



**ECOS**  
ENVIRONMENTAL  
♦ COUNCIL ♦  
OF SACRAMENTO



Environmental Council of Sacramento  
P.O. Box 1526, Sacramento, California 95812  
Phone: 916-444-0022

September 12, 2019

Ron Bess, Assistant Planner  
City of Sacramento Community Development Department  
300 Richards Blvd., Third Floor  
Sacramento, CA 95811  
Telephone: (916) 808-8272  
E-mail: [Rbess@cityofsacramento.org](mailto:Rbess@cityofsacramento.org)

Subject: Comments on GEI Consultants, Inc. City of Sacramento Two Rivers Trail (Phase II) DEIR

Dear Mr. Bess,

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, Sacramento Heron and Egret Rescue, and the Sacramento Area Creeks Council.

The American River Parkway is a particularly important 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. The habitat value of the Parkway consists not simply of the plants but of the contiguous expanse of habitat proximate to the river for 23 miles. It also has additional habitat value because it is a place where mitigation plants have been located to offset impacts of development in the urban area.

Our commitment to conservation of the parkway as natural habitat is a core value for Habitat 2020. 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 DEIR. Likewise, we endorse and incorporate comments made by the Friends of the River Banks and the Friends of Sutter Landing Park.

### **Assessment of Impacts Incomplete**

The EIR fails to acknowledge that habitat loss in the Parkway has a larger impact than habitat loss elsewhere because of its role as a 23 mile riparian habitat corridor in permanent protection.



**ECOS**  
ENVIRONMENTAL  
♦ COUNCIL ♦  
OF SACRAMENTO



Environmental Council of Sacramento  
P.O. Box 1526, Sacramento, California 95812  
Phone: 916-444-0022

The DEIR fails to consider the very unique role of the riparian zone. As stated on page 2 of **The California Riparian Restoration Handbook** (July 2009) (F. Thomas Griggs, Ph.D., Senior Restoration Ecologist and River Partners [www.RiverPartners.org](http://www.RiverPartners.org)):

In the Riparian Bird Conservation Plan (RHJV 2004), riparian refers to areas that are “transitional between terrestrial and aquatic ecosystems, providing linkages between water bodies and adjacent uplands and include portions of terrestrial ecosystems that significantly influence exchanges of energy and matter with aquatic ecosystems” and the National Research Council devotes an entire chapter to defining this term (NRC 2002; RHJV 2004). For this Handbook, the definition of “riparian” will refer to land area that encompasses the river channel and its current or potential floodplain.

The riparian zone is characterized by a unique set of physical ecological factors in comparison to the surrounding regional landscape (Gregory et al. 1991). These factors include flooding by the river, rich and productive soils, a water table that is within reach of plant roots, and species of plants and wildlife that are adapted to the timing of fluvial events such as flooding, drought, sediment transport and channel movement. This dynamic habitat creates a wide variety of growing conditions for riparian plants, and over time they develop into various structural forms (forests, woodlands, shrublands, meadows and grasslands) across the floodplain. The heterogeneity of riparian forests creates numerous habitat features that explain why riparian forests in California support a greater diversity of wildlife than any other habitat type (Smith 1980). Riparian vegetation along river channels also functions as primary regional migration routes for most wildlife.

The DEIR also does not acknowledge that trees and plants impacted here by the project may have been planted to mitigate for other projects. By removing these plants, there is additional temporal loss that is not mitigated for the prior project.

The DEIR fails to fully disclose the habitat loss for Segments 1 and 2. (p. 3.2-40). Hence it is not possible to assess whether the mitigation adequately offsets the loss.

The DEIR did not include the tree inventory and a request to staff to provide this inventory was not answered. The EIR does not disclose the full extent of tree removal and root damage for the project. The EIR does not identify the DSH<sup>1</sup> of trees to be removed.

The DEIR lacks adequate analysis for increased impacts to the sensitive habitat and wildlife from additional recreation in an area where the riparian habitat is quite narrow. The DEIR does not quantify the fragmentation of habitat created by the project, nor does it quantify the narrowing of wildlife corridor due to the project. The DEIR makes no attempt to understand the project impact in terms of the corridor widths of each segment of the project.

No testing was conducted to determine whether the walnuts found in the project area are Northern California black walnut *Juglans hindsii*. Instead, it was assumed they were not (Natural Environment Study, p. 80).

---

<sup>1</sup> Diameter at standard height (DSH), is a common method used for measuring trees. DSH refers to a tree's diameter measured at 4.5 feet (54 inches) above the ground.



**ECOS**  
ENVIRONMENTAL  
♦ COUNCIL ♦  
OF SACRAMENTO



Environmental Council of Sacramento  
P.O. Box 1526, Sacramento, California 95812  
Phone: 916-444-0022

The EIR asserts that there is no impact from the conflict between the project and the American River Parkway Plan (P. ES-14). Clearly at p. 3.7-4, the DEIR states the American River Parkway policy regarding the Two Rivers Trail as follows: “10.4.2 Support construction of a Two Rivers Trail extension to H Street that will provide direct connectivity from California State University Sacramento to downtown Sacramento. The trail should be constructed on top of the levee where feasible.”

The clear preference of the ARPP is that bike trails are not added within the riparian area. At the time that this policy was adopted, it was expected that most of this trail would be on top of the levee. Moreover, other ARPP policies state that only if adequately mitigated could such facilities be constructed. A fair argument is made in this and other comments on this project that the project mitigation is not adequate to reduce impacts to less than significant. It therefore is not consistent with the ARPP and the impact to the Parkway is significant, as stated throughout this letter and others on this project.

### **Mitigation Program is Inadequate**

The mitigation proposed is inadequately described and quantified, elements of the mitigation plan are deferred, the mitigation ratio for riparian habitat is inadequate, off site mitigation will be permitted and compensatory habitat will not be required to be added to the Parkway area affected by the project; and consistency with the City and County Tree Ordinances is not demonstrated.

As stated in our MND comments, the DEIR should accurately explain the application of Chapter 12.56 (TREE PLANTING, MAINTENANCE, AND CONSERVATION of the Municipal Code) on 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. The Parkway in the City of Sacramento is the functional equivalent of a City Park and the same standards should apply for a City public works project as would apply in a City Park.

The EIR states (p. 3.2-31):

...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.



**ECOS**  
ENVIRONMENTAL  
♦ COUNCIL ♦  
OF SACRAMENTO



Environmental Council of Sacramento  
P.O. Box 1526, Sacramento, California 95812  
Phone: 916-444-0022

The DEIR fails to provide any rationale for mitigating at 1:1 for riparian habitat loss. The area is a wetland that floods in the winter. Some discussion of loss of wetland habitat and the rationale for the mitigation ratio is needed. As noted in “Developing Defensible Wetland Mitigation Ratios A Companion to ‘The Five-Step Wetland Mitigation Ratio Calculator’” (by Dennis M. King, Ph.D. and Elizabeth W. Price, M.S. University of Maryland, Center for Environmental Science September 2004 NOAA, Office of Habitat Conservation, Habitat Protection Division):

To account for differences in the ecosystem services provided per acre by impacted and replacement wetlands, a mitigation ratio should take account of five factors:

1. The existing level of wetland function at the site prior to the mitigation;
2. The resulting level of wetland function expected at the mitigation site after the project is fully successful;
3. The length of time before the mitigation is expected to be fully successful;
4. The risk that the mitigation project may not succeed; and
5. Differences in the location of the lost wetland and the mitigation wetland that affect the services and values they have the capacity and opportunity to generate. (p. 8)

The authors note (at p. 7) that “one would expect to almost never encounter a mitigation ratio of 1:1. In fact, using an economic approach to establishing mitigation ratios based on asset values, such as the one described and illustrated below, a ratio of 1:1 can only result in ‘no net loss’ of wetland function and value in the unlikely event that each acre of proposed mitigation provides full, immediate, and riskless replacement of all wetland services provided by each acre of impacted wetland.”

The EIR states (p. 3.2-32) “If mitigation bank credits are purchased, the credits must be purchased at a CDFW-approved site.” The CDFW approves mitigation sites for specific species impacts in specific areas. Not all CDFW approved sites are adequate to mitigate the impacts of this project. A “CDFW-approved site” is not a sufficient description of a suitable site for mitigation for this project. An appropriate designation would be “credits must be purchased for a site specifically approved by CDFW for mitigation for this project.”

The City’s Tree Ordinance states (12.56.060) that a tree replacement plan must provide for the replacement of trees at a ratio of one inch DSH of tree replaced for each inch DSH of tree removed (1:1 ratio). This standard is not met in the DEIR. Why is tree removal in the Parkway or a city bike trail not subject to the same standard for mitigation as a tree in a city park?

Since the mitigation measure fails to identify where the plantings would occur, it is not possible to assess the mitigation effectiveness at offsetting the impacts of the project.

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 cannot be mitigated elsewhere. Mitigation should include the acquisition and restoration to habitat of lands in the Parkway that are not now managed as habitat in order to maintain the same amount of habitat in the Parkway after the project is complete.

We are concerned that the City has not demonstrated that its tree mitigation program is enforceable. What assurances does the EIR provide to the public that this project mitigation program will be completed? What has been the length of time that it has taken the City in the last five years to fulfill a mitigation obligation



**ECOS**  
ENVIRONMENTAL  
COUNCIL  
OF SACRAMENTO



Environmental Council of Sacramento  
P.O. Box 1526, Sacramento, California 95812  
Phone: 916-444-0022

for tree removed for a public project? How many tree replacement mitigation obligations are currently owed by the City of Sacramento? What is the balance in the City's Tree Replacement Fund? It has been several years since the City has made public an annual tree ordinance implementation report disclosing its performance in getting tree mitigation completed. How can the public be assured that the mitigation promised in this DEIR for loss of protected trees will actually be carried out? We see no quantifiable measure of tree replacement identified in the DEIR.

### **Thorough Alternatives Analysis is Lacking and is Required**

The controversy over the location of the trail is an issue we asked to be addressed in the DEIR. 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. A bike trail not located on top of the levee is in conflict with the American River Parkway Plan. (P. Other sections of the American River Parkway both up and down stream are on the top of the levee.

The EIR 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 DEIR fails to quantify 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. Although acknowledging "substantially reduced biological and water quality impacts" in the top of the levee alternative (p. 4.7), the DEIR dismisses the alternative without disclosing to decisionmakers the magnitude of these benefits. Moreover, the DEIR falsely claims that the mitigation proposed, which includes off site mitigation, would mitigate impacts to habitat in the Parkway to less than significant. The mitigation program in this DEIR allows real losses of habitat in the American River Parkway that cannot be mitigated to less than significant. By refusing to disclose the habitat loss difference to the Parkway of the different alternatives, the DEIR falsely misleads the decisionmakers that the difference in habitat loss between these alternatives is insignificant. (See Table 4-1. Overview Comparison of Project Objective Attainment and Environmental Impacts of the Alternatives, p. 4.7.)

The Alternatives Analysis fails to discuss the potentially greater mobility value of a bikeway on the top of the levee because of greater accessibility to the public during the winter flooding impacts to the Parkway.

The EIR claims that the levee top alignment is infeasible due to neighborhood opposition and the dictates of the American River Flood Control District (ARFCD). At 3.6-5, the DEIR describes the ARFCD and its role, but does not include a statement of the ARFCD policy prohibiting bike trails on levees. On page 3.7-4, the DEIR states:

The ARFCD recreational trails policy (ARFCD, 2002) calls for ARFCD to support creation of recreational trails. The policy identifies the priority of ARFCD operations over recreational uses and requires trails to be located off the levee crown where feasible; the ARFCD board may permit a trail to be constructed on the levee crown on a case-by-case basis, with conditions.

Clearly, a trail on a levee is feasible. Conditions may include temporary closure of sections when maintenance or other operations would not be compatible with trail use. Clearly when there is flood risk, a bike trail can be closed. Alternate routes exist in this area.



**ECOS**  
ENVIRONMENTAL  
♦ COUNCIL ♦  
OF SACRAMENTO



Environmental Council of Sacramento  
P.O. Box 1526, Sacramento, California 95812  
Phone: 916-444-0022

Regarding neighborhood opposition and aesthetic view impacts, the City on the Sacramento River is building a top-of-levee bike trail, despite neighborhood opposition (even using eminent domain to acquire private property to do so). The flood control district is not vetoing the Sacramento River bike trail alignment. There are numerous top-of-the-levee bike trails that currently coexist with levee maintenance. The City's argument that it must abandon an alignment for the top of the levee is not credible. It does not appear that the City has engaged in good faith negotiations to avoid habitat impacts with a top of the levee alignment.

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

**Please advise us of any further opportunities to comment on the project, to discuss the environmental review, and participate in any public hearings,** through Alexandra Reagan, Director of Operations, [office@ecosacramento.net](mailto:office@ecosacramento.net), 916-765-4977.

Sincerely,

Rob Burness  
Co-Chair, Habitat 2020

Sean Wirth  
Co-Chair, Habitat 2020