SECTION 4
RESPONSES TO COMMENTS

This section summarizes each of the written comments received on the Draft EIR during the public review period. Following each comment is a response intended to either supplement, clarify, or amend information provided in the Draft EIR, or refer the commenter to the appropriate place in the Draft EIR where the requested information can be found. Those comments that are not directly related to environmental issues are noted for the record. Letters of comment are presented verbatim in Chapter 3, and each letter and comment is numbered for reference.

LETTER 1  Jackie Stanfill, Chair, Child Care Planning Council of Yuba and Sutter Counties

Comment 1A: The Council fully supports the inclusion of day care centers as a permitted commercial use; however, site requirements for the development of day care facilities may be excessive for the limited commercial land alternative. The Council recommends that day care centers not be counted against the maximum commercial land use acreage specified in the Plan. To encourage day care within employment centers, facilities developed within commercial/industrial projects should be permitted without additional permit requirements. Reduced parking should be permitted when it can be demonstrated that parking can be shared with other uses on the site. A practical guideline would be that 5 percent of the total parking spaces required be designated for short term pick up and drop off. Development of adequate childcare can reduce the trips generated by parents traveling to work. For this reason it is recommended that the following policy be added to the Circulation Element:

11. The County shall encourage developers and employers to include day care centers within industrial and commercial projects to reduce trip generation by parent employees.

Childcare should be considered a quasi-public service that directly supports the goals and strategies of the Specific Plan to develop South Sutter County as an employment center. The Council also recommends that the County consider sharing future public service space with a provider of childcare information and technical assistance to assist parents, employers and childcare providers in the Plan area.

Response: Comment noted. The comment does not raise an environmental concern or potential environmental impact and does not, therefore, require response in the EIR.
Letter 2 Pete Ghelfi, Director of Engineering, Sacramento Area Flood Control Agency

Comment 2A: The Project is within the SAFCA Operations and Maintenance Assessment District No. 1, the SAFCA Capital Improvement Equalization Fee (CEIF) area, and the North Area Local Project Community Facilities District No. 1. Developers will be required to pay these special benefit assessments.

Response: Comment noted. The comment does not raise an environmental concern or potential environmental impact and does not, therefore, require response in the EIR. It should be noted that these costs are included as part of the impact fees.

Letter 3 James P. Pachl

Comment 3A: The County has issued Volumes I (Specific Plan policy document), II (Infrastructure Master Plan), IV (Background Report), V (Draft EIR), VI (Technical Appendices), and the November 7, 2001, insert of new pages 53, 54 and 55 of Volume I. Staff has indicated that Volume III (Financing Plan for public infrastructure) will not be completed until January 2002 after the deadline for public comments on the Draft EIR. Commenter has twice requested that the public comment deadline and public hearing on the Draft EIR be postponed until 45 days after Volume III is available to the public and again requests that the comment period be extended and that the Notice of Availability of the Draft EIR be given when Volume III is available.

The County’s own documents state that Volume III is a part of the project that is subject to review by this EIR. It is also a key component of the mitigation measures of the Draft EIR. The public will not have 45 days to review the Financing Plan and the County is unlawfully depriving the public of its right to a 45-day review of the entire Draft EIR. At a minimum, Public Resources Code Section 21092.2 and CEQA Guidelines Section 15088.5 will require recirculation of the EIR prior to certification as a result of the County’s issuance of Notice of Availability before completion of Volume III.

Volume III has significant environmental impacts because it determines whether there will be funding to implement the mitigation measures. Failure of financing to construct required wastewater and stormwater infrastructure would be very costly for the County. Use of County funds to pay for the mitigation measures would reduce the funds available for the County’s other environmental functions, which would have environmental impacts; particularly if developer fees and County Service Area assessments are inadequate to repay County funds advanced for the mitigation measures. The Specific Plan and Draft EIR do not exclude use of Sutter County’s general funds as a source of funding for expensive infrastructure.

If the public is not given the opportunity to review the Financing Plan it will invalidate the County’s entire CEQA review process. In view of the obvious amount of work put into the Draft EIR, it would be foolish and unconscionable waste of public funds to produce a document that doesn’t meet CEQA’s basic requirements.

---

FEIR
South Sutter County Specific Plan 4-2 March 2002
Response: The 45 day Public Review Period for the South Sutter County Specific Plan was originally noticed through the State Clearinghouse and advertised to begin October 23, 2001 and to close on December 6, 2001. On November 7, 2001, a draft finance element was provided and incorporated into the Specific Plan pursuant to Government Code Section 65451(a)(4). The Public Review Period for the Draft EIR was then extended an additional 15 days, to close on December 21, 2001 – resulting in a 60 day comment period. The time extension was noticed in the same fashion as the original Notice of Public Review. The draft Financing Plan, which addresses funding for all of the infrastructure improvements proposed, was distributed on February 8, 2002.

Some of the objections raised in the comment appear to arise from a linguistic confusion. The view of the commenter that the review period should have been extended an additional 45 days results from the commenter’s view that the ‘project’ or the ‘project description’ consists of the six documents that have been prepared, i.e., Volume I – Specific Plan; Volume II – Infrastructure Master Plan; Volume III – Financing Plan; Volume IV – Background Report; Volume V – Draft Environmental Impact Report; and Volume VI – Technical Appendices. Thus, the commenter believes that the comment period on the Draft EIR should have been extended an additional 45 days because Volume III – Financing Plan was not available during the Draft EIR comment period. However, the Draft EIR, Section 2.3, Description of the Project, (p.2-2) states that “[t]he project consists of the adoption and implementation of the SSCSP including a rezone…” The SSCSP is a policy document that will provide for the orderly and systematic development within the IC-Reserve area. The ‘project’ consists of what will happen on the ground as set forth in Volume I – Specific Plan. It does not consist of ‘documents’. The volume numbering system was used as a convenience to allow a significant amount of information pertaining to the project to be organized in related and identifiable units.

Importantly, the Financing Plan (Volume III) is not a part of the project for purposes of CEQA. The Financing Plan addresses the funding for infrastructure improvements. Those improvements were analyzed in the Draft EIR. No additional environmental impacts result because of the Financing Plan. It is simply a fiscal document to provide procedures for funding the required mitigation. No evidence has been presented that the Financing Plan itself would result in additional physical impacts.

Moreover, nothing in CEQA requires that financing plans accompany a project through the CEQA process. Financing for most projects is part of the implementation phase and is determined after the CEQA process is complete and entitlements received. The Specific Plan, Draft EIR, Infrastructure Master Plan, and Technical Appendices include financing policies and expected costs of mitigation. The Financing Plan is a policy document to be utilized by the Board of Supervisors and became available on February 8, 2002. This Volume was mailed to all parties that had expressed interest in the document. The Financing Plan was also discussed at the February 20, 2002 Planning Commission meeting. The time period for public review prior to the Board of Supervisors’ consideration of the Specific Plan is more than adequate. Any person may comment on the Financing Plan until the Board closes the public hearing on the Specific Plan.
Comment 4A: Commenter represents Reclamation District No. 1000 (RD1000) and Natomas Central Mutual Water Company. Commenter is requesting that the County defer the closing of the comment period until at least 45 days after the County’s issuance of the Financial Plan (Volume III) for the following three reasons:

A. Only the public distribution of the Complete Specific Plan and Draft EIR can trigger the beginning of the public comment period. This Financial Plan is necessary to evaluate the extent of the Specific Plan’s potential impacts upon the environment and, specifically, upon the flood control and water supply activities of RD1000 and Natomas Mutual. In addition, the Financial Plan is necessary to determine whether substantial evidence supports the finding that the Draft EIR’s mitigation measures are feasible.

B. If the County does not extend the comment period until after the distribution of the Financial Plan, CEQA will require recirculation.

C. Extension of the public comment period until after distribution of the Financial Plan will allow cooperative resolution of water issues. At the invitation of RD1000 and Natomas Mutual, the County has agreed to meet and discuss the district’s concerns.

Response 4A, 4B: Refer to Response to Comment 3A.

Response 4C: This is not an environmental issue. Sutter County has met and will continue to meet with both Natomas Mutual and RD1000 in an effort to resolve their policy related concerns.

Comment 5A: CEQA requires that the public comment period for the Draft EIR be extended until 45 days after Notice of Availability of Volume III (Financing Plan) which is a key component of the project and of the mitigation measures proposed in the Draft EIR.

Response: Refer to Response to Comment 3A.

Comment 5B: The cost of public infrastructure such as drainage, flood control, wastewater and roads will likely be very high due to the project’s location within a floodplain, shallow water table, and distance from existing urban infrastructure. The Specific Plan states that the landowners/developers within the Plan Area will provide the primary source of funding for public facilities. What will be the other source of funding? Who will pay the upfront cost of oversized facilities and what happens if the upfront costs are not recovered? Nothing in the Plan precludes the County from incurring debt or guaranteeing payment of debt to pay for public infrastructure. The Specific Plan allows development to proceed prior to construction of infrastructure proposed in the Draft EIR. If the required infrastructure is not constructed due to
inadequate financing, the County could be subject to fines imposed by State and federal regulatory agencies for noncompliance with environmental law. Commenter urges the County to defer action until it has full information and a financing mechanism that explicitly excludes use of public funds or public indebtedness for infrastructure construction and guarantees that infrastructure is built ahead of development. Commenter suggests that the County retain an independent expert on municipal financing, reporting to the Planning Commission and that the County consider Mello-Roos as a financing means.

**Response:** Comments are noted for the record. The Specific Plan establishes goals and policies for implementation, including policies regarding funding mechanisms. It is not the purpose of an EIR to establish funding mechanisms for projects. The County has retained an independent expert on municipal financing and the findings of the independent expert (MuniFinancial) are contained in the Financing Plan released on February 8, 2002. Also refer to Response to Comment 3A.

**Comment 5C:** Drainage and flood control are very challenging in the Natomas Basin. Cost Area (Phase) II is within the 100-year internal floodplain, Cost Areas (Phases) I and III drain into the floodplain. The Natomas Basin is subject to flooding if Sacramento River levees fail. The Specific Plan allows individual projects to proceed before infrastructure is constructed using “interim measures” indefinitely until the area-wide drainage system is built (if it can be financed) which is an unacceptable risk. Area-wide infrastructure will be financed with up-front “fair-share” developer fees, but the Draft EIR does not say what happens if the developer fees prove to be less than the cost of the area-wide system (Draft EIR pg. 3-57).

**Response:** All facilities constructed will be components of the Drainage Master Plan (DMP) to minimize or avoid “throw-away” costs. The interim facilities may be a phased or partial construction of the DMP facility. All facilities will be constructed to required County and RD1000 standards, as is required of all development projects. (Refer to Sutter County and RD1000 Agreement of October 2000, attached as Appendix A). Also refer to Response to Comment 25A.

The purpose of the Draft EIR is to identify and disclose potential significant adverse impacts on the physical environment and identify feasible mitigation and/or alternatives that will reduce or avoid those impacts [CEQA Guidelines §§15002-15003]. It is not the role of an EIR to evaluate potential funding for a project. Also refer to Response to Comment 3A.

**Comment 5D:** Industrial toxins are to be removed by individual projects on-site but State enforcement is inadequate and violations are not uncommon in other communities. Wastewater is to be deposited onto 1,400 acres of farmland including or surrounding a 433-acre habitat preserve of the Natomas Basin Conservancy, which objects. Unless completely isolated, drainage from the sewage disposal area will flow into RD1000 canals and be disbursed throughout the Basin and possibly onto other farmland. This could result in possible groundwater contamination and create clean-up liability for Sutter County. Central Valley Water Board has not approved the Plan’s wastewater disposal method. Individual projects can use on-site interim measures indefinitely until the area-wide wastewater treatment and disposal system
is built, if it can be financed, which is an unacceptable risk and exposes the County to potential liability for contaminated wastewater discharges.

**Response:** The specific location of an area of approximately 1,400 acres for agronomic reuse of highly treated wastewater effluent has not been determined; the location shown in the Draft EIR and its appendices is simply illustrative of the area required. Location selection will be determined by a number of factors including, but not limited to, soils, groundwater elevations, land availability and costs of land and pipelines.

Agronomic reuse areas are typically isolated from surrounding properties by tailwater return systems and bermed adjacent waterways. The California Regional Water Quality Control Board, Central Valley Region, will establish monitoring and sampling requirements, as conditions of the waste discharge permit, to assure that significant groundwater degradation does not occur.

The construction and operation of onsite wastewater disposal systems will be regulated in accordance with the most current California Regional Water Quality Control Requirements. These requirements will ensure that the disposal system will not have any significant impacts to ground or surface waters.

**Comment 5E:** The Natomas Basin has the largest remaining population of Giant garter snakes (federal and State threatened species), a large nesting population of Swainson’s hawk (State threatened species), and major waterfowl and wading bird populations. The Plan eliminates a large part of this habitat (and the critters living on this land), and disrupts habitat connectivity by literally cutting the Basin in half at the County line. The Plan’s mitigation measures are the revised Natomas Basin Habitat Conservation Plan (which does not yet exist) or other weaker measures that are contrary to the Endangered Species Act. Polluted project run-off could have further impacts on wildlife. The 1,400-acre wastewater disposal area (now primarily rice fields and a 433 acre Natomas Conservancy preserve may be of little use, or even toxic, to critters.

**Response:** Sutter County does not concur with the commenter. Extensive environmental analysis has been accomplished and through adoption of an HCP, or alternatively, Mitigation Measure #3.4, the impacts will be mitigated. As noted above under Response to Comment 5D, the California Regional Water Quality Control Board, Central Valley Region, will establish monitoring and sampling requirements as conditions of the waste discharge permit. These requirements, among other things, will require compliance with Title 22, Division 4, Chapter 3 of the California Administrative Code, which establishes limitations and requirements affecting reclaimed water application for irrigation. The 1,400-acre area required for disposal of reclaimed wastewater has not been identified. The shaded area shown on Figure 2.3-4 is conceptual in nature and contains approximately 3,000 acres, providing more than enough room for the current Conservancy ownership and the 1,400 acres proposed for reclaimed wastewater disposal. Further, Sutter County has committed to the Natomas Basin Conservancy to not utilize NBC lands for discharge of treated water without the concurrence of both parties. This language will be added to the Specific Plan, Element 4, Wastewater Policies.

Also refer to Response to Comment 16Q.
Comment 5F: The project eliminates yet more agricultural land and reduces the farmland base needed to support agricultural infrastructure (such as rice mills). There is no market for crops grown with human sewage and industrial wastewater.

Response: The loss of cropland is addressed in Section 3.2 of the Draft EIR. Although it is not an environmental comment, effluent discharge to crops is subject to review and permitting by the Regional Water Quality Control Board. A discussion of the crops is contained in the 2/20/02 Planning Commission Staff Report and within the Infrastructure Master Plan. Various feed and field crops are produced elsewhere in the State of California with reclaimed wastewater and are successfully marketed. As water becomes an increasingly scarce commodity, such practices will become increasingly commonplace. There is also the potential to utilize some of the treated effluent for irrigation of landscaped and other open space areas within the 3,500-acre Specific Plan area.

Comment 5G: The Plan includes proposed Placer Parkway from Roseville to Highway 99, promoted by Placer County land speculators. Development permitted by the Plan would create political momentum for the Placer Parkway (presently unfounded) which, if constructed, would likely lead to urbanization of remaining farmland in west Placer County and southern Sutter County.

Response: Commenter’s opinion is noted. The comment does not raise an environmental concern or potential environmental impact and does not, therefore, require a response in the EIR. Funding is included in the Specific Plan for the transportation improvements, including Placer Parkway, as mitigation for planned development. Actual plans for Placer Parkway will be the subject of a future EIR.

Comment 5H: The Draft EIR is deficient in describing the transportation infrastructure changes that will be necessary to serve the proposed development. The off-site and regional transportation infrastructure costs and funding requirements are not described adequately. The costs of extending transit infrastructure to the area to serve transit dependent employees and to mitigate air quality impacts of the development are not considered.

Response: Section 3.8 of the Draft EIR outlines the necessary infrastructure needed to provide circulation to and through the Plan Area. The Circulation Plan is also outlined in the Infrastructure Master Plan (Volume II). As noted under Response to Comments 3A, 5B and 5C, it is not the role of an EIR to establish funding mechanisms for project implementation.

The project would contribute a negligible increase in traffic on off-site regional transportation facilities. Traffic increases on these facilities will come from a variety of sources, which cannot be forecast with a great deal of certainty. Any attempt to quantify the project’s impacts on such regional facilities would be extremely speculative and not consistent with CEQA requirements. In any event, Sutter’s contribution to such facilities would likely be negligible. Also refer to Response to Comment 6c.

Comment 5I: South Sutter County lies within the Sacramento Ozone Non-Attainment Area and must follow different air quality rules than the rest of Sutter County. A State Implementation
Plan (SIP) was adopted for this non-attainment area in 1994, describing what must be done under federal law to meet public health standards for air quality. The land use assumptions of the SIP do not include the industrial development proposed in the Specific Plan. The Draft EIR does not adequately consider the mitigation effort needed to offset the additional vehicle emissions generated for the region by the proposed land use. This is important for the following reasons:

a) The federal transportation plan for our region must be in conformity with the adopted air quality plan. Federal transportation funding depends upon findings that the emissions budget for the transportation plan conforms to the emissions budget for vehicles in the air quality plan.

b) Since the proposed development is outside the urban area of the 1994 ozone attainment plan, an enormous extra effort will be required to fully mitigate the air quality impacts of the development. The effort will put the Sutter County development at a competitive disadvantage with similar developments not subject to the same mitigation requirement.

Response: Comment is noted. The following text is added to the Draft EIR in Section 3.3.2 under the heading, Air Quality Programs, after the second paragraph under the subheading, Federal Air Quality Programs:

The SIP describes what must be done under federal law to meet public health standards for air quality for this area. However, in the SIP land use assumptions, the area for the SSCSP was designated primarily for agricultural land use. Since this project was not used in the area’s projections to the Year 2005, the project is inconsistent with the 1994 SIP. The project does not envision full build out by Year 2005, but what facilities do establish in the project area must be aware of their impact on the regional air quality problem. All feasible air quality mitigation measures have been incorporated into the project.

The addition of the above background information does not alter any of the conclusions reached in the Draft EIR concerning air quality.

See also to Response to Comment 32C.

Comment 5J: A project to benefit Sutter County residents would be located near the County’s population center, Yuba City, whose residents would welcome the jobs. Employees for the South Sutter development are much more likely to come from nearby Sacramento and Placer county communities. Ample industrial area is already zoned in the region, most with necessary infrastructure lacking in South Sutter County. This proposal would make farming less sustainable and endangered species more vulnerable without benefiting employment or industry. Ultimately taxpayers will pay more for the infrastructure while suffering more negative consequences for quality of life.

Response: Comment noted. This comment supports the “No Project” Alternative analyzed within the Draft Environmental Impact Report. Thirty-five hundred acres of industrially designated land is not available in the Yuba City area and any relocation of the development to
the Yuba City area would conflict with General Plan policies. No additional response is required.

**Letter 6**  
**Mark Morse, Environmental Coordinator, City of Roseville**  
**Community Development Department**

**Comment 6A:** Section 3.8, Transportation/Traffic, does not address potential impacts to roadways in the City of Roseville. The project analysis should address potential impacts to City roadways and Baseline Road, most preferably using the City’s 2015 traffic model. Because the construction of Placer Parkway is uncertain, the model run should be performed with and without Placer Parkway.

**Response:** The analysis did address potential impacts on Baseline Road to Watt Avenue. The SACMET model used was considered the best modeling tool for this project since it encompasses Placer, Sutter, and Sacramento Counties while the City of Roseville model does not. The Placer Parkway is part of the Placer County General Plan and is considered a viable foreseeable project, and as such was included as part of the future base transportation system. See also Response to Comment 5G.

**Comment 6B:** A related issue concerns Mitigation Measure #3.8-5. The impact analysis states that if Placer Parkway is not constructed, then other area roadways will function at an unacceptable level of service. Please identify what “other area” roadways, particularly any located within the City of Roseville. Also, the EIR finds that implementation of Mitigation Measure #3.8-5 would reduce Impact #3.8-5 to less than significant. Is this finding based on traffic modeling that considers all “other area” roadways that would receive project traffic but are located outside the plan area? The City is concerned that absent Placer Parkway, project generated traffic impacts are likely to occur within Roseville. A traffic model scenario should be run where Mitigation Measure #3.8-5 is implemented and Placer Parkway is not constructed in order to determine if impacts to intersections and roadways within the City would occur should the Placer Parkway project be substantially delayed or not constructed.

**Response:** The Placer Parkway is included in the Placer County General Plan and is assumed to be a part of the base circulation network at buildout of the SSCSP. Consequently, there is no requirement to analyze conditions without the Parkway. Mitigation Measure #3.8-5 was included to ensure the Placer Parkway or another similar facility was constructed to serve traffic generated by the SSCSP as well as traffic generated by other growth in the region.

The western Roseville city limit is approximately eight miles from the SSCSP eastern boundary. Traffic increases on City of Roseville facilities would mainly be the result of growth and development in Roseville and western Placer County, which cannot be forecast with a great deal of certainty. To attribute a specific responsibility on regional facilities from this project would be highly speculative, and not consistent with CEQA requirements.

**Comment 6C:** More information is needed regarding the mitigation measure for cumulative impacts to roads outside the plan area (Impact #3.8-6). The proposed mitigation is a regional funding mechanism to be used for improvements to Pleasant Grove Road and Baseline Road.
Please identify other developments in the region that would be subject to the proposed fee in order to mitigate cumulative impacts to roadways to a less than significant level.

**Response:** All other developments in the immediate region that may be found to contribute to traffic impacts on regional facilities should participate in the regional funding mechanism. Sutter County has no ability to place fees on development in other jurisdictions to mitigate cumulative impacts. Mitigation Measure #3.8-6 is modified accordingly:

**Mitigation Measure #3.8-6:** Sutter County will cooperate and participate in any fair share regional funding agreement between adjacent jurisdictions for the purpose of constructing regional transportation improvements within Sutter, Placer and Sacramento counties. (Applies to Impact #3.8-6)

This modification is provided to clarify the County’s intent and does not change any conclusions contained in the Draft EIR.

**Letter 7  James P. Pachl**

**Comment 7A:** The Draft EIR for the South Sutter County Specific Plan refers to three documents as containing the criteria and standards for certain mitigation measures. However, these documents are not included in the Specific Plan/Draft EIR documents, which makes it impossible for the public to review them. These include:

1. “Sacramento City/County Hydrology Manual”, specified by the Draft EIR as the criteria for implementation of Mitigation Measure #3.6-1.

2. RD1000 “guidelines and criteria”, referenced in Mitigation Measure #3.6-1.

3. “Sutter County Flood Damage Prevention Ordinance and Regulations”, referenced in Mitigation Measure #3.6-4.

The County’s Notice of Availability stated where the Draft EIR was available for review, but failed to mention the existence of the other documents referenced in the EIR or where these other documents could be obtained.

**Response:** Following Mr. Pahcl’s request for copies of these documents, the County prepared copies and notified Mr. Pachl of their availability, pursuant to state law. Subsequently, he chose to not purchase the documents, nor to view them at the Community Services Department.

**Letter 8  Stephen L. Jenkins, Assistant Chief, Division of Environmental Planning and Management, California State Lands Commission**

**Comment 8A:** The Sacramento River is State-owned sovereign land under the jurisdiction of the State Lands Commission. Any activities involving the Sacramento River will require a lease from the Commission.
Response: Comment noted. The comment does not raise an environmental concern or potential environmental impact and does not, therefore, require response in the EIR.

Comment 8B: Under Wastewater Collection, Treatment and Disposal on page 2-10 of the Draft EIR it is indicated that at maximum buildout, the capacity of the wastewater treatment plant would be 7 million gallons per day. This section further indicates that disposal of wastewater will be through land application (crop irrigation) during summer months and discharged to the Sacramento River during winter months. The total maximum number of gallons of discharge water proposed to enter the river system per day during the winter months should be analyzed to determine whether the integrity of the river levee system, under certain high-water circumstances, can withstand the receipt of additional waters without significant impact to public health and safety downstream.

Response: If wintertime Sacramento River discharge were utilized, the buildout flow of seven million gallons per day equates to a daily flow of less than 11 cubic feet per second. Wintertime flows in the Sacramento River during the past five years at Verona (November though March) have ranged from 7,911 cubic feet per second to 75,191 cubic feet per second and averaged 28,484 cubic feet per second. The addition of 11 cubic feet per second to flows of this magnitude would be imperceptible and less than significant in terms of possible effects on River levels. In addition, any system that is designed would have the ability to store effluent during periods when discharge may be restricted.

LETTER 9 Jeffrey Pulverman, Chief, Office of Regional Planning, California Department of Transportation

Comment 9A: Commenter refers to Caltrans’ letter of April 16, 2001 requesting that a traffic study analyze facilities likely to be impacted by the SSCSP, including SR 99 and the Riego Road, Elverta Road and Sankey Road intersections with SR 99. The Draft EIR provided highway segment Levels of Service but did not provide an analysis of these intersections. It is particularly imperative that Elverta Road be included in the traffic study. Both AM and PM Peak Hour intersection analysis are needed, for each planned Cost Area (Phase) and the ultimate buildout, and the LOS for individual turning movements should be generated.

Response: Large-scale transportation planning studies (General Plans, Community Plans, Specific Plans) typically focus on Average Daily Traffic (ADT) volumes and segment analyses. This is because of the size of the planning area and the absence of specific information regarding local roadway location and design. Peak hour intersection analysis is usually performed through the implementation process of the plan.

A draft of the Project Study Report (PSR) was completed in 2001 that analyzed peak hour conditions and interchange geometrics at the SR 99/70 Elverta Road interchange. The SSCSP is not expected to have any significant impact on this interchange. Residential traffic destined to the SSCSP area from points east and south would have access to much more direct roadways than Elverta Road. Additionally, traffic generated from the west side of the interchange will be industrial in nature and have limited interaction with other industrial traffic of the SSCSP.
Under buildout of the SSCSP, traffic volumes on Sankey Road between SR99/70 are forecast to be less than 3,000 ADTs. It is expected that the SR 99/70 Sankey Road intersection would operate acceptably with this volume of traffic. If future plans for SR 99/70 call for the ultimate abandonment of an at-grade intersection at this location, traffic volumes on Sankey Road destined for SR 99/70 could be accommodated by use of the Pacific Avenue interchange with Placer Parkway.

A Project Report is currently being prepared for a SR 99/70 – Riego Road interchange in consultation with Caltrans. This analysis is using the same land use and transportation assumptions as the SSCSP. Peak hour analysis is being performed for all intersections, ramps, road segments, and the freeway mainline.

**Comment 9B:** The Technical Appendices lack backup data for traffic analysis results as well as interim results.

**Response:** All available and relevant technical data are contained in Volume VI (Technical Appendices). Backup information is available to all who request such data.

**Comment 9C:** The Placer Parkway must connect to SR 99 at a location that avoids or minimizes violation of rural interchange spacing requirements of 3.0 km as specified in the Caltrans Highway Design Manual. Any new connection would require the approval by the California Transportation Commission and an amendment of the current 1964 Freeway Agreement. Page 3-69 of the Draft EIR should acknowledge these facts.

**Response:** Comment noted. The following text is added after paragraph 4 under “Planned Roadway Improvements” on Page 3-69 of the Draft EIR:

> Any new connection to State Route 99 will require the approval by the California Transportation Commission and an amendment of the current 1964 Freeway Agreement.

The addition of the above background information does not alter any of the conclusions reached in the Draft EIR concerning traffic.

**Comment 9D:** Table 3.8-3 on page 3-68 of the Draft EIR shows SR 99/70 as a two-lane facility. It is currently a four-lane facility.

**Response:** Comment noted. Table 3.8-3 of the Draft EIR is amended to reflect SR 99/70 as a four-lane facility. It is important to note that all relevant analysis was based upon a 4-lane facility.

**Comment 9E:** Figures 3.8-4 and 3.8-5 of the Draft EIR should state the year to which traffic has been projected, i.e., Cost Area (Phase) I (Yr. 2009) and Cost Area (Phase) II (Yr. 2019).

**Response:** Comment noted. Figures 3.8-4 and 3.8-5 of the Draft EIR are amended to include “Year 2009” and “Year 2019”, respectively.
Comment 9F: Mitigation measures should be identified where the project is found to have a significant impact. An impact is considered “significant” when the project causes a State transportation facility to deteriorate from its current LOS to below the Caltrans System Planning Concept LOS. Since the Concept LOS for SR 99 between Interstate 5 and the SR 70/99 Wye is LOS “D” in both the Sutter County General Plan (1996) and the current SR 99 Transportation Concept Report, deterioration of SR 99 or its ramp intersections to LOS “E” or worse would be a significant impact.

Response: The Draft EIR does identify a significant impact on SR 99/70 when LOS falls below D and identifies mitigation to maintain LOS D or better. (Reference Impact #3.8-2 and Mitigation Measure #3.8-2.)

Comment 9G: On page 3-73 (Table 3.8-5) of the Draft EIR and page 15 of Technical Appendix A, six lanes for SR 99 are a Recommended Improvement prior to Cost Area (Phase) II buildout (approximately 2019). This improvement will be necessary well before Cost Area (Phase) II completion to address significant impacts to SR 99. A mitigation measure for SR 99 widening projects should be included in the Draft EIR and Specific Plan, and an associated infrastructure fee program should be included to ensure that funds will be available when needed.

Response: The Specific Plan and Draft EIR recognize the need for widening of SR99/70 prior to completion of approximately 2,000 acres of development. The implementation plan will address the prioritization and timing of improvements under each phase. Caltrans staff informed the traffic consultant that SR 99 would be improved to six lanes prior to 2019.

Comment 9H: Since construction of the Riego/SR 99 interchange is mitigation (Mitigation Measure #3.8-4) to prevent significant impacts, the project should be included in the Cost Area (Phase) I tables on page 3-72 (Table 3.8-4) of the Draft EIR and on page 11 (Table 5) of Technical Appendix A as a Recommended Improvement. Since discussions are underway as to how the Riego/SR 99 Interchange’s L-9 configuration may allow construction in two phases, any second phase of the Riego/SR 99 should appear as a Recommended Improvement for Cost Area (Phase) II of the SSCSP.

Response: Comment noted. Table 3.8-4 of the Draft EIR is amended to include the construction of a grade-separated interchange at SR 99/70 and Riego Road as a mitigation measure for Cost Area (Phase) I. Similarly, Table 5 of the Technical Appendix A is amended by reference. As of February 2002, the phasing of the SR 99/70 – Riego Road interchange is not being considered as an option. Any phasing of the interchange would be subject to approval of a supplemental Project Report.

Comment 9I: Caltrans holds 220 feet of right-of-way on this segment of SR 99. The ultimate eight-lane rural freeway facility specified in Caltrans Transportation Concept Report will need a minimum of 218 feet of right-of-way with added right-of-way needed for interchanges, any auxiliary lanes, and any clear zone beyond the minimum standard. While the Draft EIR correctly focuses on needs for additional State right-of-way at the Riego/SR 99 interchange, right-of-way should also be preserved along the entire length of SR 99 to provide for an ultimate concept.
eight-lane freeway with auxiliary lanes and a clear zone. Caltrans District 3 is available to assist with a more precise assessment and mapping of the needed right-of-way.

**Response:** Comment noted. The reservation of right-of-way is typically handled through approval of discretionary permits for development and/or encroachment permits through Caltrans. Reservation of appropriate right-of-way for the ultimate buildout of SR 99/70 will be shown on plans for development within the SSCSP boundaries when submitted for approval by the appropriate agency.

**Comment 9J:** Right-of-way dedications from commercially zoned parcels fronting on SR 99 may be needed for northbound and southbound truck inspection facilities which are in the early planning stages. The truck inspection facilities would be located at or near the Sacramento/Sutter County line. A part of the southbound truck inspection facility is likely to be required as mitigation for the Riego/SR 99 interchange.

**Response:** Comment noted. The reservation of right-of-way is typically handled through approval of discretionary permits for development and/or encroachment permits through Caltrans. Reservation of appropriate right-of-way for potential southbound truck inspection facilities will be shown on plans for development within the SSCSP boundaries when submitted for approval by the appropriate agency. This is being addressed as part of the Project Report for the Riego Road/SR 99 interchange.

**Comment 9K:** Previous comments pertaining to compatibly vegetated, graded, irrigated and maintained landscaping along SR 99 (Cost Area (Phase) II of the SSCSP) remain valid. In addition, 30-foot visual landscape buffers are recommended next to the circulation system. To avoid discouragement of nonmotorized traffic caused by berms and fencing, berms should be limited to the minimum height needed for hydrological purposes, and the landscaping and buffers should be passable by nonmotorized traffic along desired paths of travel. Visual buffers may be provided for through zoning requirements, which should be carefully crafted and enforced so that security fences are not viewed as a way to avoid the requirements. To assure that future right-of-way for the ultimate SR 99 clear zone is not used for landscaping, a visual landscape buffer of 30 feet along SR 99 and the Riego/SR 99 interchange right-of-way is recommended (this buffer would have no provisions for nonmotorized traffic). Commercial area planning should consider policies intended to promote walkability and massing of high-employment-intensity and higher-traffic retail in a way that creates higher potential for transit ridership.

**Response:** Comment noted. The comment does not address potentially significant environmental effects requiring a response in the EIR. Site specific development plans will address project specifics related to landscaping, buffers, and nonmotorized linkages, based on Board of Supervisors established policy.

**Comment 9L:** Any proposed new roadways/expressways or capacity increases of existing roadways will require grade separation structures over Union Pacific Railroad’s main line north/south tracks. As Union Pacific has expressed the long-term planning need for an additional track and any service road, coordination is recommended to provide adequate separated width at
the necessary clearance. Nonmotorized traffic should be considered in the design of the grade separation facility.

**Response:** Comment noted. The Draft EIR has identified this improvement as a mitigation measure (reference Mitigation Measure #3.8-3) and the cost of it has been included in the financing plan. Development plans will need to be coordinated with Union Pacific.

**Comment 9M:** The proposed 3- to 5-acre sites (totaling 50 acres) located throughout the industrially zoned area to accommodate food, banking and other services should be distributed and designed so that they are readily accessible via walking from higher density employment sites within industrial areas. Pedestrian facilities such as sidewalks and pedestrian-activated, signal-controlled crosswalks should be provided and designed in such a way as to minimize pedestrian-vehicle conflicts. Access roads to the service sites should provide shoulders that are of a sufficient width to accommodate bicycle travel from employment sites located at a distance greater than ¼ mile. Further, each employment site should provide secure bicycle parking so that employees can store bicycles during the workday (and at night) and use them during lunch breaks. Ultimately, the industrial area should provide lunchtime or other appropriate shuttles or shared community cars for access to service sites.

**Response:** Comment noted. Site-specific development plans will address specifics related to the provision of pedestrian and bicycle access, and potential shuttle service, to all areas of the SSCSP.

**Comment 9N:** The planned Transportation Management Association (TMA) should develop and implement a comprehensive program to address commute trips and internal circulation within the Industrial Area. For example, shuttles from a SR 99 transit stop to eastern portions of the specific plan area may be incentivized or arranged through a transportation provider.

**Response:** Comment noted. The comment does not raise an environmental concern or potential environmental impact and does not, therefore, require response in the EIR. Also refer to Response to Comment 32C.

**Comment 9O:** To the extent possible, the County may wish to encourage a variety of job types so that employees can be attracted from Sutter County and nearby communities and so that there would be a greater potential for informal carpooling.

**Response:** Comment noted. The comment does not raise an environmental concern or potential environmental impact and does not, therefore, require response in the EIR. It should be noted, however, that the allowed and permitted (those requiring a conditional use permit) uses established for both the SSCC and SSCI zones do provide for a wide range of types of development. Also refer to Response to Comment 32C.

**Comment 9P:** The County may wish to plan for open space at this time. Open space that would tend to assist regional transportation efforts may include an agricultural or other greenway along the Sacramento County line with easements for roads. This may be coordinated with the plan’s
Response: Comment noted. The comment does not raise an environmental concern or potential environmental impact and does not, therefore, require response in the EIR. It should be noted, however, that a multiple agency effort has been underway for some time in the preparation of a Habitat Conservation Plan between the County of Sutter and the City of Sacramento. This HCP addresses endangered/sensitive species as well as the connectivity issue.

Comment 9Q: The SSCSP should consider preservation of the historic Sacramento Northern Railway (SNR) alignment for possible extension of a bicycle path that now terminates in Rio Linda. This comment was intended to suggest that connection of the area’s nonmotorized facilities with currently populated areas and Sacramento County’s Class I nonmotorized system may be preferable to a Class III connection via Pleasant Grove Road south of the SSCSP area.

Response: Comment noted. The comment does not raise an environmental concern or potential environmental impact and does not, therefore, require response in the EIR.

Comment 9R: Much of the area in which the proposed industrial development is proposed lies within, or is bordered by, FEMA Designated Floodplain. To protect the proposed industrial development, flood control measures have been proposed which will result in significant alteration of the footprint of the FEMA designated floodplain. Collateral impacts of these flood control measures must be studied. The use of floodplain analysis computer models should be employed. The displacement of floodwaters by the construction of perimeter levees and enlarged drainage ditches around the various industrial areas may cause a potential shift in floodwater flows and intensities during significant storm events.

Response: The Drainage Master Plan was designed in cooperation with RD1000. The evaluation and sizing of the “RD1000" drainage infrastructure was performed by RD1000 using its regional SWMM computer model. The sizing of the facilities was performed to mitigate adverse impacts from development within the SSCSP on surrounding properties and facilities.

Comment 9S: Development resulting from the adoption of the Specific Plan may present adverse hydrologic/hydraulic impacts to the State’s right-of-way or to Caltrans drainage facilities. Any proposed project must be submitted to Caltrans District 3 for review and comment prior to final project approval.

Response: Comment noted. For any development affecting Caltran’s right-of-way, consultation and submittal of design drawings for Caltran’s approval will be undertaken prior to final project approval.

Comment 9T: Runoff from Plan Area projects that will enter the State’s right-of-way and/or Caltrans drainage facilities, whether discharged directly or indirectly, must meet all RWQCB water quality standards prior to entering the State’s right-of-way or Caltrans drainage facilities. It is the developer’s responsibility to insure that runoff from the site meets these clean water standards (i.e., is free of oils, greases, metals, sands, sediment, etc.). This may be accomplished
through the implementation of appropriate stormwater quality Best Management Practices (BMPs), i.e., oil/water separators, clarifiers, infiltration systems, etc., as appropriate. Once installed, the property owner must properly maintain these systems.

Response: Comment noted. The County understands its obligations under the Clean Water Act and will fully comply with its provisions. Also refer to Response to Comment 9S.

Comment 9U: No net increase to the surface water (stormwater) peak runoff discharge (100-year storm event) within the State’s highway right-of-way and Caltrans drainage facilities may be realized as a result of the completion of the project. It is the developer’s responsibility to ensure that increases in stormwater runoff discharge from the project site that will enter the State’s right-of-way and/or Caltrans drainage facilities, whether discharged directly or indirectly, does not increase peak flows within the State’s highway right-of-way or the Caltrans drainage facility. This may be accomplished through the implementation of stormwater management BMPs (i.e., detention/retention ponds or basins, sub-surface galleries, on-site storage and/or infiltration ditches, etc.) as applicable. Once installed, the property owner must properly maintain these systems.

Response: The Drainage Master Plan was designed to mitigate the adverse impacts from development within the SSCSP. Maintenance of the “SSCSP facilities” will be performed by an entity established by Sutter County. Maintenance of RD1000 facilities will be the responsibility of RD1000.

Comment 9V: The proponent/developer must perpetuate, maintain or improve existing drainage patterns and/or facilities affected by the proposed development/project to the satisfaction of the State and Caltrans. This includes, but is not limited to, altering stormwater pathways and storage areas, whether engineered or naturally occurring. Altering existing drainage patterns and/or facilities without proper mitigation may lead to adverse drainage impacts to State highway facilities or to other local public or private properties. The proponent/developer may be held liable for future damages caused by diverted or increased drainage flows determined to be the result of the proposed development/project that were not properly mitigated for.

Response: Comments noted. Refer to Response to Comments 9S and 9U.

Comment 9W: No detailed drainage plans or drawings were received with the IGR-CEQA project package and the calculations provided were not sufficient to determine potential impacts. No detailed hydrologic/hydraulic study or report was received with the package. In order to adequately evaluate project impacts upon the State’s right-of-way and Caltrans drainage facilities, these documents are required.

Response: Detailed drainage plans will be prepared upon finalization of the Infrastructure Master Plan, after action is taken on the Specific Plan. As noted in Response to Comment 9S, improvement plans will be submitted to the appropriate agencies for review and approval. The Technical Appendices, Volume VI, contains the draft Drainage Master Plan, which provides the basis for preliminary design and analysis.
Comment 9X: Plans should be provided indicating “pre-construction” and “post-construction” coverage quantities for buildings, streets, parking, and other impervious surfaces, as the cumulative effects of development within the project area will result in a significant increase in stormwater collection by impervious surface areas while greatly decreasing available area for runoff detention and infiltration.

Response: Refer to Response to Comment 9W.

Comment 9Y: Floodplain modeling to satisfy FEMA requirements (e.g., LOMAR and CLOMAR modeling) should be provided to demonstrate that State facilities would not be impacted. Close attention should be paid to these cumulative effects to avoid over-development of the basin.

Response: Floodplain modeling to satisfy FEMA requirements has been performed by RD1000. The Drainage Master Plan, as described in the Draft EIR, is the product of modeling by RD1000. The cumulative effects have been addressed within RD1000's required SWMM computer model.

Comment 9Z: Please provide Caltrans with the requested traffic and hydrological analyses, studies, and backup material as they become available.

Response: Refer to Response to Comments 9S and 9W. Fifteen copies of the Draft EIR were submitted to the State Clearinghouse on October 23, 2001. Fifteen copies of the Technical Appendices were submitted to the State Clearinghouse on November 6, 2001. The Clearinghouse then circulated these documents to State agencies, including Caltrans.

LETTER 10  Stephen M. Pyburn, CE/TE, Senior Engineer, City of Sacramento Department of Public Works

Comment 10A: Adequate review of the document is not possible as the documents circulated do not include the technical appendices, Volume VI. Review of technical appendices is necessary because the Draft EIR refers to the traffic analysis as a basis of its results. Without the technical appendices being routed for review, proper review of the Draft EIR is not possible. Therefore, the document should either be re-circulated, with the technical appendices being sent to affected government agencies and/or the review period for this document extended and the technical appendices be made freely available.

Response: The Notice of Completion prepared for the Draft EIR indicated that Volumes I, II, IV, V and VI were available for review at the Community Services Department and the Main and Pleasant Grove Branches of the Sutter County Library. The Notice of Public Hearing for the Planning Commission meeting of December 5, 2001 (dated November 21, 2001) indicated that the application, staff report and supporting materials for the Specific Plan were available for public review or purchase at the Community Services Department.

Due to the number of volumes, pursuant to CEQA Section 15147, only the Specific Plan and Draft EIR were automatically circulated for review. Anyone interested in the remaining technical volumes requested them and the document(s) were supplied. Following a request, the City of
Sacramento was mailed the Specific Plan and Draft EIR on November 7, 2001. Upon request, on December 7, 2001 the City of Sacramento was mailed the Infrastructure Master Plan and Background Report. No request for Technical Appendices was received from the City of Sacramento.

**Comment 10B:** A number of mitigation measures reference the Infrastructure Master Plan. However, the master plan was not circulated with the Draft EIR.

**Response:** Refer to Response to Comment 10A.

**Comment 10C:** The Draft EIR must identify when the mitigation measures and when improvements assumed for each Cost Area (Phase) are to be in place (e.g., at the start of construction of each Cost Area (Phase)) to ensure infrastructure assumed in the Draft EIR is in place and impacts are adequately mitigated.

**Response:** The requirement described by the commenter is primarily a function of the Mitigation Monitoring and Reporting Program, which will be prepared and available prior to Board of Supervisors action, in accordance with Section 15097 of the CEQA Guidelines. Necessary infrastructure improvements are defined by Cost Area (Phase) in the Infrastructure Master Plan (Volume II), which is referenced in the Draft EIR.

**Comment 10D:** The traffic analysis does not appear to be adequate because it does not adequately identify project specific impacts. For example:

- The Draft EIR [p3-71] states Cost Area (Phase) I traffic shown on Figure 3.8-4 includes background traffic from regional build out. However, trips generated by the project are not identified, and thus, project impacts cannot be isolated.

- This section of the Draft EIR must determine project specific impacts by defining project trips and adding those trips to the background volumes. Project specific impacts are then determined by comparing Levels of Service with and without project trips.

- Cumulative project impacts must be based on the addition of project trips to volumes under the no-project, no-build scenario.

**Response:** The total daily trips generated by buildout of the SSCSP are estimated at 210,000. Project impacts are identified by comparing existing conditions to plus project conditions. It is reasonable to assume traffic generated from other regional growth in the assessment of plus project conditions. The cumulative analysis is based on a comparison to existing conditions, which does represent the no-project, no-build scenario. This information is available in the Technical Appendices.

**Comment 10E:** The Draft EIR must specify total project trips and distribution to adequately identify traffic impacts. It is not possible to determine the accuracy of the document without knowing these critical assumptions.
Response: Refer to Response to Comment 10D for project trips. Trip distribution for the SSCSP is determined by the SACMET model. The model is the most commonly accepted tool for use by transportation planners in the region for the assessment of large-scale projects. A summary of specific trip distribution information is contained within the Technical Appendices. Also refer to Response to Comment 9A.

Comment 10F: The Draft EIR must indicate the timing of roadway improvements that are assumed to be in place with each project Cost Area (Phase).

Response: The Draft EIR does identify the improvements required to serve each Cost Area (Phase) of plan development and are tied to specific forecast years (Draft EIR Section 3.8.4, Tables 3.8-4 and 3.8-5). The timing and phasing of improvements are also identified in the Infrastructure Master Plan (Volume II).

Comment 10G: Mitigation measures that assume approval and funding of future projects, or participation by other agencies, are not appropriate. One example is the Placer Parkway. There is no assurance the parkway can or will be built.

Response: The conceptual need for a transportation corridor that would connect I-80 to State Routes 70/99 through Placer and Sutter counties has been discussed for decades, with possible alignments coming under study in the past few years. The determination of that alignment and potential funding for development is outside the scope of this project. However, the General Plans for both Sutter and Placer counties acknowledge the need for such a major east-west roadway and the preferred alignment for the roadway does traverse Cost Area (Phase) III of the Plan Area. It is also noted in the Draft EIR that the Placer Parkway is a planned arterial that will occur with or without the implementation of the SSCSP.

Impact # 3.8-5 identified the need for an additional east-west arterial. Mitigation Measure #3.8-5 requires the construction of Placer Parkway or equivalent facility. Because the Placer Parkway is identified in the Placer County General Plan, it is considered part of the cumulative base transportation network. However, if it is not constructed, an equivalent facility will be required. The mitigation measure is appropriate. Also refer to Response to Comments 5G and 6A.

Comment 10H: The Draft EIR fails to identify all foreseeable significant impacts to Baseline Road. Mitigation Measure #3.8-5 indicates the construction of the Placer Parkway is necessary to mitigate cumulative traffic impacts. However, the mitigation measure specifies the Placer Parkway construction from SR 99 to the east boundary of the project area, not to SR 65. This is not consistent with the traffic analysis.

The traffic study used in the SACMET traffic model to generate future traffic volumes and identify future traffic impacts (per the Infrastructure Master Plan). The model assumed the Placer Parkway would be in place from SR 65 to SR 99 (pers. com. Gary Hansen, CCS Planning and Engineering, 12/19/01). As a result, the SACMET model would have assigned a significant number of project trips from Placer County to the parkway. Without the parkway, the model would have assigned nearly all of these trips to Baseline Road. Therefore, actual impacts on Baseline Road will be more severe than predicted in the Draft EIR. In addition, the inconsistency
between the traffic study assumptions (the full parkway) and the mitigation measure (part of the parkway) must be resolved.

**Response:** Mitigation Measure #3.8-5 was included only to ensure adequate facilities were in place if the Placer Parkway was not constructed. The recommendation for the roadway to be constructed only to the SSCSP eastern boundary was to serve SSCSP traffic, as capacity on Riego Road, without the Parkway, would be absorbed by regional traffic. Also refer to Response to Comments 6A and 10G.

**Comment 10I:** The infrastructure master plan indicates SACMET regional model (version C22P) was used to generate 2022 traffic volumes. This version of the model may not accurately predict future traffic volumes on critical facilities that could be affected by the project. The North Natomas region of the City of Sacramento has required the creation of a model version that is specific to that region. If that version of the model used for this project does not include all pertinent assumptions of the North Natomas model, then all analysis that are based on that model may be in error.

**Response:** The model version used for the analysis was considered the most current and appropriate model for evaluating the SSCSP. It was modified in the SSCSP area to represent land use and roadways specific to the study area. The model does include land use and roadway networks in North Natomas that are consistent with the adopted Community Plan.

**Comment 10J:** The Draft EIR indicates timing of several mitigation measures will be as identified in the Infrastructure Master Plan. The Master Plan indicates the SACMET regional model assumed Placer Parkway to be in place. This will significantly affect project trip distribution and project impacts. Since the Placer Parkway is currently unapproved and unfounded (sic), and requires participation by other agencies, it is not appropriate to base cumulative analyses on the assumption that the parkway is in place. The analysis should indicate potential mitigation measures assuming the parkway is not in place.

**Response:** The Placer Parkway is identified in the Placer County General Plan, and is considered part of the cumulative base transportation network. It is not required, therefore, to analyze the impacts without the Parkway in place. Also, see Response to Comments 5G, 6A, 6B, and 10G.

**Comment 10K:** The Draft EIR fails to adequately identify impacts to facilities outside of the Plan area. Failure to identify off-site impacts is a significant omission. Critical facilities that were not addressed include Baseline Road. It is likely that many employees in the project area will live in south Placer County. Figure 3.8-4 indicates the daily volumes on Riego Road will exceed 32,900 veh/day. Well over half of these daily trips will continue east into Placer County and several sections of Baseline Road have low access control. Therefore, this project has the potential to adversely and significantly impact Baseline Road. Impacts to Baseline Road will be similar to those identified for Riego Road west of Pleasant Grove Road. Mitigation measures for Baseline Road impacts will, therefore, be similar to that identified for Riego Road, namely widening to 6 lanes. Analysis for this project must identify such impacts and present feasible mitigation measures.
**Response:** The Draft EIR, in the discussion of Impact #3.8-6, identifies impacts to Baseline Road east of the plan area. Mitigation Measure #3.8-6, as modified, states that the County will participate in a regional funding mechanism to pay for improvements to roads outside the plan area. Also refer to Response to Comment 6C.

**Comment 10L:** Other critical facilities that were not addressed include I-5 and SR 99. A significant number of project trips will access I-5 via SR 99. These trips will be due to the industrial nature of the project and the lack of north-south connections from the project into Sacramento County. However, neither the segment of SR 99 in Sacramento County nor the SR 99/I-5 interchange appear to have been analyzed. Analysis for this project must analyze potential impacts to these facilities, considering the land use plans previously approved by the City and County of Sacramento that also affect these facilities.

**Response:** The referenced road segments were analyzed (refer to Technical Appendices Table 4 of the Reduced Commercial alternative) and it was determined that this project would not have a significant impact. The project would contribute to an increase in traffic on off-site regional transportation facilities, including I-5 and SR 99 in Sacramento County. Traffic increases on these facilities, however, would mainly be the result of growth and development in other parts of the region, which cannot be forecast with a great deal of certainty. Any attempt to quantify the impacts on regional facilities from the project would be extremely speculative, and not consistent with CEQA requirements.

**Comment 10M:** The intersection of Elverta Road and SR 99 is currently signalized. Vehicles experience significant delay during some peak hours. Project traffic may create a potentially significant impact at this intersection by increasing the delay. Deferring analysis of this intersection to subsequent site specific studies would result in segmentation of the project, as defined by CEQA. Therefore, inclusion of this intersection in this document is necessary.

**Response:** A draft PSR was completed in 2001 that analyzed peak hour conditions and interchange geometrics at the SR 99/70 Elverta Road interchange. The SSCSP does not necessitate any additional improvements. The SACMET traffic model includes traffic generated from Sacramento City and County and other area jurisdictions. Residential traffic destined to the SSCSP area from points east and south would have access via more direct roadways than Elverta Road. Additionally, traffic generated from the west side of the interchange will be industrial in nature and have limited interaction with other predominately industrial traffic of the SSCSP. Also refer to Response to Comment 9A.

**Comment 10N:** The Draft EIR does not consider project traffic impacts on existing north-south connections from the project area to Sacramento County. These two connections include Pleasant Grove Road (south) and Levee Road. These two roads are narrow 2-lane roads with stop-controlled intersections. They also serve as alternate commute routes when delay at the stop-controlled intersections on Riego Road becomes excessive.

**Response:** Pleasant Grove Road in Sacramento County is addressed in Impact #3.8-6 and Mitigation Measure #3.8-6 of the Draft EIR. Levee Road was not considered in the analysis.
because it is a very minor road with low volumes that is not an attractive alternative to other north-south roadways.

**Comment 10O:** The Draft EIR does not address potential impacts at the three stop-controlled intersections on Riego Road. The Draft EIR also acknowledges Riego Road is a commuter route for residents of South Placer County. These intersections (at Pleasant Grove Road north, Pleasant Grove Road south, and Levee Road) are unwarranted, and create significant delay on the east-west movements. Project traffic will definitely increase this delay and will likely result in significant impacts. The Draft EIR mentions significant congestion currently occurs at the intersection of Riego Road and Pleasant Grove Road, south, but in no way addresses environmental impacts.

**Response:** The Draft EIR identifies improvements to Riego Road that include significant widening and upgrades. Included in these improvements would be the inclusion of appropriate control at intersections, including signalization. It is anticipated that, at a minimum, both Riego Road intersections with Pleasant Grove Road will require signalization.

**Comment 10P:** Several mitigation measures indicate improvements needed to mitigate impacts will be constructed as defined by the Infrastructure Master Plan. However, the Infrastructure Master Plan does not prioritize improvements. Thus, there is no guarantee the improvements will be in place when needed.

**Response:** The Infrastructure Master Plan outlines improvement needs as cost areas (phases) are developed. Further, Policy 4 of the Specific Plan Element 5 includes policies to insure improvements are in place.

**Comment 10Q:** Several mitigation measures indicate funding of required improvements is to be defined in the Financing Plan. If funding is not assured for these improvements, there is no assurance the mitigation measure can be implemented or the impact mitigated.

**Response:** Refer to Response to Comment 3A.

**Comment 10R:** Mitigation Measure #3.8-6 indicates cumulative impacts to roads outside of the plan area will be caused in part by the project and in part by regional growth. However, the Draft EIR does not identify cumulative impacts on these roads that are specifically attributable to the proposed project.

**Response:** The SACMET model was used and did address cumulative impacts. Also refer to Response to Comments 6B and 6C.

**LETTER 11 Don Lockhart, Associate Planner, City of Sacramento Department of Planning and Building**

**Comment 11A:** The comments of the City of Sacramento rely on the comprehensive Sphere of Influence General Plan amendment that the City Council tentatively endorsed in June 2000, and also reflect the adopted Housing Element. The City has clearly ordered its draft Sphere of
Influence policies to support a balanced and orderly approach to the overall urban growth plan of the City, as well as the region. These goals address: 1) supporting the City Infill Development Program, 2) protecting existing public/private infrastructure investment - as in North Natomas, 3) the processing protocols for annexations, and 4) Open Space preservation/community separators. The GPA includes six study areas that generally include the City’s current water service or water rights application area boundary and other logical service areas on the periphery of the City. The proposed boundary of the specific plan does not conflict with, or overlap any of these study areas, or the existing SOI boundary. The proposed southern boundary of the plan area abuts the northern boundary of Study Areas 1 and 3.

Response: Comment noted. The comment does not raise an environmental concern or potential environmental impact and does not, therefore, require response in the EIR.

Comment 11B: The City GPA sets forth a process and development scheme for the study areas that includes open space preservation and infrastructure planning/financing requirements. The draft GPA policies discuss the continuation of the planning process and policies contained in the North Natomas Community Plan, including providing a sustainable mix of land uses, connectivity to the array of uses and open space, and achieving air quality goals. The community plan encourages land use planning that promotes an interdependence of transit and land use, locates commercial, parks, schools, and community services within convenient proximity to residential and employment areas, promotes mixed use neighborhoods with residential and employment centers within walking distance, and supports planning ahead for electric, other zero-emission, and low-emission vehicles.

Response: Comment noted. The comment does not raise an environmental concern or potential environmental impact and does not, therefore, require response in the EIR.

Comment 11C: Prior to approval of the specific plan, Sutter County should provide a public facilities infrastructure and financing plan adequate to serve the area.

Response: An Infrastructure Master Plan (Volume II) and a Financing Plan (Volume III) have been prepared to complement and support the Specific Plan and are available for public review and comment at the County Community Services Department in Yuba City.

Comment 11D: The specific plan should also address permanent open space/agricultural preservation issues. The City’s draft policies require the permanent acquisition and preservation of substantial open space lands for purposes of permanent open space, habitat conservation, Sacramento International Airport protection, agricultural preservation, riverfront management, and urban design/aesthetics/community separators. The draft policy requires a one-acre open space set aside for each acre of development in new growth areas.

Response: Comment noted. The comment does not raise an environmental concern or potential environmental impact and does not, therefore, require response in the EIR. Also, refer to Response to Comments 9P, 14B, 14D and 14E.
Comment 11E: Under the SSCSP, a potential growth in employment population is anticipated to be 55,020 at full buildout. It is respectfully suggested that consideration be given to revising the specific plan to reflect a more complementary array of land uses, including residential uses. Consideration should be given to developing a jobs/housing ratio, similar to the one being applied in the City’s North Natomas Community Plan area.

Response: Comment noted. The comment does not raise an environmental concern or potential environmental impact and does not, therefore, require response in the EIR.

As a matter of record, the Sutter County Board of Supervisors amended the General Plan in South Sutter County in November 1991, adopting a Specific Plan calling for a mixed-use urban development. That Specific Plan was subsequently rescinded by a vote of the citizens in 1993. This action, when considered in tandem with an advisory measure approved by the voters in 1994, clearly establishes the will of the Sutter County electorate that this area is to be developed with industrial or commercial uses, rather than residential or mixed use development.

Comment 11F: The conclusion that the SSCSP impact to the creation of growth pressures and the generation of excess employment opportunity is less than significant does not appear to be adequately supported by the Draft EIR acknowledgement that housing may be available in adjoining counties and the City.

Response: Jobs/housing balance and growth inducing impacts are discussed in Sections 3.10 and 5.5 of the Draft EIR.

Comment 11G: Incorporating a more broad array of land uses within the specific plan will provide Sutter County several other areas of opportunity for cooperation with other cities and counties on a regional basis. Sacramento’s City Council has recently approved a mixed income housing ordinance that requires developments in new growth areas to provide 5 percent of housing units available to low income households and 10 percent affordable to very low income households. The Council also approved $500,000 of city funds to help make these assisted units happen. Application of such an approach within the specific plan will assist in addressing regional housing needs.

Response: Comment noted. The comment does not raise an environmental concern or potential environmental impact and does not, therefore, require response in the EIR. Also refer to Response to Comment 11E.

Comment 11H: The Council has adopted Social Service Siting Policies in conjunction with Sacramento County. A wide range of social service facilities are located within the City of Sacramento and should be sited throughout the region to encourage a fair distribution of these facilities, as well as equitable access for the client base.

Response: Comment noted. The comment does not raise an environmental concern or potential environmental impact and does not, therefore, require response in the EIR.
Comment 11I: The Council has adopted a set of Smart Growth Principles, the goal of which is to encourage sustainable development that serves the economic, environmental and social needs of the region. To this end it encourages reinvestment in existing communities, particularly inner cities and older suburbs, as an alternative to suburban sprawl. New growth should minimize the impacts of new development on infrastructure costs, traffic congestion, and air quality. It should also maximize the return from public investment on existing and new roads and bridges, schools, utilities and drainage facilities, and transit systems.

Response: Comment noted. The comment does not raise an environmental concern or potential environmental impact and does not, therefore, require response in the EIR.

Comment 11J: The City and Sacramento County are cooperatively working on the development of a permanent open space preservation program. The City GPA policies hold that new development of undeveloped land should include designated permanent community separators with gateway treatments at primary entry points, such as at Highway 99/70 and the county line. Consideration should be given to revising the specific plan to incorporate such a community separator approach.

Response: Comment noted. The comment does not raise an environmental concern or potential environmental impact and does not, therefore, require response in the EIR.

LETTER 12  Dave Brent, Principal Engineer, City of Sacramento Planning and Building Department

Comment 12A: Department of Utilities staff has reviewed the subject document but was not provided critical supporting documentation, specifically, the drainage and infrastructure master plans, until December 19, 2001. Since any development in the Natomas Basin must carefully analyze and mitigate drainage impacts, we are requested that the review period be extended to allow sufficient time for review.

Response: Refer to Response to Comment 10A.

LETTER 13  Phil Stafford, Associate Air Quality Planner, Sacramento Metropolitan Air Quality Management District

(Note: This letter was received after the close of the public comment period.)

Comment 13A: The SSCSP is a significant project not only for Sutter County, but also for the greater Sacramento federal ozone non-attainment area. Sacramento County and the surrounding region, including South Sutter County, have been designated by the EPA as a “severe” non-attainment area for ozone. This classification is due to recurrent exceedances of the health based air quality standards of the Federal Clean Air Act.

Response: Comment noted. The comment provides background information that is contained in the Draft EIR and does not raise an environmental concern or potential environmental impact and does not, therefore, require response in the EIR.
Comment 13B: The 1994 State Implementation Plan (SIP) requires that the Federal Non-attainment Area achieve “attainment” by 2005. While it is probably unlikely that large areas within the Plan will be developed in the next three years, it is important to recognize that both construction and operational emissions resulting from any development that does occur in the Plan Area will play an important role in the area’s ability to achieve, and then maintain, attainment.

SACOG used the adopted General Plans of local agencies within the non-attainment area to estimate future population and employment. Using the information developed by SACOG, local air districts were able to estimate emissions from land development projects. The area for the SSCSP was, and is designated primarily for agricultural land use. Therefore, nearly all of the emissions that will be generated by population and employment increases, if this Plan is approved and implemented, are not included in the SIP, and could threaten the region’s ability to meet federally approved clean air standards. The project is, therefore, inconsistent with the SIP.

Response: Refer to Response to Comment 5I.

Comment 13C: For areas under the jurisdiction of Sacramento County where adequate population and employment growth factors were included in the SIP, a 15 percent emissions reduction is required to mitigate the impact of significant projects. In the City of Sacramento, the North Natomas Community Plan requires a 35 percent reduction in emissions, and this area was designated for urban development when SACOG prepared population and employment estimates for the SIP.

If development does occur in this area, which was not programmed for development in the General Plan in place at the time our region’s SIP was developed, we recommend the following mitigation strategies:

1. Construction emissions contribute significantly to the ozone problem in the area, particularly since the peak construction season coincides with the peak ozone season. The SSCSP should include measures to mitigate emissions from heavy-duty diesel-powered off-road construction equipment. Recommended mitigation for reducing emissions from heavy-duty off-road construction vehicles (revised June 21, 2001) was attached to the comment letter.

2. It is recommended that the Sutter County Board of Supervisors establish a County Service Area (Local Assessment District) to provide a funding mechanism for a Transportation Management Association (TMA). The intent of creating a TMA is to provide a means to achieve quantifiable emissions reductions from operational mobile source emissions that can be used to demonstrate consistency with the regional SIP.

3. The TMA should include all of the following measures, at a minimum:
• The TMA by-laws should include a provision requiring that the Air Pollution Control Officer for the Feather River Air Quality Management District serve as a member of the TMA Board of Directors.
• The TMA by-laws should include a provision requiring that the TMA provide an annual report to the Board of Directors of the Feather River Air Quality Management District. The purpose of this annual report is to quantify the emissions reductions achieved, and demonstrate that the emissions reductions support the commitments made in the SIP.
• A shuttle service to provide transportation for employees, to supplement any existing or future public transit in the area.
• Subsidize the payment of fares or expenses for employees, as an incentive for them to use some form of transit/carpooling/vanpooling.
• Provide a guaranteed ride home program for employees who commute to work via transit/carpool/vanpool and, on occasion, are not able to stay at work due to illness or having to work overtime.
• Provide a carpool/vanpool matching service to facilitate the employees’ ability to find a convenient alternative to commuting in a single occupant vehicle.

4. Require an Air Quality Mitigation Plan (AQMP), for approval by the Feather River AQMD Air Pollution Control Officer, for each project in the Plan Area that achieves a 35 percent reduction in operational emissions, by:

• Demonstrating compliance with the project’s approved emission mitigation measures.
• Including a Transportation Demand Management Plan, quantifying the effectiveness of emissions reductions achieved by the TMA.
• Indicating and quantifying all other mitigation measures needed to achieve a 35 percent emissions reduction.

5. If the developer cannot feasibly achieve the required 35 percent operational emission reductions, we recommend that the developer be required to pay an emissions offset fee to the Feather River Air Quality Management District. The fee should be sufficient to secure equivalent emission reductions.

Response: Refer to Response to Comments 32B and 32C

Comment 13D: The District offers the following comments with regard to the growth inducing potential for this project. The area generally between Elverta Road and the Sacramento County/Sutter County line is designated as agricultural/open space in the Sacramento County General Plan. Approval of the SSCSP will bring added pressure to develop this area in Sacramento County. If this area in Sacramento County is retained as an agricultural/open space land use, the net effect of the SSCSP will be to cause a “leapfrog” urban land use development pattern. Such a pattern is generally conceded by urban planners to be undesirable.

Response: Comment noted. Although the comment does not raise an environmental concern or potential environmental impact and does not, therefore, require response in the EIR, it is worth noting that it was the intent of the Board of Supervisors to provide an industrial park that is

FEIR
South Sutter County Specific Plan 4-28 March 2002
isolated from residential lands to reduce the land use conflicts that typically occur as industrial lands attempt to establish or expand. This location was chosen due to its proximity to Sacramento International Airport and Metro Airpark. Further, the mere existence of a greenbelt does not create leapfrog development.

Comment 13E: The Draft EIR [p5-12] states that “The proposed improvements are therefore designed to accommodate cumulative impacts associated with the project plus forecasted regional traffic from other jurisdictions. With few exceptions … the extent of the proposed improvements is limited to the Plan Area.” For a project of this size it is not reasonable to limit proposed improvements in this manner, especially when one considers that employees in the Plan Area will need to travel to the work site from Sutter County and the surrounding area (including Sacramento, Placer and Yolo counties). In order to reduce project-related emissions, District staff is of the opinion that extensive “off-site” mitigation measures (other than the interchange at Riego Road and SR 99/70 and Placer Parkway) will be required for infrastructure improvements that are outside the plan area. An example of such project related infrastructure impacts, related to air quality, would be the increase in traffic congestion on SR 99/70, as well as on local roads in Sutter, Sacramento and Placer counties. We are of the opinion that the traffic analysis is inadequate because it does not address the full impact of all traffic generated by this project, and therefore the related negative impacts on air quality cannot be addressed adequately. We therefore recommend that the traffic analysis be revised to include a thorough analysis of the “off-site” cumulative and growth inducing impacts, and the resulting impacts on air quality in the non-attainment area.

Response: There is no definitive methodology for determining the geographic area for identifying traffic impacts. The analysis identified impacts for an area that seemed reasonable for a CEQA analysis and consistent with the extent of traffic studies for other similar projects. The Draft EIR has stated that the project will participate in a regional funding mechanism that will address the overall impacts of this and other projects on the regional transportation system. Also refer to Response to Comments 9A, 10L, 10M, 10N, 10O, and 10P.

LETTER 14 Steve Shaffer, Director, Office of Agriculture and Environmental Policy, California Department of Food and Agriculture

Comment 14A: The Department of Food and Agriculture has reviewed the Draft EIR for the SSCSP. The Department’s mission is the protection and promotion of California’s agriculture. Because this proposal, if approved, would result in the conversion of 3,500 acres of agricultural land, we offer the following comments on the Draft EIR for your consideration.

The Department finds the Draft EIR to be inadequate with respect to its treatment of the project’s direct, cumulative and growth-inducing impacts on agricultural lands. Neither does the Draft EIR sufficiently address project alternatives or mitigation measures that would reduce or lessen project impacts on agricultural land resources. The Draft EIR should be revised to include additional information and analyses on the short and long-term agricultural land impacts as outlined in the following comments.

Response: Refer to Response to Comments 14B, 14D and 14E.
Comment 14B: The Draft EIR rightfully acknowledges the long history of agricultural production in the project’s regional setting. However, the Draft EIR dedicates barely a single paragraph to documenting the resource value of the site’s agricultural land, water, climate and infrastructure. The Draft EIR notes that the site is mapped by the California Department of Conservation as Farmland of Statewide Significance, but fails to discuss the relevance of this designation. The Draft EIR mentions the primary crops that are grown in the area, but gives no indication of the site’s absolute or relative productivity, or of the significance of the project site to the County’s reserve of similar agricultural land resources. No discussion or analysis is included on the availability and quality of water to the site’s agricultural lands relative to other agricultural lands in the county. Finally, no mention is made of the past and current agricultural infrastructure in the region to support ongoing agricultural use of these lands.

In order for decision-makers to ascertain the significance of the loss of these 3,500 acres of productive agricultural land, the Draft EIR must contain sufficient information on the value of the resource itself. The Draft EIR fails to provide but the barest of analytical framework for informed decision-making with regard to agricultural land impacts.

Response: The Draft EIR [p.3-4] states that agricultural resources were addressed in Section 4.2 of the General Plan EIR and incorporated by referenced into the Draft EIR. The loss of 4,635 acres (including 3,500 acres in the South Sutter area) or 1.5% of County land currently designated for agricultural use was identified as a significant impact in the General Plan EIR. The analysis to support this conclusion is set forth in the General Plan EIR, supplemented with background documentation included in the General Plan Background Report which provided an extensive overview of agricultural resources in the County. This analysis and background documentation was utilized by the Sutter County Board of Supervisors in making findings for adoption of the General Plan in 1996. Reiteration of that information in this EIR will not change the conclusion that conversion of approximately 3,500 acres of Farmland of Statewide Importance to non-agricultural use will result in a significant, cumulative and unavoidable impact (reference Impact #3.2-1) and would serve no purpose under CEQA.

The County is well aware of the value and importance of its agricultural resources. This is reflected in General Plan Goal 6.A which is “[T]o preserve high quality agricultural land for agricultural purposes”, and corresponding policies and implementation programs. Mitigation Measure #4.2.1 set forth in the General Plan EIR also provides protection for higher quality agricultural land and reads:

The County shall encourage future development of the 3,500 acres within the 10,500 acres of the I-C Reserve designation to locate outside the area with soils classified as I and II bordering the Sacramento River.

Implementation of this mitigation measure is accomplished through the adoption and implementation of the Specific Plan, which establishes a confined development area within the I-C Reserve and directs growth away from Class I and II soils.
Comment 14C: Direct Impacts. This project will result in the conversion of nearly 3,500 acres of Farmland of Statewide Significance. By almost any standard, this is a significant irreversible loss of a nonrenewable resource. The Draft EIR acknowledges this impact as significant, but provides no analytical basis for the conclusion. The Department recommends that the Draft EIR be amended to assess this impact relative to a meaningful threshold of significance. The CEQA Guidelines recommend that the California Land Evaluation and Site Assessment (LESA) system developed by the California Department of Conservation, be used to document the significance of farmland conversion impacts according to discrete factors that influence the productivity of agricultural land.

Response: Refer to Response to Comment 14B.

Comment 14D: Growth-inducing Impacts. This project is proposed for an agricultural site that is not contiguous to urbanized lands, but instead is surrounded by other agricultural land. In our opinion, the project constitutes classic “leapfrog” development. Yet, the Draft EIR dedicates just one page to the analysis of growth-inducing impacts with no discernable discussion of growth-inducing impacts on agricultural land resources. A revised Draft EIR should be prepared that includes a meaningful documentation of the influence of this project on neighboring agricultural lands in terms of property value, land use conflicts, and the presence or absence of land conservation protection. How could this project increase urban land values and reduce agricultural land values because of land use conflicts. (sic)

Response: Refer to Response to Comment 13D. The potential for development within the Plan Area to conflict with some agricultural practices is discussed under Impact #3.2-3. The commitment to preserve and protect surrounding agricultural operations is provided through General Plan and Specific Plan policies that limit development within the IC-Reserve to a maximum of 3,500 acres and provide for buffers and separations, respectively. The increase or decrease in land values is not a physical impact on the environment that is subject to review under CEQA.

Comment 14E: Cumulative Impacts. Perhaps the most serious impact of this project on agricultural land is its cumulative impact. Again, the Draft EIR dedicates just a page and a half to analyzing the project’s cumulative impacts, of which five sentences are given to the discussion of cumulative impacts on agricultural land, none that are quantitative or even qualitative. The discussion does state that “[t]his impact is reflective of regional and statewide trends of declining agricultural acreage.” This sentence should be the beginning point for an in-depth documentation of the cumulative impacts of this project on agricultural land in one of the fastest growing areas in the region, if not the state.

A table of “Significant Projects” is provided on page 5-10 of the Draft EIR but provides an incomplete list of current projects, and fails to document many large past conversions of agricultural land from urban development and wildlife habitat projects. This table should not only be expanded to include all past (for example, since 1990), current and reasonably foreseeable projects, but also an acreage breakdown of the different kinds of agricultural land that have been and will be lost in the three-county region.
Response: CEQA Guidelines [§15130(b)] provides that “[t]he discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by standards of practicality and reasonableness, and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact.” Section 15130(d) further states that “[p]reviously approved land use documents such as general plans…may be used in cumulative impact analysis. A pertinent discussion of cumulative impacts contained in one or more previously certified EIRs may be incorporated by reference pursuant to the provisions for tiering and program EIRs. No further cumulative impacts analysis is required when a project is consistent with a general, specific, master or comparable programmatic plan where the lead agency determines that the regional or areawide cumulative impacts of the proposed project have already been adequately addressed…” Finally, Section 15130(e) provides that “[I]f a cumulative impact was adequately addressed in a prior EIR for a community plan, zoning action, or general plan, and the project is consistent with that plan or action, then an EIR for such a project should not further analyze that cumulative impact…”

The cumulative impact of designating 4,635 acres or 1.5 percent of County land currently designated for agricultural use was addressed in the General Plan EIR. Adoption and implementation of the Specific Plan is consistent with Section 9 of the Sutter County General Plan. In accordance with Section 15130(d) of the CEQA Guidelines, this EIR incorporated by reference the cumulative impact analysis contained in the General Plan EIR (Draft EIR p5-10). No further analysis is required.

Comment 14F: The Draft EIR concludes that the project’s impacts on agricultural land cannot be mitigated to a level below significance and therefore proposes virtually no mitigation measures. While it may not be practical to replace agricultural land, the impacts can be at least partially offset or compensated by increasing the productivity and protection of other agricultural lands in the region. For example, the purchase of agricultural land conservation easements on at least an equivalent quality/quantity agricultural land elsewhere in the county or region would increase the value of the region’s remaining agricultural lands for agricultural production by lowering property taxes and removing non-agricultural development potential.

The use of a mitigation fee to concurrently or subsequently purchase compensating agricultural land conservation easements on other lands directly addresses mitigation of cumulative impacts, and if strategically located, growth-inducing impacts. Easements would permanently remove other agricultural lands from the pool of developable lands, thereby limiting the prospective cumulative impacts.

Finally, the location of conservation easements around the project to form an agricultural buffer would lessen the project’s growth-inducing pressures on adjacent lands. We recommend that the Draft EIR include a discussion of mitigation fees and banks to enable the use of agricultural land conservation easements to lessen the significance of farmland conversion impacts. A mitigation fee could also be applied to agricultural enhancement projects in the region such as irrigation water improvements, marketing support, etc.
Other jurisdictions use a special district to invest mitigation funds into agricultural infrastructure and promotion (City of Carlsbad) or use agricultural land conservation easements as mitigation for the loss of agricultural land (city and/or county governments of Yolo, Sacramento, Sonoma, Monterey and Solano counties).

Response: The Sutter County General Plan already contains implementation programs to support the goals and policies pertaining to agricultural land preservation which address mitigation fees and/or dedication of development rights to address the impacts of agricultural land conversion (Implementation Program No. 6.4) and permanent preservation programs such as conservation easements, transfer of development rights, and purchase of development rights (Implementation Program No. 6.5). Implementation of these programs has been considered by the Board of Supervisors on several occasions since General Plan adoption, however, it was determined that implementation of these types of programs would be most appropriately deferred until the Williamson Act program was established in the county. As noted in the Draft EIR [p3-5], the County implemented the Williamson Act and created its first Agricultural Preserve in the summer of 2000. In addition, Sutter County actively supports preservation of agricultural land through use of the Williamson Act (38,716 acres in 2001), Right-to-Farm Ordinance and Conservation Easements, including participation in the California Farmland Conservancy Program’s Conservation Easements for Agricultural Land Program (CEAL).

Comment 14G: The Draft EIR did not analyze a single project alternative that would involve other locations, particularly locations contiguous to existing urbanized areas in Sacramento, Yolo or Placer counties. The revised Draft EIR should include an analysis of alternative project locations, including sites that would have less impact on agricultural land or be located contiguous to existing built-up lands.

Response: Refer to Response to Comment 13D. The reasons for choosing the range of alternatives considered for this project and reasons why other possible alternatives were rejected are stated on Page 4-4 of the Draft EIR. No further analysis is required.

LETTER 15 Eric C. Hansen, Consulting Environmental Biologist

Comment 15A: The commenter indicates that he is an independent biologist specializing in the study of the Giant garter snake. Characteristics of the species and its habitat are noted. The proposed footprint of the SSCSP will bisect the Natomas Basin from the Natomas East Main Drainage Canal (NEMDC) to the North Drainage Canal west of Highway 99/70 (El Centro Boulevard). For the snake, the Basin will be cut in half. These impacts will prevent the movement of Giant garter snakes from lost or degraded habitat in the south Basin to mitigation and preserve lands in Sutter County. While this footprint will not physically bisect the Basin in its entirety, the effect upon the Giant garter snake will be the same.

In order to preserve the Giant garter snake, it is critical that suitable habitat is interconnected. If aquatic connectivity is lost, the preserve system maintained by the Natomas Basin Conservancy will become no more than isolated patches, separated from one another by expansive tracts of urban land that block the snakes’ passage between them. The commenter further summarizes the importance of this species and habitat in relation to the survival of the species.
Response: Comments are noted. Project associated impacts to special species and habitat are discussed in Section 3.4 of the Draft EIR. The project does not sever the snake habitat in half. Specific provisions of the project will retain adequate ‘connectivity’. Also refer to Response to Comment 16Q.

Comment 15B: It is urged that Sutter County consider alternatives to this location for the proposed urban and industrial use and in the event the Plan is approved, efforts be made to limit the footprint to the east of Pacific Road to the east of Highway 99/70, and that the Plan be restructured to facilitate Giant garter snake habitat connectivity between southern and northern reaches of the Basin.

Response: Comment noted. See Response to Comment16Q.

LETTER 16 James P. Pachl, Attorney at Law, Sierra Club, Friends of the Swainson’s Hawk, Environmental Council of Sacramento, Planning and Conservation League, Mountain Lion Foundation

Comment 16A: The comments on the proposed South Sutter County Specific Plan and Draft EIR are submitted on behalf of Sierra Club – Mother Lode Chapter, Friends of Swainson’s Hawk, Environmental Council of Sacramento, Planning and Conservation League, and Mountain Lion Foundation, all of which are nonprofit corporations.

Response: Comment noted. The comment does not raise an environmental concern or potential environmental impact and does not, therefore, require response in the EIR.

Comment 16B: The South Sutter County Specific Plan combines many of the worst elements of very poor urban planning for the following reasons:

1. Classic leapfrog development many miles from any urban services, lacking any jobs/housing balance.
2. Located in not just one, but two overlapping active Natomas floodplains – Sacramento River floodplain and RD1000 floodplain.
3. Located in the midst of the largest remaining extant population of Giant garter snake, the project’s configuration blocks wildlife habitat connectivity within the Basin.
4. Removes large acreage of excellent rice farming and there will be major impacts upon neighboring agricultural lands.
5. The project has major internal stormwater drainage and wastewater disposal needs, which will require very expensive drainage and wastewater disposal and treatment infrastructure. It needs very major road and highway improvements to accommodate development and heavy trucks. It needs a drinking water system. No timeline or dates for construction of necessary infrastructure are identified; but development will be allowed to precede construction of infrastructure.
6. There are no financing mechanisms identified to pay for infrastructure required by #5.
7. Despite #5 and #6 above, the Specific Plan permits an indefinite amount of development with each individual development projects to provide its own on-site wastewater, drainage, and
drinking water facilities prior to construction of areawide infrastructure at an undetermined date.

8. The project was not included in the land use assumptions in the official 1994 Ozone Attainment Plan adopted by the California Air Resources Board. The project threatens attainment and maintenance of the one-hour federal ozone standard.

9. The project is primarily for industrial sites, even though there is a large regional surplus of vacant industrial sites, most of which are connected to existing urban infrastructure.

10. Although the Draft EIR claims that it will provide employment for Sutter-Yuba counties, the project is more likely to draw most of its employees from the Sacramento area because the project if much closer to Sacramento than to Yuba City and Marysville.

11. The Specific Plan area is configured to benefit a single landowner.

12. The Specific Plan is inconsistent with General Plan policies and State law governing the creation of Specific Plans.

Response: The comments describe the commenter’s opinion of the project and are noted for the record. As described in previous responses to comments, it is not the role of the EIR to analyze potential project funding. Infrastructure need and development has been adequately addressed in the Infrastructure Master Plan. The comments do not raise environmental concerns or potential environmental impacts that have not been addressed by the Draft EIR.

Comment 16C: It is urged that the County consider the following possible alternatives:

a. If the project is intended to provide employment for Sutter and Yuba county residents, then an Alternative should be considered that increases employment in the population center of Sutter/Yuba counties.

b. An Alternative should include a Joint Powers Planning Authority for Natomas Basin by the City and County of Sacramento, Sutter County, the water conveyers, and possibly including USFWS, CDFG, Natomas Basin Conservancy, and representatives of agriculture. The Joint Powers Authority would develop measures to reserve Natomas Basin for agriculture and wildlife, and locate new development outside of the floodplain in areas which do not have Natomas’ unique drainage problems and wildlife values, and create jobs in existing population centers.

c. Agreement for revenue sharing with Sutter County by City and County of Sacramento: The City of Sacramento’s retail development in North Natomas and the County’s Sacramento International Airport generate substantial local tax revenues. It is in the best interest of the City and County of Sacramento that there be no development in Sutter’s Natomas area because of the environmental and traffic impacts upon the City and County’s Natomas areas, and because the South Sutter project would compete with established vacant industrial sites in the Sacramento area. A reasonable solution would be an agreement in which:

(1) Sutter County receives a share of local tax revenues generated by the Sacramento County’s International Airport and City and County sales tax generated in North Natomas;
(2) Sutter County does no new development in Natomas Basin, and amends its General Plan to eliminate the industrial/commercial reserve;
(3) City and County of Sacramento do not permit new development outside of the areas currently designated for urban use in Natomas;
(4) Both counties establish a permanent agricultural preserve to ensure viable agriculture in perpetuity and a permanent urban edge.

Such an arrangement would provide Sutter County with a stream of revenue without incurring the impacts, costs, and sizable financial and regulatory risks and burdens that accompany development in the Natomas Basin; and would also preserve the unique wildlife and agricultural values of the Basin.

d. If development within Sutter County’s area of Natomas Basin is unavoidable, an alternative should be considered that limits development to the eastern edge of the Basin, east of Pacific Avenue. This is outside the internal stormwater/Sankey Gap floodplain and appears to be the location likely to do less harm to wildlife.

e. If development is unavoidable, an alternative should be considered in which infrastructure should be financed by Mello-Roos bonds (with the County to have no financial liability) issued by a community facilities district, so that infrastructure is constructed ahead of or contemporaneous with development.

f. An alternative that phases any development in South Sutter to conform to a federally approved air quality plan. A new SIP is likely to be developed within the next four years.

Response: The comments are noted. The comments reflect opinions on policy issues that are the responsibility of the Sutter County Board of Supervisors and have, or will be addressed by the Board. As stated in Responses to Comments 3A, 5B and 5C, it is not the responsibility of an EIR to establish or evaluate funding mechanisms but rather potential adverse impacts on the physical environment. Therefore, consideration of project alternatives addressing Mello Roos bonds, revenue-sharing agreements, etc. is not required. Also refer to Response to Comments 5I, 5J and 14G.

Comment 16D: The following prior written communications, attached hereto, are hereby incorporated into and made part of these comments. Therefore the County is required to respond to all issues raised in these communications.

Exhibit A: Letter of James Pachl, Attorney, on behalf of environmental organizations, to Larry Combes (sic), County Administrator, et al, December 5, 2001, requesting extension of public comment period.


Exhibit G: Letter of California Department of Fish and Game, by Larry Eng, Assistant Regional Manager, April 3, 2001, to Lisa Wilson, Sutter County.

Response: Refer to Comment Letter 3 for Exhibit A; Comment Letter 4 for Exhibit B; Comment Letter 5 for Exhibit C; and Response to Comment 16M for Exhibit G.

Comment 16E: The proposed Specific Plan and Draft EIR are incomplete and must be recirculated for the full statutory public review period after Volume III, “Financing Plan” is available.

Response: Refer to Response to Comment 3A.

Comment 16F: The County’s computation of the 45-day public review period is defective. On November 7, the County issued a Notice of Time Extension extending the review period to December 21, 2001. However, 45 days after November 7, is Saturday, December 22, 2001, when the Planning Division office is closed. Operation of law therefore extends the deadline for written comments on the Draft EIR to 5 p.m. on the next business day. A new Notice of Availability must be issued to initiate a new 45-day comment period.

Response: Refer to Response to Comment 3A. In addition, it should be noted that the State Clearinghouse concurred with the review dates (reference Letter 29).

Comment 16G: The proposed Specific Plan fails to comply with Government Code Section 65451(a)(4) because it fails to provide financing measures necessary to carry out the elements of the Specific Plan. Therefore, the Draft EIR is incomplete and CEQA review is premature. The Specific Plan and Draft EIR must be revised to comply with Government Code and recirculated for CEQA review.

Response: Refer to Response to Comment 3A. The requirements of Government Code Section 65451(a)(4) do not apply to CEQA documentation.

Comment 16H: The proposed Specific Plan violates Government Code Section 65454 and Sutter County General Plan Policies 9.C-1 and 9.C-5(3) because it is inconsistent with the Sutter County General Plan. The CEQA document is incomplete because it does not address these inconsistencies. The Specific Plan and Draft EIR must be revised to be consistent with the General Plan and be recirculated for CEQA Review.


Comment 16I: The Specific Plan’s claim that there is no requirement for further approvals, other than design review, before issuance of building permits, is erroneous. The Draft EIR is deficient because it does not address or evaluate the environmental impact of requiring no further approvals.
Response: The Specific Plan contains a list of uses permitted under each zoning category, either through the Design Review or Conditional Use Permit process. This approach is consistent with State zoning and planning laws (reference Government Code §§65800, et al). The Draft EIR [p2-2] states that “[P]roposed projects that are subject to a conditional use permit will require an analysis to determine whether the projects fit within the planned infrastructure and financing program and may also require subsequent environmental review tiered from this EIR.” Ministerial actions will require no additional review under CEQA unless the findings contained in CEQA Guidelines Section 15060(c) cannot be made. This is disclosed in the Draft EIR and is a part of the evaluation contained in the Draft EIR and the previous General Plan EIR from which this EIR tiers (see Section 5.1.3).

Comment 16J: The Draft EIR fails to assess the impacts of development, fails to mitigate for the impacts of development, and is incomplete and not ready for public review. The Draft EIR fails to adequately disclose and evaluate the environmental impacts of the Specific Plan, including growth-inducing impacts. Key mitigation measures are inadequate and incomplete. Feasible alternatives that would reduce the environmental impacts are not identified. The Draft EIR identifies impacts that may be mitigated with an infrastructure financing plan but fails to disclose the content of the Financing Plan.

Response: The comments reflect opinion and are unsubstantiated, and are not specific enough to formulate a meaningful response. Project-related impacts were addressed in Chapter 3 of the Draft EIR and alternatives to the project were discussed and analyzed in Chapter 4. The commenter has incorrectly stated that the Financing Plan is a mitigation measure. Nowhere in the Draft EIR is the financing plan addressed as a “mitigation measure”.

Comment 16K: The Draft EIR improperly defers consideration of financing of key mitigation measures until after close of the public comment period. Mitigation Measures #3.8-1 through #3.8-5 (most transportation infrastructure improvements), #3.9-1 (water supply system), and #3.9-2 (wastewater treatment and disposal system) explicitly rely upon Volume III, Financing Plan, for implementation. The impacts of development permitted under the Specific Plan will be severe and unmitigated if these mitigation measures (construction of infrastructure) are not implemented.

Response: The commenter is incorrect in stating that the referenced mitigation measures are deferred. The improvements are required mitigation for adoption and implementation of the Specific Plan. Improvements must be constructed consistent with the Infrastructure Master Plan and a plan for funding the improvements is incorporated consistent with Planning Law. Also refer to Response to Comment 3A.

Comment 16L: The Draft EIR fails to disclose and evaluate the environmental impacts of possible failure to complete public infrastructure due to potential failure of public infrastructure financing.

Response: The commenter is using a circular argument. If there is no project, there will be no impacts, similar to any other project that is proposed, but does not proceed, due to inadequate financing. Also refer to Response to Comment 3A.
Comment 16M: The Draft EIR is deficient because it fails to evaluate or otherwise respond to most of the issues raised by the California Department of Fish and Game in its letter of April 13, 2001, signed by Larry Eng (reference Exhibit G to this comment letter), in response to the County’s NOP for this Draft EIR. Please consider the comments stated in Exhibit G and provide written response to each and every issue stated in CDFG’s letter.

Response: The commenter is incorrect when stating that issues raised in the Fish and Game letter in response to the NOP were not evaluated in the Draft EIR. As outlined below, issues raised in the DFG response letter have been addressed in the Draft EIR.

The points outlined in the F&G’s letter are summarized below:

- Analyze and discuss all reasonably foreseeable direct and indirect project-related impacts on biological resources.

In compliance with CEQA, impacts to biological resources were discussed in Section 3.4.4 of the Draft EIR.

- Identify and discuss potentially feasible mitigation measures to address all reasonably foreseeable project-related impacts on biological resources.

Mitigation measures were identified in Section 3.4.4 of the Draft EIR. It was noted, however, on page 3-42 of the Draft EIR that these mitigation measures would only be required if the NBHCP was not adopted. If the NBHCP is adopted, compliance with all requirements established pursuant to the granting of an incidental take permit would apply instead.

- Identify measures designed to avoid or substantially lessen impacts to adjacent NBC lands including buffers and setbacks.

NBC land acquisition criteria requires buffers to be contained on habitat lands. Further, all development projects proposed within the SSCSP are subject to design criteria outlined in the Specific Plan Policy Document (Volume I) including buffers and setbacks to prevent conflicts with adjacent land uses. As a matter of policy, therefore, location and compatibility will be reviewed, and requirements established, on a site-by-site basis. Impact #3.6-6 and Mitigation Measure #3.6-5 specifically address potential impacts to the NBC property due to design and construction of the detention basin on the north side of Sankey Road.

- Identify project impacts to on-site canal and other drainage systems.

Impacts to the existing drainage system were identified in Section 3.6.4 of the Draft EIR. Mitigation measures specifically addressing modification of canals (Mitigation Measures # 3.4-1 and #3.4-2) were identified in Section 3.4.4.

- Identification of off-site infrastructure improvements and associated impacts.
Infrastructure improvements (both on- and off-site) were identified in the Infrastructure Master Plan (Volume II). Associated impacts were discussed in Sections 3.6.4 and 3.9.4 of the Draft EIR.

- Identification of those areas within the Plan Area known to support wintering waterfowl of the Pacific Flyway.

Impact #3.4-2 and Mitigation Measures #3.4-4, #3.4-5 and #3.4-6 address potential impacts to migratory waterfowl.

- Evaluation of the proposed Plan Area’s contribution to habitat fragmentation and population isolation.

See Response to Comment 16Q.

- Development of alternative development/design scenarios that will achieve most of the project objectives and avoid or lessen the project-related impacts on biological resources.

Alternatives to the project were discussed in Chapter 4 of the Draft EIR with a comparative analysis of alternatives included in Section 4.2.

- An alternative design that limits industrial and commercial uses to only those areas east of Highway 99/70 should be evaluated.

Section 4.2.3 of the Draft EIR addressed such an alternative.

- F & G concurs with the NOP statement that reconnaissance level surveys were not conducted at an appropriate time of year and recommends that all plant and animal surveys be conducted at the appropriate time of year, by a qualified biologist or botanist.

Project specific pre-construction surveys in compliance with CDFG and USFWS requirements (which would include conducting surveys at appropriate times of the year) are required under mitigation measures identified in Section 3.4.4 of the Draft EIR.

- Any incidental take permit issued by DFG must be based on findings that impacts will be minimized and fully mitigated, and that such impacts will not result in jeopardy to such species. In the opinion of the DFG, the potential for land acquisition in Sutter County under the revised NBHCP will be a necessary component of any such finding by the DFG under CESA. The prospect of land acquisition in Sutter County under the revised NBHCP is a reasonable and prudent alternative under CESA, as well as a potentially feasible alternative and mitigation measure that must be considered in the Draft EIR.

The dedication of mitigation land in the Natomas Basin (which includes Sutter County) and/or the payment of mitigation fees is addressed in Mitigation Measure #3.4-6.
- Consider and analyze whether implementation of the proposed project will result in significant impacts subject to regulation under section 1600 et seq. of the Fish and Game if work is undertaken in or near a river, stream, or lake.

The regulatory requirement for a “Streambed Alteration Agreement” pursuant to CDFG Code Section 1600 et seq. is noted on page 3-32 on the Draft EIR. However, the proposed project will not divert, obstruct, or change the natural flow of any river, stream or lake.

- In order to comply with Public Resources Code Section 21081.6, a detailed monitoring program must be developed for all mitigation conditions.

CEQA requirements for adoption of a Mitigation Monitoring and Report Program were explained in Section 1.5 of the Draft EIR. As noted in Section 1.5, this Program is adopted by resolution at the time of project approval. There is no requirement under CEQA to include the Mitigation Monitoring Program in the Draft EIR.

- The DFG is a Responsible and Trustee agency with respect to the proposed project. In either capacity, DFG cannot compel the exercise of discretion by Sutter County under CEQA with respect to whether or how to approve the project. The statement on page 5 of the NOP that DFG will approve biological mitigation measures is inaccurate and should be revised.

Section 2.5 of the Draft EIR lists agencies which may use the EIR in their decision making on permits and other approvals that may be required for implementation of the Specific Plan.

- The NOP fails to identify the Army Corps of Engineers as a possible permitting agency.

The Corps is listed in Section 2.5 of the Draft EIR as an agency which may use the EIR for permits and other approvals that may be required.

- Under “Environmental Factors Potentially Affected” on page 6 of the NOP, CEQA Section 15126 is cited as the basis for tiering from the previously certified program EIR for the purposes of CEQA. Section 15126 of the CEQA guidelines lists the subjects that must be addressed in an EIR. The NOP cites a provision of CEQA that does not support the tiering principles Sutter County appears to invoke. If the County intends to tier off a previously-certified program EIR, then the County should invoke and adhere to the provisions applicable to such actions, including the provision for lead agencies to employ an initial study as a means to determine whether the proposed project will result in impacts that were not adequately addressed at the program level.

The reference to Section 15126 was a typographic error, similar to the commenter’s error in citing page 6 as the location for the discussion of “Environmental Factors Potentially Affected” which is found on page 5 of the NOP. Secondly, the Initial Study prepared for the project and reviewed by the commenter constitutes the requested analysis.
Section 1.3 of the Draft EIR describes the regulatory requirements for tiering environmental documents pursuant to Section 15152 of the CEQA Guidelines.

- The NOP [page 10] provides a list of species obtained by query of the CNDDB. DFG does not believe that project impacts should either be restricted to only this list or to direct impacts; all reasonably foreseeable direct and indirect potentially significant impacts on biological resources should be addressed.

See Responses to Comments 16N, 20C, and 20N.

- The NOP, on pages 10 and 11 discusses the NBHCP. The HCP is currently the subject of a revision effort initiated in response to federal litigation. Because this effort is ongoing, various statements in the NOP which reference the NBHCP are inaccurate.

Refer to Response to Comment 16BB.

Comment 16N: The Draft EIR is deficient in its disclosure and evaluation of impacts on wildlife and special status species because it relies upon a wildlife survey conducted in December 2000 which was an inappropriate season because numerous species, including Swainson’s Hawk, are absent from the area in December, and Giant garter snakes are in their inactive season in burrows. The Natural Diversity Database is known for incomplete information and cannot be relied upon to show the absence of species. More current information on Giant garter snake in Natomas is shown on Exhibit H attached to the comment letter.

The Draft EIR, pp.3-38 and 3-39, says that no evidence of burrowing owls or tri-colored blackbirds was observed in the Plan Area, but in fact there is a very large nesting colony of tri-color blackbirds, and a burrowing owl colony on the Betts-Silva-Kismat preserve of the Natomas Basin Conservancy, immediately south of Cost Area (Phase) I of the Specific Plan area.

The Draft EIR says that black-crowned night heron were not observed in the December 2000 survey, but in fact black-crowned night herons are common throughout Natomas, including the Plan Area. Other species not listed as present in the Draft EIR would be observed in the Plan Area if wildlife surveys were done at the appropriate time, which is the last spring and summer.

The Draft EIR and Specific Plan should go on “hold” until there are complete wildlife surveys, particularly for Giant garter snake and Swainson’s Hawk, for the project area and surrounding areas.

Response: It is acknowledged that the reconnaissance level survey conducted on the project site was not a conclusive survey on species that could be impacted by the project. Since impacts to sensitive species and/or endangered and threatened species can not occur until construction takes place, preconstruction surveys in accordance with established protocols will be conducted during such times when optimal observations can be made and conclusive evidence compiled.

The statement that: “no burrowing owls or tri-colored blackbirds were observed in the Plan Area” is true. At the time of the survey, neither of these species was observed in the Plan Area.
This isn’t to say these species do not exist off site or that they could potentially forage onsite, but that none were observed during the field site visit. This statement again holds true for black-crowned night herons and other wildlife species. See Response to Comment 20F.

Comment 16O: The Draft EIR is deficient because it fails to disclose and consider the importance of the Natomas Basin for the survival and recovery of the Giant garter snake. The commenter references USFWS Biological Opinion #PN 199200719, March 11, 1994, and the USFWS Draft Recovery Plan for the Giant garter snake, July 1999.

Response: The County disagrees that the Draft EIR fails to disclose the importance of the Natomas Basin to Giant garter snake. For example, a discussion of the habitat conservation planning efforts that are underway within the Basin are fully described on pages 3-32 and 3-33 of the Draft EIR. The Sutter County General Plan also indicates that loss of rice farmland and associated ditches and canals could adversely affect this species. It is also acknowledged on page 3-39 of the Draft EIR that Brode and Hansen observed snakes on the eastern portion of the project site.

The argument that the conversion of rice fields to other uses has an adverse effect on Giant garter snake habitat is not fully accepted by all experts in the field. A position statement provided by the Western Section of the Wildlife Society when reviewing the referenced Recovery Plan stated, “it is scientifically unfounded to conclude that rice fields serve as good Giant garter snake habitat. Based on scientific evidence, the opposite conclusion should be reached- rice cultivation is helping to drive the Giant garter snake toward extinction.” At this point, it remains undetermined as to whether or not the rice fields are critical habitat, but the previous presence of Giant garter snakes on a portion of the project site is significant and, therefore, the Specific Plan area was considered habitat for this species.

Comment 16P: The Draft EIR is deficient because it fails to adequately disclose and consider the importance of the Natomas Basin for the survival and recovery of the Central Valley population of Swainson’s hawks.

Response: The County disagrees with the comment. The Draft EIR discusses Swainson’s hawk on page 3-39 of the Draft EIR and addresses their potential presence under Impact #3.4-1 and Mitigation Measure #3.4-3. The Swainson’s hawk is not necessarily dependent upon the Natomas Basin for survival, as implied by the writer, but rather, is dependent on suitable nesting trees and foraging areas that occur in many areas of the Central Valley. There is, however, no disputing the fact that important nesting habitat exists along the Sacramento River and that these areas are considered important to the recovery of this species. The SSCSP does not border the Sacramento River and no large trees suitable for Swainson’s hawk nesting occur within the SSCSP. Riceland is typically poor foraging habitat for Swainson’s hawk. The proposal to convert 1,400 acres of land currently devoted primarily to rice to feed and other field crops to be utilized for disposal of reclaimed wastewater will actually improve Swainson’s hawk foraging opportunities within the Natomas Basin.
Additionally, if the NBHCP is adopted and an Incidental Take Permit (ITP) issued, the County intends to initiate an amendment to the General Plan to revert lands within one mile of the Sacramento River from the IC-Reserve to the prior Agricultural designation.

Comment 16Q: The Specific Plan includes a strip of development one mile wide and four miles long running east-west across the Natomas Basin from the NEMDC to the North Drainage Canal, creating a east-west barrier across the Basin and destroying wildlife habitat connectivity, particularly aquatic habitat connectivity for the Giant garter snake. The 1,400-acre wastewater disposal area between the North Drainage Canal and the Sacramento River completes the barrier. The Draft EIR is deficient because it fails to disclose and evaluate the impacts of this barrier created by development.

Response: Figure 17 within the HCP, as submitted to USFW Service, depicts the drainage channels that are anticipated to remain during the life of the HCP and Incidental Take Permit, as identified by RD1000. Significant drainage improvements to existing drainage channels are required to serve the South Sutter County Specific Plan area, both on and off site. Therefore, additional channels, besides those shown in Figure 17, may be relied upon to provide long term connectivity. This is particularly true for the NBC land south of the Specific Plan boundaries. In fact, the Director of the NBC has expressed interest in participating in the improvements to the Montna Canal since it would provide greater permanence to connect the wildlife corridors. Also, the NBC held lands are primarily located west of the Specific Plan area, and the existing corridors will not be disturbed or affected.

Comment 16R: The Draft EIR is deficient because it fails to disclose and evaluate the likelihood that the Giant garter snake and Swainson’s Hawk populations in the Natomas Basin may be extirpated from the Basin by the impacts of the Specific Plan and other ongoing and forecast development in Natomas.

Response: The shaded area shown on Figure 2.3-4 of the Draft EIR as a “Potential Irrigation Area” is actually in excess of 3,000 acres and is a conceptual area within which use of reclaimed wastewater could occur. Because the area will remain in farming and existing waterways will be maintained, the County fails to understand how the area creates a barrier to habitat connectivity. The specific areas to be purchased are unknown at this time, but it is not anticipated that any ditches or drainages will be affected in this area, thus wildlife connectivity will remain.

The Natomas basin is approximately 53,341 acres (Natomas Basin Conservancy website). As identified in Section 5.4 of the Draft EIR, future build-out will continue to reduce the available habitat available for Giant garter snake and Swainson’s hawk. Although this project will impact only 3,500 acres, or approximately 6.6 percent of the total area available in the Natomas Basin, when considered with the other projected build-out in adjacent areas, the cumulative impacts within the Natomas Basin are significant; however, the Draft EIR anticipates enactment of a final NBHCP that will fully comply with federal and State requirements, avoiding species extirpation and allowing the issuance of an ITP. In the event the NBHCP process is not successfully completed within a reasonable period of time, the Draft EIR provides alternative mitigation measures that ensure species protection on a project specific basis.
Comment 16S: The Specific Plan and EIR do not require that wastewater deposited onto the 1,400 acre wastewater disposal area remain confined to that area and isolated from the hydrologic system and groundwater. Therefore, it can be assumed that wastewater will drain and percolate from the wastewater disposal area into RD1000 and NCMWC canals. Both canal systems circulate throughout the Basin and provide water for rice fields that are habitat for wildlife, including Giant garter snakes.

Please disclose and evaluate the expected components of the wastewater, including the identity and expected concentrations of wastewater components which are toxins and the impacts of the wastewater and each of its components upon wildlife species using Natomas Basin, including Giant garter snakes, waterfowl, and wading birds found in Natomas, and impacts upon prey species (amphibians and small fish) eaten by those species. It is noted that amphibians such as frogs and tadpoles, which are a significant prey for Giant garter snake, are known to be severely affected by the impacts of wastewater.

Response: The waste discharge requirements of the Regional Water Quality Control Board will be established in accord with the Basin Plan's toxicity prohibitions (Pages III-8 and III-10, Fourth Edition of the Water Quality Control Plan [Basin Plan] for the Sacramento River and San Joaquin River Basins). These requirements will result in effluent treated to a level that will not harm amphibians. Also refer to Response to Comment 5D.

Comment 16T: The Draft EIR says that the wastewater area will be comprised of row crops which would destroy existing Giant garter snake habitat by converting existing rice fields. The Draft EIR fails to disclose and evaluate the impacts of this crop conversion upon the population of the Giant garter snake.

Response: The County cannot locate a reference to “row crops” in the Draft EIR. The Draft EIR does identify the loss of rice fields as a significant, but mitigable impact. The commenter is making an assumption that the disposal area will convert rice fields. This assumption is unsubstantiated because the specific location for reclaimed wastewater disposal has not yet been identified. Crop rotation is not recognized as requiring any environmental analysis. Also see Response to Comments 16O and 16P.

Comment 16U: Please provide a reference for the assertion in Vol. II, Facilities Plan, page 4, that corn grown in the 1,400-acre wastewater disposal area will provide foraging habitat for Swainson’s Hawk. This claim is contrary to known science.

Response: The comment does not raise an environmental concern or potential environmental impact and does not, therefore, require response in the EIR. However, the following is provided for clarification.

On page 4 of the Infrastructure Master Plan (Volume II), it is noted that approximately 1,400 acres of land will be needed for disposal of treated wastewater at full buildout of the Plan Area. The importance of controlling the cropping patterns on land used for disposal is noted in order to allow for efficient disposal of treated effluent. The examples of corn and other feed crops were...
used because they have higher nitrogen requirements for production than other crops. The last sentence of the first paragraph on page 4 reads:

Because feed crops provide excellent foraging habitat for the Swainson’s hawk, it may be feasible to combine wastewater disposal and mitigation land set aside as habitat.

The statement says “feed crops” provide foraging habitat, not corn. This statement is supported by the Draft Natomas Basin Habitat Conservation Plan (Sutter County Addendum, August 2000, at page 6) which reads:

Suitable cover types for foraging habitats include, in order to suitability: (1) native grassland; (2) agriculture soon after discing; (3) alfalfa and other hay crops; (4) fallow fields; (5) lightly grazed pasture; (6) combinations of hay, grain and row crops; (7) rice fields prior to flooding and after draining; (8) and heavily grazed pasture.

Additionally, the 1994 Staff Report regarding Mitigation for Impacts to Swainson’s Hawks (Buteo swainsoni) in the Central Valley of California indicates “…Preferred foraging habitats for Swainson’s hawk include: “…cereal grain crops (including corn after harvest).”

Comment 16V: The commenter questions if the County asserts it is not obligated under CEQA and the Federal and State Endangered Species Acts to mitigate for impacts upon wildlife, including threatened and endangered species, of the conversion of 1,400 acres of existing Giant garter snake habitat to wastewater disposal, plus conversion of additional acreage for buffers, as well as the conversion of approximately 600 acres north of Sankey and east of Pacific into the Sankey Detention Basin.

Response: There is no reference in the Draft EIR implying that the County does not intend to comply with federal or State law. The assertion that the 1,400 and 600 acres are being converted from agriculture is inaccurate. The land will continue to be farmed. No response is required.

Comment 16W: The Draft EIR is deficient because it fails to disclose and evaluate the possibility that “on-site” wastewater disposal facilities for individual development projects, as permitted by the Specific Plan, may fail or overflow and the impacts of such overflows and failures upon wildlife.

Response: Any onsite systems that may be utilized will be installed in full compliance with Regional Water Quality Control Board and local Health Department requirements. Onsite systems have been and continue to be installed in Sutter County and adjoining counties without reported adverse impacts to wildlife. Also refer to Response to Comment 16S.

Comment 16X: The Draft EIR is deficient because it fails to disclose and evaluate the impacts upon wildlife, including Giant garter snakes, of the widening and modifications of existing on-site and off-site canals and waterways shown in the Specific Plan, Vol. II, Infrastructure Plan, or as made necessary to accommodate development. The impacts of intensified canal maintenance
practices that may be required or prompted as a result of the development permitted under the Specific Plan should also be addressed.

**Response:** The EIR clearly indicates that the proposed project will result in the loss of habitat and result in adverse effects to Giant garter snakes. Mitigation Measures #3.4-1 and #3.4-2 identify measures that must be implemented prior to modification of canals or waterways. Canal maintenance practices should not change as a result of this project.

**Comment 16Y:** The Draft EIR fails to disclose and evaluate the impacts of the proposed development, including wastewater and drainage disposal systems, upon adjacent and nearby NBC preserve lands.

**Response:** The development will have no impacts on NBC lands that have not been disclosed. See Impact #3.6-6 on page 3-59 of the Draft EIR. Also refer to Response to Comments 5D and 16S.

**Comment 16Z:** The Draft EIR fails to disclose and assess cumulative impacts of other projects that have significant impacts upon Giant garter snakes and Swainson’s hawks. The information at Draft EIR pg. 5-10 is very incomplete.

**Response:** Refer to Response to Comments 16R and 16QQ.

**Comment 16AA:** Mitigation measures for impacts on wildlife are inadequate; development of the Specific Plan Area prior to issuance of incidental take permits by USFWS and CDFG is unlawful. The Draft EIR, pg. 3-42, says that if the NBHCP is adopted, no further mitigation would be necessary for losses to sensitive species or habitat beyond that required by the NBHCP. Adoption of the NBHCP does not relieve Sutter County from its independent obligations under CEQA. Additional mitigations may be required.

**Response:** There is no intent to proceed with development prior to issuance of an Incidental Take Permit, where one is required. The NBHCP would provide for nondiscretionary terms and conditions to be implemented by any project developer under any County authorization. Compliance with the NBHCP would avoid any significant adverse impacts to species or their habitats. The commenter suggests that additional mitigations under CEQA may be required. Where subsequent CEQA review is dictated during consideration of a particular project, additional mitigation, if warranted based on the specific project characteristics, will be formulated and applied.

**Comment 16BB:** The NBHCP is not a mitigation measure presented by this Draft EIR. The Draft EIR does not state that the NBHCP is a mitigation measure. The Draft EIR does not describe the NBHCP that may be adopted. Negotiation and drafting of the revised HCP is underway then the final draft reversion will be released for public comment under CEQA and NEPA, followed by revisions made in response to public comment. The Draft EIR contains only a very sketchy and incomplete description of a draft that is undergoing negotiation and revision.
The County cannot assume that the NBHCP, as finally approved by USFWS and CDFG, will permit development throughout the entire proposed Specific Plan Area or in the manner described in the Specific Plan and Draft EIR.

The Draft EIR is incomplete and not ready for circulation because it fails to describe or evaluate the revised NBHCP which the County feels will mitigate for impacts on wildlife; and because the final revised NBHCP may require revision of portions of the Specific Plan.

Response: The commenter is incorrect in stating that the NBHCP is not a mitigation measure pursuant to the SSCSP Draft EIR because the NBHCP is an assumption of the project and the project cannot proceed without it or alternative mitigation. To further clarify that the NBHCP is considered mitigation for the project, the wording of Mitigation Measure #3.4-6 has been modified as noted below. This change in wording is for clarification of the County’s intent only and does not change the conclusions contained in the Draft EIR.

Mitigation Measure #3.4-6: Unless project specific surveys in compliance with CDFG and USFWS requirements find that there are no species of concern or related habitat, concurrent with the issuance of building permits for development within the SSCSP Area, one of the following measures shall be required, in preferential order:

(a) The dedication of mitigation land in the Natomas Basin equivalent to one-half acre for every one acre developed, and the collection of fees on a per acre basis for the entire project site for restoration and enhancement, administration and endowment. Said land and corresponding fees, exclusive of County administration, shall be dedicated and conveyed to the Natomas Basin Conservancy (NBC). The timing for land dedication shall be coordinated among the County, NBC and USFWS, as specified below. The mitigation land shall meet the reserve acquisition criteria of the NBC. Selection of the mitigation land shall be done with concurrence of the NBC, USFWS and CDFG to ensure its acceptability, with a preference towards lands adjacent to existing habitat lands held by the NBC in the Natomas Basin.

The amount of the non-acquisition portion of the fee shall be recommended by the NBC and adopted by Sutter County; provided such fees shall not exceed the highest applicable fees established for other political subdivisions in the Natomas Basin. The fee shall be collected prior to the issuance of the building permit.

OR

(b) Collection of the full NBC fee, including land acquisition, restoration and enhancement, administration and endowment, shall be based on the fee structure recommended by the NBC and adopted by Sutter County; provided such fees shall not exceed the highest applicable fees established for other
political subdivisions in the Natomas Basin. Upon collection of the fee, the County shall transfer the funds to the NBC.

OR

(c) The project developer may enter into discussions and seek a separate agreement with the USFWS and CDFG to establish an alternative mitigation strategy, consistent with the overall habitat conservation planning goals for the Natomas Basin.

Notwithstanding the above, in the event land within the Specific Plan Area proposed for development is included within the plan area of an approved HCP, the County shall require the developer of such land to comply with all avoidance, minimization and mitigation measures and other requirements of such HCP and related Implementation Agreement.

The proposed Habitat Conservation Plan is discussed on pages 3-32 and 3-33 and again referenced on page 3-42 of the Draft EIR. The Draft HCP referenced was dated August 2000. It is acknowledged that since the release of the Draft EIR on October 23, 2001, the HCP has been submitted to the USFW Service (dated February 14, 2002). Failure to describe a draft plan that was not available at the time of circulation a Draft EIR does not deem the Draft EIR inadequate. However, because the Draft HCP is now available, the following discussion is hereby added to Section 3.4.2 of the EIR, following the fourth paragraph on page 3-33:

A revised Draft NBHCP was published in November 2001 and, following comments from USFW Service and California Department of Fish & Game, was modified and resubmitted on February 14, 2002. It is anticipated this document will be circulated for public review during Spring of 2002. The participants in the HCP include the City of Sacramento the County of Sutter, the Natomas Basin Conservancy, the United States Fish and Wildlife Service, and the California Department of Fish and Game. The NBHCP is the conservation plan which is part of the requirements for an application for federal permits under Section 10(a)(1)(b) of the Endangered Species Act and is also support for an application for an incidental take permit under State law pursuant to Section 2081(b) of the California Fish and Game Code.

Under the Draft NBHCP, the City of Sacramento, the County of Sutter, and the Natomas Basin Conservancy will be permittees. The City and County will establish various mitigation fees and update the fees when necessary. Each of the Land Use Agency Permittees is expected to apply for and obtain separate Section 10(a)(1)(B) and Section 2081 permits for activities occurring under each Permittees respective authorities. The Permittees shall utilize a single NBHCP and a single Implementation Agreement. Entities undertaking urban development or other covered activities addressed in the NBHCP and under the authority of the Land Use Agency Permittees will then be covered under the Land Use Agency’s permits. It is noted in the NBHCP that the Metro Air Park has submitted a
a separate HCP that commits to adopting regulations and procedures similar to the NBHCP upon the approval of the document by the Regulatory Agencies. Metro Air Park permits would apply to their own activities exclusively. [Draft NBHCP pI-3]

Upon issuance of Incidental Take Permits associated with the NBHCP, each of the Land Use Agency Permittees will require all new development in the Natomas Basin to mitigate the individual and cumulative impacts on Covered Species and their habitats in compliance with the NBHCP and State and federal law. This mitigation will typically be done through payment of a mitigation fee, though other forms of mitigation are available under the Plan. Satisfaction of the mitigation fee and other approved mitigation by any landowner conducting an activity covered by the NBHCP would constitute adequate compliance with the NBHCP. This would be demonstrated by a written notice from Land Use Agency Permittees that a fee, land donation, or other mitigation measure has been implemented for a particular land parcel. Similarly, for construction of public works or other public facilities, each of the Land Use Agencies, as a Permittee, may select any of the three mitigation options for a given project or action and thereby satisfy its mitigation requirements for land disturbed by the construction. [Draft NBHCP pI-3]

In the case of Sutter County, the County will require the proponents of all new development in the Sutter County portion of the Natomas Basin to demonstrate suitable mitigation for project impacts in accordance with the NBHCP and in compliance with state and federal law. Such compliance shall include the requirements for land and/or fee dedication as described within the HCP and in compliance with State and federal law. Such compliance shall include the requirements for land and/or fee dedication as well as the application of all measures identified in the HCP to avoid, minimize and mitigate the take of Covered Species. Sutter County development under the NBHCP will include up to 7,467 acres of land located within the County’s Industrial/Commercial Reserve. In addition to review and approval of urban development proposals, Sutter County will construct public projects and infrastructure that shall also be covered by the NBHCP. Areas impacted by such projects represent only a portion of the 7,467 acres of urban development allocated to Sutter County. [Draft NBHCP pl-4]

It should be noted that development authorized under the NBHCP in Sutter County covers 7,467 acres and that the term of the NBHCP is 50 years. The Sutter County General Plan, as well as the proposed South Sutter Specific Plan proposes the first 3,500 acres of this total authorized development and covers a span of 20 years. Nothing contained within the Draft NBHCP conflicts with the proposed South Sutter Specific Plan and there is no indication that final revised NBHCP will require revision of portions of the Specific Plan.
An Environmental Impact Report/Environmental Impact Statement for the Revised NBHCP is being prepared. The environmental document is in administrative draft form only and has yet to be released for public review.

Comment 16CC: Sutter County Board of Supervisors Resolution No. 00-071, September 19, 2000, which initiated preparation of the Specific Plan, provides that “The County commits itself to completing the Specific Plan and the NBHCP in advance of any further development in the 3,500 acre area.” However, the Draft EIR, pg. 3-42, indicates that the County now chooses to ignore the Board’s Resolution by allowing projects to go forward before the NBHCP is adopted, or if the NBHCP is not adopted. Please explain why the Board Resolution is being ignored.

Response: It is the intent of the Board of Supervisors to responsibly resolve the habitat issue, and to that end, has committed to the preparation of a Habitat Conservation Plan. In the event the HCP is not adopted prior to development of the Specific Plan area, alternative mitigation has been described in the Draft EIR that will be equivalent in scope.

Comment 16DD: The Draft EIR, pp. 3-42 through 3-45 lists mitigation measures to be implemented if the NBHCP is not adopted. However, the Draft EIR does not state that the County, or individual landowners will be required to obtain Incidental Take Permits from USFWS and CDFG, as required by the federal and State Endangered Species Acts, prior to habitat disturbance. Will the County require all individual developments within the Plan Area to obtain Incidental Take Permits prior to issuance of grading permits or other habitat disturbance by developments, if there is not yet an approved HCP covering the property? If not, please explain the County’s reasoning and legal defenses.

The mitigation measures are deficient because there is no evidence that USFWS and CDFG have determined, by issuance of Incidental Take Permits, that these mitigation measures meet the standards required by the Endangered Species Acts.

Response: If a specific project proceeds prior to completion of the NBHCP process, a separate project consultation may be required pursuant to Mitigation Measures #3.4-1 through #3.4-6. Alternatively, the County can complete the HCP for the Specific Plan Area.

Mitigation measures are not judged against standards, rather it is the incidental take permits that will be measured against the standards established by the mitigation measures, i.e., compliance with the provisions of the endangered species acts.

Comment 16EE: Mitigation Measure #3.4-5 states that development within the I-C Reserve shall be limited to the Plan area and that the remaining 7,000-acre area of the Reserve will remain in agriculture. However, the General Plan says that the County has the option of amending the Plan to allow development to exceed 3,500 acres and it was stated at the December 5th Planning Commission meeting that the County intended to eventually permit build-out of the entire 10,500 acres. Mitigation Measure #3.4-5 is inadequate and deceptive unless the Board of Supervisors amends its General Plan to be consistent with this in perpetuity.
Response: The Sutter County General Plan 2015 only allows 3,500 acres to be developed with commercial/industrial uses in South Sutter County. Any development beyond 3,500 acres requires additional environmental review and legislative action, i.e., a General Plan Amendment, by the Board of Supervisors. Buildout under the Specific Plan is anticipated to occur over the next 20 years. Predicting environmental consequences and actions that may be taken beyond that time frame is pure speculation.

Comment 16FF: Mitigation Measure #3.4-6 (a) is inadequate because the .5 to 1 mitigation ratio fails to “fully mitigate” as required by Fish and Game Code Section 2081 or “mitigate to the maximum extent practicable” as required by Federal ESA 10(a). Please explain how the .5 to 1 mitigation ratio mitigates for habitat destruction to the extent required by law.

Response: The 0.5 to 1 mitigation ratio is consistent with the mitigation requirements set forth in the Draft NBHCP (as drafted in August 2000 and as submitted to USFW Service in February 2002.) and is the generally acceptable mitigation within the Natomas Basin. Mitigation Measure #3.4-6 is consistent with the Draft Habitat Conservation Plan as submitted and what has been allowed by the USFW Service in the Natomas Basin under previous HCP and the settlement agreement.

Comment 16GG: Mitigation Measure #3.4-6(b) and the last paragraph of Mitigation Measure #3.4-6 are inadequate because payment of fees to the NBC, without more, does nothing and does not assure that mitigation habitat land will be acquired.

Response: Payment of mitigation fees is listed as one of three options under Mitigation #3.4-6, which can apply in lieu of the HCP. These fees are adjusted, when appropriate, upon recommendation by the NCB. It is the responsibility of the Natomas Basin Conservancy to oversee the purchase and management of habitat lands. Payment of impact mitigation fees is an acceptable form of mitigation for these types of impacts. Also refer to the discussion of the Draft NBHCP under Response to Comment 16BB outlining acceptable mitigation addressed in the HCP and Response to Comment 16M (11th bulleted paragraph).

Comment 16HH: Mitigation Measure #3.4-2 is inadequate because it allows removal of the buffer zones after completion of construction, which results in no buffers at all between urban use and canals that are Giant garter snake habitat.

Response: The buffer referred to in Mitigation Measure #3.4-2 is intended to be a temporary measure until the HCP is adopted and the mitigation measures in the HCP are implemented. This measure does not eliminate any permanent buffers or setbacks, which would be established pursuant to either the HCP or other requirements established pursuant to consultation with USFWS or CDFG.

Comment 16II: The Draft EIR fails to disclose that the proposed development is not included in the land use assumptions of the current federally approved 1994 State Implementation Plan (SIP), the regional ozone attainment plan. The Draft EIR fails to adequately describe and fully consider the environmental impacts, including increased mobile source emissions of ozone precursors, of the development and fails to identify adequate mitigation to fully offset the
additional emissions. At a minimum, the Draft EIR should model regional emissions at five year intervals with and without the proposed plan with all other land uses included in the 1994 SIP baseline. The emissions modeling should use worst-case temperatures for summer for ozone precursors (at least 95°F) and winter for CO (at least below 41°F). Full mitigation of mobile source emissions added by the project should be identified in the Draft EIR, and costs included.

The County must fully offset the additional mobile source emissions generated and must also mitigate for growth inducement in nearby areas of other counties zoned now for agriculture and open space. It is recommended that the Draft EIR include a reasonable estimate of the impact of maintaining irrigated agriculture on regional ozone attainment and quantify that in terms of avoided ozone mitigation costs.

Response: The commenter’s concern that the Draft EIR fails to adequately address the SIP is addressed in Response to Comment 5I. The County is confident that the Draft EIR adequately describes and considers the environmental impacts of the project. Regional emissions modeling is not warranted because the project’s ozone precursor emissions would be less than one percent of Sutter County’s emissions. In addition, CEQA only requires that the County adopt all feasible mitigation and does not require that the County “must fully offset the additional mobile source emissions”.

Comment 16JJ: The Draft EIR does not adequately inform decision-makers about the impending consequences of regional failure to meet the ozone standard by 2005. These impacts include increased federal permitting requirements, and businesses locating within the proposed industrial zone would be affected. The additional requirements would make locating within the air basin substantially more burdensome than locating outside the basin. Sutter County should seriously consider locating industrial uses outside the basin because of the regulatory burden of air basin location.

The Draft EIR also fails to identify the environmental, financing and project impacts of a “conformity lapse” in the region. If the region does not attain the one-hour ozone standard in 2005, federal transportation funds for transportation projects likely serving the Plan Area will be suspended until a new ozone attainment plan with a new mobile source emission budget is adopted by State and federal government.

Response: The 1994 State Implementation Plan was prepared for the Sacramento Area to demonstrate how the region would "attain" clean air standards by the year 2005. In April 2000, the consortium of air districts that are responsible for air quality efforts in the Sacramento Region published the Sacramento Area Regional 1999 Milestone Report (Report). This Report had the purpose of evaluating the Area's efforts in reaching the stated goals. This Report concluded that the Sacramento nonattainment area would "continue achieving emissions reductions" consistent with the 1994 SIP attainment strategy but that due to, among other things, the "variability in year-to-year meteorological conditions" and "transported air pollutants", there is "uncertainty about whether the Sacramento region will attain by 2005". However, they emphasized that "the region will continue to make significant progress towards attainment until it is reached".
Since the experts are "uncertain" about the possibility of regional failure to meet the ozone standard by 2005 and an unsuccessful conformity finding would be based on that failure to reach attainment, any prediction of these occurring or predicting the resultant effects would be too speculative and, pursuant to CCR §15145, further investigation was unwarranted.

**Comment 16KK:** The Draft EIR is deficient and incomplete because it fails to describe and evaluate the mechanism for financing the areawide wastewater system (Mitigation Measure #3.9-2). The Specific Plan states that developers shall “pay their fair share at time of building permit issuance to ensure completion of community wastewater facilities.” How the “fair share” is determined is not described nor what the fair share is deemed sufficient to build the facilities. Further, the environmental impacts that may occur if the fair share fees prove to be less than what is needed to build the facilities are not discussed.

Mitigation Measure #3.9-2 is deficient for the following reasons:

- The Specific Plan (see Draft EIR p. 3-79) allows development to be constructed prior to construction of the areawide system; there is no timeline or dates for construction of the facilities; and the Specific Plan and Draft EIR do not prevent complete build-out of the Plan Area prior to the start of the construction of the areawide facilities.

- It relies upon the very questionable assumption that permits can be obtained to allow discharge of wastewater into the Sacramento River.

- The wastewater disposal onto 1,400 acres of farmland will have adverse unmitigated significant impacts upon wildlife, neighboring land uses, canals, surface water, groundwater, and land receiving waters contaminated with the wastewater.

- It relies upon a financing plan that is still being developed. It is not known if the mitigation measure will be feasible without a plan that provides adequate funding.

- It fails to include alternative mitigation measures that will be utilized if the County is unable to obtain permission to discharge into the Sacramento River or is unable to finance construction of the areawide system.

- It fails to describe and evaluate the mechanism by which removal of substances harmful to wildlife, humans, and other organisms, will be ensured before wastewater is discharged onto the wastewater disposal area or into any canals, drains or other water bodies.

Mitigation Measure #3.9-2 is not feasible unless:

1. The Regional Water Board agrees to issue a permit for discharge of wastewater into the Sacramento River during the winter; and

2. A financing plan is developed which ensures funding sufficient to complete and operate the wastewater system.
**Response:**

- Refer to the final paragraph of Response to Comment 5D with respect to interim, onsite, wastewater treatment and disposal.

- The EIR and its appendices provide for alternative wintertime discharge facilities.

- The commenter's statement is conclusory and unsubstantiated. The commenter is referred to Response to Comments 5D and 16S.

- The comment, although unclear, apparently criticizes a potential funding plan for wastewater system development. The funding plan, and criticism thereof, are not environmental issues. The County's adoption and implementation of Mitigation Measure #3.9-2 will reduce impacts associated with wastewater collection, treatment and disposal to less than significant.

- Refer to Draft EIR Section 4.4.2, which describes and evaluates alternatives to Sacramento River winter discharge.

- Refer to Response to Comments 5D and 16S.

The commenter's concluding statement is, as noted above, not correct.

**Comment 16LL:** The Draft EIR is deficient and incomplete because it fails to indicate whether the proposed areawide drainage system is acceptable to Reclamation District 1000 or meets the standards of RD1000; and fails to describe a feasible mechanism that ensures financing sufficient to construct the areawide drainage system (Mitigation Measure #3.6-3). Mitigation Measure #3.6-3 is deficient because:

- The Specific Plan (see Draft EIR p.3-57) permits individual development projects to be constructed before an areawide drainage system is operational. There is no timeline or dates for construction of the areawide system, and the Plan does not prevent complete build-out of the Specific Plan Area before the drainage system is operational.

- It relies upon establishment of a County Service Area, but does not describe how or when the CSA will obtain the funding needed to build the drainage system. It is not known if there will be a financing mechanism that will provide adequate funding.

- It fails to include alternative mitigation measures that will be utilized if the County or individual development projects are unable to obtain permission to discharge into the drainage system of RD1000 or is unable to finance construction of the areawide system.

- It relies upon a financing plan that is still being developed. It cannot be determined if the financing plan will provide adequate funding.

- It fails to describe the mechanism and methodology by which removal of substances harmful to wildlife, humans, and other organism, will be ensured before stormwater is discharged into any canals, drains or other water bodies.
• It fails to state whether the County will allow individual development projects to proceed before receiving NPDES or other permits or approvals required by the Regional Water Board of other regulatory agencies; or before RD1000 agrees to accept drainage from the individual projects.

Mitigation Measure #3.6-3 (the areawide drainage system) is not feasible unless a financing plan is developed that will ensure funding sufficient to complete and operate the wastewater system.

Response:
• Refer to Response to Comment 5C. The Drainage Master Plan describes the proposed drainage improvements, phasing of the necessary improvements and water quality treatment of storm drainage from within the Plan Area.

• Project financing is not a subject of the EIR. A Financing Plan has been prepared and has been available for public review since February 8, 2002.

• The proposed improvements were designed and sized in cooperation with RD1000 and RD1000 District Engineer J. N. Clifton acknowledged this fact during the Sutter County Planning Commission meeting held February 20, 2002.

• The funding for the infrastructure is not an environmental issue that needs to be addressed in the EIR; however, a Financing Plan for the SSCSP has been available to the public since February 8, 2002.

• Refer to Response to Comment 5C.

• Mitigation Measure #3.6-1 requires that developers and entities installing infrastructure within the Plan Area shall obtain the appropriate NPDES permits.

The statement that the areawide drainage system is not feasible due to insufficient funding to operate the wastewater system appears out of place. Again funding is not a subject of this EIR.

Comment 16MM: The Draft EIR fails to describe and assess the potential for flooding from the Sacramento River and the impacts of such flooding if it were to occur. The Natomas Basin is an historic flood basin for the Sacramento and American Rivers. In 1986, the Sacramento River levee nearly collapsed. Major reinforcement of the levee was completed in 1993, which supposedly provides more than 100-year flood protection for the Basin (which means a 1 percent change of flooding each year) but the Corps of Engineers has made it very clear that there remains the very real possibility of catastrophic flooding due to levee failure or overflow. When the water in the River and Cross-canal is high, hydrostatic pressure pushes water beneath the levee and out of the ground within the interior of the Basin. The Draft EIR should disclose and evaluate this condition and the probable impacts on human life and property that could occur in the Plan Area in the event of failure of the Sacramento River levee.
Response: Refer to Response to Comment 9Y. The levee improvement projects completed by SAFCA have been deemed adequate to allow the development that is/has occurred at the lowest elevation of the Natomas Basin. The levees have been certified by FEMA.

Further, as part of the City of Sacramento's Flood Emergency Evacuation Plan, a hypothetical failure of the Sacramento River levee at the river’s confluence with the Natomas Cross Canal, was evaluated and a map was prepared by Borcalli & Associates, Inc. to illustrate the progression of flooding in the Natomas Basin by Borcalli. Based on that evaluation it appears it would be 2 to 3 hours for the flood wave to reach the Specific Plan Area. Similar evaluations were performed for the Natomas Basin with hypothetical levee failures on the Sacramento River and American River near South Natomas. The results of this work were used to identify response areas for "rescue" and "evacuation" operations related to emergency planning of the Fire and Police Departments. In the event of a catastrophic levee failure, ample time would be available to evacuate the Specific Plan Area. There should be minimal risk to human life. Any catastrophic failure of the levee system protecting the Specific Plan Area will probably result in inundation of the Natomas Basin and portions of the City of Sacramento. The ground elevation difference between the Specific Plan area (Pacific Ave., between Riego and Sankey) and Del Paso Road and El Centro area in Sacramento County is approximately ten (10) feet.

Comment 16NN: The Specific Plan provides that individual development projects will use privately owned wells until an areawide water supply system is constructed and operational at an unknown future time (see Draft EIR p. 3-78). The Plan also permits individual development projects to go forward before the areawide wastewater treatment and drainage systems are completed and operational. Each individual project will construct and operate its own unspecified wastewater and stormwater drainage systems, including detention basins, until the areawide wastewater and stormwater drainage systems are constructed and operational. The Draft EIR is deficient because:

- It fails to describe and evaluate the impacts of the individual private stormwater and wastewater disposal facilities upon the groundwater that supplies the wells relied upon to provide water for the project.

- It fails to describe and evaluate the impacts of depositing wastewater upon the 1,400-acre land-based wastewater disposal site and from effluent holding ponds, upon the groundwater that supplies the wells that will provide water for the project.

- Its analysis of available groundwater supply and possible contaminants within the groundwater is incomplete and insufficient. It cannot be assumed that the groundwater in the area is suitable for human use. Some wells in Natomas Basin produce water with very bad taste and some are contaminated.

Mitigation Measure #3.9-1 is deficient because:

- It fails to identify the source of water supply for the proposed areawide water supply system.
• The Specific Plan permits individual development projects to be constructed before an areawide water supply system is operational; there is no timeline or dates for completion and operation of the water system; and the Plan does not prevent complete build-out of the Plan Area before the water supply system is operational.

• It relies upon establishment of a County Service Area and upon a financing plan that does not exist and does not describe how or when the CSA will obtain the funding needed to build the system.

Response:

• Individual projects will be evaluated against the adopted standards. RWQCB is the permitting agency for wastewater treatment facilities.

• Refer to Responses to Comments 5 D and 16 S.

• The Draft EIR and its technical appendices discuss potential contaminatees and the design/development alternatives and facilities essential to ameliorate the effects of contaminatees.

With respect to the comments regarding Mitigation Measure #3.9-1

• The Draft EIR text referred to in the subject Mitigation Measure (the Conclusion and the Infrastructure Master Plan) and Chapter 4 of the Draft EIR clearly identify and evaluate viable water supply alternatives. Appendix B of the Technical Appendices discusses groundwater in detail, as does page 19 of the Infrastructure Master Plan.

• Refer to the first Response "bullet" paragraph in this Response. The California Environment Quality Act does not require the establishment of project timelines in an EIR.

• Refer to the Response to Comment 16 KK (the fourth "bullet" paragraph thereof).

Comment 16OO: The Draft EIR is deficient in describing the transportation infrastructure changes that will be necessary to serve the proposed development. The off-site and regional transportation infrastructure costs and funding requirements are not described adequately. The cost of extending transit infrastructure to the area to serve transit dependent employees and to mitigate air quality impacts of the development are not considered.

The Draft EIR fails to describe and evaluate the possible impacts of permitting development projects to commence prior to construction of road and highway improvements. The Final Report of the Placer County Regional Traffic Congestion and Air Quality Mitigation Fee Program, published by Placer County Transportation Planning Agency, June 12, 2001, states that “Sutter County sources” will provide $65 million in funding for Placer Parkway (Mitigation Measure #3.8-5 of this Draft EIR). The Draft EIR fails to disclose this information and fails to disclose the source of the funding that Sutter County has apparently promised for the project. The Draft EIR should disclose and evaluate the source of the $65 million and the impacts of the
diversion of these funds from other uses. The action that authorized Sutter County staff to represent this $65 million for Placer Parkway is not identified.

Mitigation Measures #3.8-1 through #3.8-6 are deficient because:

- They depend upon a financing plan that does not exist and does not describe how or when the CSA will obtain the needed funding.

- The Plan permits individual development projects to be constructed before the proposed transportation improvements are operational; there is no timeline or dates for completion, and the Plan does not prevent complete build-out of the Plan Area before the transportation improvements are operational.

- It is dependent upon Placer County’s willingness and financial ability to go forward with the project. Alternative measures to mitigate for the impact of Placer Parkway not being completed are not identified.

Response: The commenter proposes to treat the financing plan and various funding mechanisms as a subject of the EIR, which is not required by CEQA. A Financing Plan was, however, released by the County on February 8, 2002. The Draft EIR states that the SSCSP will participate in a regional funding mechanism to fund improvements to regional roadways. This mechanism will identify the extent of transportation improvements and the cost for these improvements. The cost for extending transit infrastructure to the area has not been estimated because service was not required to mitigate traffic impacts.

Development will not proceed without installation of adequate infrastructure, including road and highway improvements. The Infrastructure Master Plan contains explicit policies written to avoid such an eventuality, including Policies 4 and 5 under Circulation. The timing of various transportation improvements will be dependent upon the rate and specific type of development undertaken, and required as a part of the development approval process. The commenter seems to suggest that all transportation improvements must be installed prior to any development occurring. This is obviously impractical and not typical practice.

The Final Report of the Placer County Transportation Planning Agency and the assumptions contained therein, including funding sources, does not require evaluation in this EIR. The report identified by the commenter goes on to state that Sutter County’s funding is likely to come from several local and state programs possibly including a new Sutter County traffic mitigation fee program.

Comment 16PP: The Draft EIR fails to adequately describe and evaluate the impacts of the Specific Plan on agriculture. It fails to disclose and evaluate the following:

- The impacts upon agriculture of wastewater drainage from the 1,400-acre wastewater disposal site, of overflow from the effluent holding ponds, and from individual on-site wastewater facilities and stormwater detention ponds. Wastewater from these locations
would flow into the RD1000 canals from which farmers draw water for irrigation. Contaminants could render crops unsaleable.

- The impacts of contamination of groundwater from the above sources.
- Impacts arising from the loss of excellent rice farming upon the viability of agriculture in the region.

**Response:** Refer to Response to Comments 5D, 14B, 14D, 14E and 16S.

**Comment 16QQ:** The Draft EIR fails to adequately describe and evaluate cumulative impacts. The information at Draft EIR p5-10, which is the basis for the analysis of cumulative impacts is incomplete. Natomas development projects underway and reasonably forecast include:

- Sacramento North Natomas Community Plan, approximately 8,300 acres.
- Metro Air Park, approximately 2,100 acres (including off-site infrastructure).
- Proposed Sacramento County International Airport facilities expansion, approximately 300 acres, see Airport Master Plan under consideration by Sacramento Board of Supervisors.
- Proposed airport third runway, area unknown, see Airport Master Plan.
- Proposed annexations and further development under consideration by City of Sacramento, approximately 5,500-7,500 acres (formal study and public workshops by City have been ongoing since November 2000).
- Proposed expansion of Sacramento County Urban Service Boundary and development (Northern Territories area), 6,515 acres (Draft EIR published November 2000).
- Remaining 7,000 acres of South Sutter County 10,500 acre Industrial-Commercial Reserve (Thomas Last, Sutter County Planning Director, stated at the December 5, 2001 Planning Commission meeting that the County intended to build out the entire 10,500-acre industrial commercial reserve).
- Various highway projects within Natomas Basin.

The Draft EIR fails to consider and evaluate cumulative impacts of these and other projects in its analysis of impacts on wildlife, air quality, wastewater disposal, drainage and flooding, water supply system, transportation/traffic, and impacts on agriculture.

**Response:** The writer provides a list of projects limited to the Natomas Basin. The list utilized in the Draft EIR is broader in scale focusing on the larger mixed-use developments in the region, which is defined on page 5-9 of the Draft EIR as Western Placer County, Northern Sacramento County and Sutter County. The writer’s acreages do not always agree with those used by the
County. For example, the writer describes the North Natomas Community Plan as 8,300 acres, but the City of Sacramento’s web site as of February 8, 2002 describes the Plan Area as 3,160 acres, consistent with the acreages used in the Draft EIR. Any improvements proposed under the Airport Master Plan have been placed on hold indefinitely (Sacramento Airport Land Use Commission, pers com, January 2002). Other projects listed by the writer are so dissimilar from the proposed Specific Plan that they have limited relevance. It is the County’s opinion that the projects listed in the Draft EIR are more relevant to the SSCSP’s effects than limiting the scope of analysis to the Natomas Basin, as suggested by the commenter. For example, air quality and traffic, are significant regional issues that have as much impact on western Placer County as on northern Sacramento County.

The conclusions contained in the Draft would not change based on the list provided by the commenter. Agricultural land conversion would remain significant, cumulative and unavoidable, air quality impacts would remain significant, cumulative and unavoidable, biological resource impacts would be potentially significant and cumulative, but could be mitigated to a less than significant level through implementation of the Final NBHCP, and transportation and traffic impacts are potentially significant and cumulative, but could be mitigated to a less than significant level through the mitigation measures identified in the Draft EIR. The Draft EIR utilized the SACOG traffic model, which is reflective of cumulative conditions within the region. Other impacts listed by the writer: wastewater disposal, drainage and flooding, and water supply were not found to be cumulative in nature for reasons described in the Draft EIR and elaborated upon in Response to Comments 5C, 5D, 8B, 16S, 16W, 16KK, 16LL, 16MM and 16NN.

Comment 16RR: The Draft EIR’s analysis of growth inducing impacts fails to consider the cumulative impacts of other projects ongoing or forecast within Natomas Basin, as listed in Comment 16QQ.

Response: Refer to Response to Comment 16QQ.

LETTER 17 Justin Ly, U. S. Fish and Wildlife Service

Comment 17A: The U.S. Fish and Wildlife Service has not received the SSCSP Draft EIR and requests that an extension to the comment period be provided. The Service has concerns on the proposed SSCSP’s potential effects to the Giant garter snake.

Response: The Specific Plan and Draft EIR were mailed to the USF&WS on October 23, 2001. No comment or request for documents was received until December 21, 2001, at which time the Specific Plan, Draft EIR and Infrastructure Master Plan were requested and mailed. Sutter County has been participating in preparation of a Habitat Conservation Plan since February 2000. The Service has been aware of the Specific Plan proposal since that time.

LETTER 18 Dennis E. Yeast, Director, County of Sacramento Department of Environmental Review and Assessment

Comment 18A: The Department of Environmental Review and Assessment is the County department designated to prepare and process environmental documents for public and private
projects in Sacramento County. In this capacity the department often prepares and coordinates comments from interested County departments on environmental documents prepared and forwarded by adjoining jurisdictions. In the case of the SSCSP, this coordination has not been possible since complete information has not been received from Sutter County. Under these circumstances, the Departments of Sacramento County have been unable to clearly understand the potential impacts of this project upon County facilities or services or the feasibility of mitigation measures or alternatives that may have been considered for those impacts, if any. Therefore, the County respectively requests an extension of time to comment on all volumes of the Draft SSCSP, including the Draft EIR, to a date not less than 45 days after the publication of all relevant volumes of the Specific Plan.

Response: Refer to Response to Comment 3A.

LETTER 19  Thomas W. Hutchings, Planning Director, County of Sacramento Planning and Community Development Department

Comment 19A: Sacramento County supports regional coordination as an important component of local planning. The County is particularly interested in development adjacent to the North Natomas region and at the Metro Air Park. Additional portions of this area are under consideration for development through Sacramento County’s Urban Service Boundary (USB) Special Study. The USB study area boundary extends north from Elkhorn Boulevard to the South County line, and east of Highway 99 to Steelhead Creek (Natomas East Main Drain Canal). The SSCSP abuts this area of potential development within Sacramento County.

Response: Comment noted. The comment does not raise an environmental concern or potential environmental impact and does not, therefore, require response in the EIR.

Comment 19B: The Planning Department’s primary concern at this point is regarding the review process for the Draft EIR. It is strongly urged that an extension of the comment period beyond December 21 is necessary due in part from the unavailability of the Financing Plan. In order for the Sacramento County agencies to fully evaluate this important project, the comment period should be opened for at least 45 days after the Financing Plan is available and after a complete set of supporting appendices is received.

Response: Refer to Response to Comments 3A and 10A.

Comment 19C: Much of the mitigation in the plan relies on meeting standards and participating in new or existing programs, rather than outlining specifically defined solutions. This approach toward mitigation does not allow a reasonable evaluation of the effectiveness of the proposed mitigation and resulting environmental impacts. Some of these concerns may be allayed after we have had an opportunity to review the background and technical reports.

Response: Incorporation of policies and/or standards as mitigation is in compliance with CEQA (reference §15126.4).
Comment 19D: Highway 99 and Interstate 5 are now relatively open routes. Even the already planned growth in the City of Sacramento and at Metro Air Park will have major impacts on these routes, but with the additional growth the impacts could be severe. Any analysis of the roadway system should consider planned growth. In particular, the Hwy 99/I-5 interchange in Sacramento County is likely to be severely impacted by developments in Sacramento and Sutter counties. The information currently available does not address impacts to Sacramento County.

Response: The cumulative traffic model did include other planned growth in the region, including growth in the City of Sacramento and the Metro Air Park area. Impacts were identified on facilities in Sacramento County that were expected to have immediate impacts from development of the SSCSP. Traffic increases on facilities farther outside the study area in Sacramento County would mainly be the result of growth and development there and in other parts of the region, which cannot be forecast with a great deal of certainty. To attribute a specific responsibility on regional facilities from this project would be highly speculative and not consistent with CEQA requirements.

Comment 19E: Sacramento International Airport serves an area that extends far beyond the boundary of Sacramento County. As a regional facility, the airport should be protected regionally. Sensitive uses, even those outside of the safety and noise zones, can effectively limit airport operations or future expansion through complaints. Potential impacts to the Airport operations that may come from development in Sutter County do not appear to be adequately addressed. Of particular concern is the planned 1,400-acre wastewater "irrigation" area, located directly north of the airport, and its potential to attract waterfowl that might pose a hazard to airport operations.

Response: The exact location of the reclaimed wastewater disposal area has not been identified and the large area shown on Figure 2.3-4 of the Draft EIR is conceptual in nature. The area to be used for wastewater irrigation is described as an area that will accommodate feed crops. This information appears on page 4 of the Infrastructure Master Plan (Volume II). Much of the area shown conceptually for future wastewater disposal is currently utilized for the production of rice and has been used for this purpose for many decades. Rice land has a greater attractant value to waterfowl than the types of field crops that would be grown with reclaimed wastewater. The use of reclaimed wastewater for feed crop production will have no greater attraction to waterfowl than any other form of irrigated agriculture and will be less attractive than irrigated rice land.

However, to assist in addressing the County’s concerns, the following policy will be added to Element 4 of the Specific Plan:

Policy 5. Sutter County will cooperate and coordinate with Sacramento County Airport System, at the implementation phase of the required infrastructure, the final location and operation of the wastewater disposal area in a manner that minimizes the potential of attracting waterfowl.

Other uses within the Specific Plan area are primarily industrial in nature with some commercial uses. No residences are proposed. Uses within the area will be similar to or less intense than...
those found around most major airports, including uses proposed as a part of the proposed Metro Airpark in Sacramento County.

**Comment 19F:** Sacramento and Sutter counties are connected via the Natomas Basin. Development in one part of the basin affects other parts. The impacts to Sacramento County are potentially very large either from flooding risk or contamination of floodwaters from industrial sources. Mitigation measures contained in the Draft EIR defer to compliance with existing regulations without citing the nature of those regulations or the effectiveness of the mitigation in reducing potential impacts to Sacramento County. No technical analysis has been provided to the County to help evaluate the conclusions contained in the Draft EIR. Further, alternative plans for detention are not explained if the Natomas Basin Conservancy (NBC) portions of the Sankey Basin are not available. The Draft EIR is lacking in the information necessary to evaluate drainage impacts.

**Response:** Refer to Volume II, Infrastructure Master Plan, which provides the detail sought and is referenced in the Draft EIR in several locations. The first page of the Executive Summary references the document and indicates that it is addresses “drainage and flood control.” Page 1-14 of the Draft EIR contains the contact name, address and phone number for receipt of additional information. Copies of the Infrastructure Master Plan were requested by a number of interested parties and copies provided by the County.

The wastewater system will be fully contained and subject to permit from the Regional Water Quality Control Board. The system will be designed to meet RWCQB effluent quality standards.

The Master Plan does not rely on NBC lands as the source of detention. Numerous detention basins are identified within the Specific Plan area, which contain no NBC ownership. A single basin, identified as the “Sankey Basin,” is located outside the Specific Plan area north of Sankey Road and does, as conceptually shown, contain land owned by the NBC. Mitigation Measure #3.6-5 specifically addresses this issue and provides for alternate mitigation.

**Comment 19G:** The lands to be developed within the plan area are currently a part of the RD1000 system. This is an expansive system that provides both drainage and agricultural water supply for farmers in the Natomas Basin. As development occurs in the Basin, it may decrease the number of agricultural users of the RD1000 system. The financial impact to the remaining farmers may be significant as their share to support the system increases. The ultimate impact could be to drop some farms below the threshold of financial viability. If the RD1000 system is severely impacted, the water supply to preserved habitat areas could be affected. This impact has not been addressed in the Draft EIR.

**Response:** RD1000 will continue to provide drainage infrastructure and services to the Specific Plan area. Its conversion from agricultural use to industrial/commercial uses will have no impact on the viability of RD1000, similar to the changes in land use now underway within RD1000 in the City of Sacramento. The number of contributing land owners will, in fact, increase. The County is not aware that RD1000 provides agricultural water, although Natomas Central Mutual Water Company does use RD1000 facilities for delivery of surface water. No disruption of this activity is anticipated and no “severe” impacts to the RD1000 system are contemplated.
Comment 19H: The proposed 1,400 acre wastewater “irrigation” area, which potentially borders on Sacramento County, could impact biosolid-related contaminants downstream either over land during a flood event, or through groundwater flow. The information received thus far does not allow us an opportunity to evaluate this potential impact.

Response: Refer to Response to Comments 5D and 16S. The Draft EIR and its Technical Appendices provide adequate information for evaluation of these potential impacts; the comment is conclusory, non-specific and unsubstantiated.

Comment 19I: The land use buffers referred to in the Draft EIR are apparently intended to protect agricultural operations from encroachment by urbanization and are without specified widths. The Draft EIR should consider potential impacts of development in Sutter County to the farmlands and habitat preservation area immediately to the south in Sacramento County and should offer proposed mitigation within Sutter County. The same standard of farmland protection that is applied within Sutter County should also be applied to Sutter County development that abuts agricultural and habitat areas in Sacramento County.

Response: Comments are noted, however, they are unsubstantiated. The Draft EIR does consider impacts to the surrounding area. Buffering requirements are contained within the Specific Plan, Design Element and are applicable to all surrounding lands regardless of jurisdiction.

Comment 19J: The Draft EIR implies that a regional mall would be a possible use in the 475 acres of commercial on Highway 99 because a table on page 4-11, for evaluating air quality impacts, includes “Regional shopping center.” On page 2-4 of the Draft EIR, however, neither the list of allowed uses, nor those uses requiring a use permit, seem sufficient to allow a regional mall.

Response: The use of “Regional Shopping Center” as a choice for calculating air quality impacts was not meant to imply that type of establishment, where the integrated group of commercial establishments are planned, developed, owned, and managed as a unit. That choice was used, in lieu of having more specific information available, in order to get a reasonable “mix” of commercial uses to generate reasonable vehicle trip rate estimations. The effect of operating as a single unit as opposed to operating as a collection of individual establishments would have little effect on the vehicle trip rate and therefore, vehicle air emissions.

Comment 19K: The Specific Plan document [Vol. I] lists the allowed uses differently than the Draft EIR. In particular, the sixteenth bullet on page 6 of the Specific Plan list reads “Offices, commercial and professional.” This broader category would potentially allow extensive commercial that might constitute a regional mall. The same bullet on the similar list in the Draft EIR eliminates reference to commercial and professional by reading: “offices and other ancillary facilities.” The lists of permitted uses in the Draft EIR and Specific Plan also differ in that the former includes “co-location of wireless facilities…” as the last use.
Response: A minor change was made to the Specific Plan use list after the EIR was drafted. The change was made for clarification in order to ensure that commercial and professional offices are all that is implied. The language is more precise than “offices and ancillary facilities” and in no way implies inclusion of a “regional mall.” The “co-location of wireless facilities” was not removed, but was relocated to another section. A revised Use List is reprinted in Section 5 of this Final EIR.

Comment 19L: As of the date of this letter, Sacramento County has yet to receive a complete set of volumes (including technical appendices) which constitute the South Sutter County Specific Plan and Draft EIR. Consequently, the County has not been provided the opportunity, as required by law, to evaluate the conclusions reached in the Draft EIR. Based on the inadequate opportunity to review the complete documentation to date, it is requested that a complete set of those documents be provided to key Sacramento County departments, and that the review period be extended to provide at least 45 days after receipt.

Response: Refer to Response to Comments 3A and 10A.

LETTER 20  John H. Mattox, Staff Counsel, California Department of Fish and Game

(NOTE: This letter was received after the close of the public comment period.)

Comment 20A: The Department of Fish and Game is providing comments through the Office of General Counsel (“Office”) as a trustee and responsible agency for the project under CEQA. In that capacity, the Department limits its comments on the Draft EIR to those activities that fall within its area of expertise as the State’s trustee agency for fish and wildlife, and to those activities associated with the project that it may be required to approve or carry out as a responsible agency. It is noted that the Department’s Sacramento Valley and Central Sierra Regional Office submitted comments to Sutter County regarding a Notice of Preparation in a letter dated April 13, 2001, and understands the Regional Office may also provide comments regarding the Draft EIR in a separate letter.

Response: Comment noted. The comment does not raise an environmental concern or potential environmental impact and does not, therefore, require response in the EIR.

Comment 20B: The Office is concerned that the Draft EIR may provide a curtailed and inadequate analysis of project-related impacts because of inappropriate “tiering” under CEQA. The commenter references CEQA sections regarding the tiering of projects (Guidelines §§15385, 15152, 15063 and Public Resources Code §21093). The Draft EIR articulates the same principle [§1.2, p1-1] however, the Draft EIR also indicates in numerous places that the SSCSP is not consistent with the County’s 2015 General Plan adopted in 1996. The Draft EIR describes itself as a “tiered” EIR because of a program EIR certified by the County for its General Plan 2015 Revision in 1996 and incorporates the previously certified EIR by reference in numerous places. The Draft EIR invokes CEQA’s tiering principles based on the assertion that the SSCSP proposes land uses that are consistent with those contemplated in the General Plan and the associated EIR. They do not appear to be.
The Draft EIR indicates that the General Plan designates 10,500 acres in the southern portion of the county as an Industrial/Commercial Reserve. As envisioned by the General Plan, a maximum of 3,500 acres of the 10,500-acre area would be developed for industrial and commercial use at a development ratio of 85 percent to 15 percent (2,975 acres of industrial and 525 acres for commercial). A different development ratio is proposed under the SSCSP because 3,025 acres will be rezoned for industrial use (as opposed to 2,975 acres) and 475 acres rezoned for commercial (as opposed to 525 acres). In fact, the Draft EIR indicates that lands designated for commercial land use under the proposed SSCSP may total no more than 50 acres “should this appear to be the preferable action” by the County (Id., §1.1, p1-1). The proposed SSCSP is not consistent with the development ratio prescribed by the General Plan and for this reason may not be tiered from the General Plan EIR.

It is also acknowledged that the Draft EIR indicates that 50 additional acres of “commercial development have been reserved throughout the Specific Plan area to provide the types of services needed by those employed in the area [.]” (Draft EIR, §2.3.1, p.2-3). This statement conflicts with the proposed land use designations described in numerous other places in the Draft EIR, including the statement that commercial land use under the proposed SSCSP may total no more than 50 acres. Likewise, the figure included in the Draft EIR depicting the lands designated for commercial use similarly fails to identify any such additional lands designated for commercial use (Figure 2.2-2). Instead, the Land Use section in the Draft EIR recognizes only that such commercial uses might be allowed on lands designated for industrial use through “the granting of a conditional use permit.” It is the commenter’s opinion that the possibility that the proposed project might be consistent with the development ratio contemplated by the General Plan at some point in the future through the conditional use permit process is not a legal basis for the County to artificially limit the scope of the present environmental analysis under the guise of tiering.

Response: The writer is incorrect. The adoption of the Specific Plan is consistent with the General Plan and implements the goals and policies adopted relative to the IC-Reserve. It is the Board of Supervisors policy direction to allow up to 50 acres of commercial land to be scattered throughout the Plan area to promote a reduction in vehicle trips generated in the area. The scattered commercial lands are to be approved by the Planning Commission via the Use Permit application process. A Use Permit application will trigger the CEQA process wherein project specific impacts will be examined, once a definable subsequent project is identified.

Comment 20C: The Draft EIR purports to provide an “in-depth” review of potentially significant environmental impacts on biological resources that may result from approval and implementation of the SSCSP (Id., §1.3, p.1-9). The environmental “setting” discussion dispels this assertion. The discussion offers a suite of improper “conclusions” regarding impacts on various biological resources, including special-status species. The biological resources analysis in the Draft EIR is based on a survey of the SSCSP area and adjacent properties, as well as a “records search”. Species encountered during the survey and identified during the records search are listed in Tables 3.4-1 and 3.4-2 of the Draft EIR. Based on the results, the environmental setting offers a number of conclusions regarding species of concern (Id., §3.4.2, pp. 3-35 to 3-38). These inclusions include an adverse effect on Giant garter snake habitat (Id. at p. 3-39) and
with respect to four other special-status species, burrowing owl, great and snowy egret, and white-tailed kite (Id. at pp. 3-38 to 3-40). The Draft EIR also concludes, however, that development of the 3,500-acre SSCSP area will not result in adverse impacts on 14 other special-status species.

The Office is concerned that the conclusions highlighted in the preceding paragraph regarding special-status species are improperly narrow under CEQA. The discussion and conclusions in the Draft EIR regarding project-related impacts on species-status species turn on whether such species or their habitat is found in the 3,500-acre Plan area. CEQA, in contrast, does not permit the County to confine the impact analysis in the Draft EIR to the 3,500-acre site (reference Public Resources Code, §21100(b)(1) and CEQA Guidelines §§15125(a), 15126.2(a)). The analysis must also take into account both direct and indirect impacts. The conclusions in the Draft EIR are specifically limited to whether the proposed project will result in direct impacts on special-status species. CEQA does not permit limiting the impact analysis to on-site, direct impacts on biological resources.

**Response:** The environmental setting discussion is not flawed. The additional 14 other species were eliminated from further review because they are unlikely to occur. Further, certain of the species utilize the area only for foraging opportunities and sufficient similar foraging habitat is available in the surrounding area. Therefore, associated impacts to these species would be less than significant.

Carried to its logical conclusion, the writers comment would suggest that other sites throughout the Natomas Basin should be treated at a similar level of review as the project site in order to ensure that indirect impacts may not occur as a result of project implementation. This is contrary to CEQA (CEQA Guidelines Section 15130). Indirect impacts are dealt with through the implementation of the NBHCP and through implementation of identified mitigation measures. Also see Response to Comments 16N and 16Q.

**Comment 20D:** The Office is also concerned about the impact conclusions in the environmental setting section of the Draft EIR regarding special-status species because of contradictory information presented in other portions of the document. The Draft EIR makes clear, for example, that the SSCSP includes a number of elements that will necessarily involve changes in the existing physical conditions outside of the 3,500-acre Plan Area, e.g., wastewater disposal area, off-site drainage improvements. The Draft EIR, in turn, discloses in multiple places that special-status species and other biological resources occupy or rely on habitat located outside of or adjacent to the Plan Area.

The conclusions in the Draft EIR are impossibly limited under CEQA to direct impacts on special-status species within the 3,500-acre Plan Area, and ignore other statements in the Draft EIR regarding the scope of the project, the use and biological value of lands adjacent to project site to special-status species, and the potentially significant impacts necessarily associated with the loss of and indirect impacts to such lands. The conclusions in Section 3.4.2 of the Draft EIR should be re-evaluated and revised to disclose the potentially significant direct and indirect impacts on biological resources that are reasonably foreseeable.
In revisiting these issues, the County should be mindful of the following points:

- Because the Draft EIR indicates that the project site and adjacent lands provide important habitat for a number of special-status species, caution should be taken regarding unsupported or contradictory statements concerning the lack of potentially significant impacts to biological resources.

- The proximity of the proposed project to existing habitat reserves established pursuant to the NBHCP should be considered in the biological impact analysis.

- Consideration of CEQA requirements governing incorporation by reference.

- It should be kept in mind that there is an extremely low threshold for triggering potentially significant impacts on endangered, rare, or threatened species or their habitat under CEQA.

Response: The analysis and conclusions contained in the Draft EIR are not limited to the 3,500 acres. Mitigation measures and reliance on the NBHCP, when adopted, deal with species and habitat issues regardless of whether they occur within the 3,500 acres, or elsewhere. The 1,400 acres to be irrigated with reclaimed wastewater will continue in agriculture; therefore, habitat and foraging opportunities for species will remain. Because no significant impacts will result, no further consideration was given with regards to potential species impacts. The four bulleted points provided by the commenter are noted. Also see Response to Comment 16Q.

Comment 20E: The Office is concerned that the problems with the Draft EIR described in Comments 20B-20D above taint the discussion of project-specific impacts and mitigation measures in Section 3.4.4 of the Draft EIR. Statements to support the impact conclusions are based on a passing reference to the biological survey and data research conducted for the Plan Area. It is assumed that the conclusion regarding the nature and extent of impacts on special-status species is based on the environmental setting discussion addressed above. The brief explanation supporting the conclusion provides no indication that it is based on anything but the flawed environmental setting analysis in the document.

Response: The comments reflect opinion and do not raise environmental concerns that were not addressed in the Draft EIR. No response is required. Also refer to Response to Comment 20C.

Comment 20F: The Office is also concerned about the discussion of mitigation measures in Section 3.4.4 of the Draft EIR. For the two potentially significant impacts identified, the Draft EIR concludes that compliance with the yet-to-be-revised Natomas Basin Habitat Conservation Plan will mitigate any such impacts to below a level of significance under CEQA. The conclusion appears to misunderstand and overstate the effect of the NBHCP as it relates to the County’s obligations under CEQA. As the Office understands the County’s intentions, it plans to rely on the NBHCP to seek an incidental take permit under the California Endangered Species Act from DFG in order to implement the SSCSP. In so doing, the County, along with other local agencies, are revising the NBHCP with the input of DFG and USFW to, among other things, meet State standards for "take" authorization, including the obligation to “minimize and fully
mitigate” all impacts of the authorized take. The NBHCP is being revised, as a consequence, to mitigate take of species protected under CESA.

The obligation under CEQA to mitigate impacts on biological resources extends beyond take of species protected under CESA. Adverse modification of habitat used by State-listed species, for example, may not necessarily constitute take of such species under CESA in all instances. Under CEQA, in contrast, where substantial evidence supports the conclusion that a proposed project has the potential to reduce the number or restrict habitat of an endangered, rare, or threatened species, such impacts are potentially significant as a matter of law (reference CEQA Guidelines §15065). Thus, while the NBHCP may ultimately provide a basis to conclude that the impacts associated with the incidental take of State-listed species pursuant to the SSCSP are minimized and fully mitigated under CESA, such a conclusion is not, as a matter of law, a basis to conclude that all project-related impacts on biological resources are mitigated to below a level of significance under CEQA.

Response: While it is true that the EIR relies heavily on the development of the NBHCP, obtaining a permit pursuant to FESA and CESA is typically recognized as being sufficient in reducing impacts to listed species and their habitats to a less than significant level. While CESA does not consider habitat modification, FESA does, therefore the HCP would require additional mitigation for impacts such as adverse modification of habitat. Compliance with the pending NBHCP Terms and Conditions reduce overall project impacts to a level that is less than significant. For the purposes of this project evaluation, the potential for significant impacts is recognized and appropriate findings are made. The USFWS and CDFG cannot authorize a permit unless it can be determined that the project is not likely to jeopardize the species continued existence. Furthermore, because the state CESA 2081 authorization now has to meet CEQA compliance, the NBHCP’s overall impacts and mitigation would have to be adequately addressed during the take authorization process. If these NBHCP Terms and Conditions and CEQA evaluations were available today, the project could rely upon compliance with these measures to support a finding of impacts at a level that is less than significant, but at this time the project is unable to rely upon those Terms and Conditions. Regardless, alternative mitigation measures are provided in the EIR that reduce the impacts to a less than significant level.

Also refer to Response to Comment 16M (11th bulleted paragraph).

Comment 20G: The Office is also concerned about proposed mitigation for the two identified impacts on biological resources for a number of other reasons. As an alternative to mitigation through the NBHCP, the Draft EIR identifies six mitigation measures that allegedly reduce biological resource impacts to below a level of significance. Five of the six mitigation measures, including all of those that apply to impacts on special-status species, appear to violate CEQA’s proscription regarding deferred mitigation. Mitigation Measures #3.4-1 through #3.4-4 and #3.3-6 are tied to the outcome of surveys to occur at some point in the future. Under law, a lead agency may not rely on a mitigation measure of unknown efficacy in concluding that a significant impact will be mitigated to below a level of significance. Mitigation measures should not be deferred until some future time. Where it is truly “infeasible or impractical” to devise specific mitigation measures prior to project approval, lead agencies may only defer the formulation of mitigation where the adopted measures (i) commit the agency to a realistic
performance standard that will ensure the mitigation of the significant effect, and (ii) disallow the occurrence of physical changes to the environmental unless the performance standard is or will be satisfied (reference CEQA Guidelines §15126.4(a)(1)(B)).

**Response:** Because the precise nature and timing of development cannot be determined at this time, it is infeasible and impractical to devise site-specific mitigation measures. As a first priority, it is assumed that an HCP will be established. In the event such a Plan is not in place within a reasonable period of time, the County has devised mitigation measures that will allow individual projects to proceed on their own, if compliance with specific standards can be achieved. The standards are contained in the referenced mitigation measures and include, but are not limited to standards for drainage of canals, replacement of canals, creation of buffers, inclusion of survey findings in project design, and the dedication of land and payment of fees. The efficacy of these measures is ascertainable and all subsequent actions will require full compliance with State and federal statute, including the endangered species acts. Reconnaissance level surveys were performed and site-specific pre-construction surveys are deferred until construction is proposed. Because actual construction on any parcel of land may be many years away, any “pre-construction” survey performed today would need to be repeated in the future utilizing the science and protocols prevalent at that time, making additional survey work at this time a meaningless exercise.

Also refer to Response to Comment 20F.

**Comment 20H:** The commenter is also concerned about Mitigation #3.4-5. Under this measure, development within the IC-Reserve shall be limited to those areas permitted for development under the Specific Plan. This mitigation appears to be an explicit commitment not to develop the remaining 7,000 acres in the IC-Reserve. The Office questions the legality of such a commitment, however, because the County Board of Supervisors may not preclude the future exercise of legislative discretion by the same decision making body with respect to additional development within the Reserve. (Reference *Alameda County Land Use Association v. City of Hayward* (1995) 38 Cal.App.4th 1716, 1724)

The second concern with this mitigation measure stems from recent contradictory statements in an administrative draft of the revised NBHCP dated November 2001. The administrative draft revision of the NBHCP allocates 7,467 acres of “authorized development” for Sutter County [p. III-1, Table III-1]. In the section discussion “Foreseeable Urban Development and Status Under the NBHCP[,]” the Administrative Draft NBHCP defines the County’s allocation as comprised of the entire SSCSP Area and other lands in the IC-Reserve stating that such lands have the “potential to develop over the term of the NBHCP.” These statements directly conflict with the commitment in the Draft EIR that development in the IC-Reserve shall be limited to the 3,500-acre Plan Area. Mitigation Measure #3.4-5 does not provide substantial evidence that implementation of the measure will “assist” in reducing project-related impacts on biological resources to a less than significant level.

**Response:** The two Plans referenced cover different development time frames. The Specific Plan is expected to build out over a 20-year period. The proposed HCP covers a 50-year time frame. The commenter is correct that current Board’s of Supervisors may not bind future Boards
of Supervisors. The mitigation measure is included to make it clear that no additional development is proposed within the 20-year time frame and that no additional development could occur without a new public review process and CEQA analysis.

Comment 20I: Given the fact that the SSCSP Area provides habitat for various special-status species, the Draft EIR underscores the importance of consulting with DFG regarding potential impacts to plants, wildlife and their associated habitats. Other than the Department’s letter concerning the County’s NOP, the Office is unaware of any specific effort by the County to consult with DFG’s Sacramento Valley Regional Office regarding the nature and extent of potentially significant impacts on biological resources associated with the proposed project. The County is encouraged to contact the Regional Office in the future, both with respect to the proposed project and other future projects that the County may consider.

Response: This comment does not raise an environmental concern or potential environmental impact and does not, therefore, require response in the EIR. Pursuant to §15082, the County notified California Department of Fish & Game of the Notice of Preparation and received written comments from F&G. The County has continued to work with the Department during the HCP process. See also Response to Comment 17A

Comment 20J: The Draft EIR states that species designated as “candidates” for listing under the CESA “are not afforded the same legal protection as listed species[.]” (Id., §3.4.2, p.3-31) The statement is wrong. Candidate species are protected under CESA to the same extent as species listed as endangered or threatened. (Fish & G. Code, §2085) The Draft EIR does not include an “assessment of effects” on such species.

Response: Comment noted. The statement referenced in the Draft EIR, “These are identified as candidates for official federal or state listing as threatened or endangered”, will be omitted from the paragraph as the paragraph specifically addresses Species of Concern. Species of Concern are not afforded the same protection as a listed or candidate species. The Draft EIR does not make an assessment of the effects to candidate species, because none were reported by the CNPS Electronic Inventory or California Natural Diversity Database, as described on page 3-34 of the Draft EIR.

Response 20K: The Draft EIR indicates that the NBHCP “constitutes the basis for requested incidental take permits (ITP) for [certain] species under the state and federal ESAs.” (Id., §3.4.2, p.3-32) The statement suggests the Department is entertaining an application from the County for incidental take authorization for the SSCSP based on the NBHCP. The statement is incorrect for a number of reasons:

- The Department has not received an application for an ITP from the County under CESA, let alone deemed such an application complete.
- Various public agencies, including the County, DFG and USFW, are involved in an effort to revise the NBHCP after the Federal District Court for the Eastern District of California set aside a federal ITP issued to the City of Sacramento based on an earlier version of that plan. Accordingly, any ITP application by the County for the SSCSP based on the NBHCP must
necessarily await the outcome of the ongoing revision effort for the NBHCP. The most that can be said about the prospect of take authorization under CESA for the SSCSP based on the yet-to-be-revised NBHCP, is that DFG is consulting with the County regarding the preparation of an application for such authorization to ensure that the application complies with State law when and if the County submits such an application for the consideration of the Department at some point in the future.

**Response:** Refer to Response to Comments 16AA and 16BB. At the federal level an HCP is required as part of receiving an ITP pursuant to Section 10 (a)(1)(B). An official request requires that Form 3-200 be completed. On the state level, an application form pursuant to 783.2 *Incidental Take Permit Applications* would need to be completed and filed with CDFG for 2081 authorization.

**Comment 20L:** As regards litigation challenging the Department and Service’s reliance on the previous version of the NBHCP, the Draft EIR states that “these permits were challenged in court and ruled invalid on August 15, 2000 (Draft EIR §3.4.2, p.3-33). The statement is incorrect. In contrast to the ITP issued by the Service, the Sacramento County Superior Court upheld the Department’s take authorization to the City of Sacramento in an order and judgment dated February 2, 2000. The trial court judgement became final in May 2001, after the Third Appellate District dismissed an appeal in the matter.

**Response:** The comment is noted for clarification. Also refer to Response to Comments 16AA and 16BB.

**Comment 20M:** Table 3.4-1 in the Draft EIR indicates there is no “protection status” under State law for the white-tailed kite and the western Spadefoot frog (Draft EIR §3.4.2, p.3-35). The white-tailed kite is designated as “fully protected” under State law and “take of such species may not be authorized by the Department. Current regulations designate the western Spadefoot as a “protected amphibian.”

**Response:** Comment noted. Table 3.4-1 is hereby revised to reflect these omissions. A revised table is provided in Section 5.

**Comment 20N:** The Draft EIR focuses on special-status species to the exclusion of all the other plant and animal species, and habitats “encountered” in and around the 3,500-acre SSCSP Area. The Draft EIR includes no analysis whatsoever of whether the project will result in any direct or indirect impacts on any of these biological resources.

**Response:** The Draft EIR utilizes the “Impact Evaluation Criteria” detailed in Section 3.4.3 of the Draft EIR to guide its discussion of species. Contrary to the writer’s statement, Table 3.4-2 provides a list of all species encountered in the Plan area. Further, Impact #3.4-2 deals with migratory bird species, which are not “special status.” The Draft EIR deals with species where a potentially significant impact may occur due to their rarity or special treatment under State or federal law. Impacts to commonly occurring species are less than significant and not discussed in detail in the Draft EIR.
Comment 20O: The Draft EIR indicates that the Department may rely on the document for, among other reasons, “approval of biological mitigation measures (until such time as the NBHCP is approved)[.]” (Draft EIR §2.5 p.2-20). The statement misrepresents the Department’s role in the lead agency’s review of the proposed project. Under CEQA, the Department does not, and will not as a matter of law, approve the County’s biological mitigation measures. To the extent the Department is asked to rely on the County’s environmental analysis for the SSCSP as a responsible agency, the Department must “reach[ ] its own conclusions on whether and how to approve the project involved.” (CEQA Guidelines, §15096(a)) In that same capacity, the Department may not approve any such project as proposed if it “finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment.”

Response: The comment is noted for clarification. Also refer to Response to Comment 16M (14th bulleted paragraph).

Comment 20P: The Draft EIR states that implementation of the SSCSP will result in potentially significant cumulative impacts on Swainson’s hawk and Giant garter snake, but that the impact will be mitigated to below a level of significance by mitigation measures described above. (Draft EIR §5.4, p.5-11). It should be noted that cumulative impacts on biological resources may be significant even if project-specific impacts are less than significant. In order to assess whether the incremental contribution of the SSCSP will result in a cumulatively significant impact on biological resources, the project-specific contribution should be considered in connection with similar impacts resulting from other past, present and reasonably foreseeable future projects.

Response: The Draft EIR did address cumulative impacts in Section 3.4 of the Draft EIR; the mitigation measures proposed, or the completion and establishment of an HCP, will reduce cumulative effects to a less than significant level.

Comment 20Q: The Department’s letter regarding the County’s NOP details more than 18 specific issues for the County to address under CEQA. It is recommended that letter be re-visited as the comments detailed in this letter are reviewed and considered.

Response: Refer to Response to Comment 16M.

LETTER 21 John R. Roberts, Executive Director, The Natomas Basin Conservancy

Comment 21A: The commenter indicates that the letter reflects the Conservancy’s concerns regarding the Draft EIR and related documents associated with the South Sutter County Specific Plan.

Response: Comment noted. No response is required.

Comment 21B: On page 3-45 of the Draft EIR, various methods are outlined as to how projects will be mitigated. Under this scenario, we believe the Natomas Basin Habitat Conservation Plan (NBHCP) cannot be implemented. The NBHCP relies on certain ratios and targets in order to be
accepted by the relevant resources agencies as well as to meet the requirements asserted in the recent federal lawsuit (National Wildlife Federation v. Babbitt). As the South County mitigation structure is outlined in the Draft EIR, very significant acreage volumes can be excluded from meeting those requirements. We feel certain the lost habitat caused by the proposed projects would not be deemed mitigated under one or more of the mitigation scenarios set forth in the Draft EIR.

The County is encouraged to link its Specific Plan, Draft EIR and all related documents directly – without the exceptions currently listed – with the NBHCP mitigation procedures. Only in this manner do we believe the NBHCP implementation can be completed. If Sutter County continues to proceed with the mitigation procedures outlined on page 3-45 of the Draft EIR, it should evaluate the impact doing so would have on NBHCP implementation.

**Response:** Comment noted. The County views completion of the NBHCP as the preferred option and has linked the Plan to NBHCP procedures. Alternative mitigation is only contemplated in the event the HCP process does not reach a successful conclusion within a reasonable period of time. Also refer to Response to Comments 16AA and 16BB.

**Comment 21C:** Cost Area (Phase) I of the proposed industrial park shows a large, open drainage ditch aligned southward from the park, across the county line into Sacramento County, and then bisecting the Conservancy’s 388-acre Betts-Kismat-Silva refuge. However, the Draft EIR does not evaluate either the cost of acquiring land for or the cost of building this large, open drainage (labeled the “Montna Drain”) through the Conservancy’s preserve. We believe these costs would be high, both because the impact on the value of the Conservancy’s land would be significant, and because this south flowing drainage bisects three east-to-west flowing drains as well as a large water pump and a large diameter underground irrigation line.

**Response:** The Montna canal does not bisect NBC lands. It is located along the western boundary of the Betts-Kismat-Silva property. This concern has been resolved with the NBC. The costs of improving the facility are included in the Financing Plan.

**Comment 21D:** The project is also shown as requiring the Conservancy’s Brennan preserve for a detention basin for flows from the Sankey area. The Conservancy has spent a great deal of money dealing with drainage on this low-lying area. We were disheartened to learn that despite these efforts, Sutter County intends to use this property for a floodwater detention basin.

Moreover, several years ago, the federal government determined that the last remnant of Curry Creek, which flows through the Conservancy’s Brennan tract, was to enjoy federal protection, according to the previous owner. The Draft EIR fails to discuss how use of the Conservancy’s Brennan tract for detention purposes would impact this protected resource.

**Response:** Impact #3.6-6 acknowledges that the proposed off-site detention basin may not be compatible with habitat mitigation lands and may conflict with the goals and objectives established for the preservation of Giant garter snake habitat. Mitigation Measure #3.6-5 addresses this impact and provides alternatives that would reduce or avoid this impact. The map
only indicates a land area, not necessarily location. Sutter County has met with the NBC and has agreed to work with the NBC to a mutually agreeable resolution.

**Comment 21E:** Both the Specific Plan and the Draft EIR discuss the need for a 1,400-acre area to dispose of sewage that cannot be pumped to the Sacramento River. The Conservancy’s Bennett South and Lucich South tracts are included on Sutter County’s map as an area where this sewage would be disposed of. Some mention is made of the land as being able to produce field crops with this sewage as irrigation water. It is also suggested that this method of disposal/irrigation would be beneficial to the Swainson’s hawk. However, we believe these assertions deserve a great deal more biologic support.

Moreover, the impact of the Conservancy’s farming operations would be dramatic and adverse. There is extensive literature and testimony easily available to show that farmers growing rice irrigated with effluent would have a severe challenge finding a market for their crops.

**Response:** The Draft EIR does not propose that rice be irrigated with treated wastewater effluent but rather that agronomic effluent reuse be for such crops as "corn and other feed crops" (Volume II, Infrastructure Master Plan, page 21). Also Refer to Response to Comments 5D, 5E, 16S and 16U.

The 1,400 acres to receive reclaimed wastewater irrigation would have to be planted in a forage crop. In so doing, 1,400 acres would be available for Swainson’s hawk foraging and thus a “benefit” to this species. Under no circumstance will wastewater irrigation be made available for crops that are directly consumed by humans. Further, Sutter County has met with the NBC and agrees that treated wastewater would only be supplied upon concurrence of both entities. A policy will be added to the Specific Plan, Element 4 – Wastewater, indicating this.

**Comment 21F:** The Conservancy understands that the County intends to make the Financing Plan element of the Specific Plan available for public review in early 2002, after the close of the comment period on the Draft EIR. The Conservancy expects to rely quite heavily upon the details of the Financing Plan in determining whether it can support the Specific Plan and EIR. The Conservancy agrees with individuals and agencies that have recommended deferring any action on the Draft EIR, including closing public comment opportunities, until the entire Specific Plan document is available.

**Response:** Refer to Response to Comment 3A.

**Comment 21G:** The Conservancy is very interested in the development intensity alternatives and in the infrastructure alternatives discussed in the Draft EIR. At this point in time, we believe that the Conservancy will be better able to manage its land under the less intensive/more protective alternatives. The analysis of the reduced intensity alternatives (both reduced commercial intensity and reduced overall acreage) is not sufficiently detailed to allow us to make meaningful judgements about the residual effects of these environmental impacts to the Conservancy’s core interests.
Response: Comment noted. The comment does not raise an environmental concern or potential environmental impact and does not, therefore, require response in the EIR. The alternatives are evaluated at a level that is consistent with the requirements of CEQA, which permits the significant effects of alternatives to be discussed in less detail than the project (CEQA Guidelines Section 15126.6(d)).

Comment 21H: The Conservancy expresses much the same concern as noted in Comment 21G with respect to the discussion of infrastructure alternatives. It is noted that this concern is only heightened by the absence of a Financing Plan. Based on the infrastructure information that is available now, the Conservancy strongly prefers infrastructure alternatives that minimize ground water usage and avoid drainage and wastewater impacts to Conservancy lands.

Response: Refer to Response to Comment 21G.

Comment 21I: The issues raised in the Specific Plan and Draft EIR which most concern the Conservancy are:

- The apparent severe financial impact placed directly on the Conservancy as a landowner.

- The need for coordination of the Specific Plan implementation with NBHCP implementation which, given Sutter County’s involvement in the new NBHCP, should very much be in its interest.

- Designation of numerous Conservancy properties as wastewater, drainage water and water retention areas and the expected adverse impact of such water on the Conservancy’s ability to put its land to beneficial use.

- Introduction of wastewater to the Conservancy lands and possible latent liability for water quality violations and damage (seepage, aquifer contamination, plant and animal disease, agronomic impacts of effluent, etc.).

Response: Refer to Response to Comments 3A, 5D, 5E, 16S, 16AA and 16BB.

Comment 21J: The Conservancy has exerted significant effort to improve communications with Sutter County in the recent past. Therefore, the Conservancy is surprised to see Sutter County advance a plan with Conservancy lands mapped as being drainage areas, flood detention ponds and sewage disposal areas; and also that there was no communication from the County with regard to the use of its land prior to publishing and circulating the Draft EIR and related documents. The Conservancy encourages the agencies to work more closely so that these types of issues can be avoided.

Response: Comments noted. The comments do not raise an environmental concern or potential environmental impact and do not, therefore, require response in the EIR. However, Sutter County has a strong working relationship with the Conservancy and has met and addressed the Conservancy’s concerns.
LETTER 22  Robert B. Leonard, Assistant Director, Sacramento County Airport System

Comment 22A: The Sacramento County Airport System (SCAS) would like to remain on the distribution list for future notices and/or publications regarding the SSCSP. SCAS has reviewed the elements of the Draft EIR that have been provided and has developed some initial comments on specific sections, but understands that Volume III, the Financing Plan, will not be completed until January 2002. SCAS believes this portion of the plan is integral to the entire project and to the achievement of the goals of other sections of the Draft EIR. For this reason, SCAS requests an extension of the review period on the Draft EIR to 45 days after the Notice of Availability of Volume III to allow for a full and thorough review of the project.

Response: Refer to Response to Comment 3A.

LETTER 23  Thomas Barandus, Special Projects Manager, Natomas Mutual Water Company

Comment 23A: Natomas Mutual has reviewed the Draft EIR and is concerned about a number of possible deficiencies in the Draft EIR related to the Project’s impacts on agricultural resources, surface water supply and Shareholders of Natomas Mutual. Natomas Mutual’s primary charter is not land use decision-making, and the company recognizes that the appropriate political subdivisions, such as the County of Sutter, properly fill that role. In this instance, however, all parties to this plan, from individual landowners to County officials, have extensive experience with agriculture as an industry, a culture, and an important, positive environmental value to preserve and enhance. In addition, the Natomas Basin, within which the plan falls, has been identified as an important locale for the preservation of certain species through the preservation of agricultural activities.

Finally, Natomas Mutual is the sole provider of agricultural surface water to the basin through pre-eminent surface water rights. Care must be provided for protection of those rights. The impacts to agriculture, water supply, the water company, and the species are inextricably linked. Accordingly, Natomas Mutual is obligated to comment on those elements of the Plan that affect agriculture, water supply and the water company.

Response: Comments noted. The comments do not raise an environmental concern or potential environmental impact and do not, therefore, require response in the EIR.

Comment 23B: Neither the Draft EIR, nor any previous environmental review document, provides a meaningful analysis of the Project’s significant impacts upon water supply and agriculture in the Natomas Basin. These impacts, together with an analysis of feasible mitigation measures or alternatives to substantially lessen or avoid such impacts, must be evaluated to provide a legally and technically adequate environmental analysis.

As the entity responsible for providing surface water through much of the Natomas Basin, Natomas Mutual is deeply concerned that the County is proceeding with approval of the Specific Plan prior to adequate analysis of the project’s impacts upon water supply and agriculture, or the
mitigation and alternatives that could lessen those impacts. Natomas Mutual respectfully requests that Sutter County take all reasonable measures to minimize the conversion of farmland, minimize conflicts with existing agricultural uses, and avoid premature conversion of farmland. This letter includes several such measures.

Response: Comments noted. Refer to Response to Comments 14B and 14F.

Comment 23C: Natomas Mutual is particularly concerned about the Project’s impact upon agricultural resources within the Natomas Basin. The Draft EIR does not adequately analyze the Project’s impact upon agricultural resources. Because the Sutter County General Plan EIR found the impacts to agricultural resources to be significant and unavoidable, the Specific Plan EIR may not rely upon the General Plan EIR’s analysis of those impacts or mitigation for those impacts (Communities for a Better Environmental, et al. v California Resources Agency, Sacramento Superior Court Case No. 00CS 00300). Although the Draft EIR recognizes that the Project will have significant impacts upon agricultural resources within the Natomas Basin, the Draft EIR neither recognizes the full extent of those impacts, nor adequately analyzes mitigation and alternatives to those impacts.

Response: The Draft EIR does not rely on the Sutter County General Plan EIR for an evaluation of impacts to agricultural resources, as is explicitly described on page 3-4 of the Draft EIR. Refer to Response to Comments 14B, 14D, 14E, 14F and 14G.

Comment 23D: The Draft EIR fails to adequately analyze the Project’s off-site impacts upon agricultural resources. For instance, the Specific Plan relies upon summertime disposal of treated effluent on irrigation lands within the Natomas Basin. The entire Natomas Basin drainage system is operated as a closed, rather than as an open, system during the summertime. Consequently, additional precautions must be taken to avoid the build-up of salt content and other heavy minerals deleterious to agriculture that will be a part of the effluent disposed. Such build-up could significantly affect agriculture in the Natomas Basin, as well as water supply in general. Necessary pre-cautions include setbacks from irrigation and drainage canals and use of groundwater monitoring wells. The Specific Plan’s alternatives analysis should explore more fully the benefits of avoiding conversion of the only Prime Farmland within the Specific Plan Area.

Response: The commenter is referred to the Response to Comment 5D, and to the Draft EIR's Mitigation Measure #3.9-2, which requires additional, tiered, environmental documentation concurrent with wastewater system design. At that juncture, effluent reuse area design details of the type discussed by the commenter can be environmentally evaluated.

If the concluding statement of the Comment is concerned with the land areas required for the development of an effluent agronomic reuse system, such areas do not convert Prime Farmland to non-agricultural land usage. Any land used for effluent disposal will remain in agriculture.

Comment 23E: The Draft EIR fails to address any impacts to agriculture caused by the Project’s off-site improvements including, construction of the Sankey detention basin, the wastewater disposal area, the dedication of mitigation land to NBC, and the incorporation of buffers.
Response: Refer to Response to Comments 5D, 16S, 21E and 23D.

Comment 23F: The Draft EIR does not consider mitigation measures that will expand or improve agriculture uses in the surrounding areas; minimize conversion of important farmland; and minimize conflicts with agricultural resources. Such measures could include the improvement of marginal lands within the basin for agriculture and the provision of a reliable surface water supply to areas that have marginal irrigation supply. Examples of feasible mitigation measures include:

- Irrigation facilities should be maintained, re-located or modified as necessary to provide continuous irrigation services during the development process. The facilities include the irrigation canals, turnouts, lift pumps and return drains.

- Development planning should anticipate irrigation service needs both within and outside of the Plan Area. The irrigation facility modifications should be designed and phased accordingly.

- Irrigation services shall be maintained during construction. For example, accommodations would be required during culvert construction to maintain continuous irrigation service.

- Drainage canals should be maintained as part of the supply, circulation and drainage system for irrigation farmland.

- The Draft EIR should require procedures into the planning process that permit for Natomas Mutual’s input during the planning and design phases, whenever those entities’ facilities may be impacted.

- Development fees should include the full direct and in-direct costs of any impacts to the Natomas Mutual’s conveyance system, on or off-site, that result from implementation of the Specific Plan.

- Where irrigation facilities remain within or adjacent to developed areas, the County should implement practices that will prevent potential conflicts, and allow irrigation service to continue unimpeded. General guidelines are as follows:
  
a. Provide a minimum 20’ buffer beyond toe of canal embankments. Such a buffer would provide for maintenance practices similar to farmland buffers and provide for maintenance access.

  b. Provide fencing and access control along limits of irrigation facilities. Change in land use adjacent to irrigation facilities will result in an increase liability to Natomas Mutual and should be mitigated by providing access control for public safety reasons. Fencing should be set at the limits of buffers, to avoid maintenance restrictions, and should be close off access to the Plan Area.
• Provide commitments for designing off-site facilities to maximize compatibility with beneficial agricultural uses, and for changing infrastructure plans to minimize off-site impacts.

• Require that buffers be located within the 3,500-acre Specific Plan Area.

Response: As a matter of policy, Sutter County has adopted reasonable standards to provide adequate access and buffers to facilities. Buffers will be provided on development lands, rather than agricultural lands. Also refer to Response to Comments 14B, 14D, 14E, 14F and 23J.

Comment 23G: The Draft EIR’s analysis inaccurately characterizes the current environmental setting, as well as the Project’s impacts to groundwater. The Groundwater Setting section states that “Relative to the Specific Plan Area, Cost Area (Phase) I and III rely on groundwater and Cost Area (Phase) II relies on surface water.” [Draft EIR p3-50] Assuming that this sentence refers to the current environmental setting, it should be revised to read, “The area underlying Phase III currently relies upon groundwater, whereas the areas underlying Phase I and Phase II rely upon surface water supplies by Natomas Mutual.”

Response: The comment’s facts are noted and will be incorporated in the EIR. The suggested language change to the Draft EIR shall be incorporated by reference.

Comment 23H: The groundwater analysis inappropriately suggests that the DWR Report on American Basin Conjunctive Use Project provides guidance as to the Specific Plan. In fact, the American Basin Conjunctive Use Project is of limited relevance to the Draft EIR’s analysis of impacts. That report addressed a conjunctive use project that replaced up to 55,000 acre-feet per year of groundwater use with surface water use, much of it in areas adjacent to the Specific Plan area and within the IC-Reserve. As the Specific Plan does not provide for any conjunctive use, the conclusions of the DWR report are not applicable.

Natomas Mutual, in conjunction with RD1000, has developed a draft Groundwater Management Plan for the Natomas Basin, in accordance with AB3030 and in consultation with the Sacramento Groundwater Authority. The County should address the existence of this plan and include an impact analysis as required.

Response: The EIR, and the project's groundwater impacts analysis, do not rely upon the Draft EIR-referenced DWR report as a database. The existence of the draft Groundwater Management Plan is noted. The data and conclusions contained in the document would be viewed as more useful and reliable if the document was finalized. As noted by the commenter, the document remains a “draft.” No impact analysis based on any additional data provided in this report is required; the database utilized for EIR analysis was adequate.

Comment 23I: The Draft EIR does not adequately address the impacts of the Specific Plan upon groundwater in the Natomas Basin. The proposed plan relies solely on groundwater for supply, while the majority of the 3,500-acres in the Plan Area presently rely on surface water. This displacement of surface water use with groundwater has the potential to reduce groundwater supply, thereby effecting nearby groundwater wells that are used for agriculture. The conclusion
that this impact is less than significant relies on incomplete data. The conclusion is based upon the following inaccurate assumptions:

- The Plan Area is within an area that presently relies on groundwater; and
- Conversion of rice land to urban uses will reduce demand from 4-acre feet to 3-acre feet.

A large portion of the Plan Area currently relies on surface water. Conversion to groundwater use, without any corresponding decrease in the surrounding area, increases the net draw on the aquifer. The Plan Area setting, adjacent to areas within the Natomas Basin that rely solely on groundwater, makes the potential impacts more significant, not less significant. Moreover, the conversion of rice land in the Plan Area to urban uses will not fully offset the proposed increased groundwater use. This is in part due to the fact that the demand for rice irrigation is more accurately 3.5 acre-feet per acre per year, rather than 4 acre-feet per acre per year.

Response: The Draft EIR analysis of the project impact on water supply (page 3-79) is based on a rice irrigation water usage rate of 3.5 acre-feet per acre annually, not 4.0 acre-feet. Surface water rights and usage for areas developed for industry will not be lost but will be utilized elsewhere in the Natomas Basin, replacing groundwater usage and offsetting the Plan area use of groundwater. The Natomas Central Mutual Water Company, a private shareholder owned and operated entity, controls surface water rights for its shareholders.

Natomas Central Mutual Water Company currently has rights to divert 80,000 acre-feet per year from the Sacramento River. As reported in the South Sutter Specific Plan Background Report (Volume IV), this diversion is principally utilized for agricultural irrigation of 31,000 acres; the total service area is approximately 55,000 acres. If rice production water requirements are 3.5 acre feet per acre of rice, then current groundwater usage in the service area would be approximately 28,500 acre feet (3.5 ac. ft. x. 31,000 ac. – 80,000 ac. ft.). It is worth noting that a report submitted by Natomas Central Mutual Water Company and RD1000 to U.S. Fish and Wildlife Service and the California Department of Fish and Game on November 26, 2000 estimated rice farming water use at “…between 4.82 and 6.70 acre-feet per acre per year.” At 4.82 acre-feet per acre per year groundwater use in the 31,000 acres would be approximately 69,000 acre-feet per year. At 6.70 acre-feet per acre per year, 127,000 acre-feet per acre per year would be used.

Any groundwater usage by the proposed project, to the extent that it makes surface water available elsewhere in the Natomas Basin, does not, therefore, represent an incremental groundwater deficit. It is of interest to note that at the high end of the Company’s own estimate of rice farming water usage, the proposed project would use less groundwater than is currently consumed with the project area.

Comment 23J: Although additional analysis of the Project’s environmental impacts to groundwater is necessary before developing full mitigation measures, at a minimum, the Draft EIR should include the following:
• A requirement that the Specific Plan’s interim water distribution system must provide for future connection to surface water supply.

• Offset increased groundwater use by participation with Natomas Mutual or landowners in extending surface water supply to lands presently relying solely on groundwater.

• Locating wastewater disposal area in an area that presently utilizes groundwater rather than surface water, as is currently planned; and

• The drainage plan must include and analyze the impacts of the applicable Natomas Mutual by-law.

Response: The recommendations are noted; however, the proposed requirements are not necessary to mitigate any identified significant impacts. It should be further noted that the Draft EIR and project do not identify a specific wastewater reuse (disposal) area (see page 3-77 of the Draft EIR: "The area within which agricultural disposal land may be acquired is shown on Figure 2.3-3"). Tiered environmental analysis of wastewater facilities design, construction and operation will consider specific effluent reuse locations.

Comment 23K: The Draft EIR fails to analyze the relationship between the Specific Plan’s water supply system and Natomas Mutual’s policy and guidelines. Those policies and guidelines will significantly impact the following elements of the Specific Plan and the Draft EIR’s mitigation measures:

• Severance of irrigation service to developing land;
• Modification of, or encroachment upon Natomas Mutual irrigation facilities;
• Design approval for modification of Natomas Mutual facilities; and
• Easements and quitclaims.

Natomas Mutual’s bylaws require that shareholders who wish to sever their irrigation service relinquish their shares in the Company and pay a severance fee as set by the Natomas Mutual Board. Encroachments upon Natomas Mutual facilities and other activities that affect Natomas Mutual facilities are handled through the Natomas Mutual’s encroachment permit process. Similarly, Natomas Mutual Encroachment Permits contain conditions for control of work on or around Natomas Mutual facilities. Fees vary based upon the complexity of the project. Moreover, Natomas Mutual must be involved in the planning process for designs that impact the company’s facilities and design approval shall be required. Finally, quit claims for Natomas Mutual easements will only be granted provided that replacement facilities suitable to the Natomas Mutual have been provided to the Natomas Mutual or irrigation service to all lands previously served by facilities is properly severed.
Response: From a business point of view, the planning of these facilities may need to consider some of the factors raised, however, it is not an environmental issue. Compliance with Natomas Mutual by-laws is not an environmental issue.

Comment 23L: The Specific Plan’s reliance on a water supply system that relies solely on groundwater is of particular concern to Natomas Mutual. The selection of a groundwater-based system over a surface-water based system is discussed, but there is no discussion of the infrastructure alternative that would provide for future conjunctive use. This alternative would provide increased reliability and potentially mitigate for the long-term impacts of groundwater pumping.

Response: The Draft EIR and its Technical Appendices discuss the necessary modifications to a groundwater-based water supply system to convert it at a later date to a surface water-based water supply system. It was concluded that a surface water-based water supply system was not financially feasible at this time. The Draft EIR correctly concluded (see Response to Comment 23I) that the utilization of a groundwater-based supply system would create no significant impact. The California Environmental Quality Act does not require that alternatives to project components that create no significant impacts be environmentally evaluated. The District may, nevertheless, wish to initiate a conjunctive use recharge program in connection with the release and redistribution of surface water rights, which may be involved in industrial development of the project area.

Comment 23M: The selection of the groundwater-based system over the Conjunctive Use seems to have been made solely on the basis of cost to the individual developers of the Specific Plan, and not the cost to Sutter County, or the region as a whole. The Draft EIR should explore additional alternatives to the reliance upon groundwater and to establishment of a County Service Area for development and operation of the new water supply system. In particular, the Draft EIR should require the County to periodically reconsider relying upon Natomas Mutual for the Specific Plan’s water supply. The Draft EIR’s alternatives analysis should discuss more fully the long-term and regional benefits of relying upon surface water rather than groundwater.

Response: The commenter is referred to the Response to Comment 23L. The Draft EIR is not required to evaluate such additional alternatives. The County may wish, at some juncture, to reconsider an alternative involving surface water supply through Natomas Mutual based upon mutual benefits.

Comment 23N: The Draft EIR does not analyze any of the Specific Plan’s cumulative impacts related to drainage and the analysis of cumulative impacts to agricultural resources is limited. [See Draft EIR at p.5-10] In addition to the off-site impacts to agriculture and groundwater, the Draft EIR’s analysis of cumulative impacts must extend beyond the initial 3,500-acre threshold-level of development included in the Specific Plan. Cumulative effects of development within the region, including development within the entire Natomas Basin, must be evaluated prior to Project approval.

Response: Cumulative drainage impacts are not anticipated from the project. All drainage impacts are fully mitigated through the system of onsite and adjacent drainage basins (ponds)
and related facilities detailed in the Infrastructure Master Plan. Refer to Response to Comment 16QQ.

**Comment 23O:** The public comment period cannot legally commence, much less close, until complete copies of the Specific Plan and the Draft EIR have been made available to the public. The Financial Plan [Volume III] is a foundation piece of the Specific Plan and Draft EIR. The volumes that are available to the public refer repeatedly to Volume III as a basis for analysis. This Financial Plan is necessary to evaluate the extent of the Plan’s potential impacts upon the environment and, specifically, upon the flood control and water supply activities of RD1000 and Natomas Mutual. Without the Financial Plan, it is impossible to analyze whether substantial evidence supports a finding that the Draft EIR’s mitigation measures are feasible. Should these mitigation measures not be feasible, there is no support for a finding that the Specific Plan’s impacts have been mitigated to a less than significant level. The distribution of the Financial Plan late in a public comment period will trigger a recirculation requirement under CEQA

**Response:** Refer to Response to Comment 3A.

**Comment 23P:** Natomas Mutual understands the County’s desire to proceed with development of the Specific Plan area. However, in its determination to approve the Project, the County may fail to comply with the obligations established by CEQA and other environmental laws. Given the lack of natural resource mitigation strategies for the area, consideration of approvals for the Project is premature. It is strongly urged that the County work with Natomas Mutual to develop mitigation measures that will address the Specific Plan’s impacts upon agricultural resources and water supply.

**Response:** Comments noted. The comments do not raise an environmental concern or potential environmental impact and do not, therefore, require response in the EIR

**LETTER 24  William D. Kopper, Attorney at Law**

**Comment 24A:** The commenter indicates that he represents Floyd Franz and North Valley Citizens for Responsible Planning. The comments offered are their comments. The comments of all other individuals and organizations are incorporated into their comments and the intent to rely on those comments is indicated. The comments include those in the letter, as well as the comments of Dr. Mark E. Grismer, included as an attachment to the letter.

**Response:** Comment noted. These plans were prepared by Fran Borcalli Associates, a licensed Professional Engineer authorized by the State Board of Registration to perform civil engineering design and provide professional engineering opinions and reports. Dr. Mark Grismer is not a California licensed engineer. No response is required.

**Comment 24B:** It is requested that the Draft EIR be substantially revised; the Draft EIR is cursory and violates many of CEQA substantive provisions. The Draft EIR lacks a proper project description, many feasible mitigation measures are not discussed, and the hydrology section is deficient. The alternative analysis does not discuss many feasible alternatives.
A prejudicial abuse of discretion occurs if a draft EIR fails to include relevant information and thus precludes informed decision making and informed public participation, thereby thwarting the statutory goals of the EIR process. (See Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692, 733.)

The commenter references CEQA Guidelines Section 15088.5 citing the requirements for recirculation of an EIR prior to certification. As noted in these comments, there is significant new information requiring recirculation of the Draft EIR. Additionally, Sutter County is required to complete additional study that will more meaningfully evaluate the air, hydrological, wastewater impacts, as well as impacts on endangered species. Until these studies are completed, the public will not have a meaningful opportunity to comment upon the adverse environmental effects of the project and feasible ways to mitigate or avoid such effects. (See Laurel Heights Improvement Association of San Francisco, Inc. v Regents of the University of California (“Laurel Heights II”) (1993) 6 Cal.4th 112, 1129-1130.)

Response: The comments express opinion and are noted for the record. Sutter County does not concur with the commenter’s conclusions.

Comment 24C: The case of Ultramar, Inc. v. South Coast Air Quality Management District (1993) 17 Cal.App.4th 689, 703-704 sets forth a black and white rule establishing violations of CEQA’s notice requirements are not harmless error. In this case, the County noticed an extension of time for the CEQA review period to December 21, 2001. The SSCSP became complete on November 7, 2001, when the County issued pages 53-55, labeled “Element Five, Financing.” The public was entitled to a 45-day review period from the date that the plan became completed. The 45th day falls on December 22, 2001, and not on December 21, 2001, as set forth in the notice. Therefore, a new notice of availability must be published to initiate a full 45-day comment period. The violation of CEQA’s notice provisions is per se prejudicial and will mandate court reversal of any action that the County takes.

Response: Refer to Response to Comment 3A.

Comment 24D: The circulation of the Draft EIR is premature. The principal mitigation measure for loss of habitat is the proposed Natomas Basin Habitat Conservation Plan (NBHCP). However, no agency has yet made a determination that the NBHCP is feasible and will mitigate the impacts of surrounding development. The EIR for the NBHCP has not yet been prepared. Until an EIR has been prepared for the NBHCP and there is a determination that the HCP will mitigate the impacts of developing the Natomas Basin, the Draft EIR for the SSCSP is premature. The data does not yet exist for the decision makers to reach an informed decision as to whether impacts of the project can be mitigated.

Response: Refer to Response to Comments 16M (11th bulleted paragraph), 16AA, 16BB, 16CC and 16DD.

Comment 24E: The comment period should also be extended because the financing plan is not yet available. Government Code Section 65451(a)(4) requires that a specific plan have “a program of implementation measures including regulations, programs, public works projects,
and financing measures necessary to carry out [the goals of the plan]. It is assumed that the “financing measures” will be included in Volume III of the Specific Plan documents. It is evident that pages 53 to 55 inserted on November 7, 2001, do not adequately describe the financing measures. Without the financing plan, it is impossible to determine whether the mitigation measures discussed are feasible. Therefore, the Draft EIR should be subject to comment until 45 days after the financing plan is made available to the public.

Response: Refer to Response to Comment 3A.

Comment 24F: For the reasons stated in Comments C, D and E above, the Draft EIR must be subject to circulation for an additional period of time.

Response: Refer to Response to Comment 3A.

Comment 24G: CEQA Guidelines Section 15125(d) is cited, outlining the requirement for an EIR to discuss any inconsistencies between the proposed project and applicable general plans and regional plans. Section 2.4.2 on page 2-15 of the Draft EIR includes a section with the language “adoption and implementation of the South Sutter County Specific Plan would be consistent with the goals and policies of the [County] General Plan.” However, there is no discussion of “any inconsistencies between the proposed project and applicable general plans and regional plans.” There are clearly a number of inconsistencies that must be discussed.

General Plan Policy 3-6 (sic) states: “The County shall restrict new development in areas prone to flooding, or that have seasonal high water tables or water seepage problems in order to prevent contamination of ground and surface water by septic systems.” Since most of Phase II of the Specific Plan and parts of Phase III are within the existing 100-year Natomas floodplain, it would appear that the Specific Plan violates this general plan policy.

Response: The Sutter County General Plan Section 9 states, in part “…the policies and guidelines it contains only pertain to very specific portions of the County. These areas include both the rural communities and locations where specific area or community plans have been adopted.” Pursuant to State law and the intent of the General plan, Sutter County has prepared a specific plan for the area of South Sutter. There is no discussion of inconsistencies because there is no inconsistency. The commenter misrepresented the General Plan and therefore reached an erroneous conclusion.

Comment 24H: General Plan Policy 3.-A-2 and 3.A-2(a) require that the “County not approve new development where existing infrastructure is inadequate” unless “the applicant can demonstrate that all necessary public facilities will be installed prior to the issuance of a certificate of occupancy or adequately financed through fees or other means.” The Specific Plan appears to violate these general plan policies. Currently, there is no financing plan that demonstrates that all of the public facilities will be financed through fees or other means. The Specific Plan allows development to occur prior to the construction of public facilities, contains no time lines or dates for construction of public facilities, and has no adequate financing mechanisms for the construction of public facilities.
Response: This is addressed in the Specific Plan, Element 5, Policy number 4, and is not inconsistent with the spirit and intent of the policy. Also refer to Response to Comment 24L.

Comment 24I: General Plan Policy 3.A-1 requires the County to obtain easements or land dedications from developers to accommodate public facilities. The Specific Plan and Draft EIR allow development to proceed without requiring such easements or dedications. In fact, the location of the proposed wastewater treatment plant is not identified in the Plan, and therefore a land dedication is probably not possible without greater specificity.

Response: Acquisition of all infrastructure has been planned for through fees, bonding or dedication as indicated in the Specific Plan, Element 5, Implementation Program 5. The location of the wastewater treatment plant is shown on Figure 2.3-4 of the Draft EIR. Also refer to Response to Comment 24L.

Comment 24J: General Plan Policy 2.-8A-7 (sic) states that “the County shall assess fees on new developments sufficient to cover the costs of the projects impact on the local and regional transportation system.” The Specific Plan documents do not include estimates of the cost of the transportation system to meet the needs of the development. Moreover, there is no plan for assessment of fees on new development included in the Plan documents that will provide the funds necessary to mitigate the impacts of the development on local and regional transportation systems.

Response: Improvements are identified in the Infrastructure Master Plan and Technical Appendices and provided for in the Financing Plan. Also refer to Response to Comments 3A and 24L.

Comment 24K: General Plan Policy 3.B-2 requires that creation of new lots shall require public water system except for lands designated AG-RC. There are no such requirements in the Specific Plan and Draft EIR documents. The Specific Plan allows individual wells for industrial projects until a community water system is created at an unspecified future date. The mechanism for creation of the community water system is vague.

Response: Refer to response to Comment 24G. Also refer to Specific Plan Policies 2, 3 and 4 of Element 4, and 3, 4, 8, 9, 10, 15, and 16 of the Element 5.

Comment 24L: General Plan Policy 9.C-1 (sic) requires “that infrastructure planning shall be done in a coordinated fashion and project proponents must demonstrate how the development provides sufficient facilities to meet County standards--.” General Plan Policy 9.C-5 requires that infrastructure be adequately provided for within the project boundaries and is properly coordinated with adjacent lands.

The Specific Plan does not comply with these policies. The Specific Plan does not include a sufficiently detailed description of the infrastructure necessary for the development or the places where the infrastructure will be located. Additionally, it does not include the costs of the infrastructure and the sources, mechanisms and timing for funding of the infrastructure. The Specific Plan appears to violate Policy 9.C-1 by allowing for an indefinite period of time for
individual projects to develop their own infrastructure including water supply from wells, wastewater treatment, and drainage.

**Response:** The County disagrees with the commenter. The comment does not address the adequacy of the Draft EIR, however, it is useful to point out that the process of preparing a Specific Plan and all of the related documents is the proper sequence in which to identify and resolve issues related to provision of infrastructure. All of the issues related to infrastructure are discussed in these documents and the appropriate resolution(s) are proposed for the Board of Supervisors to consider and adopt. The final decision will be made by the Board of Supervisors, however, it is the County’s opinion that the Specific Plan and Infrastructure Master Plan comply with General Plan Policy 9.C-1 and 9.C-3 which is the reference the commenter intended.

**Comment 24M:** The EIR does not discuss any inconsistencies with the proposed Natomas Basin Habitat Conservation Plan. It would appear that there are inconsistencies since the Specific Plan creates a drainage channel through the Natomas Basin Conservancy. The Specific Plan does not appear to provide an adequate buffer between the preserves of the Natomas Basin Conservancy. Similarly, the Draft EIR does not discuss inconsistencies with the areawide wastewater treatment and water quality control plans. These plans do not appear to allow for the addition of effluent to the Sacramento River. Nevertheless, the Specific Plan calls for the addition of treated effluent to the Sacramento River.

**Response:** Sutter County and the Natomas Basin Conservancy staff have reviewed and determined the referenced drainage channel does not pass through NBC lands, but rather on the west boundary of NBC lands. The Habitat Conservation Plan, as submitted to the USFW Service, contains buffer requirements in Section IV C, which delineate the buffers shall be included on the habitat lands and shall be of adequate width reduce impacts on adjacent land uses.

The California Regional Water Quality Board's Basin Plan for the Sacramento River and San Joaquin Basins, page 4-23, prohibits discharges to the Sacramento River from its confluence with the Feather River to the Freeport Bridge. It provides, however, for exceptions thereto; for example, the City of Sacramento and the City of West Sacramento have such permitted discharges. It should be noted that the Draft EIR both describes and environmentally evaluates alternatives to wintertime River discharge, and requires, as a mitigation measure follow-up, tiered, environmental evaluation of wastewater facilities (Draft EIR Section 4; Mitigation Measure #3.9-2).


The project description states that “if proposed projects are listed as permitted, design review is the only approval process necessary prior to issuance of the building permit.” This provision would appear to violate CEQA, which requires all projects be subject to environmental review.
unless projects are categorically exempt. CEQA defines a “project as an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment,….” (Public Resources Code §21065). The problem with the proposed automatic exemption set forth in the Draft EIR is that the specific drainage plans, water well systems, and wastewater treatment plans for individual projects in the specific plan area may have adverse environmental impacts. Since the Specific Plan allows for piece meal development without a coordinated water system, wastewater treatment plant, drainage plan, and habitat conservation plan, each specific project may have unique environmental impacts that may require mitigation measures. The Draft EIR attempts to create its own categorical exemptions from CEQA. This is prohibited by CEQA.

Response: Commentor has misinterpreted the intent of this section. In addition, refer to Response to Comments 16I and 24FF. There is no suggestion in the Draft EIR that new categorical exemptions are proposed. If a future activity requires no discretion on the part of the County, it will be ministerial. If discretion is required, the activity will be fully subject to CEQA.

Comment 24O: Section 2.3.4 and other sections of the Draft EIR mention the fact that the Phase II project will rely upon surface water. However, the Draft EIR fails to identify the availability of surface water. In order to provide an adequate project description, the Draft EIR needs to provide greater detail with respect to the availability of surface water.

Response: The commenter’s statement is incorrect. The proposed water supply is described in the Project Description as groundwater for all phases.

Comment 24P: The Drainage Master Plan included in the draft EIR is inadequate to assess whether it will mitigate the drainage impacts of the project. The drainage section states that “five onsite detention ponds with pump stations will be constructed.” However, the Draft EIR does not identify where the detention ponds will be located. Additionally, the Draft EIR states: “all urban runoff created within the plan area will be detained onsite and treated prior to being released into the conveyance facilities.” There is no discussion in the project description as to how the water will be contained onsite during flood events and also how the water will be treated onsite. There is no description of how the drainage system will function until there is sufficient money to build the master system. How will all the separate wastewater treatment facilities, detention ponds, and storm treatment facilities be protected and sheltered in the event of flood events. There is also not an adequate description of what type of drainage system and wastewater treatment system will be required until the master systems are built.

Response: The Drainage Master Plan described in Appendix D of Volume VI - Technical Appendices, describes the DMP, phasing of the DMP, and water quality treatment of storm drainage from within the SSCSP. The system is designed to contain flood water. The Plan is referenced on page 3-56 of the Draft EIR and was available for review by those requiring more in depth information. The location of the five detention ponds is shown on maps within the DMP and in Figure 2.3-5 of the Draft EIR. These locations can be modified during design, however, the ultimate location sizing must comply with the design parameters specified. The water quality treatment of storm drainage proposed is consistent with the criteria developed and employed in
the Sacramento City/County areas of the Natomas Basin in order to meet Regional Water Quality Control Board requirements.

Phasing of the Drainage Master Plan is described in the Plan. The phasing can be approached in smaller units of land, however, the criteria and methodology must be consistent with the Drainage Master Plan to ensure that the integrity of the overall drainage system is maintained.

Comment 24Q: The project description fails to identify the number of acres of the project that are in the 100-year floodplain and which precise areas of the project may be subject to flooding. The project description does not include a description of the topography of the area. The discussion of the 100-year floodplain on page 3-51 and 3-52 of the Draft EIR provides some information about the problems of construction in the floodplain, but no details. While the Draft EIR states that the construction of new facilities would be part of the RD10000 drainage system, the new facilities are not identified as to their nature or their location. There is simply not enough information included in the Draft EIR to provide the public with an understanding of how the drainage facilities will function and whether the drainage facilities will remove most of the developed area from the 100-year floodplain.

Response: It appears the commenter is referring to the “existing setting” rather than the “project description” in this and other comments. The DMP presented in Volume VI - Technical Appendices, Appendix D, provides information related to this comment. The map demonstrates the detention ponds will not be located in a 100 year flood plain. Cost Area 2 is the only area within a 100 year flood plain and as a part of the project, Cost Area 2 will be removed from the flood plain. The DMP removes the area within the SSCSP from the 100-year floodplain and mitigates adverse impacts to other land within the Natomas Basin. The latter is based upon analyses performed by RD1000 using its SWMM computer model. The extent of the present floodplain is shown on Figure 3.6-1 of the Draft EIR.

Comment 24R: Section 3.6-5 of the Draft EIR appears to admit that there will be substantial construction within the 100-year floodplain. A mitigation measure is proposed that construction comply with the Sutter County Flood Damage Prevention Ordinance and Regulations. However, there is no discussion in the Draft EIR as to what these measures are and whether they are designed for massive construction in a floodplain. It would appear that such massive construction in the floodplain conflicts with the Sutter County General Plan. The Draft EIR should discuss the measures included in the County Flood Damage Prevention Ordinance and Regulations in greater detail so the public can determine whether these measures are in fact intended to mitigate mass construction in a floodplain, and whether they will be effective.

Response: The measures proposed under the DMP to mitigate development within the 100-year floodplain are described in Volume VI - Technical Appendices, Appendix D and are referenced in the drainage-related mitigation measures. The drainage improvements proposed in the Master Plan will remove all of the land from the 100-year floodplain. In order for Sutter County to participate in the National Flood Insurance Program, the County was required to adopt a flood damage prevention ordinance. This ordinance applies to all development in Sutter County, both urban and rural.
Comment 24S: The project description lacks adequate detail. There is no map showing the location of significant stands of trees, significant botanical resources, oak trees and wildlife habitat of value. Because of the lack of detail, it cannot be determined if any corridors for wildlife transit are included within the project. There is no mention in the mitigation measures of creating habitat corridors within the project.

Response: It appears the commenter is referring to the “existing setting” rather than the “project description” in this and other comments. The “Setting” discussion for biological resources begins on page 3-31 of the Draft EIR. If the commenter visits the project area, it will be readily apparent that significant stands of trees do not exist within the project area. See Response 16P and 16Q.

Comment 24T: The commenter cites several sections of CEQA and related court cases regarding the requirement for identification of significant impacts and feasible mitigation measures (CEQA Guidelines §§15126(a), 15126(c), and 15144; Public Resource Code §§21100(b), 21002, 21000(b)(3); Kings County Farm Bureau v. City of Hanford (1992) 221Cal.App.3d692).

For each significant effect, the Draft EIR must identify specific mitigation measures, including where relevant, energy conservation measures. The project allows individual wastewater treatment and disposal facilities to be utilized for development projects until the community wastewater collection, treatment and disposal system is operational and available to the development project. The EIR is silent as to how many of these individual systems will be allowed before the community facility is operational. The Draft EIR is silent on the cumulative impacts of these facilities. The EIR also does not discuss the design, specifications, or requirements for the onsite treatment facilities. What will be the probabilities of leakage from these facilities into the environment, and are there any mitigation measures that can control the environmental damage that may occur from these individual wastewater treatment facilities.

Response: The commenter is referred to the Responses to Comments 5D, 16S, 23D and 23F. In brief summary of these responses:

- The Draft EIR has identified a specific mitigation measure for each identified impact (Chapter 3).

- Reference is made to the EIR being silent on the number of individual systems. The EIR contains no such number because the project description does not specify a number. There is no environmental requirement that the Draft EIR address how many individual wastewater facilities will be constructed prior to community facility availability. Each such system will be individually permitted and, to the extent appropriate under existing law and regulations, environmentally evaluated. Such systems will also be designed for eventual integration with the community system. There is no suggestion in the Draft EIR or project description that individual systems means septic tanks. It is assumed that package treatment plants would be used in the interim.

Comment 24U: The EIR mentions that projects should have efficient and affordable energy supplies. However, the EIR fails to examine feasible mitigation measures that could reduce the
energy use of projects in the specific plan area and thus reduce air pollution. For example, there is no examination of the requirement of solar electric roof panels even though such mitigation has been proven to be effective in reducing the production of ozone precursors and providing a cheap and reliable source of energy.

Response: See Response to Comment 32C

Comment 24V: Impact 3.3-2 discusses air pollution emissions associated with vehicle trips and the “heat island” effect. However, no feasible mitigation measures are proposed to reduce the heat island effect. There is no performance standard proposed for parking lots. For example, a mitigation measure could require that parking lots be 50 percent shaded in five years, 75 percent shaded in ten years, and 100 percent shaded in fifteen years. Such a performance based mitigation measure is not even discussed in the EIR. Moreover, there is no proposed monitoring program to require that planted shade trees be replaced and maintained.

Response: See Response to Comment 32C

Comment 24W: The EIR concludes that the County recognizes the benefits of increased albedo paintings and coatings for their buildings and use of concrete or other increased albedo paving materials for parking facilities. These light colored materials reduce the heat generation from buildings and pavements. However, the EIR concludes “at this time the inclusion of specific mitigation measures to require these actions is, however, not considered feasible.” There is no discussion as to why these mitigation measures are not feasible. Mitigation measures to reduce the urban heat island effect and thus reduce air pollution are routinely implemented in other jurisdictions. The conclusion that such a mitigation measure is infeasible is based upon no facts or discussion in the EIR.

Response: See Response to Comment 32C

Comment 24X: Mitigation Measure #3.3-4 states that individual projects shall participate in the development of a regional transit system at such time as a system is established. Fair share participation may consist of dedication of right-of-way, easements, capital improvements, and/or other methods of participation deemed appropriate once a system if established. CEQA requires that “in the absence of overriding circumstances, [ ] that mitigation measures timely be set forth, that environmental information be complete and relevant, and that environmental decisions be made in an accountable arena” (Gentry v. City of Murrieta (1995) 36Cal.App.4th1359, 1393-1394). A project cannot be approved based upon post approval formulation of plans to mitigate impacts (Oro Fino Gold Mining Corporation v. County of El Dorado (1990) 225Cal.App.3d 872, 884-885). The mitigation measure requiring participation in the development of a regional transit system is pure speculation. There is no reasonable certainty that such a transit system will ever be developed. There are no plans mentioned for such a system, and there are no funds identified for such a system.

Response: See Response to Comment 32C
Comment 24Y: Mitigation Measure #3.3-6 is also inadequate because it is a future mitigation measure and does not include realistic performance standards. The statement “the County shall establish tree planting guidelines to require businesses to plant trees to shade parking lots and buildings, primarily on the west and south side of buildings” is not sufficient. It is a future mitigation measure that violates the holdings of Sunstrom v. County of Mendocino (1988) 202 Cal.App.3d 296.

Response: See Response to Comment 32C

Comment 24Z: The General Plan EIR concluded that mitigation for loss of farmland is important. The Draft EIR has considered no measures for the mitigation of loss of farmland. If a local agency allows the taking of agricultural land for urban uses, it is mitigation to require the preservation or conservation of other agricultural land so there will be land left in California for farming purposes. Local agencies throughout the state consider the preservation of agricultural land as a mitigation measure for urban development. The Draft EIR should investigate requiring the preservation of at least an equal amount of agricultural land that is taken by this property by use of conservation easements or dedication to a farmland trust. The agricultural land that should be preserved should be at the rate of at least 1-1. The land should be in the area surrounding the project to help prevent additional growth on the remaining 7,000 acres of the IC-Reserve.

Response: Refer to Response to Comment 14F.

Comment 24AA: The mitigation measures set forth in the Draft EIR to mitigate for loss of habitat are extremely weak. The primary mitigation measure is to enact the proposed Natomas Basin Habitat Conservation Plan. However, the Natomas Basin Habitat Conservation Plan has not yet been adopted and the efficacy of the Plan is still being considered through means of an EIR/EIS. Until the efficacy of the NBHCP is established as a mitigation measure, it cannot be determined whether the impacts of the specific plan on habitat are adequately mitigated.

Response: Refer to Response to Comments 16M (11th bulleted paragraph), 16AA, 16BB, 16CC and 16DD.

Comment 24BB: The adoption of alternative Mitigation Measure #3.4-1 to protect the habitat of the Giant garter snake and the burrowing owl appears to be inadequate. There is no data in the Draft EIR indicating that proposed measures A-D have even been used before in the field and whether they are effective means of protecting the Giant garter snake. Additionally, there is no statement in Mitigation Measure #3.4-1 that a consultation with the U.S. Fish and Wildlife Service and an incidental take permit will be necessary prior to impacting the habitat of the Giant garter snake. The result of the consultation with the Service as well as the attainment of an incidental take permit should be discussed in the Draft EIR as well as any additional mitigation measures that might be required by the Service.

Response: Refer to Response to Comments 16Q, 16AA, 16BB, 16CC and 16DD.
Comment 24CC: Mitigation Measure #3.4-3 fails to protect the Swainson’s hawk because there is no discussion of protecting the hawks’ forging habitat. It appears that a substantial amount of the hawk’s forging habitat will be destroyed by the development within the Plan Area. Mitigation Measure #3.4-5 states that “development within the IC-Reserve shall be limited to those areas permitted for development under this specific plan.” The Sutter County General Plan appears to allow development over the entire 10,500 acres. The General Plan does not limit the remaining 7,000+ acres to agricultural use. The General Plan controls over the Specific Plan. Therefore, it cannot be stated that Mitigation Measure #3.4-5 is effective.

Response: The statements are incorrect. The General Plan limits development within the IC Reserve to a maximum of 3,500 acres. Also refer to Response to Comments 16P, 16R and 16EE.

Comment 24DD: Mitigation Measure #3.4-6 states that the specific plan impact on habitat will be mitigated by the dedication of land in the Natomas Basin equivalent to one-half acre of every acre developed, and the collection of fees on a per acre basis for the entire project site for restoration and enhancement, administration and endowment. This measure along with several other related measures are found to reduce the impact of the specific plan on Giant garter snake habitat, migratory water fowl and Swainson’s hawk to a level that is less than significant. There appears to be no scientific or factual basis for this conclusion. To be effective, the mitigation land in the Natomas Basin would have to be found to be of equal habitat value to the land that is taken for development by the Specific Plan. That requirement is not included in the mitigation measure. Additionally, the usual protocol of the U.S. Fish and Wildlife Service and the California Department of Fish and Game is to require the dedication of 2 acres of land for every 1 acre of habitat land that is developed. The proposed mitigation measures falls far short of normal protocols.

Response: Comment noted. Refer to Response to Comment 16FF.

Comment 24EE: Mitigation Measure #3.8-5 to mitigate traffic impacts relies upon a plan for funding the projects fair share of these improvements. The financing plan is not available for public review and therefore, the mitigation measure cannot be evaluated by the public. Fee based mitigation is not an acceptable mitigation measure unless the lead agency evaluates whether the mitigation is feasible and whether the mitigation will actually occur. **(Kings County Farm Bureau v. City of Hanford (1990) 221Cal.App.3d 692, 728 and Save Our Peninsula Committee v. Monterey County Board of Supervisors (2001) 87Cal.App.4th99, 126)** Since the financing plan has not even been prepared yet, it is not possible for the lead agency to evaluate whether the mitigation will actually occur.

Response: Refer to Response to Comment 3A.

Comment 24FF: The proposed wastewater system, which is a mitigation for the project is not located with any specificity on the Specific Plan. Additionally, the Draft EIR does not state who will pay for the land and who will pay for the development of the wastewater treatment plant. The wastewater treatment plant includes a 20-inch pipeline within the right-of-way of Riego Road from the wastewater treatment plant to a discharge point at the Sacramento River. The
Draft EIR includes no discussion whether such a wastewater discharge into the River is feasible. Apparently, the authors of the Draft EIR have not obtained permission from the State Water Resources Control Board or the Sacramento Regional County Sanitation District for discharge into the Sacramento River. This information is necessary to determine whether the wastewater mitigation measure is feasible or speculative.

Response: The comment is correct in noting that the Specific Plan does not denote with certainty a specific location for wastewater treatment and disposal facilities. Such specific location is neither intended nor feasible at this stage of the project planning process. Sutter County is not requesting RWQCB permits until such time as plans are submitted and approved. The Draft EIR's recommended Mitigation Measure #3.9-2 requires preparation of a tiered environmental analysis evaluating the specifics of wastewater system design, construction and operation. Matters pertaining to financing are contained in the Financing Plan. Before approval can be sought from the Regional Water Quality Control Board, the County must have a project (Specific Plan) that has been endorsed by the Board of Supervisors, which is the purpose of the current process. Although the County recognizes Sacramento Regional County Sanitation District may have an interest in discharge, we are unaware they may have approval responsibilities

Comment 24GG: The commenter cites sections of CEQA and related court cases regarding the analysis of alternatives in an EIR. (CEQA Guidelines §§15126(d) and 15126(d)(3); Laurel Heights Improvement Association of San Francisco v. Regents of the University of California (1988) 47Cal.3d 376, 405; and County of Inyo v. County of Los Angeles, supra, 71 Cal.App.3d at p.203)

With respect to alternate locations, the Draft EIR does not identify a single alternative location in Sutter County. It is obvious that an alternative location closer to Yuba City should be evaluated. To fulfill the goal of the project, which is to provide employment to the people of Sutter County, it would be appropriate to locate the industrial facility closed to the population center of Sutter County, rather than close to the population center of Sacramento County. Additionally, an alternative that is not located in the Natomas Basin would avoid the significant environmental impacts on listed threatened species; would avoid a massive development in the floodplain; and would be more consistent with Sutter County General Plan policies. Additional the location of the project near to Yuba City may have less growth inducing impacts on the Sacramento region than a development immediately adjacent to Sacramento County.

The Draft EIR concludes that no alternative locations were discussed because there are no areas within Sutter County, other than the 10,500-acre IC-Reserve area that are designated for the scale of industrial and commercial development proposed by the Specific Plan. There is no reason that other land in Sutter County could not be designated in the General Plan for a large-scale industrial development; general plan amendments are not uncommon. There is no limitation in CEQA that would preclude consideration of an alternative location.

Response: Refer to Response to Comments 5J and 14G. The reasons for choosing the range of alternatives analyzed in the EIR are discussed on page 4-4 of the Draft EIR.
Comment 24HH: The Draft EIR for the SSCSP has not been circulated in conformity with the requirements of CEQA. For this reason alone it will not be upheld by the courts. Moreover, the County is depriving the public of the opportunity to fully evaluate the environmental impacts of the project and comment. The Draft EIR fails in protecting the sensitive habitat of the Natomas Basin and the associated threatened and endangered species of flora and fauna (sic). The County should rework the Draft EIR and re-circulate it.

Response: The comments reflect opinion, no response is required. It should be emphasized that Sutter County does not concur with these assertions. See also Response to Comment 3A.

Comment 24II: The following (24II, 24JJ, 24KK and 24LL) are comments of Mark E. Grismer, PhD, Engineering Hydrologist. There are several adverse, unmitigable impacts associated with the proposed development that range from biological resources to air quality issues. The Draft EIR contains very little information enabling the reader to properly evaluate the proposed water use and wastewater treatment associated with the project and instead refers the reader to additional Volumes and Appendices from which limited evaluation is possible. It is noted in the Draft EIR that the proposed water use is less than the present rice growing use and as such will have only minor impacts on groundwater resources. However, rice production also results in groundwater recharge and lateral shallow subsurface flows to adjacent drainage channels (ultimately to the River) that will no longer be available as a resource “downstream” when this water is used for domestic/industrial consumption. Conversion of rice fields having existing vernal pools possibly containing protected fairy shrimp may limit the extent of possible commercial development and should also be addressed through pool/wetland delineation within the project area.

Response: The commenter discusses the conversion of rice fields having existing vernal pools possibly containing protected fairy shrimp. There are no vernal pools found in the project areas rice fields. The intensive agricultural practices (e.g., cultivation, ripping, leveling for irrigation, and construction of ditches) associated with rice farming eliminate the potential for vernal pools to exist.

The proposed effluent reuse system, including a storage pond and agronomic irrigation, will provide groundwater recharge, as will landscape irrigation usage and the development's storm drainage basins.

Comment 24JJ: The proposed wastewater treatment plan capacity of ~7 mgd represents only ~75 percent of the domestic/industrial water use. This level of system loss (~25 percent), (presuming very limited landscape irrigation in light industrial parks) appears to be suspiciously high suggesting that the proposed WWTP facilities may be inadequate, or that sewage collection system losses enroute to the WWTP will result in groundwater degradation. Overall, insufficient information is provided to properly assess the proposed water use and treatment.

Response: The commentor's unsubstantiated disagreement with wastewater system design parameters is noted. The comment provides no evidence of environmental impact. The water and wastewater plans were prepared by Harry Tow of Quad Knopf Inc., a licensed Professional Engineer authorized by the State Board of Registration to perform civil engineering design and
provide professional engineering opinions and reports. The consultants believe, and the County’s engineers concur, the design criteria utilized to be conservative (see Volume II, Infrastructure Master Plan, pages 19-22).

**Comment 24KK:** Very little information is provided in the Draft EIR regarding wastewater disposal other than approximately 1,400 acres will be required and used for land disposal (presumably on forage crops). The Draft EIR notes that historic rice water use in the area averages ~48 in/yr. However, the Draft EIR proposal of disposal of 7mgd WWTP effluent on 1,400 acres results in ~67 in/yr, considerably more than that used by corn or even rice (presuming that River discharge of WWTP effluent will not be permitted). In fact, should more water-consumptive forage crops be grown on the WWTP effluent disposal areas, nearly 2,400 acres will be required to adequately dispose of the WWTP effluent (assuming limited distribution system losses and reasonable irrigation application efficiency). The commenter provides data to support his water balance calculation projected that 5200 acres would be required for land disposal, an area much greater than the proposed development project, and questions where this land area is to be found and will it be managed.

The Draft EIR does not discuss the possible impacts associated with routing the WWTP effluent to the irrigated land areas, where these areas are to be located and whether the RWQCB will issue permits for such disposal. This latter issue is a significant concern as the RWQCB Basin Plan requires that discharge to groundwater (including shallow water table aquifers) not exceed a TDS concentration of 450 mg/L. The WWTP effluent is unlikely to meet this TDS concentration limit without substantial dilution or reverse osmosis water treatment, thereby potentially requiring another water source during the non-rainy winter periods.

**Response:** The Draft EIR states (Volume II, page 22) that effluent reuse will be for production of corn and other feed crops. Should wintertime river disposal not be utilized, the agronomic reuse system would require a storage basin; such a basin would have the subsidiary purpose of temporary storage on a year-round basis for routing and timing of irrigation water application. The evaporation and percolation from this basin will affect effluent disposal to the extent essential to permit the usage of 1,400 acres of feed crop at agronomic rates for the balance of the effluent. The commenter’s calculations do not take such percolation and evaporation into account; his estimate of 5,200 acres needed for disposal is thus incorrect. The plans were prepared by Harry Tow of Quad Knopf Inc., a licensed Professional Engineer authorized by the State Board of Registration to perform civil engineering design and provide professional engineering opinions and reports.

Any environmental impacts associated with pipeline routing and specific locations for agronomic reuse of effluent will be dealt with (Mitigation Measure #3.9-2) in a tiered environmental analysis, as will total dissolved solids concentrations and other Regional Board effluent requirements.

The commenter is incorrect in stating that the Basin Plan requires a maximum TDS concentration of 450 mg/L (for groundwater designated for agricultural beneficial use). The Basin Plan, rather, includes the requirement that discharges to land from wastewater facilities not
have an EC (electrical conductivity) greater than source water plus 500 µmhos/cm. The Regional Board's waste discharge requirements, in accord with Resolution 68-16, typically contain language stating that the discharger shall minimize groundwater degradation by fully implementing, regularly maintaining, and optimally operating best practicable treatment and control (BPTC) measures. Such treatment and control will typically incorporate:

a. technology for secondary treatment of municipal wastewater;

b. concrete treatment structures;

c. biosolids handling and treatment for reuse;

d. constituent attenuation within the vadose zone;

e. groundwater monitoring;

f. recycling of wastewater on cropped properties;

g. a pretreatment program that includes effective salinity source control;

h. an active inflow and infiltration (I/I) rehabilitation program;

i. a capital recovery fund;

j. an operation and maintenance (O&M) manual; and

k. staffing to assure proper operation and maintenance

Such treatment and control does not involve dilution, reverse osmosis, or an alternative water source.

Comment 24LL: The Natomas Basin is in a valley depression resulting in regular flooding. Increased development in the area will clearly result in alteration of the existing drainage patterns in terms of both flow volumes, and to a greater extent, flood peak flow timing. Use of detention basins to contain floodwaters may be of little value during repeated rainstorms such as that occurring in December-January of 1995-96 and again in January-March of 1998. While it appears that Borcalli & Associates conducted runoff (HEC-1) and flood routing (HEC-2) analyses for the drainage canals/detention storage in the project area, additional modeling (e.g., HEC-2 or HEC-RAS) and subsequent RD1000 canal re-design is required to determine if the development is feasible without adverse flooding impacts downstream as well as unintentional spilling of WWTP effluent into the Sacramento River downstream of the area. How would these waters be contained and treated, or the timing of peak flows abated following project development? Water quality issues also need to be addressed including localized stormwater treatment for removal of BTEX compounds, metals, oils and greases, etc., prior to discharge from the detention basins. Light industrial and urban runoff pollutants differ from that found in
agricultural runoff that may be treated locally. Clearly a phased development is required in which drainage and water treatment infrastructure is in place prior to commercial development.

Response: The drainage improvements were designed by Fran Borcalli & Associates and approved by RD1000. Modeling was performed by RD1000, to determine the size of facilities required to mitigate adverse impacts to areas of the Natomas Basin outside the SSCSP area. Once these improvements are installed, impacts outside the Specific Plan Area will be insignificant. The sizing of water quality treatment provisions within the detention ponds employs the criteria and methodology developed by Sacramento City/County and implemented within the Natomas Basin. Also, refer to Response to Comment 24P.

LETTER 25  J. N. Clifton, District Engineer, RD1000

Comment 25A: The project lies within RD1000’s jurisdiction and approximately one-third of the project area lies within the 100-year floodplain. RD1000 is concerned that the Specific Plan and Draft EIR do not: analyze and mitigate for impacts resulting from inadequate drainage and flood control infrastructure; plan for, analyze and mitigate off-site and pre-development improvements; provide for a comprehensive drainage agreement regarding the implementation and financing of the drainage improvements; require phased development to ensure that some portion of the community infrastructure is constructed prior to full build-out; and provide a financing plan that provides an alternative to the Specific Plan” current "pay as you go” strategy and that demonstrates how the costs of the Plan’s implementation will be covered. The District is concerned that the inadequate analysis of drainage implementation, impacts, and financing will create a piecemeal drainage and flood control system that will cause significant impacts upon water resources, public utilities, and wildlife in the region. As the agency responsible for providing drainage and flood control protection to the I-C Reserve and the rest of the Natomas Basin, the District is deeply concerned that the County is proceeding with approval of the Specific Plan and Draft EIR prior to completion of a comprehensive drainage agreement with RD1000, a phased implementation plan, and a financing plan.

Response: Refer to Response to Comment 3A. The Sutter County / RD1000 Agreement states “Upon completion of the Specific Plan, Sutter County and RD1000 shall each endeavor in good faith to enter into a Drainage Improvement Agreement providing for the phasing of installation of any required drainage improvements identified in the Drainage Plan and the issuance of land use entitlements by Sutter County so that required drainage improvements will be in place to handle increases in stormwater runoff anticipated as a result of each phase of development in the Plan Area.” (See Appendix A) Further, the RD1000 District Engineer has stated, at the February 20, 2002 Planning Commission meeting, “We worked with Fran (Borcalli) and developed what I think is a plan that will work.” Pursuant to the agreement, Sutter County paid for the RD1000 District Engineer to check the plans. They did so and returned them with comments that were incorporated into the plan.

Comment 25B: Only the public distribution of the complete Specific Plan and Draft EIR can trigger the beginning of the public comment period. The District requests that the County defer the close of the public comment period until at least 45 days after the County publicly distributes
the Financial Plan. If the County does not extend the comment period, CEQA will require recirculation.

**Response:** Refer to Response to Comment 3A.

**Comment 25C:** The Draft EIR does not adequately analyze the Project’s impact upon agricultural resources; the Draft EIR does not recognize the full extent of those impacts or adequately analyzes mitigation and alternatives to those impacts. The Project will also have off-site impacts to agriculture. The Natomas Basin is operated as a “closed system” during the summertime. Because waters are not released during the summertime, additional precautions must be taken to avoid the build-up of salt content and other heavy minerals deleterious to agriculture that will be a part of the effluent disposed. Such build-up could impair agricultural activities throughout the Basin. The Draft EIR also fails to address impacts to agriculture caused from off-site improvements, including construction of the Sankey detention basin, the wastewater disposal area, the dedication of mitigation land to NBC, and the incorporation of buffers.

**Response:** Refer to Responses to Comments 5D, 5E, 14B, 14D, 14E, 14F, 14G and 23D.

**Comment 25D:** Mitigation measures for impacts to agricultural resources are inadequate. The Draft EIR does not consider mitigation measures that will expand or improve agriculture uses in the surrounding areas. Commenter suggests the following mitigation measures:

- Irrigation facilities should be maintained, re-located or modified as necessary to provide continuous irrigation services during the development process. The facilities include the irrigation canals, turnouts, lift pumps and return drains.

- Development planning should anticipate irrigation service needs both within and outside of the Plan Area. The irrigation facility modifications should be designed and phased accordingly.

- Irrigation services shall be maintained during construction. For example, accommodations would be required during culvert construction to maintain continuous irrigation service.

- Drainage canals should be maintained as part of the supply, circulation and drainage system for irrigation farmland.

- The Draft EIR should require procedures into the planning process that permit for Natomas Mutual’s input during the planning and design phases, whenever those entities’ facilities may be impacted.

- Development fees should include the full direct and in-direct costs of any impacts to the Natomas Mutual’s conveyance system, on or off-site, that result from implementation of the Specific Plan.
Where irrigation facilities remain within or adjacent to developed areas, the County should implement practices that will prevent potential conflicts, and allow irrigation service to continue unimpeded. General guidelines are as follows:

a. Provide a minimum 20’ buffer beyond toe of canal embankments. Such a buffer would provide for maintenance practices similar to farmland buffers and provide for maintenance access.

b. Provide fencing and access control along limits of irrigation facilities. Change in land use adjacent to irrigation facilities will result in an increase liability to Natomas Mutual and should be mitigated by providing access control for public safety reasons. Fencing should be set at the limits of buffers, to avoid maintenance restrictions, and should be close off access to the Plan Area.

Response: Refer to Response to Comments 14B, 14D, 14E, and 23J.

Comment 25E: The Draft EIR and the Specific Plan allow, but fail to analyze the impacts of, development of 3,500 acres without specifying that a community water supply and drainage system ever be constructed, and without providing any financing plan for the significant costs associated with the necessary drainage, including, but not limited to, the significant pre-development and off-site improvements to RD1000’s infrastructure. This will result in an inadequate, costly set of drainage improvements that will unduly stress RD1000’s system. Such stresses include increasing the area of the existing floodplain, increasing the amount of energy required to evacuate drainage water, and increasing the time required to evacuate drainage water. The Specific Plan and Draft EIR must require the County to:

- Analyze and mitigate for impacts resulting from inadequate drainage and flood control infrastructure;
- Plan for, analyze, and mitigate, off-site and pre-development improvements;
- Provide for a comprehensive drainage agreement with RD1000 regarding the implementation and financing of the drainage improvements;
- Require phased development to ensure that the community infrastructure is constructed prior to full build-out;
- Provide a financing plan demonstrating how the costs of the Specific Plan’s implementation will be covered; and
- Require pre-development financing of all drainage improvements.

Response: The DMP and phasing outlined in the Draft EIR is the product of an analysis by RD1000. Phasing of development during implementation, if modified from the phasing scenarios presented, will also be evaluated by RD1000 using its SWMM computer model. Also refer to Response to Comments 3A, 16L and 25A.

Comment 25F: The District is concerned that the Draft EIR reviews the Specific Plan without a financing plan, causing the Draft EIR to ignore reasonably feasible alternatives that could mitigate significant impacts. Because a cumulative analysis of drainage and flooding has not been conducted, alternatives that substantially lessen or avoid such significant effects must be
considered. The Draft EIR must examine all potential development scenarios and provide thorough analysis of the drainage-related impacts and infrastructure requirements associated with each scenario. The Specific Plan and Draft EIR must require a Financing Plan and a Drainage Agreement with RD1000 to address issues related to the drainage system.

**Response:** An analysis of drainage and flooding was evaluated by RD1000 for project and cumulative impacts using its SWMM computer model. Phasing of development different than presented will be required to conform to adopted criteria and evaluated by RD1000 to ensure adverse impacts are mitigated. Also refer to Response to Comments 3A and 25A.

**Comment 25G:** The County’s reliance on payment of fair share fees as a primary basis for mitigation of drainage impacts is inadequate [Draft EIR at page 4-68; Draft EIR at page 2-11]. The extensive additional drainage and flood control facilities and improvements that will be required to mitigate impacts are not recognized. It is essential that the County commit to work cooperatively with the District in developing a plan for such facilities and improvements prior to proceeding with development. The District will require a comprehensive agreement with the County to provide for payment by Specific Plan property owners/developers of all design and construction costs for District facilities and improvements necessary to mitigate drainage and flooding impacts.

**Response:** RD1000 identified the extent of drainage and flood control improvements required to mitigate impacts outside the SSCSP. The commenter has not provided information to support his statement that payment of fees is inadequate. Also refer to Response to Comment 3A. Also, refer to Response to Comment 25A.

**Comment 25H:** RD1000’s ownership of land underlying the Specific Plan’s drainage system must be recognized. Page 2-11 of the Draft EIR states that, “[A]t the County’s discretion, at the time an area wide drainage system is created, the facility shall be dedicated to the County along with the underlying land and access.” All property underlying any improvement of RD1000’s facilities must be transferred to the District in fee or easement prior to construction of the improvement.

**Response:** Comment noted for the record. The comment does not raise an environmental concern or potential environmental impact and does not, therefore, require response in the EIR.

**Comment 25I:** The Financial Plan and Drainage Agreement must condition any approval of specific development projects upon RD1000’s approval of the area wide drainage system and its financing, as well as the criteria for all “private facilities” as described at page 2-33 of the Draft EIR.

**Response:** Comment noted for the record. The comment does not raise an environmental concern or potential environmental impact and does not, therefore, require response in the EIR. See also Response to Comment 25A.
Comment 25J: The Financial Plan and Drainage Agreement must specify that the Specific Plan will be developed in phases, and that 50 percent of each phase must be built out prior to proceeding to the next phase.

Response: Comment noted for the record. The comment does not raise an environmental concern or potential environmental impact and does not, therefore, require response in the EIR. Phasing and thresholds are policy issues that will be addressed by the Board of Supervisors with Plan adoption. See also Response to Comment 25A.

Comment 25K: The Draft EIR fails to analyze the Specific Plan’s impact upon off-site drainage systems. It is stated in the Plan [Vol. I, page 44] that “[I]nitially, it may be feasible to accommodate development with on-site detention systems” and that “[I]nterim drainage may be constructed…” [Vol. I, p-46; Vol. II, p-23; Draft EIR p-2-11]. Development will increase run-off via detention basins or otherwise. Consequently, prior to any development within the Plan Area, RD1000 requires significant improvements to its drainage facilities to accommodate the increased run-off. The County must provide a drainage plan, which includes phasing and a payment plan, for those initial improvements.

Response: Comment noted. Refer to Response to Comment 25A.

Impacts to drainage outside the Specific Plan area were evaluated by RD1000, who sized the various facilities accordingly. The facilities required for various phases of development will require construction of the associated Drainage Master Plan drainage facilities, both within and outside the Specific Plan area.

Comment 25L: The Plan and Draft EIR must provide more specifics as to the method of treatment for urban runoff prior to release into conveyance facilities. [See Draft EIR at p.2-11]

Response: The water quality treatment will be based upon the criteria and methodology developed by Sacramento City/County to meet the Regional Water Quality Control Board requirements and implemented within the Natomas Basin. The specific details of each pond will be determined at the design phase.

Comment 25M: The Technical Appendices (Volume VI) states that Phase III improvements include a 60-acre pond on the north side of Riego Road; however, the map indicates that the pond is 50 acres rather than 60 acres. [See Vol. VI at p-24]

Response: The pond is 50 acres, as shown on Table 1 and Figure 6, of the Drainage Master Plan presented in Appendix D of Volume VI - Technical Appendices.

Comment 25N: RD1000 does not have a “Montna Drainage Canal” but has canals in the vicinity known as G1, G2 and G3. It must be clarified whether those are the canals that are proposed for alignment of the “Montna Drainage Canal.” [See Vol. II at p-25; Vol. VI at pgs-12 and 31]
Response: The maps provided by RD1000 identified the “Montna” Drain, however, the if the District has changed the name, the County will change all references in its documents once provide with the new nomenclature.

Comment 25O: RD1000 will require an analysis of seepage expected to infiltrate into detention basins and pumped into RD1000’s system. If that seepage is significant, RD1000 must be compensated for increased pumping costs. This reimbursement must be a component of the drainage agreement that is expected to be executed with the County. [See VI, p-20]

Response: Comment noted. The County expects to execute the referenced drainage agreement and to address issues of compensation.

Comment 25P: The total Unit Cost provided in Technical Appendices [Vol. VI] Tables 5 and 6 are incorrect.

Response: The comment is correct. The correct figure in both tables should be $27,300 per acre.

Comment 25Q: Spills have occurred twice at the Sankey Gap since RD1000’s levees were constructed in the early 1900’s, in February 1986 and January 1997. In both events, the spilling was caused by the Sacramento River backing up into the Pleasant Grove Canal and not due to a lack of Pleasant Grove Canal capacity. [See Volume V, p-3-52]

Response: The comment is noted for clarification.

Comment 25R: Detention to prevent runoff in excess of the rate of agricultural runoff is not a requirement of RD1000. The appropriate combination of off-site detention and pumping as well as off-site improvements to RD1000’s system is based on economics. The on-site detention could be higher or lower depending on optimization runs. [See Vol. V, p3-53; Vol. VI, App. D at p-4]

Response: The comment is noted for clarification.

Comment 25S: The statement in the last sentence in the second paragraph on page 33 of the Master Drainage Plan [Vol. VI, App. D] appears to be based on setting the maximum on-site detention basin pumping rate equal to agricultural runoff without optimization. This results in holding all on-site (land, storage, detention pumping plant) costs constant and varying only improvements to RD1000 drainage facilities. The optimization of the drainage facilities should include improvements to RD1000’s facilities (channel improvements and/or increased pumping capacity) and on-site detention and pumping capacity. For example, high land costs would tend to reduce the acreage and detention storage resulting in higher detention pumping and RD1000 pumping.

Response: Comment Noted. The discharge rate from the on-site detention ponds of approximately 0.1 cfs was selected in the early planning of storm drainage facilities in North
Natomas. It is not based upon meeting a rate equal to agricultural runoff. This comment does not raise a significant environmental concern requiring response under CEQA.

**Comment 25T:** The costs for Plan Area detention basins and detention pumping are only the same if the selected on-site pumping is required to be a constant value. [See Vol. VI, App. D, p-35, last sentence; p-37, first sentence] RD1000 does not require an on-site pumping value to be equal to agricultural runoff. The value used for on-site pumping should be the result of optimizing all of the appropriate drainage components that would vary with on-site detention pumping capacity. The costs for the Plan Area storm drainage system for each of the drainage basin areas being served will not vary significantly because the design tailwater will not change very much for large or small detention basins. Thus, the available head to size the storm pipe system draining to the detention basin will not change significantly.

**Response:** Comment noted. The comment does not raise a significant environmental concern requiring response under CEQA.

**Comment 25U:** The 0.1 cfs/acre value selected by the Developers for the Natomas project was close to the optimized value of 0.12 cfs/acre. [See Vol. VI, App. D, p-37] The 0.12 optimized value was based on specific costs for RD1000 channel improvements, RD1000 pump station additional capacity, and on-site detention and pumping facilities. The 0.10 cfs/acre value may not be appropriate for the costs of the drainage facilities being considered at this time.

**Response:** Comment noted. Some refinement in the design rate of runoff could be considered during the design phase of the project. The value used is reasonable and is consistent with other project assumptions. If any of those assumptions change in the future, a separate analysis would be performed at that time.

**Comment 25V:** The preferred plan, Alternative No. 2, includes the Sankey Basin facilities with detention storage of 1,800 acre-feet. [See Vol. VI, App. D, p-48] The Specific Plan’s drainage discussion must include facilities to handle events greater than a 100-year event, and must state whether the Basin meets the California Division of Safety of Dams requirements.

**Response:** If information on the Sankey Gap flow is available, a sensitivity analysis performed for the 200-year storm would be reasonable. It is understood that RD1000's SWMM model was based upon a 100-year, 10-day storm. The basin has not yet been designed. If required, the design and construction of the Sankey Basin will meet the requirements of the Division of Safety of Dams (an embankment exceeding 25 feet in height or an impound holding more than 50 acre-feet).

**Comment 25W:** The information on the Sankey Spill structure should be modified to reflect a 5-foot x 5-foot box culvert be included only in Alternatives 1 and 3 and a 4-foot x 4-foot box culvert be included only in Alternative 2. [See Vol. VI, App. D, Table 2]

**Response:** The information offered in relation to the Sankey Spill structure is noted.
Comment 25X: The Specific Plan provides that the (Cost Area (Phase) 1 and Cost Area (Phase) 3 drainage areas are being discharged into the Montna Drain. As shown on Table 2, the Montna Drain will be improved until the drain ties into the East Drainage Canal at Elverta Road within Sacramento County. [See Vol. VI, App. D, Table 2] There are restrictive culverts on the Montna Drain south of the Sutter County line that should be improved to be consistent with the improved Montna Drain.

Response: The modifications proposed in the Drainage Master Plan for the Montna Drain are as interpreted from information provided by RD1000. If additional culverts exist that require modification, they will be incorporated in the final design of the drainage system.

Comment 25Y: A 6-foot x 6-foot culvert is proposed at the county line levee crossing at the junction with the realigned west branch of the East Drainage Canal. [See Vol. VI, App. D, Table 2] This proposed culvert was not included in the RD1000 model during the review of the Draft Drainage Master Plan dated May 16, 2001. The 6-foot by 6-foot box culvert was added to the model and tested. The results indicated that a larger box culvert was required to minimize impacts upstream from Riego Road. Two box culverts of approximately 8-foot x 8-foot should be included in the planning documents subject to refinement at a later date.

Response: The need for the larger box culverts on the East Drainage Canal at the County Line Levee is noted and will be incorporated in the final design of the drainage system.

Comment 25Z: The Draft EIR does not adequately mitigate the impacts of the Drainage Plan upon agriculture. The Drainage Master Plan generally protects or preserves facilities required for conveyance that run through the Specific Plan Area (e.g., Northern Main Canal, East Drainage Canal), but does not provide for implementation of the drainage modifications while maintaining service to lands within the Plan Area.

Response: Comment noted. Implementation measures to address such service to agriculture during construction will be developed during the infrastructure improvement planning and design.

Comment 25AA: The Draft EIR fails to adequately analyze the impacts of the “pay as you go” financing strategy for wastewater collection, treatment, and disposal; and the absence of any requirements for the completion of a comprehensive wastewater collection system. The Specific Plan and Draft EIR must be revised to include the following:

- Analyze, and mitigate for, impacts resulting from inadequate wastewater collection, treatment and disposal infrastructure.
- Plan for, analyze and mitigate, off-site and pre-development improvements for wastewater collection, treatment and disposal.
- Provide for a comprehensive agreement with RD1000 to hold harmless and indemnify RD1000 from impacts caused by inadequacies of the wastewater collection, treatment and disposal system.
• Require phased development to ensure that some portion of the community wastewater infrastructure is constructed prior to full build-out.

• Require that 50 percent of each phase is completed prior to proceeding to the next phase; and

• Provide a Financing Plan demonstrating how the costs of the Specific Plan’s wastewater implementation will be covered.

Response: The commentor is referred to the Financing Plan released on February 8, 2002 and to the following responses:

• The County does not agree that the proposed wastewater infrastructure is “inadequate”. The commentor is referred to Section 3.9.2.2 of the Draft EIR.

• The County believes it has been planning for and analyzing wastewater treatment and disposal infrastructure. It is unclear what the writer means by “off-site” and “predevelopment” improvements.

• A hold harmless agreement with RD1000 is not a matter for discussion in the EIR.

• It is intended that the wastewater infrastructure be put in place at the earliest opportunity. There is no intent to allow “full buildout” on interim systems. A phased approach to system development is anticipated as described on page 23 of the Infrastructure Master Plan.

• Project phasing is a policy matter that will be determined by the Board of Supervisors.

• As noted previously, a Financing Plan was released on February 8 2002 and is available for review and comment.

Comment 25BB: RD1000 will not accept treated sewage into its drainage system without a complete and comprehensive drainage agreement that will hold harmless and indemnify RD1000.

Response: It is not proposed to discharge treated sewage to the RD1000 drainage system. The agronomic reuse areas are proposed to utilize tailwater systems; the storage pond will be designed to retain effluent during flood events.

Comment 25CC: The Specific Plan encourages a piecemeal approach to wastewater treatment and does not recognize that initial phases of the collection, treatment and disposal system must be designed, constructed, and permitted before the first connection to the community system can be made. The Plan indicates that individual wastewater systems may be utilized for development projects until a community wastewater collection treatment and disposal system is developed [Vol. I, p-43; Vol. III, p-21]. The Plan does not identify how these already developed parcels will be assessed for their fair share of the community wastewater system.
Response: The Specific Plan does not “encourage” a piecemeal approach to wastewater treatment, rather it permits a limited amount of development to proceed while the central treatment facility is designed, permitted and constructed. The Plan also does not ignore how “already developed parcels” will assess their fair share. The subject is covered in polices 2 and 3 of the Infrastructure Master Plan, in particular Policy 3, which states as follows:

3. Developers shall pay their fair share at the time of building permit issuance to ensure completion of a community wastewater collection, treatment and disposal system meeting County standards.

Comment 25DD: The Specific Plan and Draft EIR must identify:

- The location of the “interim” effluent discharge;
- The volume of the “interim” effluent;
- Who will monitor effluent quality;
- The incentive for a property owner to connect to the community system once that property owner is relying upon on-site treatment. The Plan should identify the enforcement mechanisms that would be used by the County to ensure that on-site systems are properly abandoned and connection of the community sewer system made;
- Financing for the initial on and off-site pre-development facilities. Will Sutter County “front the cost” of initial facilities and be reimbursed when industrial building permit fees are paid? Will an assessment district be formed using the future value of improved property within the Plan Area as a basis for assessment?
- The entity responsible for the long-term operation and maintenance of the wastewater facilities. Will Sutter County be the responsible agency or will a separate District be formed?
- The impacts of the proposed wastewater treatment disposal and discharge system on groundwater or surface water resources;
- The impact of delay in completion of a community wastewater system – financing, permitting and construction of a community wastewater system could take several years to complete. The Specific Plan should identify what level of development would be permitted within the Plan Area prior to the completion of a community wastewater system;
- For planning purposes the 2000 gallon per acre day average daily flow generation rate seems reasonable for industrial and commercial uses, however, no specific allowance has been made for infiltration and inflow and therefore there is no estimate of the wet weather collection, treatment and disposal flow rates;
- Wet weather discharge of treated wastewater to the Sacramento River is proposed. Beneficial uses of the River downstream of the Plan Area include domestic water supply, recreation, irrigation and industrial supply. The Specific Plan should clearly identify the levels of treatment proposed. A secondary level of treatment with filtration and disinfection is implied but not conclusive as to the discharge standards proposed;
- A water quality monitoring plan upstream and downstream of the proposed discharge point;
- Alternatives to the River Discharge Plan should be further explored, including use of treated wastewater for industrial use such as cooling tower makeup water; energy projects that
could put the treated wastewater to beneficial use. Cost estimates for both the proposed winter discharge/summer irrigation and the winter storage/summer irrigation alternatives are nearly the same. There does not appear to be a significant cost saving associated with the proposed plan and permitting is expected to be much more difficult. The feasibility and cost associated with connection to the Sacramento County Regional Wastewater System should be further explored;

- The Specific Plan proposes a 25-acre site for the wastewater treatment plant; a 40-50 acre site should be planned;
- A gross disposal area of 1,400 acres is proposed, based on a net irrigation area of 1,300 acres plus perimeter buffers. To achieve a net spray field of 1,300 acres, a total gross area of not less than 1,700 to 1,800 acres should be anticipated. Existing drainage courses or waterways within the proposed disposal area should be identified;
- The application rate of 3.5 feet per year is reasonable for agronomic rates; however, this rate should be checked against nitrogen loading limits to ensure that the proposed treated effluent application rate is not nitrogen limited;
- The Specific Plan suggests that land used for wastewater disposal be purchased outright by the County or leased on a long-term basis (20 years). A 20-year lease is not a good alternative and should not be considered. Building-out of the Plan Area is proposed to occur over a 20-year period. If the long-term lease has expired, disposal options will be limited and costly. The Specific Plan suggests that a number of contiguous parcels need to be aggregated to form the spray field. The Plan should indicate how many property owners are included in the proposed spray field and the present use of these parcels.

**Response:**

- Refer to Response to Comments 5D and 24T
- Refer to Response to Comments 5D and 24T
- Refer to Response to Comments 5D and 24T
- There is no CEQA requirement that these items must be "identified".
- Refer to Response to Comment 3A
- A County Service Area will be established to provide on-going maintenance of infrastructure.
- The comment is too general and non-specific to frame a specific response. The Draft EIR identifies such impacts and their mitigation measures.
- Refer to Response to Comment 25J
• The commenter's agreement with a 2,000 gallon per acre per day average daily wastewater flow rate is noted. Sewer design criteria utilizing partial-capacity flows have been utilized to accommodate wet-weather infiltration and inflow.

• The design of treatment structures will accommodate wet-weather flow hydraulics. No environmental issue is raised or requires response.

• Regardless of wet-weather discharge, whether to the River or to storage, the Draft EIR has evaluated wastewater treatment (and its costs) to include activated sludge treatment, filtration (for River discharge only), nitrification, denitrification and disinfection. (Volume VI, Technical Appendices, Appendix C, page 3).

• Extensive water quality monitoring for either surface or land discharges will be required by the Regional Board as a condition of the Board's issuance of Waste Discharge Requirements. The location and design of such monitoring facilities cannot be determined prior to the formulation thereof by the Board.

• The Draft EIR has considered and environmentally evaluated feasible alternatives to River discharge, and may implement one of these alternatives in view of the anticipated difficulties in obtaining a River discharge permit. The utilization of treated effluent for cooling tower makeup or any energy project would be infeasibly speculative absent any present or planned project area facilities which would permit such usage.

• The comment is noted.

• The comment is noted. The suggested perimeter buffer area, resulting in a "1,700 to 1,800 acre" gross area, appears to be excessive; a 100 foot buffer around a 1,300 acre, two-section, site would, for example, require about 72 acres of land. A precise site location for an agronomic reuse area has not been selected; it is, therefore, not possible to identify watercourses or waterways thereon. Denitrification of wastewater treatment effluent is proposed; it is, therefore, not likely that effluent reuse will be nitrogen-limited.

• The comment is noted. As noted above, a precise location for an agronomic reuse area has not been selected.

Comment 25EE: The Draft EIR does not analyze any of the Specific Plan’s cumulative impacts related to drainage and the analysis of cumulative impacts to agricultural resources is limited. [See Draft EIR at p.5-10] In addition to the off-site impacts to agriculture and groundwater, the Draft EIR’s analysis of cumulative impacts must extend beyond the initial 3,500-acre threshold-level of development included in the Specific Plan. Cumulative effects of development within the region, including development within the entire Natomas Basin, must be evaluated prior to Project approval.

Response: Refer to Response to Comments 16QQ and 23N.
Comment 25FF: RD1000 understands the County’s desire to proceed with development of the Specific Plan Area; however, given the lack of comprehensive drainage, flooding and other natural resource mitigation strategies for the area, consideration of approvals for the Project is premature. The District strongly urges the County to work with RD1000 to develop a comprehensive plan to address drainage-related impacts and mitigation requirements for development within the Plan Area.

Response: Comment noted for the record. The comment does not raise an environmental concern or potential environmental impact and does not, therefore, require response in the EIR.

LETTER 26  Demosthenes J. Kaufman, Kaufman & Company, Ltd.

Comment 26A: The commenter indicates that he owns property located at the northwest intersection of Sankey Road and Natomas Road and that the property is within the boundaries of the Industrial/Commercial Reserve but outside the Specific Plan Area. The property is zoned general agriculture, is used for rice cultivation, and is within the control of the Natomas Basin Conservancy as a natural habitat for the Giant garter snake. The Specific Plan proposes to construct a detention basin that includes the commenter’s land. That construction will result in removal of the land from rice production and will destroy the habitat of the Giant garter snake in conflict with the goals and objectives established by the NCB.

Response: Refer to Response to Comment 26E.

Comment 26B: The Draft EIR fails to address all potential and alternative uses for the commenter’s property and for all the property within the proposed Sankey Basin. The Draft EIR only references the property’s current use and proposed inclusion as part of the Sankey Basin.

Response: Analyzing all potential alternative uses for property outside is outside the scope of the Draft EIR. Per CEQA Guidelines Section 15126.6, a reasonable range of alternatives was addressed.

Comment 26C: Commenter states that his property is within the boundaries of the Industrial-Commercial Reserve and that the proposed use for his property (i.e., part of the proposed Sankey Basin) is in conflict with the County’s General Plan and specifically with the Industrial-Commercial Reserve. That conflict, and the impacts and proposed mitigation of that conflict, is not adequately addressed by the Draft EIR.

Response: The depicted basin is not in a finalized location but rather is shown schematically. All lands outside the Specific Plan area will remain in agricultural production. The proposed use of the basin for floodwaters does not curtail agricultural production, as it will be designed for continued agricultural use. The proposed drainage basin supports implementation of the Specific Plan and does not conflict with the General Plan. Also, refer to Response to Comment 16EE.

Comment 26D: The Draft EIR states that inclusion of the commenter’s property in the proposed Sankey Basin will result in its taken out of rice production; however, the Draft EIR fails to
adequately address the environmental impact of removal of the land from rice production and the potential environmental impacts of all potential and alternative uses.

**Response:** Refer to Response to Comments 21D and 26C.

**Comment 26E:** The Draft EIR states that the inclusion of my property in the proposed Sankey Basin will result in destruction of the existing habitat of the Giant garter snake and that the use as a basin will be incompatible as habitat. The Draft EIR fails to adequately address the effects of the destruction of the existing habitat, the environmental impacts of a redesign of the basin to avoid or reduce that destruction, and the environmental impacts of acquisition of other suitable property for replacement habitat.

**Response:** The commenter incorrectly states the inclusion of his property in the Sankey Basin will result in destruction of snake habitat. Water discharged to the Sankey Basin will be stormwater. The area will remain in agriculture, but as a flood control measure, water will be discharged to the area during a 100-year storm event when the Sankey Gap overflows. In addition, it will still provide habitat for species. Impacts to this area will be temporary until the “improvements” are completed. After that time it will remain in agricultural use. It is anticipated that compensation for these temporary impacts will be handled in accordance with the Final NBHCP. During the design phase acreages will be quantified. Also, refer to Response to Comments 16O, 16R, 16QQ, 21D and 21E.

**Comment 26F:** Commenter states his objection to his property being included within the proposed Sankey Basin. The Specific Plan fails to state how and when his property will be acquired for construction of the basin, creating an insurmountable uncertainty concerning future use of the property.

**Response:** Comments are noted for the record.

**LETTER 27  Pam Stark, Chairperson, Sutter County Taxpayer Association, Inc.**

**Comment 27A:** The SCTA requests the 45-day review period for the Draft EIR be extended until 45 days after the complete document, including the Financing Plan (Volume III) is available for public review.

**Response:** Refer to Response to Comment 3A.

**LETTER 28  Christine M. Palisoc, Environmental Scientist, Storm Water Unit, California Regional Water Quality Control Board, Central Valley Region**

**Comment 28A:** Wastewater disposal alternatives discuss discharging treated wastewater to the Sacramento River. The CVRWQCB’s Basin Plan prohibits the discharge of wastewater into the Sacramento River between the confluence with the Feather River and the Freeport Bridge. A NPDES permit cannot be issued for the proposed drainage.
Response: The comment is noted; such discharge would require Basin Plan modification similar to the exception obtained by the City of West Sacramento from the Regional Water Quality Control Board. The Draft EIR environmentally evaluates other discharge alternatives that will be reviewed with the Regional Board during the design of wastewater facilities and as the basis for a Waste Discharge Report (WDR).

Comment 28B: A NPDES General Plan for Storm Water Discharges Associated with Construction Activities is required when a site involves clearing, grading, disturbances to the ground such as stockpiling, or excavation that results in soil disturbances of at least five acres of total land area. Construction activity that involves soil disturbances on construction sites of less than five acres and is part of a larger common plan of development or sale also requires a permit. A Construction Activities Storm Water General Plan must be obtained prior to construction.

Response: Comment noted. Mitigation measures #3.6-1 and #3.6-2 address drainage runoff.

Comment 28C: Section 401 of the federal Clean Water Act requires any project that impacts waters of the State (such as streams and wetlands) to file a 401 Water Quality Certification application with CVRWQCB. If a U.S. Army Corp of Engineers (ACOE) permit is required, then Water Quality Certification must be obtained prior to initiation of project activities. The proponent must follow ACOE 404(b)(1) Guidance to assure approval of the 401 application. The commenter outlines the guidelines for obtaining a permit.

Response: Comment noted for the record. The comment does not raise an environmental concern or potential environmental impact and does not, therefore, require response in the EIR.

Comment 28D: A Dewatering Permit covered under Waste Discharge Requirements General Order for Dewatering and Other Low Threat Discharges to Surface Waters Permit, Ordinance No. 5-00-175 (NPDES CAG995001) may be required. Commenter outlines criteria for obtaining a permit.

Response: Comment noted for the record. The comment does not raise an environmental concern or potential environmental impact and does not, therefore, require response in the EIR.

LETTER 29 Terry Roberts, Director, State Clearinghouse, Office of Planning and Research

Comment 29A: The State Clearinghouse submitted the Draft EIR to selected state agencies for review. On the enclosed Document Details Report the Clearinghouse has listed the state agencies that reviewed the document. The review period closed on December 21, 2001, and the comments from the responding agencies are enclosed. Please note that Section 21104(c) of the California Public Resources Code states that:

A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation.
These comments are forwarded for use in preparing the Final EIR. This letter acknowledges that the County has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Response: Comment noted. No response is required.

LETTER 30  Daryl L. Lauppe, President, Lauppe & Son, Inc.

Comment 30A: Commenter indicates that he owns property at the northwest and northeast corners of Sankey Road and Highway 99. Commenter refers to letters from RD1000 and Natomas Mutual (Letters 25 and 23 respectively) and incorporates them by reference. Expressed concerns include, but are not limited to, potential problems relating to drainage, flood control, waste water, infrastructure financing, impacts on agricultural resources, hydrology and water quality, water supply, air quality, traffic, and cumulative impacts. Given the lack of comprehensive strategies to date with the above-referenced concerns, consideration of approvals for the Project is premature. Commenter urges the County to work with him to address potential issues and problems with regard to his property.

Response: The several, general, comments are noted. No environmental issues are raised. We have responded to letters 25 and 23 earlier in this document.

LETTER 31  Daryl L. Lauppe

Comment 31A: Commenter indicates that he owns property at the northwest and northeast corners of Sankey Road and Highway 99. Commenter refers to letters from RD1000 and Natomas Mutual (Letters 25 and 23 respectively) and incorporates them by reference. Expressed concerns include, but are not limited to, potential problems relating to drainage, flood control, waste water, infrastructure financing, impacts on agricultural resources, hydrology and water quality, water supply, air quality, traffic, and cumulative impacts. Given the lack of comprehensive strategies to date with the above-referenced concerns, consideration of approvals for the Project is premature. Commenter urges the County to work with him to address potential issues and problems with regard to his property.

Response: Refer to Response to Comment 30A.

LETTER 32 Steven A. Speckert, Air Pollution Control Officer/Larry D. Matlock, Air Quality Planner/Toxics Coordinator, Feather River Air Quality Management District

(Note: This letter was received after the close of the public comment period.)

Comment 32A: In 1998 the Air District Board adopted the FRAQMD Indirect Source Review Guidelines (ISRG). The ISRG establishes air quality “thresholds of significance” used to determine if a project presents a significant environmental effect to air quality. Projects that exceed the thresholds of 25 pounds per day of ROG or NOₓ, or 80 pounds per day of PM₁₀
potentially pose a significant environmental effect. The Draft EIR indicates that project emissions are well above air quality significance thresholds and that mitigation measures proposed in the Draft EIR would not reduce the impact to less than significant. The Draft EIR further states that impacts would remain significant, cumulative, and unavoidable. Therefore, FRAQMD recommends the deployment of all feasible mitigation measures until the effect is no longer significant or until all feasible mitigation efforts are exhausted.

In addition to thresholds, the ISRG also provides a list of standard (STD) and supplemental (SUP) mitigation measures, approved by the FRAQMD Board, applicable to all projects in Yuba and Sutter counties (attached to letter as Attachment “A”). On July 2, 2001, the Air District Board granted approval authorizing the APCO to develop and maintain a list of potentially feasible mitigation measures available to the public, developers, and planners for use in the CEQA process. These measures complement the ISRG and expand the scope of mitigation measures. These measures are referred to in this document as Best Available Mitigation Measures (BAMM) and are also provided in Attachment “A”. FRAQMD Rules and Regulations may also apply to some aspects of the Plan and are referred to as R & R in this document.

Finally, Public Resources Code, CEQA Section 21081.6 requires that the public agency shall adopt a monitoring program of mitigation measures and ensure their enforceability. FRAQMD has provided suggestions for monitoring in tandem with comments regarding mitigation measures.

**Response:** Comment noted for the record. The comment does not raise an environmental concern or potential environmental impact and does not, therefore, require response in the EIR. The commenter’s concerns will be addressed in the following response to comments.

**Comment 32B:** Impact #3.3-1, Construction Phase Emissions – In addition to the mitigation measures proposed in SSCSP Draft EIR (Mitigation Measures #3.3-1, #3.3-2 and #3.3-3) implement the following measures and rules:

STD: 2, 3, 4, 8, 9, 10, 11, 12, 13  
SUP: 17, 18, 19  
BAMM: 1.1, 1.2, 1.3, 1.4  
R&R: Rule 3.15 Architectural Coatings, Rule 2.13 Nuisance, Rule 3.0 Visible Emissions

**Monitoring and Enforceability:** Submit “plans” to FRAQMD as specified in BAMM 1.0 incorporating proposed SSCSP Draft EIR Mitigation Measures and ISRG Standard and Supplemental measures and/or as specified in BAMM 4.0.

**Response:** Standard Mitigation Measures #’s 2, 3, 4, 8, 9, 10, 11, 12, and 13 are included in Mitigation Measure #3.3-1. However, in response to the commenter’s suggestion to include Best Available Mitigation Measure #1.2, Mitigation Measure #3.3-1 is modified accordingly. Although this modification provides additional mitigation for project related impacts, the additional measures will not alter the conclusions reached in the Draft EIR.
Mitigation Measure #3.3-1: The following shall apply to construction-related activities for the proposed project:

The applicant shall submit to the FRAQMD, and receive approval for, a *Construction Dust and Traffic Flow Control Plan*, prior to groundbreaking, to include the following measures:

- Vegetation will be replanted in disturbed areas as quickly as possible.
- All grading operations shall be suspended by the developer or prime contractor or as directed by the FRAQMD when winds exceed 20 miles per hour.
- Incorporate the use of non-toxic soil stabilizers according to manufacturers’ specifications to all inactive construction areas.
- Provide temporary traffic control as needed during all phases of construction to improve traffic flow, as deemed appropriate by the Department of Public Works and/or Caltrans.
- Construction activities shall minimize disruptions to traffic flow during peak hours to the greatest feasible extent.
- Construction sites shall be watered at least twice a day, or as needed to prevent visible dust plumes from blowing off-site.
- All trucks hauling dirt, sand, soil, or other loose material should be covered or should maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and top of the trailer) in accordance with the requirements of California Vehicle Code Section 23114. This provision shall be enforced by local law enforcement agencies.
- Paved streets shall be swept (water sweeper with reclaimed water recommended) at the end of each day if substantial volumes of soil material have been carried onto adjacent paved, public roads from the project site. (Use of dry rotary brushes is forbidden except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.)
- Wheel washers shall be installed where project vehicles and/or equipment exit onto paved streets from unpaved roads. Vehicles and/or equipment shall be washed prior to each trip.
- Tarpaulins or other effective covers will be used for on-site storage piles.
• Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

• All unpaved access roads, parking areas, and staging areas at construction sites, will be paved or (non-toxic) soil stabilizers applied, or water applied three times daily.

• Construction site vehicle speed will be limited to 15 miles per hour (mph) on unpaved areas.

• Operations affecting traffic will be scheduled for off-peak hours to the greatest extent possible.

In response to the commenter’s concerns regarding emissions from off-road construction equipment, Mitigation Measure #3.3-2a is added. Although this measure will provide additional mitigation for project related impacts, it will not alter the conclusions reached in the Draft EIR.

**Mitigation Measure #3.3-2a:** All construction contracts should include the following heavy-duty off-road equipment requirements to reduce nitrous oxide (NOx) and diesel toxic air contaminant emissions:

- The prime contractor shall submit to the FRAQMD for approval, an *Off-road Construction Equipment Emission Reduction Plan* prior to groundbreaking demonstrating that heavy-duty (>50 horsepower) off-road vehicles to be used in the construction project, and operated by either the prime contractor or by any subcontractor, will achieve a fleet-averaged 20 percent NOx reduction and a 45 percent particulate reduction compared to the most recent CARB fleet average; and

- The prime contractor shall submit to the FRAQMD 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 for the construction project. The inventory shall include the horsepower rating, engine production year, and 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 the 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 prime contractor shall provide FRAQMD with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman; and

- The prime contractor shall ensure that emissions from all off-road diesel powered equipment on the project site do not exceed 40 percent opacity for
more than three minutes in any one hour. Any equipment found to exceed the 40 percent opacity shall be repaired immediately, and the FRAQMD 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 FRAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this measure shall supercede other FRAQMD regulations.

In response to the commenter’s concerns regarding emissions from construction worker’s vehicle trips, Mitigation Measure #3.3-2b is added. Although this measure will provide additional mitigation for project related impacts, it will not alter the conclusions reached in the Draft EIR.

**Mitigation Measure #3.3-2b:** The applicant shall develop and submit for District approval a Construction Phase Trip Reduction Plan prior to groundbreaking to achieve a minimum average vehicle ridership (AVR) of 1.5 for construction site employees.

**Comment 32C:** Impact #3.3-2, Motor Vehicle Trips and Heat Island Effect – In addition to the mitigation measures proposed in SSCSP Draft EIR (Mitigation Measures #3.3-4, #3.3-5 and #3.3-6) implement the following measures and rules:

STD: 6, 7
SUP: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19
BAMM: 2.1, 2.2, 3.1, 3.2, 3.3, 3.4
R&R: None

Monitoring and Enforceability: Submit “plans” to FRAQMD as specified in BAMM 2.0 and 3.0, incorporating proposed SSCSP Draft EIR Mitigation Measures and ISRG Standard and Supplemental measures and/or as specified in BAMM 4.0.

Response: The County of Sutter and the FRAQMD have collaborated to review and analyze for feasibility all potential air quality mitigation measures for this project. A point value system similar to what is used in neighboring Sacramento County but appropriate for Sutter County is proposed for adoption with the Final EIR. A Specific Plan Air Mitigation Matrix (SPAMM) was developed (see Appendix B) for use with this project. Whereas, a 15 percent reduction in emissions is typically warranted for similar projects, because this project was not part of the 1994 State Implementation Plan (see response to Comment 5I), all feasible mitigation measure have been incorporated into the project.

The SPAMM includes two measures that are already incorporated into the Specific Plan for this area but, upon consultation with FRAQMD, it was determined that it successfully mitigated air pollution.
• Design Guideline # 10.6 requires bicycle-parking facilities at a rate of at least 3 percent of the required auto parking and Design Guideline #10.7 establish firm bicycle facility standards and
• Design Guideline # 7.2 requires an extra 10 percent shading in parking lots if the developer chooses not to use light colored paving materials.

In addition, the Specific Plan requires a County Service Area (CSA) be established. The CSA will be funded by a non-revocable funding mechanism. Since the primary component of the air pollution problem associated with this project is from mobile sources (automobiles, trucks, etc) the CSA will be responsible for establishing a Transportation Management Association (TMA) and defining the scope of their operations, including overseeing a Transportation Demand Management (TDM) program consisting of various mobile source emission reduction activities.

In implementing TDM’s, TMAs provide services such as rideshare matching, transit information, and parking coordination in a particular area, such as a commercial district or mall. This achieves more efficient use of resources and allows businesses of all sizes to participate in commute trip reduction programs. TMAs provide an institutional framework for trip reduction programs. They are usually more cost effective than programs managed by individual businesses. TMAs allow small employers to provide Commute Trip Reduction services comparable to those offered by large companies. TMAs can increase transportation options, provide financial savings to businesses and employees, reduce traffic congestion and parking problems, and reduce pollution emissions. They are an important strategy for creating more efficient land use patterns. These benefits can be large because traffic and parking costs tend to be particularly high in commercial and industrial areas where most TMAs exist. Parking and road facility savings often repay TMA operating costs. In order to succeed TMAs should:

1) Support a variety of transportation services, travel options and incentives, including planning efforts to create more pedestrian- and transit-friendly land use, and parking brokerage services to help businesses share and trade their parking resources;
2) Include both positive and negative incentives. TDM programs tend to be most effective when they improve consumers’ travel choices and provide incentives to use alternatives to driving when possible; and
3) Work to develop and maintain cooperation between transportation agencies, transit service providers, businesses, employees, and residents who are affected by their programs.

Several successful TMAs are in the area that can be used for example:
• Sacramento Transportation Management Association
• South Natomas Transportation Management Association
• Folsom Rancho Cordova El Dorado (FRED) Transportation Management Association
• Ride-On Transportation Management Association in San Luis Obispo

The TMA for this project area is established by including Mitigation Measure #3.3-4a. Although this measure will provide additional mitigation for project related impacts, it will not alter the conclusions reached in the Draft EIR.
Mitigation Measure #3.3-4a: The County of Sutter will require the new County Service Area establish a Transportation Management Association (TMA). The TMA will be private, non-profit, member-controlled organization that provides transportation services in the project area. All future occupants in the project area shall be required to be paying members of the TMA. The structure of the TMA shall include, at a minimum:

- A provision in the by-laws requiring that the TMA provide an annual report to the Board of Directors of the FRAQMD. The purpose of this annual report is to quantify the emissions reductions achieved, and demonstrate continued effectiveness.
- A shuttle service to provide transportation for employees, to supplement any existing or future public transit in the area.
- Subsidize the payment of fares or expenses for employees, as an incentive for them to use some form of transit/carpooling/vanpooling.
- Educational materials and programs to assist occupants in complying with mitigation measures.

The SPAMM also includes other measures that will be incorporated into the project by being added to the EIR. These Mitigation Measures will become requirements that each future occupant who locates in the project site will have to demonstrate compliance during their Design Review Phase and are incorporated in Mitigation Measures #3.3-4b, #3.3-4c, #3.3-4d, #3.3-4e, #3.3-5a, #3.3-5b, #3.3-6a and #3.3-6b. Although these measures will provide additional mitigation for project related impacts, it will not alter the conclusions reached in the Draft EIR.

Mitigation Measure #3.3-4b: The occupant shall, in addition to mandatory membership in the CSA’s TMA, provide an on-site Transportation Coordinator to coordinate the facility’s transportation programs and, in coordination with the TMA, provide flextime, carpool matching assistance, and guaranteed rides home for employees that do not drive alone in their vehicles to work.

Mitigation Measure #3.3-4c: The occupant shall provide, in the design of the company’s parking area, preferential parking spaces for carpool/vanpool vehicles that are near the entrance of the building. Parking spaces shall be appropriately identified with visible signage. The occupant shall also provide loading and unloading facilities for transit and carpool/vanpool users.

Mitigation Measure #3.3-4d: The occupant shall provide a display case or kiosk displaying transportation information in a prominent area accessible to employees and visitors.
Mitigation Measure #3.3-4e: The occupant shall provide an additional 20 percent more Class I and Class II bicycle parking facilities than is required by County Ordinance.

Mitigation Measure #3.3-5a: The occupant shall provide stipulation in their Landscape Maintenance Program, or equivalent landscape maintenance agreement, committing to contracting only with commercial landscapers who operate with equipment that complies with the most recent California Air Resources Board’s certification standards, or standards adopted no more than three years prior to date of use.

Mitigation Measure #3.3-5b: The occupant shall provide electric vehicle charging facilities with preferential parking. Details of provisions must be coordinated with the County of Sutter and FRAQMD.

Mitigation Measure #3.3-6a: The occupant shall provide grass paving or reflective surface paving for driveways, and/or fire lanes that will reduce the standard paving by 10 percent or more, in consultation with the FRAQMD.

Mitigation Measure #3.3-6b: The developer should orient the buildings to minimize southern exposure to the maximum extent feasible. Design the site and buildings such that at least 50 percent of the buildings exterior linear footage are oriented to face either north or south (within 30 degrees of N/S), and orient the placement of trees and shrubs near the building to cool the soil around the building and prevent direct solar radiation from entering the building through windows and from heating external building structures, or the developer shall provide increased shade landscaping.

The air quality measures already contained in the Specific Plan in addition to the measures enacted by adopting and implementing the added Mitigation Measures could result in a Point Value (PV) of 12.8, which equates to approximately 12.8 percent emissions reduction. This value, in itself, does not reach the 15 percent reduction required by neighboring air districts to mitigate the impact of significant projects, however, the SPAMM also contains a large number of potential emissions reductions measures that are determined to be more industry/company specific and either would not be viable or not economically feasible for some companies but appropriate for others.

Recognizing the need for further emissions reductions and to fulfill the requirement in CEQA for a public agency to “mitigate or avoid the significant effects on the environment of projects that is carries out or approves whenever it is feasible to do so” (Public Resources Code, Section 21002.1[b]), the County is committed to reaching the 35 percent emission reductions milestone but is cognizant that many of the measures described in the SPAMM will not be available to developers beginning construction in the early phases of the South Sutter County Specific Plan development. Many of the measures are dependent on there being an infrastructure in place and would not be readily available before a significant portion of developed square footage is in place. In order to aggressively pursue the goal of mitigating air emissions, while avoiding the
unfair penalizing of companies willing to develop in the area before many of the measures on the SPAMM would be feasible, the County will use a tiered process to ultimately achieve the 35 percent emissions reduction.

Tiering divides the final estimated assignable square footage (ASF) of the 3,400 acres of industrial development into three industrial tiers:

- **Tier I-1** – all development before the total ASF of facilities in the SSCI zones reaching 25 million square feet.
- **Tier I-2** – all development after achieving 25 million square feet but before the total ASF in the SSCI reaches 50 million square feet.
- **Tier I-3** – all development after the total ASF passes 50 million square feet until maximum build-out (estimated at almost 90 million square feet).

Tiering divides the final estimated assignable square footage (ASF) of the 100 acres of commercial development into three commercial tiers:

- **Tier C-1** – all development before the total ASF of facilities in the SSCI zones reaching 500,000 square feet.
- **Tier C-2** – all development after achieving 500,000 square feet but before the total ASF in the SSCI reaches one million square feet.
- **Tier C-3** – all development after the total ASF passes one million square feet until maximum build-out (estimated at over 1.7 million square feet).

To facilitate the extra mitigations, the County of Sutter and the FRAQMD will maintain a Potentially Feasible Air Mitigation Measures (PFAMM) list. The PFAMM list will be a dynamic document and will contain information on available measures, with point values assigned where possible. Where emission reduction amounts are variable, a “To Be Determined” (TBD) will be assigned and point values will be determined in consultation with the FRAQMD and the County of Sutter. A list of currently available PFAMM’s is included in Appendix B.

Industrial Tier
The mechanics of the tiering process for industrial developers proposing to develop in the SSCI zone is described as follows:

- Developers choosing to build in the SSCI zones prior to Tier I-1 being achieved will begin with a Point Value of 12.8 with air quality measures previously described plus choose, and commit to, an additional 7.2 percent reduction from the measures in the PFAMM. This will commit the developer to achieving a 20 percent reduction in air pollution emissions.

- Developers choosing to build in the SSCI zones after Tier I-1 is attained but prior to Tier I-2 is achieved will begin with a Point Value of 12.8 with air quality measures previously described plus choose, and commit to, an additional 12.2 percent reduction from the measures in the PFAMM. This will commit the developer to achieving a 25 percent reduction in air pollution emissions.
Developers choosing to build in the SSCI zones after Tier I-2 is attained but prior to Tier I-3 is achieved will begin with a Point Value of 12.8 with air quality measures previously described plus choose, and commit to, an additional 17.2 percent reduction from the measures in the PFAMM. This will commit the developer to achieving a 30 percent reduction in air pollution emissions.

Developers choosing to build in the SSCI zones after Tier I-3 is attained will begin with a Point Value of 12.8 with air quality measures previously described plus choose, and commit to, an additional 22.2 percent reduction from the measures in the PFAMM. This will commit the developer to achieving a 35 percent reduction in air pollution emissions.

Commercial Tier
The mechanics of the tiering process for commercial developers proposing to develop in the SSCC zone is described as follows:

Developers choosing to build in the SSCC zones prior to Tier C-1 being achieved will begin with a Point Value of 12.8 with air quality measures previously described plus choose, and commit to, an additional 7.2 percent reduction from the measures in the PFAMM. This will commit the developer to achieving a 20 percent reduction in air pollution emissions.

Developers choosing to build in the SSCC zones after Tier C-1 is attained but prior to Tier C-2 is achieved will begin with a Point Value of 12.8 with air quality measures previously described plus choose, and commit to, an additional 12.2 percent reduction from the measures in the PFAMM. This will commit the developer to achieving a 25 percent reduction in air pollution emissions.

Developers choosing to build in the SSCC zones after Tier C-2 is attained but prior to Tier C-3 is achieved will begin with a Point Value of 12.8 with air quality measures previously described plus choose, and commit to, an additional 17.2 percent reduction from the measures in the PFAMM. This will commit the developer to achieving a 30 percent reduction in air pollution emissions.

Developers choosing to build in the SSCC zones after Tier C-3 is attained will begin with a Point Value of 12.8 with air quality measures previously described plus choose, and commit to, an additional 22.2 percent reduction from the measures in the PFAMM. This will commit the developer to achieving a 35 percent reduction in air pollution emissions.

Commercial developments occurring in the industrial area are integral to the success of effectively achieving many of the air quality measures. They serve as ancillary services for employees in the area to give them an alternative to using their car to conduct daily personal activities. Therefore, during the Conditional Use Permit process, the proposed commercial developments will be evaluated and, if appropriate, receive an Ancillary Exemption from the additional requirements.
The tiering process will culminate, during the last tier of project development, in a 35 percent emissions reduction from industrial and commercial development projects within the SSCSP area.

To implement the tiering process described above, Mitigation Measure #3.3-6c is added. Although this measure will provide additional mitigation for project related impacts, it will not alter the conclusions reached in the Draft EIR.

**Mitigation Measure #3.3-6c:** The occupant shall obtain from the County the current appropriate tier level and submit and get approved a report on how their development will attain an additional emissions reduction required by the tiering program to the County of Sutter and the FRAQMD.

**Comment 32D:** FRAQMD Permit to Operate – In addition to the mitigation measures proposed in SSCSP Draft EIR (Mitigation Measure #3.3-7) implement the following measures and rules:

STD: None  
SUP: None  
BAMM: None  
R&R: Applicable FRAQMD Rules and Regulations

**Monitoring and Enforceability:** In consultation with FRAQMD, submit applications for an Authority to Construct and Permit to Operate prior to purchase and installation of equipment and processes that have the potential to emit air pollutants.

**Response:** To address this issue, Mitigation Measure #3.3-7 is modified as described below. Although this modification will provide additional mitigation for project related impacts, it will not alter the conclusions reached in the Draft EIR.

**Mitigation Measure #3.3-7:** In consultation with FRAQMD, submit applications for an Authority to Construct and Permit to Operate prior to purchase and installation of equipment and processes that have the potential to emit air pollutants.

**Comment 32E:** Wastewater Treatment Facilities – In addition to the mitigation measures proposed in SSCSP Draft EIR (Mitigation Measure #3.3-8) implement the following measures and rules:

STD: None  
SUP: None  
BAMM: None  
R&R: Rule 2.13 Nuisance
Response: To address this issue, Mitigation Measure #3.3-8 is modified as described below. Although this modification will provide additional mitigation for project related impacts, it will not alter the conclusions reached in the Draft EIR.

Mitigation Measure #3.3-8: The wastewater treatment facilities shall be designed to control and mitigate odors so that off-site detection is minimized. Facility design shall be reviewed and approved by the Central Valley Regional Water Quality Board and Sutter County Environmental Health Department to verify that appropriate odor control features are incorporated. The facility will be subject to the FRAQMD’s Nuisance Rule (Rule #2.13) and will be subject to a Notice of Violation if in violation of that Rule at any time.

LETTER 33 Paul Thompson, Senior Planner, Placer County Planning Department

(NOTE: This letter was received after the close of the public comment period.)

Comment 33A: The SSCSP proposes industrial development adjacent to the western border of Placer County. The Draft EIR needs to analyze land use compatibility between industrial land uses proposed within the Plan Area and the existing residential and agricultural land uses within Placer County. Industrial land use activities have the potential to generate noise, dust, light and odors from a variety of industrial operational activities. These activities may not be considered obnoxious in an industrial environment, however, they may be considered obnoxious to residential land uses. The effect of industrial operations on residential land uses should be evaluated and appropriate mitigation measures should be developed. In order to reduce potential impacts to residential land uses adjacent to the proposed industrial land uses, adequate buffer areas should be developed and preserved. The EIR also needs to analyze the land use compatibility of this project with the Placer Vineyards Specific Plan.

Response: Land use compatibility was addressed in the Sutter County General Plan EIR, from which this EIR tiers. Impacts related to land use were found to be less than significant after application of General Plan goals, policies and implementation measures. A more complete discussion of this issue appears on page 5-2 of the Draft EIR. The Specific Plan area abuts Placer County at the southwest corner of Riego (Baseline) Road and Pleasant Grove Road and runs along the west side of Pleasant Grove Road for less than one-quarter mile. Any future development that would occur in this vicinity within the Plan area would not be out of character with the existing scattered commercial and industrial development and residences that have already occurred in both counties. Although the proposed Placer Vineyards Specific Plan extends to Pleasant Grove Road, on the south side of Riego Road, the actual new development area begins approximately one mile to the east and would not be affected by land use changes in Sutter County. The Specific Plan identifies uses that may generate excessive noise, dust, odor, smoke or bright light will require a use permit. There are no residential lands adjacent to the Specific Plan area.

Comment 33B: The Draft EIR does not analyze the compatibility of existing and future road connections between the Plan Area and Placer County. The EIR should also consider circulation impacts of the project when associated with the development of the Placer Vineyards project and
the Placer Parkway. It is the County’s understanding that the Placer parkway is intended to be an expressway with limited connections.

**Response:** Development of the Placer Vineyards project was considered in the cumulative analysis in the Draft EIR. The assumption for Placer Parkway in the Draft EIR was that it would be a limited access facility with no local access between Fiddyment Road and Sutter County. The only proposed new road connection is Placer Parkway. Existing connection is Riego Road and is addressed in the Draft EIR. All other proposed roads are for internal use.

**Comment 33C:** The Draft EIR does not evaluate the project’s contribution to traffic impacts within Placer County. The traffic impacts should also be considered with the Placer Vineyards project.

**Response:** The Draft EIR addresses the project’s impact to Baseline Road in Placer County. Development of the Placer Vineyards project was considered in the cumulative analysis in the Draft EIR. See also Response to Comments 6A, 10H and 10K.

**Comment 33D:** The Draft EIR does not evaluate this project’s impacts on the existing groundwater supply. The Placer County General Plan prohibits the use of groundwater as domestic water source for new development. It is a goal of the Plan to ensure the availability of an adequate and safe water supply and the maintenance of high quality water in water bodies and aquifers used as sources of domestic supply. The policy to implement this goal requires new urban development to rely on public water systems using a surface water supply. Because this project is located immediately adjacent to Placer County, the EIR should evaluate this impact. The EIR should address alternatives to using groundwater as a domestic water supply.

**Response:** The Draft EIR evaluated water supply and hydrology impacts to groundwater quality and groundwater quantity and found them to be less than significant (Draft EIR Section 3.9.4 and 4.4). Also see Response to Comment 23 I.

**LETTER 34 James P. Pachl**

*(NOTE: This letter was received after the close of the public comment period.)*

**Comment 34A:** Various corrections to previous comment letters.

**Response:** Comments noted.

**LETTER 35 James P. Pachl**

*(NOTE: This letter was received after the close of the public comment period.)*

**Comment 35A:** Request time extension following Volume III availability.

**Response:** Refer to Response to Comment 3A.
Comment 35B: Request amount and source of funding for Placer Parkway.

Response: While Placer Parkway is not the subject of this EIR, refer to Response to Comment 1600

LETTER 36 William A. Croyle, Chief, Waste Discharge to Land Unit, Lower Sacramento River Watershed, California Regional Water Quality Control Board, Central Valley Region

(NOTE: This letter was received after the close of the public comment period.)

Comment 36A: Statement of regulatory policy.

Response: Comments are noted.

Comment 36B: Further assessment of waste treatment and disposal system is needed.

Response: Refer to Responses to comments 5D, 16S and 16W.

Comment 36C: A public entity is needed to ensure water quality.

Response: Refer to Response to Comment 25DD.

Comment 36D: Historic and ongoing concerns with groundwater contamination.

Response: Comments are noted.

Comment 36E: Site specific information is needed for system design.

Response: Refer to Response to Comments 5D, 16S and 16W.

Comment 36F: Any systems must be in compliance with County and State Guidelines.

Response: Comments noted.
LETTER 37  J. N. Clifton, District Engineer, RD1000

(NOTE: This letter was received after the close of the public comment period.)

Comment 37A: General concerns over review time and infrastructure costs.

Response: The general comments are noted. The comments do not raise an environmental concern or potential environmental impact and do not, therefore, require response in the EIR.

Comment 37B: The Specific Plan does not satisfy the public review requirements.

Response: Refer to Response to Comment 3A.

Comment 37C: The Specific Plan is inconsistent with the General Plan.

Response: Refer to Response to Comments 24G, 24H, 24I and 24K.

Comment 37D: Only the complete Specific Plan and Draft EIR can trigger public comment period.

Response: Refer to Response to Comment 3A.

Comment 37E: CEQA requires recirculation of the Draft EIR.

Response: Refer to Response to Comment 3A.

Comment 37F: The EIR inappropriately tiers off the General Plan EIR.

Response: Refer to Response to Comments 24G, 24H, 24I and 24K.

Comment 37G: The EIR fails to fully evaluate setting, impacts and mitigation.

Response: Refer to Response to Comments 24G, 24H, 24I and 24K.

Comment 37H: Inconsistencies with existing agreement.

Response: The commenter’s statement is not consistent with the agreement, which requires the County and RD1000 to address these issues upon completion of the Specific Plan.

Comment 37I: Public comment period regarding the Financing Plan indicates lack of good faith effort.

Response: Refer to Response to Comment 25A.
**Comment 37J:** Inconsistencies with Regional Water Quality Control Board’s position on wastewater disposal.

**Response:** Refer to Responses to Comments 16S, 16T, 16U, 16V, 16W, 16X and 16Y.

**Comment 37K:** Inconsistencies with regional planning for protection of endangered species.

**Response:** Refer to Responses to Comments 16AA, 16BB, 16CC and 16DD.

**Comment 37L:** Consideration of project approval is premature.

**Response:** Comments noted.

**LETTER 38**  
*Michael Gunby, Land Project Analyst, Pacific Gas and Electric Company*  
(NOTE: This letter was received after the close of the public comment period.)

**Comment 38A:** Discussion of existing facilities and services.

**Response:** Comments noted.

**Letter 39**  
*Courtney L. McAlister, Downey, Brand, Seymour and Rohwer LLP*  
(NOTE: This letter was received after the close of the public comment period.)

**Comment 39A:** Public review period must include Financing Plan.

**Response:** Refer to Response to Comment 3A.

**Comment 39B:** Recirculation will be required.

**Response:** Refer to Response to Comment 3A.

**Comment 39C:** Cannot analyze plan without Financing Plan

**Response:** The comment does not raise an environmental concern or potential environmental impact and does not, therefore, require response in the EIR.

**Letter 40**  
*Marni Leger, President, Natomas Community Association*  
(NOTE: This letter was received after the close of the public comment period.)

**Comment 40A:** Lack of ability to comment on Financing Plan.

**Response:** Refer to Response to Comment 3A.
Comment 40B: Drainage and Wastewater.

Response: Refer to Response to Comments 2A, 5C, 5D and 8B.

Comment 40C: Growth inducing effects.

Response: Refer to Response to Comments 5G, 10G and 13D.

Comment 40D: Transportation/Air Quality.

Response: Refer to Response to Comment 32C

Comment 40E: Wildlife and Endangered Species.

Response: Refer to Response to Comments 16R, 16S, 16W and 16BB.

Comment 40F: Socio-economic effects.

Response: Refer to Response to Comment 14G.