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November 30, 2018

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Community Development Department  
300 Richards Boulevard  
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Subject: Comments in response to the Initial Study/Mitigated Negative Declaration (IS/MND) for the Two Rivers Trail Phase II project [CML-5002(155)]

Dear Mr. Buford and Mr. Randolph,

Habitat 2020 is a citizen coalition that works to protect the lands, waters, wildlife and native plants in the Sacramento region. It also serves as the Environmental Council of Sacramento's Habitat & Conservation committee. The great Central Valley of California has been identified by the World Wildlife Fund as one of North America's most endangered eco-regions. Preserving its remaining open space and agricultural land is essential for sustaining native plants and wildlife, and ensuring a high quality of life for ourselves and future generations. Members of Habitat 2020 include the Sacramento Audubon Society, California Native Plant Society, Friends of Swainson's Hawk, Save the American River Association, Save Our Sandhill Cranes, Sierra Club Mother Lode Chapter – Sacramento Group, Friends of Stone Lakes National Wildlife Refuge, the International Dark-Sky Association and the Sacramento Area Creeks Council.

The American River Parkway is a unique and singularly important riparian habitat corridor in the County of Sacramento and is a rare remaining remnant of what was once a much more extensive riparian ecosystem in northern California. Any project to construct facilities within the Parkway and to increase human activities in the Parkway has impacts on the wildlife, habitat and plants of this corridor. This project would create 3.4 miles of new Class 1 bicycle and pedestrian trail primarily along the waterside levee toe west from Sutter's Landing Regional Park to the Sacramento Northern Bikeway Trail at North 18<sup>th</sup> Street, and east from the eastern terminus of Sutter's Landing Regional Park to the H Street Bridge. The trail would be 14-16 feet wide. As stated in the MND/IS, page 5, the project is proposed to be constructed largely in an area designated as "Protected Area" under the American River Parkway Plan, with habitat preservation and recreation-related activities being the primary uses. As stated on page 9, it is one of the objectives of the project to "Complete the project in a manner that minimizes environmental impacts to the

Parkway, given the proposed project's location within the environmentally sensitive Parkway."

Our comments on the MND/IS focus on the conservation of the Parkway as natural habitat. Moreover, we support the mission of the Save the American River Association (SARA) and endorse (and incorporate by reference into our comments) all comments made by SARA on this MND/IS. Likewise, we endorse and incorporate comments made by the Friends of the River Banks and the Friends of Sutter Landing Park.

The MND/IS fails to adequately consider the natural habitat corridor as an entity requiring protection from urban impacts by numerous local and state policies and plans (see comments by SARA). Instead, it treats the project as tiered from the General Plan Master EIR, requiring only compliance with the standards of this Master EIR, standards that apply to land use developments in the City of Sacramento. This is an error. Most of the trail is on land owned by entities other than the City of Sacramento and they generally are not subject to the land use authority of the City. The project is subject to approval by County Regional Parks Department and permits from California Fish and Wildlife. These agencies require a level of environmental review beyond an MND/IS tiered from a City General Plan Master EIR.

The impacts of the project on the natural habitat of the American River Parkway are not adequately described nor quantified in the MND/IS. See pp 36-37 in which the MND/IS discusses how the General Plan policies apply. In particular, we strongly object to the use of the General Plan policy (p. 37) to define adequate mitigation for Impact 4.3-7:

Implementation of 2035 General Plan Policy ER 2.1.5 would reduce the magnitude of potential impacts by requiring a 1:1 replacement of riparian habitat lost to development. While this would help mitigate impacts on riparian habitat, large open areas of riparian habitat used by wildlife could be lost and/or degraded directly and indirectly through development under the 2035 General Plan. Given the extent of urban development designated in the 2035 General Plan, the preservation and/or restoration of riparian habitat would likely occur outside the City limits. The Master EIR concluded that the permanent loss of riparian habitat would be a less-than-significant impact. (Impact 4.3-7)

The mitigation proposed is likewise inadequately described and quantified, and will not mitigate impacts to less than significant because impacts are understated, mitigation ratios inadequate and inconsistent with City policy, off site mitigation will be permitted, and because compensatory habitat will not be required to be added to the Parkway area affected by the project.

### **EIR is Required**

There are several controversial issues that merit analysis in a full EIR. The City should prepare and circulate an EIR that fully analyzes the alternatives, their impacts and how they would be mitigated. This is especially important because the environmental review must serve the needs of a number of other jurisdictions asked to issue permits or approvals for the project. Not the least of these is the owner of most of the land on which

the trail will be constructed: "A majority of the Project Area is owned by the Sacramento County Regional Parks . . . ." (p. V PHASE 1 ENVIRONMENTAL SITE ASSESSMENT Two Rivers Trail Project Phase II Sacramento, CA. OCTOBER 2018). Also the California Department of Fish and Wildlife is asked to issue permits for which environmental review is required.

a. The controversy over the location of the trail is an issue requiring a full EIR. The location at the toe of the levee has greater impacts on the natural environment of the Parkway than aligning the trail on top of the levee. Other sections of the American River Parkway both up and down stream are on the top of the levee. The MND/IS fails to explain why this section of the trail must be located off the top of the levee, especially since alternative routes exist in the case of an event that poses a serious conflict with levee maintenance activities. Yet the MND/IS assumes the alignment and does not consider alternatives and the variable impact of alternatives on the natural habitat corridor. The MND fails to consider the beneficial impacts to the natural habitat of locating the facility on the levee, and of aligning more of the trail outside the Parkway on city streets.

Page 5 of the MND explains the alignment choice:

"The Concept Plan Report discussed the development of a paved trail along the top of the American River south levee, including access to the landside street system and connections to other existing and proposed trails, which would minimize environmental impacts to the Parkway. However, in response to agency concerns regarding geotechnical stability of the levee and potential conflicts between trail users and levee maintenance equipment along with neighborhood concerns for homeowner privacy and visibility to the residences in the River Park neighborhood, a lower bench alignment mostly along the waterside toe of the easterly segment of the levee is now proposed. This alignment would separate the trail users from levee maintenance operations, limit visibility to neighboring residences on the landside of the levee and have little or no effect on levee stability. A mid-height bench alignment along the waterside levee slope of the entire length of the proposed trail segments was more recently considered in an attempt to minimize habitat impacts along the waterside toe of the levee and address concerns raised by residents of the River Park neighborhood. However, because the U.S. Army Corps of Engineers (USACE) considered placement of the trail on a mid-height bench on the waterside levee slope to be a risk to levee performance and would potentially increase the cost of levee operations and maintenance costs; the mid-levee alignment was determined to be infeasible where adequate space along the levee toe to accommodate the trail was present (James, Pers. Comm. 2018). " TWO RIVERS TRAIL – PHASE II (K15125000) INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

While this narrative explains that the City chose to realign the trail based on discussions with other agencies, it does not disclose the communications and analysis behind its discretionary choice. This issue of alignment deserves the full scrutiny of the EIR process.

b. The width of the trail is also a controversial issue, requiring alternatives analysis and a 30 day comment period. No consideration was given to narrow the trail to minimize impacts to the natural environment.

The MND says (p. 10):

"The proposed multi-use trail design would meet California Department of Transportation (Caltrans) Class 1 bikeway design criteria and would also be based on the State Water Code Title 23 standards for recreation trails on levees and the ARFCD Recreational Trails Policy (ARFCD 2002). The trail would generally consist of an 8-foot-wide paved path with a 2-foot-wide compacted shoulder on the inner side and a similar 6-foot-wide shoulder on the waterside to provide space for walking and jogging adjacent to the paved portion of the trail, bringing the total trail cross section along most of its length to 16 feet wide. However, due to space limitations in some locations, the waterside shoulder of the trail would be narrowed to 4 feet wide. The trail would be paved and engineered to be load-bearing (**Figure 4**). "

The Class 1 standard has proved appropriate in other sections of the trail located on top of the levee. However, the width of the trail is now much more damaging to the habitat of the Parkway since it has been moved from the top of the levee to the waterside toe. The required mowing and vegetation trimming (p. 17) within a four foot area on each side of the trail extends the width of the trail. The MND fails to fully disclose and analyze impacts and doesn't show how impacts can be mitigated to less than significant.

c. The MND lacks adequate analysis for increased impacts to the sensitive habitat and wildlife from additional recreation in close proximity to the toe of levee trail alignment in an area where the riparian habitat is quite narrow. The MND/IS does not disclose the area of habitat along the alignment and the percentage of the habitat area removed by segment.

d. The area is known nesting habitat for migratory raptors and the state listed Swainson's Hawk and the fully protected White Tailed Kite. Nesting sites have repeatedly been reported to California Fish and Wildlife by citizen scientist/observers. The MND does not identify the distance between the trail and the known nesting habitats, nor look at likely construction and maintenance mowing impacts on nesting behavior.

e. The MND misrepresents the applicable City Tree Ordinance, and uses an outdated standard for assessing impacts on trees protected by City ordinance (p. 38 "Protected Trees".) The environmental review should accurately explain the application of Chapter

12.56 (TREE PLANTING, MAINTENANCE, AND CONSERVATION of the Municipal Code) to the project, explain how the project will comply, quantify tree removal and pruning of various alternative alignments, and include the assessment of the City Urban Forester, so that decisionmakers can understand the impacts of the project on trees and how those impacts would be mitigated, and be assured that impacts will be mitigated to less than significant.

For public projects, the City Ordinance 12.56.040 (a) Removal of city trees, requires **"Whenever feasible, the city shall modify the design of public projects to avoid the removal or damage to city trees."** We believe this is the standard that should apply to the project for impacts to trees in the American River Parkway. This issue deserves full environmental review.

For removal of protected trees, the City Ordinance requires the 1:1 replace of inches at DSH (diameter at standard height) removed. A full EIR is needed to correctly identify all City protected trees to be removed (in all Segments) and to specify correctly the mitigation that has been approved by Sacramento Urban Forestry for issuance of permits.

f. The MND/IS a mitigation ratio of 1:1 for loss of riparian habitat is inadequate. A real effort should be made to acquire and convert adjacent ruderal land to riparian habitat to compensate for the impact of the trail on the existing habitat.

g. Off site mitigation and mitigation bank credits are not appropriate measures for the project impacts, and do not mitigate to less than significant. Impacts to the Parkway cannot be mitigated outside the Parkway.

The MND states:

"to compensate for the permanent removal of riparian vegetation associated with the trail construction, the City shall purchase off-site credits at a mitigation bank or replant riparian trees and shrubs at a 1:1 ratio (e.g., 1 acre planted for every 1 acre removed)."

Off site mitigation does not mitigate to less than significant. All mitigation for impacts on this narrow, rare strip of habitat should be located in the area of impact.

In addition, the mitigation measure fails to identify where the plantings would occur. However, the statement (p. 37) that mitigation would occur outside the City indicates the Project does not intend to mitigate in the City portion of the Parkway. Moreover, the MND does not require mitigation to occur in the American River Parkway.

Mitigation credits for off site replacement habitat are not appropriate for habitat mitigation for impacts in the American River Parkway which is a unique, highly valuable public asset that can not be mitigated elsewhere.

Mitigation should include the acquisition and restoration to habitat of lands in the adjacent Parkway that are not now managed as habitat. The City could cooperate with the Lower American River Conservancy to achieve this goal.

h. Why is construction staging to be conducted within the Parkway? These impacts can be avoided by locating staging outside the parkway. The large staging area in the Parkway adjacent to Glen Hall Park is inconsistent with the American River Parkway Plan and policies adopted by the City.

We request that the City draft and circulate a full EIR, considering alternatives to the project width and alignment, and significantly improving the mitigation measures for the project.

**Please advise us of any further opportunities to comment on the project, to discuss the environmental review, and participate in any public hearings,** through Matthew Baker, Land Use and Conservation Policy Director, [habitat@ecosacramento.net](mailto:habitat@ecosacramento.net), 916-202-9093.

Sincerely,



Rob Burness  
Co-Chair, Habitat 2020



Sean Wirth  
Co-Chair, Habitat 2020