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Don Lockhart, AICP
Assistant Executive Officer
Sacramento Local Agency Formation Commission
1112 I Street, Suite 100
Sacramento, CA 94814

Dear Mr. Lockhart:

These are comments regarding the NOTICE of PREPARATION of a DRAFT ENVIRONMENTAL IMPACT REPORT for the KAMMERER/HWY 99 SPHERE OF INFLUENCE AMENDMENT_(LAFC 07-15) APPLICATION.

Land Use and Agricultural Preservation

The Draft Environmental Impact Report (DEIR) must demonstrate a need for this Sphere of Influence Amendment (SOIA). The previous SOIA (LAF#09-10) was withdrawn in lieu of denial by LAFCo primarily because Elk Grove could not demonstrate a need for the expansion. We do not see that this situation has changed. A detailed accounting of Elk Grove's holding capacity must be included in the DEIR with thorough justification for the need for expansion. This would obviously also include a thorough investigation and discussion of alternatives to the proposal.

Farmland of Local Importance is land of importance to the local economy. These lands meet that category as defined by the Sacramento County Board of Supervisors. Therefore, the DEIR must address these Farmlands of Local Importance and provide appropriate mitigation.

These lands also lie outside the Urban Services Boundary established by the County of Sacramento. While Elk Grove will argue that this boundary does not apply to it, we must argue that the boundary was established for specific reasons, especially the protection of farmland, open space and habitat protection. The DEIR should justify why the reasons for establishing this boundary are no longer appropriate and applicable, and not just dismiss them out of hand. After all, one of the primary charges of LAFCo is to guide development away from open space and agricultural lands.

This DEIR must clearly establish that this SOIA is inconsistent with the Metropolitan Transportation Plan / Sustainable Communities Strategy (MTP/SCS) and the Air Quality Attainment Plan (AQAP). If this property were to be developed, achieving or maintaining greenhouse gas reductions or federal ozone standards would be seriously impaired. The DEIR must not only address these two plans, but it must also quantify impacts to greenhouse gas reductions targets and federal ozone standards, and provide appropriate mitigation.

Water

Water supply is also an issue. Environmental review for the previous SOIA did not adequately address water provision, instead stating that "No new water infrastructure is proposed because no new development is proposed." Any adequate review pursuant to the California Environmental Quality Act (CEQA) on an SOIA must address the Sacramento County Water Agency's ability to provide water to the any subsequent project.

Water provision is essential to any development, and a critical threshold consideration in the LAFCo approval process. Under current drought conditions, jurisdictions have an especially serious responsibility to demonstrate that water provision for any planned or projected development can meet the competing needs of habitat, agriculture, and urban uses.

Growth-inducing Effects

Any subsequent project would have significant growth-inducing effects. The DEIR must, therefore, include an analysis of the SOIA's potential for both direct and indirect growth inducement if it is to adequately fulfill CEQA's requirement to inform decision makers and the public about the potential environmental impacts. This analysis should quantify projected economic, population, and housing growth inducement using all available modeling tools appropriate to the Sacramento region. To be complete, this analysis must also address the Memorandum of Understanding between the City of Elk Grove and the County of Sacramento that specifically proposes transitional land uses to mitigate for growth inducing impacts.

City may argue that this proposal is consistent with its General Plan. But even if it is, that General Plan need not be, and is not, consistent with the MTP/SCS. The burden rests with the City to show how the proposal relates to the MTP/SCS.

Kammerer Road is a segment of the Southeast Connector Project and therefore this DEIR must be consistent with the FPEIR for the Southeast Connector and the Settlement Agreement reach by the Connector JPA and ECOS.

Biological Resources

The environmental impact report should consider the unique geographic placement of this site in relation to both the Stone Lakes National Wildlife Refuge to the West and the Cosumnes River Preserve to the South. The EIR should consider impacts to the many species that roost, or spend the night, in these large protected areas that then forage in the site under consideration for at least some portion of their natural history.

The EIR should consider the significance of the site as upland forage for species displaced during the cyclical flooding events that occur every seven to ten years in and around the Cosumnes River Preserve. For many species, such as the greater sandhill crane, a large proportion of the habitat conserved for them will be temporarily unavailable during these stochastic events. Roosting is not such a concern because the cranes can utilize the shallow water along the margins of the floodplain. However, much of their traditional foraging grounds will be inaccessible. The upland areas, then, in any reasonable proximity to the floodplain take on significant importance. The EIR should analyze the impact on species from the loss of this important upland foraging area.

The EIR should consider the effect of climate change on the North Delta, specifically the need for species displaced by sea level rise to find new higher ground if they are to survive. The land being considered in this NOP is a prime example of an upland area that would provide refuge for displaced species.

We would caution against using any portion of the biological resource chapter from the discredited Brandman and Associates' DEIR and RDEIR for the recently withdrawn (in lieu of denial) Elk Grove SOIA application to LAFCo. The chapter had so many flaws and inaccuracies that it should be completely avoided. As well, given the scandal over the Grasslands Solar debacle in Davis that relied upon what was characterized as a fraudulent EIR prepared by Brandman and Associates, any reuse of their work would be imprudent.

We would also caution on relying too heavily upon the California Natural Diversity Database (CNDDDB) for species occurrences in the site under consideration. The CNDDDB is a notoriously incomplete database, and particularly for avian species it is weighted heavily towards nesting data rather than foraging or simple

occurrence data. There are many listed species and species of concern that regularly occur in and in the vicinity of the site under consideration that do not nest there. It would be prudent to balance the CNDDDB with data from eBird and the local Christmas counts in the area, as well as the species lists for both the Stone Lakes National Wildlife Refuge and the Cosumnes River Preserve. If a species occurs in either of those protected areas and uses the equivalent land cover types as those present in the site under consideration, chances are good that it is present in the land under consideration.

The NOP indicated that the data from the SSHCP would be utilized for purposes of the DEIR. We are assuming that this means that the same approach to determining impacts will also be utilized. The EIR should explain how the mitigation for impacts to the development of this land will impact the conservation strategy of the SSHCP. Of particular interest is how the removal of this land, and the subsequent removal of an equivalent amount of land (assuming a 1:1 mitigation ratio) for the mitigation of this land being developed, from the inventory of the SSHCP will affect the "feasibility for acquisition" for acquiring the needed preserve lands in the conservation strategy of the SSHCP.

Conclusion

We request that all of the above identified issues are specifically addressed and mitigated by any proposed MMRP, and that they are taken into account when exploring feasible alternatives. We have also attached a copy of our comments on the DEIR for the previous SOIA (LAFC #09-10) to further elaborate on our previous concerns, most of which we believe are still relevant.

Sincerely,



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