

**APPENDIX B:  
NOP COMMENT LETTERS**





**Members of the Board:**

Beth Albiani  
Nancy Chaires Espinoza  
Carmine S. Forcina  
Chet Madison, Sr.  
Dr. Crystal Martinez-Alire  
Anthony "Tony" Perez  
Bobbie Singh-Allen

**Susan Bell**  
Chief Facilities Officer  
Facilities and Planning

Robert L. Trigg Education Center  
9510 Elk Grove-Florin Road, Elk Grove, CA 95624

(916) 686-7711  
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July 24, 2017

*SENT VIA EMAIL*

City of Elk Grove  
City Manager's Office  
Strategic Initiatives and Long Range Planning  
c/o Christopher Jordan, AICP  
8401 Laguna Palms Way  
Elk Grove, CA 95758

**SUBJECT: Comments on the Notice of Preparation of a Draft Environmental Impact Report for the City of Elk Grove's General Plan Update**

Dear Mr. Jordan:

Elk Grove Unified School District (EGUSD) appreciates the opportunity to review and comment on Notice of Preparation of the Draft Environmental Impact Report for the City of Elk Grove's General Plan Update. EGUSD requests that the following comments be considered as the process moves forward.

Ideally, during the planning stages of new residential projects, school sites are identified on land use plans to accommodate anticipated students. Subsequent rezoning of "infill" parcels to higher density residential neighborhoods can be problematic because they generate unanticipated students and do not provide an opportunity to mitigate those impacts with additional schools. Currently many of our existing schools are fully utilizing their sites, thereby making it challenging to add classrooms needed to house additional students. Furthermore, essential core facilities (i.e. administration, library, restrooms, multi-purpose room, playground, etc.) at many schools are not sized to adequately accommodate additional students and it may be unfeasible to expand those core facilities.

Most of the Opportunity Sites presented will not have a significant impact upon existing school facilities. However, the recommended alternatives for Opportunity Sites 2 and 3 will result in a significant regional and cumulative impact to the District's existing educational facilities. Although detailed housing unit counts were not included in the NOP, if both sites were to develop to the number of housing units for the staff recommended alternatives included in earlier staff reports, nearly 700 unanticipated elementary school students would reside there. Irene B. West, the neighborhood school that serves that region, has a capacity of 1,010 students but a current enrollment of nearly 900 students. Clearly, capacity to accommodate all the additional students that would be generated from the suggested new land use plan isn't available at the existing neighborhood school.

Any available capacity at the regional middle and high schools has already been allocated to the future students anticipated from existing land use plans; specifically, remaining unbuilt homes in Laguna Ridge, Sterling Meadows and the Southeast Policy Area. If the recommended infill land use changes are made it will trigger the need for an additional regional middle/high school site. EGUSD previously commented on the Southeast Policy Area Draft Environmental Impact Report and an excerpt from those comments follows:

*Based upon the current housing unit counts in the Southeast Policy Area and the surrounding un-built developments, neither a middle school nor a high school will be needed within the proposed Southeast Policy Area, as the students generated from this project can be accommodated in nearby existing secondary schools. However, should the number of residential units in the region increase as the result of revisions to the land use plans, this may no longer be true. Should this occur the District will work with the City and land owners to identify a suitable secondary school site.*

Until actual development plans are presented for Opportunity Sites 2 and 3, it seems prudent to plan for the maximum number of dwelling units identified by City staff. Additional students from those planning areas could trigger a need for both an additional elementary school and a regional middle/high school should the areas develop as projected by Staff.

The West, South, East and North Study Areas lie beyond currently planned development areas so as development occurs it will be necessary for EGUSD planning staff to work in concert with City staff and developers to identify school sites to serve those future planned communities.

Sincerely,



Kim Williams  
Planning Manager

cc: Susan Bell, Chief Facilities Officer  
Bill Heinicke, Director of Planning

**From:** [Cherilyn Neider](#)  
**To:** [Christopher Jordan](#)  
**Cc:** [Matthew Moore](#); [Marcos Guerrero](#); [Melodi McAdams](#)  
**Subject:** Consultation for the EIR for the City of Elk Grove General Plan Update  
**Date:** Monday, July 24, 2017 10:40:57 AM  
**Attachments:** [4 Mitigation Measures CEQA Discoveries SiteVisit.docx](#)  
[5 Mitigation Measures CEQA Construction Worker Awareness Training.docx](#)  
[1 Mitigation Measures CEQA TCR Avoidance.docx](#)  
[2 Mitigation Measures CEQA NativeAmericanMonitors.docx](#)  
[3 Mitigation Measures CEQA Discoveries.docx](#)

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Dear Christopher Jordan,

Thank you for your letter received on 6/23/2017 (EIR for the City of Elk Grove General Plan Update). Attached you will find mitigation measures recommended by United Auburn Indian Community (UAIC) to be included in the EIR and the City's General Plan. In addition, UAIC recommends updates to the following:

- Legislative updates related to Assembly Bill 52, Senate Bill 18 and any additional cultural resource laws or bills that the City is incorporating into the General Plan;
- Language to be included in the City's update addressing the City of Elk Grove's Tribal Consultation Policy;
- The City's Historic Preservation Ordinances for Native American and historic cultural resources.

UAIC would like to receive electronic copies of documentation in the existing General Plan and proposed updates related to the above mentioned topics.

Thank you for involving UAIC in the planning process at an early stage. We ask that you make this correspondence a part of the project record and we look forward to working with you to ensure that tribal cultural resources are protected. Marcos Guerrero, UAIC Cultural Resources Manager, will be UAIC's point of contact for this consultation. Please contact Mr. Guerrero by phone at (530) 883-2364 or email at [mguerrero@auburnrancheria.com](mailto:mguerrero@auburnrancheria.com) to begin the consultation process.

Sincerely,

**Cherilyn Neider**  
Administrative Assistant  
Tribal Historic Preservation  
United Auburn Indian Community  
530.883.2394

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Nothing in this e-mail is intended to constitute an electronic signature for purposes of the Electronic Signatures in Global and National Commerce Act (E-Sign Act), 15, U.S.C. §§ 7001 to 7006 or the Uniform Electronic Transactions Act of any state or the federal government unless a specific statement to the contrary is included in this e-

mail.

## Tribal Cultural Resource Avoidance Mitigation Measure

Avoidance and preservation in place is the preferred manner of mitigating impacts to tribal cultural resources and will be accomplished by several means, including:

- Planning construction to avoid archaeological sites; incorporating sites within parks, green-space or other open space; covering archaeological sites; deeding a site to a permanent conservation easement; or other preservation and protection methods agreeable to consulting parties and regulatory authorities with jurisdiction over the activity. Recommendations for avoidance of cultural resources will be reviewed by the CEQA lead agency representative, interested Native American Tribes and the appropriate agencies, in light of factors such as costs, logistics, feasibility, design, technology and social, cultural and environmental considerations, and the extent to which avoidance is consistent with project objectives. Avoidance and design alternatives may include realignment within the project area to avoid cultural resources, modification of the design to eliminate or reduce impacts to cultural resources or modification or realignment to avoid highly significant features within a cultural resource. Native American Representatives from interested Native American Tribes will be allowed to review and comment on these analyses and shall have the opportunity to meet with the CEQA lead agency representative and its representatives who have technical expertise to identify and recommend feasible avoidance and design alternatives, so that appropriate and feasible avoidance and design alternatives can be identified.
- If the resource can be avoided, the construction contractor(s), with paid Native American Monitors from culturally affiliated Native American Tribes present, will install protective fencing outside the site boundary, including a buffer area, before construction restarts. The construction contractor(s) will maintain the protective fencing throughout construction to avoid the site during all remaining phases of construction. The area will be demarcated as an “Environmentally Sensitive Area”. Native American Representatives from interested Native American Tribes and the CEQA lead agency representative will also consult to develop measures for long term management of the resource and routine operation and maintenance within culturally sensitive areas that retain resource integrity, including tribal cultural integrity, and including archaeological material, Traditional Cultural Properties and cultural landscapes, in accordance with state and federal guidance including National Register Bulletin 30 (*Guidelines for Evaluating and Documenting Rural Historic Landscapes*), Bulletin 36 (*Guidelines for Evaluating and Registering Archaeological Properties*), and Bulletin 38 (*Guidelines for Evaluating and Documenting Traditional Cultural Properties*); National Park Service Preservation Brief 36 (*Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes*) and using the Advisory Council on Historic Preservation (ACHP) *Native American Traditional Cultural Landscapes Action Plan* for further guidance. Use of temporary and

## Tribal Cultural Resource Avoidance Mitigation Measure

permanent forms of protective fencing will be determined in consultation with Native American Representatives from interested Native American Tribes.



## Native American Monitoring Mitigation Measure

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To minimize the potential for destruction of or damage to existing or previously undiscovered archaeological and Cultural resources and to identify any such resources at the earliest possible time during project-related earthmoving activities, THE PROJECT PROPONENT and its construction contractor(s) will implement the following measures:

- Paid Native American Monitors from culturally affiliated Native American Tribes will be invited to monitor the vegetation grubbing, stripping, grading or other ground-disturbing activities in the project area to determine the presence or absence of any cultural resources. Native American Representatives from cultural affiliated Native American Tribes act as a representative of their Tribal government and shall be consulted before any cultural studies or ground-disturbing activities begin.
- Native American Representatives and Native American Monitors have the authority to identify sites or objects of significance to Native Americans and to request that work be stopped, diverted or slowed if such sites or objects are identified within the direct impact area. Only a Native American Representative can recommend appropriate treatment of such sites or objects.

## Inadvertent Discoveries Mitigation Measures

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Develop a standard operating procedure, points of contact, timeline and schedule for the project so all possible damages can be avoided or alternatives and cumulative impacts properly accessed.

If potential archaeological resources cultural resources, articulated, or disarticulated human remains are discovered by Native American Representatives or Monitors from interested Native American Tribes, qualified cultural resources specialists or other Project personnel during construction activities, work will cease in the immediate vicinity of the find (based on the apparent distribution of cultural resources), whether or not a Native American Monitor from an interested Native American Tribe is present. A qualified cultural resources specialist and Native American Representatives and Monitors from culturally affiliated Native American Tribes will assess the significance of the find and make recommendations for further evaluation and treatment as necessary. These recommendations will be documented in the project record. For any recommendations made by interested Native American Tribes which are not implemented, a justification for why the recommendation was not followed will be provided in the project record.

If adverse impacts to tribal cultural resources, unique archeology, or other cultural resources occurs, then consultation with UAIC regarding mitigation contained in the Public Resources Code sections 21084.3(a) and (b) and CEQA Guidelines section 15370 should occur, in order to coordinate for compensation for the impact by replacing or providing substitute resources or environments.

## Post-Ground Disturbance Site Visit Mitigation Measure

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A minimum of seven days prior to beginning earthwork or other soil disturbance activities, the applicant shall notify the CEQA lead agency representative of the proposed earthwork start-date, in order to provide the CEQA lead agency representative with time to contact the United Auburn Indian Community (UAIC). A UAIC tribal representative shall be invited to inspect the project site, including any soil piles, trenches, or other disturbed areas, within the first five days of ground breaking activity. During this inspection, a site meeting of construction personnel shall also be held in order to afford the tribal representative the opportunity to provide cultural resources awareness information. If any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains are encountered during this initial inspection or during any subsequent construction activities, work shall be suspended within 100 feet of the find, and the project applicant shall immediately notify the CEQA lead agency representative. The project applicant shall coordinate any necessary investigation of the site with a UAIC tribal representative, a qualified archaeologist approved by the City, and as part of the site investigation and resource assessment the archeologist shall consult with the UAIC and provide proper management recommendations should potential impacts to the resources be found by the CEQA lead agency representative to be significant. A written report detailing the site assessment, coordination activities, and management recommendations shall be provided to the CEQA lead agency representative by the qualified archaeologist. Possible management recommendations for historical or unique archaeological resources could include resource avoidance or, where avoidance is infeasible in light of project design or layout or is unnecessary to avoid significant effects, preservation in place or other measures. The contractor shall implement any measures deemed by CEQA lead agency representative staff to be necessary and feasible to avoid or minimize significant effects to the cultural resources, including the use of a Native American Monitor whenever work is occurring within 100 feet of the find.

## Tribal Cultural Resource – Awareness Training - Mitigation Measure

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A consultant and construction worker cultural resources awareness brochure and training program for all personnel involved in project implementation will be developed in coordination with interested Native American Tribes. The brochure will be distributed and the training will be conducted in coordination with qualified cultural resources specialists and Native American Representatives and Monitors from culturally affiliated Native American Tribes before any stages of project implementation and construction activities begin on the project site. The program will include relevant information regarding sensitive tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The worker cultural resources awareness program will also describe appropriate avoidance and minimization measures for resources that have the potential to be located on the project site and will outline what to do and whom to contact if any potential archaeological resources or artifacts are encountered. The program will also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance to Native Americans and behaviors, consistent with Native American Tribal values.

RECEIVED  
OFFICE OF THE CITY CLERK

2017 JUL 24 AM 9:10

July 22, 2017

To: City of Elk Grove  
c/o Christopher Jordon, AICP  
8401 Laguna Palms Way  
Elk Grove CA 95758

From: Triangle Community Group  
c/o Michael F. Padilla  
9435 Butterfly Lane  
Elk Grove, CA 95624  
mfpadilla@frontier.com

Subject: Response to the Notice of Preparation of a Draft Environmental Impact Report

The Triangle Community Group is making this submittal in response to the Notice of Preparation of a Draft Environmental Impact Report for the City of Elk Grove General Plan Update. The Triangle Community Group's comments address the concerns of the group regarding the environmental impacts as they relate to the proposed updates to the current City of Elk Grove General Plan and specifically as they relate to the approved Triangle Special Planning Area (TSPA) adopted April 12, 2004 and amended through June 27, 2012.

Although the final Environmental Impact Report (EIR) is intended to address the city's General Plan and its overall city-wide environmental issues, the Triangle Community Group feels that the specific environmental issues relevant to the Triangle Area are very much applicable to the city's environmental discussion. The Triangle Community Group's response, is in addition, intended to provide input to staff in its efforts to conduct a study of the Triangle Area as directed by the City Council as part of the General Plan revision

Furthermore, the group's submittal is intended to also make public its concerns as to how the city intends to meet its obligations as specified on page 4 of the TSPA: "Future entitlements for development will be evaluated for consistency with this SPA."

The following specific issues are addressed using the categories as presented on page 10 of the Notice of Preparation dated June 2017.

#### **Aesthetics, Lighting, and Glare**

The TSPA specifies that nighttime light and glare be kept at a minimum as an opportunity to maintain the area's rural character. Commercial property is even more specific as identified on page 51 of the TSPA. Higher density residential areas, greater than the one acre minimum,

would increase nighttime light and glare if special attention is not taken to maintaining low nightlight emissions. This is especially true for those areas identified as commercial properties and major intersections which would require freestanding lighting fixtures higher than 10 feet and high intensity lighting as is the current practice on most city commercial properties and traffic intersections. The city should identify what measures it will take to insure that the Triangle Area lighting requirements will continue to meet the provisions of the TSPA.

### **Agricultural Resources**

The TSPA recognizes the existence of agricultural uses within its boundaries and "specifically intends to provide for the continued existence of these uses". The city needs to make it clear as to how the agricultural uses in the Triangle Area are to be protected and to what extent they can contribute to the continued rural agricultural nature of the area.

### **Air Quality/Greenhouse Gas Emissions/Noise**

The Triangle Area enjoys relatively clean air and benefits from frequent "delta breezes" which often cool hot evening nights and clears the air of pollutants. Although agricultural burning is allowed in the area, it is subject to designated burn days, time of day and months of the year as specified by conditions in the Consumes Fire District's Limited Area burn permit and the Sacramento Air Quality Management District. The area residents and households do not contribute significantly to air pollution, greenhouse emissions or noise pollution. However, transit traffic from roadways surrounding and within the Triangle Area are primary contributors, with potential higher density rezoning a future addition to pollutant levels. The city needs to provide strategies for mitigation of air pollution, greenhouse gas emissions and noise pollution attributed to transit traffic. A discussion of possible solutions should include the building of traffic circles at all intersections, which have shown to move traffic more efficiently and safer. Elimination of transit traffic is not possible but improving the flows and eliminating polluting idle time at intersections is a viable solution.

### **Biological Resources**

Wetland features are located at various locations throughout the Triangle Area and include natural features as well as excavated channels that support native plant and wildlife species. Agricultural activity in the area also supports plant communities that include some species that can be found in wetlands such as perennial rye, curly dock and annual bluegrass. Some of these lands within the Triangle Area may be subject to Section 404 of the Clean Water Act and need to be clearly delineated by the city as part of the EIR.

Various mammals and birds inhabit the Triangle Area using it for foraging and breeding. Studies have identified that the endangered Swainson's hawk uses the Triangle Area and several

nesting sites where noted to be in close proximity. The tri-colored blackbird, which is listed as a Species of Special Concern have been observed using the Triangle Area. Updated studies need to be conducted to determine to what extent native species are prevalent in the area and what, if any, measures are needed to safe guard their habitat.

### **Cultural Resources**

Elk Grove was founded as an agricultural community. The Triangle Area is very much a part of that heritage with agriculture and the rural environment making up the current identity of the area. The close proximity of the Triangle Area to Old Town and the Sheldon Rural Area attest to its historical connection to this life style. Residents of the Triangle Area are active members of the 4H and Future Farmers of America, they: raise farm animals, plow fields, mow hay, raise crops, plant orchards and sell produce. Protecting these cultural resources is essential to Elk Grove keeping its history alive and not just an amusement at the local park or a motto on a city brochure. The TSPA was developed and approved with the specific intent of protecting its rural identity while providing an opportunity to provide uncongested living to its residents. Future development in the area must stay true to this promise with specific direction from the city on how it intends to protect this resource.

### **Land Use**

The Land Use Plan and Development Standards for the Triangle Area has always been intended to retain the low density rural character of the area which still allows residential development of no less than one acre in association with agricultural activities as the primary land uses. Provisions for related recreational, institutional and commercial uses are also provided. ***“The plan specifically promotes the development of single family residences on parcels that are at least one acre.”*** The city must, in good faith, give just cause as to why this very specific provision of the TSPA is not being considered in the Draft General Plan development phase. Prior city administrations and residents of the Triangle Area developed this plan as a blueprint for the future of the area with decisions by both the city and residents influenced by its provisions. The city needs to specifically state what new and overwhelming land use circumstances have made it essential that the approved land use provisions of the TSPA should be ignored in favor of a higher density rezoning that fundamentally changes the character and identity of the Triangle Area.

### **Population and Housing**

The TSPA was established to supplement the standards and regulations provided in the City Zoning Code. The TSPA was also established to provide for “feathering” while allowing higher densities than the original AR-5 designation. As population increases in the Sacramento area

begin to put pressure on available housing it is clear that there will be efforts to increase Elk Grove housing densities through zoning changes. Elk Grove planning has established a "feathering" approach to transitioning urban and rural land use within its boundaries. This practice has generally been accepted as the best method to preserve rural areas while allowing higher density housing to find its place in the city landscape. Elk Grove's need for increased housing units does not mean however, that there needs to be an abolishment of current zoning densities whenever possible. In fact, a greater variety in housing options is good for the diversity of the city, making it a place that attracts residents with varying interest. Housing sales data shows that there is a strong market for housing that provides for larger lots and space with in the urban/rural transition zone. Areas of low density also are shown to put less pressure on public services with a reduced footprint on the environment. Environmental assessments need to show the benefits and take-aways of all levels of zoning.

### **Public Services**

The TSPA provides little discussion regarding Police and Fire protection for the Triangle Area but in general it has been adequate and can be expected to remain adequate with the current one acre zoning. However, higher housing densities bring with it the increase need for more police and fire protection. Consideration in the new General Plan needs to be given to how much and when increased police and fire services will be provided regardless of the zoning.

### **Hydrology and Water Quality**

Many of the residents of the Triangle Area use ground water as a primary source of domestic water. The Triangle Area is located with the Sacramento Hydrologic Basin and Zone 40 of the Sacramento County Water Agency. Zone 40 is a shallow aquifer, extending 200-300 feet below the surface, with a deeper aquifer at approx. 1600 feet. Over drafting of the lower aquifer to supply commercial water demands and meet the needs of high density housing as well as the reduction in sources for ground water recharge are major concerns. The California Sustainable Groundwater Management Act has established guidelines and requirements that will have a future impact on the Triangle Area. Attention needs to be given to these impacts and what, if any, mitigation measures, guidelines or regulations are being considered by the responsible water agencies. Water conservation measures need to be also delineated for all types of water users.

Surface drainage continues to be a problem for much of the Triangle Area. Because of the relatively flat terrain, shallow flooding is prevalent with severe flooding at times along Elk Grove Boulevard. Individual property owners have exacerbated the problem through improper grading, road construction, and redirection of historical and established drainage. Buildout to one acre residents is not considered to be a significant contributor to increased surface runoff



but higher density housing has the potential to increase flows beyond current infrastructure capabilities. The city should outline how future development in the area will address the overall impacts of uncontrolled drainage and what efforts will be used to insure that these flows will benefit local ground water recharge and water conservation efforts as well as provide for the safe flows during severe weather.

### **Transportation**

The major mode of transportation in the Triangle Area is the automobile. Road infrastructure developments and improvements in the area have been minimal but traffic flows and associated backups have increased with daily commute traffic traversing the area combined with the impact of high traffic densities associated with Pleasant Grove High School along Bradshaw road. Triangle Area residents do not contribute significantly to traffic congestion which only increased with the addition of the homes in Silver Gate, Kapalua Estates and Van Ruiten Acres over ten years ago.

Under the TSPA with a one acre minimum lot size build out, traffic flows will increase along Elk Grove Blvd., Bradshaw and Grant Line but more than likely be able to be sustained with minimal improvements to the current road infrastructure. It is not clear however, what the impact will be if higher zoning densities are imposed on the area, only that it will get extremely congested not only on the roadways but all intersections which are now exceeding capacity at pick times at the intersections of: Bradshaw and Sheldon; Bond and Bader; and Grant Line and Wilton Road. In the future, with the introduction of higher density zoning, this type of intersection congestion can be expected at the intersections of: Bradshaw and Elk Grove Blvd.; Elk Grove Blvd. and Grant Line; and Bradshaw and Grand Line. Congestion can also be expected at all feeder roads to Bradshaw, Grant Line and Elk Grove Blvd.

Given the current traffic conditions and the city's need to address Vehicle Miles Traveled (VMT) in the CEQA process, it is imperative that the city discuss how it will manage current and future traffic in and around the Triangle Area to reduce VMT. In as much as transit automobiles are the major contributors to this congestion, the plan must not ignore this and consider mitigation measures that realistically address transit traffic. Conversely, there are few VMT strategies that can be applied to the reduction of vehicle miles traveled by Triangle residents other than reducing miles traveled to destinations. In that most day to day destinations are to work or shopping, it is obvious that increasing zoning density in a rural agricultural area does little to reduce miles traveled and in fact increases VMT.

July 21, 2017

**SENT VIA EMAIL**

Mr. Christopher Jordan, AICP  
City Manager's Office – Strategic Initiatives and Long Range Planning  
City of Elk Grove  
8401 Laguna Palms Way  
Elk Grove, CA 95758

**RE: Notice of Preparation of an Environmental Impact Report for the City of Elk Grove General Plan Update**

Dear Mr. Jordan:

Thank you for providing an opportunity for the Sacramento Metropolitan Air Quality Management District (SMAQMD) to review and comment on the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the City of Elk Grove General Plan Update (GPU). We review and provide comments through the lead agency planning, environmental and entitlement processes with the goal of reducing adverse air quality impacts and ensuring compliance with the California Environmental Quality Act (CEQA). We offer the following comments to ensure air quality impacts are adequately analyzed, disclosed and mitigated.

**1. Consistency with Existing Plans**

Evaluate the GPU's consistency with existing plans, especially those that reduce criteria air pollutants and greenhouse gases. Such plans include, but are not limited to, the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS), the California Air Resources Board's (ARB) Climate Change Scoping Plan, Elk Grove's Climate Action Plan, Elk Grove's Bike, Pedestrian and Trails Master Plan, Sacramento Tree Foundation's Regional Greenprint Initiative, and the Capital Southeast Connector Project Design Guidelines.

**2. Climate Change**

Evaluate the effectiveness of the existing Climate Action Plan (CAP) measures adopted in 2013 and disclose what changes, updates or added measures are needed in the GPU. SMAQMD commends the City for addressing the 2050 emissions forecast in their CAP update. SMAQMD is available for technical assistance as the City proceeds with a qualified CAP. A qualified CAP would provide CEQA streamlining benefits for future development projects.

Consider expanding the City's existing tree policies and evaluate tree canopy as a climate adaption measure. The air quality benefits of shade trees include removing particulate matter from the atmosphere and reducing urban heat island effect, which in turn lowers summertime temperatures and reduces the formation of ozone. Trees in parking lots also cool individual parked cars and reduce their emissions of volatile organic compounds. Other benefits of tree canopy include reducing energy use, reducing storm water runoff, and providing wildlife habitat. Greater neighborhood tree canopy has been related to improvement of overall human health, primarily healthier weight, social cohesion, and mental health.<sup>i</sup> Studies have correlated neighborhood tree shade to active transportation.<sup>ii</sup>

**3. Locating Sensitive Receptors Near Sources of Air Toxics**

Evaluate exposure reduction measures to reduce sensitive receptors to air pollution near major

roadways and railways. In April 2017, the California Air Resources Board (ARB) released the technical advisory *Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways*<sup>iii</sup> to supplement the 2005 *Air Quality and Land Use Handbook: A Community Health Perspective*.<sup>iv</sup> The ARB's handbook, technical advisory and the SMAQMD's *Recommended Protocol for Evaluating the Location of Sensitive Land Uses Adjacent to Major Roadways*<sup>v</sup> can be used to:

- a. disclose the potential cancer risk to receptors located near major roadways and
- b. choose exposure reduction measures, such as MERV 13 filters in residential units and installing a vegetative barrier between major roadways and residences.

Additionally, the SMAQMD in cooperation with the Sacramento Tree Foundation developed the 2017 *Landscaping Guidance for Improving Air Quality near Roadways*<sup>vi</sup> to provide local guidance and best practices for installing vegetative barriers between major roadways and sensitive receptors.

#### **4. SB 743 – Vehicle Miles Traveled**

SMAQMD commends the City for being the first jurisdiction within Sacramento County to adopt SB 743 (Steinberg), the Governor's Office of Planning and Research's approach to measuring a project's transportation impact using vehicle miles traveled (VMT) instead of vehicle delay, or level of service (LOS), for CEQA purposes. VMT is directly linked to both greenhouse gas emissions and criteria air pollution. Reducing VMT is an important component toward meeting clean air and greenhouse gas reduction goals.

With respect to analyzing Roadway Efficiency during the project review, consider additional multi-modal performance indicators, such as transit capacity or quality of service to complement the draft Transportation Analysis Guidelines and draft Vehicle Design Consideration categories. Furthermore, consider setting context sensitive Intersection and Roadway Performance Targets for higher density, mixed-use areas or special areas, such as the historic Old Town commercial district in Elk Grove.

#### **5. Transit-Oriented Development**

Consider the GPU's consistency with Sacramento Regional Transit's (SacRT) transit-oriented development (TOD) guidance.<sup>vii</sup> SacRT provides flexible recommendations for local governments to align supportive land use policies with current and future low carbon transportation investments.

Thank you for your consideration of these comments. If you have any questions, please contact me at 916-874-6267 or JChan@airquality.org.

Regards,



Joanne Chan  
Air Quality Planner/Analyst

- c: Paul Phillely, Program Supervisor – CEQA & Land Use Section, SMAQMD  
Karen Huss, Air Quality Planner/Analyst, SMAQMD  
Kristi Grabow, Senior Planner, City of Elk Grove

<sup>i</sup> Multiple health benefits of urban tree canopy: The mounting evidence for a green prescription, *Health and Place*, November 2016

<sup>ii</sup> Green Prescription: The Link Between Urban Tree Canopy Cover & Health Behaviors and Outcomes, *Greenprint Summit*, January 2017

<sup>iii</sup> Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways, California Air Resources Board, April 2017

<sup>iv</sup> Air Quality and Land Use Handbook: A Community Health Perspective, California Air Resources Board, April 2005

<sup>v</sup> Recommended Protocol for Evaluating the Location of Sensitive Land Uses Adjacent to Major Roadways, Sacramento Metropolitan Air Quality Management District, January 2011

<sup>vi</sup> Landscaping Guidance for Improving Air Quality near Roadways, Sacramento Metropolitan Air Quality Management District, April 2017

<sup>vii</sup> A Guide to Transit Oriented Development (TOD), Sacramento Regional Transit, April 2009

City of Elk Grove  
City Manager's Office  
Strategic Initiatives and Long Range Planning  
c/o Christopher Jordan AICP  
8401 Laguna Palms Way Elk Grove Ca 95758  
[cjordan@elkgrovecity.org](mailto:cjordan@elkgrovecity.org)

Regarding: Notice of Preparation for the City of Elk Grove General Plan Update  
Environmental Impact Report

The Draft General Plan Update EIR needs to evaluate:

**Traffic:**

- 1. The EIR needs to have a traffic model developed for the entire area covered by the EIR. For those areas such as SEPA, which include flexible zoning variants referred to as "hybrid" zoning, the model needs to address the worst-case land use scenario from a traffic standpoint.*
- 2. The EIR needs to assess the projected level of service from a standard-practice technical basis, but acknowledge the qualitative or perceived impacts from a quality of life perspective.*
- 3. The DEIR needs to quantify the projected peak vehicle travel times along major arterials from selected reference points, such as travel time from Elk Grove Blvd/Hwy 99 westbound to Elk Grove Blvd./Big Horn*
- 4. The DEIR needs to assess traffic levels on major arterials at less than full roadway buildout scenarios. For example, Kammerer will probably be improved in phases, yet development along that corridor prior to full roadway buildout may create interim levels of unacceptable traffic.*

Background:

The 2003 General Plan EIR allowed for the roads to operate at D and F levels with justification through overriding considerations and findings of fact stating that road improvements were not feasible because of the extensive residential and commercial development immediately adjacent to the roadways.

Highway 99 between Eschinger Road and Grantline Road would experience LOS of F. The city's justification was that highway 99 is under Caltrans jurisdiction and the city could not implement improvements. Also, the 2003 General Plan EIR stated certain roadways even with improvements would not achieve acceptable service levels of D.

The significant social and environmental impacts of our congested and impacted roadways results in stressed driver's behaviors (road rage), increased accidents, and

poor air quality. From January 2016 until October 2016 the Elk Grove Police Department reported 152 Collisions along our major roadways.

As reported in the 2015 National Citizen survey 65% of Elk Grove resident's main mode of transportation is the automobile. 65% of Elk Grove residents responded negatively to the flow of traffic with this number increased from the 2013 survey responses.

### **Air Quality:**

1. The EIR needs to include updated air quality modeling that considers full buildout of the entire region, and current accepted health risk assessments.
2. The EIR needs to estimate the reductions that may occur by each mitigation being proposed. In other words, it is not acceptable to simply state air quality levels will be improved through greater utilization of transit buses--provide a percentage improvement.

### Background:

The Sacramento Region remains in the severe non-attainment category for air quality. According to the 2014 Community Health Status Report, Sacramento County has a higher asthma rate than the state average. Elk Grove (95624) rated higher in deaths from chronic diseases from 2006-2010 than some other areas of Sacramento County.

For reasons noted above the traffic analysis needs to assess the impacts of traffic at full build out and provide further justification for overriding considerations than the Finding of Facts and Overriding Considerations used in the 2003 General Plan EIR.

The 2003 General Plan EIR Facts of Findings and Overriding Considerations has not provided the promised additional employment opportunities nor has it improved the jobs/housing balance of the city. As noted in an earlier General Growth report by the city, the majority of the General Plan amendments and rezones have been developer and not city initiated. There have been 47 general plan updates and rezones.

The worst case scenarios must include all any potential changes allowed within the newly defined "Flexible Zoning", and the project or potential project plans within the North, South, East, and West Study areas. For instance, The Bilby SOI application submitted plans for housing with very little commercial. The Elk Grove Multisport Complex submitted plans identifying the development of the area. At a city council meeting it was suggested to include the North Study area for a possible University.

The City of Elk Grove's ambitious plan for urban growth exceeds what the county envisioned will do nothing to change the severe non-attainment for air quality. How will this be reconciled?

### **Safety:**

1. The EIR needs to take a proactive approach to risk assessment because Elk Grove's unique situation of having 24 million gallons of above-ground propane storage served by a rail line.

2. The EIR needs to outline the current or necessary evacuation plans in the event of a disaster.
3. The EIR needs to identify the potential risk sites resulting not only from normal operations, but in this age of increased terrorism, the sites where a man-made risk is present.
4. The EIR needs to address the transport of hazardous materials through the city, and summarize the average frequency, quantities, and type of materials being transported, including by rail.

The "baseline" EIR for the General Plan is now 14 years old. I would recommend that the proposed EIR not attempt to borrow heavily from that EIR.

The 2003 Elk Grove General Plan was to serve as a blueprint for the future growth of the area. The 47 general plan amendments and rezones significantly changed the blueprint by adding to our poor air quality, increased traffic patterns, continuing jobs/housing imbalance and uncertainty for residents and businesses alike. The general plan update must reflect the community vision statement and this statement must not be diluted by Facts and Findings of Overriding Considerations.

Thank you for the opportunity to submit comments.

Sincerely,



Lynn Wheat

Wheat91@yahoo.com



City of Elk Grove  
Contact: Christopher Jordan, AICP  
8401 Laguna Palms Way  
Elk Grove, CA 95758

July 24, 2017

SUBJECT: Notice of Preparation of Environmental Impact Report for the City of Elk Grove General Plan Update

Dear Mr. Jordan:

The Laguna Creek Watershed Council requests that the following issues be thoroughly explored and evaluated in the Environmental Impact Report for the City of Elk Grove General Plan Update so as to ensure consistency with the City's goal of preserving and enhancing Elk Grove's natural resources.

1. Integrate a creek corridor protection policy into the General Plan.
  - We suggest 300 feet from edge of creek, based on an analysis performed by Geosyntec.
  - Adopt creek corridor management practices based on the work of consultants for the City that is just beginning. We recognized this work is in progress but want to emphasize its importance.
2. Adopt subdivision standards that optimize use of Low Impact Development practices, stormwater reuse and groundwater recharge:
  - Require stormwater capture practices in new and infill development whenever possible
  - Utilize dry wells for stormwater management and groundwater recharge
  - Memorialize California Department of Water Resources guidelines for drought tolerant landscaping
  - Promote construction of roadways and parking lots that capture stormwater.
3. Set aside areas within City parks to maintain natural features, not only landscaped features.
4. Implement overlay zones that protect riparian corridors and aquifer recharge areas
5. Given the likelihood that climate change will adversely affect the health of the Laguna Creek and our neighbors in the Stone Lakes area, integrate climate mitigation and adaptations strategies whenever possible.
  - Identify ways to increase the number of trees in Elk Grove, reduce car traffic (subdivision design that do not fosters car dependency), traffic calming measures, public transportation, etc.

We look forward to working with the City as this process develops. Members of the LCWC remain available to assist and provide technical information whenever needed.

Very Truly Yours,

Barbara Washburn  
President, Board of Directors  
Laguna Creek Watershed Council







**DATE: July 24, 2017**

City of Elk Grove  
City Manager's Office  
Strategic Initiatives and Long Range Planning  
c/o Christopher Jordan, AICP  
8401 Laguna Palms Way  
Elk Grove, CA 95758

**Subject: Notice of Preparation for the City of Elk Grove General Plan Update**

Dear Mr. Jordon,

Thank you for providing the Notice of Preparation (NOP) for the City of Elk Grove General Plan Update Environmental Impact Report (Elk Grove GPU EIR) to the Sacramento Local Agency Formation Commission (LAFCo) for review and comment. As described in the NOP, the project will result in a new General Plan for the City, including diagrams and policies for land use, transportation, and resource conservation. These three components will be further defined in chapters related to urban and rural development, the economy, mobility, community and resource protection, and public services, health and safety. The General Plan Update will also include modifications to existing community plans and the creation of two new community plans. Updates to the City's Climate Action Plan and Zoning Code will be developed concurrently with the General Plan. Simultaneously, the Cosumnes Community Services District will update its Park and Recreation Master Plan to coordinate the provision of recreation facilities with development in concert with the City's revised General Plan and Community Plans. According to the NOP, all of these actions will be assessed in the Elk Grove GPU EIR.

Several of the Study Areas identified in NOP Figure 3 are outside of the City's Sphere of Influence and corporate boundaries. Future amendments to the City's Sphere or annexations of these areas to the City or service providers will fall under the jurisdiction of LAFCo. Thus, we are a responsible agency pursuant to CEQA.

Following is a discussion of project description, EIR analysis and environmental issue areas of concern to LAFCo. It may be that the indirect effects of implementing the revised General Plan will have no adverse effect for one or more of these environmental issues. If so, we request that the environmental documentation clearly state that such resource is not present in the project area and that no impact would result.

A. Definition of Opportunity Sites and Study Areas – We note that NOP Table 2, Anticipated Land Use Changes, reports substantial increases in dwelling units, population and jobs within the Study Areas over existing conditions and over development that would occur with buildout of the current General Plan. Although not necessary at the NOP stage, we request that the DEIR define the Opportunity Site and Study Area designations in sufficient detail to permit reviewers to determine proposed land use designations and uses within such areas, land use intensities, and policies that will apply to areas within these designations.



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B. Infill and Growth Strategies - This leads in to our overarching request to the City as expressed in comments made at the City's September 15, 2015 Regional Agency outreach session. At that time we requested that the City through its General Plan Update process more clearly articulate an infill strategy, including the encouragement of infill and the provision of services to such projects. The infill strategy should also identify the benefits of, and constraints to such development. Simultaneously, a growth strategy should describe how the City will grow, why it will grow, how growth will be phased - such the introduction of thresholds of land inventory, how services will be provided and financed for new growth areas, and how planned growth corresponds to regional planning initiatives such as the SACOG Blueprint and the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS).

In furtherance of these strategies, it may be helpful that the General Plan also include comprehensive annexation policies, as well as a thorough agriculture and open space preservation program.

C. Role of LAFCo – The EIR should include a discussion regarding the future role and sequence of LAFCo in any General Plan Update's New Growth strategy and LAFCo's role as a responsible agency.

D. Environmental Issues - The EIR should address the following issues of statutory concern to LAFCo to permit LAFCo to use the City's environmental documentation in the Commission's consideration of any future annexation activity.

Population, Employment and Housing – The EIR's evaluation should discuss the presence and potential loss of affordable housing within the planning area and, if there would be any loss, what affect the loss would have on a countywide basis. As part of the Commission's review of future City boundary change requests, LAFCo is required to ensure that there be no net loss of targeted housing resources on a countywide basis. If targeted housing resources are located, or planned for the General Plan Study Areas, the EIR should evaluate whether implementation of the General Plan would maintain such resources or continue to allow their potential development. If not, the EIR should explain how this loss of affordable housing would affect the City's and County's provision of targeted housing types, and propose mitigation to ensure that both the City and County meet their state allocation for affordable housing.

Public Services and Utilities – The EIR's evaluation of public services and utilities should focus on the following issues, including whether any physical facilities would need to be constructed to serve development anticipated by the updated General Plan, including those outside of the City's planning area, whose construction potentially could have environmental effects. If so, the secondary effects of constructing and operating such facilities should be evaluated. Secondly, the evaluation should assess whether the City and any other service providers have (1) the service capability and capacity to serve development anticipated by the updated General Plan, and (2) whether they can provide services to infill and new growth areas without adversely affecting existing service levels elsewhere in their service areas.

The evaluation should assess whether the City would perform any services now being provided by another service provider in the planning area, and whether substitution of the City for that provider would have any adverse effects on the previous provider's ability to maintain services elsewhere in its service area.



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Natural Resources - Agricultural Lands – In evaluating and considering future annexation requests, LAFCo is required to make findings regarding agricultural resources within the context of LAFCo enabling legislation, and local policies and standards. To permit LAFCo to complete this evaluation, the EIR’s analysis should include a discussion of any current agricultural uses and activities within and adjacent to the General Plan Update planning area, including the presence of any lands protected by Williamson Act contracts or within a Farmland Security Zone. The evaluation should also discuss the characteristics of soils found within the area (NRCS land use capability classification and storie index rating [from soil survey], and FMMP classification [from DOC Important Farmlands Map]) to determine the presence or absence of “prime agricultural land” as defined by Government Code §56064. Areas of prime agricultural land should be displayed on a map. In addition to soils information, if agricultural uses are present, for each use or operation the EIR should determine if the use supports, at a minimum, one Animal Unit (AU)/acre or has returned, or would return if planted with fruit or nut bearing trees, an agricultural value of at least \$400/acre for 3 of the last 5 years. Describe the location and determine the acreage of such areas. (See GC §56064) If there are lands protected by Williamson Act contracts or within a Farmland Security Zone, determine the status, location, and acreage of such lands (renewal, non-renewal), and if non-renewal, the expiration date of the contract(s). If the project would result in the loss of prime agricultural land or protected agricultural lands, evaluate the trend of agricultural land loss countywide, and what portion of the overall inventory and loss that such a project represents. The EIR should propose mitigation to reduce any potential impacts to important agricultural resources to a less-than-significant level. Please see Comment B, above.

LAFCo is required to make findings regarding five tests of “prime agricultural land” as defined by GC §56064. The General Plan EIR or a subsequent CEQA document needs to provide information regarding such lands to permit LAFCo to make future findings as a responsible agency.

Natural Resources - Open Space - The analysis should include an evaluation of any open space resources as defined by GC §65560 that are located within or adjacent to the planning area. Such resources should be depicted on a map. If implementation of the updated General Plan would result in the loss of open space resources, the EIR needs to evaluate the trend of open space loss countywide, and what portion of the overall inventory and loss that this project represents. The EIR should propose mitigation to reduce any potential impacts to open space resources to a less-than-significant level.

Environmental Justice - State law requires LAFCo to consider the extent to which a project will promote environmental justice. “Environmental justice” means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services. The EIR should provide sufficient evidence to permit LAFCo to make a future determination regarding this issue.

Disadvantaged Unincorporated Communities - “Disadvantaged unincorporated community” means inhabited territory, (having 12 or more registered voters as residents) that constitutes all or a portion of a “disadvantaged community” as defined by Section 79505.5 of the Water Code. If this General Plan Update includes an update to the Housing Element or the Land Use Element, it should include a map and analysis of the characteristics of any island, fringe, or legacy unincorporated communities. as defined. The EIR should address the existing and future service needs of any so identified communities.

Habitat Preservation – South Sacramento Habitat Conservation Plan – The biological resource evaluation should include an evaluation of impacts to the South Sacramento Habitat Conservation Plan (SSHCP) and other resource planning documents, and provide mitigation for any identified adverse



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effects consistent with the requirements of State and Federal regulatory authorities for impacts to special status species and sensitive habitats.

The Study Areas identified in Figure 3 are currently within unincorporated Sacramento County, and unincorporated public and private development activities for areas within the County General Plan's Urban Services Boundary (USB) would be covered by the SSHCP, and would also be subject to the requirements and conservation measures of the SSHCP. As the City is not a plan participant in the SSHCP, coverage within those unincorporated areas that are currently in the USB may cease upon annexation to the City. Additionally, there are portions of the Study Areas that are outside of the USB, and that are not scheduled to receive coverage by the SSHCP.

Future City development in areas both inside and outside of the current USB could conflict with the assumptions regarding species, habitats, and preserves underlying the SSHCP's conservation strategy. The DEIR should evaluate the potential effect on the SSHCP of implementing the City's General Plan Update.

Floodplain Areas – The scope of the analysis of hydrology and water quality/stormwater quality set forth in the NOP should include an evaluation of the City's existing and future compliance with the requirements of the Central Valley Flood Protection Plan, including protection of urban areas from the 0.5 percent (200-year) flood, and with the regulations of all other applicable Federal, State, and regional agencies.

Land Use and Planning – The NOP discussion of topics to be evaluated within Land Use should include a consistency evaluation with not only the SACOG Blueprint, but also the Metropolitan Transportation Plan/Sustainable Communities Strategy and the SSHCP.

Climate Change – The analysis should include a consistency evaluation of the City's proposed Climate Action Plan Update with current State policies, requirements, and greenhouse gas emissions reductions goals.

We look forward to working with the City in the development of the updated General Plan and supporting documents and in its environmental review to provide the factual and policy basis to provide support for LAFCo action on future City boundary requests. Please do not hesitate to contact me if you have any questions regarding our comments.

Sincerely,

**SACRAMENTO LOCAL AGENCY FORMATION COMMISSION**

Donald J. Lockhart, AICP  
Assistant Executive Officer

Cc:





July 24, 2017

City of Elk Grove  
City Manager's Office  
Strategic Initiatives and Long Range Planning  
c/o Christopher Jordan, AICP  
8401 Laguna Palms Way  
Elk Grove, CA 95758

Re: Comments on the Notice of Preparation of a Draft Environmental Impact Report for the  
City of Elk Grove General Plan Update

Dear Mr. Jordan,

Thank you for inviting SACOG's comments on the Notice of Preparation of a Draft Environmental Impact Report (DEIR) for the City of Elk Grove General Plan Update. The basis for our comments is the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) and Blueprint. SACOG's primary responsibility is developing and implementing the MTP/SCS, a document that establishes transportation spending priorities throughout the region. The MTP/SCS must be based on the most likely land use pattern to be built over the 20+ year planning period, and it must conform with federal and state air quality regulations. The foundation for the MTP/SCS land use forecast is local government general plans, community plans, specific plans, and other local policies and regulations. Other market and regulatory/policy variables that are considered help refine the sum of the local plans in order to determine the most likely future development pattern for a specific period of time. The Blueprint vision is based on the principles of smart growth and is intended to give general direction on how the region should develop to reap the benefits of the Blueprint Preferred Scenario (and related MTP/SCS). Implementation of the Blueprint vision depends greatly on the efforts of cities and counties to implement that vision through local plans and projects. The MTP/SCS and Blueprint are in alignment with each other because of these local efforts.

The current Metropolitan Transportation Plan/Sustainable Communities Strategy (2016 MTP/SCS) was adopted in February 2016. The 2016 MTP/SCS includes a transportation project list and forecasts housing and employment expected through 2036. The Draft Land Use Map and Draft Transportation Network Diagram included in the NOP includes potential growth areas and proposed transportation projects that are not included in the 2016 MTP/SCS. In general, it is not uncommon that a General Plan will include more growth and transportation projects than what is in the MTP/SCS. General Plans typically envision the ultimate build out of the jurisdiction whereas the MTP/SCS is a financially constrained plan for a particular period of time, is updated every four years, and is subject to a transportation conformity requirement under the federal Clean Air Act. SACOG will begin its quadrennial update of the MTP/SCS in early 2018 and will be working with the City of Elk Grove to determine if there is a need to update the project list and/or projections for the City in the next MTP/SCS.

Auburn  
Citrus Heights  
Colfax  
Davis  
El Dorado County  
Elk Grove  
Folsom  
Galt  
Isleton  
Live Oak  
Lincoln  
Loomis  
Marysville  
Placer County  
Placerville  
Rancho Cordova  
Rocklin  
Roseville  
Sacramento  
Sacramento County  
Sutter County  
West Sacramento  
Wheatland  
Winters  
Woodland  
Yolo County  
Yuba City  
Yuba County

SACOG is supportive of the City's efforts to grow jobs to balance the currently high ratio of housing to jobs, and we also recognize that the City may eventually need additional land outside of the current city limits to support that goal. In addition to the quality of life benefits residents get when they have jobs and services close to where they live, we know there is a strong connection between land use patterns, travel behavior, and air quality. Specifically, certain land use strategies, such as jobs-housing balance, lead to increased walking, biking, and transit use, shorter automobile trips, and reduced mobile-source air pollution. For the region to realize the reduction in vehicle miles traveled, congestion reduction, and air pollution reduction that the MTP/SCS achieves, it is important for communities that currently have a low ratio of jobs to housing, such as Elk Grove, to plan for and attract enough job growth over time to minimize the need for long-distance commuting out of the city. To ensure that the potential new growth areas that are outside of the current City limits achieve this shared goal, we recommend the City include policies around the timing and phasing of the proposed "Study Areas". Policies that require phased growth (including timing and conditions for when development can occur as well as establishing thresholds for employment and/or neighborhood serving commercial that must be reached before additional housing growth can occur) encourage a complete neighborhood and can be used to help the City ensure its goal of more employment is being met before a significant number of new homes are added in this area.

Additionally, the "Study Areas" outside the existing City limits comprise a larger area than the future urbanized area that the Blueprint Preferred Scenario envisions post-2050. We encourage the City to implement strong and specific policies around any potential future development of these areas for the reasons stated above, but also because research from our Rural-Urban Connection Strategy (RUCS) project indicates that the more certainty there is about the edge of future urbanization, the lesser the impact will be on neighboring farming operations. A higher percentage of land is more likely to remain in active agriculture if there is some long-term certainty that farming is an economically viable use of the land.

As noted earlier, SACOG will be starting an update to the MTP/SCS next year. With limited transportation funds available and constrained growth projections, we will be encouraging all our member jurisdictions to identify their high priority areas for growth and transportation funding. We look forward to further discussions with the City throughout the General Plan update process and as the MTP/SCS update process moves forward next year.

Thank you again for the opportunity to comment and for continuing to engage us in this important process. Please don't hesitate to contact me or Kacey Lizon, Planning Manager at [klizon@sacog.org](mailto:klizon@sacog.org) or 916-340-6265 if you have further questions.

Sincerely,



James Cortless  
Chief Executive Officer  
JCJH.sm

Comments by Michael Monasky  
Notice Of Preparation  
Elk Grove General Plan  
Environmental Impact Report  
Monday, July 24, 2017

**Re: Need for Health Impact Assessment**

The process of creating a general plan is one so complex it is left to specialists, mostly planners, whose insight can be vast or incredibly myopic. In this case, the plan's published vision is neither; it's delusional.

**The Vision versus The Delusion**

*The City of Elk Grove is a great place to make a home, a great place to work, and a great place to play. Our community is diverse, healthy, safe, and family-oriented, with thriving schools and plentiful parks, shops, and places to work. Agriculture, rural homes, and urban life flourish together. Our natural resources, including water and open spaces, are protected and offer a variety of recreational opportunities. Community members travel easily by automobile, by bicycle, on foot, or using transit. The City is proactive in making daily life healthy and sustainable—considering the needs of future generations while protecting what is valued today. Well-maintained infrastructure and the right mix of services and amenities draw new and dynamic businesses and development to Elk Grove. Development is guided to ensure responsible growth and opportunities for a diversity of individuals that call Elk Grove home.*

The general plan vision describes people who can easily get around, whether by car, on foot, or bicycle. Instead, our community is a series of arterials, north-south and east-west race tracks, where cars accelerate and brake hard from one traffic signal to another. Pedestrians aren't safe; bicycling is an exercise in suicide. In 1993 prior to city incorporation, about 30,000 people lived in what is now Elk Grove. The population is approaching six-fold growth, with over 170,000 people. Residency will have exceeded 200,000 by 2050.

**Public Safety**

So, the delusions abound. The west side of Elk Grove is plagued by an epidemic of criminal larceny. Former council and current state assembly member Jim Cooper recently lamented that 15,000 kids play soccer in Elk Grove and don't have sufficient facilities (which is debatable.) Scandalously, the schools have not been fire inspected by the Cosumnes Community Services District.

**Natural Resources**

I can only wonder what city this document's vision is describing when it remarks that water and open spaces are protected. The underground water table, upon which this city depends, is being severely depleted. A few years ago, the city council unilaterally withdrew from the South County Habitat Conservation Plan, a cooperative county work group; the council seeks to expand the southward sprawl of this giant suburb into the riparian floodplain in the hopes of building more rooftops to finance past financial blunders; so much for responsible growth policy. Yet twelve per cent of existing city land is vacant; that's over five square miles of undeveloped land within city limits (over 3,200 acres).

**Public Assets/Economic Needs**

The roads, Elk Grove's largest asset, are not being properly repaired; so much for a well-maintained infrastructure. The city council has ignored global warming threats by adopting the weakest possible climate change policy; so much for considering the needs of future generations. The city council has no interest in the current economic needs of its residents, workers, and citizens; it declares that the city has “plentiful places to work”, yet refuses to adopt an advanced minimum wage ordinance that the community could well afford, broadening the distribution of wealth to workers who live marginally in the poorest zip codes north of the city. The city manager, under direction of the council, has privatized over two-thirds of city staff, including billing, garbage collection, transit, planning, and engineering services while failing to hire minority staff reflective of the community's gender and ethnic diversity.



The city council, through its city manager and staff, is unable to understand the delusional schema under which it operates. The council's vision could improve from these delusions to a level of myopia; both perspectives imperil positive outcomes.

### **What The General Plan Should Look Like**

There is only one plan that will work to improve Elk Grove as a place to live, work, and play. That plan ignores the needs of land speculators, financiers, and builders whose cash funds the political campaigns of the members of the city council. That positive plan incorporates respect for the will, desires, and dreams of the people who live, work, and play in Elk Grove. That plan protects Mother Nature and mitigates global warming. That plan remands the council to play well with the county, to re-engage with the remaining members of the habitat work group.

That plan tells special interests, like Howard Hughes, its subsidiary, Boyd Gaming, and the newly resurrected yet tragically fractured Wilton tribe to take a hike and make the corporate speculators pay dearly for their painful and destructive industries. That plan tells the council to develop vacant land within the city limits, and makes the areas roughly south of Kammerer Road and east of Grant Line Road into agricultural and natural preserves in perpetuity. That plan tells the city manager to stop privatizing our local government. That plan makes for composting of our green waste on agricultural lands, and forbids incineration of any waste. That plan makes for time to get it right, not just following the bankrupt, outdated CEQA guidelines which have, for five decades, been denigrated, excoriated, and debilitated by the moneyed financial, property, and building interests in our clotted court systems.

### **Health Impact Assessment**

As ineffectual as CEQA is in protecting the environment, it still allows for protections of human health. There should be an additional section for a Health Impact Assessment coordinated with the Sacramento County Division of Public Health. This section should include rates of heart and lung disease, obesity and diabetes, as well as a mental health assessment of life satisfaction. Mental illness, anxiety and depression, as well as air and water pollution have impacts upon human health. There should be an assessment of physical activity based upon neighborhood walkability. The scope of the General Plan should include these factors as part of the claims of concern in the vision for human health and safety, as well as its declaration that Elk Grove is a “great place” to live, work, and play.

### **Conclusion**

The council does not share the sensibilities of the fictional George Bailey of Bedford Falls in “It's a Wonderful Life”. Frank Capra's jingoistic tale let the rich bully, the despised but powerful banker Henry F. Potter, have everything but their small town. George Bailey railed against the bully, fearing his little burg would become a Pottersville with rows of casinos, bars, and brothels.

So far, the council's general plan expansion southward looks like a very large and powerful, half-billion dollar per year casino sandwiched between many rooftops, eventually degrading into suburban slums. What the plan should look like is a work in progress, carefully crafted with full government transparency and a complete complement of public input patiently applied to plan and evaluate the outcomes. The community does not need more strip malls, congested neighborhood traffic, and a casino-based economy; it needs streets that are walkable so that we get out of our cars and put an end to the obesity epidemic. People cannot live, work, and play in any other environment so hurriedly, inappropriately, and irresponsibly planned and built. It takes time to build a great community, that this council, its staff, and even our justice system will not yield.



**Sent Via E-Mail**

July 24, 2017

City of Elk Grove  
City Manager's Office  
Strategic Initiatives and Long Range Planning  
C/O Christopher Jordan, AICP  
8401 Laguna Palms Way  
Elk Grove, CA 95758  
[cjordan@elkgrovecity.org](mailto:cjordan@elkgrovecity.org)

Subject: Notice of Preparation of a Draft Environmental Impact Report for the City of Elk Grove General Plan Update (Clearinghouse No. 2017062058)

Dear Mr. Jordan:

The Sacramento Municipal Utility District (SMUD) appreciates the opportunity to provide comments on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the City of Elk Grove General Plan Update (Project). SMUD is the primary energy provider for Sacramento County and the proposed Project area. SMUD's vision is to empower our customers with solutions and options that increase energy efficiency, protect the environment, reduce global warming, and lower the cost to serve our region. As a Responsible Agency, SMUD aims to ensure that the proposed Project limits the potential for significant environmental effects on SMUD facilities, employees, and customers.

It is our desire that the DEIR will acknowledge any Project impacts related to the following:

- Overhead and or underground transmission and distribution line easements. Please view the following links on [smud.org](http://smud.org) for more information regarding transmission encroachment:
  - <https://www.smud.org/en/business/customer-service/support-and-services/design-construction-services.htm>
  - <https://www.smud.org/en/do-business-with-smud/real-estate-services/transmission-right-of-way.htm>
- Utility line routing
- Electrical load needs/requirements
- Energy Efficiency
- Climate Change
- Cumulative impacts related to the need for increased electrical delivery

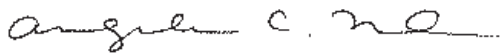
Based on our preliminary review of the Project NOP, SMUD will require additional information in order to evaluate the General Plan Update's impact on SMUD's electrical system. However, we encourage the City to continue providing SMUD the flexibility to site

future substations and associated distribution facilities in all zoning districts/land use designations to promote safe and reliable electrical service citywide.

SMUD looks forward to discussing the above areas of interest as well as discussing any other potential issues. We aim to be partners in the efficient and sustainable delivery of the proposed Project. Please ensure that the information included in this response is conveyed to the Project planners.

Environmental leadership is a core value of SMUD and we look forward to collaborating with you on this Project. Again, we appreciate the opportunity to provide input on this NOP. If you have any questions regarding this letter, please contact Kim Crawford at [kim.crawford@smud.org](mailto:kim.crawford@smud.org) or (916)732-5063.

Sincerely,



Angela C. McIntire  
Regional & Local Government Affairs  
Sacramento Municipal Utility District  
6301 S Street, Mail Stop A313  
Sacramento, CA 95817  
[angela.mcintire@smud.org](mailto:angela.mcintire@smud.org)

Cc: Kim Crawford, SMUD

**DELTA PROTECTION COMMISSION**

2101 Stone Blvd., Suite 210  
 West Sacramento, CA 95691  
 (916) 375-4800 / FAX (916) 376-3962  
[www.delta.ca.gov](http://www.delta.ca.gov)



**Mary N. Piepho, Chair**  
 Contra Costa County Board of  
 Supervisors

**Skip Thomson, Vice Chair**  
 Solano County Board of  
 Supervisors

**Don Nottoli**  
 Sacramento County Board of  
 Supervisors

**Chuck Winn**  
 San Joaquin County Board of  
 Supervisors

**Oscar Villegas**  
 Yolo County Board of  
 Supervisors

**Ben Johnson**  
 Cities of Contra Costa and  
 Solano Counties

**Christopher Cabaldon**  
 Cities of Sacramento and  
 Yolo Counties

**Susan Lofthus**  
 Cities of San Joaquin County

**Michael Scriven**  
 Central Delta Reclamation  
 Districts

**Justin van Loben Sels**  
 North Delta Reclamation Districts

**Robert Ferguson**  
 South Delta Reclamation Districts

**Brian Kelly**  
 CA State Transportation Agency

**Karen Ross**  
 CA Department of Food and  
 Agriculture

**John Laird**  
 CA Natural Resources Agency

**Brian Bugsch**  
 CA State Lands Commission

Ex Officio Members

**Honorable Jim Frazier**  
 California State Assembly

**Honorable Cathleen Galgiani**  
 California State Senate

July 25, 2017

Christopher Jordan  
 City of Elk Grove  
 8401 Laguna Palms Way  
 Elk Grove, CA 95758

Re: City of Elk Grove General Plan Update Project (SCH#  
 2017062058)

Dear Mr. Jordan:

Thank you for providing the Delta Protection Commission (Commission) the opportunity to review the Notice of Preparation for the City of Elk Grove General Plan Update Project (Project). The Project involves a comprehensive update of the City's General Plan, including the State-required elements and topics.

The Commission is a state agency charged with ensuring orderly, balanced conservation and development of Delta land resources and improved flood protection. Proposed local government projects within the Primary Zone of the Legal Delta must be consistent with the Commission's Land Use and Resource Management Plan (LURMP). Portions of the city of Elk Grove border the Primary Zone and are located within the Secondary Zone.

Although the Project does not fall within the Commission's jurisdiction over "development" in the Primary Zone, we submit these comments under Public Resource Code Sections 29770(d) and 5852-5855 (The Great California Delta Trail Act). These sections state that the Commission may comment on projects in the Secondary Zone that impact the Primary Zone, and direct the Commission to develop and adopt a plan and implementation program for a continuous regional recreational corridor extending throughout the five Delta Counties linking to the San Francisco Bay Trail and Sacramento River Trail.

We encourage the Project EIR to consider the LURMP and its policies when assessing the General Plan Update's consistency with applicable land use plans, policies, and regulations and to discuss the Delta Trail in the recreation and transportation setting. The Commission is

Page 2  
July 25, 2017

currently preparing the Great California Delta Trail Blueprint Report for Sacramento, San Joaquin, and Yolo counties.

Thank you for the opportunity to provide input. Please contact Blake Roberts, Senior Environmental Planner, at (916) 375-4237 for any questions regarding the comments provided.

Sincerely,

A handwritten signature in black ink, appearing to read 'Erik Vink', written in a cursive style.

Erik Vink  
Executive Director

cc: Don Nottoli, Sacramento County Board of Supervisors and Commission member

**DEPARTMENT OF TRANSPORTATION**  
DISTRICT 3 – SACRAMENTO AREA OFFICE  
2379 GATEWAY OAKS DRIVE, STE 150 – MS 19  
SACRAMENTO, CA 95833  
PHONE (916) 274-0638  
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TTY 711



*Making Conservation  
a California Way of Life*

July 21, 2017

03-SAC-2017-00152  
SCH# 2017062058

Mr. Christopher Jordan  
Assistant to the City Manager  
City of Elk Grove  
8401 Laguna Palms Way  
Elk Grove, CA 95758

### **Notice of Preparation (NOP) – City of Elk Grove General Plan Update**

Dear Mr. Jordan:

Thank you for including the California Department of Transportation (Caltrans) in the review process for the City of Elk Grove General Plan Update. Caltrans' new mission, vision, and goals signal a modernization of our approach to California's transportation system. We review this local development for impacts to the State Highway System (SHS) in keeping with our mission, vision and goals for sustainability/livability/economy, and safety/health. We provide these comments consistent with the State's smart mobility goals that support a vibrant economy, and build communities, not sprawl.

The City of Elk Grove is conducting a comprehensive update of its General Plan. The General Plan Update Project includes the following related components: (1) General Plan Update; (2) Climate Action Plan Update; (3) Specific Plan Amendments; (4) Zoning Code Amendments; and, (5) Parks and Recreation Master Plan Update. Caltrans provides the following comments for the NOP.

#### ***General Comments***

It is suggested that the general plan make clear that early coordination with Caltrans is required for any project proposal that would entail any ongoing ingress or egress; or work within, over, under, or adjacent to public transportation rights of way (for example: driveways; striping; shoulder enhancement; cut and fill sloping; drainage changes; debris removal; utility installations and maintenance; sound walls; fencing; signage; lighting; vegetation alteration; sidewalks; transit pullouts or shelters; traffic management during events; use of cranes, etc.) that might require an encroachment permit, airspace lease, traffic management plan, or outdoor advertising permit to mitigate direct physical impacts. As a rule of thumb, in accordance with most local jurisdiction land use development permit requirements,

*"Provide a safe, sustainable, integrated, and efficient, transportation  
system to enhance California's economy and livability"*

Caltrans should be notified of all proposals that will entail construction or facilities on parcels with boundaries that occur within 300 feet of state right of way.

Transportation Concept Reports (TCRs) and Corridor System Management Plans (CSMPs) are documents that identify needed transportation improvements for the SHS in the City. These documents are available at: <http://www.dot.ca.gov/dist3/departments/planning/systemplanning.htm>. These reports provide information on the current and future projects as well as the future vision for these facilities. The General Plan should be consistent with these documents.

As part of the circulation network, improvements to the SHS and the operation of the SHS are a shared responsibility between the City and Caltrans. This should be reflected in a policy statement.

### ***Traffic Operations***

The EIR must include, in the traffic circulation section, a traffic study to determine potential project impacts to State and local facilities within the City of Elk Grove Planning Area and to propose improvements to mitigate those impacts. State facilities must include State Route 99 (SR 99) and Interstate 5 (I-5) mainline and interchanges within the City of Elk Grove Planning Area.

The EIR should also address complete street needs within the City of Elk Grove Planning Area as well as explore multi modal (vehicle, bike, pedestrian, and transit) transportation opportunities. Project proponents should consider whether there will be a reduction or an increase in VMT with the general plan update.

Moving toward the State's SB 743 goals includes supporting infill land use, reducing greenhouse gas emissions, and supporting active transportation. Caltrans suggests that general plan update includes a VMT-based transportation analysis that assesses impacts and mitigates with transportation demand management (TDM), multimodal, and operational efficiency projects. It is recommended that the City develop their own VMT threshold for CEQA analysis. Other jurisdictions are moving to this CEQA threshold as they look toward the near future where LOS is being phased out.

### ***Roadway Sizing Diagram***

It is recommended that the Roadway Sizing Diagram maintain roadway widths that support the targeted design, V/C ratio, and traffic forecasts, as well as support safety, access, and multimodal connectivity. Caltrans requests to be included in the State and local project level reviews for widening projects identified in the Roadway Sizing Diagram to assess any impacts they may have to the SHS and the multimodal transportation network.

### ***CEQA Streamlining***

As part of SB 375, a streamlined process for CEQA review was established for certain types of development. The Sacramento Area Council of Governments (SACOG) contained many of these policies in the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS).

Since some streamlining provisions would essentially exempt project level analysis of impacts to the SHS, potential direct and cumulative SHS impacts should be analyzed and mitigated by the General Plan and associated documents. Caltrans has a common interest with the City to see that SHS safety impacts and other operational deficiencies are addressed to preserve mobility to, from, and within the City. By addressing impacts at the General Plan level, Caltrans and the City can ensure that those impacts are mitigated or avoided, while also providing streamlining benefits at the project level.

***I-5 Subregional Corridor Mitigation Program (SCMP)***

The SCMP is a voluntary impact fee program for new development within the I-5, SR 99, SR 51 and US 50 corridors between the cities of Elk Grove, Sacramento, and West Sacramento. The SCMP was developed with each city in collaboration with Caltrans for the purpose of promoting smart growth, reducing daily congested vehicle miles traveled (VMT) and delay on the SHS, and reduce daily VMT on the regional transportation system through funding an array of projects that includes all modes. The SCMP has been adopted by the cities of Sacramento and West Sacramento.

It is recommended the City adopt the I-5 SCMP to provide developers an alternative to mitigating SHS impacts under CEQA. Through the I-5 SCMP, impact fee contributions would be made in lieu of conducting a detailed traffic impact study for freeway mainline impacts, including freeway mainline analysis, "merge and diverge" analysis and weaving analysis on the mainline under either existing and cumulative conditions. If the applicant chooses to contribute towards the SCMP, the applicant would still be required to analyze intersection impacts, off-ramp traffic back-up onto the freeway mainline, and any significant safety issues in the vicinity of the intersection.

If the applicant elects not to contribute towards the SCMP, then a detailed traffic impact study may be required, along with mitigation measures, to lessen impacts to acceptable levels that are consistent with local and regional plans.

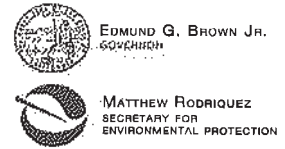
If you have any questions regarding these comments or require additional information, please contact Alex Fong, Intergovernmental Review Coordinator at (916) 274-0566 or by email at: [Alexander.Fong@dot.ca.gov](mailto:Alexander.Fong@dot.ca.gov).

Sincerely,



JEFFREY MORNEAU, Chief  
Office of Transportation Planning – South Branch





## Central Valley Regional Water Quality Control Board

18 July 2017

Christopher Jordan  
City of Elk Grove  
8401 Laguna Palms Way  
Elk Grove, CA 95758

CERTIFIED MAIL  
91 7199 9991 7035 8361 5301

### COMMENTS TO REQUEST FOR REVIEW FOR THE NOTICE OF PREPARATION FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, CITY OF ELK GROVE GENERAL PLAN UPDATE PROJECT, SCH# 2017062058, SACRAMENTO COUNTY

Pursuant to the State Clearinghouse's 23 June 2017 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Notice of Preparation for the Draft Environment Impact Report* for the City of Elk Grove General Plan Update Project, located in Sacramento County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

#### I. Regulatory Setting

##### Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases,

KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCEE, EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)

the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/).

### **Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:  
[http://www.waterboards.ca.gov/centralvalleywater\\_issues/basin\\_plans/sacsjr.pdf](http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf)

In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

*This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

## **II. Permitting Requirements**

### **Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan

(SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml).

**Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/).

For more information on the Caltrans Phase I MS4 Permit, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/caltrans.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/caltrans.shtml).

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

**Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml).

**Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the

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<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

### **Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance (i.e., discharge of dredge or fill material) of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

### **Waste Discharge Requirements (WDRs)**

#### *Discharges to Waters of the State*

If USACOE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

#### *Land Disposal of Dredge Material*

If the project will involve dredging, Water Quality Certification for the dredging activity and Waste Discharge Requirements for the land disposal may be needed.

#### *Local Agency Oversight*

Pursuant to the State Water Board’s Onsite Wastewater Treatment Systems Policy (OWTS Policy), the regulation of septic tank and leach field systems may be regulated under the local agency’s management program in lieu of WDRs. A county environmental health department may permit septic tank and leach field systems designed for less than 10,000 gpd. For more information on septic system regulations, visit the Central Valley Water Board’s website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/owts/sb\\_owts\\_policy.pdf](http://www.waterboards.ca.gov/centralvalley/water_issues/owts/sb_owts_policy.pdf)

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit2.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml).

### **Dewatering Permit**

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf)

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2013-0145\\_res.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf)

### **Regulatory Compliance for Commercially Irrigated Agriculture**

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_lands/app\\_appoval/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_appoval/index.shtml); or contact water board staff at (916) 464-4611 or via email at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the

Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).

### **Low or Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0074.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf)

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0073.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf)

### **NPDES Permit**

If the proposed project discharges waste that could affect the quality of the waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit3.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml)

If you have questions regarding these comments, please contact me at (916) 464-4644 or  
Stephanie.Tadlock@waterboards.ca.gov.



*St* Stephanie Tadlock  
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

