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Via Electronic Mail **18 November 2011**

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Re: Comments on Elk Grove Sphere of Influence Amendment Draft Environmental Impact Report (LAFC #09-10)

Dear Mr. Lockhart,

These comments are submitted on behalf of the Environmental Council of Sacramento (ECOS) on the Elk Grove Sphere of Influence Amendment (EG-SOIA or Project) Draft Environmental Impact Report (DEIR), dated 29 September 2011. ECOS is a coalition of environmental and civic organizations with a combined membership of more than 12,000 citizens throughout the Sacramento Region. Our mission is to achieve regional and community sustainability and a healthy environment for existing and future residents.

Although the DEIR states in several places that it is not intended to be tiered from and that no construction is planned for under this DEIR, the DEIR does serve as: (1) a document to inform the public and LAFCo as to whether Elk Grove's SOIA request should be approved; and if so what conditions must be applied to future annexation requests; and (2) as an informational foundation for future programmatic and project level DEIR's that may result from this process. ECOS has written its comments with these points in mind.

ECOS has identified numerous flaws in the analysis contained in this DEIR, specifically in the areas of biological resources, agricultural resources, water supply, greenhouse gases, growth inducement and cumulative impacts. These specific concerns are addressed below.

BIOLOGICAL RESOURCES

Given the large number of errors and omissions in this section, large overarching comments will be laid out initially, followed by a more in depth illustrative examination of the treatment of a single species as a demonstration of how far from complete this report is. Similar levels of re-examination and research will need to be undertaken for all potential species by the EIR preparers in order to meet a good faith effort standard for informing the public and decision makers about the true nature of the environmental impacts to be considered (CEQA Guidelines, 15003(i) and 15151). As well this DEIR needs to substantially support its conclusions with evidence (CEQA Guideline, 15064(f)(5)).

General Comments

- Impact determinations are faulty. The biological resource section misuses the California Natural Diversity Database (CNDDB) throughout by indicating that the data base is a record of absence (i.e. by assuming that if a species does not show up in the CNDDB, then it's not there). The CNDDB has a clear disclaimer for users on this point. This does not constitute a good faith effort at full disclosure (see CEQA Guidelines, 15003(i) and 15151).

- The misuse of the CNDDB leads to bizarre results such as the conclusion that, for example, there are no northern harriers within 5 miles of the project site (and a listing of the potential for such as "moderate" based on habitats), no recorded occurrences within 5 miles and low potential for occurrence of white tailed kite, no recorded occurrence within 5 miles and moderate potential for occurrence of greater sandhill cranes. For all of these species (and many more), there is real data available (Audubon Christmas counts, Cosumnes River Preserve surveys, the South Sacramento Habitat Conservation Plan (SSHCP) mapping and incidence of occurrence data, as well as resources from the Stone Lakes National Wildlife Refuge surveys) that should be used. All discussed species must be re-examined using the more complete resources available.

- While the DEIR mentions the proximity of Stone Lakes, but only as a geographical fact; no mention is made of the Cosumnes River Preserve. No discussion is included of the habitat relationships (the SOIA area as buffer and foraging area for species using those core protected areas), cumulative public investment, uniqueness, etc. Again, this does not constitute a good faith effort at full disclosure (see CEQA Guidelines, 15003(i) and 15151).

- The DEIR fails to use or reference any of the data or analysis developed for the SSHCP draft. It concludes (without support) that there's no conflict between the SSHCP and the SOI expansion. This information is clearly inaccurate and does not constitute "substantial evidence" (see CEQA Guidelines, 15064(f)(5)) of a less than significant impact.

- The conclusion that there is no conflict between the SOI expansion and the SSHCP is unsupportable based on the flooding issue with the greater sandhill crane that is discussed further below (see CEQA Guidelines, 15064(f)(5). Additional conflicts exist with the Swainson's hawk habitat.

- Mitigation measures are inadequate. MM LU-3, which requires participation in the SSHCP when it is completed, is deferred mitigation and not acceptable to mitigate potentially significant and unavoidable impacts to a less than significant impact. CEQA Guideline 15126.4(a)(1)(B) states that "Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specific way." In this instance, formulation of mitigation measures for biological impacts is clearly deferred to the future development of a "habit conservation plan" whose contents are presently unknown. Notably, this mitigation measure contains NO performance standard. The requirement that such a plan be developed "in consultation with" US Fish and Wildlife Service (FWS) and California State Department of Fish and Game (DFG) does not require that the plan and its mitigation strategy be approved by those agencies--only that the City consults with these agencies. Mitigation is thus improperly deferred. Substantial evidence does not support the proposed Finding of the DEIR that the "plan" will mitigate biological impacts to less than

significant, because the measures of the plan are not known. In a situation nearly identical to the proposed Elk Grove SOIA DEIR, the Court of Appeal found a violation of CEQA where a mitigation measure called for development of an undefined habitat management plan developed by a biologist in consultation with the appropriate agencies, including FWS and DFG, *San Joaquin Raptor Rescue Center v County of Merced (Jaxon Enterprises, Inc.)* (2007) 149 Cal.App.4th 645, 669, 670; see also Kostka & Zischke, Practice under the California Environmental Quality Act (2nd ed.) Cal CEB 2008, January 2011 update, §14.12, pp, 696 - 700, and the numerous cases cited therein

- Mitigation measures MM BIO 1a and MM BIO 1b are also deferred mitigation and as such not acceptable to mitigate potential significant and unavoidable impacts to a less than significant level (CEQA Guidelines 15126.4(a)(B)).

- Beyond the inadequacy of MM BIO 1a and 1b, the wording of these measures is also imprecise and confusing.

- There is an implicit argument in this section that actual impacts cannot be determined or analyzed because the land use patterns are as yet undetermined. However, annexation and eventual build out are the inevitable goals of the applicant in this process, as SOI is "a plan for the probable physical boundaries and service area of a local agency." (Gov. Code 56076.) Since the annexation process may occur slowly over time, this DEIR is potentially the only opportunity to analyze the SOIA expansion area in its totality for impacts on biological resources. This DEIR must examine the potential impact on special status species and biological resources as a whole in the context of the entire SOIA expansion area being built out. Only this examination can determine the biological viability of this SOIA expansion area being developed. What would it mean to special status species if this entire area was lost as habitat? The greater sandhill crane comments that follow are one example of what this could potentially mean to at least one species. This is another example of a bad faith effort (CEQA Guidelines,15003(i) and 15151).

An illustration of the General Level of Inaccuracy Using the Greater Sandhill as an Example

The Habitat description for greater sandhill crane in table 3.4.2 states: "Found in open, freshwater wetlands, particularly habitats that contain open sedge meadows in wetlands that are adjacent to short vegetation wetlands." This description portrays what would constitute one example of acceptable ROOSTING habitat for greater sandhill crane, but is by no means instructive as to what constitutes viable greater sandhill crane habitat, particularly when it comes to the Fall and Winter habitat they utilize in our region. There are several important habitat factors that must be included in an accurate habitat description. For roosting habitat, the water must be 3"- 8" deep with open sight lines, which means low or no vegetation – of which sedge would be an example of low vegetation. So a flooded agricultural field at the right depth and the right acreage (20 acres or more) would be just as suitable as an actual wetland. This is easily evidenced on Staten Island and in the Cosumnes River Preserve where greater sandhill cranes routinely roost in flooded corn fields. Thus, the availability of row crop fields in the SOIA expansion area that can be artificially flooded to 3"-8" constitutes suitable available habitat for roosting.

Greater sandhill cranes require grist for their crops (the expanded muscular pouch near the gullet or throat) so they can grind up their food, particularly waste grain which is abundant in harvested agricultural fields. So, nearby bare ground uplands that have suitable grist matrix are

important, and these are not uncommon in agricultural areas with berms or where the crops have been harvested, which is the Fall and Winter condition for much of the SOIA expansion area. Greater sandhill crane use foraging habitat within a two mile diameter of their roosting sites (Gary Ivey, unpublished research for Phd). Greater sandhill crane in our area forage extensively in harvested row crop fields and irrigated cropland. They consume the residual waste grain and whatever small animals they can find. Freshly flooded fields also result in the flushing out of small animals which makes them popular forage sites as well.

The majority of the SOIA expansion area would make very suitable foraging habitat for greater sandhill crane as long as some roosting sites are established which could be easily accomplished by shallowly flooding some harvested fields.

The SSHCP has a very good species account that could be utilized to improve table 3.4.2 and the treatment of greater sandhill crane in general in this DEIR. Given that the SOIA expansion area is within the plan area for the SSHCP, it is somewhat surprising that SSHCP mapping and species accounts were not relied upon. The entire area of the SOIA expansion is included in the primary conservation area for greater sandhill cranes in the most recent draft of the SSHCP (see attached figure 7-20: Primary Conservation Area for Greater Sandhill Crane in the SSHCP Plan Area). An examination of the primary conservation area map included as figure 7-20 clearly indicates "consolidated species occurrences" well within 5 miles of the SOIA. Given this and the availability of all habitat components and the fact that there are regularly greater sandhill cranes in the vicinity (both to the south and to the west), the "potential for presence" status needs to be changed from moderate to HIGH. Interestingly, in the special status species impact analysis (3.4-36) the DEIR states: "State fully protected greater sandhill crane and state threatened Swainson's hawk have a high potential to occur within the project area." This appears to be an admission that our assertion is indeed correct. Moreover, in addition to being fully protected the greater sandhill crane is also a state listed "threatened" species. Greater sandhill crane is listed by DFG as a fully protected species (which means that a special statute was passed at some time to protect it: http://www.dfg.ca.gov/wildlife/nongame/t_e_spp/fully_pro.html#Birds. Greater sandhill crane was also listed under CESA in 1983 http://www.dfg.ca.gov/wildlife/nongame/t_e_spp/fully_pro.html#Birds.

Further substantiation for the change in the status of "potential for presence" to HIGH is found in the fact there are recorded occurrences of greater sandhill cranes in the SOI expansion area. Dr. John Trochet worked for the Nature Conservancy and Gary Ivey in 2005 between January and March and documented greater Sandhill crane usage of the SOIA expansion area during a flood event (Ivey, "Mitigating Loss of Sandhill Crane Habitat in South Sacramento County", March 25,2005). The greater sandhill crane does not at present use this area during "normal" water conditions, but these upland areas like the SOIA expansion area are critical for the long term health of the greater sandhill crane population because they allow for foraging areas above water during the frequent periodic flood events in the lower Cosumnes basin.

The SOIA expansion area has provided critical upland foraging habitat for the greater sandhill crane during the frequent flood events in the lower Cosumnes basin. Beyond the fact that portions of the added inventory are at or below sea level, no investigation or scientific analysis has been made as to the impact of removing so much upland foraging habitat for the greater sandhill crane, given its importance during flood episodes. Most of the preservation of sandhill crane habitat has been within the floodplain, and significant areas that are not technically within the floodplain, such as Staten Island, are at risk of catastrophic failure during significant flood events if their antiquated levees fail – this nearly happened to the Staten Island levees during such an event in the last decade and it was only emergency repairs that kept it from becoming a

lake. Greater sandhill crane can't swim. A significant flood episode with inadequate upland foraging habitat remaining could have catastrophic consequences for the greater sandhill crane. Before so much upland foraging habitat is removed for urban/suburban/commercial development within the SOIA expansion area, a scientific study must be undertaken to determine how significant the impacts on the crane are, as well as create a regional management plan to ensure that adequate upland habitat is available during flood events Such a study should list mitigations for the greater sandhill crane. This is also an issue that needs to be addressed by the SSHCP if this expansion is approved and its eventual development after annexation is to be given incidental take coverage.

It is not acceptable to claim that this issue can be resolved at the time of annexation(s) as this may be the only opportunity to consider the totality of the landscape being considered for development. The SSHCP had always assumed, until a last minute maneuver by Elk Grove, that all of the land in the SOIA expansion area would be part of the "receiving" side of the SSHCP. This relatively new change of use has not been either fully or properly vetted within the SSHCP. It is in fact a point of major of contention. Concerns have been frequently expressed that adjusting the math between the "take" and the "receiving" side of the SSHCP by increasing the plan area to the west of I-5 does not constitute a scientifically defensible position. This is one of a list of contentious issues that need to be worked out. It is not at all accurate to say that the SOIA expansion is not in conflict with the SSHCP. THIS STILL NEEDS TO BE DETERMINED! It also needs to be determined if the SOIA will undermine the conservation strategy of the SSHCP.

We would like to reiterate that the preceding examination of how the DEIR handled the greater sandhill crane is presented to demonstrate not just the deficiencies in the DEIR as pertains to the crane, but also as indicative of the poor handling of species and biological resources in general and the project's potential impacts in general within the DEIR. All other species will need to be re-examined in the light of more complete data resources, and the impacts on them will need to be determined looking at the totality of habitat removal due to the eventual annexation of the SOIA. Anything less would be a bad faith effort at informing the public and decision makers about the environmental impacts on these species (CEQA Guidelines,15003(i) and 15151). A failure in this regard would also mean the conclusions are unsupportable and without "substantial evidence" (CEQA Guidelines, 15064(f)(5)).

A Closer Examination of MM LU-3, and MM BIO 1a and 1b

As already indicated, the greater sandhill crane is briefly mentioned here as solely a "fully protected" species, and then is basically dropped. All further information provided pertains to the Swainson's hawk or the burrowing owl. Given the complexity of crane habitat requirements and the flood related issues involved, it is necessary to have a similarly full discussion of cranes here as well.

As for mitigation measure LU-3, though commitment to participation in the SSHCP is important, this does not actually constitute mitigation point since the Plan has not been completed. And, given that it has been in preparation for almost 20 years and there is no accurate timeline for completion, it is unclear if and when it will be available. We refer you to the comments that FWS made about using the SSHCP as the mitigation strategy in the DEIR for the Sacramento County General Plan update. Whereas we acknowledge that MM LU-3 would be the primary mitigation measure when and if the SSHCP is completed, it is not actual mitigation until the SSHCP is completed. The approach in the DEIR constitutes impermissible deferral of mitigation (CEQA Guidelines,1526.4(a)(1)(B)).

Moving on to MM BIO 1a, we see this section as an explication of mitigation in the absence of the SSHCP. If the SSHCP is completed, then all of these measures would be fulfilled, but in the

absence of the SSHCP they need to be considered for adequacy, with the SSHCP as the exemplar. The way that the DEIR structurally handles this section in relation to the SSHCP requires such an approach. The SSHCP is offered as the preferred mitigation and the following measures are offered as back up in the absence of the SSHCP.

For MM BIO 1a Part A, it is unclear who is intended as the lead agency. Is this indicating LAFCo would be the lead agency in accepting annexation request? If so this is an inaccurate and misleading use of "lead" agency because in the annexation process LAFCo would be a responsible agency and Elk Grove would in fact be the lead agency. The fact that, for annexations, Elk Grove would be the lead agency potentially means that the SOIA process is the only venue to consider the totality of impacts to species if the entire SOIA eventually was developed. Given the technical nature of the relationship between an SOIA and expansion, the use of "lead" agency should be fully defined, identified and explicated such that it is understandable to the public.

It is also unclear how a reconnaissance level biological survey will allow the "lead" agency to track impacts on special status species on a regional basis, rather than on a project by project basis. For starters, such a survey, if done well, would establish a baseline. The baseline should be determined at the outset of CEQA review (CEQA Guidelines, 15125). Tracking would be another matter altogether. Is it being suggested that an ongoing effort is considered here to track ongoing impacts based upon development and other changes on the ground? How would this work exactly? What is the specific plan for such tracking, and how is it to be financed? Is the as yet unclear "lead" agency responsible for the management of the tracking?

It is also unclear how this will allow the as yet unclear "lead" agency to track impacts on special status species on a regional basis. Since the survey is a base level assessment of biological resources, how does this translate into regional tracking? Is it being suggested that the reconnaissance survey is to inform an EIR that can be tiered off of for biological resource impacts for projects in the expansion area during annexations? This needs to be fully explained. The use of "when feasible" to complete MM BIO 1a Part A further adds to the confusion. So this survey and the tracking will be used by the as yet unclear "lead" agency for handling impacts on special status species on a regional basis when it is feasible. What is feasibility based on? Is the tracking where feasible as well? With a reconnaissance level survey and ongoing tracking of impacts, it would seem that a regional perspective of the impacts on special status would be available. Not using such a resource because it is not feasible seems to suggest that feasibility relates to monetary aspects of a particular project rather than the limitations of the resource. Is it then the case that "when feasible" means when it is "affordable?" If so, who determines when it is affordable? What does "affordability" do to the ability to properly identify and mitigate for the impacts on special status species?

For MM BIO 1a Part B, the entirety of the SOIA expansion area is considered habitat for the Swainson's hawk and the greater sandhill crane in the SSHCP. Any development in any area of the proposed SOIA expansion would be a failed attempt at avoidance and would necessitate mitigation. Any development would make avoidance "infeasible" and require mitigation. The DEIR should disclose these facts.

For MM BIO 1a Part C, the requirement that a Habitat Conservation Management Plan (HCMP) be prepared is equivalent to MM LU-3 in that what is being offered for mitigation as of now does not exist and as such cannot be analyzed for effectiveness or completeness. The measure basically states that the mitigation will be handled by as yet undetermined mitigation. This is not acceptable and makes it impossible to assess the effectiveness of the eventual mitigation measures. Basically, what is set up here is an argument that potentially significant impacts on special status species will be adequately mitigated by an as yet to be completed SSHCP, and in the absence of the SSHCP on as yet to be developed HCMP. As there are no performance

standards, this is an impermissible deferral of mitigation and not acceptable per CEQA (see CEQA Guidelines, 15126.4(a)(1)(B).

Relying on a future agreement with the DFG for appropriate Swainson's hawk mitigation is also unacceptable because such an agreement does not at this point in time exist, and as such the suitability of such agreement cannot be ascertained. It is also deferred mitigation and not acceptable per CEQA.

Additional General Biological Resources Comments

In the Agricultural Cropland section 3.4.1, the list of species expected to occur is quite incomplete and seasonally skewed. It does not include any of the winter complement of migratory waterfowl that use cropland for winter forage. It is also so incomplete that the inclusion of the few species listed appears to indicate that this habitat is hardly to barely utilized by wild species, which is untrue. This error is exacerbated, as previously explained, by the misuse of the CNDDB database throughout the biological resources section.

The same is also true of the Irrigation ditches and Irrigated Cropland sections that follow. For Wetlands this trend is broken and no species are listed at all. From a practical perspective, the erratic incomplete listing of potential species that occur or might occur in a given habitat type is more confusing than helpful and falls far below the minimum disclosure requirements of CEQA.

AGRICULTURAL RESOURCES

Farmland of Local Importance Discussion is Inadequate

Farmland of Local Importance is land of importance to the local economy, as defined by each county's local advisory committee and adopted by its Board of Supervisors. Farmland of Local Importance is either currently producing, or has the capability of production, but does not meet the criteria of Prime Farmland, Farmland of Statewide Importance, or Unique Farmland.

Sacramento County has defined Farmland of Local Importance as follows:

> Lands which do not qualify as Prime, Statewide, or Unique designation but are currently irrigated crops or pasture or non-irrigated 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 primary intent of this definition was to ensure that land that at one time was Prime or Statewide in Importance but has been removed from those designations because the land was no longer being irrigated (as per requirement of the Farmland Mapping Act), was captured by the Farmland Mapping and Monitoring Program. This is a reflection of the trend in rapidly urbanizing counties for landowners to cease irrigated crop production in anticipation of future urban development.

The data in Table 3.2-1 indicates that 1929 acres or 26% of the project area is now classified as Locally Important. It is a reasonable assumption that most of this acreage was previously classified as Prime or Statewide in Importance. The Sacramento definition and its purpose are important to fully understand the appropriate mitigation and needs to be included in the document under the discussion of Farmland Classifications on page 2.3-2. A review of the prior classification history of these locally important lands would be informative.

Mitigation Measure AG-1 Inadequate

The measure inaccurately refers to open space and conservation easements in conjunction with farmland mitigation. More importantly, the mitigation measure should utilize at least a 1:1 mitigation ratio for farmland lost. This mitigation ratio is more appropriate for the following reasons:

- One of the primary charges of LAFCo is to guide development away from open space and prime agricultural lands
- The DEIR finds that the project is inconsistent with LAFCo Policy III.E.1 (page 3.10-48)
- DEIR finds that the project is inconsistent with Sacramento County General Plan Policies AG-1, AG-5 and AG-19 (page 3.10-23)
- It is more consistent with the past practice of mitigation for agricultural land loss in Sacramento County.

The recently adopted mitigation policy AG-5 in the Sacramento County General Plan provides important guidance for agricultural mitigation. The policy requires that conversion of more than fifty acres of prime, statewide importance, unique and local importance farmlands located inside or outside of the Urban Service Boundary (USB) be mitigated for inside Sacramento County at a ratio of 1:1 with in-kind or similar resource value protection.

The Mitigation Measure should be modified as follows:

> MM AG-1: At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will identify lands to be set aside in permanent agricultural easements at a ratio of at least one acre of prime, statewide importance, unique and locally important agricultural land converted to urban land uses to one acre of in-kind or similar value of farmland preserved. The easements shall include an adequate endowment to be provided to manage the easement in perpetuity and be held by a qualified land trust or conservation entity, such as the Central Valley Farmland Trust or the Sacramento Valley Conservancy. Stacking of mitigation values, where acceptable to the land trust, will be permitted in order to serve multiple overlapping conservation purposes. The preserved farmland shall be located inside Sacramento County and within five miles of the SOIA Area.

WATER SUPPLY

Overview

The DEIR makes that statement: “No new water infrastructure is proposed because no new development is proposed. SCWA is the water service provider and would need to provide for water services. However this is not part of the subject SOIA and is beyond scope of the EIR” (page 2-28). This is a confusing and inaccurate statement in that the ability of the Sacramento County Water Agency (SCWA) to provide water with minimal environmental impact and consistent with existing agreements IS within the scope of the DEIR. It is a reflection of the careless and inadequate discussion of water supply in the document.

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. It presents itself at three levels:

> 1) Is there adequate water supply to the area to meet potential urban needs?
> 2) If so, where would it come from, and how does its withdrawal from the ecosystem impact the environment?
> 3) How does the project impact the ability of water providers to meet the cumulative demand of growth from approved land use plans consistent with existing agreements, notably the Water Forum Agreement?

On the first point, the SOIA Area west of Highway 99 could potentially annex to the SCWA Zone 40 area, water distribution tie-ins are reasonably close, and water could be pumped from the aquifer. The remaining issues are more complicated and here the analysis in the DEIR falls considerably short of appropriately informing the City and LAFCo of the environmental consequences of increased water demand associated with putting the SOIA Area on the path of urban development,

Environmental Impact of Increased Water Use

With regard to the second point, the primary direct environmental impact would come from increased withdrawal of groundwater from the project area. Yet the analysis in the DEIR on water demand is very limited. The Agricultural Lands chapter presents data on the number of acres of prime, unique, statewide importance and local importance farmland but there is no data on crop acreage in the report. The analysis is based solely on Tables 3.9-1 and 2.9 2. The first table presents annual consumption per acre of three crops—table grapes, corn and stone fruit--without any reference to their relative abundance in the project area. In fact there are no table grapes grown in the project area, although there are plenty of wine grapes, and there is very little, if any, acreage devoted to stone fruits. The second table lists the demand for water consumption based on broad regional *per capita* averages. The document states on page 3.9-27 that the "Central Basin is not adjudicated and is not considered to be in overdraft according [sic]the DWR Bulletin 118 (DWR, 2011)", but it does not include any information from the Central Sacramento County Groundwater Management Plan indicating the presence of a large cone of depression in the project area. From this sparse data the DEIR concludes that "future development indirectly resulting from the proposed project may result in increased consumption volume over what is currently drawn from the groundwater basin." (page 3.9-27)

This vague and tentative conclusion is inadequately supported by minimal, generalized data not specific to the project area. As such it does not meet the good faith effort standard for informing the public and decision makers about the true nature of the environmental impacts to be considered (CEQA 15003(i) and 15151) nor does substantially support the conclusion with evidence (CEQA 15064(f)(5).

Habitat 2020 and ECOS recommended both in oral testimony and written communication in response to the project NOP that:

> The EIR on the EG SOI Request needs to carefully evaluate the water impacts of urban development within the SOI. To do this it must consider the potential water demand from a reasonably likely development scenario that would have a high demand for water, such as low-density residential use throughout the proposed SOI. Assumptions regarding water conservation should be in line with targets established by the Water Forum Agreement.
>
> The potential demand for water needs to be compared with the historic pumping of groundwater and any diversion of any Cosumnes River water for irrigation within the SOI. The EIR must look at the range of irrigated acreage over the last 20-30 years, crops grown on that acreage and their associated water demand, and pumping data to

arrive at a reasonable estimate of average or typical consumption of water within the SOI for agricultural purposes. (email from Rob Burness of Habitat 2020 to LAFCo, dated October 27, 2010 and included in the DEIR appendix)

The DEIR must incorporate essential elements of the above recommendations in order to adequately disclose the impact of urbanization on groundwater withdrawals. This analysis is feasible. Acreage estimates of crops under cultivation over a reasonable time period in the study can be derived from aerial data and information from the County Agricultural Commissioner's office. Industry accepted standards for water consumption for those crops can yield a reasonable estimate of agricultural water use patterns. The analysis of urban water demand needs to include more nuanced evaluation based on the proposed land use projections within the SOIA Area set forward in Table 2-6 of the document. The water demand analysis needs to distinguish between that portion of the SOIA Area west of Highway 99 from the area east of Highway 99 as the hydrologic issues are different for each area.

Cumulative Water Demand and Water Forum Agreement Consistency

The third point, specifically the ability of water providers to meet the cumulative demand of growth from approved land use plans consistent with existing agreements, notably the Water Forum Agreement, is critically important to understanding the impact of SOIA Area expansion on a potentially limiting factor affecting the region's growth.

The SCWA is the water provider for much of the rapidly growing area within the City of Rancho Cordova, Elk Grove and unincorporated south Sacramento County. SCWA is signatory to the groundbreaking Water Forum Agreement, a document that allows the region to meet its needs in a balanced way by ensuring adequate water to meet in-stream flow habitat requirements and maintain safe yield groundwater withdrawals in the long term. The Agreement establishes a safe groundwater yield of 273,000 Acre Feet per Annum (AFA) from Central Sacramento County Groundwater Basin and allocates up to 78,000 AFA surface water from the Sacramento River for SCWA use.

The EIR for the Sacramento County General Plan Update (adopted November 9, 2011) examined the environmental impacts associated with the incorporation the Jackson Highway and Grantline East Growth Areas, together comprising approximately 20,000 acres, in the County's plan for urban growth through 2030. The document identified the SCWA as one of three water purveyors that have an inadequate supply of water to meet demand by new growth (Summary of Impacts, page 1-13). For SCWA Zone 40 the demand for water at buildout, including the new growth areas, would exceed the projected supply by 4913 AFA (Sacramento County General Plan Update FEIR, page 6-47).

The Jackson Highway and Grantline East Growth Areas are within the USB of the Sacramento County General Plan. The USB is the area within which urban services are planned to be provided over the long term. They were included within the ultimate growth projections that were part of the Water Forum Agreement.

The newly adopted General Plan does not include the Jackson Highway and Grantline East Growth Areas within its Urban Policy Area identifying lands planned for development by 2030. However, it does include criteria which, if met, would allow development of these areas to proceed prior to 2030. In fact, one application for development has already been accepted and is undergoing environmental review, two other requests for entitlements have been presented to the County for acceptance and a third is anticipated in the near future. It is therefore likely that planned growth in the SCWA Zone 40 area and within the USB will lead to water demands which exceed the projected safe yield water supply.

The portion of the Elk Grove SOIA application east of Highway 99 is inside the USB, but the area west of Highway 99 is beyond the USB. Growth in that area was not included within the ultimate water demand projected by the Water Forum. It is therefore reasonable to conclude that the annexation and development of the Elk Grove SOIA Area will lead to additional water demand, which when combined with water demand associated with approved general plans inside the USB and pending applications for development under the new growth management criteria of the Sacramento County General Plan, could very well exceed the projected safe yield water supply for the Central Sacramento County Groundwater Basin.

This possibility represents a threshold decision for Sacramento LAFCo in considering the approval of Elk Grove's request. It is essential that the EIR's analysis for the project provide a clear understanding of how the potential urban development of the area would impact the SCWA's capacity to provide sufficient surface water and maintain safe groundwater yields.

The DEIR fails completely to provide that analysis. It provides data from the SWCA Urban Water Management Plan that indicates that 2030 water demand will be within the annual water supply (page 3.16-2). The document states that the "SCWA is capable of expanding infrastructure and services to provide adequate municipal water services in the SOI Area…SCWA can conduct master planning for adequate infrastructure during its next master plan update for Zone 40." (page 3.16-23). It does not address at all the question of whether SCWA can provide water to the area, in addition to other development that is part of approved general plans, in a manner that assures maintenance of safe groundwater yields.

The matter of surface water also needs to be more thoroughly examined, since delivering surface water is the SCWA's primary strategy for providing water to meet demands while maintaining safe groundwater yield, and by extension is an important means of mitigating adverse impacts on groundwater. However it is not entirely clear that the SCWA can deliver any surface water to the area. All, if not most, of the project area is outside the American River Place of Use. This raises the question as to whether American River water pumped through the Freeport Diversion facility can be utilized outside the place of use. The Draft EIR needs to assess whether there are constraints on delivering surface water to the SOIA Area to mitigate for increased groundwater pumping for urban uses. (See *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 432 ("CEQA requires some discussion of possible replacement sources or alternatives to use of the anticipated water, and of the environmental consequences of those contingencies").)

Proposed Mitigation Measure HYD-2 also constitutes impermissibly deferred mitigation. It states that:

> Prior to annexation of any or part of the Sphere of Influence Amendment (SOIA) Area, the city of Elk Grove demonstrate provide [sic] a Plan for Services that demonstrates that sufficient, sustainable potable water supplies adequate for projected demand needs are available and would not result in depletion of groundwater quantities greater than that under the without project baseline.

This mitigation measure is similar to that stuck down in *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 427-447. Mitigation in that case required that "entitlements for development within the Sunrise Douglas project shall not be granted without firm proof of available water supplies, assures that water will be available for later phases of the project." (*Id*. at 444.) As explained in the opinion, the EIR relied "on a provision for curtailing later stages of development if water supplies do not materialize without disclosing, or proposing mitigation for, the environmental effects of such truncation." Similarly,

this DEIR may not assume that future impacts will be mitigated by development of a future plan for services.

The analysis and mitigation in this DEIR must be corrected to comply with water analysis, mitigation and planning requirements.

GREENHOUSE GASES

Good Faith Effort to Inform Decision-Makers and Public Is Inadequate

The DEIR is woefully inadequate and incomplete at informing decision-makers and the public regarding the impacts of this project and cannot be considered a good faith effort at disclosure of environmental impacts (per CEQA 15003((i) and 15151). The analysis of alternatives is not adequate and incomplete; the impact analysis is flawed; there is no analysis of how SOIA greenhouse gas (GHG) emissions will affect Sacramento County's overall ability to meet State GHG reduction targets; and flooding impacts due to climate change are not addressed.

Analysis of Alternatives Is Incomplete

ECOS accepts the range of alternatives selected for the DEIR, however ECOS' primary concern with the alternatives was that a good faith effort at discussing "comparative merits" and "fostering informed decision-making" (per CEQA 15126.6) regarding environmental impacts was inadequate. This included the lack of a discussion of how this project effects meeting Sacramento Area Council of Government's (SACOG) regional greenhouse gas (GHG) reduction goals.

SB375 was passed in 2008 to <u>better integrate local land use planning with regional transportation</u> needs. As part of the process, SACOG was assigned the task of reducing transportation related GHG levels by 7% per capita by 2020 and 16% per capita by 2035.

Although these goals are identified in section 3.7, there is no discussion or analysis of how the different alternatives would comply with the SACOG targets. As a minimum, the following should be answered in the DEIR:

- If SACOG was contacted and no information was available, the DEIR could explain that "SACOG reviewed the alternatives and indicated that there is insufficient data to be able to inform decision makers about any alternatives ability to help meet 2020 and 2035 targets"
- If possible, provide quantitative information such as:
    - Has SACOG modeled the Chapter 5 alternatives to see how well they might comply with meeting GHG reduction goals?
        - If so, what are the results?
        - If data quality is sufficient, DEIR should state that the preferred alternative results in EG's per capita emissions to drop by x% by 2020 and y% by 2035 whereas the ERA is a bit better at c% and d%.

Impact Analysis Is Flawed

Section 3.7.6, page 3.7-20 discusses two GHG Impacts; the GHG emissions for the SOIA; estimates how Air Resource Board (ARB) measures might reduce those gross emissions; and how the Elk Grove Sustainability Element and Climate Action Plan (SECAP) process is trying to develop a plan to reduce GHG emissions by 15% by 2020. The DEIR conclusion was that if MM-GHG-1 were implemented, GHG levels would be less than significant. ECOS believes that

important information and analysis is missing from the DEIR that is important to assessing the significance of the impact.

Table 3.7-7 indicates that SOIA GHG emissions will be 553,992 Metric Tons/year (MT/yr) for 2020. This is an admittedly large number. However the analysis provides no indication as to how the potential development of the SOIA area would impact the ability of Elk Grove, Sacramento County and the SACOG region to meet emission reduction targets. One way to provide perspective is through comparison of emission reduction thresholds. A threshold of significance more easily allows a lead agency to determine whether an environmental impact is significant. The degree to which a project meets or exceeds the threshold provides a measure of the scale of significance. A large project that would generate GHG emissions well above the threshold may make it difficult or impossible for a jurisdiction to meet GHG reduction targets.

The State of California has developed an estimate of per capita or per service population significance thresholds for year 2020 by dividing statewide GHG emission targets for that year by projected population plus employment as illustrated in the following table. The populations and GHG Emission Levels are in millions.

Table 1- GHG Emissions Metrics

Year	Population	Work Force	Pop + WF (sp)	GHG Emissions (MT/yr)	Allowable Emissions (MT/yr-sp)
2020	44.1	20.2	64.3	295.5	4.6

Population + Work force = Service Population (sp)

The Bay Area Air Quality Management District (BAAQMD) has subsequently adopted the 4.6 MT/yr-sp threshold for project level developments in the Bay Area. Santa Barbara has adopted the Bay Area's significance threshold of 4.6 MT/yr-sp knowing that the evidence used by the Bay Area is substantial and thus per CEQA is reasonable to use. More locally, the Folsom Specific Plan, realizing that data from Table 1 indicates that GHG thresholds need to be reduced over time, developed two separate thresholds: 4.4 MT/yr-sp for projects permitted before 2020 and 3.7 MT/yr-sp for projects permitted after 2020.

Table 3.13-2 and Table 3.13-3 assume for analysis purposes that employment and households within the EG SOIA Area at buildout will respectively total 35,500 and 20,685. The population, based on a 2035 average household size of 2.78 (Population and Housing Estimates, 2005-2035, SACOG, 2008), would total 57,500. The service population of the project at buildout would be 35,500 plus 57,500, or 93,000. The resulting GHG efficiency metric for the SOIA is therefore:

553,992 MT/yr/ 93,000 service population = 5.96 MT/yr-sp

That is 30% greater than the 4.6 MT/yr-sp 2020 threshold referenced above and 61% greater than Folsom Specific Plan's 2035 threshold of 3.7 MT/yr-sp. This information needs to be included in the DEIR analysis.

The above numbers suggest that it will be a considerable challenge for Elk Grove to reconcile the SOIA Area GHG emissions with their need to meet 2020 and subsequent emission reduction targets. The question is just how might that be accomplished? The DEIR offers no perspective on the reasonableness of attaining these targets, nor does it offer any perspective on how the alternatives to the project would impact the City's ability to meet GHG reduction targets. This information is essential in order to assess the assumption that the mitigation

measure can in fact succeed in reducing the impact to less than significant levels, as blithely assumed in the DEIR.

The above numbers also suggest that the development of SOIA Area may well conflict with the draft 2035 MTP and Sustainable Community Strategy scheduled for adoption in Spring 2012, possibly before LAFCo takes action on the Elk Grove SOIA. Yet the DEIR only casually mentions the MTP/SCS on page 3.7-20 and there is no discussion of consistency/conflict potential with that draft plan, which is now available for public review. The DEIR must review the project for consistency with this draft plan.

ECOS Recommended GHG Reduction Mitigation Measures

The GHG reduction mitigation measure should more specifically state the need for consistency with SACOG's Metropolitan Transportation Plan and Sustainable Communities Strategy Thus, ECOS suggests that the mitigation measure be revised as follows:

MM-GHG-1: Prior to annexation of any or part of the SOIA, the City of Elk Grove shall amend or augment the City's greenhouse gas emissions inventory projections to account for development of the SOIA area. Emission factors used by the City shall be submitted for public review and concurrence to the SMAQMD and the ARB. The City shall assess the potential emission reductions from development of the SOIA area consistent with the City's Sustainability Element, Climate Action Plan; other applicable General Plan policies, and applicable city, county, and/or state programs that reduce GHG's. The City shall demonstrate that development of the SOIA will be consistent with the SACOG MTP/SCS, any future GHG thresholds adopted by the Sacramento Metropolitan Air Quality District, and with SB97, AB32, S-3-05, and SB375 regional emission reduction targets, or other emission reduction targets adopted by the State of California or regional agencies in effect at the time of application for annexation.

Impact on Sacramento County Greenhouse Gas Targets Is Not Provided

LAFCO decision makers and the public need to understand the GHG emissions of not only Elk Grove and the SOIA area, but the County as a whole. The DEIR needs to include a section on the County inventory (and 7 incorporated cities) that was completed in June 2009 and how the SOIA will affect the baselines of the unincorporated County and Elk Grove and of the County's ability as a whole to meet 2020 and subsequent GHG reduction targets. As a minimum, the discussion should include:

Pertinent facts and inferences that County inventory was 13,938,537 metric tons per yr (MT/yr) in 2005; that the County's target for 2020 needs to be approximately 11,847,000 MT/yr (2005 -15%) and by 2050; 2,370,000 MT/yr (2020 – 80%).

Pertinent facts and inferences that if the County's GHG emissions must follow this trajectory, then the 7 incorporated cities must also.

Concerns over how GHG reductions are handled by "growing communities" versus "built-out communities" have been heated over the past 4 years- centering on per capita (or per sp) vs. gross reductions. ECOS believes that since Elk Grove and Sacramento

County are still “growing communities”, it would be reasonable to achieve the LEAST restrictive of the following metrics:

- Gross emissions identified above
- Per service personnel (sp) emissions per significance threshold discussion

The City of Elk Grove with the SOIA area included need to develop an overall strategy to live within the budget of: (1) 842,971 MT/yr identified for Elk Grove in the County inventory (as amended by Table 3.7-4) and (2) the transferred allocation from unincorporated County for the SOIA area.

Flooding Impacts Due to Climate Change Is Not Addressed

DEIR pages 3.7-5 and 3.7-6 discuss sea level rise, sea-level storm surge, rain, and Sierra snowpack. Other references, not found in DEIR, discuss: (1) rapid climate change in which ice shelves in Greenland and Antarctica degrade quickly and cause sea levels to rise faster than predicted and (2) annual rainfall levels per month. All of these items are pertinent to a discussion on flooding.

DEIR section 3.9.2 (page 3.9-7) and to a lesser extent section 6.3.1 discusses flood plains and issues associated with flooding, but ECOS could find no discussion of the following climate change related issues. The questions below should be included in DEIR to better inform decision makers and the public:

- Discuss rapid climate change
- Discuss annual rain fall probabilities
- Provide 100 year flood maps for 2100 if NO upgrades were made to levees or water reservoirs- i.e. NO water infrastructure upgrades except maintenance of existing systems
- Discuss the present value of the cost of the water infrastructure that will be required to address expected climate change impacts.
    - And the per capita cost to Elk Grove residents if these infrastructure upgrade costs are fully recovered

GROWTH INDUCEMENT

Inaccurate Information in Population and Housing Section

The growth inducement impacts of the project are considered in the Population and Housing Section. The section begins with the recitation of basic population data and projections. This section fails to provide accurate and up-to-date projections. Section 3.13.1 includes the statement that Elk Grove will reach a population of 192,889 by 2035 based on SACOG 2008 numbers. These numbers are outdated and inconsistent with the 2035 population projection of 177,500 in the Municipal Service Review prepared by Elk Grove for submittal to LAFCo with their SOI Amendment application (Municipal Service Review, Revised August 18, 2010, Table 3.0-3).

The same section also includes the statement that based on SACOG projections, employment land uses could more than double and housing land uses could almost double by 2035. (3.13-4). This statement is inaccurate and needs to be revised with the most current available data and the supporting data included in the document.

The document also includes the following statement: “In addition, because the project includes more jobs than housing, it would have, by definition, a beneficial effect on the jobs/housing balance and would provide additional opportunities for the City/County to improve jobs to housing ratio (page 3.13-5).” This statement is based on growth assumptions from Fehr and Peers (Table 3.13-2) that are wildly optimistic and not supported by the historic record of job development within the Sacramento Region. The analysis needs to be grounded in some degree of reality and not based on self-serving employment growth data.

Analysis of Growth Inducing Impacts is Inadequate

The DEIR fails to adequately examine the growth inducing impacts of the project. It states that there are no direct growth-inducing impacts associated with the project and that the only indirect growth-inducing impacts are those within the SOIA area itself:

> In summary, the proposed project would maintain existing land use designations and zoning and would not result on [sic] the construction of new homes, businesses, roads, or utilities. Therefore, the proposed project would not directly induce substantial population growth and impacts; however, the project may indirectly induce substantial population growth (page3.13-5).”

This conflicts with the conclusion later on the same page that the “proposed project could lead to eventual development of the area and direct and indirect population growth.” The DEIR should be revised to characterize growth within the SOIA Area as direct growth inducement and the potential for growth beyond the project area as indirect growth inducement.

Yet the DEIR does not even consider the more important growth inducing impact beyond the SOIA project area. It is a historically demonstrable fact that new development on the fringe of a metropolitan area generates land speculation, ownership changes and economic circumstances that lead to land use requests to extend development beyond established boundaries. The current application is itself an example of the growth inducing effects of developing to the edge of the current Urban Service Boundary west of Highway 99. Yet incredibly, there is no analysis of the potential for this project to introduce growth on land adjacent and beyond the proposed SOIA boundary--in spite of the fact that Elk Grove City and Sacramento County have drafted a Memorandum of Understanding that specifically proposes an agricultural residential buffer to mitigate for the project’s growth inducing impacts. We can find no reference to this MOU anywhere in the DEIR.

Growth Inducement is also a concern on the west side of the SOIA boundary across Interstate 5 at the southwest corner of the interchange of Hood Franklin Road and the freeway. This property is located at the planned western terminus of the Southeast Connector, a major expressway that would link Interstate 5 and Highway 50 between Elk Grove and Rancho Cordova. The interchange would be the first urban interchange entering the Sacramento urban area for northbound traffic on Interstate 5. Although the property at the southwest corner of the interchange is inside the legislative boundary of the Stone Lakes National Wildlife Refuge, it is not subject to conservation easements or other restrictive covenants (unlike the property at the northwest corner, which is publicly owned), and the USFWS exercises no authority over the property. Inclusion of the land on the east side of the freeway within the SOIA for the purpose of urban development, together with the construction of the Southeast Connector will make it particularly attractive for commercial development, and greatly increase the likelihood of requests to Sacramento County for development of travel related commercial uses that would not need public sewer and water connections. The DEIR must discuss this growth inducement potential.

Despite the very limited and incomplete analysis in the DEIR, the document does conclude that "even with mitigation, the proposed project could lead to eventual development of the area and direct and indirect population growth, rendering impacts significant and unavoidable. (page 3.13-5)"

The Recommended Mitigation Measure is Inadequate

The DEIR recommends mitigation measure MM POP-1 to deal with growth-inducing impacts:

> "At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the city of Elk Grove will consult with the Sacramento Area Council of Governments (SACOG)s regarding the Regional Blueprint and consistency with the Metropolitan Transportation Plan (3.13-6)."

The proposed mitigation is inadequate for two reasons. First it simply requires a consultation, not consistency, with the Regional Blueprint and therefore does nothing to actually mitigate, contrary to the requirement that mitigation be fully enforceable (CEQA Guidelines 15126.4(a)(2). The Mitigation Measure should be revised to be enforceable mitigation as follows:

> At the time of submittal of any application to annex territory within the Sphere Influence Amendment (SOIA) Area, the city of Elk Grove shall demonstrate consistency with the Sacramento Area Council of Government's Metropolitan Transportation Plan and Sustainable Communities Strategy.

Secondly, it does not recognize other potential mitigation measures to reduce the indirect growth inducement impacts of the project. The proposed Memorandum of Understanding between Sacramento County and Elk Grove City suggests one strategy--that growth be mitigated by providing a buffer of agricultural residential land south of Kammerer Road. This is by no means the only potential strategy. The environmental document should consider an environmentally superior mitigation measure that would require that any annexation proposal include provisions for securing the acquisition of development rights for a ½ to 1 mile buffer south of Kammerer Road and for the property at the southwest corner of Hood Franklin Road and Interstate 5. Although ECOS supports the environmentally superior option, the DEIR should identify both these mitigation options and at the very least require that Elk Grove demonstrate compliance with one of them at the time of annexation.

CUMULATIVE IMPACTS

The Cumulative Impacts Analysis is Inadequate and Incomplete

The EG SOIA is a request to annex 7869 acres for future urban development. Development of this land will significantly increase the holding capacity of the region. In addition, most of the acreage (the DEIR never bothers to identify how much) is west of Highway 99 and outside the County USB, meaning that long range plans to provide water, wastewater treatment and other services have not taken into account the potential that this land will become urban and require services. This makes the cumulative impacts of the project particularly important for evaluating and deciding on the merits of the proposed project.

Yet the cumulative impact discussion is overly general, incomplete, and inadequate.

First, the DEIR does not rely on proper basis for selection of a list of cumulative projects. According to the DEIR, "The Proposed project was considered in conjunction with other

proposed and approved projects that concern or involve some level of authority or involvement with LAFCo." (DEIR, p. 4-1.)

The list of projects relevant for analysis of cumulative projects does not include the Folsom Annexation request. Since this land also is outside of the County Adopted USB and since it will also add to the holding capacity of the region, it must be included in the cumulative analysis of impacts.

The list also does not include the Bay Delta Conservation Plan (BDCP). The BDCP is a major water diversion and conveyance project in the area just west of the SOIA. The BDCP includes construction of 5 new water intakes, a one-mile mile square forebay, a canal or tunnel with a capacity of 15,000 cubic feet per second, and over one-hundred thousand acres of habitat restoration/creation. This project of an unprecedented scale in the region would cause significant construction and operational impacts, which in combination with the SOIA, would create cumulative impacts ignored by the DEIR.

When revising the list of cumulative projects and the nature of resources being examined, the location of the project and its type should be considered. (CEQA Guidelines 15130(b)(2).)

The analysis of cumulative impacts also makes no attempt to describe or quantify how the identified projects will cumulatively create environmental impacts. Moreover, for several impacts, the analysis simply says that either the SOI project impacts will be less than significant, or with mitigation measures, will be reduced to less than significant. For example, in section 4.2.9 the DEIR states that mitigation will reduce water quality, groundwater, flooding and drainage impacts to less than significant, and that other projects that result in similar impacts would be required to mitigate for their impacts. It therefore concludes that the project would not have "a related cumulative considerable impact." The same reasoning is applied in section 4.2.7, Greenhouse Gas Emissions, 4.2.11, Mineral Resources and, 4.2.13 Population and Housing. This approach is not acceptable under CEQA, as "the discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence." (CEQA Guidelines 15130(b).)

Comments specific to particular sections of the Cumulative Growth chapter of the DEIR are as follows:

- The cumulative impact on Agricultural Resources (4.2.2) is incomplete. The project mention's the impact that the Southeast Connector will have on farmland but does not include impacts from other projects in the list, particularly the 20,000 acres of land that will be made available for urban development in the newly adopted Sacramento County General Plan. The DEIR includes no cumulative agricultural land loss data of these projects and the proposed project.

- The cumulative impact on Air Quality (4.2.3) analysis incorrectly assumes that a 35% reduction in precursor emissions associated with an Air Quality Mitigation Plan would mitigate the air quality impacts to less than significant and be consistent with the SMAQMD's Air Quality Attainment Plan. Likewise, the cumulative impact on Greenhouse Gas Emissions (4.2.7) initially identifies the wrong air basin and then incorrectly concludes that this and other projects would mitigate their impacts to less than cumulatively significant. How can this conclusion be reached?

- The cumulative impact on Biological Resources (4.2.4). The statement that "generally biological resource impacts tend to be localized depending on the species or habitat to

be considered; therefore, a 2-mile buffer around the SOIA Area provides for a conservative evaluation of cumulative impacts" is confusing, unfounded, and untrue. No substantiation is provided for this statement. It is also unclear if a "conservative evaluation" is one that examines a buffer that is minimal or maximal in terms of its relevance to impacts. Either way, the 2 mile buffer in this specific case is arbitrary and inappropriate. The SOIA is in geographic proximity to both the Stone Lakes National Wildlife Refuge and the Cosumnes River Preserve, and species from both these locations use the SOIA for foraging. Impacts must be considered using the boundaries of these conserved areas as buffers and not an arbitrary mileage.

The comments presented in the Biological Resource section detailed the problems with, and the inadequacy of, the suggested mitigation measures. They did not meet the CEQA standard to achieve a less than significant impact.

Structurally, the treatment of the cumulative impacts here is identical to that of "significant impacts" in the Biological Resources section. As explained in our Biological Resources comments:

There is an implicit argument in this section that actual impacts cannot be determined or analyzed because the land use patterns are as yet undetermined. However, annexation and eventual build out are the inevitable goals of the applicant in this process. The annexation process could proceed in a piece meal fashion. This DEIR is potentially the only opportunity to look at the SOI expansion area in its totality for its impacts on biological resources. This EIR must examine the potential impact on special status species and biological resources as a whole in the context of the entire SOI expansion area being built out. Only this examination can determine the biological viability of this SOI expansion area being developed. What would it mean to special status species if this entire area was lost as habitat? See the greater sandhill crane comments to follow for one example of what this could potentially mean to at least one species. This is another example of a bad faith effort (CEQA 15003(i) and 15151).

- Cumulative impacts need to be examined and analyzed as if the entire SOIA area was going to be developed. This is the intent of the SOIA effort and the inevitable outcome in terms of development. This is potentially the only opportunity to look at the "cumulative impact" on species of the entire SOIA area being developed. The cumulative impacts need to be determined on a species by species basis and using the scenario that all of the SOIA will be lost as viable habitat.

- The cumulative impact on hydrology and water quality (4.2.9) is inadequate in that the analysis does not take into account the cumulative impact of the project on water demand and the ability for water providers—particularly the SCWA—to provide water to the project to meet the cumulative demands of the project. (See also comments in water section.)

  With respect to stormwater runoff, the analysis does not identify whether any of the projects under consideration for their cumulative impacts will also impact the drainage systems within the project area.

- The cumulative impact on Population and Housing (4.2.13) reaches a similar conclusion as with the other sections, i.e. "because the proposed project can mitigate all of its population and housing impacts to a level of less than significant, it would not have a related cumulative considerable impact.

This is an incredibly narrow and inadequate analysis of a critical threshold question related to the approval of the SOIA, specifically, how does the inclusion of the SOIA relate to regional (or at least Countywide) projections of population and job growth, and how does the approval of the SOI for potential urban expansion affect the cumulative holding capacity of the region (or County) to provide for that growth?

The analysis of cumulative impacts on population and housing must look at holding capacity data for unincorporated Sacramento and its cities, as well as the holding capacity of the 20,000 acres included within the scope of the newly adopted Sacramento County General Plan, the proposed Folsom annexation and the Galt SOI. The analysis must compare this holding capacity with projected population for the region (or County) and consider the degree to which cumulatively the proposed project contributes to the over-commitment of undeveloped land to urban uses.

CONCLUSION

In closing, the Environmental Council of Sacramento has significant concerns regarding the adequacy of the DEIR. Numerous impacts were not adequately addressed as required by CEQA. The document is fatally flawed, inadequate and incomplete and must be redrafted and recirculated.

If you wish to discuss any of these issues and concerns, please contact Rob Burness rmburness@comcast.net, Sean Wirth wirthsoscranes@yahoo.com, Keith Roberts keitheroberts@aol.com, or Ron Maertz ronmaertz@sbcglobal.net.

Yours very truly,

Cc: Mike McKeever, SACOG Executive Director
Lisa Trankley. Deputy Attorney General