

## **APPENDIX B**

---

Comments on Notice of Preparation

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

US ARMY CORPS OF ENGINEERS  
FOLSOM SOUTH OF U.S. HIGHWAY 50  
SPECIFIC PLAN PROJECT EIS  
PUBLIC SCOPING MEETING  
  
FOLSOM PUBLIC LIBRARY  
411 STAFFORD STREET  
FOLSOM, CA  
THURSDAY, SEPTEMBER 25TH, 2008 - 5:00 P.M.

---000---

REPORTED BY: ANGIE M. MATERAZZI, CSR 13116

---

JAN BROWN & ASSOCIATES  
CERTIFIED SHORTHAND REPORTERS  
701 BATTERY STREET, 3RD FLOOR, SAN FRANCISCO, CA 94111  
(415) 981-3498

□

1

PUBLIC SPEAKERS

public\_scoping\_meeting

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

BRENT CHRISTIERSON, NEW SONG CHRISTEN CHURCH  
308 Natoma Street, Suite 100  
Folsom, CA 95630  
(916) 458-7086

□

3

1 SEPTEMBER 25TH, 2008 - THURSDAY 5:00 P.M.

2 ----000----

3 BRENT CHRISTIERSON: My name is Brent  
4 Christierson. I'm a resident of Folsom. I'm also a

5                                   public\_scoping\_meeting  
5 member of New Song Christian Church. Our concern is  
6 that the current land area that's purposed -- the  
7 different land uses have commercial uses, and we're  
8 aware that a religious facility would be a conditional  
9 use under all of those uses. But there's no land area  
10 specific to set aside for houses of worship, of all  
11 kinds, not just Christian. So we would like to be  
12 considered in the EIR.

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

(whereupon, the proceedings concluded at  
7:00 o'clock p.m.)

□

4

1 State of California     )  
2 County of Sacramento   ) ss.

3

4                   I, Angie M. Materazzi, a Certified Shorthand  
5 Reporter of the State of California, do hereby certify  
6 that the foregoing proceedings were reported by me, a  
7 disinterested person, and thereafter transcribed under

8                                   public\_scoping\_meeting  
8   my direction into typewriting and is a true and correct  
9   transcription of said proceedings.

10                    I further certify that I am not of counsel of  
11   attorney for either or any of the parties in the  
12   foregoing proceedings and caption named, nor in any way  
13   interested in the outcome of the cause named in said  
14   caption.

15                    Dated the 9th day of October, 2008.

16

17

18

ANGIE MATERAZZI CSR NO. 13116

19

20

21

22

23

24

25

□



## Gail Furness De Pardo

---

**Subject:** FW: Folsom Annexation Project

---

**From:** Rochelle Amrhein [mailto:RWAmrhein@cityofsacramento.org]  
**Sent:** Thursday, November 06, 2008 2:41 PM  
**To:** Gail Furness De Pardo  
**Cc:** Tom Buford  
**Subject:** Folsom Annexation Project

Gail,

I am an environmental planner with the City of Sacramento working on the Natomas Joint Vision and other projects in the Natomas Basin HCP area. Through my work on the Natomas Joint Vision Biological Subcommittee, I was made aware of the Folsom annexation project by the US Fish and Wildlife Service (USFWS), because the project proposes to use water supplied from the Natomas Basin.

Because this project could cause potential impacts to the City of Sacramento, through redistribution of water from the Natomas Basin, we feel that the City should review publicly released documents on the project (i.e. the EIR/EIS documents).

We did not receive a copy of the NOP, and I understand that we are too late to submit comments. We would like to request to be put on the mailing list for the project so that we receive a copy of all future public notices. We would like to review the DEIR/EIS when it is released specifically to review analysis of the water allocation and potential impacts to the Natomas Basin, as described in the comment letter submitted to your office by the USFWS.

Please send notices and documents to:

Tom Buford, Senior Planner  
City of Sacramento, Environmental Planning Services  
300 Richards Boulevard, Third Floor  
Sacramento, CA 95811  
[TBuford@cityofsacramento.org](mailto:TBuford@cityofsacramento.org)

If you have any comments regarding this request, you may contact me at 908-7601 or Tom Buford at 908-7601.

Thank you.

Rochelle Amrhein  
Environmental Planning Services  
City of Sacramento  
Development Services Department  
300 Richards Blvd., 3rd Floor  
Sacramento, CA 95811  
(916) 808-7601



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION IX**

**75 Hawthorne Street  
San Francisco, CA 94105-3901**

November 3, 2008

Ms. Lisa Gibson  
U.S. Army Corps of Engineers,  
Sacramento District  
1325 J. Street, 14<sup>th</sup> Floor  
Sacramento, CA 95814

**Subject: Notice of Intent to prepare an Environmental Impact Statement for the Folsom South of U.S. Highway 50 Specific Plan Project, Sacramento County, California.**

Dear Ms. Gibson:

The U.S. Environmental Protection Agency (EPA) has reviewed the Notice of Intent (NOI) to Prepare a Draft Environmental Impact Statement (DEIS) for the Folsom South of U.S. Highway 50 Specific Plan pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act. These comments were also prepared under the authority of, and in accordance with, the provisions of the Federal Guidelines (Guidelines) promulgated at 40 CFR 230 under Section 404(b)(1) of the Clean Water Act (CWA). Our detailed comments are enclosed.

EPA is particularly concerned with the potential direct and indirect impacts to waters of the U.S. (WOUS) that could occur at the Project site. According to the NOI, approximately 21.28 acres of WOUS would be lost due to direct impacts from fill, a loss of over 25 percent of the aquatic resources at the Project site. These impacts would be in addition to indirect impacts that are anticipated but unquantified at this time. We are especially concerned with cumulative impacts to vernal pool complexes at the site due to construction and operations of the development. We note that several projects are proposed in the Project area that would also add to the already significantly reduced acreage of vernal pools in the Central Valley, and the threatened and endangered species they support. We recommend the Corps, City of Folsom, and South of Folsom Property Owners coordinate with EPA prior to releasing the DEIS to develop alternatives that avoid and minimize these impacts to the maximum extent practicable as required to comply with the Clean Water Act Section 404(b)(1) Guidelines.

Biological resource impacts of the proposed Project appear to be potentially significant. EPA is concerned that the Project could affect populations and habitats of several federal and state-listed species due to direct, indirect, and cumulative impacts. We support comments made in the U.S. Fish and Wildlife Service's October 28, 2008 comment letter on the NOI and strongly concur that the DEIS should include a meaningful effects analysis and proposed conservation

strategy for federally-listed species. We suggest this occur for state-listed species as well. We also recommend the DEIS take a close look at the potential impacts to species from habitat fragmentation and edge effects in the impacts analysis.

Smart Growth, Green Building, and Leadership in Energy and Environmental Design (LEED) principles are strongly encouraged as a means to reducing Project impacts and creating a healthier, more sustainable community. Benefits to environmental resources that would result from utilization of these principles should be described in the DEIS.

Due to the potential significant impacts of the project, EPA encourages the Corps, City of Folsom, and South Folsom Property Owners Group to actively coordinate with EPA and other environmental resource agencies prior to the release of the DEIS for public review. When the DEIS is released for review, please send two hard copies and one CD copy to the address above (mailcode: CED-2) at the same time five copies are formally filed with EPA Headquarters. If you have any questions, please contact me at 415-972-3847 or [amato.paul@epa.gov](mailto:amato.paul@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Amato', with a long horizontal line extending to the right across the page.

Paul F. Amato  
Environmental Protection Specialist  
Environmental Review Office

Enclosure:  
EPA Detailed Comments  
EPA's October 13, 2008, 404 Letter

Cc:  
Mr. David Miller, Director, City of Folsom Community Development Department  
Mr. John Hodgson, The RHC Group,  
Mr. Kenneth Sanchez, Assistant Field Supervisor, U.S. Fish and Wildlife Service  
Mr. Jeff Drongesen, California Department of Fish and Game  
Mr. Todd Gardner, California Department of Fish and Game  
Mr. Dan Gifford, California Department of Fish and Game

EPA'S DETAILED COMMENTS ON THE NOTICE OF INTENT TO PREPARE AN ENVIRONMENTAL IMPACT STATEMENT FOR THE FOLSOM SOUTH OF U.S HIGHWAY 50 SPECIFIC PLAN PROJECT, NOVEMBER 3, 2008

**Project Purpose and Need**

The purpose and need statement in the Draft Environmental Impact Statement (DEIS) should be clearly stated and briefly describe the underlying purpose and need to which the U.S. Army Corps of Engineers (Corps) is responding in proposing alternatives, including the proposed action (40 C.F.R. 1502.13.) The statement of purpose and need should explain why the Corps and South Folsom Property Owners Group (Property Owners) are undertaking the proposed Folsom South of U.S. Highway 50 Specific Plan Project (Project) and the objectives that the action is intended to achieve. A clear purpose and need statement is important under the National Environmental Policy Act (NEPA) and to EPA's review in that it should be directly linked to the proposed alternative designs and clarify the potential impacts of a range of reasonable alternatives for the proposed Project. The DEIS should also include a detailed description of why a development the size, composition and location of the proposed Project is needed.

**Alternatives**

The EIS should rigorously explore and objectively evaluate a reasonable range of alternatives (40 C.F. R. 1502.14). Because of the large footprint of the proposed Project and the potential for significant impacts to several environmental resources, the Corps and Property Owners should consider a range of alternatives that avoid impacts to these resources to the maximum extent practicable. According to the NOI, the DEIS is expected to include the No Action, Proposed Action, Resource Impact Minimization, Centralized Development, and Reduced Hillside Development Alternatives. The DEIS should clearly describe and comparatively assess these alternatives, and any other reasonable alternatives, for their direct, indirect, and cumulative effects to environmental resources. Where unavoidable impacts result, the DEIS should describe and commit to appropriate mitigation measures.

EPA strongly encourages a comprehensive inventory and assessment of the environmental resources at the proposed Project site and the preservation of areas with higher functions and values in perpetuity. The methods of this analysis should be included as an appendix to the DEIS with results described within the DEIS, including how the alternatives have been developed to avoid and protect environmental resources identified at the site.

**Waters of the U.S.**

EPA's October 13, 2008 comment letter on the September 12, 2008 Public Notice (SPK-2007-02159) for the Project mentions our serious concerns with the potential impacts of the Project on waters of the U.S. (WOUS) and our interest in working closely with the Corps during the Project planning phase to reduce these impacts (see attached). In addition, we have the following comments in response to the NOI:

EPA supports the efforts of the Property Owners and City of Folsom to file a joint application for a Clean Water Act Section 404 permit and for working with the Corps to produce a unified approach through a single Public Notice and a joint DEIS. We believe this approach can facilitate better consideration of cumulative effects and help identify more appropriate avoidance and mitigation needs.

EPA is concerned with the potential for significant Project impacts on WOUS. According to the NOI (based on a preliminary jurisdictional delineation), there are approximately 82.89 acres of WOUS within the Project site, including 4.11 acres of vernal pools, 24.43 acres of seasonal wetland swales, 4.75 acres of season wetlands, 1.25 acres of freshwater marsh, 10.46 acres of freshwater seeps, 7.72 acres of ponds, 17.80 acres of stream channels, 10.43 acres of ephemeral drainage channels, and 1.93 acres of ditches. The Property Owners plan to fill approximately 21.28 acres of these interconnected waters, including vernal pool complexes.

Vernal pool complexes, comprised of interconnected pools, wetlands and other waters are high value aquatic resources that provide habitat for federally threatened and endangered species, and their functions and values should be protected. Some of the species that vernal pool complexes support occur only in California. High rates of biodiversity and endemism within vernal pool ecosystems and the large-scale destruction and degradation of these ecosystems have increased the importance of the vernal pools and interconnected aquatic resources that remain. Statewide, as much as 85 percent of the original distribution of vernal pool complexes has been lost to development, and up to 33 percent of the crustacean species that are endemic to vernal pool habitat (e.g., fairy shrimp) may have already become extinct due to habitat destruction. The DEIS, and ultimately any decisions regarding the approval and implementation of the Project, should be informed by studies that clearly and accurately identify and describe the aquatic resources at the Project site. A summary of the results of these studies should be included in the DEIS with the studies included as appendices.

Direct and possibly indirect Project impacts to vernal pools and interconnected aquatic resources would reduce the site's abundance and diversity of native habitat, terrestrial wildlife, and aquatic species and would contribute to the cumulative losses of vernal pools. In addition to direct and indirect impacts of the Project, there are numerous reasonably foreseeable projects in the immediate vicinity of the proposed Project which are taking a cumulative toll on WOUS and perhaps causing significant degradation of aquatic resources in southeastern Sacramento County. These projects include, but are not limited to, Mather Air Field, Rio del Oro project, the Sunrise Douglas Community Planning Area, Cordova Hills, the Arboretum-Waegell Specific Plan, Excelsior Estates, and Walltown Quarry. The DEIS should include a robust analysis of direct and indirect impacts of the Project, as well as cumulative impacts from past and reasonably foreseeable projects in the area resulting in fill and degradation to WOUS.

The DEIS should demonstrate compliance with Clean Water Act Section 404(b)(1) Guidelines (Guidelines) and their requirements for avoidance and minimization (40 CFR 230.10). Generally, the Guidelines limit issuing 404 permits to only those projects that avoid WOUS to

---

<sup>1</sup> King, J.L. (1996). Loss of Diversity as a Consequence of Habitat Destruction in California Vernal Pools. Ecology, Conservation, and Management of Vernal Pool Ecosystems, Sacramento, California Native Plant Society.

the maximum extent practicable. Based on information in the NOI, regulated waters cover approximately 2.3 percent of the project site; however, the Property Owners propose to permanently impact over 25 percent of the aquatic resources in the Project area. The magnitude of proposed fill to these valuable resources is unacceptable considering that jurisdictional waters cover such a small percentage of the Project site. Based on the NOI, EPA is unable to determine whether more can be done to avoid direct discharges of fill material to WOUS; however, we believe that Project alternatives having fewer impacts to aquatic resources may be available and viable and should be fully examined in the DEIS. We also recognize that this project is in the very early phases of planning and obtaining permits, and we remain willing to work with your staff, the City of Folsom, and the Property Owners to comply with the Guidelines. For further coordination and assistance with issues pertaining to WOUS, please contact Paul Jones, EPA Wetlands Office at (415) 9723470, or by email at [jones.paul@epa.gov](mailto:jones.paul@epa.gov).

The DEIS should demonstrate compliance with the new Corps and EPA approved *Compensatory Mitigation for Losses of Aquatic Resources; Final Rule* (Mitigation Rule) 33 CFR Parts 325 and 332, and 40 CFR Part 230. Where impacts to WOUS are determined to be unavoidable, the Property Owners will need to identify appropriate compensatory mitigation consistent with the new rule. The new rule can be found at: <http://www.epa.gov/wetlandsmitigation/> and at: <http://www.usace.army.mil/cw/cecwo/reg/citizen.htm>.

*Recommendations:*

We recommend the DEIS be informed by studies that clearly and accurately identify and describe the aquatic resources at the Project site. The results of these studies should be summarized as part of the description of baseline site conditions and used to inform the selection of an alternative, as well as impact avoidance, minimization and mitigation.

The DEIS should include a robust analysis of direct and indirect impacts of the Project, as well as cumulative impacts from past and reasonably foreseeable projects in the area that have or potentially will result in fill and degradation to WOUS.

The DEIS should demonstrate compliance with Clean Water Act Section 404(b)(1) Guidelines (Guidelines) and their requirements for avoidance and minimization.

The DEIS should demonstrate compliance with the new Corps and EPA approved *Compensatory Mitigation for Losses of Aquatic Resources; Final Rule* (Mitigation Rule) 33 CFR Parts 325 and 332; and 40 CFR Part 230.

**Groundwater**

Water supply is not discussed in the NOI but based on similar projects, EPA anticipates the likelihood that groundwater pumping may be proposed at the site. In addition, substantial increases in impervious surfaces could reduce infiltration rates and recharge of the local aquifer. The DEIS should clearly describe existing groundwater conditions, any potential impacts to groundwater quantity and quality, and commit to avoidance measures to prevent impacts from the Project. EPA is especially concerned with groundwater in the Project area due to the relationship between existing conditions and the extensive vernal pool complex and other aquatic

resources that exist due to these conditions. Any direct, indirect and cumulative impacts to groundwater that may occur as a result of the Project should be clearly assessed in the DEIS in light of these relationships. Mitigation measures should also be identified and committed to in the DEIS in order to assure that the Project will not have an adverse effect on groundwater and interrelated surface waters such as vernal pools and streams. Both design and conservation measures should be considered.

*Recommendation:*

The DEIS should clearly describe existing groundwater conditions and the relationship to surface waters at the site and assess potential impacts of the Project. Avoidance and mitigation measures, both structural and conservational, should be identified and committed to.

**Water Availability**

The DEIS should describe existing and/or proposed sources of water supply for the Project and direct, indirect and cumulative impacts to water resources that may occur. The proposed Project could result in over 10,000 new residential units and a mix of commercial facilities, resulting in significant increases in water demands for an indefinite period of time. EPA strongly encourages including a discussion in the DEIS of all water conservation measures that will be implemented to reduce water demands for the proposed Project, both during and after construction. The Project design should maximize conservation measures such as appropriate use or recycled water for landscaping and industry, xeric landscaping, a water pricing structure that accurately reflects the economic and environmental costs of water use, and water conservation education. An estimate of the water resource benefits that result from each mitigation and conservation measure proposed should be included in the DEIS. Water saving strategies can be found in the EPA's publications *Protecting Water Resources with Smart Growth* at [www.epa.gov/piedpage/pdf/waterresources\\_with\\_sg.pdf](http://www.epa.gov/piedpage/pdf/waterresources_with_sg.pdf), and *USEPA Water Conservation Guidelines* at [www.epa.gov/watersense/docs/app\\_a508.pdf](http://www.epa.gov/watersense/docs/app_a508.pdf).

In addition, the DEIS should describe water reliability for the Project and clarify how existing and/or proposed sources will be affected by climate change. At a minimum, EPA expects a qualitative discussion of impacts to water supply and adaptability of the Project to these changes, as part of the DEIS impacts analysis.

*Recommendation:*

The DEIS should describe water supply sources for the proposed Project and assess potential impacts to supply that could occur. Water conservation measure to reduce water demand for the Project should be included in the DEIS.

**Biological Resources**

EPA is very concerned with the level of significant impact from the proposed Project to biological resources and supports the biological resource comments made in the U.S. Fish and Wildlife Service's (USFWS) October 28, 2008 comment letter on the NOI. The Project lies within the California Floristic Province, a designated biodiversity hotspot, and potentially

supports habitat for state and federally listed species, including vernal pool fairy shrimp, vernal pool tadpole shrimp, northwestern pond turtle, California tiger salamander, California red-legged frog, giant garter snake, Swainson's hawk, burrowing owl, prairie falcon, golden eagle, tri-colored blackbird, valley elderberry longhorn beetle, Sacramento orcutt grass, and slender orcutt grass. The DEIS should provide a description of baseline biological conditions, including habitats and species and a description of direct, indirect and cumulative impacts to these habitats and species. The DEIS should provide information on species and habitats protected under the Federal Endangered Species Act and the California Endangered Species Act, and describe how impacts will be avoided, minimized and mitigated. EPA supports the approach recommended by the USFWS in their October 28, 2008 comment letter to "include a meaningful effects analysis and proposed conservation strategy for federally-listed species" in the DEIS. We suggest state-listed species be included.

We are also concerned with the potential for proposed Project alternatives resulting in fragmentation of aquatic and terrestrial species habitats and encourage the Corps, City of Folsom, and Property Owners to identify alternatives that maintain large habitat conservation areas at the Project site. Numerous studies have demonstrated that edge effects and the size of contiguous habitat areas are critical to species health, diversity, and abundance. The DEIS should consider the impacts of habitat fragmentation and edge effects for aquatic and terrestrial species and identify avoidance and mitigation measures to address them.

The DEIS should also describe coordination with the Service and California Department of Fish and Game (CDFG) to reduce and mitigate impacts to all listed species and their habitats at the Project site.

*Recommendations:*

The DEIS should describe biological resources at the proposed Project site, including an inventory of federal and state-listed species and their habitats. Direct, indirect and cumulative impacts of the Project should be described and avoidance, minimization, and mitigation measures identified and committed to. Impacts to aquatic and terrestrial species, from habitat fragmentation and edge effects, should be included.

The DEIS should describe coordination with the USFWS and CDFG and include a meaningful effects analysis and conservation strategy for listed species and their habitats.

**Air Quality and Traffic**

The EIS must adequately assess air quality impacts of the Project and minimize these impacts through adequate mitigation measures. The proposed Project area falls within the Sacramento Metropolitan Air Basin, which is designated nonattainment for national ambient air quality standards (NAAQS) including ozone (O<sub>3</sub>). Specifically, the air basin is designated severe nonattainment for 8-hour O<sub>3</sub>, severe nonattainment for 1-hour O<sub>3</sub>, and moderate nonattainment for particulate matter less than 10 microns (PM<sub>10</sub>). For air quality-related questions, the Corps is encouraged to contact Mr. John Kelly at (415) 947-4151 or by email at [kelly.johnj@epa.gov](mailto:kelly.johnj@epa.gov).

The DEIS should provide a discussion of the baseline air quality conditions in the Project area and a description of federal and state air quality regulations, and a rigorous assessment of direct, indirect, and cumulative effects of the proposed Project on air quality. The analysis of air quality impacts should include direct, indirect and cumulative impacts from construction and post construction conditions, including increased traffic. The DEIS should describe specific commitments to mitigate emissions that will prevent further degradation of air quality in the Air Basin. In short, the cumulative impacts analysis should consider all new sources of emissions that are likely to result from the proposed Project. An estimate of the air quality benefits that result from each mitigation measure proposed should be included in the DEIS. The DEIS should also describe coordination with EPA, California Air Resources Board, and the Sacramento Metropolitan Air Quality Management District to reduce air quality impacts in the Air Basin.

The EIS should describe whether the Project will or will not meet general conformity requirements with the associated state implementation plans for the Air Basin. If the federal action is determined to potentially interfere with the attainment of Clean Air Act NAAQS, the Corps is required to conduct a conformity analysis to determine the likelihood and extent of interference.

While the proposed Project area is not designated nonattainment for particulate matter less than 2.5 microns (PM<sub>2.5</sub>), San Joaquin County immediately to the south is currently designated nonattainment for PM<sub>2.5</sub>. To prevent further degradation of air quality in Sacramento and Placer Counties from construction-caused PM<sub>10</sub> and PM<sub>2.5</sub>, EPA suggest the following fugitive dust control measures be adopted in the DEIS:

*Fugitive Dust Source Controls:*

- Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate. This applies to both inactive and active sites, during workdays, weekends, holidays, and windy conditions.
- Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions.
- When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.

*Mobile and Stationary Source Controls:*

- Reduce use, trips, and unnecessary idling from heavy equipment.
- Maintain and tune engines per manufacturer's specifications to perform at EPA certification levels and to perform at verified standards applicable to retrofit technologies. Employ periodic, unscheduled inspections to limit unnecessary idling and to ensure that construction equipment is properly maintained, tuned, and modified consistent with established specifications.
- Prohibit any tampering with engines and require continuing adherence to manufacturers recommendations
- If practicable, lease newer and cleaner equipment meeting the most stringent of applicable Federal or State Standards.

- Utilize EPA-registered particulate traps and other appropriate controls where suitable to reduce emissions of diesel particulate matter and other pollutants at the construction site.

*Administrative controls:*

- Identify where implementation of mitigation measures is rejected based on economic infeasibility.
- Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking. (Suitability of control devices is based on: whether there is reduced normal availability of the construction equipment due to increased downtime and/or power output, whether there may be significant damage caused to the construction equipment engine, or whether there may be a significant risk to nearby workers or the public.)
- Utilize cleanest available fuel engines in construction equipment and identify opportunities for electrification. Use low sulfur fuel (diesel with 15 parts per million or less) in engines where alternative fuels such as biodiesel and natural gas are not possible.
- Develop a construction traffic and parking management plan that minimizes traffic interference and maintain traffic flow.

The DEIS should identify sensitive receptors in the project area, such as schools, daycare centers, nursing homes, and hospitals and specify the means by which impacts to these receptors will be minimized due to both construction and long term land use associated with the Project. For example, locate construction equipment and staging zones away from sensitive receptors away from fresh air intakes and buildings and design neighborhoods such that activity centers (ball fields, etc.) and sensitive receptors are not proximate to emissions sources, such as highways.

Due to the scale of the proposed Project and the amount of new residents and jobs in the area, it is reasonable to anticipate increased traffic and congestion in the local surface streets, freeways and highways. The DEIS should include a traffic analysis to determine how the proposed Project will affect traffic in the region and contribute to cumulative air quality impacts.

**Induced Growth**

The EIS should describe how the proposed Project could result in environmental impacts due to induced-growth. Construction of a new development the size and anticipated population of the Project could result in increased pressure for more development, increased transportation infrastructure and other essential services in the area. Taken into account with the other proposed projects in the area, induced growth impacts could be significant. EPA's recommendation is to make both the methodology and the assumptions in the growth inducing analysis as transparent as possible to the public and decision makers. To do this, EPA recommends that Corps, City of Folsom and Property Owners:

- (1) Identify which land use model will be used, discuss its strengths and weaknesses, and describe why it was selected.

(2) Identify the assumptions used in the model and why those assumptions were selected. For example, describe which method will be used to allocate growth to analysis zones, its strengths and weaknesses, and why that method was selected.

(3) Ground truth the results of the land use model by enlisting local expertise involved in land use issues, such as local government officials, land use and transportation planners, home loan officers, and real estate representatives. Use their collective knowledge to validate or modify the results of the land use model.

(4) Use the results of the growth inducing analysis to inform transit options, neighborhood design, and recommendations for land use as well as mitigation measures to reduce environmental impacts.

### **Smart Growth, Green Building and Leadership in Energy and Environmental Design**

Environmental impacts of the proposed Project can be reduced through modifications to the Project footprint and configuration and the integration of Smart Growth, Green Building and Leadership in Energy and Environmental Design (LEED) principles. For your benefit, EPA has provided information on these principles including how they can reduce impacts to different resource areas.

#### **Smart Growth**

Smart Growth is defined as an effort to improve a project area with the participation of several stakeholders. It incorporates government and community partnering, environmental stewardship and transportation network enhancements for safety and functionality.

#### ***Consider implementing Smart Growth principles in development planning.***

National, state and local organizations have come together to form the Smart Growth Network (SGN), a voluntary initiative led by 36 partner organizations that have come together to help integrate development which benefits the economy, communities and ecological sustainability. For innovative solutions which address low impact development, please visit EPA's Smart Growth website at <http://www.epa.gov/smartgrowth/index.htm>.

With the help of Smart Growth development, project proponents can demonstrate their commitment to being environmentally sound in development planning. Additionally, the value of having Smart Growth development provides economic growth and quality of life goals; attributes found attractive to both developers and potential home owners. Smart Growth design is beneficial for all stakeholders due to its ability to save money and save resources. Furthermore, the 2004 National Community Preference Survey conducted by the National Association of Realtors concluded that Americans tend to favor Smart Growth communities for the reason that they offer shorter commute times and offer walkable communities. The SGN has made it feasible and efficient to become a partner within the network. For information regarding the SGN please visit the following Web Site: <http://www.smartgrowth.org/>.

## **Ecological Footprint**

### ***Consider development plans that incorporate innovative design modifications.***

EPA recommends incorporating design modifications to address impacts that development projects have on the environment. Design modifications can help improve development plans. For example, both coving and bay designed homes offer more space and cost less to build due to fewer roads and utilities. Additionally, they offer safer travel and a greater variety than their counterparts, the traditional suburbs.

Coving is a development design that enables the planning of communities while taking green space created in front of houses and winding streets into design plans. This design innovation positions homes to form a curve that is separate from the pattern of the streets, allowing for more homes per given length of a road. This design benefits developers by reducing the lineal feet of paved road from twenty to 40 percent.

Bay designed homes also uses less infrastructure. Unlike coving, a bay home development and the surrounding land is commonly held by a home owners association. This design considers pedestrian walkability by connecting the fronts of units with a walkway. The homes are designed with the entrance and garage in the rear of the structure, while leaving the front as open space. While housing densities may be similar to traditional housing developments, the bay home concept cuts up to 50 percent in infrastructure spending and creates a pedestrian friendly neighborhood.

For more information regarding the abovementioned designs please see *A Guide to Smart Growth: Shattering Myths, Providing Solutions*.

### ***Consider increasing density in development plans.***

Density is important due to several influential factors that include its ability to support housing choice and affordability, help expand transportation choices, support community fiscal health, improve security, help protect the environment and cut infrastructure costs. When designing for density we recommend the following design principles:

- Identify appropriate locations;
- Connect people and places;
- Mix uses;
- Find parking alternatives; and,
- Create great places for people to live, work and play.

For more information concerning the abovementioned principles, we recommend the following publication: *Creating Great Neighborhoods: Density in Your Community* available online at: <http://www.epa.gov/piedpage/pdf/density.pdf>.

## **Wildlife**

### ***Consider surrounding wildlife habitat while designing development plans.***

It has long been recognized that development is infringing national parks, forests and other protected land. Moreover, the amount of urban land has quadrupled in the past 50 years. As development spreads farther into these natural areas wildlife habitat becomes fragmented.

Scientists and wildlife preservation organizations have identified sprawl as a key indicator of species loss.

Land preservation efforts should be especially targeted toward critical aquatic areas including groundwater recharge zones, wetlands, vernal pools, streamsides, floodplains, and small tributary streams. Furthermore, these areas can be protected from development by aligning zoning, determining protected areas and changing development guidelines to use land more proficiently.

The publication *Endangered by Sprawl: How Runaway Development Threatens America's Wildlife* recommends several measures to help avoid the loss of wildlife due to urban encroachment. It is recommended that you create a comprehensive infrastructure strategy that will take the following into consideration:

- Create and maintain inventories of both species and natural resources;
- Establish regional cooperation to protect natural areas and species;
- Develop green infrastructure protection plans that include performance goals and measurements;
- Establish urban growth boundaries or urban service boundaries;
- Protect critical natural habitats; and,
- Build reliable local funding resources for green infrastructure and species protection.
- Please visit the following Web Site for the original publication:  
<http://www.smartgrowthamerica.org/ebsreport/EndangeredBySprawl.pdf>.

#### **Air Emissions**

Air quality is greatly affected by sprawling development patterns that increase vehicle travel and associated air pollution. To help developers mitigate air quality impacts associated with developments EPA published guidance pertaining to air quality and land use activities. This guide was developed to help stakeholders and developers develop better land use planning strategies which result in improvements in air quality. This guidance covers a variety of issues such as air quality planning, transportation planning, land use planning, land use activities and accounting for land use in the air quality and transportation processes. Please see *EPA Guidance: Improving Air Quality through Land Use Activities*. For more information please see the following Web Page: <http://www.epa.gov/otaq/stateresources/policy/transp/landuse/r01001.pdf>.

***Consider implementing Smart Growth principles when designing transportation infrastructures.*** Transportation infrastructure is an important design component for Smart Growth. To accommodate for transit, development plans should take the following into consideration:

- Medium-to-High Densities;
- Mix of Land Uses;
- Short to Medium Length Blocks;
- Transit Routes Every Half-Mile;
- Two- or Four-Lane Streets (with some rare exceptions);
- Continuous Sidewalks that can Accommodate Couples;
- Safe Crossings;
- Appropriate Buffering from Traffic;

- Street-Orientated Buildings; and,
- Comfortable and Safe Places to Wait.

For additional information regarding the abovementioned please see *Pedestrian and Transit-Friendly Design: A Primer for Smart Growth*. This document is located at the following Web Page: [http://www.epa.gov/smartgrowth/pdf/ptfd\\_primer.pdf](http://www.epa.gov/smartgrowth/pdf/ptfd_primer.pdf).

#### *Smart Growth is Smart Business*

Business leaders are starting to realize that building better communities affects their bottom line. When implemented, Smart Growth strategies allow business leaders to profit financially while being sustainable. In the *Smart Growth is Smart Business* study, the National Association of Local Government Environmental Professionals (NALGEP) found that:

- Quality of Life is Crucial to Business;
- Reinvestment in Established Communities Makes Business Sense;
- Smart Growth Is an Emerging Market Opportunity;
- Leading Businesses Seek to Improve Growth Management in Their Regions; and
- Smart Growth Sells in Both Up and Down Economies.

Furthermore, a 2004 National Community Preference Survey conducted by the National Realtors Association revealed the following:

- Americans favor communities that have smart growth values which result in shorter commute times, sidewalks, and walkable areas;
- When Americans choose to purchase a home, commute time is an important deciding factor; and
- Americans also expressed the desire for government and business to invest in already existing communities before new developments further away from cities and the suburbs. In addition, Americans also expressed a desire for more housing for moderate to low income brackets, and more areas to walk and bike in their communities.

An EPA publication, *Parking Spaces / Community Places: Finding the Balance through Smart Growth Solution* illustrates the possibility to use parking policies to save money, improve the environment, and meet larger community goals by offering commuters a choice in transportation. These choices can lead to less vehicle miles traveled; lowering pollutants such as carbon monoxide, and reduce the amount of paved ground and infrastructure costs. Smart Growth is beneficial to developers due to its ability to save money as a result of the need of fewer infrastructures such as paved roads, schools, flood control and sewers.

#### **Water**

EPA recognizes that large continuous areas of open space provide important ecosystem services such as the ability to reduce and slow runoff, absorption of sediments, flood control, and help maintain aquatic communities. In addition, large open spaces provide recreational opportunities, community recreation areas, habitat for plants and animals, forest and ranch land and are places of natural splendor.

EPA recommends three primary land use strategies to help preserve watershed function and its framework as development occurs, they are as follows:

1. The preservation of large, continuous absorbent open space areas;
2. The preservation of wetlands, floodplains, riparian corridors and other critical ecological areas; and
3. The minimization of overall land disturbance and impervious surface associated with development.

#### ***Consider compact project and community design.***

Compact design is one of the most influential strategies for reducing development footprint. Higher-density developments consume fewer watersheds to accommodate the same number of houses as compared to traditional development designs. The use of higher-density design can save developers money. To reduce infrastructure costs, the design and development of new communities should mix and cluster development. Clustering reduces the need for costly infrastructure and allows for better and more cost effective maintenance of the infrastructure once it has been built.

EPA recommends gaining a better understanding of higher-density development and its ability to better protect water resources by reviewing the publication *Protecting Water Resources with Higher-Density Development*, found at the following Web Page:

[http://www.epa.gov/smartgrowth/water\\_density.htm](http://www.epa.gov/smartgrowth/water_density.htm). We also recommend the *Growth & Water Resources* Fact Sheet, found at the following Web Page:  
<http://www.epa.gov/livability/pdf/growthwater.pdf>. This resource refers to several publications pertinent to water and high density development.

#### ***Consider the Use of Native Vegetation***

To help protect the natural environment and its valuable water resources, EPA recommends that developers take future water use into consideration. EPA recommends landscaping with native plants when feasible. Using native plants that are adapted to the environment is an important consideration when developing in arid areas with limited water resources.

Vegetation planning is an important aspect of development. For example, trees can help block the summer sun. They also help by acting as wind breaks during extreme weather, control humidity and can help with home appreciation. We encourage the use of native plants and trees in development planning. This can help reduce water consumption and maintenance costs, which are attractive attributes for home owners. The Arizona-Native Plant Society has a brochure that outlines several native plant species and their benefits to the landscape, see the following Web page: <http://www.aznps.org/html/GrowNative.pdf>.

#### **Green Building**

As stated at EPA's Green Building website, "green building is the practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building's life-cycle from siting to design, construction, operation, maintenance, renovation and deconstruction." The website goes on to state that "well-designed, constructed, operated and maintained green buildings can have many benefits, including durability; reduced costs for

energy, water, operations and maintenance; improved occupant health and productivity; and the potential for greater occupant satisfaction than standard developments. A green building may cost more up front, but can save money over the life of the building through lower operating costs." These upfront costs may be only a few percentage points higher than conventional building standards.<sup>2</sup> For more information on Green Building, the City of Folsom and Property Owners should visit EPA's Green Building website at: [www.epa.gov/greenbuilding/index.htm](http://www.epa.gov/greenbuilding/index.htm). The EIS should discuss the environmental and economic benefits of green building relevant to the Project alternatives.

### **Leadership in Energy and Environmental Design**

LEED is a Green Building rating system that encourages the adoption of sustainable building practices through the use of universally accepted tools and performance criteria. The U.S. Green Building Council has established LEED rating systems for various types of development including commercial, retail, homes and neighborhood development. EPA encourages the City of Folsom and the Property Owners to pursue LEED certification for the proposed Project. More information on LEED certification can be found at the U.S. Green Building Council website at <http://www.usgbc.org>.

### **Cumulative Effects**

The proposed SVSP is one of several developments in the area that have occurred in the recent past or are proposed and under various stages of development. As a result, it is critical that the cumulative effects analysis be comprehensive and rigorous, and that it consider an appropriate scope of activities, and spatial and temporal scales when assessing project effects. EPA suggests referring to the Council on Environmental Quality 1997, guidance *Considering Cumulative Effects Under the National Environmental Policy Act* found at <http://www.nepa.gov/nepa/ccenepa/ccenepa.htm>, and 1999 EPA guidance, *Consideration of Cumulative Impacts in EPA Review of NEPA Documents* found at <http://www.epa.gov/compliance/resources/policies/nepa/cumulative.pdf>. In addition, we recommend referring to the EPA, California Department of Transportation, and Federal Highway Administration Guidance for Preparers of Cumulative Impact Analysis found at [http://www.dot.ca.gov/ser/cumulative\\_guidance/purpose.htm](http://www.dot.ca.gov/ser/cumulative_guidance/purpose.htm). While this guidance was developed for transportation projects, the principles and the 8-step process in this guidance can be applied to other types of projects, both within and outside of California. We recommend the principles and steps in this guidance to other agencies as a systematic way to analyze cumulative impacts for their projects.

---

<sup>2</sup> According to the frequently asked questions on green building, at EPA's website <http://www.epa.gov/greenbuilding/pubs/faqs.htm#13>



## Gail Furness De Pardo

---

**From:** Gibson, Lisa M SPK [Lisa.M.Gibson2@usace.army.mil]  
**Sent:** Thursday, September 18, 2008 3:52 PM  
**To:** Gail Furness De Pardo  
**Cc:** Dunn, Francine; Copeland, Wendy  
**Subject:** FW: SPK-2007-02159

Hi Gail,

See the below message from Bob Solecki at the Regional Water Quality Control Board. He wants to make sure that they are kept in the loop about the project and proposed mitigation measures for compliance with their regulations.

Thanks!  
Lisa

Lisa M. Gibson  
Regulatory Project Manager  
United States Army Corps of Engineers, Sacramento District  
1325 J Street, Room 1480  
Sacramento, CA 95814-2922  
ph: 916-557-5288  
fax: 916-557-6877  
e-mail: [lisa.m.gibson2@usace.army.mil](mailto:lisa.m.gibson2@usace.army.mil)  
Please visit the Regulatory Branch website:  
<http://www.spk.usace.army.mil/organizations/cespk-co/regulatory/index.html>

-----Original Message-----

**From:** Robert Solecki [mailto:[rsolecki@waterboards.ca.gov](mailto:rsolecki@waterboards.ca.gov)]  
**Sent:** Thursday, September 18, 2008 3:36 PM  
**To:** Gibson, Lisa M SPK  
**Subject:** RE: SPK-2007-02159

Hi Lisa

Yes, I agree with your e-mail. We would not comment on the federal document (EIS), we would comment on the CEQA document (EIR). The City should meet with us before they prepare the CEQA document so they can address our concerns in the document.

Bob

Robert Solecki  
Environmental Scientist  
California Regional Water Quality Control Board Central Valley Region Stormwater and Water Quality Certification Unit 11020 Sun Center Drive # 200 Rancho Cordova, CA 95670 Voice (916) 464-4684 Fax (916) 464-4681

>>> "Gibson, Lisa M SPK" <[Lisa.M.Gibson2@usace.army.mil](mailto:Lisa.M.Gibson2@usace.army.mil)> 9/18/2008 11:21  
>>> AM >>>  
Hi Bob,

Thanks for the phone call. Right now, for the EIS, the City of Folsom is the only applicant. Presumably by November, we'll have applications also from all 7 landowners that are within the project area. When we start having meetings with the landowners and the City of Folsom regarding mitigation measures and requirements for the project, I'll make sure to let you

know and have you involved in those meetings. If you're interested in providing specific comments at the scoping meeting or to the Notice of Intent or Public Notice, please send them in. I'll also make sure that the City knows that they should be contacting you regarding the mitigation measures.

Thanks!  
Lisa

Lisa M. Gibson  
Regulatory Project Manager  
United States Army Corps of Engineers, Sacramento District  
1325 J Street, Room 1480  
Sacramento, CA 95814-2922  
ph: 916-557-5288  
fax: 916-557-6877  
e-mail: [lisa.m.gibson2@usace.army.mil](mailto:lisa.m.gibson2@usace.army.mil)  
Please visit the Regulatory Branch website:  
<http://www.spk.usace.army.mil/organizations/cespk-co/regulatory/index.html>

-----Original Message-----  
From: Robert Solecki [mailto:[rsolecki@waterboards.ca.gov](mailto:rsolecki@waterboards.ca.gov)]  
Sent: Wednesday, September 17, 2008 3:52 PM  
To: Gibson, Lisa M SPK  
Cc: Greg Vaughn; Kim Schwab  
Subject: Fwd: SPK-2007-02159

Lisa  
We are interested in coordinating with you on this project ASAP. Please provide me any info on upcoming Corps meetings.

Robert Solecki  
Environmental Scientist  
California Regional Water Quality Control Board Central Valley Region Stormwater and Water Quality Certification Unit 11020 Sun Center Drive # 200 Rancho Cordova, CA 95670 Voice (916) 464-4684 Fax (916) 464-4681

>>> "Imamura, Eileen R SPK" <[Eileen.R.Imamura@usace.army.mil](mailto:Eileen.R.Imamura@usace.army.mil)> 9/12/2008  
>>> 3:50 PM >>>  
Subject: Public Notice for a Department of the Army Permit

The U.S. Army Corps of Engineers Sacramento District has posted Public Notice SPK-2007-02159 to <http://www.spk.usace.army.mil/regulatory.html>

The City of Folsom has applied for a permit to place dredged or fill material and/or work in approximately 21.28 acres of waters of the United States to construct a large-scale planned community that would be developed on approximately 3,585 acres. This project is located south of Highway 50, east of Prairie City Road, north of White Rock Road and west of the El Dorado County line in Sacramento County, California, in Sections 16 through 20, Township 9 North, Range 8 East, MDB&M.

Written comments and/or a request for a paper copy of the notice may be submitted to project manager Lisa M. Gibson at the Sacramento Office, 916-557-5288, email:

Comments must be received by October 13, 2008.

> Eileen Imamura  
> Regulatory Tech, Regulatory Division  
> U.S. Army Corps of Engineers, Sacramento District  
> 916-557-5262  
> Eileen.R.Imamura@usace.army.mil  
> <http://www.spk.usace.army.mil/regulatory.html/>  
>  
>  
>



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

OCT 13 2008

Colonel Thomas C. Chapman  
District Engineer, Sacramento District  
U.S. Army Corps of Engineers  
1325 J Street, 14<sup>th</sup> floor  
Sacramento CA, 95814-2922

Subject: Folsom South of 50 Annexation Project, Public Notice (PN) SPK-2007-02159,  
Sacramento County, California

Dear Colonel Chapman:

We have reviewed the public notice (PN SPK-2007-02159) of September 12, 2008, regarding an application for a Department of the Army permit and Notice of Intent to prepare an Environmental Impact Statement (EIS) for the proposed Folsom South of 50 Annexation Project in Sacramento County, California. We are providing these comments under the authority of, and in accordance with, the provisions of the Federal Guidelines promulgated under Section 404(b)(1) of the Clean Water Act (CWA) at 40 CFR 230 (the Guidelines).

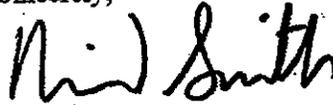
I am writing to clarify our understanding of the primary purpose of this PN based on phone conversations and email correspondence between EPA and the Corps last week. We understand this PN is not a notice of an application to fill waters of the US; rather, it is intended to be a Notice of Intent (NOI) under the National Environmental Policy Act (NEPA) to prepare an Environmental Impact Statement (EIS). As such, it is not a notice of a draft permitting decision.

The PN contains language that we initially interpreted to comprise a CWA Section 404 permitting notice (in addition to the NOI element). In the future, we would appreciate greater clarity when your intention is for a PN to solely notice a NEPA action as opposed to a combination of an NOI plus a draft notice of the proposal to discharge dredge or fill material into waters of the US.

Based on the information provided in the NOI, we have serious concerns with the potential impacts of the project on waters of the US and we would appreciate the opportunity to work closely with your staff and the applicant to reduce impacts during project planning.

We also appreciate the offer from your staff to participate in a site visit during the rainy season to review the jurisdictional delineations associated with this project, particularly since they are preliminary at this time, and look forward to further cooperation in the review of this important project. If you wish to discuss this matter further, please call me at (415) 972-3464 or Paul Jones of my staff at (415) 972-3470.

Sincerely,



David W. Smith, Supervisor  
Wetlands Office

cc:

Mr. Ken Sanchez  
U.S. Fish and Wildlife Service  
2800 Cottage Way, Room W2605  
Sacramento, CA 95825-1888

Mr. Jeff Drøngesen  
California Department of Fish and Game  
Sacramento Valley - Central Sierra Region  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670

Mr. Greg Vaughn  
Central Valley Regional Water Quality Control Board  
11020 Sun Center Drive #200  
Rancho Cordova, CA 95670-6114



ARNOLD SCHWARZENEGGER  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT  
DIRECTOR

Notice of Preparation

September 12, 2008

To: Reviewing Agencies

Re: Folsom South of U.S. Highway 50 Specific Plan  
SCH# 2008092051

Attached for your review and comment is the Notice of Preparation (NOP) for the Folsom South of U.S. Highway 50 Specific Plan draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

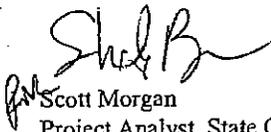
Please direct your comments to:

David Miller  
City of Folsom Community Development Department  
50 Natoma Street  
Folsom, CA 95630

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

  
Scott Morgan  
Project Analyst, State Clearinghouse

Attachments  
cc: Lead Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2008092051  
**Project Title** Folsom South of U.S. Highway 50 Specific Plan  
**Lead Agency** Folsom, City of

**Type** NOP Notice of Preparation  
**Description** The proposed project consists of a mixed-use residential and commercial development on 3,502 acres, with up to 10,045 residential units. The project includes a regional shopping center, a police station, fire station, municipal service center, a network of Class I and II bicycle trails, connections to two new planned interchanges on U.S. Highway 50, five elementary schools, and a joint middle/high school. As required by Measure W, a minimum of 30% of the plan area would be preserved as undeveloped open space. Approximately 1,053 acres of open space- including Alder Creek, a concentration of cultural resource sites, and the highest concentration of oak woodland habitat on the project site--would be preserved.

**Lead Agency Contact**

**Name** David Miller  
**Agency** City of Folsom Community Development Department  
**Phone** (916) 355-7222 **Fax**  
**email**  
**Address** 50 Natoma Street  
**City** Folsom **State** CA **Zip** 95630

**Project Location**

**County** Sacramento  
**City** Folsom  
**Region**  
**Cross Streets** U.S. Highway 50, Prairie City Road, White Rock Road, Empire Ranch Rd.  
**Lat / Long**  
**Parcel No.**  

<b>Township</b>	<b>Range</b>	<b>Section</b>	<b>Base</b>
-----------------	--------------	----------------	-------------

**Proximity to:**

**Highways** US 50  
**Airports**  
**Railways** RT, Union Pacific  
**Waterways** Alder Creek, American River, Coyote Creek, Deer Creek  
**Schools** Folsom HS, others  
**Land Use**

**Project Issues** Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Water Quality; Vegetation; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects

**Reviewing Agencies** Resources Agency; Department of Parks and Recreation; Cal Fire; Office of Historic Preservation; Department of Water Resources; Department of Fish and Game, Region 2; Native American Heritage Commission; Public Utilities Commission; California Highway Patrol; Department of Housing and Community Development; Caltrans, District 3; Caltrans, Division of Transportation Planning; Department of Toxic Substances Control; Regional Water Quality Control Bd., Region 5 (Sacramento)

**Date Received** 09/12/2008 **Start of Review** 09/12/2008 **End of Review** 10/27/2008

Resources Agency

- Resources Agency  
Nadell Gayou
- Dept. of Boating & Waterways  
David Johnson
- California Coastal Commission  
Elizabeth A. Fuchs
- Colorado River Board  
Gerald R. Zimmerman
- Dept. of Conservation  
Sharon Howell
- California Energy Commission  
Dale Edwards
- Cal Fire  
Allen Robertson
- Office of Historic Preservation  
Wayne Donaldson
- Dept of Parks & Recreation  
Environmental Stewardship Section
- Central Valley Flood Protection Board  
Mark Herald
- S.F. Bay Conservation & Dev't Comm.  
Steve McAdam
- Dept. of Water Resources  
Resources Agency  
Nadell Gayou
- Conservancy
- Fish and Game  
Dept. of Fish & Game  
Scott Flint  
Environmental Services Division
- Fish & Game Region 1  
Donald Koch
- Fish & Game Region 1E  
Laurie Hamsberger

- Fish & Game Region 2  
Jeff Drongesen
- Fish & Game Region 3  
Robert Floerke
- Fish & Game Region 4  
Julia Vance
- Fish & Game Region 5  
Don Chadwick  
Habitat Conservation Program
- Fish & Game Region 6  
Gabrina Gatchel  
Habitat Conservation Program
- Fish & Game Region 6 IMI  
Gabrina Gatchel  
Inyo/Mono, Habitat Conservation Program
- Dept. of Fish & Game M  
George Isaac  
Marine Region
- Other Departments
- Food & Agriculture  
Steve Shaffer  
Dept. of Food and Agriculture
- Dept. of General Services  
Public School Construction
- Dept. of General Services  
Anna Garbeff  
Environmental Services Section
- Dept. of Public Health  
Veronica Malloy  
Dept. of Health/Drinking Water
- Independent Commissions, Boards
- Delta Protection Commission  
Debbie Eddy
- Office of Emergency Services  
Dennis Castillo
- Governor's Office of Planning & Research  
State Clearinghouse
- Native American Heritage Comm.  
Debbie Treadway

- Public Utilities Commission  
Ken Lewis
- Santa Monica Bay Restoration  
Guangyu Wang
- State Lands Commission  
Marina Brand
- Tahoe Regional Planning Agency (TRPA)  
Cherry Jacques
- Business, Trans & Housing
- Caltrans - Division of Aeronautics  
Sandy Hesnerd
- Caltrans - Planning  
Terri Pencovic
- California Highway Patrol  
Shirley Kelly  
Office of Special Projects
- Housing & Community Development  
CEQA Coordinator  
Housing Policy Division
- Dept. of Transportation
- Caltrans, District 1  
Rex Jackman
- Caltrans, District 2  
Marcelino Gonzalez
- Caltrans, District 3  
Bruce de Terra
- Caltrans, District 4  
Lisa Carbot
- Caltrans, District 5  
David Murray
- Caltrans, District 6  
Michael Navarro
- Caltrans, District 7  
Elmer Alvarez

- Caltrans, District 8  
Dan Kopulsky
- Caltrans, District 9  
Gayle Rosander
- Caltrans, District 10  
Tom Dumas
- Caltrans, District 11  
Jacob Armstrong
- Caltrans, District 12  
Ryan P. Chamberlain
- Cal EPA
- Air Resources Board
- Airport Projects  
Jim Lerner
- Transportation Projects  
Ravi Ramalingam
- Industrial Projects  
Mike Tollstrup
- California Integrated Waste Management Board  
Sue O'Leary
- State Water Resources Control Board  
Regional Programs Unit  
Division of Financial Assistance
- State Water Resources Control Board  
Student Intern, 401 Water Quality Certification Unit  
Division of Water Quality
- State Water Resources Control Board  
Steven Herrera  
Division of Water Rights
- Dept. of Toxic Substances Control  
CEQA Tracking Center
- Department of Pesticide Regulation  
CEQA Coordinator

- Regional Water Quality Control Board (RWQCB)
- RWQCB 1  
Cathleen Hudson  
North Coast Region (1)
- RWQCB 2  
Environmental Document Coordinator  
San Francisco Bay Region (2)
- RWQCB 3  
Central Coast Region (3)
- RWQCB 4  
Teresa Rodgers  
Los Angeles Region (4)
- RWQCB 5S  
Central Valley Region (5)
- RWQCB 5F  
Central Valley Region (5)  
Fresno Branch Office
- RWQCB 5R  
Central Valley Region (5)  
Redding Branch Office
- RWQCB 6  
Lahontan Region (6)
- RWQCB 6V  
Lahontan Region (6)  
Victorville Branch Office
- RWQCB 7  
Colorado River Basin Region (7)
- RWQCB 8  
Santa Ana Region (8)
- RWQCB 9  
San Diego Region (9)
- Other



MARK B HORTON, MD, MSPH  
Director

State of California—Health and Human Services Agency  
California Department of Public Health



ARNOLD SCHWARZENEGGER  
Governor

September 19, 2008

David Miller  
City of Folsom  
Community Development Department  
50 Natoma Street  
Folsom, CA 95630

Dear Mr. Miller:

FOLSOM SOUTH OF U.S. HIGHWAY 50 SPECIFIC PLAN

The California Department of Public Health (CDPH), Environmental Review Unit is in receipt of the Notice of Preparation for the above project. As a responsible agency under the California Environmental Quality Act (CEQA), we appreciate the opportunity to comment.

The CDPH, Division of Drinking Water and Environmental Management is responsible for issuing water supply permits administered under the Safe Drinking Water Program. A new or amended Water Supply Permit may need to be issued if the project includes an increase in water supply, storage, or treatment to drinking water. These future developments may be subject to separate environmental review.

Please contact the CDPH local district office at (916) 449-5600. If you need assistance with the CDPH requirement for permit application, contact Dave Lancaster with any questions.

Sincerely,

Bridget Finning  
CDPH Environmental Review Unit

Cc:

David Lancaster, District Engineer  
Sacramento District Office  
Division of Drinking Water and  
Environmental Management  
California Department of Public Health  
P.O. Box 997377  
Sacramento, CA 95899-7377



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Western-Pacific Region  
Airports Division

San Francisco Airports District Office  
831 Mitten Road, Room 210  
Burlingame, CA 94010

October 23, 2008

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

Subject: Folsom South of U. S. Highway 50 Specific Plan Project

Dear Ms. De Pardo:

This letter is provided in response to the Notice of Preparation (NOP) issued for the subject proposed project. We understand that you are preparing a joint Environmental Impact Report and Environmental Impact Statement to assess the potential impacts from a 3,500 acre proposed mixed use residential and commercial development south of U. S. Highway 50.

The NOP identifies that an analysis will be completed for existing and future noise relating to traffic from nearby roadways and freeways. Our recommendation is that the environmental studies also consider aviation noise in the noise/land use compatibility analyses since the proposed development is in the proximity of multiple commercial and general aviation airports. The FAA also recommends that future residents be provided with a disclosure statement that identifies the potential for aircraft overflight noise and the locations of airports in the area.

Thank you for the opportunity to comment on this matter. If you would like to discuss this comment further, I am available at (650) 876-2778 extension 613.

Sincerely,

Camille Garibaldi  
Environmental Protection Specialist



DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>

North Central Region

1701 Nimbus Road, Suite A

Rancho Cordova, CA 95670

(916) 358-2900



October 8, 2008

David Miller  
City of Folsom Community Development Department  
50 Natoma Street  
Folsom, CA 95630

Dear Mr. Miller:

The Department of Fish and Game (DFG) has reviewed the Notice of Preparation of a draft Environmental Impact Report (DEIR) for the South of U.S. Highway 50 Specific Plan (SCH #2008092051). The project consists of a Specific Plan which will permit the construction of mixed-use residential and commercial development on 3,502 acres with up to 10,045. The project is located in south Highway 50, in the City of Folsom, Sacramento County.

Wildlife habitat resources consist of a large area rolling grassland and blue oak woodland habitat. Significant natural resources of the project include habitat for sensitive species. California Natural Diversity Database files contain records for the following species within the vicinity of the project:

- Vernal pool fairy shrimp (*Branchinecta lynchi*)
- Vernal pool tadpole shrimp (*Lepidurus packardii*)
- Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*)
- Burrowing owl (*Athene cunicularia*)
- Swainson's hawk (*Buteo swainsoni*)
- Boogs Lake hedge-hyssop (*Gratiola heterosepala*)

We recommend that the DEIR discuss and provide adequate mitigation for the following concerns:

1. The project's impact upon fish and wildlife and their habitat.

*Conserving California's Wildlife Since 1870*

Mr. Miller  
October 8, 2008  
Page Two

2. The project's impact upon significant habitat such as wetlands including vernal pools and riparian habitat. The project should be designed so that impacts to wetlands are avoided. Mitigation should be provided for unavoidable impacts based upon the concept of no net loss of wetland habitat values or acreage.
3. The project's impact to special status species including species which are State and federal listed as threatened and endangered.
4. The project's growth inducing and cumulative impacts upon fish, wildlife, water quality and vegetative resources.
5. The DEIR should provide an analysis of specific alternatives which reduce impacts to fish, wildlife, water quality and vegetative resources.
6. The DEIR should contain an evaluation of the proposed project's consistency with the applicable land use plans, such as General Plans, Specific Plans, Watershed Master Plans, Habitat Conservation Plans, etc. for the area.

The DEIR should consider and analyze whether implementation of the proposed project will result in reasonably foreseeable potentially significant impacts subject to regulation by the DFG under section 1600 et seq. of the Fish and Game Code. In general, such impacts result whenever a proposed project involves work undertaken in or near a river, stream, or lake that flows at least intermittently through a bed or channel, including ephemeral streams and water courses. Impacts triggering regulation by the DFG under these provisions of the Fish and Game Code typically result from activities that:

- Divert, obstruct, or change the natural flow or the bed, channel or bank of any river, stream, or lake;
- Use material from a streambed; or
- Result in the disposal or deposition of debris, waste, or other material where it may pass into any river stream, or lake.

In the event implementation of the proposed project involves such activities, and those activities will result in reasonably foreseeable substantial adverse effects on fish or wildlife, a Lake or Streambed Alteration Agreement (LSAA) will be required by the DFG. Because issuance of a LSAA is subject to review under the California Environmental Quality Act (CEQA), the DEIR should analyze whether the potentially feasible mitigation

Mr. Miller  
October 8, 2008  
Page Three

measures set forth below will avoid or substantially reduce impacts requiring a LSAA from the DFG.

This project will have an impact to fish and/or wildlife habitat. Assessment of fees under Public Resources Code Section 21089 and as defined by Fish and Game Code Section 711.4 is necessary. Fees are payable by the project applicant upon filing of the Notice of Determination by the lead agency.

Pursuant to Public Resources Code Sections 21092 and 21092.2, the DFG requests written notification of proposed actions and pending decisions regarding this project. Written notifications should be directed to this office.

Thank you for the opportunity to review this project. If the DFG can be of further assistance, please contact Dan Gifford, Senior Wildlife Biologist, telephone (209) 369-8851 or, Jeff Drongesen, Senior Environmental Scientist, telephone (916) 358-2919.

Sincerely,



*Mr* Kent Smith  
Habitat Conservation Program Manager

cc. Kent Smith  
Jeff Drongesen  
Dan Gifford  
Department of Fish and Game  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670

Susan Jones  
U.S. Fish and Wildlife Service  
2800 Cottage Way, Room W2605  
Sacramento, CA 92825-1888

NOI / NOP

**Jim Kirstein**

**From:** Jim Kirstein [jimkirstein@earthlink.net]  
**Sent:** Monday, October 27, 2008 10:24 AM  
**To:** 'gdepardo@folsom.ca.us'  
**Cc:** 'McCann, Charles'; 'Tony Powers'  
**Subject:** Notice of Preparation of a Joint Draft Environmental Impact Report/Environmental Impact Statement for the Folsom South of U.S. Highway 50 Specific Plan Project  
**Attachments:** Notice of Preparation of a Joint Draft Environmental Impact Report-FABA Comments (2).doc

Gail Furness de Pardo  
 City of Folsom  
 Community Development Department  
 50 Natoma Street  
 Folsom, CA 95630  
 email: [gdepardo@folsom.ca.us](mailto:gdepardo@folsom.ca.us)

Gail,

Attached are the comments that the Folsom Area Bicycle Advocates have on the Notice of Preparation of a Joint Draft Environmental Impact Report/Environmental Impact Statement for the Folsom South of U.S. Highway 50 Specific Plan Project.

A printed copy of these comments will be hand delivered to you this morning.

James Kirstein  
 214 Keller Circle  
 Folsom, CA 95630  
 916 983 0850  
[jimkirstein@earthlink.net](mailto:jimkirstein@earthlink.net)

RECEIVED  
 OCT 27 2008  
 COMMUNITY DEVELOPMENT  
 DEPARTMENT

10/27/2008

**Notice of Preparation of a Joint Draft Environmental Impact Report/Environmental Impact Statement for the Folsom South of U.S. Highway 50 Specific Plan Project**

**Page 5**

**Transportation.** Adopt an Infrastructure Funding and Phasing Plan for the construction of roadways and transportation improvements that are necessary to reduce traffic impacts resulting from development of the SPA. The timing of the construction of the transportation improvements shall be tied to the anticipated rate of growth and associated traffic impacts. Existing Folsom residents shall not be required to pay fees for the construction of any new transportation improvements required to serve the SPA.

**Page 9 -**

The proposed project includes a network of Class I and II bicycle trails that would provide connectivity to trails in El Dorado County. The proposed roadway network would include major and minor collector streets, local streets, and alleyways. A fixed public transit route is planned along the proposed Easton Valley Parkway, which would run through the project site in an east-west direction. The transit route would proceed east to Placerville Road, and then south to connect with White Rock Road. Covered bus stops and bus turnouts would be provided throughout the project site near high density housing, commercial areas, and office parks. Bus stops may be used for fixed route service within the SPA or for regional commuter service provided by the Folsom Stage Line, Sacramento Regional Transit, and El Dorado Transit. Two new planned interchanges along U.S. 50--at Oak Avenue Parkway and Empire Ranch Road--would provide additional access to the project site. The traffic analysis performed as part of this EIR/EIS will consider traffic along these roadways in relation to the proposed project's internal circulation network and the cumulative traffic conditions. Construction of a portion of these interchanges is required to serve existing development north of U.S. 50. The portion of the interchanges that serve the existing City are included in the City's General Plan and are necessary to serve the City of Folsom regardless of whether or not the proposed project is implemented. The portion of the interchanges that would serve the proposed project, including additional structures and access to U.S. 50, would be necessary as part of the proposed project. The timing of these interchanges is tied to the timing of the development of the proposed project, as the portion of the Empire Ranch Road Interchange called out in the City's General Plan may not be in place prior to the proposed project's needs. Therefore, the Folsom South of U.S. Highway 50 Specific Plan EIR/EIS will evaluate the potential environmental impacts of project-generated traffic at these interchanges; to the extent that project-generated traffic would require a change in the timing of construction or planned configuration of these two interchanges, those changes will be evaluated at a programmatic level of analysis. Detailed environmental analysis of the U.S. 50 interchanges would be performed by the California Department of Transportation as separate CEQA projects.

**Page 13 -**

**Traffic and Circulation** – The EIR/EIS will evaluate potential impacts on local and regional transportation facilities, including several freeway segments and ramps. The evaluation will be based on a transportation analysis that will evaluate local interchanges, roadway segments, merge/diverge/weave, project-related vehicle trips, proposed site circulation and access, local transit operations, and the surrounding roadway network. The EIR/EIS will identify triggers for transportation improvements. The traffic and circulation section also will analyze effects on public transit, as well as public transit needs and alternative modes of transportation.

**Formatted:** Bottom: 0.63" Width: 11", Height: 8.5"

**Comment [JK1]:** Construction of Class I and II bike trails should be included as part of the transportation improvements.

**Comment [JCP2]:** Should also indicate connections to the existing Folsom network and to adjacent Sacramento County south and west of the SPA.

**Comment [JK3]:** Open space can be used for part of the Class I bicycle route network.

**Comment [JK4]:** Class I, II, and III Bicycle routes should be included as part of the roadway network.

**Comment [JCP5]:** Non-interchange crossings of Hwy 50 (at Rowberry and possibly other locations) would provide access for all modes between the existing portion of the city and the south area without adding to the congestion of the existing or proposed interchanges. They are especially important for bicyclists and pedestrians who cannot safely traverse any of the existing interchanges.

**Comment [JK6]:** These interchanges shall be designed to accommodate both Class I and II bicycle routes and thus provide seamless interconnection between existing bicycle routes in Folsom and adjacent communities and the new bicycle routes in the Folsom South of U.S. Highway 50 area.

**Comment [JK7]:** Should include the impact on Bicycle routes.

FW Folsom South Project

From: Gibson, Lisa M SPK [Lisa.M.Gibson2@usace.army.mil]  
Sent: Thursday, October 16, 2008 4:47 PM  
To: Francine.Dunn@edaw.com; wendy.copeland@edaw.com; Gail Furness De Pardo  
Subject: FW: Folsom South Project

EPA's comments

Lisa M. Gibson  
Regulatory Project Manager  
United States Army Corps of Engineers, Sacramento District  
1325 J Street, Room 1480  
Sacramento, CA 95814-2922  
ph: 916-557-5288  
fax: 916-557-6877  
e-mail: lisa.m.gibson2@usace.army.mil  
Please visit the Regulatory Branch website:  
<http://www.spk.usace.army.mil/organizations/cespk-co/regulatory/index.html>

-----Original Message-----

From: Smith.Davidw@epamail.epa.gov [mailto:Smith.Davidw@epamail.epa.gov]  
Sent: Friday, October 10, 2008 2:07 PM  
To: Gibson, Lisa M SPK  
Subject: Fw: Folsom South Project

David Smith  
Chief  
Wetlands Regulatory Office (WTR-8)  
EPA Region 9  
75 Hawthorne Street  
San Francisco, CA 94105  
(415)-972-3464

----- Forwarded by Davidw Smith/R9/USEPA/US on 10/10/2008 02:06 PM -----

Davidw  
Smith/R9/USEPA/U  
S

10/10/2008 02:01  
PM

To  
Lisa.M.Gibson@usace.army.mil  
cc  
Michael.s.Jewell@usace.army.mil,  
Kathleen.A.Dadey@usace.army.mil,  
Paul Jones/R9/USEPA/US@EPA  
Subject  
Folsom South Project

Hi Lisa- Thanks for your time this morning. Thank you for clarifying for us that Public Notice Number SPK-2007-02159, Concerning the Folsom South development project, dated September 12, 2008, was not intended to public notice the 404 permit itself, but instead serve as a notice of intent to prepare an EIS and begin the scoping process for that EIS. We will submit initial scoping comments next Tuesday as October 13 falls on a federal holiday. We understand that the draft 404 permit will be public noticed at a later date. Finally, I appreciate your offer to invite EPA staff to join a

FW Folsom South Project  
site visit to conduct additional jurisdictional verification. Many thanks.  
David Smith  
Chief  
Wetlands Regulatory Office (WTR-8)  
EPA Region 9  
75 Hawthorne Street  
San Francisco, CA 94105  
(415)-972-3464

# California Native Plant Society

October 12, 2008

Lisa M. Gibson, Project Manager  
US Army Corps of Engineers, Sacramento District  
Sacramento Office  
1325 J Street, Room 1480  
Sacramento, California 95814 2922  
Email: [lisa.m.gibson2@usace.army.mil](mailto:lisa.m.gibson2@usace.army.mil)

RE: **Public Notice Number: SPK-2007-02159**  
**Folsom SOI Project**

Dear Ms. Gibson,

The California Native Plant Society (CNPS) is a statewide non-profit organization of some 10,000 scientists, educators, and laypeople dedicated to the conservation and understanding of the California native flora. As a science-based conservation organization, we believe that good land use decisions must be accompanied by a thorough assessment of the environmental impacts as required by the state and federal Endangered Species Acts, the Clean Water Act, the National Environmental Policy Act, the California Environmental Quality Act, and other resource protection laws. The Sacramento Valley Chapter of CNPS has been highly involved in participating in and commenting upon land use decisions at all levels that affect vernal pool ecosystems in Sacramento County.

CNPS would like to provide the following comments on the Public Notice related to the proposed expansion of the Folsom Sphere of Influence south of Highway 50.

## Project Description

The project description must identify all components of the project including any proposed off-site mitigation. Deferring analysis of proposed mitigation to a later date constitutes piece-mealing of the project and is contrary to the public disclosure mandates of both CEQA and NEPA.

The Public Notice states that the applicant is proposing to fill 21.28 acres of jurisdictional waters. Given the dwindling availability of restorable lands within Sacramento County, it is imperative to know where and how the City of Folsom intends to fulfill its mitigation requirements in order to determine if the mitigation is even *feasible*. Additionally, construction of over 20 acres of wetlands will have an environmental impact outside of the proposed project footprint and this must be addressed in the EIR/EIS since it is an integral component of the proposed project.



*Dedicated to the preservation of California native flora*

Alternatives Analysis

The project purpose is sufficiently broad—*develop a large-scale mixed-use, mixed-density residential development within eastern Sacramento or western El Dorado Counties*—so that the alternatives analysis must include alternative sites and not just alternative configurations on the proposed site.

Biological Resource Surveys

CNPS requests that thorough botanical surveys be conducted on the project site. Targeted surveys miss disjunct populations of rare plants because the personnel conducting the field surveys do not know they should be looking for them. For your reference, I have attached a copy of the CNPS Botanical Survey Guidelines.

Cumulative Impacts Analysis

CNPS requests that the cumulative impacts analysis include all reasonably foreseeable projects. This should include not only projects for which the Corps has received a permit application, but also projects being considered through the Sacramento County General Plan Update and associated Visioning Meetings.

Summary

On behalf of the California Native Plant Society, I thank you for the opportunity to comment upon this project. Please notify me of any future comment periods and agency actions related to the Folsom SOI Project.

Sincerely,



Carol W. Witham  
Board of Directors  
California Native Plant Society  
1141 37th Street  
Sacramento CA 95816  
(916) 452-5440

Encl.: CNPS Botanical Survey Guidelines

Cc: Interested Parties

# CNPS Botanical Survey Guidelines

CALIFORNIA NATIVE PLANT SOCIETY

December 9, 1983

Revised June 2, 2001

The following recommendations are intended to help those who prepare and review environmental documents determine when a botanical survey is needed, who should be considered qualified to conduct such surveys, how surveys should be conducted, and what information should be contained in the survey report. The California Native Plant Society recommends that lead agencies not accept the results of surveys unless they are conducted and reported according to these guidelines.

1. Botanical surveys are conducted in order to determine the environmental effects of proposed projects on all botanical resources, including special status plants (rare, threatened, and endangered plants) and plant (vegetation) communities. Special status plants are not limited to those that have been listed by state and federal agencies but include any plants that, based on all available data, can be shown to be rare, threatened, or endangered under the following definitions:

A species, subspecies, or variety of plant is "endangered" when the prospects of its survival and reproduction are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, over-exploitation, predation, competition, or disease. A plant is "threatened" when it is likely to become endangered in the foreseeable future in the absence of protection measures. A plant is "rare" when, although not presently threatened with extinction, the species, subspecies, or variety is found in such small numbers throughout its range that it may be endangered if its environment worsens.<sup>1</sup>

Rare plant (vegetation) communities are those communities that are of highly limited distribution. These communities may or may not contain special status plants. The most current version of the California Natural Diversity Database's *List of California Terrestrial Natural Communities*<sup>2</sup> should be used as a guide to the names and status of communities.

Consistent with the California Native Plant Society's goal of preserving plant biodiversity on a regional and local scale, and with California Environmental Quality Act environmental impact assessment criteria<sup>3</sup>, surveys should also assess impacts to locally significant plants. Both plants and plant communities can be considered significant if their local occurrence is on the outer limits of known distribution, a range extension, a rediscovery, or rare or uncommon in a local context (such as within a county or region). Lead agencies should address impacts to these locally unique botanical resources regardless of their status elsewhere in the state.

2. Botanical surveys must be conducted to determine if, or to the extent that, special status or locally significant plants and plant communities will be affected by a proposed project when any natural vegetation occurs on the site and the project has the potential for direct or indirect effects on vegetation.
3. Those conducting botanical surveys must possess the following qualifications:
  - a. Experience conducting floristic field surveys;
  - b. Knowledge of plant taxonomy and plant community ecology and classification;
  - c. Familiarity with the plants of the area, including special status and locally significant plants;

---

<sup>1</sup> California Environmental Quality Act Guidelines, §15065 and §15380.

<sup>2</sup> List of California Terrestrial Natural Communities. California Department of Fish and Game Natural Diversity Database. Sacramento, CA.

<sup>3</sup> California Environmental Quality Act Guidelines, Appendix G (Initial Study Environmental Checklist).

- d. Familiarity with the appropriate state and federal statutes related to plants and plant collecting; and,
  - e. Experience with analyzing impacts of a project on native plants and communities.
4. Botanical surveys should be conducted in a manner that will locate any special status or locally significant plants or plant communities that may be present. Specifically, botanical surveys should be:
- a. Conducted in the field at the proper times of year when special status and locally significant plants are both evident and identifiable. When special status plants are known to occur in the type(s) of habitat present in the project area, nearby accessible occurrences of the plants (reference sites) should be observed to determine that the plants are identifiable at the time of survey.
  - b. Floristic in nature. A floristic survey requires that every plant observed be identified to species, subspecies, or variety as applicable. In order to properly characterize the site, a complete list of plants observed on the site shall be included in every botanical survey report. In addition, a sufficient number of visits spaced throughout the growing season is necessary to prepare an accurate inventory of all plants that exist on the site. The number of visits and the timing between visits must be determined by geographic location, the plant communities present, and the weather patterns of the year(s) in which the surveys are conducted.
  - c. Conducted in a manner that is consistent with conservation ethics and accepted plant collection and documentation techniques<sup>4,5</sup>. Collections (voucher specimens) of special status and locally significant plants should be made, unless such actions would jeopardize the continued existence of the population. A single sheet should be collected and deposited at a recognized public herbarium for future reference. All collections shall be made in accordance with applicable state and federal permit requirements. Photography may be used to document plant identification only when the population cannot withstand collection of voucher specimens.
  - d. Conducted using systematic field techniques in all habitats of the site to ensure a thorough coverage of potential impact areas. All habitats within the project site must be surveyed thoroughly in order to properly inventory and document the plants present. The level of effort required per given area and habitat is dependent upon the vegetation and its overall diversity and structural complexity.
  - e. Well documented. When a special status plant (or rare plant community) is located, a California Native Species (or Community) Field Survey Form or equivalent written form, accompanied by a copy of the appropriate portion of a 7.5-minute topographic map with the occurrence mapped, shall be completed, included within the survey report, and separately submitted to the California Natural Diversity Database. Population boundaries should be mapped as accurately as possible. The number of individuals in each population should be counted or estimated, as appropriate.
5. Complete reports of botanical surveys shall be included with all environmental assessment documents, including Negative Declarations and Mitigated Negative Declarations, Timber Harvesting Plans, Environmental Impact Reports, and Environmental Impact Statements. Survey reports shall contain the following information:
- a. Project location and description, including:

---

<sup>4</sup> Collecting Guidelines and Documentation Techniques. California Native Plant Society Policy (adopted March 4, 1995).

<sup>5</sup> Ferren, W.R., Jr., D.L. Magney, and T.A. Sholars. 1995. The Future of California Floristics and Systematics: Collecting Guidelines and Documentation Techniques. *Madroño* 42(2):197-210.

- 1) A detailed map of the location and footprint of the proposed project.
  - 2) A detailed description of the proposed project, including one-time activities and ongoing activities that may affect botanical resources.
  - 3) A description of the general biological setting of the project area.
- b. Methods, including:
- 1) Survey methods for each of the habitats present, and rationale for the methods used.
  - 2) Description of reference site(s) visited and phenological development of the target special status plants, with an assessment of any conditions differing from the project site that may affect their identification.
  - 3) Dates of surveys and rationale for timing and intervals; names of personnel conducting the surveys; and total hours spent in the field for each surveyor on each date.
  - 4) Location of deposited voucher specimens and herbaria visited.
- c. Results, including:
- 1) A description and map of the vegetation communities on the project site. The current standard for vegetation classification, *A Manual of California Vegetation*<sup>6</sup>, should be used as a basis for the habitat descriptions and the vegetation map. If another vegetation classification system is used, the report must reference the system and provide the reason for its use.
  - 2) A description of the phenology of each of the plant communities at the time of each survey date.
  - 3) A list of all plants observed on the project site using accepted scientific nomenclature, along with any special status designation. The reference(s) used for scientific nomenclature shall be cited.
  - 4) Written description and detailed map(s) showing the location of each special status or locally significant plant found, the size of each population, and method used to estimate or census the population.
  - 5) Copies of all California Native Species Field Survey Forms or Natural Community Field Survey Forms and accompanying maps.
- d. Discussion, including:
- 1) Any factors that may have affected the results of the surveys (*e.g.*, drought, human disturbance, recent fire).
  - 2) Discussion of any special local or range-wide significance of any plant population or community on the site.
  - 3) An assessment of potential impacts. This shall include a map showing the distribution of special status and locally significant plants and communities on the site in relation to the proposed activities. Direct, indirect, and cumulative impacts to the plants and communities shall be discussed.
  - 4) Recommended measures to avoid and/or minimize direct, indirect, and cumulative impacts.
- e. References cited and persons contacted.
- f. Qualifications of field personnel including any special experience with the habitats and special status plants present on the site.

---

<sup>6</sup> Sawyer, J.O. and T. Keeler-Wolf. 1995. *A Manual of California Vegetation*. California Native Plant Society. Sacramento, CA. 471 pp.

Lisa M. Gibson, Project Manager  
U.S. Army Corps of Engineers, Sacramento District  
Sacramento Office  
1325 J Street, Room 1480  
Sacramento, CA 95814-2922

Comments submitted via email to: [lisa.m.gibson@usace.army.mil](mailto:lisa.m.gibson@usace.army.mil)

Date: 13 October 2008

Re: Public Notice Number SPK-2007-02159

Dear Ms. Gibson,

Thank you for this opportunity to respond to the Corps of Engineers Public Notice for the Folsom South of 50 Annexation Project. I have examined the documents associated with the Public Notice and have the following comments. In addition, please include me on the mailing list for all announcements for this project, and I wish to receive a copy of the Draft Environmental Impact Statement.

My comments are as follows:

- This Public Notice provides an adequate description of the aquatic and vegetation habitats of the site but is incomplete in the project description. In addition, the most important deficiency is the lack of information regarding the mitigation aspects of this project. This makes it impossible at this time to fully evaluate the impacts of this project due to the lack of mitigation information and the result such compensation will have on the overall impact of the project. I would have to state that this is the most glaring deficiency in this Notice.
- Water quality and quantity concerns must be fully explored. The lack of readily available surface water resources indicates a probable use of groundwater resources. The long-term health and safety of the area and its inhabitants due to the mobile toxins in the groundwater must be fully identified and studied for the long-term. Identification of the specific toxins and hazardous materials in the groundwater as well as the persistent chemicals remaining in the aquifer must be determined and quantified. Questions such as “will this development require the addition of groundwater wells to supplement the existence of the community?” and “what changes and impacts will occur to contaminated groundwater due to the groundwater pumping?”
- The project proposal does not adequately avoid the creek corridors due to roadways bisecting Alder Creek. In addition, the open spaces identified in the project maps must remain as wildlife corridors and not as managed/landscaped parkways.
- With regard to wildlife and fishery issues, no species lists are provided for non-listed species of wildlife and fisheries. Surveys and results of surveys for wildlife is necessary. With urban development, reduction in water quality follows.

Essential fish habitat is likely to be adversely impacted due to compromised water quality due to the proximity of development and roadways to the waterway corridors.

- The Public Notice does not identify whether the Open Space designation lands would be left as native habitat with conservation easements or if they will be used as developed and thus landscaped parklands. An assurance of protection as wildlife corridors must be given with proper setbacks along creek corridors is necessary to adequately mitigate for environmental impacts of the proposal.
- The creek corridor adjacent to Highway 50 must be avoided. The Corps of Engineers can only permit the Least Environmental Damaging Practicable Alternative (LEDPA). The alternative that is shown in this notice is not the LEDPA.
- The Draft EIS must fully explore and assess the impacts that will result with the build out of this project to traffic locally and on Highway 50 and water usage of this area.
- There are questions as to the validity of the wetland delineation as defined in the third figure associated with the wetland delineation for the public Notice. I question how one could have seasonal wetland drainages flowing into ephemeral drainages. The very fact that these seasonal wetlands are upslope of the “ephemeral” drainages would prove that these drainages are intermittent and not ephemeral.

Thank you again for this opportunity to provide this letter of comment for the above public notice. If you have any questions, please don't hesitate to contact me at 916-558-2406 or by email at wyattd@scc.losrios.edu. Thank you.

Yours truly,

David T. Wyatt, Professor  
Sacramento City College  
Biology Department  
3835 Freeport Blvd  
Sacramento, CA 95822-1386

12 October 2008

Lisa M. Gibson, Project Manager  
US Army Corps of Engineers, Sacramento District  
Sacramento Office  
1325 J Street, Room 1480  
Sacramento, California 95814 2922  
Email: lisa.m.gibson2@usace.army.mil

**RE: Folsom Sphere of Influence/Public Notice SPK-2007-02159**

Ms. Gibson:

Thank you for accepting my comments and suggestions regarding the above permit application. I am writing as both a citizen of the city of Folsom, as well as a professor of biology at Sacramento City College. I have followed the City's efforts to annex the property in question for many years and have grave concerns regarding the current "master plan" for development of the area deemed "South of 50" by local residents.

Specifically, I am concerned about project specific and cumulative effects regarding the loss of waters of the United States (as protected under section 404 of the Clean Water Act), biological resources, alteration and degradation of surface waters, degradation and decreased recharge of ground water, the general decrease of aesthetics relative to alteration of open space to suburban sprawl, and the potential need for expansion of White Rock Road and State Highway 50 in order to accommodate local and commuter traffic.

Based on documents provided by the US Army Corps of Engineers (Corps), the project will affect seasonal wetlands (including vernal pools), freshwater seeps, swales, and ephemeral, intermittent, and perennial drainage channels in the project area. Potential effects to waters of the US required by transportation projects outside of the project area but associated with its growth inducement must also be included in the analysis.

Regarding vernal pools, all areas of vernal pool watershed and their connective swales must be preserved and any drainage from developed areas must be directed such that flow, including storm overflow, is moved away from these pools. Folsom has a poor track record of managing runoff and sewage in the older parts of the city, including problems managing excessive flow that has overburdened city facilities and flowed into Lake Natoma. This past record mandates that a careful analysis be given to any structures or facilities planned adjacent to the watersheds of vernal pools (or other wetland habitats).

Potential effects of office parks in the west area on blue oak woodland and fish habitat in Alder Creek must be carefully analyzed as well. The removal of trees adverse runoff from buildings and parking lots must be avoided. Established technologies such as the use of serviceable filtration devices to limit runoff of road oils and other chemicals into open space areas, especially wetlands, streams, and areas of groundwater recharge must be included in the analysis. The width of open space corridors, particularly those including wetland and riparian vegetation must be maximized to provide adequate habitat as well as effective protection of internal portions of these areas from water born pollutants introduced from developed areas.

The EIS should stress the importance of protection of all blue oak resources. The blue oak forests of California are of great concern in that they are not adequately regenerating. Avoidance of impact to this important resource must receive first priority. Any mitigation must be performed in-kind and on-site. Given the City's past history of avoiding oak mitigation in Natoma Station in the late 1980s and the recent practice of accepting payment into a rarely used oak mitigation fund, careful scrutiny must be given to this important resource.

The maintenance of open space is very important to the citizens of Folsom. A 2004 citizen initiative to set open space requirements at a *minimum* of 30% was removed from the ballot through City legal action and replaced by a City backed initiative to set the amount open space at a *maximum* of 30%. This is clearly inadequate and thwarted the efforts of Folsom citizens to maximize dedicated open space. Underground parking and multi-storied parking structures could dramatically reduce the footprint of development in a increase open space.

Regarding groundwater, all areas of the project must consider the decreased use of hardscapes, where practicable, to allow percolation of waters into groundwater basins

Concerning landscaping, it is essential that the analysis mandates conservation of our water resources by requiring the use of California natives, or at least drought tolerant plants, in common landscaping. Lawn vegetation should be limited to areas of parks/schools where field sports are played. No grass should be used in center medians or other landscaping maintained by the City.

Lastly, the City has not adequately demonstrated the need and scope of the current proposal. Throughout the City many current developments are largely on hold and many business parks are under or completely unoccupied. This project ignores recent CA legislation (SB 375, Steinberg) signed by Governor Schwarzenegger to encourage smart growth. The project encourages increased vehicle traffic and the associated increases in pollutants (including CO<sub>2</sub>) and the increased and potentially unnecessary use of energy. I would suggest that mitigation of energy impacts could involve the use of rechargeable street lights (with AC backup if necessary) as a mandate to reduce the need for new energy sources in California.

I encourage further hearings on the proposed project to ensure that the project as proposed is truly necessary for the region as a whole, and to ensure that, if built, considerations are made to minimize its footprint on dwindling natural resources in the northeast Sacramento County/western El Dorado County region.

My Best Regards,

Steve James  
Professor of Biology  
Sacramento City College  
Home Address:  
132 Yankton Street  
Folsom, CA 95630-8142  
[jamess@scc.losrios.edu](mailto:jamess@scc.losrios.edu)  
(916) 986-8508

NOP



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Sacramento Fish and Wildlife Office  
2800 Cottage Way, Room W-2605  
Sacramento, California 95825-1846

In reply refer to:  
81420-2009-TA-0075-1

OCT 28 2008

David Miller  
Director, Community Development Department  
City of Folsom  
50 Natoma Street  
Folsom, California 95630

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

Dear Mr. Miller:

This responds to the September 12, 2008, request for comments from the City of Folsom on the Notice of Preparation (NOP) of a Joint Draft Environmental Impact Report/Environmental Impact Statement (DEIR/EIS) for the Folsom South of U.S. Highway 50 (Hwy 50) Specific Plan Project (proposed project) in Sacramento County, California. As described in the NOP, the proposed project objective is to construct a mixed-use, master-planned community in an approximately 3,500-acre area in eastern Sacramento County to the south of Hwy 50, north of White Rock Road, west of the Sacramento/El Dorado county line, and east of Prairie City Road. The U.S. Fish and Wildlife Service (Service) is providing comments in accordance with the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (ESA).

### Potential impacts on federally-listed species

The Service recommends that the DEIR/EIS include a meaningful effects analysis and proposed conservation strategy for federally-listed species. The Service will consider this evaluation during consultation with the lead Federal agency pursuant to section 7 of the ESA. At that time, the Service would use information provided by the City of Folsom and information otherwise available to the Service to determine the extent of effects to federally-listed species.

A species list for Federally-listed species can be obtained from the Service's Sacramento Fish and Wildlife Office website: <http://www.fws.gov/sacramento/>. The species list should be updated every 90 days in the event that additional species are listed or delisted, or critical habitat is designated within the proposed project action area.



The Service is particularly concerned about the proposed project's effects on the following federally-listed species:

- endangered vernal pool tadpole shrimp (*Lepidurus packardii*);
- threatened vernal pool fairy shrimp (*Branchinecta lynchi*);
- threatened California tiger salamander (*Ambystoma tigrinum*);
- endangered Sacramento orcutt grass (*Orcuttia viscida*);
- endangered slender orcutt grass (*Orcuttia tenuis*);
- threatened California red-legged frog (*Rana aurora draytonii*);
- threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*);
- threatened giant garter snake (*Thamnophis gigas*; GGS)

### ***Vernal pool species***

Most listed species, and vernal pool species in particular, are threatened by loss and fragmentation of existing habitat. Vernal pool complexes are mosaics of wetted pools and swales which are hydrologically connected and include the associated upland habitat and local watersheds essential for the function of the pools, and should be preserved on a landscape level to ensure the persistence of the species that inhabit them. In general our recovery plans should be used when evaluating where projects are planned and where compensation is proposed. The *Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon* (Service 2005) (Recovery Plan) in particular describes core areas which are based on the known distribution of vernal pool species and habitats and include representative sites across a given species range, or support high species diversity. The Recovery Plan recommends a rigorous preservation component of vernal pool habitat the Service feels will help ensure recovery of these species.

As a primary consideration the Service recommends that the City of Folsom implement the strategies in our Recovery Plan. The DEIR/EIS should include implementation and consistency with the Recovery Plan as a mitigation measure for impacts to biological resources. Specific alternative conservation strategies for vernal pool species and others not addressed in the Recovery Plan could include information and approaches considered in the proposed Habitat Conservation Plans for South Sacramento County. While, this plan has not been finalized and no permit has been issued, Sacramento County has developed a number of alternative strategies that the Service considers protective of listed species. As an alternative, Service staff are available to work with the City of Folsom to develop a conservation strategy for the proposed project. Whichever direction you take, we do believe since this specific project is proposed, specific conservation strategies to address compliance with the ESA is necessary.

### ***California red-legged frog and valley elderberry longhorn beetle***

The Service recommends that the DEIR/EIS contain an analysis of potential effects to these species, including the suitability of the proposed project site and the surrounding area to support them. Habitat assessment and survey guidelines for both species can be found on our website: <http://www.fws.gov/sacramento/>.

**GGS**

As described in the NOP, the project proponents have negotiated a water entitlement purchase from the Natomas Mutual Central Water Company (NMCWC) to provide a water supply source for the proposed project. NMCWC is a private water company which provides irrigation water to approximately 280 landowners for approximately 30,000 acres of land in the Natomas Basin. The transfer of water rights to the City of Folsom would result in reduced water availability in the Natomas Basin, which may result in less agricultural lands being in production for the benefit of the listed species, including the GGS and the State-listed as threatened Swainson's hawk (*Buteo swainsoni*). In particular, the Service is concerned about the recent trend of fallowing rice fields in the Natomas Basin, and the effect this has on GGS. Fallowing rice fields is considered detrimental to snakes, because rice adjacent to ditches and canals may serve as vital nursery habitat for young giant garter snakes and as "way stations" for snakes as they make their way through systems of ditches and canals. Females will often give birth in rice fields and the newly born snakes will feed on the small prey items that are prevalent in rice fields, but are rare or absent from other permanent aquatic habitat types.

The NOP includes the following statement: "...until permanent water conveyance facilities are actually constructed, an initial water supply may be secured to begin development and served the planned community in its early phases." The Service recommends that the DEIR/EIS fully assess the effects to biological resources that the construction of the conveyance facilities, and ultimate transfer of water from the Natomas Basin to the City of Folsom to service the proposed project will have on the GGS.

***Potential Impacts on the Natomas Basin Habitat Conservation Plan***

While the Service acknowledges that the proposed project is not urban development in the Natomas Basin, the proposed water entitlement transfer from NMCWC to the City of Folsom may result in effects to listed species in the Natomas Basin as a result of reduced water availability to maintain agriculture, thus negatively affecting the implementation of the Natomas Basin Habitat Conservation Plan (NBHCP; City of Sacramento *et al.* 2003). The NBHCP was established to minimize and mitigate for the loss of habitat from urban development and operation and maintenance of irrigation and drainage systems in the Natomas Basin. The NBHCP's ITPs cover the take of 22 plant and animal species, many of which are listed as endangered or threatened, including GGS. The Conservation Strategy of the NBHCP anticipates development on approximately 23,105 acres with much of the remainder of the 53,537-acre Natomas Basin remaining in agriculture or the habitat being enhanced for the benefit of the covered species. The Service recommends the DEIR/EIS contain a thorough analysis of the effect that this water transfer will have on implementation of the NBHCP and associated effects on the covered species. In addition, the DEIR/EIS should also include an analysis of the effects to GGS of this proposed project cumulatively with other projects proposed in the Natomas Basin.

### **Enforceable Mitigation Measures**

Mitigation measures should establish performance standards to evaluate the success of the proposed mitigation, provide a range of options to achieve the performance standards, and must commit the lead agency to successful completion of the mitigation. Mitigation measures should also describe when the mitigation measure will be implemented, and explain why the measures are feasible. The Wildlife Agencies recommend that the mitigation measures be enforceable and do not defer mitigation details to some future time. The DEIR/EIS should identify the following items: how each measure will be carried out; who will perform the measures; when the measures will be performed; the performance standards and mechanisms for achieving success; and an assured source of funding to acquire and manage identified mitigation lands. The DEIR/EIS could describe a range of enforceable mitigation measures that will be implemented in instances where approval and cooperation with the entities identified above either does or does not occur, and must reduce the impacts to biological resources to a level that is below significant.

### **Conclusion**

Thank you for the opportunity to review this project. We are committed to working with the City of Folsom and other proponents to ensure that this proposed project avoids and minimizes effects on federally-listed species and remains consistent with the conservation strategies and operating conservation programs of pending and existing habitat conservation plans.

Please contact Jana Milliken, the Sacramento Valley Branch Chief, at 916-414-6645 if you have any questions or concerns regarding this letter.

Sincerely,



Kenneth A. Sanchez  
Assistant Field Supervisor

cc:

Ms. Lisa Gibson, U.S. Army Corps of Engineers, Sacramento District  
Mr. Larry Combs, County of Sutter  
Ms. Carol Shearly, Mr. Scot Mende, Ms. Rochelle Amhrein, City of Sacramento  
Ms. Julie Car, County of Sacramento  
Mr. John Roberts, The Natomas Basin Conservancy  
Mr. Jeff Drongesen, Mr. Todd Gardner, Mr. Dan Gifford, California Department of Fish and Game  
Mr. Don Lockhart, Sacramento Local Area Formation Commission  
Mr. Dee Swearingen, Natomas Mutual Central Water Company

References cited

U.S. Fish and Wildlife Service. 2005. Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon. Portland, Oregon. xxvi+606 pages.

U.S. Fish and Wildlife Service. 2003. Final Natomas Basin Habitat Conservation Plan, Sacramento and Sutter Counties, California. Prepared by the City of Sacramento, Sutter County, and The Natomas Basin Conservancy in association with Reclamation District 1000 and Natomas Central Mutual Water Company.

# WILSON RANCH

7423 FAIR OAKS BOULEVARD, SUITE 10  
CARMICHAEL, CALIFORNIA 95608

THE TSAKOPOULOS FAMILY TRUST  
KATHERINE TSAKOPOULOS  
ANGELO G. TSAKOPOULOS, ESQ.

OFFICE (916) 972-7000  
FAX (916) 972-8708

October 23, 2008

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

**Re: City of Folsom's Notice of Preparation of Draft Environmental Impact Report/  
Environmental Impact Statement ("EIR/EIS") for the Folsom South of U. S.  
Highway 50 Specific Plan Project ("NOP") dated September 12, 2008**

Dear Ms. de Pardo:

This letter is submitted to the Community Development Department in response to the above-referenced NOP. My immediate family and I are the owners of approximately 4,500 acres of land in unincorporated Sacramento County adjacent to and just south of the Project Site as that term is defined in the NOP. On behalf of my family and myself who own such lands, I submit the following comments:

**1. The EIR/EIS Must Consider the Cumulative Impacts of Other Projects Under Consideration in the Area Just South of the Project Site**

The EIR/EIS must take into consideration the cumulative impacts of three aggregate quarries and associated facilities now planned in the unincorporated portion of Sacramento County just to the south of the City of Folsom's existing Sphere of Influence, all of which may form part of the existing baseline for EIR/EIS purposes. The NOP makes no mention of these three projects that are likely to impact, and be impacted by, the Highway 50 Specific Plan.

The three planned quarries are the quarries planned by A. Teichert & Sons, Inc., Granite Construction Company Incorporated and DeSilva Gates Construction. The draft EIR prepared by the County of Sacramento for the Teichert quarry is dated August 2008. The County has acknowledged that the permit application filed for Granite's Walltown Quarry is complete and an EIR is under preparation. The application for the DeSilva Gates quarry is also on file with the County.

Cumulative impacts of the U.S. Highway 50 Specific Plan and one or more of the three quarries requiring consideration in the EIR/EIS may include agricultural resources, air quality, biological resources, open space, hydrology and water quality, land use and planning, noise, traffic, and growth-inducing impacts. In addition, it may be necessary to consider such cumulative impacts in connection with mitigation measures intended to reduce environmental impacts.

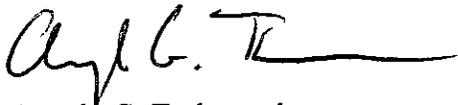
Development of the Highway 50 Specific Plan Operation may have a significant impact on, among other things, traffic patterns, traffic loads, air quality, noise, open space, biological habitat, and the availability of water in and around the City of Folsom's Sphere of Influence and should be analyzed in connection with impacts of the three quarries.

**2. Use of Roads by Quarries in Area to be Annexed**

The City of Folsom must recognize, and the EIR/EIS must consider, that at the time of the contemplated annexation the owners of the three quarries referred to above are likely to have obtained all entitlements to operate their quarries, including the right to use roads within the Sphere of Influence for purposes relating to their quarrying, and to have commenced quarrying operations in reliance on such permits and road use.

Please add my name to the mailing list for all notices and distributions relating to the EIR.

Very truly yours,

A handwritten signature in black ink, appearing to read "Angelo G. Tsakopoulos", with a long horizontal flourish extending to the right.

Angelo G. Tsakopoulos

November 7, 2008

Gail Furness De Pardo  
City of Folsom  
Community Development Department  
50 Natoma Street  
Folsom, CA 95630  
gdeperdo@folsom.ca.us

**RE: Notice of Preparation of a Joint 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 recognizes the city of Folsom's (City) ongoing collaboration with Sacramento Metropolitan Air Quality Management District (District) staff in the development of an Air Quality Mitigation Plan (AQMP) to reduce the emission of criteria pollutants associated with the project's operation. The AQMP is anticipated to include measures that will reduce these emissions by 35% or more; as required by LAFCO resolution 1193, which amended the City's sphere of influence (SOI) to include this project area. Preparation of this plan at this time is important in order to ensure that it be part of the EIR/EIS.
2. A project of this size will likely generate short-term (construction) air quality impacts that exceed adopted CEQA thresholds. The District recommends using the most current version of URBEMIS 2007, version 9.2.4<sup>1</sup> to model the short term and long-term emissions associated with the project. If it is determined that short-term construction impacts are significant, we recommend the District's standard construction mitigation be required on any projects that tier of the SPP-DEIR. If mitigation to below the threshold is determined to be unfeasible on site, the District recommends that any remaining emissions over the threshold be offset through an off-site mitigation fee calculated using the District's recommended methodology. Please note that the mitigation fee may either be paid in its entirety in advance of the first construction activity, or may be distributed equally among sub-proponents on a per-acre basis. The distributed mitigation fee option allows for proportional payment at the time individual projects are constructed. The District can provide a recommended methodology for distributing mitigation fees upon request.

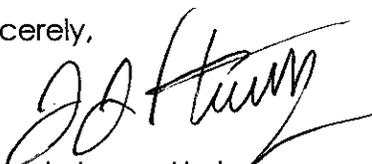
---

<sup>1</sup> URBEMIS 2007 v9.2.4 is available online at [www.urbemis.com](http://www.urbemis.com).

3. Given the scope and scale of development under review in the SPP-DEIR, it is important to ensure excellent connectivity between developments, particularly for bicycles and pedestrians to area parks and commercial uses. With that in mind consideration should be given to including design guidelines that require, when feasible, a traditional grid street network with small block sizes for better connectivity.
4. 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. In an effort to make schools walkable to a larger percentage of students, we recommend that the new school sites be centrally located and feature a compact, new-urban design. The District has staff and resources available to work on this issue, and can participate in a working group with the City and the Folsom Cordova Unified School District to analyze the opportunities to develop travel efficient educational facilities within this project.
5. 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. The District encourages the City to consult with the District as the corridor study for Easton Valley Parkway is developed.
6. Construction projects are subject to all applicable District rules that may be in affect at the time of construction. An attachment outlining some of those rules is provided for your information. For further details on all District rules please check the District website at [www.airquality.org](http://www.airquality.org) or call the Compliance Assistance Hotline at (916)874-4884.

Please contact me with any questions regarding these comments at (916) 874-2694 or at [jhurley@airquality.org](mailto:jhurley@airquality.org).

Sincerely,



Joseph James Hurley  
Assistant Air Quality Analyst

Attachment

c: Larry Robinson, SMAQMD

## **SMAQMD Recommended Mitigation for Reducing Emissions from Heavy-Duty Construction Vehicles**

Only For Projects With Construction Emissions Above the CEQA Threshold of Significance

Revised December 9, 2005

### Category 1: Reducing NOx emissions from off-road diesel powered equipment

The project shall provide a plan, for approval by the lead agency and SMAQMD, demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate reduction<sup>1</sup> compared to the most recent CARB fleet average at time of construction; and

The project representative shall submit to the lead agency and SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and projected hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project representative shall provide SMAQMD with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman.

and:

### Category 2: Controlling visible emissions from off-road diesel powered equipment

The project shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately, and the lead agency and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this section shall supercede other SMAQMD or state rules or regulations.

1 Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available.

## SMAQMD Rules & Regulations Statement

(revised 1/07)

*The following statement is recommended as standard condition of approval or construction document language for **all** development projects within the Sacramento Metropolitan Air Quality Management District (SMAQMD):*

All projects are subject to SMAQMD rules and regulations in effect at the time of construction. A complete listing of current rules is available at [www.airquality.org](http://www.airquality.org) or by calling 916.874.4800. Specific rules that may relate to construction activities or building design may include, but are not limited to:

**Rule 201: General Permit Requirements.** Any project that includes the use of equipment capable of releasing emissions to the atmosphere may require permit(s) from SMAQMD prior to equipment operation. The applicant, developer, or operator of a project that includes an emergency generator, boiler, or heater should contact the District early to determine if a permit is required, and to begin the permit application process. Portable construction equipment (e.g. generators, compressors, pile drivers, lighting equipment, etc) with an internal combustion engine over 50 horsepower are required to have a SMAQMD permit or a California Air Resources Board portable equipment registration.

Other general types of uses that require a permit include dry cleaners, gasoline stations, spray booths, and operations that generate airborne particulate emissions.

**Rule 403: Fugitive Dust.** The developer or contractor is required to control dust emissions from earth moving activities or any other construction activity to prevent airborne dust from leaving the project site.

**Rule 417: Wood Burning Appliances.** Effective October 26, 2007, this rule prohibits the installation of any new, permanently installed, indoor or outdoor, uncontrolled fireplaces in new or existing developments.

**Rule 442: Architectural Coatings.** The developer or contractor is required to use coatings that comply with the volatile organic compound content limits specified in the rule.

**Rule 902: Asbestos.** The developer or contractor is required to notify SMAQMD of any regulated renovation or demolition activity. Rule 902 contains specific requirements for surveying, notification, removal, and disposal of asbestos containing material.

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 30<sup>th</sup> 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)

**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.

**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

Ms. Gail Furness de Pardo  
Page 4  
November 6, 2008

**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.

Ms. Gail Furness de Pardo  
Page 5  
November 6, 2008

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  
Page 6  
November 6, 2008

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.

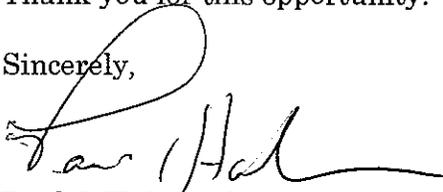
Along with the City of Folsom, Sacramento County is a member agency of the Capital Southeast Connector Joint Powers Authority which is charged with developing and implementing transportation improvements that may be affected by the planning and development of the project. Coordination and collaboration 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

Ms. Gail Furness de Pardo

Page 7

November 6, 2008

Sacramento County Staff Contact Information:

Robert Sherry, Director  
Sacramento County Planning and  
Community Development Department  
827-7<sup>th</sup> Street, Room 230  
Sacramento, CA 95814  
*SherryR@saccounty.net*

Cindy Storelli, Principal Planner  
Sacramento County Planning and  
Community Development Department  
827-7<sup>th</sup> Street, Room 230  
Sacramento, CA 95814  
*StorelliC@saccounty.net*

Jeff Gamel, Senior Planner  
Sacramento County Planning and  
Community Development Department  
827-7<sup>th</sup> Street, Room 230  
Sacramento, CA 95814  
*GamelJ@saccounty.net*

Joyce Horizumi, Director  
Sacramento County Department of  
Environmental Review and Assessment  
827-7<sup>th</sup> Street, Room 220  
Sacramento, CA 95814  
*HorizumiJ@saccounty.net*

John Lundgren, Senior Environmental Analyst  
Sacramento County Department of  
Environmental Review and Assessment  
827-7<sup>th</sup> Street, Room 220  
Sacramento, CA 95814  
*LundgrenJ@saccounty.net*

Mike Penrose, Director  
Sacramento County Department of Transportation  
906 G Street, Fifth Floor  
Sacramento, CA 95814  
*PenroseM@saccounty.net*

Dean Blank, Principal Civil Engineer  
Sacramento County Department of Transportation  
906 G Street, Fifth Floor  
Sacramento, CA 95814  
*BlankD@saccounty.net*

Tom Dinen  
99 Atfield Way  
Folsom, California 95630

October 24, 2008

Gail Furness del Pardo  
City of Folsom  
50 Natoma Street  
Folsom, California 95630

*Via Electronic Mail to [gdepardo@folsom.ca.us](mailto:gdepardo@folsom.ca.us)*

**Re: South of Highway 50 Specific Plan Project  
Comments in Response to EIR/EIS Notice of Preparation**

Dear Ms. Furness del Pardo,

This comment letter is timely offered in response to the City of Folsom's ("Folsom") Notice of Preparation for the joint Environmental Impact Report ("EIR") and Environmental Impact Statement ("EIS") for the South of Highway 50 Specific Plan project ("Project"). The EIR and EIS, which Folsom contemplates preparing in joint fashion with the United States Army Corps of Engineers, would constitute the primary permitting documents for development of the Project within an approximate 3,500 acre parcel of land bordered by Highway 50, Prairie City Road, White Rock Road, and the El Dorado County line. While Folsom will act as lead agency for the EIR, it is important to note that the Project applicant is South Folsom Properties, LLC ("Developer"), a limited liability corporation that includes the renowned Angelo Tsakopoulos' AKT Development Corporation.

As you are aware, Ballot Measure W, which was overwhelmingly passed by voters in November of 2004, resulted in an amendment of the City Charter, requiring the Folsom City Council to, among other things, take action to secure water to serve the Project without reducing the existing water supply currently serving users to the north of Highway 50, and at no cost to existing Folsom residents. Since the time that Measure W was passed, during late 2007 and early 2008, the Developer has purchased a total of 10,000 acre-feet/year of Sacramento River water entitlements from the Natomas Central Mutual Water Company, ostensibly for the purpose of supplying the Project with water.

Earlier this fall, Folsom officials publically announced that the Freeport Regional Water Project ("FRWP") would likely be used to convey water to the Project. The FRWP, currently under construction, will deliver Sacramento River water into the United States Bureau of Reclamation's Folsom South Canal ("FSC") near Grant Line Road, with said water being extracted from the FSC at a point downstream

by the Sacramento County Water Agency ("SCWA") and at the terminus of the FSC by the East Bay Municipal Utility District ("EBMUD").

It is important to note that the FRWP is only permitted to operate in dry years (occurring only roughly 30% of the time) and is not permitted to deliver flows to users other than EBMUD and SCWA. Further, the FRWP has both permit and engineering limitations that currently preclude delivery of the Developer's Sacramento River water to the Project, according to the FRWP's member agencies. In addition, a permit from the California State Water Resources Control Board would be required before the water purchased from the Natomas Central Mutual Water Company could be diverted for Project use. Finally, the impact from listed threatened (under both the Federal and State Endangered Species Acts) species such as the Delta Smelt upon Folsom's ability to convey Sacramento River water to the Project cannot be underestimated. This is particularly true given the fact that earlier this year the California Fish & Game Commission voted to move the Delta Smelt to endangered status under the California Endangered Species Act. Simply put, no certainty has yet been established with regard to potential Project water supplies.

I note for the record that it is the Developer, and not Folsom, who has secured water for the stated purpose of serving the Project. According to public statements by Folsom officials, Folsom currently has no rights to or control over this water that the Developer has purchased from Natomas Central Mutual Water Company. Thus, the Folsom City Council has not met its Measure-W-mandated requirement to secure the water to serve the Project. Instead, Folsom, who will ultimately have the obligation to serve the Project's water needs, proposes to initiate the Project's EIR/EIS permitting process while leaving itself beholden to the sophisticated likes of Angelo Tsakopoulos. This situation leaves the Developer in a commanding position and with the resultant ability to demand concessions of Folsom throughout the Project's permitting and development process.

In addition, without a signed, contractual commitment from the Developer to transfer its water entitlements to Folsom for a pre-determined cost and without certain other economic factors being nailed down, the Folsom City Council has not met its Measure-W-mandated requirement to ensure that water will be delivered to the Project at no cost to existing Folsom residents. The other economic factors that need to be identified include 1) the cost of conveying water through the FRWP (if such a conveyance is found to be feasible from both permitting and engineering standpoints), 2) the capital as well as ongoing operations and maintenance cost of the linear facilities necessary to transport this water from the FSC to the Project, 3) the cost of mitigating impacts brought about by the construction of linear facilities and the diversion/conveyance of Project water, and 4) the cost of treating Sacramento River water for consumptive use.

I note with concern that the topic of water supply is not listed among the "Issues to be Addressed in EIR/EIS" as depicted in the September 25, 2008 "Folsom South of U.S. Highway 50 Specific Plan Project – Folsom, CA – Joint EIR/EIS" presentation given by Folsom and the U.S. Army Corps of Engineers ([http://www.folsom.ca.us/depts/community\\_development/planning](http://www.folsom.ca.us/depts/community_development/planning), p. 5-7). While it may be touched upon in other EIR/EIS study areas, it should be apparent from the above discourse that the issue of Project water supply is far from sewn up and should be rigorously investigated. In direct response to your Notice of Preparation I offer that Project water supply should be a focused study area under both CEQA and NEPA guidance, particularly with respect to the potential impact of the proposed diversion of Sacramento River water upon the threatened Delta Smelt.

Obviously, water is the key to the Project and without a water supply meeting the requirements set by Measure W the Project cannot move forward. Until such time as the City Council can be certain the proposed water supply is feasible, can control this water supply through contractual means, and can reliably forecast the cost of supplying it to the Project, it would be imprudent for Folsom to embark upon preparation of the Project EIR. Put another way, control of the Project's water supply is fundamental from both practical and commercial perspectives and to proceed with preparation of the EIR/EIS before such control is established would constitute a fundamentally unsound business approach.

The deeper that Folsom gets into permitting without establishing such fundamental control over water supply, particularly given the sophistication of the development parties involved, the better the chances that the City Council will ultimately fail to keep its Measure W obligations to the voting public. Worse yet, proceeding with permitting before the feasibility and cost of conveying water to the Project has been determined could leave Folsom in the position of having expended significant sums of money on its EIR and finding itself without a source of water for the Project, putting the interests of existing Folsom residents at risk.

A failure on the part of the City Council to ensure compliance with its Measure W obligations and to ensure a feasible and reliable water supply for the Project would be a fiscal and political disaster, one for which the citizens of Folsom would demand an accounting. Frankly speaking, the residents of this fine city deserve better and on their behalf I respectfully request that Folsom first demonstrate an ability to fulfill the water supply requirements of Measure W in their entirety before proceeding with Project permitting. *Prudence dictates such a shift in Folsom's course of action.*

Sincerely,

(ORIGINAL SIGNED)

Tom Dinen

cc: The Honorable Erik King, City of Folsom *Via e-mail to* [TheMayor@folsom.ca.us](mailto:TheMayor@folsom.ca.us)  
The Honorable Andy Morin, City of Folsom *Via e-mail to* [andy@themorins.com](mailto:andy@themorins.com)  
The Honorable Kerri Howell, City of Folsom *Via e-mail to* [corrprincess@ardennet.com](mailto:corrprincess@ardennet.com)  
The Honorable Jeff Starsky, City of Folsom *Via e-mail to* [jstarsky@folsom.ca.us](mailto:jstarsky@folsom.ca.us)  
David Miller, City of Folsom *Via e-mail to* [dmiller@folsom.ca.us](mailto:dmiller@folsom.ca.us)

Raphael Hitzke  
381 Ellis Circle  
Folsom, CA 95630

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

Folsom, October 26 2008

Dear Gail Furness de Pardo,

My name is Raphael Hitzke and I am a Folsom resident and Intel employee. I am concerned the South of Fifty is not putting Folsom on a role model path and it will negatively impact our beautiful region and future generations.

This is a unique opportunity to take leadership in sustainability.

Here is what should be done:

Water: (This should apply to the rest of Folsom too.)

Our climate is desert like here, and we can expect even more severe droughts in the future than the one we are experiencing this year. With more people living and working here it may become a disaster.

All the homes and buildings should be required to have the following:

- Water meters.
- Collect rain water to use in the home and for irrigation.
- Re-use of "gray water" and recirculate it in the home.
- Require xeriscaping landscapes instead of green lawns.

The current plan estimates that 60% of the water would be used for outdoor use. We should not be wasting that much precious drinking water for watering lawns...

Energy:

Folsom should be a leader with zero energy homes, and LEED Certified public and office buildings. (A recent article from the Harvard Business Review showed LEED certification can reduce up to 42% energy bills, while bearing little incremental cost on the construction.)

With the energy crisis, every new home and building should have renewable energy sources like solar on site. (This should apply to the rest of Folsom for that matter.) This would mean no or low energy bills and a healthier environment for now and for future generations.

Transportation:

- Tram or lightrail lines extended to the SOI area.
- Class I bike paths every where.
- Denser urban development and up to 50% open space.

A person who will live there should not need a car. The priority should be put on walking, cycling and public transportation. This would lead to better air quality, a healthier population and a friendlier community.

Please think about the legacy you are going to leave to our children and grand-children. We are in the 21<sup>st</sup> century and the knowledge and technologies are available today to make the SOI a new sustainable urban area.

Thank you,

Best regards,

Raphael Hitzke

Email: [hitzke@msn.com](mailto:hitzke@msn.com)



*"First in the West"*

**FOLSOM, EL DORADO & SACRAMENTO  
HISTORICAL RAILROAD ASSOCIATION**

*A California Non-Profit Corporation*

---

October 21, 2008

David Miller, Director  
Community Development Department  
City of Folsom  
50 Natoma Street  
Folsom, CA 95630

Mr. Miller:

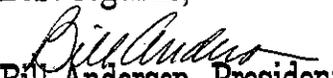
This is in response to the notice sent by Omega Deppe regarding the Notice of Preparation for the Folsom Annexation Project.

As you are aware, the railroad right of way through the project area is of historic significance. We feel that the State Historic Preservation Office should be notified of this.

The Placerville & Sacramento Valley Railroad was built in 1864 with continuous use into the 1980's (Southern Pacific Railroad) from Folsom into El Dorado County.

We can provide detailed historic information required by SHPO.

Best regards,

  
Bill Anderson, President



Twin Cities District  
13300 White Rock Road  
Rancho Cordova, CA 95742  
(916) 985-8521, FAX (916) 985-8559

October 24, 2008

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

Subject: Folsom SOI Notice of Preparation

Dear Ms. De Pardo:

At the time of the creation of the 1991 Prairie City SVRA Master Plan there was very little development anywhere near the SVRA. In recent years Sacramento County, the City of Folsom, and the City of Rancho Cordova have planned for dramatic increases in residential and commercial development in areas close to the park. It is impossible to ignore the impact that development of that nature will have on the facility, both in increased demands for use of the facility by the increased population of the county and in nuisance complaints from nearby residents.

The initial impetus for establishment of an Off-Highway Vehicle park, in Sacramento County, developed in the early 1970s when increasing numbers of off-road vehicles began to make excessive use of facilities in the American River Parkway and on private land. (Prairie City Land Use and Fiscal Analysis, Sacramento County Department of Parks and Recreation, 1982)

Sacramento County later chose to turn the facility over to the State of California. It was acquired by California State Parks in 1989 and is now operated as Prairie City State Vehicular Recreation Area (SVRA). A Master Plan and EIR were developed for Prairie City SVRA and were finalized in 1991 following public and governmental review, including that by Sacramento County. The 1991 Master Plan and EIR were later referenced to in the 1993 Sacramento County General Plan, identifying Prairie City SVRA as a potential source of sound. As a planning guideline the 1993 GP said,

*“From a land use planning perspective, fixed-source noise control issues focus upon two goals: to prevent the introduction of new noise-producing uses in noise-sensitive areas, and to prevent encroachment of noise sensitive uses upon existing noise-producing facilities.*

This directive placed the County in a position of recognizing Prairie City SVRA as a facility that may be in conflict with certain types of development, as well as giving instruction to prevent encroachment of those types of development.

Issues that were brought up in the 1991 Master Plan and EIR that are relevant to the current Folsom SOI proposal include those related to Land Use and Development and Carrying Capacity. The 1991 Prairie City Master Plan established a Zone of Interest for the park related to potential expansion of the facility to accommodate the physical growth of the park, thereby adjusting for the demands caused by increased use

of the facility by Recreationists from throughout the region. That map is found on Page 43 of the Prairie City Master Plan. If you do not already have a copy I can provide you with one upon request.

It is important that the City understands the importance of Prairie City SVRA to the region. As a managed OHV facility we provide recreational opportunity to one of the fastest growing segments of the outdoor recreation industry. When the State acquired Prairie City there were only 7,800 registered off-highway vehicles in Sacramento County. As of May of 2007 that number has grown to 37,349. If you add three neighboring counties, Placer, El Dorado, and San Joaquin, that number is increased by nearly 70,000 vehicles. Annual attendance at Prairie City has grown from 20,000 in 1990 to 156,000 in 2007. We are anticipating that the attendance will continue to increase over the next few years.

There is also a significant change in the availability of recreational opportunity in the region. Changes to designation of OHV routes in the nearby National Forests will dramatically reduce the amount of area available for OHV recreation, which will place additional demands for use of the facility at Prairie City. This increase carries with it the necessity to maintain and protect a managed facility for OHV operation. Failure to do so could result in people choosing to operate off-highway vehicles in areas that are inappropriate for their use, bringing potentially disastrous environmental consequences.

One of the challenges facing the City of Folsom is establishing a guideline for how close certain types of development (receptors) can get to a facility such as Prairie City SVRA. The four primary objections to the facility would be most likely related to sound, dust, traffic, and visual impacts.

Visual Impact - Rolling hills, such as those found in Eastern Sacramento County, present fewer challenges when establishing standards. One method might involve starting at the boundary of the Zone of Interest and work out until you are able to mitigate the potential visual impact.

Sound – Prairie City SVRA was identified as a “Fixed Noise Source” in the Noise Element of the 1993 County of Sacramento General Plan. The reference to Prairie City SVRA was also included in the 1998 update to the Noise Element. The impact of sound on different types of receptors is very subjective and would require an in depth analysis by qualified OHV sound experts. The Noise Element of the current Sacramento County General Plan discusses this issue.

*“Noise pollution is more illusive than other pollution problems. It is often mobile and it is variable through time and space. Further, noise pollution is a matter of human perception related to personal tolerance and taste. The result is an invisible pollution problem that is ephemeral, localized, and dependent on human perception.... The future of this rapidly growing county can only bring an intensification of noise conflicts between noise producers and receptors. Without good planning, the "minor" problem in Sacramento County will become a major problem as development occurs.*  
”

The existence of the SOI project and proposed uses in close proximity to Prairie City SVRA is the very situation that was mentioned. It is impossible to ignore the potential conflicts that will develop. Since this is a very specialized form of acoustic analysis finding the appropriate sound engineers to manage the project is extremely important. We have access to specialists that we would be able to refer the City to who would be able to give a balanced approach.

Dust – This will require analysis based upon prevailing wind directions and use patterns.

Traffic is occasionally a challenge. Prairie City is host to four National competition events each year. One of them is the Hangtown National Motocross, the largest recurring outdoor event in Sacramento County. That event brings in as many as 30,000 visitors in a single day, and brings significant traffic issues as a result.

Several issues have been raised that are related to the long term preservation of Prairie City SVRA. This unit is one of the few Off-Highway Vehicle parks in Northern California. When the facility was first created, in 1972 as a private OHV park, and later as a county operated facility, the park had no development anywhere close by. Encroachment was not an issue at the time.

Changes in the population in the Sacramento region are placing demands for expansion of developed areas. They are also placing increased demands for availability of recreational facilities such as Prairie City SVRA. The City has an obligation to give a great deal of effort to developing a plan that will allow for appropriate development, as well as protect facilities like Prairie City SVRA that are also in demand. In 1991 the City of Folsom was not interested in making any response to the draft Master Plan and EIR. The implicit approval of the 1991 Prairie City Master Plan and EIR, by the City of Folsom, places the City in a position of needing to develop guidelines in the upcoming General Plan to thoughtfully address the issues related to operation of the park. Our recommendation is that the City of Folsom develops and adopts an alternative plan that appropriately protects the long term existence and operation of Prairie City SVRA

Please feel free to contact me if you need any further information or clarification.

Sincerely,

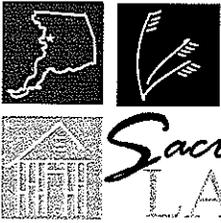
A handwritten signature in black ink, appearing to read "Robert Williamson", with a long horizontal flourish extending to the right.

Robert Williamson  
District Superintendent  
Twin Cities District

cc:

Daphne Greene, Deputy Director, California State Parks

Phil Jenkins, Division Chief, California State Parks



**SACRAMENTO LOCAL AGENCY FORMATION COMMISSION**  
1112 I Street, Suite 100 • Sacramento, CA 95814 • (916) 874-6458 • Fax (916) 874-2939

November 4, 2008

Gail Furness de Pardo  
City of Folsom  
Community Development Department  
50 Natoma Street  
Folsom, CA 65630

Subject: Comments on Notice of Preparation for the 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 review and provide comments on the Notice of Preparation.

The Sacramento Local Agency Formation Commission (LAFCo) as a responsible agency provides the following comments on the City's Notice of Preparation for development and annexation of territory South of U.S. Highway 50.

**SUMMARY OF LAFCo ISSUES OF INTEREST**

LAFCo is a Responsible Agency for the project and is responsible for approving the reorganization (annexation and detachments) of the proposed territory into the City of Folsom. In addition, Sacramento LAFCo must approve any related annexation and/or detachment of Special District Municipal Service Providers impacted by the proposed project.

LAFCo is the agency charged by the State Legislature through the Cortese-Knox Hertzberg Local Government Reorganization Act (Act) of 2000 (Government Code Section 5600, et. seq.) with ensuring the timely and orderly formation of local government agencies and boundaries, to preserve agricultural and open space lands, and to discourage urban sprawl. Pursuant to the Act, LAFCo is responsible for reviewing logical and timely changes in local government boundaries, including annexations and detachments for the proposed Folsom annexation.

One essential element of the Act that provides for orderly growth is the annexation of land within an adopted SOI. The SOI is a policy tool used to provide guidance for consideration of annexation proposals and is intended to

encourage efficient provision of organized community services and prevent duplication of service delivery. Land must be within a City's SOI to be annexed. The project site is located within the City of Folsom Sphere of Influence (approved June 6, 2008). It would be appropriate to amend the project description to include the Sphere of Influence Amendment and annexation to Sacramento Regional County Sanitation District and the detachment of Sacramento Metropolitan Fire District and any other proposed reorganization of Special Districts that may be required to change current service providers that are needed for the City of Folsom to provide municipal services as a "full service city".

As a responsible agency under CEQA, LAFCo must ensure that the environmental document prepared for the project adequately addresses LAFCo annexation and detachment considerations. As such, the following discussion briefly describes issues that are of primary importance to LAFCo. Any environmental impacts and related mitigation measures related to these issues should be addressed in the City's EIR/EIS:

- ▶ Population and Housing: Issues related to the project's growth-inducing impacts related to this project.
- ▶ Utilities: Issues related to the project's impacts to local and regional water and wastewater treatment and conveyance, storm drainage, and electrical and natural gas facilities should be adequately discussed.
- ▶ Public Services: Issues related to the project's impacts to police, fire, emergency, solid waste, school, animal control, street lighting, library services, public transit, and other municipal services that will be provided by the City.
- ▶ The Drainage Master Plan for the Sphere of Influence area shall address flood hazards and the use of flood protection measures. The objective is to develop a plan that does not increase the flood water surface elevations downstream of the area proposed for annexation.
- ▶ Schools: Where permitted by law, the city shall incorporate feasible school impact mitigation requirements that would take effect upon annexation.
- ▶ Traffic and Transportation: See attached LAFC Resolution No. 1196 for specific requirements.
- ▶ Parks and Open Space: Issues related to the project's provision and preservation of park and open space areas including the project's impacts to existing City, County, and Special District's park and open space resources.
- ▶ Agriculture and Open Space Issues: Issues related to the project's impacts to existing agricultural resources within the affected territory and any impacts to surrounding agricultural uses.

- ▶ Williamson Act Contracts: If the proposal would result in the annexation to a city of land that is subject to a contract executed pursuant to the Williamson Act, then the City resolution shall state whether the city shall succeed to the contract or whether the city intends to exercise its option to not succeed to the contract. Additional requirements apply if any of the land is located within a Farm land Security Zone.
- ▶ No tidelands or submerged lands, which are owned by the State shall be annexed to a city unless approved by the State Lands Commission.
- ▶ The annexation shall address the City of Folsom's multi-species habitat mitigation strategy for the Sphere of Influence area proposed for annexation. The habitat strategy shall meet federal and state regulatory requirements.
- ▶ Amendment to Sacramento Regional County Sanitation District Sphere of Influence and Annexation of SOI area into District Boundaries
- ▶ Detachment of subject territory from Sacramento Metropolitan Fire District
- ▶ Detachment or change in service provider of 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
- ▶ Compliance with Sacramento Area Council of Government Regional Housing Needs Assessment and Blueprint Principals
- ▶ Obtain Compliance from the California Department of Housing and Community Development that the City is meeting its Regional Share Housing for all income levels through its adopted Housing Element
- ▶ Demonstrate that surface contamination for the Aerojet General Corporation property has satisfactorily been remediated to standards determined by federal and state regulatory agencies.
- ▶ Consistency of the proposed project with the City of Folsom General Plan
- ▶ Property Tax Sharing Agreement with the County of Sacramento
- ▶ Compliance with the terms and conditions contained within Sacramento LAFCo Resolutions approving the Sphere of Influence Amendment
- ▶ Compliance with the Mitigation Monitoring and Reporting Program approved as part of the City of Folsom Sphere of Influence Amendment

The City of Folsom should also prepare a Plan for Service (Master Services Element) and Financing Plan to demonstrate how municipal services will be provided and financed to the area proposed to be annexed. Also, the City needs

to demonstrate that there will be no negative impact (service level reductions or cost increases) to current city residents.

In addition, the City must be able to demonstrate that it has complied with the terms and conditions contained in the Resolutions approving the Sphere of Influence Amendment as well as the Mitigation, Monitoring and Reporting Program approved by Sacramento Local Agency Formation Commission approving the Sphere of Influence Amendment, and finally, demonstrate compliance with the Memorandum of Understanding with the County of Sacramento.

The following summarizes Sacramento LAFCo Policies related to annexations:

#### LAFCo Policy Elements

- LAFCo is charged with encouraging orderly growth and development;
- LAFCo is charged responsible for encouraging the logical formation and determination of boundaries;
- LAFCo must exercise its authority to ensure that affected populations receive efficient governmental services; and
- LAFCo is required to exercise its authority to guide development away from open space and prime agricultural land uses unless such actions would not promote planned, orderly and efficient development.

In addition, LAFCo will consider the following:

- LAFCo will consider proposals that will provide urban services in densely developed and populated areas,
- LAFCo will favorably consider proposals that will provide urban services in areas with high growth potential rather than in areas with limited potential for future growth,
- LAFCo will favor proposals that do not shift the cost for services and infrastructure benefits to other service areas,
- LAFCo will favorably those applications which improve the balance of jobs and housing,
- LAFCo encourages the use of service providers which are governed by officials elected by the citizens,
- Community needs are met most efficiently and effectively by governmental agencies which:

- Are already in existence;
- Are capable of coordinating service delivery over a relatively large area; and
- Provide more than one type of service to the territory which they serve.
- LAFCo will approve changes of organization or reorganization only if the proposal is consistent with the General Plan and relevant Specific Plans of the annexing jurisdiction.
- LAFCo will not approve applications which split neighborhoods or divide an existing identifiable community, commercial district, or other areas having a social or economic identity. The boundary should not result in islands, corridors, or peninsulas of incorporated or unincorporated territory or otherwise cause or further the distortion of existing boundaries. Create areas that are difficult to provide services or split parcels.
- Service providers shall have adequate capacity to serve the proposed development and required infrastructure should not be growth inducing for adjacent areas.
- The annexation should be consistent with the City's Sphere of Influence.
- The annexation must provide the lowest cost and highest quality of urban services for the affected population.

Please call me at 874-5935 if you have any additional questions.

**SACRAMENTO LOCAL AGENCY FORMATION COMMISSION**

Sincerely,



Peter Brundage  
Executive Officer

Attachments

Enclosures:

Resolution No. LAFC 1192

Resolution No. LAFC 1193

Resolution No. LAFC 1194

Resolution No. LAFC 1195

Resolution No. LAFC 1196

# TAYLOR & WILEY

A PROFESSIONAL CORPORATION

## ATTORNEYS

2870 GATEWAY OAKS DR., SUITE 200  
SACRAMENTO, CALIFORNIA 95833

TELEPHONE: (916) 929-5545

TELEFAX: (916) 929-0283

JOHN M. TAYLOR  
JAMES B. WILEY  
JESSE J. YANG  
KATE A. WHEATLEY  
MATTHEW S. KEASLING  
JAMES E. MIZELL, III

OF COUNSEL  
KATHLEEN R. MAKEL

November 7, 2008

Via E-mail and U.S. Mail ([gdeparado@folsom.ca.us](mailto:gdeparado@folsom.ca.us))

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

**Re:** Notice of Preparation of a 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,

On behalf of our client, Teichert Inc., we are providing comments on the Notice of Preparation ("NOP") of a Joint Draft Environmental Impact Report/Environmental Impact Statement ("EIR/EIS") for the Folsom South of U.S. Highway 50 Specific Plan Project ("Specific Plan"). As you may be aware, Teichert owns approximately 1,500 acres south of White Rock Road and adjacent to the proposed Specific Plan. Teichert has an active application with the County of Sacramento for a hard rock quarry that will involve mining of approximately 380 acres of the Teichert property approximately one mile south of White Rock Road. A Notice of Preparation was issued for the Teichert Quarry EIR on July 14, 2003 and a revised Notice of Preparation was issued on January 5, 2006. No comments were received from the City of Folsom or property owners associated with the Specific Plan on the Teichert Notices. Furthermore, a Draft Environmental Impact Report for the Teichert Quarry project was issued by the County

on August 22, 2008 for public review. The comment period for the Teichert Quarry DEIR ended on November 6, 2008.

In addition, Granite Construction and De Silva Gates each have active applications with the County for hard rock quarries south of the Specific Plan area. Notices of Preparation were issued by the County of Sacramento for the Granite Quarry on December 5, 2007, and for the De Silva Gates Quarry on December 11, 2007 and January 25, 2008. All three applications anticipate access to Highway 50 on existing County roads through the Specific Plan area.

In consideration of these quarry applications, we are providing the following comments on the Specific Plan NOP:

- The EIR/EIS should analyze vehicle trips from existing land uses, approved land uses not yet built, and reasonably foreseeable projects within the unincorporated County of Sacramento, the City of Rancho Cordova and El Dorado County that access Highway 50 via the Specific Plan area. (CEQA Guidelines § 15130; *City of Antioch v. City Council of the City of Pittsburg* (1986) 187 Cal.App.3d 1325.) These include the vehicle trips generated by the three quarry projects whose primary access to Highway 50 is on Scott and Prairie City Roads, which are existing County roads. The EIR/EIS should analyze land use, traffic, noise, air quality, biological and aesthetic impacts associated with vehicle trips accessing Highway 50 from these non-Specific Plan sources.
- The EIR/EIS should analyze an alternative land use plan that does not locate sensitive land uses adjacent to the Highway 50 access roads such as Scott and Prairie City Roads.
- The EIR/EIS should also analyze an alternative circulation plan to mitigate the potential impacts associated with locating new land uses along the Highway 50 access roads. This alternative could include an alternative route within the Specific Plan for truck traffic to access Highway 50. The analysis should examine the impacts associated with relocating truck trips, including land use, traffic, noise, air quality, aesthetic, biological and greenhouse gas impacts.

Ms. Gail Furness de Pardo  
November 7, 2008  
Page 3

Thank you for your attention to this matter, we look forward to seeing the response to our comments.

Very Truly Yours

A handwritten signature in black ink, appearing to read 'John M. Taylor', with a long horizontal flourish extending to the right.

John M. Taylor

cc: Kerry Smith  
David Smith  
Steven Wang  
Paul Hahn  
Robert Sherry  
Joyce Horizumi  
Mike Penrose  
Krista Whitman  
Granite Construction  
De Silva Gates  
Andrea Leisy  
Bob Holderness  
Michael Smith  
Jeff Thatcher  
Mike Ray

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



November 10, 2008

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

Re: Notice of Preparation (NOP), Draft Environmental Impact Report (EIR)  
Folsom South of U.S. Highway 50 Specific Plan Project  
SCH# 2008092051

Dear Ms. Furness De Pardo:

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. New developments and improvements to existing facilities may increase vehicular traffic volumes, not only on streets and at intersections, but also at at-grade highway-rail crossings. In addition, projects may increase pedestrian traffic at crossings, and elsewhere along rail corridor rights-of-way. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

The Commission recommends that the City include consideration of potential project-related rail safety impacts and measures to reduce adverse impacts of the proposed project. The project's traffic impact study (TIS) is the mechanism by which to address these concerns since it will be the basis for the analysis within the Traffic/Circulation section of the DEIR.

In general, the major types of impacts to consider are collisions between trains and vehicles, and between trains and pedestrians. Changes in land use should not be allowed that would permit housing adjacent to existing rail yards. Similarly, where a need for grade-separated crossings is identified, new development should not be placed adjacent to at-grade highway rail crossings, within the footprint of land needed for future grade-separation structures.

General categories of measures to reduce potential adverse impacts on rail safety include:

- Installation of grade separations at crossings, i.e., physically separating roads and railroad track by constructing overpasses or underpasses
- Improvements to warning devices at existing highway-rail crossings
- Installation of additional warning signage
- Improvements to traffic signaling at intersections adjacent to crossings, e.g., traffic preemption

Gail Furness De Pardo, City of Folsom  
SCH#2008092051  
November 10, 2008  
Page 2 of 2

- Installation of median separation to prevent vehicles from driving around railroad crossing gates
- Where soundwalls, landscaping, buildings, etc. would be installed near crossings, maintaining the visibility of warning devices and approaching trains
- Prohibition of parking within 100 feet of crossings to improve the visibility of warning devices and approaching trains
- Installation of pedestrian-specific warning devices and channelization
- Installation of additional traffic lanes through the crossing to accommodate additional traffic
- Construction of pull-out lanes for buses and vehicles transporting hazardous materials
- Installation of vandal-resistant fencing or walls to limit the access of pedestrians onto the railroad right-of-way
- Elimination of driveways near crossings
- Increased enforcement of traffic laws at crossings
- Rail safety awareness programs to educate the public about the hazards of highway-rail grade crossings

CPUC also encourages localities to set up mechanisms whereby new developments pay a fair share of their impact costs to fund the above measures if not already in an existing Fee program by the City or a Regional Fee program.

Commission approval is required to modify an existing highway-rail crossing or to construct a new crossing.

Please forward the TIS scope, so we may have an opportunity to review the proposed analysis which will make our review more efficient and expedient for the project proponent. Should you have a planned scoping meeting for the traffic study, we would like to be notified along with other agencies affected or impacted by the proposed project.

Thank you for your consideration of these comments and we look forward to working with the City on this project. If you have any questions in this matter, please call me at (415) 713-0092 or email at [ms2@cpuc.ca.gov](mailto:ms2@cpuc.ca.gov),

Sincerely,



Moses Stites  
Rail Corridor Safety Specialist  
Consumer Protection and Safety Division  
Rail Transit and Crossings Branch  
515 L Street, Suite 1119  
Sacramento, CA 95814

## Gail Furness De Pardo

---

**From:** David Stanley [dstanley123@hotmail.com]  
**Sent:** Monday, November 10, 2008 4:09 PM  
**To:** Gail Furness De Pardo  
**Subject:** FW: NOP questions

Gail,

How about this new and improved version for the EIR?

David Stanley

---

**From:** dstanley123@hotmail.com  
**To:** gdepardo@folsom.ca.us  
**Subject:** NOP questions  
**Date:** Mon, 10 Nov 2008 12:45:39 -0800

Gail,

I would like two questions addressed in the EIR.

The first one is in regard to traffic. I would like to see the SOI area have fewer traffic signals per length of roadway than there is north of the freeway. It appears that north of the freeway was planned piecemeal with the answer to any problem intersection being an expensive and time wasting traffic signal. With the price of gasoline and the pollution generated by stops at signals, designing the roadways with fewer signals would be better for gas mileage and the air we breath. One way of doing this would be establishing criteria for signal spacing based on the classification of roadway within the Specific Plan. For example, for arterial streets, agencies often require a minimum signal spacing of ¼ mile. For expressways (six-lane high speed/high capacity roadways), a minimum signal spacing of ½ mile is common.

Another possible answer would be to allow for minor streets that intersect with major roads to have a safe u-turn pocket after a right turn onto the major road instead of a light. An example of this north of the freeway is the signal on Broadstone Parkway that allows left turns out of the shopping center at East Bidwell. A right turn out onto Broadstone Parkway (farther away from East Bidwell to allow for space) and a large u-turn pocket would make that signal unnecessary. I seem to get stopped at that intersection most of the time to allow one or two cars out. There are many examples of this kind of intersection in Folsom.

Yet another answer may be to have signs that direct people who would like to make a left turn out of a project go to another intersection that has a light or be able to make right turns to get where they want to go.

Another thing I would like to see is multiple signals combined to fewer signals. An example is the upcoming Palladio Mall. I can see that there will be two signals between Broadstone Parkway and Iron Point on East Bidwell. I find it very hard to believe that two will be necessary to provide adequate ingress and egress from the project. Those signals will really only serve left turns out as they are 3 way intersections. Right turns out and right in are not a problem. Left turns in may take a little wait but certainly one signal is enough. I realize that this is probably a function of developer requests but if a traffic signal minimizing plan was directing road design in the SOI then staff and electeds could use that for leverage. These two signals mean that, for a driver exiting eastbound Highway 50 to northbound East

Bidwell, there will be seven signals in the first mile on East Bidwell! For the SOI, I would recommend that signal locations on arterial streets and expressways be identified up-front with the project entitlements (i.e. in the specific plan). That way, developers would have to design their sites knowing where signalized access would be restricted.

Another idea to allow for quicker movement of traffic is to disallow right turn sensors, or at least have a long delay on them. This is one idea that could still be used north of the freeway. Since I have been paying closer attention to traffic in Folsom the last two years, I have been stopped by a red light at least 50 times for a car that only needed to turn right and is already gone by the time several cars have stopped on the main road. Once I counted nineteen cars stopped for a right turner that was long gone!

The second issue I would like to see addressed concerns water and the vegetation that will be planted in the SOI. Currently, the native vegetation in the Folsom area is oak woodland, however, that has been largely removed by miners, ranchers, and now developers. That would not be so bad if we replanted the native vegetation, however, trees from all over the world dominate now. Most of these trees require far more water than oak woodland.

Therefore I would like to see a calculation of how much water would be necessary to maintain non-native versus native vegetation planted around homes and business in the SOI outside of the oak woodland that is currently slated to be preserved. I would like to see the use of water thirsty lawns and redwood trees and others minimized and the use of native vegetation maximized.

Thank you,

David Stanley

---

Stay up to date on your PC, the Web, and your mobile phone with Windows Live [Click here](#)

---

See how Windows® connects the people, information, and fun that are part of your life [Click here](#)

---

Get 5 GB of storage with Windows Live Hotmail. [Sign up today.](#)

City of Folsom

November 5, 2008

Community Development Department

Attn: Gail Furness de Pardo

I would like to bring to your attention the need for disc golf to be included in the General Master Plan for the new Folsom sphere of influence.

It's in the public's interest to have socially balanced recreational opportunities within the city. Therefore, I ask that you include the active outdoor recreational activity called "disc golf" in your general master plan for the new sphere of influence.

Sincerely,



Terry Benedict  
P. O. Box 431  
Orangevale, CA 95662

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 3 – Sacramento Area Office  
VENTURE OAKS, MS 15  
P. O. BOX 942874  
SACRAMENTO, CA 94274-0001  
PHONE (916) 274-0635  
FAX (916) 274-0648  
TTY (530) 741-4501



*Flex your power!  
Be energy efficient!*

November 10, 2008

08SAC0174

03-SAC-50 PM 18.991/23.136

Folsom South of US Highway 50 Specific Plan Project  
Notice of Preparation of a Draft Environmental Impact Report

Ms. Gail Furness De Pardo  
City of Folsom  
Community Development Department  
50 Natoma Street, 2<sup>nd</sup> Floor  
Folsom, CA 95630

Dear Ms. Furness De Pardo:

Thank you for the opportunity to review and comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Folsom South of US Highway 50 (US 50) Specific Plan Project. This proposed project is located south of US 50, east of Prairie City Road, west of the El Dorado County/Sacramento County line, and north of White Rock Road. It consists of a mixed-use residential and commercial development on 3,502 acres with up to 10,045 residential units, regional shopping center, police station, fire station, municipal service center, Class I and II bicycle trail network, connections to two new planned US 50 Interchanges, five elementary schools, and a joint middle/high school. This project is expected to generate a minimum of 8,000 a.m. peak hour trips and 11,000 p.m. hour trips. Our comments are as follow:

- A Traffic Impact Study (TIS) should be completed and include an analysis of impacts to the State Highway System (SHS), including US 50. The TIS should focus on possible US 50 traffic impacts from the Prairie City Road interchange to the East Bidwell/Scott Road Interchange, mainline US 50, and all of the on and off ramps for these interchanges. The "Guide for the Preparation of Traffic Impact Studies" (TIS Guidelines) can be found on Caltrans' website at:  
[http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tis\\_guide.pdf](http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tis_guide.pdf).

The TIS should use a Select Zone Analysis to identify trip distribution of the proposed project on the SHS. Caltrans would like the opportunity to review and comment on the traffic analysis prior to the start of the study to discuss traffic parameters to be used for the SHS.

- Mitigation measures should be identified where the project results in a significant impact. Caltrans considers the following to be significant impacts:
  - Project impacts that cause the highway or intersection LOS to deteriorate beyond LOS E.
  - If LOS is already E or F, then a quantitative measure of increased queue lengths and delay should be used to determine appropriate mitigation measures.
- A Drainage Report needs to be prepared and submitted to the District 3 Caltrans Hydraulics Branch for review. Please provide a report with the following information to Mr. Gurdeep Bhattal for review prior to final project approval:
  - Alteration of drainage patterns, erosion, storm-water discharges, and flooding.
  - The comprehensive 100-year event plan detailing how storm water will be handled, and increases in water run-off and water quality.

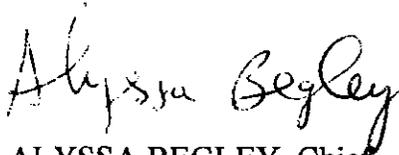
Mr. Bhattal can be contacted at (530) 740-4830 if you have any questions about the drainage information to be provided.

- An Encroachment Permit will be required for any work conducted in the State's right of way such as interchange improvements, and installation of a water line under US 50, sign placement, traffic control, light installation, culvert maintenance, or drainage pattern changes. A cost estimate for the work within the State's right of way will be reviewed to determine whether it triggers the need for a 'project funded by others' designation. Maintenance of landscaping or sidewalks built within the State's right of way becomes the responsibility of the local jurisdiction. To secure an application, please contact the Encroachment Permits Central Office at (530) 741-4403.
- Any proposed advertising signs or billboards that would be directed towards travelers on US 50, and located within 500 feet of State right of way, would need to be reviewed by our Outdoor Advertising Branch in the Office of Traffic Operations. Please contact James Arbis at (916) 654-6413.

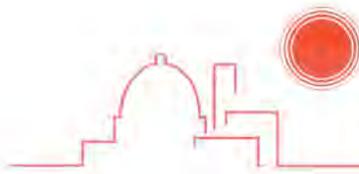
Caltrans looks forward to continuing coordination with the City of Folsom to ensure mobility through the US 50 corridor. We are scheduling a meeting with the City to discuss the scope, timing, and funding of transportation improvements within this Folsom South of US 50 area with an emphasis on creating a multi-modal transportation system that provides mode choice to Folsom residents, employees and visitors.

Please provide our office with copies of any further actions regarding this development. If you have any questions, contact La Nae Van Valen at (916) 274-0637.

Sincerely,

A handwritten signature in black ink that reads "Alyssa Begley". The signature is written in a cursive, flowing style.

ALYSSA BEGLEY, Chief  
Office of Transportation Planning – South



**SMUD**

SACRAMENTO MUNICIPAL UTILITY DISTRICT

The Power To Do More.®

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

January 23, 2009

City of Folsom  
David Miller  
Director, Community Development Department  
50 Natoma Street  
Folsom, CA 95630

**Subject:** Response to the City of Folsom's Notice of Preparation for the Draft EIR for the Folsom South of U.S. Highway 50 Specific Plan Project

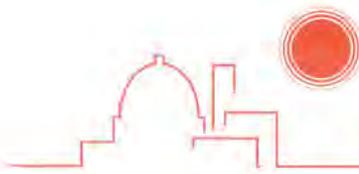
The Folsom South of U.S. Highway 50 Specific Plan project will have a significant impact on Sacramento Municipal Utility District's electrical facilities and will require new electrical substations and power lines in the area bounded by Prairie City Rd (western boundary), U.S. Highway 50 (northern boundary), the Sacramento County line (eastern boundary), and White Rock Rd (southern boundary).

The existing facilities within the project boundary 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.

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 Rd
2. Overhead single circuit 69 kV line within the transmission line corridor southerly approximately 2,100 feet; turns west to Prairie City Rd
3. Overhead single circuit 69kV line along the eastern property line of APN 07202310480000 southerly to Prairie City Rd; continues on the west side of Prairie City Rd to White Rock Rd



**SMUD**

SACRAMENTO MUNICIPAL UTILITY DISTRICT

The Power To Do More.®

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

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

Thank you.

Yujean Kim  
Land Agent  
916-732-5027  
ykim@smud.org