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June 9, 2017

Don Lockhart, AICP
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 BILBY RIDGE SPHERE OF INFLUENCE AMENDMENT_(LAF# 04-16) APPLICATION.

Demand for the Project

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 The previous SOIA (LAF#09-10) was withdrawn in lieu of denial by LAFCo primarily because Elk Grove could not demonstrate a need for the expansion.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.

Loss of Agricultural Land

The project site includes farmlands of Local Importance. This is land of importance on the 2012 Important Farmland Map. These lands meet that category as defined by the Sacramento County Board of Supervisors:

“lands which do not qualify as prime, statewide, or unique designation but are currently irrigated crops or pasture or nonirrigated crops; lands that would be prime or statewide designation and have been improved for irrigation but are now idle; and lands which currently support confined livestock, poultry operations, and aquaculture.”

The lands of Bilby Ridge qualify under the second part of the definition. They would be classified as lands of statewide significance save for the fact that they are not being irrigated in anticipation of urbanization. The DEIR and mitigation measures for loss of agricultural land must take this into consideration.

In this regard, please note policy AG-5 of the Sacramento County 2011 General Plan:

AG-5. Projects resulting in the conversion of more than fifty (50) acres of farmland shall be mitigated within Sacramento County, except as specified in the paragraph below, based on a 1:1 ratio, for the loss of the following farmland categories through the specific planning process or individual project entitlement requests to provide in-kind or similar resource value protection (such as easements for agricultural purposes):

- prime, statewide importance, unique, local importance, and grazing farmlands located outside the USB;
- prime, statewide importance, unique, and local importance farmlands located inside the USB.

This is an appropriate basis for mitigation of the proposed project.

Water

Water is an essential service for prospective urban development and an important factor in the LAFCo approval process. The availability of water to meet the competing needs of habitat, agriculture and urban uses is an ongoing and increasingly acute issue in the Sacramento region and elsewhere in the state. This is one of the threshold issues facing LAFCo and it is vitally important that careful consideration be given to the environmental impacts of delivering urban water to the project within the context of regional efforts to maintain a sustainable groundwater yield for the American and Cosumnes groundwater Basins.

The project is within the Sacramento County Urban Service Boundary (USB) and future urban water demand was presumably included in the scope of the Water Forum Agreement that established a safe groundwater yield of 273,000 acre-feet/year for the Central Subbasin. That being said, the EIR for the Sacramento County General Plan Update (May 2009) raised the prospect of inadequate supply of surface water with full buildout of the South County within the USB. In addition, there exist unfulfilled commitments to annually provide remediated groundwater to the Cosumnes River to address habitat impacts of declining groundwater levels. These and other factors demand a complete and thoughtful assessment of the adequacy of surface water supplies to accommodate planned growth in the South County consistent with the Water Forum Agreement and reflective of the mandates of the 2015 California Sustainable Groundwater Management Act.

Please also note that the Section 7 Federal ESA Consultation (biological opinion) of FWS, dated Dec 10, 2004, refers to a Memorandum of Understanding (MOU) dated Sept 13, 2004. The Biological Opinion recites that the MOA requires that as a condition of taking water from the Freeport facility, the SCWA not provide new water service from Freeport facilities to any individual or entity within Sacramento County unless that individual or entity has shown that it has complied with the Federal ESA as set forth in the MOA.

The SCWA, as a dependent district of Sacramento County, is complying with the provisions of the MOU by participating in the South Sacramento Habitat Conservation Plan. However, Elk Grove is not a participant in the HCP, and therefore must demonstrate compliance with the terms of the MOU.

The DEIR needs to discuss, and the LAFCo Board needs to fully understand, the implications of these requirements as they relate to the vital matter of supplying water to prospective development within the SOIA.

Growth-Inducing Effects

The approval of the SOIA application will 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.

The project adjoins Kammerer Road, which is a segment of the Southeast Connector Project currently being planned by the Southeast Connector Joint Powers Authority (JPA). The JPA has entered into a

settlement agreement with ECOS that establishes requirements for mitigating the growth inducing impacts of the project. The DEIR must consider growth inducement mitigation measures compatible and complimentary with the JPA's commitments in the Settlement Agreement.

Biological Resources

The DEIR should consider the importance of the lands proposed for the sphere of influence amendment as extremely important upland forage habitat for Greater and Lesser Sandhill Crane, as well as many other species that inhabit the North Delta. This consideration should be cognizant of the proximity of both the Stone Lakes National Wildlife Refuge to the west and the Cosumnes River Preserve to the south, as well as the significance of this area as a wildlife corridor and major stopping point on the Pacific Flyway. And further, the DEIR should consider the periodic cyclical flooding in the lower Cosumnes River Basin, as well as the threat to the North Delta landscape as a result of global sea level rise and how both of these elevate the importance of the subject property.

For a more complete discussion of these points, please refer to the biological resources comments in the recent ECOS comment letter on the DEIR for the Kammerer/99 sphere of influence amendment for the city of Elk Grove.

In summary, 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.

Thank you for your consideration and please contact our Policy Director, Matthew Baker, with any questions you may have, habitat@ecosacramento.

Sincerely,



Brandon Rose
ECOS Board President



Rob Burness
Friends of Stone Lakes NWR



Sean Wirth
Co-Chair, Habitat 2020