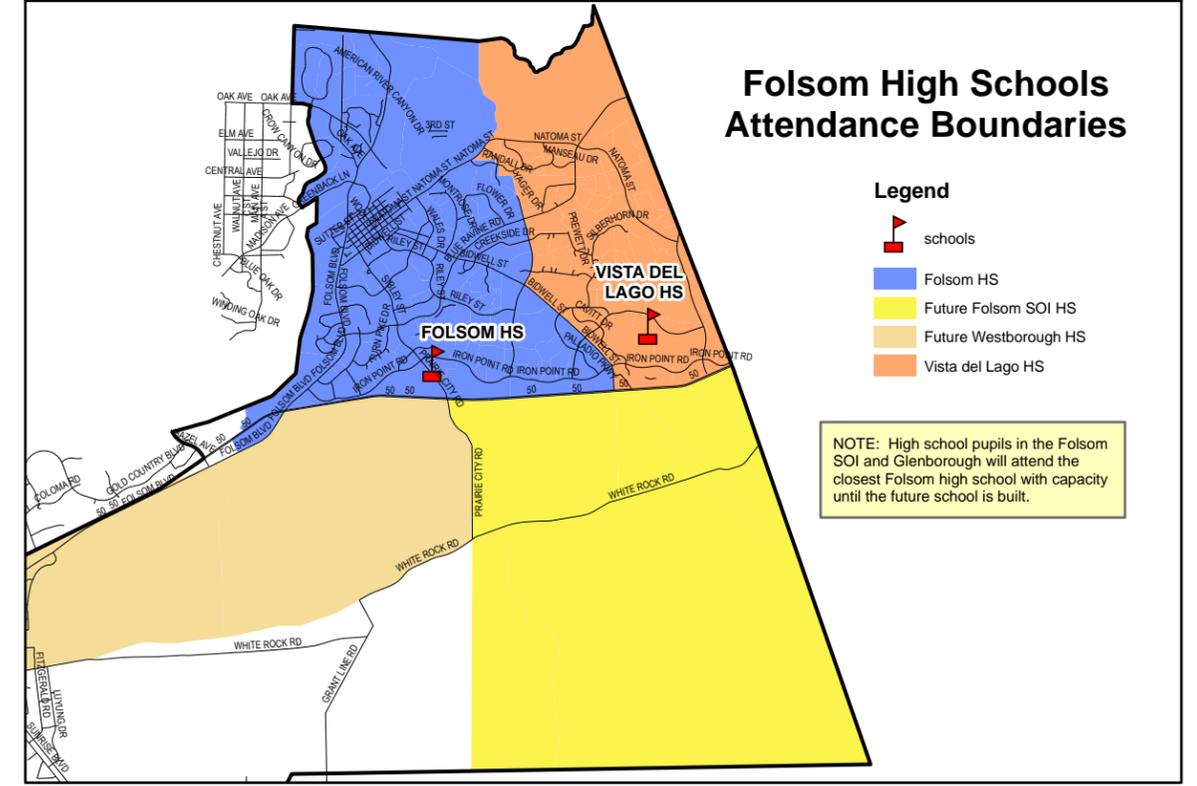
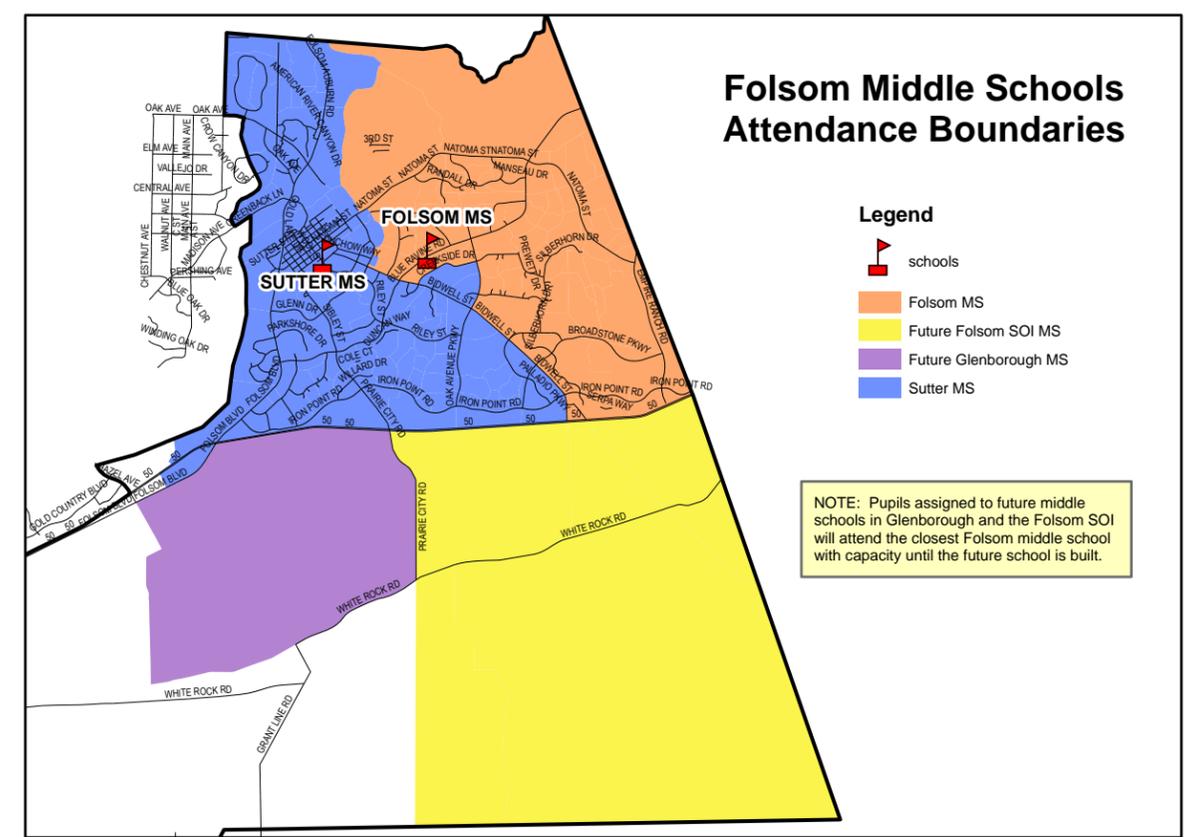
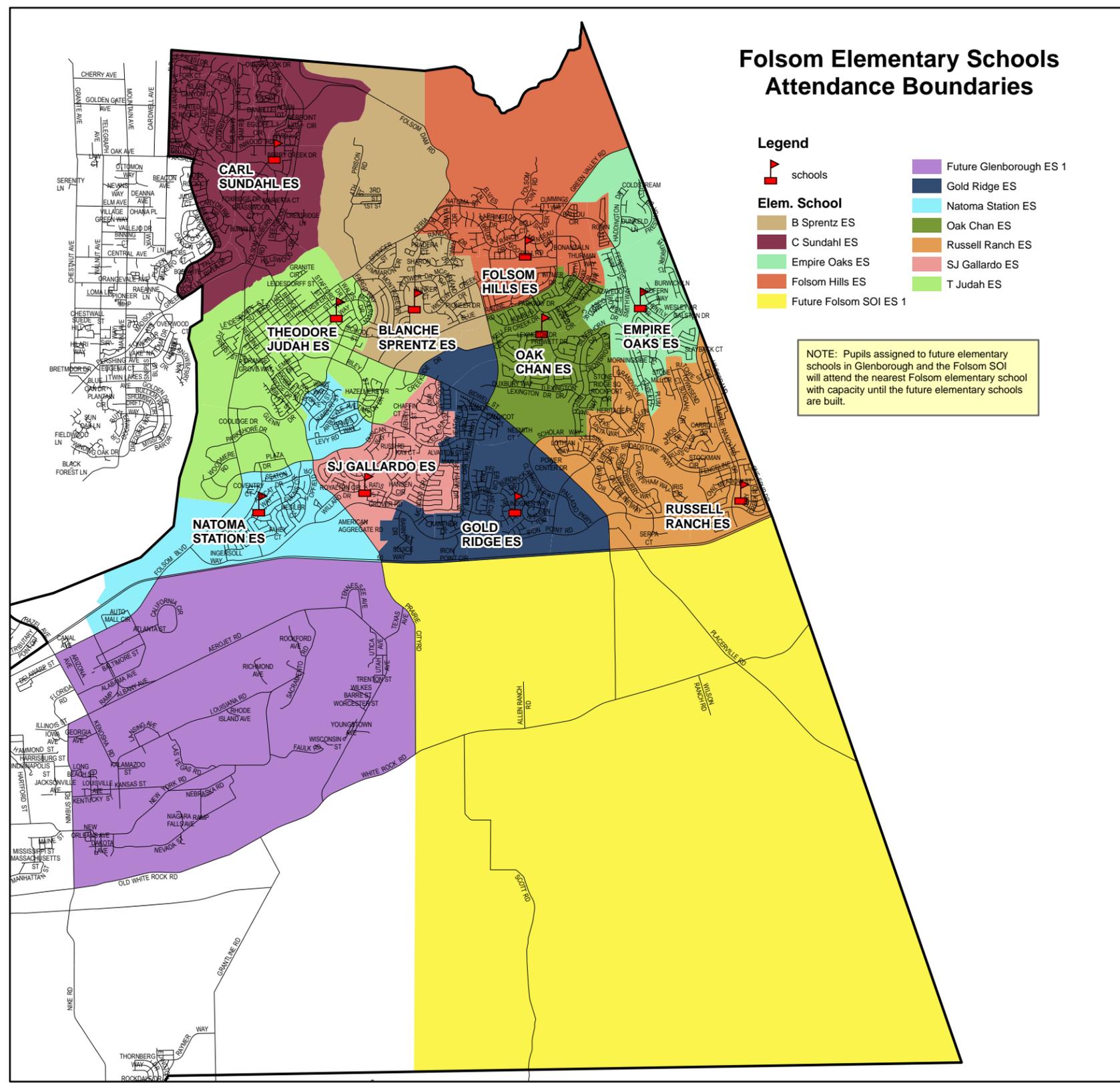
- Legend**
- schools
 - Folsom MS
 - Future Folsom SOI MS
 - Future Glenborough MS
 - Sutter MS

NOTE: Pupils assigned to future middle schools in Glenborough and the Folsom SOI will attend the closest Folsom middle school with capacity until the future school is built.

Folsom High Schools Attendance Boundaries

- Legend**
- schools
 - Folsom HS
 - Future Folsom SOI HS
 - Future Westborough HS
 - Vista del Lago HS

NOTE: High school pupils in the Folsom SOI and Glenborough will attend the closest Folsom high school with capacity until the future school is built.



Folsom Cordova Unified School District Folsom Area School Attendance Boundaries

For Illustrative Purposes Only
Effective July 1, 2010

FCUSD-1

The comment requests text changes on page 3A.14-3 of the DEIR/DEIS, including a correction to the current number of existing elementary schools, and additional text to state that additional schools would be required as new development occurs.

As shown in Chapter 5, "Errata" of this FEIR/FEIS, the text on page 3A.14-3 of the DEIR/DEIS has been revised to reflect the current number of elementary schools (i.e., 20 rather than 21). The City and USACE understand that school capacity is continuously evaluated by FCUSD on an ongoing basis as development proceeds. The information contained on pages 3A.14-1 through 3A.14-5 is intended solely to present the affected environment on which the subsequent analysis is based, and is not intended to be used to project future growth with any degree of certainty. See also response to comment FCUSD-2.

FCUSD-2

The comment requests that the text and tables on page 3A.14-4 of the DEIR/DEIS be deleted and replaced with a statement that students living in the SPA would attend the nearest available school, along with a statement that the FCUSD attendance boundaries are planned to be adjusted in the 2011/2012 school year.

As shown in Chapter 5, "Errata" of this FEIR/FEIS, text has been added to page 3A.14-4 to clarify that students would attend the first available school, and to indicate that attendance boundaries are planned to be revised. However, the City/USACE do not believe it would be appropriate to delete the remaining information contained in page 3A.14-4, because it could render the DEIR/DEIS subject to claims under both CEQA and NEPA that sufficient information regarding the environmental setting was not provided to the public. The State CEQA Guidelines, Section 15125(a) requires that "An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant." The text in the affected environment is intended to provide the reader with sufficient information on which to base the subsequent analysis; it is not intended to commit FCUSD to serve project-generated students with one specific school versus another specific school in the future.

FCUSD-3

The comment provides a map that is suggested to accompany proposed text edits on page 3A.14-4 of the DEIR/DEIS.

The map provided by the commenter illustrates the location of the SPA within FCUSD-designated attendance areas for proposed future elementary, middle, and high schools, and does not provide substantial new information that would be required for the reader to understand the impact conclusions reached in the DEIR/DEIS. Therefore, no changes to the DEIR/DEIS are necessary.

FCUSD-4

The comment requests a text insertion on page 3A.14-5 of the DEIR/DEIS, to state that five to six elementary schools may be required (instead of the proposed five), depending on the final in depth analysis of buildout estimates.

The City believes that the analysis in the DEIR/DEIS adequately supports the currently proposed number of elementary schools for the SPA. This estimate is based on school district information presented in the FCUSD's Revised Facility Needs Assessment (2008) and FCUSD Facility Master Plan (2008). The discussion on page D-17 of the Facility Master Plan document provides an estimate that development of the Proposed Project Alternative would generate 5,823 students and require five elementary schools, one middle school, and one high school over the next 17 years.

The comment provides no additional information or substantial evidence supporting the requested text insertion to justify a revision of the number of elementary schools within the SPA to six schools. None of the project alternatives are calculated to generate an excess of 3,000 students (see pages 3A.14-24 through 3A.14-26 of the DEIR/DEIS), which is the estimated capacity of five schools (generally 600 students per school). Therefore, the requested text insertion is not necessary.

FCUSD-5

The comment requests a text insertion on page 3A.14-5 of the EIR, to add one alternative education school in the northern portion of the SPA, near local transportation routes.

The City believes that the analysis in the DEIR/DEIS adequately supports the currently proposed number of elementary schools for the SPA. This estimate is based on school district information presented in the FCUSD's Revised Facility Needs Assessment (2008) and FCUSD Facility Master Plan (2008). The discussion on page D-17 of the Facility Master Plan document provides an estimate that development of the Proposed Project Alternative would generate 5,823 students and require five elementary schools, one middle school, and one high school over the next 17 years.

The comment provides no additional information or substantial evidence supporting the requested text insertion to add an alternative education school in the northern portion of the SPA. However, a substantial amount of land proposed to be designated for commercial use in the northern portion of the SPA could compatibly support an alternative education school to be located in this area in the future, should evidence arise to support the construction of such a school.

FCUSD-6

The comment requests text changes on page 3A.14-5 of the DEIR/DEIS to indicate that further review of proposed SPA school locations by FCUSD would be required in order to ensure compliance with California Department of Education (CDE) requirements.

The text in the affected environment is intended to provide the reader with sufficient information on which to base the subsequent analysis. The City is aware that further review would be required by law in order to satisfy CDE requirements as stated on pages 3A.14-17 and 3A.14-18 (subsection 3A.14.2 "Regulatory Framework"). Therefore the City and USACE do not believe that the additional text suggested by the commenter is required.

FCUSD-7

The comment requests additional text changes on page 3A.14-5 of the DEIR/DEIS related to percentage of funding sources, the amount of residential development fees, and the year of estimated completion for Mather High/Morrison Creek Middle School.

As shown in Chapter 5, "Errata" of this FEIR/FEIS, the text in the first two paragraphs following Table 3A.14-2 on page 3A.14-5 of the DEIR/DEIS has been revised to reflect the revisions suggested by the commenter.

FCUSD-8

The comment requests that a new paragraph of text be inserted on page 3A.14-5 of the DEIR/DEIS, describing the substance of prior negotiations between the school district and some of the project applicants for additional funding options for school construction.

The City and the project applicants have reviewed the new paragraph of text suggested by the commenter. While they agree in substance with the ideas being conveyed, they do not agree with all of the proposed language. As shown in Chapter 5, “Errata” of the FEIR/FEIS, a new paragraph has been added following the paragraph about funding and fees on page 3A.14-5 of the DEIR/DEIS regarding this issue.

FCUSD-9

The comment requests text changes on page 3A.14-7 of the DEIR/DEIS to the date and the amount of Level II developer fees.

As shown in Chapter 5, “Errata” of this FEIR/FEIS, the text on page 3A.14-7 of the DEIR/DEIS has been revised to reflect the commenter’s suggested revisions.

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From: Jim Kirstein [mailto:jimkirstein@earthlink.net]
Sent: Friday, September 10, 2010 4:57 PM
To: Gail Furness De Pardo
Subject: South 50 DEIR

Here are the Friends of Folsom Parkways comments

Folsom SOI... The problems with the EIR

This is a collaborative effort from the Friends of Folsom Parkways to voice our concerns about the EIR for the proposed new area to be developed to the south of Highway 50 and to the north of White Rock Road called the SOI.

We are concerned with the over run of all of the potential and projected cost to develop the property that is already making the project less feasible to "pencil out". This means for the lot sales to be profitable and for the current land owners and potential developers to want to actually complete all of the planned ideas in a quality fashion may not be fiscally possible. Many of the items that should be included are not mentioned in the plan and EIR. There are other criteria, which are not being done as we understood would take place. The fear is that many of the design features in the EIR will not actually be built per plan.

There are not enough paths, which are really removed (and not just separated) from the roads and streets. There needs to be more bike, walking, and alternative motorized (golf carts or ultra-small /energy efficient engine vehicle) paths to get from housing to schools, shopping, dining, entertainment, public transportation, public facilities (parks, libraries, etc.), and places of employment. The overall design is for another urban sprawl area with outdated (before it is built) Bus Rapid Transit (BRT) and lot of major roads that dead-end, bike paths that dead-end, bike path that do not connect housing with schools, and transportation that does not connect to the existing parts of Folsom or to the light rail without being in a car on soon to be traffic packed streets. There aren't enough non- car pathways planned to be in the SOI now, but if the budget price of all the infra-structure is too high, will some or many of the planned paths be eliminated?

We are very concerned with too many roads, too many huge cloverleaf highway 50 interchanges, and too much cost, without enough concentration of housing, places of employment, eating and social venues around purposefully and strategically situated transportation hubs. These "hubs" of commerce will become the focal points for business, entertainment, and living with more space for development, and making this a unique walkable set of separated identifiable community centers.

Eliminate the proposed Oak Ave Parkway cloverleaf at Highway 50. This will save tens of millions of dollars and save many hundreds of existing trees, plus giving more space back that could be developed if there was just an over-crossing, as it is also planned for Rowberry Street. Utilize the existing tracks and add more trolley/streetcars to connect the 8-10 transportation hubs, also connection existing Folsom to the SOI part of Folsom. Busses are not a favored method of transportation as compared small ultra-light frequent rail service. Add more pedestrian/bike/alternate energy efficient crossing and/or tunnels that are less expensive and will be a cohesive connector between the "old" and "new" Folsom. Look at Europe or Japan to systems and designs that work to get more people out of their traditional cars, polluting and commuting, and into a user friendly metro-transportation-hub community where they can work, live, play design without driving. If they want to go further, the trolley/streetcar will also move them to north-Folsom, to light rail, to Sacramento, the Bay Area, or to the airport.

Build the mixed use "hubs" higher with 3-4 story buildings and with more density, so more space could be developed and more space can also be open to public use as community property, which should spread out more of the cost per living/commercial unit price.

Make Folsom something that is unique, not another exit ramp shopping area by the freeway. Push for more innovation to require more LEED structures, more energy efficiency, higher tech firms to move here, more traffic circles (round-about) to reduce stop & go traffic lights, thereby reducing noise, increase fuel efficiency, reduce maintenance, and increase traffic movement.

"The times they are a changing" and this concept is archaic, an environmental disaster as it is being planned. The design and EIR needs to be changed to improve traffic circulation, increase bike/walk/alternate small vehicle paths, to change from adding more traffic, reduce infrastructure costs by eliminating one Highway 50 cloverleaf and lots of roads by designing in combined mixed use commerce and living hubs, and doing away with BRT by changing to a fixed ultra-light trolley/streetcar system to connect our City of Folsom old and new.

Jim Kirstein

President, Friends of Folsom Parkways

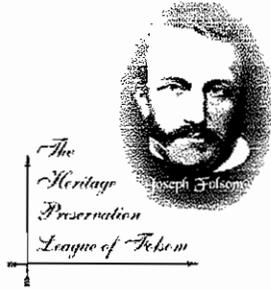
1 cont.

Friends-1

The comment expresses concern about the cost of developing the property. The comment also states that not enough paths (bike, walking, and alternative motorized vehicle) are proposed. The comment also expresses concerns about insufficient areas of concentrated housing, employment, and social development in proximity to transportation hubs. The comment suggests eliminating the proposed Oak Avenue Parkway interchange at U.S. 50. The comment further suggests adding more pedestrian/bike/alternative energy-efficient crossing[s] and/or tunnels. The comment suggests requiring more Leadership in Energy and Environmental Design structures, greater energy efficiency, more traffic circles, etc.

See responses to comments SABA-11 and Public Hearing 1-B-1. As shown on DEIR/DEIS Exhibits 2-3 (page 2-15), 2-17 (page 2-57), and 2-19 (page 2-61), the City and USACE believe that the Proposed Project, Centralized Development, and Reduced Hillside Development alternatives contain areas of concentrated housing, employment, and social development in proximity to transportation hubs. The proposed Oak Avenue Parkway interchange at U.S. 50 is a planned Caltrans improvement that is needed with or without development of this project; therefore, it cannot be eliminated.

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**HERITAGE PRESERVATION
LEAGUE of FOLSOM**
P.O. Box 353
Folsom, CA 95763-0353

Loretta Hettinger
President

*Anne Rhea
Barbara Leary
Deino Trotta
Barbara Leory
Jeff Ferreira-Pro
Kathryn Corbett
Nancy Percy
Pat Binley
Patrick Maxfield
Philip Rose*

Web:
<http://www.folsompreservation.org>
email:
info@folsompreservation.org

September 10, 2010

Gail Furness de Pardo
City of Folsom Community Development Department
50 Natoma Street
Folsom, CA 95630

Dear Ms. Furness de Pardo:

The Heritage Preservation League of Folsom congratulates the City and its numerous partners on the successful completion of the SOI Annexation Specific Plan and draft Environmental Impact Report, and thanks you for the opportunity to comment on both. This was a monumental undertaking.

Our ongoing concerns are that cultural resources in the area be not only protected and preserved, but promoted for the enlightenment and engagement of our residents, and the curiosity of visitors. Involving the residents in the heritage of a locality builds a sense of place, of ownership and stewardship, and of shared and common interests. Promoting them creates heritage tourism opportunities, and economic benefit to the City.

The common protocol for dealing with "Cultural Resources" in the planning process involves 1) identification of and assessment of impact on cultural resources prior to project approval, and 2) monitoring, preservation and/or documentation, required during project development. This usually means that a relic or remains of a site becomes an artifact and is removed to safe storage after its location has been painfully documented, or that remains of a site are destroyed after the documentation is complete. Both the documentation and the item then end up in an archive inaccessible to the public, and the history is lost to the community.

The planning for the Cultural Resources aspect of the SOI project follows the protocol described above. And while other issue areas of the Plan are integrated – roads with trails, housing units with commercial, transportation with housing, parks with housing, etc., the

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Cultural Resources plan merely restates the protocol described above and makes no attempt to assess the impact of development or to integrate the findings with the other elements, in spite of the fact that resources of national significance have been identified.

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Further, one of the Objectives relating to Cultural Resources states "Interpretive displays near cultural resources shall be unobtrusive," The Heritage Preservation League supports planning that actually assesses the Cultural Resources and plans for preservation in an integrated mode, one that is open to an intensity of interpretation appropriate to the significance of the Resource.

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The League has determined that in the SOI our major focus should be on the preservation and interpretation relating to the Rhoads Diggings Mining District in the western portion of the project, and to support the continued preservation of the historical railway in the eastern section. Significant remains of the Rhoads Diggings site exist, mostly on land designated as open space. The railway exists in the public trust as a "transportation corridor" governed by a Joint Powers Authority,

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The Rhoads Diggings, taken as a whole, can be a perfect backdrop for a powerful narrative, which would include the following: 1) the Rhoads family and their involvement with the Donner party, 2) the considerable influence of the early Mormons on California gold rush history, 3) the dependence on water for gold mining, 4) the role of the Natoma Water and Mining Company in the region, and 5) the impact of early placer mining on the land and on the watersheds. Most of the remains are in the proposed open spaces just east of Prairie City Road (although some may fall into the areas designated for single family homes). The discussion of these resources can be found in the Carpenter Ranch Cultural Resources Inventory, completed by Ric Windmiller in 2006. Per this report, the unique aspects of this District are likely eligible for inclusion on the National and State Registers of Historic Places.

5 cont.

The Folsom portion of the historic Sacramento-Placerville Railroad right-of-way runs through the SOI, and is dedicated to transportation uses. As far as we can ascertain, the Specific Plan makes no note of these tracks as a Cultural Resource. Given that the specific use of these tracks has yet to be determined, whether they contribute to a local trolley line, or become a link in a commuter system, or are used for excursion rail, or all of these, the plan needs to integrate the

6 cont.

functions for people moving, for safe and facilitated crossings, and to consider establishing building setbacks along the right-of-way to mitigate potential noise.

6 cont.

In summary, we have two comments on the Draft Environmental Impact Report and the Specific Plan it evaluates:

- 1) It appears that the railroad corridor has not been evaluated as a transportation asset or as a cultural resource. Both evaluations are needed.
- 2) We have found no evidence of integrating cultural resources into planning for the project, and thus the impact evaluation is incomplete.

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The League plans to pursue these matters over the next months and years, and looks forward to working with the various departments of the City, and with other stakeholders and affected jurisdictions in this pursuit.

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Sincerely yours,



Loretta Hettinger
President

HPLF-1

The comment states a concern that cultural resources encountered in the SPA be protected, preserved, and promoted for the enlightenment and engagement of local residents and visitors.

Management of cultural resources and mitigation of impacts to cultural resources would proceed in phases that would correlate with the phases of the project buildout of the SPA. Development of interpretive materials is specifically identified in the DEIR/DEIS as a possible method of mitigation, as the commenter suggests, when impacts on particular resources are resolved during phase-specific management (see Mitigation Measures 3A.5-1a and 3A.5-1b).

The comment indicates that the project should both preserve and promote cultural resources. Section 3A.5, "Cultural Resources," of the DEIR/DEIS identifies mitigation measures that would include consultation with concerned parties and the development of interpretive materials (see Mitigation Measures 3A.5-1a and 3A.5-1b). The PA that would govern cultural resources is incorporated by reference as mitigation for cultural resources impacts (see response to comment FSAG-129) (see Mitigation Measures 3A.5-1a and 3A.5-1b). The PA would stipulate that for properties eligible under criteria (a) through (c) (36 CFR 60.4), mitigation other than data recovery might be considered in the treatment plan (e.g., Historic American Building Survey or Historic American Engineering Record [HABS/HAER] recordation, oral history, historic markers, exhibits, interpretive brochures or publications, etc.) (see Mitigation Measures 3A.5-1a and 3A.5-1b). Where appropriate, treatment plans would include specifications (including content and number of copies) of a publication for the general public (see Mitigation Measures 3A.5-1a and 3A.5-1b). Local members of the public, such as the Heritage Preservation League of Folsom, might participate in Section 106 consultation to advocate for the promotion of cultural resources and development of interpretive materials for the public. With regards to the "promotion" of cultural resources, the City notes that such promotion is constrained by numerous Federal, state, and local laws, regulations, policies, and ordinances (including the requirements of both CEQA and NEPA) that require protection of cultural resources.

HPLF-2

The comment states that common protocol for cultural resources might cause relics or remains of a site to be archived and become inaccessible to the public, losing the historic value to the community.

See response to comment HPLF-1.

HPLF-3

The comment states that "the Cultural Resources Plan" involves identification and assessment of impacts on cultural resources prior to approval, and requires monitoring, preservation and/or documentation during project development. The comment also states that the analysis of impacts in the DEIR/DEIS fails to consider impacts to cultural resources.

It is unclear what the commenter means by "the Cultural Resources Plan"; however, the City assumes the commenter is referring generally to the proposed mitigation measures contained in DEIR/DEIS Section 3A.5, "Cultural Resources." The commenter is correct that Mitigation Measures 3A.5-1a and 3A.5-1b call for preparation of a PA as required by Section 106 of the National Historic Preservation Act, and these mitigation measures call

for monitoring, preservation, and/or documentation during project construction (among other things) as required by CEQA. DEIR/DEIS Section 3A.5 “Cultural Resources – Land,” and Section 3B.5 “Cultural Resources – Water” contain 25 pages and 10 pages, respectively, of analysis of project-related impacts to cultural resources.

The comment also states that planning for the SPA fails to consider impacts to cultural resources and integrate these impacts with planning.

The project has been designed to retain a minimum of 30% of the SPA as open space; this open space specifically includes the areas where the largest concentration of known cultural resources occur, in addition to high quality biological resources such as native oak trees. Furthermore, the Resource Impact Minimization Alternative was specifically designed to avoid the highest number of identified cultural resources that would be eligible for listing on the CRHR and National Register of Historic Places (NRHP) (see DEIR/DEIS pages 2-45, 3A.5-20, 3A.5-22).

HPLF-4

The comment states that one of the specific plan objectives for cultural resources indicates that interpretive displays should be unobtrusive. The comment suggests that interpretive material should reflect the significance of the resource interpreted.

The comment is noted. As stated in DEIR/DEIS Chapter 1, “Introduction” (pages 1-9 and -10) the analysis was conducted at a program level of detail. The nature of interpretive materials for cultural resources would be determined when specific development proposals were brought forward to the City during each specific development phase. See Master Response 10 – Programmatic Nature of EIR/EIS Analysis.

HPLF-5

The comment states that the HPLF believes attention should be focused on preservation and interpretation of the Rhoades Diggings Mining District, and supports continued preservation of the existing railway in the eastern portion of the project. The comment provides information about the Rhoades Diggings gathered by the HPLF and further states the HPLF’s belief that this resource is likely eligible for inclusion on the NRHP.

The comment puts emphasis on preservation of the Rhoades Diggings Mining District, and the railroad located in the eastern portion of the SPA. These resources were identified during record searches that were performed for the analysis of impacts on cultural resources. The potential for impacts on these specific resources and the contribution of these impacts to the magnitude of impacts on historic-era resources was described in Impact 3A.5-1 on page 3A.5-17 of the DEIR/DEIS.

These resources would be subject to mitigation measures 3A.5-1a and 3A.5-1b. Mitigation Measure 3A.5-1a would require that USACE implement the PA that controls identification and management of cultural resources as required under Section 106 of the NHPA (3A.5-17). Mitigation Measure 3A.4-1b would require the City and the project applicants, during particular development phases, to identify resources that might be eligible for the California Register of Historical Resources (CRHR) and to avoid impacts to eligible resources where possible (see page 3A.5-19 of the DEIR/DEIS). The comment’s suggestion regarding preservation and interpretation is consistent with the impacts and mitigation measures identified in the DEIR/DEIS.

HPLF-6

The comment states that the historic railway site running through the SPA, which is governed by a JPA, should be preserved.

Figure 7.14 in the FPASP (Appendix N of the DEIR/DEIS) shows the JPA's Sacramento–Placer transportation corridor as open space. The FPASP does not place any development in the corridor, with the exception of at-grade road crossings at Easton Valley Parkway and Street A. Therefore, the SPA preserves the rail corridor in its existing form and does not preclude future historical preservation activity.

HPLF-7

The comment suggests that a portion of the Sacramento-Placerville Railroad corridor that runs through the SPA has not been evaluated as a transportation asset or as a cultural resource in the DEIR/DEIS.

With regards to the evaluation of the railroad corridor as a transportation asset, see response to comment HRA-1.

With regards to the evaluation of the rail corridor as a cultural resource, DEIR/DEIS Section 3A.5, "Cultural Resources" describes the management framework that would be used for cultural resources that might be subject to impacts as part of project implementation. Because the SPA would be built out over a period of 15-20 years, impacts on identified cultural resources would be assessed in phases that would track with the larger development process (page 3A.5-11 of the DEIR/DEIS). Accordingly, the DEIR/DEIS provides appropriate mitigation measures and management steps that would apply to future development within the SPA. The Sacramento-Placerville Railroad corridor would be managed under this process. The PA that governs management of cultural resources (as required under Section 106 of the NHPA) provides a phased management approach and is incorporated by reference (see response to comment FSAG-129). This approach is specifically authorized in the implementing regulations for Section 106 (36 CFR Part 800.4[b][2]) and CEQA (14 CCR Section 15168 [tiering]).

HPLF-8

The comment states that no evidence of integrating cultural resources into planning for the project is found in the DEIR/DEIS, thus the impact evaluation is incomplete. The comment states the intention of the Heritage Preservation League of Folsom to work with the City, other stakeholders, and affected jurisdictions to pursue its concerns.

See response to comment HPLF-3, which demonstrates that cultural resources avoidance was integrated into the Proposed Project and the Resource Impact Minimization Alternatives. The City and USACE believe that the impact analyses contained in sections 3A.5 "Cultural Resources – Land," and 3B.5 "Cultural Resources – Water," respectively, are complete and no further analysis is required.

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From: Walt Seifert [mailto:bikesaba@gmail.com]
Sent: Friday, September 10, 2010 4:30 PM
To: gdeparado@folsom.ca.us; Gibson, Lisa M SPK
Subject: Folsom South of U.S. 50 Specific Plan Project DEIR/DEIS

Gail Furness de Pardo
City of Folsom
Community Development Department
50 Natoma Street
Folsom, CA 95630
gdeparado@folsom.ca.us

Lisa Gibson
US Army Corps of Engineers
Regulatory Branch
1325 J Street, Room 1480
Sacramento, CA 95814-2922
Lisa.m.gibson2@usace.army.mil

RE: Folsom South of U.S. 50 Specific Plan Project DEIR/DEIS

Dear Ms. Furness de Pardo and Ms. Gibson:

Thank you for the opportunity to comment on the subject DEIR/DEIS. The Sacramento Area Bicycle Advocates greatly appreciates the specific plan's Circulation Objective 7.11 to provide a bicycle and pedestrian network that internally links all land uses. Providing such a network is critical to reducing the overall project's adverse impacts on air quality, traffic congestion, and community health and safety. The project will have significant and unavoidable impacts on aesthetics, air quality, greenhouse gas emissions. These impacts can and should be mitigated by additional measures to make bicycling safer, more convenient and desirable.

1

A key element of becoming a Smart Growth community must be facilitating a substantial increase in bicycling mode share for trips originating or ending in the project area. We believe the bicycling mode share should be at least 20% by 2035 for a community to be considered sustainable in the face of current conditions of air quality, greenhouse gas emissions, traffic congestion and public health. To substantially increase bicycling mode share, we must make bicycle trips safe, desirable, and convenient for a majority of our population, including children and adults across the spectrum of bicycling skill levels.

We are concerned about several ways the proposed project will "result in unsafe conditions for bicyclists or pedestrians," the threshold of impact significance. If conditions are not perceived as safe and convenient by a large part of our community, bicycling will not be an acceptable option for most people. Significant adverse impacts are the following:

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1. The project's network of major arterial roadways (4 - 6 vehicle lanes) will create undesirable conditions and constitute dangerous barriers for crossing by bicyclists and pedestrians and for riding and turning

movements by bicyclists because of their widths (100' curb-to-curb distance where 6 lanes), traffic volumes, high vehicle speeds, noise, air pollution and lack of shade. Examples are the Easton Valley Parkway ("open space" and "urban" sections), Scott Road, Prairie City Road (north of Easton Valley Parkway), and Empire Ranch Road (north of Easton Valley Parkway). These barriers and conditions will make bicycle travel difficult and unpleasant between residential areas, shopping and employment areas, and the high school site as well as northward beyond Highway 50.

2 cont.

Mitigation Measures: A) Install traffic-calming features at bicycle crossing points along these arterials (at ¼ - ½ mile intervals in dense urban areas) to protect bicyclists and pedestrians during the long time it takes to cross the entire roadway; to decrease vehicle speeds, especially when turning; and to warn drivers visually about the possible presence of bicyclists and pedestrians. B) Designate key crossing points along these arterials with way-finding signage for bicyclists between high-density residential areas and destinations such as commercial areas, employment centers, parks, schools, and other public facilities. C) Design a denser network of roadways with less reliance of major arterials to carry traffic.

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2. The project's four freeway interchanges at Highway 50 will likely result in dangerous conditions for bicyclists, even if Class II bicycle lanes are installed. Interchanges are hazardous and intimidating to cyclists because of trap lanes, high vehicle speeds and compromised driver visibility and focus on exit and entrance ramps. These hazards will exclude all but a few bicycle riders from accessing jobs, shopping or other features on the opposite side of Highway 50.

4

Mitigation Measures: A) Construct additional Highway 50 crossings for bicyclists separate from the freeway interchanges, either as Class I under- or over-crossings or as Class II lanes along non-interchange roadway crossings. These crossings should be placed at not more than ½ mile intervals where dense residential, commercial, or employment areas exist on both sides of Highway 50 (i.e. near Prairie City Road, west of Scott Road, and near Empire Ranch Road). B) Design and build bicycle and pedestrian-friendly interchanges with low-speed, signalized, "squared-off" on and off ramps.

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The DEIR has several important omissions. The DEIR does not state measures of effectiveness for bicycle circulation or undertake the performance and safety analysis as called for in CEQA guidelines adopted in December 2009, and which took effect March 18, 2010. Instead the thresholds of significance for bicycle, pedestrian and transit circulation impacts are based on CEQA guidelines that have been replaced.

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The relevant current CEQA guidelines are:

Appendix G.

XVI. TRANSPORTATION/TRAFFIC – Would the project:

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a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the

performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

9 cont.

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities

The DEIR must include bicycle circulation performance and safety analysis.

In addition, CEQA Guidelines state, "Potentially significant energy implications of a project shall be considered in an EIR to the extent relevant and applicable to the project." We did not find consideration of energy implications in the DEIR.

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In addition to the bicycle-related mitigation measures we cited above there are many more that could be applied. These include, but are not limited to, creation of Bicycle Boulevards, provision of long and short term bicycle parking, provision of showers and clothing lockers at workplaces, narrow streets, short block lengths, gridded street system, low traffic design speeds, etc. We request you include additional bicycle-related mitigation measures for the projects many significant and unavoidable impacts. We'd be happy to advise on other measures.

11

SABA is an award-winning nonprofit organization with more than 1400 members. We represent bicyclists. Our aim is more and safer trips by bike. We are working for a future in which bicycling for everyday transportation is common because it is safe, convenient, and desirable. Bicycling is the healthiest, cleanest, cheapest, quietest, most energy efficient, and least congesting form of transportation.

12

Thank you for considering our comments.

Yours truly,

Jordan Lang
Project Assistant

Walt Seifert
Executive Director
Sacramento Area Bicycle Advocates (SABA)
(916) 444-6600

saba@sacbike.org
www.sacbike.org <<http://www.sacbike.org>> "SABA represents bicyclists. Our aim is more and safer trips by bike."

SABA-1

The comment states that the significant and unavoidable impacts to aesthetics, air quality, and GHG emissions can and should be mitigated by additional measures to make bicycling safer, more convenient, and desirable. The comment further states that a key element of becoming a Smart Growth community must be facilitating a substantial increase in bicycling mode share for trips originating or ending in the SPA.

The DEIR/DEIS indicates that significant and unavoidable impacts to aesthetics (Section 3A.1), air quality (Section 3A.2), and GHG emissions (Section 3A.4) would occur. The commenter suggests that additional measures should be added to the DEIR/DEIS for these significant and unavoidable issue areas in order to “make bicycling safer, more convenient, and desirable.” However, the commenter does not specify what types of additional measures should be added, nor does the commenter demonstrate how additional mitigation measures for aesthetics, air quality, and GHGs would, in fact, make bicycling safer, more convenient, and desirable. The SPA includes a substantial bicycle and pedestrian network, as discussed in detail in the FPASP, Section 7 (attached as Appendix N to the DEIR/DEIS) and shown on Exhibit 2-10 (page 2-39) of the DEIR/DEIS.

SABA-2

The comment states that the project’s arterial roadways will create undesirable and dangerous conditions for cyclists because of their width, traffic volumes, high vehicle speeds, noise, air pollution, and lack of shade. The comment also states that these conditions will make cycling difficult and unpleasant within the SPA and in the project vicinity.

The commenter has not described any specific arterial roadways that would create potential traffic, noise, air pollution impacts and lack of shade, nor explained how or whether these potential impacts would be significant. The proposed transportation system for the SPA (see FPASP, Appendix N of the DEIR/DEIS) was designed to balance the needs for all transportation modes based on “complete streets” planning. To the extent feasible, the width of arterial streets was kept to a minimum by limiting the width and number of through lanes, while still providing sufficient capacity to meet the plan’s LOS and air quality goals. In addition, the FPASP would require “that streets and intersections be designed with all transportation modes in mind, and that the road widths, delays, and safety impacts to pedestrians and bicycles make larger roadways and intersections incompatible with this philosophy.” Coupled with the limited reduction in vehicular delay that such improvements would provide, the City has determined that the benefits of excessively wide roadways and intersections do not outweigh the impacts to the community, especially since narrower lanes would effectively reduce vehicular speed and thus create a safer environment for pedestrians and bicyclists. Since noise levels increase as vehicle speeds increase, narrower streets would also correlate to less noise because vehicles would not be able to travel as fast. Therefore, ‘normally accepted maximum’ improvements on arterial roadways include three through-lanes in each direction; and at intersections, they include two left-turn lanes, three through-lanes, and one right-turn lane on an approach. (See pages 3A.15-22 through 3A.15-23 of the DEIR/DEIS.) Arterial streets would be designed with 5-foot-wide Class II bike lanes, which provides sufficient width for safe bicycle travel. (See FPASP Figures 7.3 and 7.4.) Additionally, the on-street network is supported by an extensive off-street bicycle lane and trail system, which improves further bicyclist safety and efficiency (see FPASP, Section 7.9, “Bike Lane and

Class 1 Trail Exhibit”). See also responses to comments SABA-3 through SABA-5, and SABA-11.

SABA-3

The comment suggests the following measures to address the concerns expressed in comment SABA-2: (1) install traffic calming features at bicycle crossing points; and (2) install bicycle-specific signage; or (3) design a denser network of roadways with less reliance on major arterials.

Policy 7.13 of the FPASP (page 7-55), addressing circulation, requires that “Pedestrian and bicycle facilities shall be designed in accordance with City design standards, including the latest version of the Bikeway Master Plan, the FPASP, and the FPASP Community Design Guidelines” (page 7-55 of the FPASP, attached as Appendix N to DEIR/DEIS.) Traffic calming measures, signage, and overall design would all be further considered and addressed at the project-specific level, consistent with the FPASP policies, and in accordance with the City’s design standards and the Bikeway Master Plan.

The use of traffic calming features, including intersection and mid-block bulb-outs, special pavement markings and textured paving, and roundabouts/traffic circles are a component of the FPASP and would be further considered for implementation, along with bicycle signage, at the project level. Bicycle trail crossings are designed on a case-by-case basis depending on the trail crossing location, traffic volumes and speeds, and funding sources. Other examples of bicycle crossing treatments used in the City of Folsom include curb extensions, median refuge islands, and mid-block traffic signals. As previously indicated, the specific trail crossing treatment would be selected during project-level environmental clearance. The “Bike Lane and Class 1 Trail Exhibit” (pages 7-59 of the FPASP, attached as Appendix N to the DEIR/DEIS) also illustrates planned grade-separated crossing of roadways at various points, thus improving vehicle and bicycle circulation and safety.

Bicycle-specific signage would be incorporated into roadway and trail design consistent with the policies and guidelines contained in the most current version of the California Manual of Uniform Traffic Control Devices.

The FPASP includes a dense network of streets where feasible, particularly near the Scott Road corridor (see Figure 7.1 “Conceptual Circulation Diagram” on page 7-3). The remainder of the SPA includes several topographic constraints that preclude dense street networks, such as the large oak woodland around Oak Avenue Parkway, the hillside extending eastward from Placerville Road to the County line, and a network of creeks and power line corridors. The Circulation Element and the “Bike Lane and Class 1 Trail Exhibit” contained in the FPASP strike a balance between on-street and off-street bicycle networks, providing for sufficient bike trails. The commenter sets forth the conclusion that the this network is insufficient, but does not provides facts to support the conclusion. Bicycle circulation is adequately addressed in the DEIR/DEIS and further environmental analysis is not required at this time.

SABA-4

The comment states that the four U.S. 50 interchanges likely would result in dangerous conditions for bicyclists, even if Class II bike lanes were installed, because of trap lanes, high vehicle speeds, and compromised driver visibility.

The project provides bicyclists an additional route to cross U.S. 50 because the SPA would include crossings of U.S. 50 at the Rowberry Drive overcrossing west of Scott Road and Placerville Road east of Scott Road. (See Figure 7.17 on page 7-34 of the

FPASP [depicting the cross section of Rowberry Drive and its overcrossing of U.S. 50]; see also Figure 7.1 on page 7-3 [“Conceptual Circulation Diagram”]; and page 7-59 [“Bike Lane & Class I Trail Exhibit”].) The Rowberry Drive overcrossing would provide highway overcrossing without highway access to U.S. 50 and would include Class II bike lanes. Further, the EIR implements City General Plan policy 17.13 by incorporating bikeways and lanes into the FPASP (see page 3A.15-27 of the DEIR/DEIS.) Additionally, bicyclists could travel from the area south of U.S. 50 to the area north of U.S. 50 near the Folsom Boulevard interchange by travelling under U.S. 50 and connecting to the Lake Natoma Bike trail.

SABA-5

The comment proposes two new mitigation measures: (1) construction of additional, separate U.S. 50 crossings designed specifically for bicycles; and (2) construction of interchanges with low speed, signalized, “squared off” on and off ramps.

The design and construction of additional, separate, crossings over U.S. 50 exclusively for bicycles is economically infeasible because there is not sufficient bicycle volume to support such use and the construction of such proposed improvements is extremely expensive. However, the new interchanges at Oak Avenue Parkway and Empire Ranch Road would be designed and built according to modern bicycle and pedestrian-friendly designs, with low-speed turning movements, signalized intersection control, and on- and off-ramps “squared-off” to the local street (see City General Plan Policy 17.10, and pages 3A.15-21 through 3A.15-23 of the DEIR/DEIS). See also response to comment SABA-3 (explaining that the project features would be built in conformance with the City’s design guidelines and Bikeway Master Plan).

SABA-6 through
SABA-7

The comment states that the DEIR/DEIS contains omissions concerning bicycle circulation analyses, including a lack of measures of effectiveness for bicycle circulation or undertake the performance or safety analyses pursuant to the State CEQA Guidelines amendments that were adopted in 2009 and took effect March 18, 2010.

The cited amendments (effective March 18, 2010) do not require the preparation of bicycle performance or safety analyses. The guidelines provide that the lead agency is to assess whether the project would conflict with any applicable circulation plan or any adopted policy, plan, or program regarding public transit, bicycle, or pedestrian facilities. No such conflict in any adopted plan, policy, or program has been identified by the City, and the comment does not identify a conflict with any such adopted plan, program, or policy. In compliance with the State CEQA Guidelines (both pre- and post-March 18, 2010), the DEIR/DEIS analyzes transportation and traffic impacts, including bicycle facilities. The discussion on page 3A.15-27 of the DEIR/DEIS sets forth the standards of significance for bicycle, pedestrian, and transit facilities for the project. Impacts are considered to be significant if implementation of the project would do any of the following: eliminate or adversely affect an existing bikeway, pedestrian facility, or transit facility in a way that would discourage its use; interfere with the implementation of a planned bikeway, planned pedestrian facility, or be in conflict with any future transit facility; result in unsafe conditions for bicyclists or pedestrians, including unsafe bicycle/pedestrian, bicycle/motor vehicle, pedestrian/motor vehicle, transit/bicycle, transit/pedestrian, or transit/motor vehicle conflict; or result in demands to transit facilities greater than available capacity.

As discussed on page 3A.15-27 of the DEIR/DEIS, the project would implement City General Plan policy 17.13 by incorporating bikeways and lanes into the project. See FPASP (Appendix N to the DEIR/DEIS) Section 7.9 (identifying the sidewalk, trail, and

bikeway network for the project). The DEIR/DEIS, therefore, concludes that the project would have a less-than-significant impact on pedestrian, bicycle, and transit facilities, and thus analyzes the performance and safety of these facilities. Additionally, Mitigation Measures 3A.15-2a and 3A.15-2b on pages 3A.15-78 and 3A.15-79 of the DEIR/DEIS provide that the project applicants would develop and implement alternative transportation modes (pedestrian and bicycle) in specific future development projects within the SPA and develop and implement safe and secure bicycle parking at schools and commercial centers to promote alternative transportation. Therefore, no further environmental analysis is necessary. See also response to comment Tsakopoulos-2-151.

SABA-8

The comment states that the thresholds of significance for bicycle, pedestrian, and transit circulation impacts analyzed in the DEIR/DEIS are based on the State CEQA Guidelines that have been replaced.

The DEIR/DEIS analyzes the project's bicycle circulation impacts as required by CEQA and the State CEQA Guidelines. See response to comment SABA-7.

SABA-9

The comment cites subdivisions (a) and (f) of the Transportation/Traffic portion of Appendix G of the State CEQA Guidelines and states that the DEIR/DEIS must include a bicycle performance and safety analysis.

The DEIR/DEIS analyzes bicycle performance and safety as required by CEQA and the State CEQA Guidelines. See responses to comments SABA-7 and SABA-8. The DEIR/DEIS analyzes the project and alternatives and concludes that the project would not conflict with the City General Plan, an ordinance, or other policy establishing measures or effectiveness for circulation. The discussion on page 3A.15-27 of the DEIR/DEIS states: "The Specific Plan implements General Plan policy 17.13 by incorporating bikeways and lanes. Because the proposed specific plan is consistent with the City's General Plan, the project is expected to have less-than-significant impacts on pedestrian, bicycle, and transit facilities." Because the project complies with the City's General Plan, it would not create a significant impact to bicycle circulation under the significance threshold identified in the DEIR/DEIS or the State CEQA Guidelines cited in the comment.

Additionally, the DEIR/DEIS analyzes impacts on circulation, taking into account all modes of transportation, including pedestrians and bicycle access (e.g., see the discussion on pages 3A.15-51 and 3A.15-102 of the DEIR/DEIS: "Complete Streets principles require that streets and intersections be designed with all transportation modes in mind, and that the road widths, delays, and safety impacts to pedestrians and bicycles make larger roadways and intersections incompatible with this philosophy.").

On page 3A.15-120 of the DEIR/DEIS, the discussion also analyzes the project using the U.S. 50 Corridor System Management Plan (CSMP) and the SR 16 Transportation Concept Report, which are standards developed by Caltrans. The CSMP "outlines a foundation to support the partnership based, integrated corridor management of all travel modes (transit, cars, trucks, bicycles) and infrastructure (rail tracks, roads, highways, information systems, bike routes), to provide mobility in the most efficient and effective manner possible."

There are no existing bicycle or pedestrian facilities in the project vicinity; thus, the discussion on page 3A.15-8 of the DEIR/DEIS states that the project would not "decrease the performance or safety of such facilities." Nevertheless, to comply with these plans, Mitigation Measure 3A.15-2a on page 3A.15-78 of the DEIR/DEIS provides in pertinent

part, “Pedestrian and bicycle facilities shall be implemented to the satisfaction of the City Public Works Department. To further minimize impacts from the increased demand on area roadways and intersections, the project applicant(s) for all project phases shall develop and implement safe and secure bicycle parking at schools and commercial centers to promote alternative transportation uses and reduce the volume of single-occupancy vehicles using area roadways and intersections.”

SABA-10

The comment states that a discussion of potentially significant energy implications of the project are not found in the DEIR/DEIS.

The discussion of energy implications of the project are included in Impact 3A.16-12, beginning on page 3A.16-41 of the DEIR/DEIS.

SABA-11

The comment lists several specific bicycle-related improvements (i.e, creation of bicycle boulevards, narrow streets, short block lengths, a gridded street system, low traffic design speeds, provision of long- and short-term bicycle parking, and provision of shower and clothing lockers at work places) and requests that the DEIR/DEIS list said improvements as mitigation measures.

The measures listed in the comment are project-level improvements and would be considered as conditions to approval of specific projects. The DEIR/DEIS is a program-level document and is not required to provide project-level mitigation (see Master Response 10 – Programmatic Nature of EIR/EIS Analysis). Nonetheless, Mitigation Measure 3A.15-2a requires the applicant to implement pedestrian and bicycle facilities and implement safe and secure bicycle parking at schools and commercial centers to promote alternative transportation uses (see page 3A.15-78 of the DEIR/DEIS). Additionally, City General Plan Policy 17.10 requires “pedestrian/bicycle over- and under-crossings [to be] provided when necessary to cross arterial roads or expressways.” (see page 3A.15-22 of the DEIR/DEIS). The roadway cross-sections in Section 3A.15, “Traffic and Transportation” of the DEIR/DEIS demonstrate narrower-than-normal vehicle lanes widths on all streets, which was designed to limit road width and promote lower speeds. See also response to comment SABA-3, explaining that specific features would be in conformance with the City’s design standards at the project level. Additionally, Section 7.9.4 of the FPASP (Appendix N to the DEIR/DEIS) provides for short-term and long-term bicycle parking, and provides three types of bicycle facilities: (1) bicycle lockers; (2) a locked room with access limited to cyclist only; and (3) a standard bicycle rack in a location that would be monitored. See also responses to comments SABA-2 through SABA-5 discussing the circulation element, street improvement designs, and the FPASP’s Bike Lane and Class 1 Trail system.

The comment also requests that bicycle-related improvements be provided for significant and unavoidable impacts.

The commenter does not specify what additional mitigation measures should be added, nor does he specify which significant and unavoidable impacts should have additional mitigation measures. Appropriate mitigation measures, where feasible, have already been incorporated to the maximum extent practical for the significant impacts identified in the DEIR/DEIS. See also responses to comments SABA-2 through SABA-5.

SABA-12

The comment discusses the goals of the Sacramento Area Bicycle Advocates (SABA).

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify

additional information needed or particular insufficiencies in the DEIR/DEIS. The comment is noted.



September 10, 2010

Gail Furness De Pardo
City of Folsom
Community Development Department
50 Natoma Street
Folsom, CA 95630
gdeperdo@folsom.ca.us

**RE: Draft Environmental Impact Report/Environmental Impact Statement for the Folsom South of U.S. Highway 50 Specific Plan Project
SMAQMD # sac200500886**

Dear Ms. Furness De Pardo:

Thank you for the opportunity to comment on the Draft EIR/EIS for Folsom South of U.S. 50 Specific Plan Project (SPP-DEIR). Staff comments are as follows:

- 1. The District endorses the *Folsom South of 50 Specific Plan Project DEIR/DEIS Air Quality Mitigation Plan (AQMP)*, located in Appendix C2. The District anticipates that implementation of the mitigation measures described in the plan will lead to a 43.28 percent or greater reduction in the operational air quality impacts associated with individual projects located within the plan area. This AQMP is consistent with the District's *Recommended Guidance for Land Use Emission Reductions (Recommended Guidance)*. 1
- 2. The District notes that the specific plan tentatively allocates several large parcels for educational uses. The District acknowledges that the size and location of these sites reflect complicated federal, state, and local requirements that govern the selection of school sites and construction of new facilities. We recommend that the new school sites be centrally located and feature a compact, new-urban design to encourage walking, bicycling, and other non motorized modes of transportation. 2
- 3. The District supports the plan to develop a Bus Rapid Transit (BRT) corridor along Easton Valley Parkway. The District encourages the City to work with County of Sacramento to ensure that there is an exclusive right-of-way for BRT along the entire length of Easton Valley Parkway, both within the South of 50 Specific Plan area and the portion of the parkway that runs through the Easton Planning Area to the West of the project. Proximity to transit is associated with reduced vehicle 3

trips and improved access to social, medical, employment-related, and recreational activities.¹

3 cont.

4. The document analyzes the project alternatives for their construction and operational GHG emissions in section 3A.4, Climate Change. The operational emissions for the various alternatives range from 236,895 MTCO₂e/year to 330,696 MTCO₂e/year. The document also provides a well-reasoned efficiency benchmark which serves as a threshold of significance for operational emissions. Using California inventory numbers, the analysis identifies 4.4 MTCO₂e/SP as a "GHG Efficiency Benchmark". This number is very close to the GHG threshold of significance efficiency metric recently adopted by the Bay Area Air Quality Management District Board, 4.6 MTCO₂e/SP. Furthermore, the document translates each project alternative's annual GHG emissions into a Service Population metric. The performance of each alternative clearly exceeds the document's benchmark. The alternatives perform from 7.8 MTCO₂e/SP to 8.9 MTCO₂e/SP.

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Following this analysis and benchmarking, we would expect that there be a clear statement that the operational GHG emissions are cumulatively considerable for all alternatives, and that all feasible mitigation would be required to bring emissions level with, or below, the efficiency benchmark. The document does state that the operational emissions from the project result in a cumulatively considerable impact in its impact statement 3A.4-2 (pg 3A.4-23); however, It reads as follows:

*"Because the total GHG emissions associated with project operations under the Proposed Project and other four action alternatives would be considered substantial, and due to the uncertainty about whether the future regulations developed through implementation of AB 32 and Executive Order S-3-05 would cause operational emissions to be 30% lower than business-as-usual emission levels or achieve the CO₂e/SP/year goals for the years 2020 or 2030, the Proposed Project, Resource Impact Minimization, Centralized Development, Reduced Hillside Development, and No USACE Permit Alternatives would result in a cumulatively considerable contribution to a **significant** cumulative impact related to long-term operational generation of GHGs. [According to the annual CO₂e/SP metric for the year 2030 presented in Table 3A.4-1, the extent of this impact for the Resource Impact Minimization, Centralized Development, Reduced Hillside Development, and No USACE Permit Alternatives would be greater than that for the Proposed Project Alternative. The Reduced Hillside Development Alternative's annual CO₂e/SP would be equal to that of the Proposed Project Alternative.]"*

7

The above paragraph is confusing in that the first sentence is very long and hard to follow; and the concluding sentences, curiously in bold and italics with brackets; do not add much information. Furthermore, the paragraph does not clearly convey that GHG emissions are significant. Since one of CEQA's goals is

¹ Ewing R, Frank L, Kreutzer R. Understanding the Relationship between Public Health and the Built Environment: A Report to the LEED-ND Core Committee. 2006.

to provide clear information for decision makers, we suggest this paragraph be revised to clearly restate that the project's emissions are indeed cumulatively considerable and the mitigation measures listed will be applied.

7 cont.

We also suggest that the requirement to implement Mitigation Measure 3.A2.2 (pg 3A.4-26) be discussed in more detail as "Mitigation Measure: Implement Mitigation Measure 3A2.2." does not provide clarity or information. The uninformed reader of the document may not remember what Mitigation Measure 3A2.2 is, or he or she may read only the Climate Change section and not the Air Quality section. He or she may also not know that measures committed to in the project's Air Quality Mitigation Plan (AQMP) for criteria pollutants will have a co-benefit of reducing the project's GHG emissions.

8

The AQMP is a robust one and should be discussed and analyzed for its ability to reduce GHG. Some estimate should be made as to how much GHG will be reduced through the implementation of the measures; a determination should be made as to how the project's alternatives would "measure up" to the GHG efficiency benchmark if the AQMP were implemented. Then, a statement as to significance of the mitigated project alternatives could be made, allowing the transition to Mitigation Measure 3A.4-2a to be more understandable.

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- 5. Construction projects are subject to all applicable District rules that may be in affect at the time of construction. For further details on all District rules please check the District website at www.airquality.org or call the Compliance Assistance Hotline at (916)874-4884.

11

Please contact me with any questions regarding these comments at (916) 874-2694 or at jhurley@airquality.org.

Sincerely,



Joseph James Hurley
Assistant Air Quality Analyst

c: Larry Robinson, SMAQMD

SMAQMD-1

The comment states that the District endorses the AQMP and anticipates that implementation of the mitigation measures described in the plan will lead to a 43.28% or greater reduction in the operational air quality impacts associated with individual projects within the plan area. The comment further states that the AQMP is consistent with the District's recommended guidance for land use emission reductions.

The commenter repeats information that is contained in Section 3.2, "Air Quality" of the DEIR/DEIS; the comment is noted.

SMAQMD-2

The comment states that SMAQMD notes several large parcels tentatively allocated for educational uses. The comment suggests that the new school sites be centrally located and feature a compact, new-urban design to encourage non-motorized modes of transportation.

The City notes that this comment does not pertain to the environmental analysis contained in the DEIR/DEIS and therefore the City has no obligation to respond to this comment (State CEQA Guidelines, CCR Section 15088[c]). Nevertheless, responses to specific comments are provided as follows. The new school sites are centrally localized in relationship to the student body they would serve. The ultimate site and design plans for schools would be developed in coordination with the FCUSD and in compliance with all applicable laws and regulations.

SMAQMD-3

The comment expresses support for the plan to develop a Bus Rapid Transit (BRT) corridor along Easton Valley Parkway. The comment encourages the City to work with Sacramento County to ensure that an exclusive right-of-way for BRT runs along the entire length of Easton Valley Parkway. The comment states that proximity to transit is associated with reduced vehicle trips and improved access to social, medical, employment-related, and recreational activities.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The comment is noted.

SMAQMD-4

The comment states that construction and operational GHG emissions were analyzed in Section 3A.4, "Climate Change" of the DEIR/DEIS, and that a well-reasoned efficiency benchmark was provided in the document to serve as a threshold of significance for operational emissions.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The comment is noted.

- SMAQMD-5 *The comment states that the efficiency benchmark of 4.4 metric tons of carbon dioxide equivalent per service population (MT CO₂e/SP) is similar to that adopted by the BAAQMD Board, which was 4.6 MT CO₂e/SP).*
- The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The comment is noted.
- SMAQMD-6 *The comment states that the GHG performance of each alternative (ranging between 7.8 and 8.9 MT CO₂e/SP) clearly exceeds the DEIR/DEIS benchmark of 4.4 MT CO₂e/SP.*
- The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The comment is noted.
- SMAQMD-7 *The comment states that the paragraph (under Impact 3A.4-2 on page 3A.4-23 of the DEIR/DEIS) describing the cumulatively considerable contribution to a significant cumulative impact (long-term operational GHGs) of the project and alternatives is confusing. The comment suggests that the significance of the GHG emissions should be more clearly stated to say that the project's emissions are indeed cumulatively considerable and the mitigation measures listed will be applied.*
- The commenter refers to the third paragraph on page 3A.4-26 of the DEIR/DEIS, which presents the significance conclusion *before mitigation*. The text states that the project, "...would result in a cumulatively considerable contribution to a significant cumulative impact related to long-term operational generation of GHGs." Recommended mitigation measures are then presented, followed by the significance conclusion *after mitigation* on page 3A.4-30 (the project's, "...incremental contribution to long-term operational GHG emissions is cumulatively considerable and significant and unavoidable"). This is the format followed throughout the DEIR/DEIS for presentation of the analysis of impacts, significance conclusion before mitigation, mitigation measures (if any), and significance conclusion after mitigation. No revisions to the DEIR/DEIS are required.
- SMAQMD-8 *The comment suggests that the DEIR/DEIS should provide a better description of Mitigation Measure 3A.2-2, where it is referenced on page 3A.4-26, clarifying that AQMP measures would have GHG reduction co-benefits.*
- The commenter's suggested change relates to the format of the DEIR/DEIS and the way in which mitigation measures from one section of the DEIR/DEIS are referred to in other sections of the DEIR/DEIS. Since the mitigation measure numbers are clearly stated throughout the document, the City and USACE do not believe that the commenter's suggested change is necessary.
- SMAQMD-9 *The comment suggests that GHG reductions from the AQMP should be estimated, and each alternative should be separately analyzed to see how much the AQMP reductions would help to achieve the GHG benchmark.*
- The environmental baseline upon which the DEIR/DEIS analysis is based is the date that the NOP was published: September 12, 2008. The commenter refers to knowledge and resources that are now available at the present time; however, those resources were not available during preparation of the DEIR/DEIS, and additionally, no direction or

guidance to quantify GHG reductions within the AQMP (designed to limit emissions of ozone precursors, which also leads to desirable GHG reduction co-benefits) existed at the time the DEIR/DEIS was prepared.

SMAQMD-10 *The comment states that a statement of significance for each mitigated project alternative could be made in the DEIR/DEIS, allowing a more understandable transition to Mitigation Measure 3A.4-2a.*

See responses to comments SMAQMD-8 and SMAQMD-9.

SMAQMD-11 *The comment states that construction projects are subject to all applicable Sacramento Metropolitan Air Quality Management District rules in place at the time of construction and provides contact and resource information.*

The commenter restates information that is contained on page 3A.2-11 of the DEIR/DEIS; the comment is noted.

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9-10-10

Ms. Gail Furness de Pardo
City of Folsom
50 Natoma Street
Folsom, CA 95630

Subject: Comments to the City of Folsom's Draft EIR for the Folsom South of U.S.
Highway 50 Specific Plan Project

Dear Ms. Furness de Pardo:

The Sacramento Municipal Utility District (SMUD) has reviewed the above document and has the following comments.

SMUD's policy is to safely provide reliable electrical service and to extend its electrical facilities to serve all customers within the District's service area. SMUD has the lead agency responsibilities for all electric system improvements.

1

Distribution facilities will be installed to serve this project. The installation of the facilities specific to this development should be considered part of this project. Approval of this project should also be considered as approval of any required facilities.

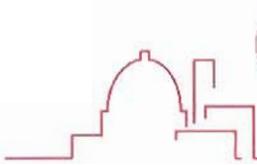
This project and anticipated development in the area will result in a total substation load that exceeds the capacity available. Increased capacity will be eventually required to provide backup to this project.

The developer should consult with SMUD through the planning, development, and completion of this project. Katarina Miletijev is the coordinator for this area. She may be reached at (916) 732-6135. The developer should maintain this contact so that the required facilities and easements will be developed in a coordinated manner. Construction of SMUD facilities and easements must be coordinated during each phase of the development.

2

As a mitigating feature for this project, and to expedite the provision of electrical facilities in a timely, efficient, and cost-effective manner, the developer must dedicate the necessary public utility easements or grant to SMUD all necessary easements.

3



SMUD

SACRAMENTO MUNICIPAL UTILITY DISTRICT
The Power To Do More.®

SMUD-2

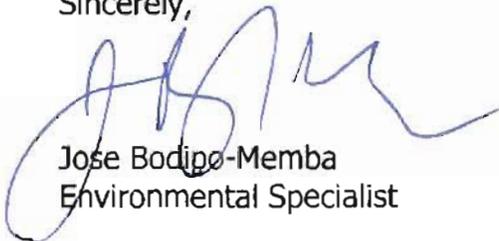
P.O. Box 15830, Sacramento, CA 95852-1830; 1-888-742-SMUD (7683)

Please ensure that the information we have provided in this response is conveyed to any project proponents not listed below, and to the City Policy Planners for the area.

4

We appreciate the opportunity to comment on the Draft Environmental Impact Report/ Environmental Impact Study. If you have any questions regarding this letter, please feel free to contact me at (916) 732-6493.

Sincerely,



Jose Bodipo-Memba
Environmental Specialist

Attachments (1)

cc: Francine Dunn, Principal
AECOM
2020 L Street Suite 400
Sacramento, CA 95811

Lisa Gibson
U.S. Army Corps of Engineers
1325 J Street, Room 1480
Sacramento, CA 95814

Michael R. Finnegan
Bureau of Reclamation
7794 Folsom Dam Road
Folsom, CA 95630

SACRAMENTO MUNICIPAL UTILITY DISTRICT
COMMENT MEMORANDUM

SMUD-2

To: City of Folsom
From: Jose Bodipo-Memba

Date: September 9, 2010

Subject: Folsom South of U.S. Hwy 50 Specific Plan Project DEIR/DEIS

Below are SMUD’s comments in response to the Folsom South of U.S. Hwy 50 Specific Plan DEIR/DEIS. The text indicated in *italics* is recommended language necessary for inclusion in the Final EIR/EIS document.

Section	Page	Comment	
ES Executive Summary	ES-2	In the bulleted list following the third paragraph, which discusses other approval actions, please include the Sacramento Municipal Utility District as an approval agency	5
Introduction and Statement of Purpose and Need	1-13	In the third bulleted list at the end of the page which discusses regional and local responsible agencies, please include the Sacramento Municipal Utility District.	6
2	1-28	The seventh line from the bottom, please replace the word “Utilities” with the word “Utility”.	7
Alternatives	2-5	Heading 2.3.1 should be revised to say “Proposed Project Alternative”.	8
	2-14 Table 2-1	In Table 2-1, some of the values under the heading “Total Acres” do not match the “Proposed Project Alternative Acres” values in Tables 2-4 and 2-5 (p. 2-45), Tables 2-6 and 2-7 (p. 2-46), Table 2-8 (p. 2-55), Table 2-9 (p. 2-56), Tables 2-10 and 2-11 (p. 2-65) which cite a different source.	9
		Different values yield different estimated demands.	
	2-26 Last ¶	Please edit the sentence shown below under the heading “Electricity.” The text indicated in italics needs to be added to the document: <i>“All electrical lines under 69 kilovolts (kV) would will be routed underground within a public utility easement outside the rights-of-way of streets in the SPA. All electrical lines equal to 69 kilovolts (kV) will be routed overhead in an easement outside the rights-of-way of streets in the SPA.”</i>	10
	2-33 1 st ¶	Please add the sentence shown below in italics after the sentence ending “...north of Easton Valley Parkway.” <i>“The number of electric substations and the aforementioned locations are based on preliminary information provided to SMUD and are subject to change if the electrical demands and/or land uses are</i>	11

		<i>revised.</i>	11 cont.
2 Alternatives	2-33 1 st ¶	Please add the sentence shown below in italics after the sentence ending "...extensions of existing 69-kV overhead lines." <i>At minimum, new 69-kV overhead lines will be required along White Rock Rd from Prairie City Rd to Placerville Rd and along Placerville Rd from White Rock Rd to Hwy 50. Additional overhead 69-kV routes will be required based upon the locations of the distribution substation sites.</i>	12
	2-45 Table 2-5	In Table 2-5 the values under the heading "Proposed Project Alternative Acres" do not match the values under the same heading in Tables 2-7 (p. 2-46), 2-9 (p. 2-56), and 2-11 (p. 2-65) which all cite the <u>same</u> source.	13
3A.10 Land Use and Agricultural Resources	3A.10-35	Following the sixth paragraph, there should be a discussion of the project and the project alternative's energy needs, while detailing what mechanisms are in place to ensure that adequate energy service is provided to the project.	14
	3A.10-48	Under the heading of Growth Inducement, while no direct growth inducement impacts would occur, please note that the indirect growth induce impacts could occur due to infrastructure improvements associated with the General Plan Amendment.	15
3A.13-4 Population, Employment, and Housing	3A.13-9	Please clarify where the 2.92 persons (SF) and 1.94 persons (MF) per dwelling unit were generated from. Page 3A.13.4 provides different assumptions for existing and future years (see paragraph 3 on page 3A.13.4). This discrepancy could have an impact on the overall projections information for the project.	16
3A.16 Utilities and Service Systems – Land	3A.16-5 Last ¶ above bullet item	Below is an excerpt from the document. The text should be revised as indicated in italics below: <i>"Listed below are the other electrical sub- transmission and distribution lines in the vicinity of the SPA)</i>	17
	3A.16-5 & 3A.16-6	The four bullet items beginning at the bottom of 3A.16-5 and ending at the top of 3A.16-6 makes reference to 69-kV and 12-kV facilities. When referencing 69-kV, the document must state sub-transmission, not transmission. When referencing 12-kV, the document must state distribution, not transmission.	18
	3A.16-6	Correct the 1 st bullet item as indicated in italics below: <i>"► A 69-kV overhead single-circuit sub-transmission line located in the</i>	19

~~south-central~~ western portion of the SPA. This sub-transmission line travels south within the electrical transmission corridor mentioned above through the SPA for approximately 2,100 feet then turns west ~~into~~ toward Prairie City Road.

Add the following bullet items:

- ▶ A 12-kV overhead distribution line from Prairie City Rd easterly to Placerville Rd along White Rock Rd
- ▶ A 12-kV overhead distribution line approximately 5,700 feet east of Prairie City Rd extending northerly from White Rock Rd in to the south-central portion of the SPA to serve existing services.

19

3A.16
Utilities and
Service
Systems –
Land

3A.16-33 Below are excerpts from the document. The text is from the “NCP” section and should be revised as indicated in italics below:

2nd ¶ in NCP section:
~~“SMUD currently has existing capacity to serve the project from its electrical distribution system north of U.S. 50 requires additional electrical facilities to serve the proposed development. To serve the remainder of the SPA, SMUD~~ and has determined that a minimum of three distribution substations ~~would~~ will be required...”

~~“The on-site service lines..., and public utility easements would~~ will be dedicated for all underground distribution facilities. Easements will also be required for overhead 69-kV sub-transmission facilities. ~~SMUD would extend lines and construct facilities~~ Electrical facilities will be designed and constructed in accordance with SMUD’s Standards and Rules and Regulations to serve the SPA concurrently with development phases, and ...”

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3rd ¶ in NCP section:
~~“Because SMUD would~~ will meet the electrical demands...and provide new electrical infrastructure to the SPA will be designed and constructed in accordance with SMUD’s Standards and Rules and Regulations, this direct impact is less than significant.”

3A.16-33 Below are excerpts from the document. The text is from the “PP” section and should be revised as indicated in red below:

1st ¶ in PP section:
~~“SMUD concurs with this assessment~~ the estimated peak demand; however, SMUD has calculated the worst-case scenario based on acreage and land-use as increasing electrical peak demand by a total of

21

~~120~~ 102 MVA...”

3A.16-34 2nd ¶ in PP section:

Revise paragraph as indicated below in italics:

“...U.S. 50 on the east side of Placerville Road where it terminates just within the SPA, ~~and a 12-kV overhead transmission~~ distribution line that extends north from White Rock Road along the east side of Placerville Road to U.S. 50, a 12-kV overhead distribution line from Prairie City Rd easterly to Placerville Rd along White Rock Rd, and a 12-kV overhead distribution line approximately 5,700 feet east of Prairie City Rd extending northerly from White Rock Rd in to the south-central portion of the SPA to serve existing services.

3rd ¶ in PP section:

Revise 1st sentence in this paragraph as follows:

~~“SMUD currently has existing capacity to serve the project from its electrical distribution system north of U.S. 50 requires additional electrical facilities to serve the proposed development. To serve the remainder of the SPA, SMUD and has determined that a minimum of three distribution substations ~~would~~ will be required...”~~

Add the sentence shown below in italics after the sentence ending “...just north of Easton Valley Road.”

“However, these locations are based on preliminary information provided to SMUD and are subject to change if the electrical demands and/or land uses are revised.”

4th ¶ in PP section:

Revise the following sentence indicated below:

~~“SMUD would install new electrical mainline facilities and underground the existing 12-kV overhead distribution line. Electrical facilities will be designed and constructed in accordance with SMUD’s Standards and Rules and Regulations concurrently with improvements to White Rock Road...”~~

Delete the last sentence in the paragraph:

~~“SMUD would conduct a separate CEQA analysis to analyze specific impacts and identify any required mitigation measures for construction and operation of new off-site electrical facilities.”~~

3A.16-34 General comments in the “PP” section

All references to 69-kV facilities must state sub-transmission line, not

transmission line

23

All references to 12-kV facilities must state distribution line, not transmission line.

3A.16-34 & 3A.16-35 Below are excerpts from the document. The text is from the "RIM" section and should be revised as indicated in italics below:

2nd ¶ in RIM section:

"SMUD ~~currently has existing capacity to serve the project from its electrical distribution system north of U.S. 50~~ requires additional electrical facilities to serve the proposed development. ~~To serve the remainder of the SPA, SMUD~~ and has determined that a minimum of three distribution substations ~~would~~ will be required..."

"The on-site service lines..., and public utility easements ~~would~~ will be dedicated for all underground distribution facilities. Easements will also be required for overhead 69-kV sub-transmission facilities. ~~SMUD would extend lines and construct facilities~~ Electrical facilities will be designed and constructed in accordance with SMUD's Standards and Rules and Regulations to serve the SPA concurrently with development phases, and ..."

24

3rd ¶ in RIM section:

"Because SMUD ~~would~~ will meet the electrical demands...and ~~provide~~ new electrical infrastructure to the SPA will be designed and constructed in accordance with SMUD's Standards and Rules and Regulations, this direct impact is less than significant."

3A.16-35 Below are excerpts from the document. The text is from the "CD" section and should be revised as indicated in italics below:

2nd ¶ in CD section:

"SMUD ~~currently has existing capacity to serve the project from its electrical distribution system north of U.S. 50~~ requires additional electrical facilities to serve the proposed development. ~~To serve the remainder of the SPA, SMUD~~ and has determined that a minimum of three distribution substations ~~would~~ will be required..."

"The on-site service lines..., and public utility easements ~~would~~ will be dedicated for all underground distribution facilities. Easements will also be required for overhead 69-kV sub-transmission facilities. ~~SMUD would extend lines and construct facilities~~ Electrical facilities will be designed and constructed in accordance with SMUD's Standards and Rules and Regulations to serve the SPA concurrently with development phases, and ..."

25

3rd ¶ in CD section:

"Because SMUD ~~would~~ will meet the electrical demands...and ~~provide~~ new electrical infrastructure to the SPA will be designed and constructed in accordance with SMUD's Standards and Rules and Regulations, this direct impact is less than significant."

25 cont.

3A.16-35 & 3A.16-36 Below are excerpts from the document. The text is from the "RHD" section and should be revised as indicated in italics below:

2nd ¶ in RHD section:

"SMUD ~~currently has existing capacity to serve the project from its electrical distribution system north of U.S. 50~~ requires additional electrical facilities to serve the proposed development. ~~To serve the remainder of the SPA, SMUD~~ and has determined that a minimum of three distribution substations ~~would~~ will be required..."

"The on-site service lines..., and public utility easements ~~would~~ will be dedicated for all underground distribution facilities. Easements will also be required for overhead 69-kV sub-transmission facilities. ~~SMUD would extend lines and construct facilities~~ Electrical facilities will be designed and constructed in accordance with SMUD's Standards and Rules and Regulations to serve the SPA concurrently with development phases, and ..."

26

3rd ¶ in RHD section:

"Because SMUD ~~would~~ will meet the electrical demands...and ~~provide~~ new electrical infrastructure to the SPA will be designed and constructed in accordance with SMUD's Standards and Rules and Regulations, this direct impact is less than significant."

4
Other
Statutory
Requirements

4-58 In the section "Utilities and Service Systems," the cumulative analysis does not provide quantitative cumulative future demand numbers for the public utility service providers impacted by the project. Therefore it is difficult to determine if or how the listed service providers will adequately address future regional demands. Please provide more support data for your less than significant impact determination for utilities under cumulative conditions.

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4-58 In the section "Utilities and Service Systems," make the following correction:

"...Sacramento Metropolitan Municipal Utility District (SMUD), Pacific Gas ..."

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29

4-63 In the section "Electricity" make the following revisions:

1ST ¶ in "Electricity" section:

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"SMUD concurs with ~~this assessment~~ the estimated peak demand; however, SMUD has calculated the worst-case scenario based on acreage and land-use as increasing electrical peak demand by a total of ~~120~~ 102 MVA..."

4th ¶ in "Electricity" section:

"SMUD ~~currently has existing capacity~~ requires additional electrical facilities to serve the "Land" portion of the project and the GSPA from its electrical distribution system north of U.S. 50... ~~To serve the remainder of the SPA, SMUD~~ and has determined that a minimum of three distribution substations ~~would~~ will be required to serve the proposed development. Also, a new 69-kV overhead sub-transmission line ~~would~~ will be constructed along Old Placerville Road from U.S. 50 to White Rock Road and along White Rock Rd from Old Placerville Rd to Prairie City Rd. Easements outside the right-of-ways of streets will be required for these overhead sub-transmission facilities. Additional overhead sub-transmission lines ~~may~~ will be required ~~depending~~ and are dependent on the location of the distribution substations. SMUD has stated that it has adequate electricity supplies to support the "Land" portion of the project without affecting service to existing customers and that ~~it would provide~~ new electrical infrastructure will be designed and constructed in accordance with SMUD's Standards and Rules and Regulations to serve the SPA concurrently with development phases."

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SMUD-2-1

The comment states that SMUD has lead agency responsibilities for all electrical system improvements, that installation of facilities specific to this development should be considered as part of this project, and that approval of the project should be considered as approval of required electrical facilities.

Electrical needs proposed as part of the project are discussed in Chapter 2, “Alternatives” on pages 2-26 and 2-33; and throughout Sections 3A.16 “Utilities and Service Systems – Land” and 3B.16 “Utilities and Service Systems – Water” respectively.

SMUD-2-2

The comment states that the project and other anticipated development in the area would result in a total substation load that exceeds the capacity available; therefore, increased capacity would eventually be required to provide backup to the project. The comment also states that the project applicant should coordinate with SMUD, and that coordination should occur during each phase of development.

As stated on page 3A.16-33 of the DEIR/DEIS: “SMUD currently has existing capacity to serve the project from its electrical distribution system north of U.S. 50. To serve the remainder of the SPA, SMUD has determined that a minimum of three distribution substations would be required to serve project development as described above (Kim, pers. comm., 2009).” This information was contained in a letter submitted by SMUD in January 2009 in response to the NOP that was circulated for this project. Project impacts related to electrical needs are evaluated in Impact 3A.16-8 on pages 3A.16-33 through 3A.16-36 of the DEIR/DEIS. The City and the project applicants understand that further coordination with SMUD would be required during each phase of the project.

SMUD-2-3

The comment states that a mitigating feature of the project, and to expedite the provision of facilities in a timely and efficient manner, the developer must dedicate the necessary public utility easements or grant to SMUD all necessary easements.

The City and the project applicants are aware that the necessary public utility easements must be granted; this is part of the normal course of business when developing a project site. Because Impact 3A.16-8 related to the provision of electrical services has been identified as less than significant, no mitigation measures are required. The commenter does not disagree with the impact conclusions contained on pages 3A.16-33 through 3A.16-36 of the DEIR/DEIS.

SMUD-2-4

The comment asks that the information in the letter be conveyed to the project proponents and the City planners.

The City of Folsom has received the commenter’s letter enumerating his concerns, and responses are provided in SMUD-2-5 through SMUD-2-25. The commenter’s concerns have been relayed to the project applicants. The City also notes that as stated in response to comment SMUD-1-1, a copy of SMUD’s comment letter dated January 23, 2009 on the NOP circulated for this project is attached to the DEIR/DEIS in Appendix B, and the City considered the commenter’s concerns during preparation of the DEIR/DEIS.

SMUD-2-5 *The comment requests that page ES-2 of the DEIR/DEIS be revised to include SMUD as an approval agency.*

As shown in Chapter 5, “Errata” of the FEIR/FEIS, the text on page ES-2 of the DEIR/DEIS has been revised in response to this comment.

SMUD-2-6 *The comment requests that SMUD be added to the list of local responsible agencies on page 1-13 of the DEIR/DEIS.*

As shown in Chapter 5, “Errata” of the FEIR/FEIS, the text on page 1-13 of the DEIR/DEIS has been revised in response to this comment.

SMUD-2-7 *The comment requests the word “utilities” be replaced with “utility” on page 1-28 of the DEIR/DEIS.*

As shown in Chapter 5, “Errata” of the FEIR/FEIS, the text on page 1-28 of the DEIR/DEIS has been revised in response to this comment.

SMUD-2-8 *The comment requests that heading 2.3.1 in the DEIR/DEIS be revised to state “Proposed Project Alternative.”*

The commenter’s proposed text does not differ from the text in the DEIR/DEIS. No change in the DEIR/DEIS is required in response to this comment.

SMUD-2-9 *The comment identifies differences in acreage between Table 2-1 and Tables 2-4 through 2-11 in Chapter 2, “Alternatives” of the DEIR/DEIS.*

As shown in Chapter 5, “Errata” of the FEIR/FEIS, the text in Tables 2-4, 2-5, 2-6, 2-7, 2-8, 2-9, 2-10, and 2-11 in Chapter 2, “Alternatives” of the DEIR/DEIS has been revised to correct the acreage totals to match those in Table 2-1.

SMUD-2-10 *The comment requests a text change, replacing the word “would” with “will” in a description of electrical transmission lines on page 2-26 of the DEIR/DEIS.*

The commenter’s requested edit cannot be implemented, because in this context of this DEIR/DEIS, all proposed actions are referred to in the conditional tense (i.e., “would” rather than “will”) since the City has not certified the EIR or adopted a project alternative, nor has USACE adopted a Record of Decision.

SMUD-2-11 through
SMUD-2-12

The comments request a text change, adding a sentence to the discussion of electrical facilities on page 2-33 of the DEIR/DEIS.

As shown in Chapter 5, “Errata” of the FEIR/FEIS, the text on page 2-33 of the DEIR/DEIS has been revised in response to these comments.

SMUD-2-13 *The comment identifies differences in acreage between that shown on Table 2-5 and Tables 2-7, 2-9, and 2-11 of the DEIR/DEIS.*

See response to comment SMUD-2-9.

- SMUD-2-14 *The comment identifies differences in acreage between that shown on Table 2-5 and Tables 2-7, 2-9, and 2-11 of the DEIR/DEIS.*
- As shown in Chapter 5, “Errata” of the FEIR/FEIS, the text in Tables 2-5, 2-7, 2-9, and 2-11 of the DEIR/DEIS has been revised in response to this comment.
- SMUD-2-15 *The comment notes that indirect growth-inducing impacts could occur because of infrastructure improvements associated with the General Plan amendment.*
- In the discussion of growth-inducing impacts of the Folsom General Plan Amendment (GPA) on page 3A.10-48, the DEIR/DEIS states that no infrastructure or public services improvements are proposed as part of the GPA. To the extent that specific individual developments which might occur under the GPA would require improvements, the potential growth implications of these improvements would be identified and analyzed at a project level; insufficient data concerning the potential location and capacity of any improvements makes such an evaluation speculative at a program level.
- SMUD-2-16 *The comment asks for clarification of the source of the persons per dwelling unit estimates on page 3A.13-9 of the DEIR/DEIS, and notes that different assumptions are used on page 3A.13-4.*
- The discussion on page 3A.13-4 is based on Census Bureau data and data from the City’s current Housing Element. The generation rates used on page 3A.13-9 (and for impact evaluation in the document) reflect the City’s standard “persons-per-dwelling-unit” generation rates, which account for the typical differences in household size between single-family and multi-family residential uses. The average estimates from the Census Bureau are less well suited to provide estimates for the project than the City’s standard generation rates because the SPA would have a different mix of single-family and multi-family residential units than the existing City of Folsom.
- SMUD-2-17 through SMUD-2-18 *The comments suggest text changes to the DEIR/DEIS to clarify the locations of SMUD’s existing electrical transmission lines in the vicinity of the SPA.*
- As shown in Chapter 5 of this FEIR/FEIS, the bullet list on pages 3A.16-5 and 3A.16-6 of the DEIR/DEIS has been revised to reflect the clarifications requested by the commenter.
- SMUD-2-19 *The comment suggests text changes to the DEIR/DEIS to clarify the location of additional existing electrical transmission lines in the vicinity of the SPA.*
- As shown in Chapter 5 of this FEIR/FEIS, the bullet list on page 3A.16-6 of the DEIR/DEIS has been revised to reflect the clarifications requested by the commenter.
- SMUD-2-20 *The comment details requested revisions to the discussion of DEIR/DEIS Impact 3A.16-8, “Increased Demand for Electricity and Infrastructure,” to indicate that SMUD would require additional electrical facilities.*
- As shown in Chapter 5 of this FEIR/FEIS, the discussion of Impact 3A.16-8 under the No USACE Permit Alternative on page 3A.16-33 of the DEIR/DEIS has been revised to indicate that while SMUD can provide service to the SPA, additional facilities would be required.

SMUD-2-21 through
SMUD-2-23

The comments detail requested revisions to clarify the discussion of DEIR/DEIS Impact 3A.16-8, "Increased Demand for Electricity and Infrastructure," under the Proposed Project Alternative. In addition, the comment requests that "69-kV transmission lines" be revised to "69-kV sub-transmission lines," and "12-kV transmission lines" be revised to "12-kV distribution lines."

As shown in Chapter 5 of this FEIR/FEIS, the discussion of Impact 3A.16-8 under the Proposed Project Alternative on pages 3A.16-33 and 3A.16-34 of the DEIR/DEIS have been revised to indicate that while SMUD can provide service to the SPA, additional facilities would be required.

SMUD-2-24

The comment details requested revisions to the discussion of DEIR/DEIS Impact 3A.16-8, "Increased Demand for Electricity and Infrastructure," under the Resource Impact Minimization Alternative, to indicate that SMUD would require additional electrical facilities.

As shown in Chapter 5 of this FEIR/FEIS, the second and third paragraphs of the discussion of Impact 3A.16-8 under the Resource Impact Minimization Alternative on pages 3A.16-34 and 3A.16-35 of the DEIR/DEIS have been revised to indicate that while SMUD can provide service to the SPA, additional facilities would be required.

SMUD-2-25

The comment details requested revisions to the discussion of DEIR/DEIS Impact 3A.16-8, "Increased Demand for Electricity and Infrastructure," under the Centralized Development Alternative, to indicate that SMUD would require additional electrical facilities.

As shown in Chapter 5 of this FEIR/FEIS, the second and third paragraphs of the discussion of Impact 3A.16-8 under the Centralized Development Alternative on page 3A.16-35 of the DEIR/DEIS have been revised to indicate that while SMUD can provide service to the SPA, additional facilities would be required.

SMUD-2-26

The comment details requested revisions to the discussion of DEIR/DEIS Impact 3A.16-8, "Increased Demand for Electricity and Infrastructure," under the Reduced Hillside Development Alternative, to indicate that SMUD would require additional electrical facilities.

As shown in Chapter 5 of this FEIR/FEIS, the second and third paragraphs of the discussion of Impact 3A.16-8 under the Reduced Hillside Development Alternative on pages 3A.16-35 and 3A.16-36 of the DEIR/DEIS have been revised to indicate that while SMUD can provide service to the SPA, additional facilities would be required.

SMUD-2-27 through
SMUD-2-28

The comments state that the DEIR/DEIS does not provide quantitative future cumulative demand numbers for public utility providers affected by the project. The comments further state that it is therefore difficult to determine whether or how the service providers would address future regional demands. The comments ask for additional data to support the less-than-significant impact conclusion for utilities under cumulative conditions.

The City's approach to the cumulative impact analysis is described on page 4-2 of the DEIR/DEIS. Because the Folsom South of U.S. 50 Specific Plan project is a long-term project and numerous other projects might be proposed over the lifespan of the project's

buildout, the plan approach is used in addition to a list of related projects to ensure that long-term growth throughout the region would be considered.

This approach (considering regional growth based on plans, and also considering specific, related projects) allows for a comprehensive discussion of cumulative impacts at the regional scale while also capturing the potential for more localized cumulative effects. Future development in Sacramento County would increase the demand for utilities in the region. In terms of cumulative impacts, the appropriate service providers would be responsible for ensuring adequate provision of public utilities within their jurisdictional boundaries. The cumulative discussion of utilities, beginning on page 4-58 of the DEIR/DEIS, provides an evaluation of project demand in the context of overall demand for the individual providers (see also page 3A.16-5 of the DEIR/DEIS). Precise quantification of future regional electrical demand as requested by the commenter is not appropriate in the context of this program-level evaluation.

SMUD-2-29

The comment requests a text change, replacing the word “metropolitan” with “municipal” on page 4-58 of the DEIR/DEIS.

As shown in Chapter 5, “Errata” of the FEIR/FEIS, the text on page 4-58 of the DEIR/DEIS has been revised in response to this comment.

SMUD-2-30

The comment details requested revisions to the discussion of cumulative electricity impacts on page 4-63 of the DEIR/DEIS.

As shown in Chapter 5, “Errata” of the FEIR/FEIS, the text on page 4-63 of the DEIR/DEIS has been revised generally in response to this comment. The City declines to make one proposed revision, pertaining to capacity to serve additional residential units in the existing City of Folsom based on implementation of the GPA; the requested change pertains to the capacity to serve the SPA.

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September 10, 2010

Gail Furness de Pardo
Community Development Department
City of Folsom
50 Natoma St.
Folsom, CA 95630



Dear Ms. Furness de Pardo:

Thank you for the opportunity to comment on the Draft Environmental Impact Report/Draft Environmental Impact Statement for the Folsom South of U.S. 50 Specific Plan Project.

WATER SUPPLY

Under principles firmly established in California water law, water may be transferred only if the change may be made without injuring any legal user of the water and without unreasonably affecting fish, wildlife, or other in-stream beneficial uses. | 1
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We are concerned that the proposed water supply for Folsom’s South of Highway 50 development will violate this principle in California law by injuring other legal users of water and unreasonably affecting fish and wildlife because there is no permanent and enforceable mechanism to assure that total water usage will not increase within the settlement contract lands and within the City of Folsom over what has historically occurred in the settlement contract lands. | 3
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Natomas Mutual obtained water rights prior to the construction of Shasta Dam. Following the construction of the dam, the Bureau of Reclamation (Bureau) entered into a settlement contract with Natomas Mutual to assure that the Bureau did not interfere with Natomas Mutual’s water rights and to assure payment to the Bureau by Natomas Mutual for low-flow period water supply benefits provided by Shasta Dam. | 7
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The settlement contract specifies a “place of use” for the water. The settlement contract specifies that Natomas Mutual shall not transfer or sell all or part of the settlement contract without approval from the Bureau. | 9
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The City of Sacramento is supplying water to urbanizing lands within Natomas Mutual’s place of use. This reduces the need for the Bureau to supply water to the place of use. Both Natomas Mutual’s water supply and the City of Sacramento’s water supply are tied by contracts to the Bureau’s overall supply. Thus, the City supplying water to the place of use actually assists in meeting the Bureau’s obligation under the Natomas Mutual-Bureau contract to supply water to the place of use.

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Natomas Mutual had a study done of water use in 2004 as compared to water use in 2007. The study concluded that (1) water use was lower because of changing crop demands, and (2) the transfer of 8,000 acre-feet to the City of Folsom would not limit the use of water by Natomas Mutual’s agricultural water users. Essentially the study said that Natomas Mutual would not need the water, so it was “OK” to sell the water to the City of Folsom.

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Based on the study and the draft EIR, it appears that Natomas Mutual is selling (1) water that its water users do not need because the City of Sacramento is supplying City/Bureau water to urbanizing lands within the place of use, and (2) water that its water users currently do not need because of changes in cropping patterns from 2004 to 2007.

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If the assignment of 8,000 acre-feet is to be permitted, Folsom should have a permanent and enforceable agreement with both Natomas Mutual and the Bureau to assure that there is a reduction in water use within the place of use sufficient to supply the amount of the assignment to the City of Folsom. This agreement would assure that the transfer does not injure any other legal user of the water and without unreasonably affecting fish, wildlife, or other instream beneficial uses.

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If changed cropping patterns are to be the basis of “reduced water use” then reduced water use must become permanent. If agricultural cropping patterns change toward more water intensive crops, Natomas Mutual landowners must not be able to increase water use, because that water will be being used in Folsom.

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The EIR should describe:

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- 1) The amount of water that has been used in the place of use specified in the settlement contract.
- 2) The amount of water to be used in the place of use after the assignment.
- 3) The amount of assignment water to be used in Folsom.
- 4) Whether more water will be used in the place of use and Folsom as compared to the place of use prior to the assignment.
- 5) What permanent and enforceable mechanism will be put in place to assure that more water is not used?

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- 6) If more water will be used, then what are the environmental impacts in Central Valley Project water service areas, in the Delta, and on fish and wildlife, including endangered species? | 34
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Thank you for your consideration.

Sincerely,

Warren V. Truitt
President, SARA

cc: Michael Finnegan, Bureau of Reclamation
Victoria Whitney, State Water Resources Control Board

SARA-1 through
SARA-2

The comments state that under California water law, water may be transferred only if the change may be made without injuring any legal user of the water and without unreasonably affecting fish, wildlife, or other in-stream beneficial uses.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The comment is noted.

SARA-3 through
SARA-6

The comments express concern that the Project's water supply will violate California law by injuring other legal users of water and unreasonably affecting fish and wildlife because there is no permanent and enforceable mechanism to assure that total water usage will not increase within the settlement contract lands and within the City of Folsom over what has historically occurred in the settlement contract lands.

The actions proposed as part of the Off-site Water Facility Alternatives, described in Chapter 2 and evaluated in Section 3B.10, "Land Use and Agricultural Resources" of the DEIR/DEIS, are consistent with the provisions of NCMWC's settlement contract with Reclamation, which underwent renewal in 2005. The City proposes the purchase of up to 8,000 AFY of "Project" water from NCMWC, which water would derive from Reclamation's releases from storage in Shasta Reservoir. These actions would involve existing CVP settlement contract water and, therefore, would not infringe on the rights of any other existing water users or adversely affect wildlife (see pages 3B.3-42 through 3B.3-62 of the DEIR/DEIS).

The proposed water supply would be subject to existing contract shortage provisions, which could result in up to 25% reductions in available "Project" water. Because the City's purchased capacity within the Freeport Regional Water Project (Freeport Project) would be restricted to 6.5 mgd on average, the City would be unable to divert the entire 8,000 AFY in water years where these supplies might otherwise be available and, instead, this water would be put to beneficial use consistent with the provisions of NCMWC's contract. As a result, total water use within the Folsom SPA would be limited by the purchased capacity within the Freeport Project, as described on pages 2-82 through 2-83 of the DEIR/DEIS.

Total water use within NCMWC would continue to fluctuate, contingent on cropping patterns within its service area, thereby requiring the remaining portion of its contract allotment in some years and less in others. These annual changes in water use are reflected in the corresponding changes in cropping patterns shown in Table 3B.10-1 on page 3B.10-5 of the DEIR/DEIS. Additionally, based on the potential for continued urban development by the City of Sacramento and Sutter County in portions of NCMWC's service area, the City considered water use within NCMWC based on 2004 and 2007 cropping patterns.

Even if urban development continues into NCMWC's service area into the future, no net increase in total water usage within NCMWC's service area beyond its total settlement contract amount of 120,200 AFY is expected. Rather, given current building code

standards (e.g., CalGreen) and water conservation requirements for new development (e.g., California Urban Water Conservation Council BMPs), urban growth within the Natomas Basin would likely have a reduced water demand on a per acre basis when compared to current agricultural uses within NCMWC's service area. Additionally, the Natomas Joint Vision MOU signed by the City of Sacramento and Sacramento County encourages a 1:1 ratio of open space to development, thereby potentially further limiting total urban water use.

As shown in Chapter 5, "Errata" of this FEIR/FEIS, the discussion under the "Water Supply" heading on page 4-59 of the DEIR/DEIS has been modified to expand on the City's reasoning for concluding a less-than-significant impact for water use within the NCMWC service area.

SARA-7 *The comment states that NCMWC obtained water rights before the construction of Shasta Dam.*

NCMWC maintained both appropriative and riparian water rights along the Sacramento River before the construction of Shasta Dam.

SARA-8 *The comment states that following the construction of the Shasta Dam, Reclamation entered into a settlement contract with NCMWC to assure that Reclamation did not interfere with NCMWC's water rights and to assure payment to Reclamation by NCMWC for low-flow period water supply benefits provided by Shasta Dam.*

The comment is generally correct. NCMWC's settlement contract was not officially executed with Reclamation until 1964, following the completion of the Cooperative Studies in 1956. The Cooperative Studies were used to determine the Base Supply and Project Water allocations for Reclamation's Sacramento River Division of the CVP.

SARA-9 *The comment states that the Reclamation and NCMWC settlement contract specifies a "place of use" for the water.*

NCMWC's place of use is depicted in Exhibit B of its settlement contract with Reclamation. Please refer to Appendix G of the Water Supply Assessment, which is contained in Appendix M1 of the DEIR/DEIS.

SARA-10 *The comment states that the settlement contract specifies NCMWC shall not transfer or sell all or part of the settlement contract without approval from Reclamation.*

The comment is correct that, under NCMWC's settlement contract, Reclamation's authorization is necessary for the proposed water assignment and the diversion of the assigned water at the Freeport diversion. NCMWC's contract specifically contemplates such an assignment to serve areas outside of NCMWC's service area.

SARA-11 through
SARA-12

The comments state that the City of Sacramento is supplying water to urbanizing lands within NCMWC's place of use and that this reduces the need for Reclamation to supply water to the place of use.

The statement is generally correct. However, not all new development within the Natomas Vision Area would be within City of Sacramento's jurisdiction. Some of these areas, such as the Metro Air Park, are within County jurisdiction and could be served by NCMWC water supplies. However, it is inaccurate to presume that the need for

Reclamation water within NCMWC's place of use would be reduced as a consequence of new development within the Natomas Basin. The comment does not factor in changes in cropping patterns within NCMWC's service area, which would result in differing water demands from year to year. There is no reason that increased rice production could not occur in the future thereby necessitating the full use of NCMWC's water supplies, minus the amount permanently assigned to the City.

SARA-13

The comment states that both NCMWC's water supply and the City of Sacramento's water supply are tied by contracts to the Bureau's overall supply.

The comment is partially correct. In addition to CVP water, the City of Sacramento maintains its own water rights.

SARA-14

The comment states that the City of Sacramento's supplying of water to portions of NCMWC's place of use actually assists Reclamation in meeting its obligation under NCMWC's contract to supply water to the place of use.

The comment attempts to connect the project's water assignment with new development in the Natomas Basin and increased water use within the Natomas Basin as a consequence of the City of Sacramento's senior water rights to that of the CVP. This issue is indirectly assessed within the cumulative analysis for the project on pages 4-12, 4-19, and 4-40 through 4-41 of the DEIR/DEIS, through the City's consideration of the Sacramento River Reliability Project, which presumably could supply new development within the City in the Natomas Joint Vision area. Additionally, details for the Natomas Joint Vision, including that of its water use, continue to emerge, and the issues raised in the comment would be more appropriately addressed in the forthcoming environmental documentation for the Natomas Joint Vision Area being prepared by the City of Sacramento.

SARA-15

The comment states that NCMWC had a study done of water use in 2004, as compared to water use in 2007.

The comment refers to the 2007 Wagner and Bonsignore evaluation, provided in Appendix M2 of the DEIR/DEIS, with its general findings summarized on page 3B.10-18 of the DEIR/DEIS.

SARA-16 through
SARA-17

The comments state that the 2007 Wagner and Bonsignore evaluation concluded that (1) water use was lower because of changing crop demands, and (2) the transfer of 8,000 acre-feet to the City of Folsom would not limit the use of water by NCMWC's agricultural water users.

The comment is generally correct. However, the evaluation concluded that NCMWC could permanently assign up to 10,000 AFY of CVP water to the City without adversely affecting crop patterns. Furthermore, the evaluation concluded that water assignment would be possible as a result of greater irrigation efficiencies and drainage improvements (e.g., recirculation of tailwater drainage) within NCMWC's service area.

SARA-18

The comment states that the 2007 Wagner and Bonsignore evaluation essentially said NCMWC would not need the assigned water, and therefore it would be “OK” to sell the water to the City of Folsom.

The 2007 Wagner and Bonsignore evaluation concludes that NCMWC would have sufficient water supplies to supply 2004 and 2007 cropping patterns with the assignment of up to 10,000 AFY of CVP “Project” water. With a reduced assignment of 8,000 AFY, the study’s findings suggest that no supplemental groundwater pumping would be required to support 2004 or 2007 cropping patterns.

SARA-19

The comment states that based on the findings of the 2007 Wagner and Bonsignore evaluation and as referenced in the DEIR/DEIS, it appears that NCMWC would be selling water that its water users did not need because the City of Sacramento would be supplying City/Bureau water to urbanizing lands within NCMWC’s place of use.

It would be inappropriate for the City to speculate on future land use decisions within the Natomas Joint Vision area, along with any associated water use. The DEIR/DEIS considers the Natomas Joint Vision area and the Sacramento River Water Reliability Project in its cumulative analysis and acknowledges on page 4-41 that larger water supply projects combined with other water transfers in the future could contribute to reduced flows within the Sacramento River. However, as stated in the DEIR/DEIS, the magnitude of the changes associated with the assignment would be less than significant and would not be cumulatively considerable.

SARA-20

The comment states that based on the findings of the 2007 Wagner and Bonsignore evaluation, NCMWC appears to be selling water that NCMWC water users currently do not need because of changes in cropping patterns from 2004 to 2007.

As presented in the 2007 Wagner and Bonsignore evaluation and summarized on page 3B.10-18 of the DEIR/DEIS, NCMWC would be capable of supplying water under the conditions of both 2004 and 2007 cropping patterns, even with the proposed water assignment of up to 10,000 AFY to the City. More importantly, the 2007 Wagner and Bonsignore evaluation concludes that NCMWC would maintain sufficient contract supplies should there be an increase in agricultural production in the future.

SARA-21 through
SARA-23

The comments suggest that if the assignment of 8,000 acre-feet is to be permitted, the City should have a permanent and enforceable agreement with both NCMWC and Reclamation to assure that a reduction in water use exists within the place of use, sufficient to supply the amount of the assignment to the City.

Reclamation retains discretion over the approval of the assignment, per NCMWC’s settlement contract. The City of Folsom has no authority to impose conditions on the City of Sacramento, which maintains its own water rights and land use authority, or Reclamation, which operates the CVP, would be unreasonable. The assignment would be subject to the terms and conditions of NCMWC’s settlement contract with Reclamation.

SARA-24 through
SARA-25

The comments request that if the assignment of 8,000 acre-feet is to be permitted, an agreement should be implemented that would assure that the transfer would not injure any other legal user of the water and would not unreasonably affect fish, wildlife, or other instream beneficial uses.

See responses to comments SARA-21 through SARA-23.

SARA-26

The comment suggests that if changed cropping patterns are to be the basis of “reduced water use,” then reduced water use should become permanent.

USACE and the City have no authority to set a condition reflecting specific cropping patterns within NCMWC’s service area. Furthermore, NCMWC has to retain the flexibility to supply variable water demands in response to changing commodity prices and corresponding cropping patterns.

SARA-27 through
SARA-28

The comments state that if agricultural cropping patterns changed toward more water intensive crops, NCMCW landowners would not be able to increase their water use because that water would be already taken by the Folsom SPA.

As provided in the 2007 Wagner and Bonsignore evaluation (provided in Appendix M2 of the DEIR/DEIS), the collective water supplies available to NCMWC for landowners within its service area following the assignment would be sufficient to accommodate 2004 and 2007 cropping patterns. This is important because 2004 was marked by a substantial increase in rice production. It would be inappropriate for the City to condition NCMWC’s water use within its service area in conjunction the assignment. Ultimate water delivery by Reclamation would be contingent on NCMWC’s demonstrated water needs.

Furthermore, the comments discount the discussion of the project assignment’s potential growth-inducing impacts, described on pages 4-68 and 4-69 of the DEIR/DEIS.

SARA-29

The comment suggests that the DEIR/DEIS should describe the amount of water that has been used in the place of use specified in the settlement contract.

The 2007 Wagner and Bonsignore evaluation, included in Appendix M2 of the DEIR/DEIS, provides the estimated water use for the NCMWC service area in 2004 and 2007.

SARA-30

The comment suggests that the DEIR/DEIS should describe the amount of water to be used in the place of use after the assignment.

Following the project assignment, NCMWC would have the supplies shown in Table 3A.18-2 on page 3A.18-2 of the DEIR/DEIS, minus the 8,000 AFY of “Project” water. Additionally, NCMWC would continue to be able to take advantage of several irrigation and drainage improvements within its service area for the recirculation of tailwater. Beyond NCMWC’s water use, it would be inappropriate for the City to speculate on total water use by the City of Sacramento within the Natomas Joint Vision area. Additionally, urban growth within the Natomas Basin would likely have a reduced water demand on a per acre basis when compared to current agricultural uses within NCMWC’s service area. See responses to comments SARA-3 through SARA-6.

- SARA-31 *The comment suggests that the DEIR/DEIS should describe the amount of assignment water to be used in the SPA.*
- A description of water use within the SPA is provided on pages 2-79 and 2-80 of the DEIR/DEIS. Furthermore, as discussed on page 2-84 of the DEIR/DEIS, the City is proposing the purchase of 8,000 AFY of CVP water, a higher quantity of water, to factor in the 25% shortage provision that could occur in dry years, thereby reducing the quantity delivered to 6,000 AFY. This shortage provision would leave a margin of only 400 AFY between the demands of the SPA at buildout and the available surface water supply. No additional potable water supply could be derived from the assignment because of the capacity restriction within the Freeport Project (see responses to comments SARA-3 through SARA-6). As discussed on pages 4-68 through 4-69 of the DEIR/DEIS under the topic of growth-inducing impacts, the City acknowledges that with additional conservation or the addition of non-potable water supplies, the assigned water supply could be stretched further, thereby indirectly contributing to the secondary effects of growth.
- SARA-32 *The comment suggests that the DEIR/DEIS should describe whether more water would be used in the place of use and Folsom as compared to the place of use before the assignment.*
- See response to comment SARA-30.
- SARA-33 *The comment suggests that the DEIR/DEIS should describe what permanent and enforceable mechanism would be put in place to assure that more water was not used.*
- The suggested action would be beyond the authority of USACE and the City and, therefore, beyond the scope of the DEIR/DEIS. As stated in the response to comment SARA-30, NCMWC's water use would not increase beyond its collective supplies, as shown in Tables 3A.18-1 and 3A.18-2 on page 3A.18-2 of the DEIR/DEIS.
- SARA-34 *The comment asks if more water was used, what environmental impacts would occur in CVP water service areas.*
- See responses to comments SARA-31 and SARA-33. The potential secondary effects of growth are described on page 4-69 of the DEIR/DEIS.
- SARA-35 *The comment asks if more water was used, what environmental impacts would occur in the Delta.*
- See responses to comments SARA-31 and SARA-33.
- SARA-36 *The comment asks if more water was used, what the environmental impacts would be on fish and wildlife, including endangered species.*
- See responses to comments SARA-31 and SARA-33.



Sacramento Area Creeks Council PO Box 162774 Sacramento, CA 95816

(916) 454-4544 · (916) 482-8377 E mail: ucc@arcadecreekrecreation.com

Website: www.saccreeks.org

Gail Furness de Pardo
 City of Folsom Community Development Department
 50 Natoma Street
 Folsom, CA 95630
gdepardo@folsom.ca.us

Re: DEIR Folsom South of 50 Specific Plan Project

Dear Ms. de Pardo:

The Sacramento Area Creeks Council is a non-profit organization that promotes the protection, restoration and maintenance of natural streams in Sacramento County. I was an active member of the Alder Creek Watershed Assessment and Management Planning stakeholder group which met from 2007 into this year. The Plan, which is advisory, is dated February of 2010. Most of the Specific Plan Project Area is within the Alder Creek Watershed.

I am incorporating some of the Assessment Results presented in the Management Plan into my DEIR comments that follow the excerpts in italics below:

4.3 Assessment Results

4.3.1 Climate, Geology, and Soils

The climate, geology, and soils of the Alder Creek watershed heavily influence all other natural resource areas and land uses, particularly through the relationship between seasonal temperature and precipitation patterns and physical land form and stability.

Functions and Values

◆ ***Biological diversity – Plants and animals in the watershed have evolved over time, driven in large part by seasonal, annual, and year-to-year variations in climate that are recognized as mechanistic drivers. The result is a diverse community of specialized organisms that have adapted to tolerate high levels of environmental variation***

◆ ***Channel stability and groundwater recharge – The watershed's underlying geology provides creek stability, grade control, and upland topography and supports localized groundwater recharge and presence.***

◆ ***Varied uses and productivity – Soils in the watershed infiltrate rainfall, withstand runoff, and support aquatic ecosystems and human land uses. Importantly, soils are critical in supporting diverse vegetation communities and specialized habitats, including rare plants and vernal pool/swale complexes, especially in undeveloped areas of the upper watershed.***

Conditions of Concern

◆ ***Climate change – In recent years, the scientific consensus has broadened to consider increasing concentrations of greenhouse gases, attributable to anthropogenic activities, as the primary cause of global climate change. The issue of global climate change plays an increasing role in scientific and policy debates over multiple issue areas, such as land use***

planning, transportation planning, energy production, habitat and species conservation, management of water resources, and agricultural production. This is reflected in aggressive legislation enacted and enforced in recent years by the State of California. Of particular concern for natural resources are existing and future increases in greenhouse gas/carbon emissions, resulting impacts on temperature and the hydrologic cycle (including precipitation), and subsequent impacts to water supply/management (e.g., domestic water supply, agricultural water supplies, flood control), water quality and health and diversity of the watershed's biological community. A greenhouse gas emissions inventory completed in 2009 for the Sacramento region estimated that the largest contributors to carbon dioxide equivalent emissions in this area are transportation (i.e., automobiles/vehicle miles traveled) and energy usage (e.g., electricity and natural gas) (Sacramento County 2009). For additional information, see:

<<http://www.climatechange.saccounty.net/ReportsPublications/default.htm>>.

◆ **Groundwater recharge** – As described in Chapter 2, there are believed to be only limited areas (eastern portion of the watershed and creek corridors) which promote groundwater recharge in the Alder Creek watershed; however, the extent of capability is unknown and preserving these processes is generally important in sustaining vegetation communities and contributing to water supplies.

◆ **Soil erosion** – Upland soils throughout the watershed are prone to erosion due to disturbance and topography, which can lead to the decreased ability to support native vegetation communities, sedimentation of waterways, and overall degradation of natural resources.

General Recommendations

General recommendations to address issues related the climate, geology, and soils of the Alder Creek watershed are provided below. These recommendations are integrated with other resources areas and are described in additional detail in Chapter 5.

◆ **Climate change mitigation and adaptation** – Although many uncertainties exist regarding local greenhouse gas emission contributions and hydrologic effects, all future land planning activities in the watershed should consider the potential risks associated with climate change. Specifically, strategies should be developed to mitigate existing and future greenhouse gas emission impacts and adapt to temperature shifts and increased hydrologic variability. New urban development should be carefully designed to minimize emissions and accommodate the projected environmental changes. For example, strategies such as preservation/conservation of open space and oak woodlands can help to sequester carbon, transit-oriented development can reduce vehicle miles traveled, green building techniques can lower energy usage, and low impact development design can conserve water, infiltrate runoff and promote groundwater recharge.

◆ **Groundwater recharge area mapping and protection** – Additional work should be conducted to determine areas in the watershed with high groundwater recharge potential, and efforts should be made to protect and preserve these areas as open space. Enhanced knowledge of groundwater recharge opportunities should influence the design of new stormwater management infrastructure for developing areas of the watershed.

◆ **Soil conservation** – Substantial soil conservation practices should be developed and implemented for all projects that would disturb soils. Additionally, creek corridors should be protected and maintained to provide sediment interception buffers between the creek channel and surrounding land use actions and activities.

4.3.2 Hydrology, Geomorphology, and Water Quality

Urbanization modifies natural watershed and stream hydrologic and geomorphic processes by creating increased runoff volumes and increasing the duration of streamflow. These changes are mainly the result of increasing impervious surfaces, installing drainage infrastructure, and irrigating landscaped areas. Potential changes to the watershed's hydrologic regime include increased runoff volumes and dry-weather flows, increased frequency and number of runoff events, increased long-term cumulative duration of flows, and increased peak flows. These changes are referred to as hydrograph modification, or "hydromodification." Hydromodification intensifies sediment transport and the natural erosion and deposition process and often leads to channel enlargement, degradation and loss of habitat and associated riparian species, and sediment deposition in downstream reaches that can impede flow conveyance and create flooding problems. A conceptual depiction of pre- and post-development hydrographs is provided in Exhibit 4-2.

The Alder Creek watershed is an urbanizing watershed. Urban development (largely since the mid 1990s) in the portion of the watershed north of U.S. 50 has already contributed to hydromodification and water quality effects and has changed hydrologic flow patterns from intermittent to perennial in portions of the upper, middle, and lower watershed. Large-scale, mixed-use developments planned in the upper and middle watershed areas south of U.S. 50 will contribute further to hydromodification in the watershed. A detailed assessment report addressing hydrology and geomorphology was prepared by NHC (2009) and additional recommendations were prepared by cbec (2010) (see Appendices C and E, respectively) to identify and evaluate hydrologic and geomorphic conditions of concern associated with current and future development and to identify management strategies to address these concerns.

Functions and Values

◆ **Geomorphic and hydrologic interrelated processes** – Geomorphic and hydrologic processes influence the form and function of Alder Creek and play a role in shaping the characteristics, functions, and values of other resources in and adjacent to the riparian corridor, including water quality, vegetation and wildlife, and land uses.

◆ **Water Supply** – The hydrology and geomorphology of the Alder Creek watershed has been manipulated and altered to provide water for historic mining operations and grazing lands in the watershed.

◆ **Flood protection** – channels throughout the watershed provide natural conveyance facilities for floodwaters and stormwater detention basins and drainage infrastructure protects developed land north of U.S. 50, including various highway and road crossings, from flooding.

◆ **Stormwater runoff conveyance and treatment** – Alder Creek and its tributaries receive, convey, and treat (through natural processes such as filtration and uptake), stormwater runoff generated throughout the watershed. Also, constructed drainage infrastructure conveys the water downstream and under road crossings. Stormwater detention basins and other facilities in the developed areas north of U.S. 50 treat urban runoff before delivery to the creek.

◆ **Water quality** – Alder Creek flows to Lake Natoma and the American River, which supports a wide variety of existing and potential designated beneficial uses, including:

- municipal and domestic water supply,
- agricultural water supply,
- primary (i.e., swimming) and secondary contact (e.g., canoeing) recreation,
- freshwater fish habitat, and
- wildlife habitat.

2 cont.

Conditions of Concern

◆ **Channel process alterations** – Urban development and the associated increased stormwater runoff and altered hydrograph, as well as the construction of on-stream impoundments, cause significant changes in natural channel processes. These changes can result in alterations in natural processes and lead to problems that include erosion and incision. Alder Creek in the upper watershed appears to be relatively stable because abundant bedrock is present in the bed and medium to large cobble materials are present in the banks. However, the creek channel does not exist in a static condition, as evidenced by occurrences of lateral channel adjustment and noticeable localized channel incision. Development in the upper watershed can result in the loss or reduction of sediment recruitment sources that are important for maintaining sediment transport processes. The Natomas Company Dam and Alder Reservoir in the middle watershed profoundly affect the Alder Creek channel in the middle watershed, resulting in aggradation in the upstream segment and degradation downstream (see Exhibit 2-10).

Alder Creek in the lower watershed has been modified significantly over time because of Lake Natoma and Caltrans highway culverts' backwater effects and the effects of receiving runoff from the middle and upper watershed.

◆ **Limited water quality, bioassessment, and hydrology data** – Water quality monitoring data are limited throughout the watershed. Additional data are necessary to more thoroughly identify and monitor potential constituents of concern.

◆ **Nonpoint sources of pollutants** – Nonpoint source loadings that may contribute potential contaminants include agricultural runoff in the upper watershed and urban stormwater runoff and discharge from the upper and lower watershed. Currently, the lower American River is listed on the California Clean Water Act Section 303(d) list because specific pollutants are present in the river. The water quality constituents of concern, based on limited data for Alder Pond and other local watersheds with similar land use conditions, are:

- nutrient loading (e.g., nitrogen and phosphorus), largely a result of landscape irrigation runoff (fertilizers) and car washing (detergents) in urbanized areas of the watershed,
- metals (e.g., copper, lead, zinc) as a result of automobile use associated with U.S. 50, other roadways and parking lots, and
- coliforms/pathogens as a result of pet and animal waste.

◆ **Mercury contamination** – Legacy gold-dredging operations in the middle reach of the Alder Creek watershed have resulted in exposed dredge tailings that dominate the topography of the area. The middle reach of Alder Creek bisects these deposits, allowing the flow to come into contact with sediments that may be contaminated with mercury and other metals.

Operators of floating dredgers coated the sluices with mercury to amalgamate the gold particles, occasionally spilling the mercury into the surrounding environment.

Reconnaissance-level surveys of mercury contamination in edible fish tissue taken from several sites in Lake Natoma, including the vicinity of the mouth of Alder Creek, showed that concentrations of mercury found in fish tissue samples were high enough to warrant publishing a health advisory and fish consumption guidelines for Lake Natoma (including nearby creeks and ponds) and the lower American River (Saiki et al. 2004). See Chapter 2 for more details about these study results.

General Recommendations

General recommendations to address issues related the hydrology, geomorphology, and water

quality of the Alder Creek watershed are provided below. These recommendations are integrated with other resources areas and are described in additional detail in Chapters 5 and 7.

◆ **Hydrology/stormwater runoff management** – In the absence of controls, hydromodification from future urbanization has the potential to exceed thresholds of stability in creek channels. Recommended hydromodification management strategies to protect Alder Creek from the impacts of anticipated urban growth will require project-level analyses consistent with the City of Folsom and Sacramento County hydromodification management standards to assess local conditions and specify appropriate solutions. Solutions will likely require a mix of flow and volume control alternatives, including low-impact development (LID), flow duration control (FDC), and instream modification design strategies:

- LID strategies are an effective design and management tool that can provide improved runoff conditions in a developed watershed. However, it is unlikely that LID practices alone can reduce future runoff volumes to the extent necessary to reverse the effects of hydromodification.

- FDC is a strategy for sizing and designing stormwater detention/retention basins that is intended to maintain the channel integrity of receiving streams by basing designs on the full range of flows rather than one or more discrete events (e.g., bankfull, 2-year or 10-year storm event flows) and by ensuring that basin discharges are released at an acceptable fraction of the receiving channel's threshold for bank erosion.

- Instream solutions involve modifying the receiving stream channel and should be limited to restoration projects meant to reconnect a floodplain and/or stabilize stream channel morphology. Reshaping a stream channel or restoring a floodplain to convey new urban flows while reducing the potential for erosion, aggradation, and damage to habitat, can improve channel stability and prevent erosion. However, the channel modification must be carried far enough downstream to a point where the effect of development is insignificant.

◆ **Erosion and Sediment Controls** – Develop and implement robust erosion and sediment controls to limit erosion potential and the release and exposure of upland sediments, including those with potential legacy mercury concentrations.

◆ **Water quality, bioassessment, and hydrology data and monitoring** – Existing water quality data are limited and large data sets are needed to allow analysis of trends over time. It is recommended that future monitoring in Alder Creek be guided by the stakeholder group, with projects and tasks conducted by, or in collaboration with, local municipalities and agency stormwater programs, private landowners, environmental organizations, and community volunteer groups. This monitoring could include creek monitoring and bioassessment sampling similar to the monitoring and sampling being conducted for the program in the adjacent Willow Creek watershed. Citizen monitors could be trained and coordinated to conduct bioassessments in Alder Creek. The results from future monitoring should be compared with existing data to identify trends.

Conditions of Concern

◆ **Loss and/or conversion of sensitive vegetation communities/habitats** – With much of the upper watershed north of U.S. 50 relatively built out, concern regarding loss of sensitive habitats is focused on the upper and middle watershed areas south of U.S. 50. Widely distributed blue oak woodlands, oak savanna, and grasslands occur in the upper and middle watershed. While large-scale development plans for the Folsom SOI Area and Easton project include the conservation of relatively large areas, loss and/or conversion of resources will

still occur. Potential future loss and/or conversion of sensitive resources would affect:

- oak/riparian woodland – direct loss and fragmentation;
- vernal pools and swales – direct loss, water quality and hydrologic impairment;
- creeks – change from intermittent or ephemeral to perennial,;
- riparian corridors – potential degradation of vegetation composition ; and
- ponds – accelerated eutrophication, increased need for maintenance, loss of function, and nuisance vegetation growth.

◆ **Habitat fragmentation and loss of connectivity** – Planned transportation and utility infrastructure construction (e.g., road crossings) in support of future development in the upper and middle watershed has the potential to result in habitat fragmentation, loss of movement pathways, and overall connectivity in the watershed and throughout the larger region.

◆ **Reduced wildlife habitat value** – Urban/developed areas typically lack vegetation cover and associated habitat values. Urban areas tend to have little habitat value for wildlife species because the natural habitat has been greatly modified. These areas support many nonnative and common wildlife species.

◆ **Loss of riparian habitat** – Development and associated infrastructure (e.g., bridges, pipelines) result in the direct loss of riparian habitat and the secondary loss via degradation of natural buffers.

◆ **Loss of floodplain function** – Altered hydrology and encroachment on the creek corridor can result in loss of floodplain function that is vital in supporting riparian vegetation recruitment and succession, nutrient and material exchange, and sediment transport and deposition processes.

◆ **Invasive weeds** – Invasive weeds are widely distributed throughout the riparian corridor of Alder Creek, especially the segment of creek in the middle and lower watershed. Infestations are along all reaches and across all geomorphic surfaces of the channel (e.g., at creek bottom, on the top of bank and terrace). Invasive weeds alter riparian ecosystem functions by competing with native species, hindering conveyance of floodwaters, affecting the transport and storage of sediment, altering geomorphic processes that sustain channel and floodplain landforms, affecting nutrient cycling, and altering the provision of wildlife habitat. Increased development in the watershed has the potential to result in increased spread of invasive weeds through introduction, disturbance, and native habitat alteration/degradation.

2 cont.

General Recommendations

◆ **Creek corridor and open space preservation** – Creek corridor and open space preservation should be made a priority in areas that are undergoing development and areas (e.g., developed areas) where opportunities for preservation exist. Creek corridors could be preserved through the creation of creek setback buffers to provide multiple functions (e.g., active floodplain, riparian habitat, floodflow conveyance, trails). The width of the buffers and uses allowed within buffer (e.g., natural state, recreation, landscaping, utilities, stormwater management) should be developed based on:

- preservation objectives (e.g., water quality maintenance, wildlife movement, biodiversity, aesthetics),
- habitat functions and values,
- topography,
- soils and geology (e.g., erodibility, presence of bedrock, percolation rate),
- flood frequency and magnitude, and

- existing and future adjacent land uses.

Open space preservation strategies should be developed and implemented in coordination with regional efforts (e.g., Sacramento Valley Conservancy, South Sacramento County Habitat Conservation Plan) with the objectives of protecting sensitive resources and maximizing connectivity between habitats and other open space areas.

◆ **Tree planting** – Tree planting projects should be implemented throughout the watershed. Urban and open space tree planting projects provide many benefits, including heat island cooling, riparian and stream shade (water cooling and nuisance species management), wildlife habitat, streambank stability, and detritus and woody debris for the aquatic food web. These projects could be carried out by community volunteers (e.g., Friends of Folsom Parkways), the City of Folsom Parks Department, and others in coordination with the Sacramento Tree Foundation.

◆ **Invasive weed mapping and control** – Invasive weed removal strategies for different species should be identified and implemented. Suppression and/or eradication of invasive weeds requires long-term stewardship of affected areas, and successful management of invasive weed species prevents decreased riparian habitat quality and stream channel function.

There is also a need to educate and inform the existing and new community residents about appropriate plant selection for landscapes.

4.4 Opportunities and Constraints

As discussed above, undeveloped portions of the watershed south of U.S. 50 are characterized by relatively undisturbed plant communities that provide habitat for a diversity of native plants and wildlife. The water quality and aquatic habitat functions of Alder Creek in this portion of the watershed are relatively intact. The location of the watershed, at the junction between the Sierra Nevada foothills near eastern Sacramento County and the American River Parkway, likely makes the watershed a movement corridor for several species of wildlife. However, this portion of the watershed will experience significant development pressure in the coming years.

Therefore, this portion of the watershed presents both significant opportunities, in terms of terrestrial and aquatic habitat preservation, as well as recreational uses and other uses that benefit from or are facilitated by habitat preservation, and significant challenges to preserve these values in the face of urbanization. Identifying and understanding these opportunities and challenges (summarized below) was an important first step in developing recommended policies and projects for this Plan. A map illustrating opportunities and constraints in the Alder Creek watershed is provided in Exhibit 4-3.

4.4.1 Opportunities

The following opportunities relating to biological resources, water quality and hydrologic processes, and connectivity have been identified for the Alder Creek watershed.

Biological Resources

Significant biological resources are found throughout the southern portion of the watershed. The presence of these resources provides an opportunity to preserve native communities and species representative of the Central Valley and adjacent Sierra Nevada foothills through targeted designation of open space areas. These areas should encompass the greatest diversity of native communities and species, including rare, threatened, and endangered species. The areas should also be as large and interconnected as possible to facilitate movement of species between open space preserves (e.g., American River Parkway, Deer Creek Hills Preserve, Cosumnes River corridor) and persistence of species in those preserves. Open space preserves

can be further enhanced by buffering preserves wherever possible from potentially incompatible surrounding land uses (e.g., by locating parks, rather than housing, adjacent to open space areas).

Water Quality and Aquatic Ecological Processes

Despite the developed nature of the northern portion of the upper watershed and modification of watershed hydrology, the middle and lower portions of Alder Creek still appear to exhibit relatively good water quality and aquatic ecological heather (based on bioassessments). An opportunity exists to preserve these conditions to the maximum extent possible by maintaining a natural hydrograph to the extent possible; protecting the 200-year floodplain of Alder Creek and associated riparian corridor; continuing to prohibit the direct diversion of untreated urban runoff into stream channels, swales, and wetlands; detaining stormwater offstream; and reducing nutrient loading and protecting water quality.

Connectivity

Because most of the watershed is undeveloped, an opportunity exists to preserve connectivity. "Connectivity" is a broad term that relates to various types of connection. It refers to habitat connectivity between preserved open space areas, primarily to benefit wildlife populations as described above. It also refers to hydrologic connectivity among stream channels, swales, and wetlands. The term also can refer to multimodal connectivity (e.g., pedestrians, bicyclists) between existing regional trails networks and areas of future development. The preservation of Alder Creek through the dedication of a preserved creek corridor and the use of clear-span bridges or bottomless culverts, along with the creation of a regional trail network in the creek corridor, offers the most significant opportunity to maintain each of these aspects of connectivity in the watershed and throughout the larger region consistent with Sacramento Valley Conservancy's Twenty-First Century Vision for Open Space (Exhibit 4-4).

2 cont.

4.4.2 Constraints

The following constraints relating to biological resources, water quality and hydrologic processes, and connectivity have been identified for the Alder Creek watershed.

Biological Resources

The primary constraints related to biological resources are habitat loss and fragmentation that are likely to result from future development in the watershed. This could result in the loss of rare, threatened, or endangered species, and although this loss is likely to be mitigated, mitigation may occur outside the watershed, resulting in a net loss of these resource values in the watershed. Habitat loss is likely to be most pronounced in grassland and oak woodland habitats; thus, options for the preservation of habitat for species reliant on these habitat types for breeding and foraging are likely to be most constrained.

Water Quality and Hydrologic Processes

Water quality and hydrologic processes are likely to be constrained by future development and increased nutrient loading, sediment delivery, and modified hydrology that may accompany development in the watershed. Increased nutrient loading is likely to pose significant constraints for the maintenance of many aquatic habitats through the increased potential for eutrophication and depletion of dissolved oxygen via aquatic vegetation growth. Sediment delivery, particularly legacy mercury-laden sediments that exist in dredge tailings that may be mobilized during development activities, is also likely to constrain opportunities for the maintenance of water quality as it pertains to the aquatic ecosystem. Future development in the headwaters of Alder Creek, where seeps, swales, ephemeral drainages, seasonal wetlands, and other aquatic habitats provide major contributions to the flow of Alder Creek and help to

regulate the hydrology of the creek, is likely to disrupt hydrologic processes. Additional analysis and evaluation should be conducted on the Natomas Company Dam and the impoundment behind the dam to address any potential safety issues and determine long-term management strategies for the reservoir and dam. Additional analysis also should be conducted at Alder Pond, which is formed by Lake Natoma backwater and is the receiving water for the watershed.

Connectivity

Roads, utilities, and other infrastructure are likely to constrain connectivity between open space areas, hydrologic connectivity, and connectivity between recreational trails and other trails that would facilitate nonmotorized mobility between adjacent areas of development by creating barriers to the free movement of wildlife, water, and people. As described for water quality, opportunities to maintain connectivity, particularly hydrologic connectivity, are likely to be most constrained in the upper watershed, where the hydrologic system consists of an interconnected network of seeps, wetlands, swales, and drainages.

2 cont.

Chapter 5 of the Plan goes into useful detail and suggests development planning policies that would provide watershed protection. Page 5-12 shows El Dorado Hills Town Center, an example of a project that retains surface water features instead of piping stormwater. Other examples under development design and implementation recommendation DDI-2 incorporate natural drainages into development design are shown on pages 5-37 through 5-39. See also page 5-43, Recommendation DDI-4.

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The DEIR needs to consider more natural-type drainage as an alternative to the proposed piping of stormwater in the northeast area/upper watershed. Please see above excerpts from the plan for the stream hydrology and geomorphic and water quality impacts that could be avoided.

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The DEIR should consider mitigation of erosion and sedimentation and creek channel alteration by an alternative stormwater system with many dispersed drainage outfalls as opposed to the larger outfalls proposed. Dispersed and distributed stormwater drainages decrease the overall impact of discharging concentrated stormwater to the receiving creek. Smaller drainage areas with drainage swales and culverts flowing into the creek in a fashion that is similar to natural drainage patterns should be analyzed. This alternative drainage system in the headwaters and upper watershed could avoid large pulses of water into the receiving creek that cause channel alteration, reformation, and often substantial scour at the outfall locations.

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Please consider incorporating the Alder Creek Watershed Management Action Plan into the mitigation measures for impacts to hydrology, water quality, and biological resources.

13

Thank you for the opportunity to comment on this wide-ranging and significant project.

Sincerely,



Alta Tura, President

- SACC-1 *The comment states that most of the project site is within the Alder Creek Watershed.*
- The DEIR/DEIS acknowledges that the majority of the project site is located within the Alder Creek Watershed (see page 3A.9-1 of the DEIR/DEIS and Exhibit 3A.9-1, “Project Site Watershed and Outfall Locations”).
- SACC-2 *The comment provides eight pages of excerpts from the Assessment Results section of the Alder Creek Watershed Management Action Plan (City of Folsom 2010).*
- The Alder Creek Watershed Management Action Plan is described on page 3A.9-32 of the DEIR/DEIS. The comment does not suggest any deficiencies or request any changes in the analysis contained in the DEIR/DEIS; therefore, no further response is required.
- SACC-3 *The comment states that Chapter 5 of the Alder Creek Watershed Management Action Plan (City of Folsom 2010) provides useful detail and suggests development of planning policies that would provide watershed protection.*
- The Alder Creek Watershed Management Action Plan is discussed on page 3A.9-36 of the DEIR/DEIS. The commenter is correct that this plan provides recommendations related to assessment and protection of hydrologic and geomorphic processes and functions for Alder Creek. However, the Alder Creek Watershed Management Action Plan has not been adopted by the City of Folsom as a set of enforcing regulations or policies; therefore, CEQA does not require that the project’s compliance be analyzed in the DEIR/DEIS. However, the City notes that the Alder Creek Watershed Management Action Plan was provided to the project applicant(s) so that elements of that Plan, to the extent practical and feasible, could be incorporated in project design.
- SACC-4 *The comment states that page 5-12 of the Alder Creek Watershed Management Action Plan (City of Folsom 2010) provides an example of a project that retains surface water features instead of piping stormwater (i.e., the El Dorado Hills Town Center).*
- See response to comment SACC-3. The stormwater facilities proposed as part of the project would be constructed along the natural drainage courses within the SPA to mimic natural drainage patterns, as described on page 2-20 of the DEIR/DEIS. Stormwater runoff would be collected in surface swales, catch basins, drainage inlets, underground pipes, and detention basins. Also, during smaller rain events, runoff would be conveyed within the creek banks while larger flows would utilize up to the design depth of the detention basins. The project also would employ an LID stormwater management system to reduce excess stormwater runoff and increase infiltration potential and surface storage (see DEIR/DEIS Chapter 2, “Alternatives” at pages 2-20 and 2-23, and Mitigation Measure 3A.9-2 on page 3A.9-29).
- SACC-5 *The comment states that the Alder Creek Watershed Management Action Plan (City of Folsom 2010) contains other examples in Recommendation DDI-2 that incorporate natural drainages into development designs.*
- See responses to comments SACC-3 and SACC-4. The project would maintain at least 30% of the SPA as natural open space, including most of Alder Creek as well as most of

the stream and intermittent drainage channels found in the area, as described on page 2-24 of the DEIR/DEIS.

SACC-6

The comment states that the Alder Creek Watershed Management Action Plan (City of Folsom 2010) Recommendation DDI-4 provides an example of how to incorporate natural drainages into development design.

See responses to comments SACC-3 and SACC-4. The Sacramento County and City of Folsom Phase I MS4 NPDES permit identifies the need to address changes in the hydrograph (hydromodification), which could result from urbanization of a watershed, and would require LID controls to more closely mimic the predeveloped hydrologic condition. Mitigation Measure 3A.9-2 on page 3A.9-29 of the DEIR/DEIS would require the preparation and submittal of final drainage plans, which include performance standards to demonstrate that project-related on- and off-site runoff would be appropriately contained in detention basins or managed through other improvements (e.g., source controls, biotechnical stream stabilization) to reduce flooding and hydromodification impacts. The final drainage plan would need to have approval from the City of Folsom Community Development and Public Works Department and the El Dorado County Department of Transportation.

The final drainage plans could include use of: LID techniques to limit increases in stormwater runoff; enlarged detention basins to minimize flow changes; bioengineered stream stabilization to minimize bank erosion; minimization of slope differences between stormwater or detention facility outfall channels and the receiving channel gradient; and minimization of encroachments into the channel and floodplain corridor. Several of these techniques are consistent with the recommendations made in the Alder Creek Watershed Management Action Plan Recommendation DDI-4.

SACC-7

The comment states that the DEIR/DEIS should consider more natural-type drainage as an alternative to the proposed piping of stormwater in the northeast upper watershed area.

See response to comment SACC-5.

SACC-8

The comment states that recommendations from the Alder Creek Watershed Management Action Plan (City of Folsom 2010) can help avoid impacts to stream hydrology, geomorphology, and water quality.

See response to comment SACC-3. Several of the recommendations from the Alder Creek Watershed Management Action Plan have already been incorporated into the project design, and have been incorporated into Mitigation Measures 3A.9-2 and 3A.9-3 (on pages 3A.9-29 and 3A.9-38 of the DEIR/DEIS, respectively). Final drainage plans, as required in Mitigation Measure 3A.9-2, would demonstrate that project-related on- and off-site runoff would be appropriately contained to reduce flooding and hydromodification impacts. The development and implementation of BMPs and a water quality maintenance plan, as required in DEIR/DEIS Mitigation Measure 3A.9-3, would conform to applicable state and local regulations and would reduce contaminant levels in urban runoff.

SACC-9 through
SACC-10

The comments state that the DEIR should consider mitigation of erosion, sedimentation, and creek channel alteration by an alternative stormwater system with many dispersed drainage outfalls as opposed to the larger outfalls currently proposed.

The commenter suggests an alternative stormwater system in order to be consistent with recommendations and guiding principles contained in the Alder Creek Watershed Management Action Plan. See responses to comments SACC-3 and SACC-6. Stormwater infrastructure for the project would be designed and constructed to limit peak storm flows to the level existing before development. DEIR/DEIS Mitigation Measure 3A.9-1 (pages 3A.9-25 and 3A.9-26) and Mitigation Measure 3A.9-2 (pages 3A.9-29 and 3A.9-30) contain policies designed to reduce erosion, sedimentation, and creek channel alteration as a result of project construction and operation. An EIR need not consider all potential alternatives to the project but merely a reasonable range. (CEQA Guidelines section 151526.6[a].) The DEIR/DEIS analyzes a reasonable range of alternatives and need not include multiple variations of the alternatives that it does consider, including, for example, an alternative that would implement a different drainage system in the SPA. (See *Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* [1982] 134 Cal.App.3d 1022 [EIR was not required to study what project opponents characterized as an “obvious alternative” when document already analyzed reasonable range of alternatives].) The commenter suggests that the DEIR/DEIS analyze an alternative to the proposed on-site drainage system but an EIR is not required to consider alternatives to a component of a project and should instead focus on alternatives to the project as a whole. (*California Native Plant Society v. City of Santa Cruz* [2009] 177 Cal.App.4th 957, 993 [EIR upheld despite opponents’ claim that City should have evaluated an off-site alternative to one of the trails in the plan].)

SACC-11

The comment states that systems more similar to natural drainage patterns should be analyzed.

See responses to comments SACC-3, SACC-6, and SACC-9 through SACC-10. Stormwater infrastructure for the project would be designed and constructed to limit peak storm flows to the level existing before development. DEIR/DEIS Mitigation Measure 3A.9-1 (pages 3A.9-25 and 3A.9-26) and Mitigation Measure 3A.9-2 (pages 3A.9-29 and 3A.9-30) contain policies designed to reduce erosion, sedimentation, and creek channel alteration as a result of project construction and operation.

SACC-12

The comment states that an alternative drainage system in the headwaters and upper watershed could avoid impacts to receiving creeks that cause channel alteration, reformation, and scour at outfall locations.

The commenter suggests an alternative project design in order to be consistent with recommendations and guiding principles contained in the Alder Creek Watershed Management Action Plan. See responses to comments SACC-3, SACC-6, and SACC-9 through SACC-10. Stormwater infrastructure for the project would be designed and constructed to limit peak storm flows to the level existing before development. DEIR/DEIS Mitigation Measure 3A.9-1 (pages 3A.9-25 and 3A.9-26) and Mitigation Measure 3A.9-2 (pages 3A.9-29 and 3A.9-30) contain policies designed to reduce erosion, sedimentation, and creek channel alteration as a result of project construction and operation.

SACC-13

The comment requests that mitigation measures for impacts to hydrology, water quality, and biological resources incorporate the Alder Creek Watershed Management Action Plan.

The Alder Creek Watershed Management Action Plan has not been adopted. Although many of the mitigation measures proposed in the DEIR/DEIS are similar to elements of the plan, the plan is not required under CEQA to be incorporated into mitigation measures because it is not an adopted plan, regulation, or law.