ECOS
ENVIRONMENTAL
COUNCIL
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A CLEAR VISION INTO THE FUTURE

California Heartland Project

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Re: DRAFT RECIRCULATED ENVIRONMENTAL IMPACT REPORT for the PROPOSED KAMMERER/99 SPHERE OF INFLUENCE AMENDMENT APPLICATION for the CITY OF ELK GROVE

Dear Mr. Lockhart,

This letter provides comment from the Environmental Council of Sacramento (ECOS) and Habitat 2020 regarding the Draft Recirculated Environmental Impact Report (DEIR) for the Kammerer/99 Sphere of Influence Amendment Application (SOIA) for the City of Elk Grove. This letter references our letter on the DEIR, dated March 31st 2017, and we also include and incorporate by reference the comments on this DREIR made by of Friends of the Swainson's Hawk (FOSH).

The Environmental Council of Sacramento (ECOS), a 501c3 organization, and Habitat 2020, the Conservation Committee of ECOS, are partner coalitions dedicated to protecting the natural resources of the greater Sacramento region. ECOS-Habitat 2020 member organizations include: 350 Sacramento, Breathe California of Sacramento-Emigrant Trails, International Dark-Sky Association, Los Rios College Federation of Teachers, Mutual Housing California, Physicians for Social Responsibility Sacramento Chapter, Preservation Sacramento, Resources for Independent Living, Sacramento Housing Alliance, Sacramento Natural Foods Co-op, Sacramento Vegetarian Society, SEIU Local 1000, Sierra Club Sacramento Group, The Green Democratic Club of Sacramento, and the Wellstone Progressive Democrats of Sacramento, Sacramento Audubon Society, California Native Plant Society, Friends of the Swainson's Hawk, Save the American River Association, Save Our Sandhill Cranes, Sierra Club Sacramento Group, Friends of Stone Lakes National Wildlife Refuge, and the Sacramento Area Creeks Council.

Summary

We appreciate the added attention to detail offered in the recirculated draft EIR, but rather than alleviate our concerns expressed in our original letter, the DREIR only further confirms those concerns. ECOS remains strongly opposed to the proposed Kammerer-99 Elk Grove SOI expansion and stands by our initial observation summarizing the project: Elk Grove's anticipated growth can be accommodated within the existing City limits, and we find no justification for expansion beyond the Sacramento County Urban Services Boundary (USB) established in1993 to be the ultimate growth boundary within the County. The proposal is inconsistent with the Sacramento Area Council of Governments' (SACOG) Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) for meeting State mandated greenhouse gas (GHG) reductions, Federal mandates for Air Quality Attainment under the State Improvement Plan (SIP), as well as myriad regional goals for social equity, public health and natural resource conservation. There is an extreme lack of certainty that municipal water can be provided to this area without severe regional impacts, and the impacts to invaluable agricultural and biological resources by the proposal are potentially impossible to mitigate.

The RDEIR confirms significant and unavoidable impacts in all these above-mentioned areas, with the exception of less than significant biological impact after mitigation which is a finding we disagree with. The question is, what justification is there for these impacts? We, again, find that there is not, and we strongly recommend that LAFCo decline the proposed Kammerer/99 SOIA.

We do not intend to review all aspects of our original letter here. In the comments that follow we offer general concerns regarding regional growth and transportation as well as specific comments on hydrology and biology addressing changes and/or new material in the DREIR.

General Comments: regional growth and employment, transportation, vehicle miles traveled and climate change

The primary justification given for this proposal is the need for Elk Grove to correct its job's housing balance. This is a goal that ECOS agrees with, but, again, the housing and employment that Elk Grove anticipates to achieve from existing planning areas within the current City boundaries already far exceed that of SACOG'S projections for Elk Grove by 2036. If Elk Grove were to achieve these housing and employment projections in the SOIA as well, it would certainly have impacts on housing and employment in neighboring jurisdictions in the region.

We agree with the DREIR's conclusion that these impacts would be Significant and Unavoidable (DREIR, 5.12), and we would also contend that they are not justifiable.

Further, if the employment targets are not reached in the SOIA area, which is likely, and the area becomes largely housing, then the VMT increase (due to even further trips to distant job centers) will far exceed the already Significant and Unavoidable impacts estimated by the DREIR (DREIR, 3.14.29-30).

The VMT impacts are indeed Significant and Unavoidabe in either case, but what is not illustrated in the document are the full regional implications of these impacts. The DREIR acknowledges that the SOIA is not consistent with SACOG's MTP/SCS, but the importance of this is not explained. We describe the importance of the MTP/SCS and the implications of non-compliance at length in our previous comments, but, simply put here—premature growth of this

type will pose an extreme challenge to the region's ability to meet state mandated GHG reduction targets associated with the reduction of VMT, and could result in withdrawal of future state and federal infrastructure funding.

Further, we will state again that it is not acceptable to ECOS to approve the SOIA with a condition that any future annexation of the area will be contingent on SCS compliance. **An SOI approval must be contingent on SCS compliance** at the time of approval: one, because the 20-year horizon of the MTP/SCS is the same time horizon that LAFCo considers as timely (referenced multiple times in LAFCo's Municipal Services Review of this SOIA), and two, because the prospects of agricultural and biological resource conservation are already greatly damaged by approval of the SOI due to the inevitable sky-rocketing of speculative land values in the SOIA—this is of particular concern in this case because of the limited land area available for successful implementation of the SSHCP.

Water

A significant amount of attention was given to Section 3.10 "Hydrology & Water Quality" and Section 3.15 "Utilities and Service Systems" in the DREIR, but again, our concerns for the proposed project's impact on future regional water supply are not alleviated.

In multiple places, including pg. 3.10.3, 3.10.26, and 5.9, the statement is now made that the South American sub-basin, or "Central Basin," ground water table is in recovery and that the cone of depression in the Elk Grove area has also improved. This assertion does not mesh with ECOS's understanding, and we are very interested in a further illustration of the numbers presented in tables 3.10-2 and 3.15-2. Table 3-15-2 in particular shows that projected supply for Zone 40 will exceed demand in all year types out to 2035—this is surprising to us. As the source given is "SCWA 2011," we note that the Sacramento County General Plan Update was also adopted in 2011, and, as we have reference previously, the general plan clearly states an anticipated shortfall of supply at build out of the plan.

We ask that this discrepancy be further illuminated. Why is there difference of projected supply and demand between the two documents? What has changed since 2011? How and where, exactly, does SCWA plan to "procure" additional surface and groundwater supplies, as stated on pages 3.15.20 and 5.21?

Despite the DREIR's case that the Zone 40 groundwater situation is in a better condition than previously estimated, the conclusion reached by the DREIR is that SCWA's ability to provide water in the future to the SOIA area is uncertain and that the impacts will be Significant and Unavoidable (DREIR, 3.10.27, 5.10).

We agree that the impacts are significant and unavoidable to regional supply and sustainable groundwater management, and do not feel that planning for growth outside of the Urban Services Boundary at the cost of future growth within the existing USB is justifiable.

LAFCo's role is to guard against exactly this kind of future problem posed by premature growth.

And a final note on drainage, we would very much like to see illustrated in the document the "modeling" referenced on page 3.10.24 that shows that peak flows of 10 and 100 year storm events will *improve* slightly in the future.

Biological Resources, Sandhill Crane and SSHCP implementation

1.) The RDEIR incorrectly calculates the amount of unflooded foraging habitat available to Greater Sandhill Cranes during periods of inundation in the 100 year floodplain of the Cosumnes River.

On page 3.4-41, it is stated:

> "As shown in Exhibit 3.4 even with inundation of the 100 year floodplain, extensive unflooded foraging habitat is still available. Approximately 103,085 acres of high value crane habitat occurs outside of the 100-year floodplain within the SSHCP plan area. Therefore, plenty of high value upland crane foraging habitat is available even during wet winters."

There is no exhibit 3.4 in the RDEIR that represents the relationship between the 100-year floodplain and unflooded upland forage. We are assuming, based on the acreage calculation that followed (and on the map that was included for Western Burrowing Owl), that the missing map is likely a modified version (modified for floodplain elevations) of Figure 3-22 (Greater Sandhill Crane Modeled Habitat and Documented Occurrences) from the SSHCP – the map following page 3-100. But, there are serious questions with how the 103,085 acres of high value foraging habitat outside of the floodplain was derived. That figure will be critical to pointing out the mistakes inherent with the calculation.

It is important to understand that the SSHCP is divided into Preserve Planning Units PPUs), and that those divisions were not arbitrary, and that each unit has a focus of protecting specific covered species. The SOIA land is firmly placed within PPU 6, which is an agricultural and grassland unit. Section 7.5.2.3 (SSHCP page 7-88) states:

> "PPU 6 encompasses 95,196 acres outside the UDA in the southwestern portion of the Plan Area. PPU 6 is bisected by I-5. It is bordered on the west by the Sacramento River, on the south by the Mokelumne River, and Dry Creek. The dominant land covers in PPU 6 are Agriculture (58,458 acres) and Valley Grassland (17,633 acres)… All of the covered birds have been documented in PPU 6, including 281 (71%) occurrences for Swainson's hawk, 190 (92%) occurrences for greater sandhill crane, and 55% or more of the occurrences for northern harrier and white tailed kite."

Put simply, PPU 6 is the population stronghold for greater sandhill crane in the SSHCP Plan Area(92% of occurrences and almost all of the high population usage roost sites for cranes). It is important to acknowledge that greater sandhill cranes forage within a 2 mile radius of their roost sites, and that the vast majority of roost sites are within PPU 6. Since the impacts to the greater sandhill crane posed by this project are firmly within PPU 6, it is important that they are also mitigated within PPU 6 – high value foraging habitat within the crane population stronghold within the SSHCP Plan Area need to be mitigated within that same stronghold, and they need to be mitigated within two miles of an active roost site, to have any hope of reducing the significance of the impact from anything other than significant and unavoidable. (We question if that is possible even mitigating within the upland forage areas of PPU 6.)

We refer you back to the third map that we provided in our comments on the DEIR. The green highlighted areas south of Elk Grove and near Galt are the upland foraging opportunities available within two miles of existing roost sites for greater sandhill crane, taking into account sea level rise. It is important to note that sea level rise is essentially synonymous to the 100-year floodplain in terms of elevation considerations. The map makes it crystal clear that there remain very little upland forage opportunities in PPU 6. It is inexplicable how the RDEIR could have come up with 103,085 acres.

If one takes the 95,196 acres of land within PPU 6 and removes from that acreage the 28,076 acres of already preserved land, and the 3,436 acres of low density development (SSHCP 7-88), there remains only 63,657 acres of remaining inventory for the greater sandhill not accounting for elevation or floodplain. And, large areas in that remaining 63,657 acres are compromised by the floodplain and sea level elevations. It is unclear and quite unbelievable the RDEIR claims that 103,085 acres of high value crane habitat occurs outside of the floodplain. For purposes of the greater sandhill crane, upland forage areas must be within two miles of an active roost site, and there is no indication that this was considered when the 103,085 acres was offered. The RDEIR will need to substantiate its claim that PPU 6 has 103,085 acres of upland forage within two miles of active roost sites. And as already stated, and corroborated by the CDFW comment letter on the RDER, acreages outside of PPU 6 should NOT be included in the calculation because the impact to the crane in the population stronghold needs to be mitigated in that same stronghold. In reality, there is very little upland forage habitat available for the sandhill crane in PPU 6 and this makes the SOIA area very important to the greater sandhill crane.

2.) The mitigation measure 3.4-4 must require that the mitigation for the SOIA area be within the project footprint to protect valuable and very rare upland forage habitat for sandhill cranes near their population stronghold.

It is our contention that this will still not mitigate the impact to less than significant, but it at least attempts to mitigate with equivalent habitat values, and it attempts to address the rarity of upland forage mitigation opportunities within the greater sandhill population stronghold.

3.) Climate change and sea level rise have the potential to make the cyclical flooding impacts to lowland forage areas permanent impacts for the greater sandhill crane and this should be stated clearly in the RDEIR.

4.)For greater sandhill cranes, the impact of sea level is, like stated for the Swainson's hawk (RDEIR, page 5-6):

> ". . . another human -induced factor that could substantially reduce the extent and quality of habitat for this species. The SOIA could have a cumulatively considerable contribution to this significant impact on Swainson's hawk because there is a limited amount of suitable habitat land available and there would be a net loss of habitat regardless of the acreage preserved as compensatory mitigation."

This needs to also be clearly stated for the greater sandhill crane.

4.) It should be clearly stated that for the greater sandhill crane that the cumulative impact of the SOIA could be lessened by preserving as much upland forage habitat as possible near the greater sandhill crane population stronghold (page 5-6).

5.) The RDEIR grossly misstates the way the Conservation Strategy for the SSHCP works.

On page 3.4-51 of the RDEIR, it states: "The SSHCP does not categorize specific areas to acquire for preservation lands, and would rely on purchasing suitable land from willing sellers anywhere within the undeveloped portions of the plan area". This patently false. This misunderstanding was used to argue that the 1,156 acres of the SOIA area would be an insignificant increase in the demand for the inventory of the SSHCP.

In fact, the SSHCP very clearly categorizes specific areas to acquire, though it avoids any specific parcels. The Chapter 7 Conservation Strategy of the SSHP lays out the habitat acquisition targets for each PPU in the Plan Area. For PPU 6 on page 7-89 of the SSHCP ("Overview of Conservation Strategy in PPU 6"), it states: "Approximately 9750 acres will be preserved in PPU 6." If the preparers of this RDEIR read Chapter 7, they would clearly see that there are specific conservation targets for each PPU, and that mitigating randomly within the 250,038 acres of inventory outside of the UDA is prohibited by the SSHCP.

6.) The RDEIR misstates the impacts of the SOIA approval on the SSHCP. They are so significant that it could impede the SSHCP from successfully implementing its conservation strategy in PPU 6.

The SOIA area will directly impact habitat in PPU 6. The SOIA area is 1,156 acres, and a 1:1 mitigation for habitat in the same PPU is an additional burden of 1,156 acres on the SSHCP's inventory in PPU 6 – a burden totaling 2,312 acres of inventory removed from the SSHCP. PPU 6 consists of 95,196 acres outside of the UDA. According to Table 7-2 ("Summary of SSHCP Preserve System and Existing Preserves by Planning unit") on page 7-63 of the draft SSHCP, 28,079 acres of PPU 6 are already in existing preserves. And according to section 7.5.2.3 ("PPU 6" on page 7-88 of the draft SSHCP), there are currently 3,436 acres of low density development in PPU 6. Simple math (total acreage minus the land already preserved and the land already developed) yields a total of 63,657 acres of available inventory in PPU 6.

As stated correctly in this RDEIR, mitigation acres will only be acquired from willing sellers - some may wish sell, some may not. This uncertainty is encompassed in the concept of "feasibility of acquisition." Given the need for willing sellers, it represents how much habitat is available compared to how much habitat is needed for mitigation. If there is 100 acres of inventory, and fifty are needed for mitigation, the feasibility for acquisition ratio is 50%. The lower the feasibility for acquisition ratio, the more likely that enough willing sellers will be found to satisfy the acquisition requirements of the Conservation Strategy of an HCP. The California Department of Fish and Wildlife (CDFW) has maintained that a ratio of 15% or less is acceptable.

All of the relevant numbers are available to determine the feasibility for acquisition ratio for PPU 6. The conservation target for PPU 6 is 9,750 acres, and there are 63,657 acres available, though not all suitable for mitigation because of elevation (all Swainson's hawk mitigation must

be above sea level), after deducting the lands already preserved and developed from the figure for the total number of acres in the unit (95.196 acres). Simple division reveals that the gross feasibility for acquisition for PPU 6 is 15.3%, just over the ratio that CDFW maintains is acceptable, and not accounting for acquisition criteria

Adding in the additional burden of the SOIA approval on PPU 6 inventory in the SSHCP, that ratio climbs upward to 18.94% (9,750 acre target for the SSHCP plus 2.312 acres of direct impact and then required mitigation for SOIA area, divided by the available habitat in the unit, which is 63,657), significantly higher than the ratio that CDFW considers acceptable. And, again this is without adjusting the ratio to account for the significant acreage that is below sea level and therefore not suitable for mitigation for Swainson's hawks. This is a very significant impact on the SSHCP's Conservation Strategy in PPU 6 and sets up the SSHCP for failure.

7.) The RDEIR misstates the listing status of the greater sandhill crane (page 3.4-41). It is not a federally listed species. It is listed as threatened under the California Endangered Species Act, and it is a California Fully Protected Species.

8.) Though CEQA does not specifically require looking at climate change in the context of covered species, the SSHCP does. "The SSHCP Conservation Strategy was developed with consideration of projected future effects of climate change (page 11-9) …" The SSHCP looked at the effects of climate change as "changed circumstances," and for sea level rise they identified an increase of 12 to 18 inches by 2050, and 21 to 55 inches by 2100. The maps included in the DEIR comment letter assumed a 36 to 48 inch sea level rise, so they are completely relevant. Not looking at the impact of sea level rise on greater sandhill cranes in the context of the SSHCP, which was developed with climate change in mind, means that it is not possible to understand the full impact of the development of the SOIA area on the SSHCP's Conservation Strategy. So, this RDEIR still needs to consider and address the concerns presented about greater sandhill cranes and sea level rise presented in the RDEIR comment letter.

Conclusion

For all of the reasons incorporated in these and previous comments, we restate that ECOS is opposed to the proposed Kammerer-99 SOIA, and respectfully urge LAFCo to decline the proposal. We feel that this expansion proposal represents exactly the kind of irresponsible, untimely planning for growth that the Local Agency Formation Commission was established to guard against.

Thank you for your consideration and the opportunity to comment.
Sincerely,

Brandon Rose
ECOS Board President

Rob Burness
Co-Chair, Habitat 2020

Sean Wirth
Co-Chair, Habitat 2020