

American River Watershed Project

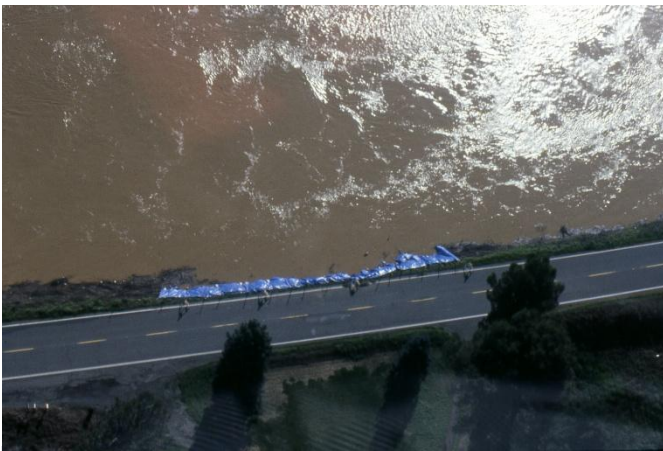
Post-Authorization Change Report And Interim General Reevaluation Report

American River Watershed

Common Features Project

Natomas Basin

Sacramento and Sutter Counties, California



Sacramento
Area Flood
Control
Agency



US Army Corps
of Engineers®

Sacramento District

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I. Executive Summary

The public involvement report for the American River Common Features Post-Authorization Change Report (PACR) and Interim General Re-evaluation Report (GRR) summarizes the public involvement and coordination efforts during the planning process of the Natomas PACR. Public meetings and comment periods were held in order to solicit public comments and questions on the alternatives, environmental effects, and potential impacts of the Natomas PACR. The resulting public comments and their subsequent responses are included in this report.

II. Public Involvement Program

a. Introduction

The purpose of public involvement and coordination is to open and maintain channels of communication with the public in order to give full consideration to public input during the planning process. Public involvement aims to provide information about proposed activities to the public, make public's desires, needs, and concerns known to decision-makers, provide consultation with the public before decisions are reached, and to consider the public's views in reaching decisions.

Planning studies are conducted in an open atmosphere in order to involve the public and provide opportunities for participation. A public involvement strategy is developed early in the study in order to ensure relevant and quality public involvement opportunities for interested parties. A strategy ensures that the public is informed of the initiation of a study, interested and affected parties are identified and included, likely significant issues are identified, and public input on the report is addressed.

b. Scoping and Public Review Process

The scoping and public review process began with a notice of intent (NOI) to prepare the American River Common Features General Re-evaluation Report (GRR) Environmental Impact Statement (EIS). Since the Natomas PACR/Phase 4b Project is a component of the American River Common Features GRR, a separate NOI for the Natomas PACR /Phase 4b Project did not need to be re-issued.

On November 5, 2009, SAFCA issued a notice of preparation (NOP) for the EIS/EIR and Natomas PACR. In addition to the State Clearinghouse's distribution of the NOP to potentially interested state agencies, copies of the NOP were distributed to approximately 900 recipients, including Federal, state, regional, and local agencies; non-profit and private organizations; homeowners associations; partnerships; businesses; and individual residents in the project area to solicit input as to the scope and content of the EIS/EIR and PACR (see Enclosure C, "Distribution List"). Because the distribution list likely did not account for all affected parties in the Phase 4b Project footprint, USACE and SAFCA published a notice in *The Sacramento Bee* on November 5, 2009 (see Enclosure A, "Public Notices, Publications, News Releases"). The NOP was circulated for a 30-day public comment period, in accordance with the State CEQA Guidelines, which closed on December 4, 2009. Chapter 7 of the DEIS/DEIR contains a summary of the comment letters received on the NOP and NOI.

The DEIS/DEIR and Draft Natomas PACR were released for the 45-day public comment period on July 2, 2010 and ending on August 16, 2010. Public meetings were held and comments were received on the documents from agencies and individuals. The Final EIS/EIR and the Final Natomas PACR will be issued for a 30-day review period.

III. Public Scoping Meetings

To announce the start of the Common Features General Reevaluation Study, a NOI to prepare the American River Common Features General Re-evaluation Report (GRR) Environmental Impact Statement (EIS) was posted in the Federal Register (Vol. 73, No. 41) on February 29, 2008. The public was invited to comment on the results of the earlier completed reconnaissance study and to provide input to the feasibility study, including the scoping of the environmental issues that should be address throughout the study. The notice in 2008 announced a group of public workshops, where the public was given the opportunity to comment. The meeting locations, dates, and times were as follows:

- March 5, Scottish Rite Center—6 151 H Street, Sacramento (5-7pm)
- March 10, Library Galleria—828 I Street, Sacramento (3-6pm)
- March 12, Elk’s Lodge—6446 Riverside Boulevard, Sacramento (5-7pm)
- March 13, Sierra Health Foundation—1321 Garden Highway, Sacramento (5-7pm)

Once the NOP for the EIS/EIR and the PACR was released, a joint National Environmental Policy Act (NEPA)/California Environmental Quality Act (CEQA) public scoping meeting was held on November 18, 2009 from 4:30 to 6:30 p.m. at the South Natomas Community Center in Sacramento, California, to brief interested parties on the Natomas PACR/Phase 4b Project and obtain the views of agency representatives and the public on the scope and content of the EIS/EIR.

a. Summary of Comments Received

There were 46 people in all who attended the four meetings. Comments were solicited through the use of court reporters at the meetings. Additionally, comments could be submitted through mail or electronic mail. Comments were made throughout the review period by 12 local, State, and Federal agencies, two community organizations, and 26 individuals.

The joint NEPA/CEQA public scoping meeting on the Natomas PACR/Phase 4b Project was held November 18, 2009. Only three attendees commented. Their comments included;

- Concern about the use of haul roads and the impacts they will have on public access and public interaction with large trucks;
- Noise pollution;
- Concerns about the lead agency switching from SAFCA to USACE and losing contact with local agencies; and
- Water drainage to the east of Natomas Basin.

These comments are located in Chapter 7- “Consultation and Coordination”, of the DEIS/DEIR.

IV. Public Meetings Post Document Release

The Draft Natomas PACR was released to the public on July 2, 2010 for public and agency review and comment for a 45-day period. Public meetings were held after the distribution of the document in order to give interested parties a chance to comment. The meeting locations, dates, and times are as follows:

- July 13, 2010, South Natomas Community Center- 2921 Truxel Road, Sacramento
- July 15, 2010, SAFCA Board Meeting- 915 I Street, Sacramento
- July 21, 2010, Sacramento City Hall- 915 I Street, Sacramento
- August 4, 2010, Pleasant Grove School- 3075 Howsley Road, Pleasant Grove

a. Summary of Comments Received

Comments were solicited through the use of court reporters at the meetings. Additionally, comments could be submitted through mail or electronic mail. Comments from the meetings included;

- Concern that project would “undo” much of the recent construction on the pumping plant;
- Aesthetics of project site; and
- Concerns that commenter has been paying for flood insurance for 21 years while those in the interior just began.

Comments focused on the EIS/EIR so these comments and the responses to them are included in Appendix I- “Public Involvement”, of the FEIS/FEIR.

V. Written Comments on the Natomas PACR

In addition to public meetings, written comments from the public, reviewing agencies, and stakeholders were accepted throughout the public comment period from July 2, 2010 to August 16, 2010. Written comments received on the NOP for both the Natomas PACR and the EIS/EIR are located in Chapter 7- “Consultation and Coordination”, of the DEIS/DEIR.

a. Summary of Comments Received

Written comments were submitted by mail or email to USACE or SAFCA by August 16, 2010. Comments received included;

- Concerns about the consultation and coordination with the local Tribes;

- Recommendation to pursue a variance pursuant to the Central Valley Flood System Improvement Framework;
- Long term cultural effects;
- Cultural resource preservation budget; and
- Transfer of risk to those immediately outside the levee.

These written comments and the responses to them are located in Table A-1 of this Appendix.

VI. Areas of Concern

Based on the comments received during the scoping period and the 45-day public comment period, the main areas of public concern associated with this PACR are;

- Vegetation removal and variances;
- Consultation and coordination with local Native American tribes;
- Cultural resource preservation; and
- Transfer of risk of flooding.

VII. Comments Received on Natomas PACR With Responses

Table A-1

| Comment # | Comment Summary | Response |
|-----------------------------------|---|--|
| Federal Agencies | | |
| U.S. Dept. of the Interior | | |
| F1-1 | See Appendix I of the EIS/EIR for responses. | |
| NMFS | | |
| F2-1 & F2-3 through F2-18 | See Appendix I of the EIS/EIR for responses. | |
| F2-2 | Recommend pursuing a variance pursuant to the Central Valley Flood System Improvement Framework (Framework). Encourages the project proponent to include assurances that habitat creation and preservation that is mitigation for the Phase 4b Project be successfully implemented. PACR lacks mention of variance. | The Central Valley Flood Protection Board and SAFCA applied for a variance for the recommended plan. That variance request was approved on June 17, 2010. This approval is for a plan that includes an adjacent levee. The PACR was revised to add the information on vegetation variance. |
| F2-19 | Page PAC-7: The paragraph starting with “The original project...” is confusing and has grammatical errors. | Concur. This paragraph has been rewritten. |
| F2-20 | Page PAC-10: The term MCACES is used in footnote 1- There is no explanation or definition of MCACES. This term is also used later in the document with no explanation. | Concur. The acronym stands for Microcomputer-Aided Cost Estimating System. The Acronym has been defined and a description of the software has been added to Section 4-9. |
| F2-21 | Page PAC-11: Table 7-There is no explanation for Table 7 in the text. | Concur. A description of the table has been added to the text. |
| F2-22 | Page 1-3: Editorial- Under heading "d" there is a floating quotation sign. | Concur. The correction has been made. |
| F2-23 | Page 1-4 and throughout document: Editorial- Under heading "a" the text reads "Sacramento and American Rivers". It should be "Sacramento and American rivers". | Concur. The correction has been made throughout the |

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| | Same logic applies where the text reads "Feather, Yuba, and American Rivers", should be "Feather, Yuba, and American rivers". Make appropriate edits throughout entire document. | PACR. |
| F2-24 | Page 2-11: Table 2-1- Table 2-1 should be described in the main text. | Concur. A description of the table has been added to the text. |
| F2- 25 | Page 2-14: Framework- The document should include that obtaining a variance to maintain the levee vegetation would satisfy requirements of the ETL. The document correctly identifies the Framework and that it will expire in 2010. However, the document should include a description on how in 2012 there will be a new levee guidance document as part of the Central Valley Flood Protection Plan. | Concur. "In certain instances, to further enhance environmental values or to meet state or federal laws and/or regulations, the local sponsor may request a variance from the standard vegetation guidelines set forth in this ETL." Has been added to the text in this location. Also, the following statement has been added. "The Framework is an interim document that expires in 2012. At that time, the Central Valley Flood Protection Plan will contain new levee guidance." |
| F2- 26 | Page 2-15: Editorial- For consistency, "Floodplains" under heading (7) should be underlined. | Concur. The change has been made. |
| F2-27 | Page 2-16: Table 2-3 should be described in the text. | Concur. A description of the table has been added to the text. |
| F2-28 | Page 2-17: Table 2-4 should be described in the text. | Concur. A description of the table has been added to the text. |
| F2-29 | Page 2-20: Section 2-5 Planning Constraints- Central Valley steelhead should be included in bullet number 2. | Concur. The Central Valley steelhead has been added. |
| F2-30 | Page 2-24, 2-25, and 2-26: Tables 2-7, 2-8, 2-9, and 2-10- Incorrectly numbered and not properly described in the text. | Concur. The table numbering has been corrected and a description of the tables has been added to the text. |
| F2-31 | Page 2-27: Figure 7B-1 is cited twice. It is unclear what this figure is and where it is | Concur. References to this |

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| | located. | figure have been removed. |
| F2-32 | Page 2-27: No explanation for the basis for using of three flood events as the threshold for people to abandon Natomas Basin. | Concur. The assumption used in the economic analysis was that there would be no rebuilding in the Natomas Basin after three flood events and over a 50-year period of analysis. We assumed that some rebuilding would occur after the first flood event, and a lesser amount of rebuilding would occur after a second flood event, but after the third event no rebuilding would occur. Considering the extraordinary amount of damages (for example, \$6.3 billion to \$7.0 billion in damages from a levee breach on the Natomas Cross Canal) not to mention the possible loss of human life that would be sustained in the Basin should a flood event occur, the team believed that the 3-event threshold was a reasonable assumption. This has been added to the text of the PACR. |
| F2-33 | Page 3-9: e. Vegetation and Encroachments- Under heading "e. Vegetation and Encroachments", the text should describe that a vegetation variance could be obtained to satisfy the levee requirements under the ETL. To state that "complete removal of vegetation..." is necessary to fulfill the ETL is false. | Concur. The text now reads, "Measures to address vegetation issues include: substantial removal of waterside vegetation and widening the existing levee, obtaining a variance for the existing vegetation condition from the standard vegetation |

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| | | guidelines set forth in the ETL, construction of a new adjacent levee that would require the approval of a variance to the ETL, or construction of a new setback levee.” |
| F2-34 | Page 3-15: Table 3-5 is not described in the text. | Concur. A description of the table has been added to the text. |
| F2-35 | Page 3-19: "compliance with the vegetation ETL will require that vegetation is removed from the levee." This is false, obtaining a vegetation variance will also comply with the ETL and this should be discussed as a viable alternative. | Concur. Obtaining a variance has been added as an alternative. However, it was eliminated as not being likely to be obtained for the existing condition. |
| F2-36 | Page 3-27: Table 3-14 fails to mention that obtaining a variance is another method of complying with the ETL. | While a variance can be obtained, it would be unlikely to be granted for the existing condition without an overbuilt levee. Therefore, it was not evaluated in the fix in-place plan. |
| F2-37 | Page 3-34: The second sentence in the first full paragraph is incomplete. | Concur. The correction has been made. |
| F2-38 | Page 4-35: Table 4-8- Under State section, CEQA should be listed. | Concur. CEQA has been added to the table. |
| F2-39 | Page 4-42: Table 4-9- Under the NMFS agency row, the Permit/Authorization/Approval text appears to be incorrect. | Concur. The table entry for the NMFS row for Phase 4a has been corrected. |
| F2-40 | Page 7-1: Chapter 7- The term "I" is used to initiate Chapter 7. Confusing as to who or what the "I" is? The final document should clarify. | The “I” refers to the Sacramento District Commander. This is standard format for Corps of Engineers report. |
| U.S. EPA | | |
| F3-1 through F3-5 | See Appendix I of the EIS/EIR for responses. | |
| Tribal Government | | |
| Shingle Springs Rancheria | | |

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| T1-1, T1-3, & T1-4 | See Appendix I of the EIS/EIR for responses. | |
| T1-2 | Page 1-5 (c.) 2nd paragraph lines 4&5: "...a group of Hudson Bay Company workers brought malaria to Natomas, and seventy-five percent of residents died."- <u>Should say:</u> "seventy-five percent of local Native Americans died." | Since there is no source cited, the reference to the deaths of seventy-five percent of Natomas residents was removed. Without a reference it is impossible to determine if that figure applies only to the native population, white settlers or both. |
| T1-5 | Page 1-21 (10) paragraph 3 line 8: "...and/or protect the rights of Native Americans" <u>Should say:</u> "...and/or protect the rights <i>and cultural resources</i> of Native Americans." | The section in question is a direct quote from ETL 1110-2-571, and cannot be changed, however a statement of cultural resources has been added to the document to address this concern. |
| T1-6 | Page 3-28 Table 3-15, Cultural Resources: "No long term effects will result from the project": <u>Issue:</u> We believe that long term effects may result from the project if cultural resources must be removed/ and or damaged. <u>Should Say:</u> "Damage and permanent loss of some cultural resources may occur. Plan implements appropriate mitigation measures to minimize damage or loss." | "No long term effects will result from the project" was changed to "Some cultural resources may be adversely affected by the project. Mitigation measures would be required for those resources determined to be adversely affected by the proposed project." |
| T1-7 | Page 3-33, 3-8 MITIGATION: Describes agencies that have included in coordination of mitigation: <u>Issue:</u> Does not mention local Native American Tribes. <u>Should include:</u> " <i>local Native American Tribes.</i> " | A subsection has been added for Cultural Resources Mitigation. |
| T1-8 | Page 4-43, Table 4-10-Costs of Potential Additional Increments: Total for Cultural Resource Preservation= 0 (zero): <u>Issue:</u> This does not seem to be a realistic figure given the extensive amount of Cultural resources present along the river. | Costs were not added for the additional increment because the preservation efforts included in the Recommended Plan will be adequate for the additional |

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| | | increment as well. The same is true of Fish and Wildlife mitigation costs. |
| T1-9 | <p>Page 6-4, 6-6. Additional Required Coordination: Under Chapter 6- Public Involvement, Review, and Consultation:</p> <p><u>Issue:</u> Does not mention tribes or the NAHC.</p> <p><u>Should Include:</u> "NAHC" and "Local Tribes" as separate heading and say that consultation has been "on-going".</p> | Under "Additional Required Coordination" the State Historic Preservation Officer (SHPO) should be added and the PA consultation process included. The coordination with the Native American Heritage Commission and Local Tribes was included and described as on-going. |
| T1-10 | <p>Page 7-1, Chapter 7- Recommendations (n.): Comply with all applicable Federal and State laws and regulations, including but not limited to:</p> <p><u>Issue:</u> does not list NAGPRA as one of the laws. NAGPRA should be included.</p> <p><u>Should Include:</u> "NAGPRA" in the laws listed.</p> | Since there are no Federally owned lands included in the area of potential effects NAGPRA does not apply to this project. There does not need to be a reference to NAGPRA in the laws listed or the recommendations; however, there a reference has been added that the project will comply with Section 106 of the National Historic Preservation Act of 1966. |
| State Agencies | | |
| Central Valley Flood Protection Board | | |
| S1-1 | See Appendix I of the EIS/EIR for response. | |
| California State Lands Commission | | |
| S2-1 through S2-3 | See Appendix I of the EIS/EIR for response. | |
| Department of Transportation | | |
| S3-1 through S3-4 | See Appendix I of the EIS/EIR for response. | |
| Governor's Office of Planning and Research | | |
| S4-1 | See Appendix I of the EIS/EIR for response. | |
| Local Agencies | | |

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| SMAQMD | | |
| L1-1through L1-9 | See Appendix I of the EIS/EIR for response. | |
| Sutter County Community Services Dept. | | |
| L2-1through L2-4 | See Appendix I of the EIS/EIR for response. | |
| City of Sacramento Department of Transportation | | |
| L3-1 through L3-12 | See Appendix I of the EIS/EIR for response. | |
| Feather River Air Quality Management District | | |
| L4-1 through L4-4 | See Appendix I of the EIS/EIR for response. | |
| City of Sacramento Department of Parks and Recreation | | |
| L5-1 through L5-13 | See Appendix I of the EIS/EIR for response. | |
| Sacramento Regional County Sanitation District | | |
| L6-1 | See Appendix I of the EIS/EIR for response. | |
| Organizations | | |
| Sacramento Area Bicycle Advocates | | |
| O1-1 through O1-3 | See Appendix I of the EIS/EIR for response. | |
| Save the American River Association | | |
| O2-1 through O2-4 | See Appendix I of the EIS/EIR for response. | |
| Sacramento Tree Foundation | | |
| O3-1 | See Appendix I of the EIS/EIR for response. | |
| Garden Highways Community Association | | |
| O4-1 through O4-24 | See Appendix I of the EIS/EIR for response. | |
| Businesses | | |
| KVIE | | |
| B1-1 | See Appendix I of the EIS/EIR for response. | |
| Individuals | | |
| Jimenez & Selge | | |
| I1-1through I1-7 | See Appendix I of the EIS/EIR for response. | |
| John Perry (Perry Farms) | | |
| I2-1 through I2-11 | See Appendix I of the EIS/EIR for response. | |
| Imogene Amrine | | |
| I3-1 | See Appendix I of the EIS/EIR for response. | |
| Phil Perry | | |
| I4-1 – I4-3 & I4-5 - I4-7 | See Appendix I of the EIS/EIR for response. | |
| I4 – 4 | Concerned project is a waste of tax money as there is already an adequate levee | While it may appear that the |

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| | system. | levee system is adequate as is, recent investigations show that the problems with the Natomas levees are more extensive than originally believed. As these investigations show, the levees pose unacceptable risks to those living within them. A failure of the levee system will cause major damage and could cause loss of life. Previous work on the levee has corrected some of the issues associated with the levees, but there are still problems that must be corrected in order to reduce the risk to public safety. While it is unfortunate that the knowledge about the condition of the levee has come after work has already been done, it is important that the recommended work be done to improve the risk that Natomas residents face. |
| Melvin Borgman | | |
| I5-1 through I5-4 | See Appendix I of the EIS/EIR for response . | |
| Charlotte Borgman | | |
| I6-1 | See Appendix I of the EIS/EIR for response. | |
| Roland Candee | | |
| I7-1 through I7-4 & I7-6 through I7-8 | See Appendix I of the EIS/EIR for response. | |
| I7-5 | Attachment 5: States that SAFCA can legally proceed as long as there are no hydraulic impacts on the river, yet the levee is being raised and position paper states that levee height would affect hydrology and result in a transfer of risk. | Attachment 5 does not pertain to SAFCA's implementation of levee raises. It is Corps policy that hydraulic impacts and transfer of risk must be |

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| | | addressed in every study. Attachment 5 was prepared in order to show that it would not be necessary to comply with this policy if the recommended plan did not include raises. On the other hand, in order to obtain permission from the Corps to raise the levees, SAFCA had to present analyses that established that the raise did not cause impacts elsewhere. Based on their analysis of downstream impacts, the Corps determined that the raise proposed by SAFCA would not transfer risk elsewhere. |
| Keith M. Seegmiller | | |
| I8-1 through I8-7 | See Appendix I of the EIS/EIR for response. | |
| Ronald Johnson | | |
| I9-1 through I9-8 | See Appendix I of the EIS/EIR for response. | |
| Public Hearing | | |
| Phil Perry | | |
| PH1-1 through PH1-5 | See Appendix I of the EIS/EIR for response. | |

Federal agencies=F, Tribal government=T, State agencies=S, Local agencies=L, B=Businesses, Organizations=O, Individuals=I, PH=Public Hearing

VIII. Comments on the EIS/EIR

The USACE published an NOI to prepare the American River Common Features General Reevaluation Report (GRR) EIS in the *Federal Register* (Vol. 73, No. 41) on February 29, 2008 and a series of public meetings were held in March 2008. On November 5, 2009, SAFCA issued a NOP for the EIS/EIR and copies of the NOP were distributed to approximately 900 recipients and a notice was published in *The Sacramento Bee* on November 5, 2009. The NOP was circulated for a 30-day comment period, these comments are included in Chapter 7- “Consultation and Coordination”, of the DEIS/DEIR.

The Draft EIS/EIR for the American River Watershed Common Features Project (Common Features)/Natomas Levee Improvement Program (NLIP)/Phase 4b Landside Improvements Project (Phase 4b Project) was released for public and agency review and comment in accordance with NEPA and CEQA requirements. The review period began on July 2, 2010 and closed on August 16, 2010. During this time, four public meetings were held and comments were received from agencies and individuals.

These comments and the responses to them can be found in Appendix I- “Public Involvement”, of the FEIS/FEIR.

Enclosure D

Letters and Comments from Agencies and Organizations

Federal Agencies



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Pacific Southwest Region
1111 Jackson Street, Suite 520
Oakland, California 94607

IN REPLY REFER TO:
ER# 10/599

Electronically Filed

9 August 2010

Elizabeth Holland
Planning Division
U.S. Army Corps of Engineers
1325 J Street
Sacramento, CA 95814

Dear Ms. Holland:

The Department of the Interior has received and reviewed the DEIS for the American River Watershed Common Features Project/Natomas Post-Authorization Change Report/Natomas Levee Improvement Program, Phase 4b Landside Improvements Project in Sacramento and Sutter Counties, CA and has no comments to offer.

Thank you for the opportunity to review this project.

Sincerely,

Patricia Sanderson Port
Regional Environmental Officer

cc:
Director, OEPC



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Sacramento Area Office
650 Capitol Mall, Suite 8-300
Sacramento, California 95814-4706

AUG - 9 2010

Elizabeth Holland
Planning Division
U.S. Army Engineer, Sacramento District
1325 J Street
Sacramento, California 95814

Dear Elizabeth Holland:

This is in response to your June 30, 2010, letter requesting technical assistance and comments from NOAA's National Marine Fisheries Service (NMFS) for the draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) on the American River Watershed Common Features Project/Natomas Levee Improvement Program (NLIP), Phase 4b Landside Improvements Project (Phase 4b Project) and the draft Natomas Post-authorization Change Report (Natomas PACR).

The draft EIS/EIR has been prepared by the US Army Corps of Engineers (Corps), Sacramento District and the Sacramento Area Flood Control Agency (SAFCA) in accordance with the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). The Corps is the lead for NEPA compliance and SAFCA is the lead for CEQA compliance.

The regional setting of the Phase 4b Project is the 53,000 acre Natomas Basin at the confluence of the American and Sacramento rivers. The project location includes parts of the City of Sacramento and portions of Sacramento and Sutter counties. The Natomas Basin is bordered by the American River to the south, the Sacramento River to the west, the Natomas Cross Canal (NCC) to the north, and the Pleasant Grove Creek Canal (PGCC) and Natomas East Main Drainage Canal (NEMDC) to the east. The Phase 4b Project involves levee construction on portions of all of these rivers and canals.

The NLIP addresses identified deficiencies in the Natomas Basin perimeter levee system. The main goal of the project is to reduce flood risk to the Natomas Basin and to bring the levee system up to at least a certified 100-year flood risk reduction under regulations adopted by the Federal Emergency Management Agency. Phases 1, 2, 3, and 4a of the NLIP should be completed by 2012. Phase 4b specifically addresses underseepage, stability, erosion,



penetration, and levee encroachments along approximately 3.4 miles of the Sacramento River, 1.8 miles of the American River, 6.8 miles of the NEMDC, 3.3 miles of the PGCC, and portions of the NCC. Assuming all funding, authorizations, environmental and other permits are in place, construction of the Phase 4b Project should begin in 2012 and be completed by 2016.

The Federal lead for the proposed project is the Corps, and the state lead is SAFCA. The Federal Aviation Administration is acting as a cooperating agency for NEPA. In addition to completing an EIS/EIR, the lead agencies will also be fulfilling requirements as for Section 10 and 14 of the Rivers and Harbors Act, Section 408, Section 404 of the Clean Water Act, and the Federal and state Endangered Species Acts.

In addition to the needs mentioned above, this EIS/EIR will be used to support Congressional approval of the Natomas PACR. If Congress does not authorize Corps to construct Phase 4b Project, SAFCA may choose to proceed without Federal participation and the EIS/EIR will be used to support Corp's decisions pursuant to Section 408, 404, and 10.

The Natomas PACR was prepared by the Corps as the result of a reevaluation study of the American River Common Features project that identified changes to the Natomas portion of the authorized project. The Federal sponsor for the reevaluation study is Corps and the state sponsor is the Central Valley Flood Protection Board (CVFPB). SAFCA has a cooperation agreement with CVFPB. The changes identified do not change the purpose of the project, but they do change the project scope, timeline, design, potential impacts, and cost.

NMFS has reviewed the information provided with your June 30, 2010, letter. As stated in the Executive Summary and Chapters 4 and 7 of the draft EIS/EIR, under Section 7, the Corps must consult with NMFS to ensure that the Phase 4b Project will not jeopardize endangered or threatened species, or destroy or adversely modify designated critical habitat, as designated by the Federal Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). If the proposed project "may affect" a listed species or critical habitat, the lead agency is required to prepare a biological assessment (BA). In response to the BA, NMFS will issue a biological opinion with a determination on the impacts of the proposed project on listed species and critical habitat. Additionally, the Magnuson-Stevens Fishery Conservation and Management Act requires all Federal agencies to consult with NMFS regarding all action or proposed actions that may adversely affect Essential Fish Habitat.

As the project progresses, it is anticipated that the project proponents will seek out consultation as required under ESA. Be advised that NMFS can only enter section 7 consultation with another Federal agency or its designee. Future section 7 consultation for the Phase 4b Project will involve possible effects of the proposed project on the Federally listed threatened Central Valley (CV) steelhead (*Oncorhynchus mykiss*), the threatened Southern distinct population segment of North American green sturgeon (*Acipenser medirostris*), endangered Sacramento River winter-run Chinook salmon (*O. tshawytscha*), and threatened CV spring-run Chinook salmon (*O. tshawytscha*) and their critical habitats.

Some comments on the draft EIS/EIR and the Natomas PACR (found below) are general in nature, others relate to specific language in the draft EIS/EIR and Natomas PACR, and some are editorial.

VEGETATION REMOVAL AND VARIANCE COMMENTS

Central Valley levee vegetation has significant ecosystem importance. Vegetation along many levees provides critical fishery habitat and is ecologically significant to numerous ESA listed and protected species. Protection and enhancement of the riparian corridors is necessary for the survival and recovery of the Sacramento River winter-run and CV spring-run Chinook salmon and CV Steelhead.

Section 4.7.2 emphasizes that the Phase 4b Project could result in a direct loss of levee waterside vegetation. NMFS recommends pursuing a variance pursuant to the Central Valley Flood System Improvement Framework (Framework). NMFS acknowledges that on pages 2-24, 2-30, page 2-36 the EIS/EIR discloses the intent that Phase 4b Project will pursue a vegetation variance to allow waterside vegetation to remain. The Framework describes that major modifications of existing levee section will comply with the Corps' levee vegetation standards, but may allow vegetation to remain if these projects can demonstrate that the public safety risks posed to levee integrity have been adequately addressed and engineered into project design. The Central Valley Flood Protection Plan will be completed in 2012 and will outline levee vegetation policies. In the meantime, there are guidelines available on how to handle vegetation on levees. Additionally, NMFS encourages the project proponent to include assurances that habitat creation and preservation that is mitigation for the Phase 4b Project be successfully implemented.

Despite the mention of a variance in the draft EIS/EIR, the Natomas PACR lacks mention of obtaining a vegetation variance for levee work. This seems inconsistent with the EIS/EIR and the existing Framework. NMFS recommends that the Final Natomas PACR include a section detailing the desire to obtain a variance or a detailed explanation as to why a variance is not included as part of the Natomas PACR.

STANDARDIZED ASSESSMENT METHODOLOGY (SAM) COMMENTS

Prior to and during the process of any construction as part of the Phase 4b Project that impact waterside vegetation, NMFS recommends that you use the standardized assessment methodology (SAM) to evaluate the response to habitat features affected by bank protection projects. SAM is a modeling and tracking tool developed by Stillwater Sciences and was originally used for Corps Sacramento River Bank Protection Project (SRBPP). The SAM evaluates bank protection alternatives affecting threatened and endangered fish species. By identifying and quantifying the response of fish species to habitat conditions over time, users can determine necessary measures to avoid, minimize, or fully compensate for fish impacts for various life stages.

SAM has been used at numerous levee sites along the mainstem Sacramento River and tributaries as part of the SRBPP. Modeling outcome revealed long-term habitat losses and demonstrated the need for commensurate compensation measures and habitat enhancement such as: installing in-stream wood material for habitat complexity, planting riparian vegetation to stabilize the bank, and provide a source of shade and cover for channel margin habitat.

SPECIFIC COMMENTS

Throughout the document it is stated that without the levee repairs and upgrades flood risk will continue. While NMFS agrees with this statement, it is important to note that even with the improvements that are a part of the proposed project, there will still be potential flooding and risk of levee failure in the project area; this should be clearly stated in the final EIS/EIR.

Note: Both documents should have been with line numbers to simplify the review process.

PHASE 4b EIS/EIR

XIX: NLAP and NALP are both defined as North Area Local Project. NALP is used on page ES-7.

Page ES-4: The following is stated, "Sutter and Sacramento Counties", should be "Sutter and Sacramento counties".

Page ES-7: No apparent explanation or definition of an AE zone.

Page 1-2: The Federal Interest section is confusing. The purpose of the project is to increase levee protection to at least the 100 year flood protection and to the 200 year in the future thus ultimately reducing flood risk and flood damage in the Natomas Basin. Why is this not the Federal Interest?

Page 1-24: Plate 1-5 mentions that "approximately 15 sites..." In looking at Plate 1-5, there are 15 sites labeled. Not sure the "approximately" is appropriate.

Page 2-7: In section 2.1.3.4 there are discussions involving vegetation on the levees. There is no mention of the California Central Valley Flood System Improvement Framework that was put together in 2009. This Framework is to be used as a guide for vegetation on levees until the Central Valley Flood Protection Plan is completed in 2012.

Pages 2-24, 2-30, and 2-36: In the waterside vegetation removal section there is no mention of what may happen if a variance is not granted?

Page 2-68: In section 2.3.4.10 there is a discussion of landside vegetation mitigation. This section should also include a discussion on waterside vegetation mitigation.

Page 3-1 and 3-43: Should be "American and Sacramento rivers" not "American and Sacramento Rivers"

Page 3-46: Last sentence has Pacific chorus frog and bullfrog listed as reptiles.

Page 4.7-8: In the Temporal Loss of Landside and Waterside Woodland Habitats section there is no mention of utilizing the current California Central Valley Flood System Improvement Framework that guides vegetation along levees. Realizing that construction related to Phase 4b

will not occur until 2012 or later, this is when the Central Valley Flood Protection Plan will be completed and will provide guidance on levee vegetation issues. These guidance documents should be mentioned and cited in the text.

Page 4.7-8: Towards the bottom of the page the following is stated, "if habitat creation/preservation is not effectively implemented, the long-term loss of woodlands (including Heritage oaks) would result in a **potentially significant** impact." There should be an explanation as to why there is potential for the habitat creation and preservation to not be effectively implemented. The project proponent should ensure that the habitat creation and preservation is effectively done.

Page 4.7-11: Utilization of the SAM should be mentioned as part of the Mitigation Measure 4.7-a. Prior to and during the process of any construction as part of Phase 4b Project that impacts waterside vegetation, NMFS recommends that you use the SAM to evaluate the response to habitat features affected by various construction activities. SAM has been used at numerous levee sites along the mainstem Sacramento River and tributaries.

POST-AUTHORIZATION CHANGE REPORT AND INTERIM GENERAL REEVALUATION REPORT

Page PAC-7: The paragraph starting with "The original project..." is confusing and has grammatical errors.

Page PAC-10: The term MCACES is used in footnote 1. There is no explanation or definition of MCACES. This term is also used later in the document with no explanation.

Page PAC-11: There is no explanation for Table 7 in the text.

Page 1-3: Under heading "d" there is a floating quotation sign.

Page 1-4 and throughout document: Under heading "a" the text reads "Sacramento and American Rivers". It should be "Sacramento and American rivers". Same logic applies where the text reads "Feather, Yuba and American Rivers", should be "Feather, Yuba and American rivers". Make appropriate edits throughout entire document.

Page 2-11: Table 2-1 should be described in the main text.

Page 2-14: The document should include that obtaining a variance to maintain the levee vegetation would satisfy requirements of the ETL. The document correctly identifies the Framework and that it will expire in 2012. However, the document should include a description on how in 2012 there will be a new levee guidance document as part of the Central Valley Flood Protection Plan.

Page 2-15: For consistency, "Floodplains" under heading (7) should be underlined.

Page 2-16: Table 2-3 should be described in the text.

Page 2-17: Table 2-4 should be described in the text.

Page 2-20: In section 2-5 Planning Constraints, Central Valley steelhead should be included in bullet number 2.

Pages 2-24, 2-25, and 2-26: Tables 2-7, 2-8, 2-9, and 2-10 are incorrectly numbered and not properly described in the text.

Page 2-27: Figure 7B-1 is cited twice. It is unclear what this figure is and where it is located.

Page 2-27: No explanation for the basis for using of three flood events as the threshold for people to abandon Natomas Basin.

Page 3-9: Under heading “e. Vegetation and Encroachments”, the text should describe that a vegetation variance could be obtained to satisfy the levee requirements under the ETL. To state that “complete removal of vegetation...” is necessary to fulfill the ETL is false.

Page 3-15: Table 3-5 is not described in the text.

Page 3-19: The following is found in the text, “compliance with the vegetation ETL will require that vegetation is removed from the levee.” This is false, obtaining a vegetation variance will also comply with the ETL and this should be discussed as a viable alternative.

Page 3-27: Table 3-14 fails to mention that obtaining a variance is another method of complying with the ETL.

Page 3-34. The second sentence in the first full paragraph is incomplete.

Page 4-35: In Table 4-8 under the State section, CEQA should be listed.

Page 4-42: In Table 4-9 under the NMFS agency row, the Permit/Authorization/Approval text appears to be incorrect.

Page 7-1: The term “I” is used to initiate Chapter 7. Confusing as to who or what the “I” is? The final document should clarify.

This documents NMFS comments on the Phase 4b Project draft EIS/EIR and the Natomas PACR. NMFS comments to the draft EIS/EIR and Natomas PACR are intended to help guide the development of the final EIS/EIR and future ESA consultations.

If you have any questions regarding this correspondence please contact Mike Hendrick by telephone at (916) 930-3605 or by e-mail at Michael.Hendrick@noaa.gov.

Sincerely,



Maria Rea
Central Valley Office Supervisor

cc: Copy to file – ARN 2009SA00179
NMFS-PRD, Long Beach, California



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

August 16, 2010

Ms. Elizabeth Holland
Environmental Resources Branch
U.S. Army Corps of Engineers
Sacramento District
1325 J Street, 10th Floor
Sacramento, California 95814-2922

Subject: Draft Environmental Impact Statement (DEIS) for the Natomas Levee Improvement Program Phase 4b Landside Improvements Project (CEQ# 20100240)

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

While we acknowledge the flood protection benefits of the proposed action for the current residents of the Natomas Basin, we have rated the DEIS as Environmental Concerns – Insufficient Information (EC-2, see enclosed “*Summary of Rating Definitions*”) due to our concerns about air quality and indirect and induced growth.

EPA’s primary concern regarding the subject DEIS is the applicability of conformity requirements under the Clean Air Act. We noted in our March 22, 2010 comments on the FEIS for Phase 4a of the Natomas Levee Improvement Project (NLIP) that “the State of California has requested, and EPA has proposed, a “severe” classification for this ozone nonattainment area.” EPA finalized the severe classification, effective June 4, 2010. Because the Record of Decision (ROD) for Phase 4a was not certified before the effective date of the reclassification, the new conformity thresholds now apply to Phase 4a. Based on the FEIS, Phase 4a would exceed the recently reduced conformity threshold for 2011. Once conformity applies to a project, it applies to the entire project; thus, the applicability of conformity to Phase 4a would affect Phase 4b, as well.

EPA staff discussed the conformity issue with you and a Corps’ contractor in several phone conversations. Following that, you provided a revised table of emissions in an email to Tom Kelly, of my staff, on August 11, 2010. The table reflects a revised construction schedule with additional reduction of nitrogen oxide emissions, from 20% to 40%. Based on that revised table, the Phase 4a emissions no longer appear to exceed the conformity threshold. If the Corps intends to pursue this revised construction schedule, commitments to do so should be included in the ROD for Phase 4a and in the FEIS and ROD for Phase 4b. If the Corps does not intend to pursue this revised construction schedule, the RODs and Phase 4b FEIS should address how conformity requirements will be met.

We appreciate the opportunity to review this DEIS. When the FEIS is released for public review, please send one hard copy and one CD ROM to the address above (mail code: CED-2). If you have any questions, please contact Tom Kelly, the lead reviewer for this project, at (415) 972-3856 or kelly.thomasp@epa.gov, or me at (415) 972-3521.

Sincerely,


for Kathleen M. Goforth, Manager
Environmental Review Office

Enclosures:

Summary of EPA Rating Definitions
Detailed Comments

cc: Jennifer Hobbs, U.S. Fish and wildlife Service
Mike Hendrick, National Marine Fisheries Service
Robert Solecki, Central Valley Regional Water Quality Control Board
Jeff Drongesen, California Department of Fish and Game
John Bassett, Sacramento Area Flood Control Agency
Helen Thomson, Sacramento Area Council of Governments
Karen Huss, Sacramento Metropolitan Air Quality Management District
David A. Valler Jr., Feather River Air Quality Management District
John Roberts, The Natomas Basin Conservancy

SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

ADEQUACY OF THE IMPACT STATEMENT

Category "1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category "2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category "3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.

EPA'S DETAILED DEIS COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) NATOMAS LEVEE IMPROVEMENT PHASE 4B LANDSIDE IMPROVEMENTS PROJECT (CEQ# 20100240) SACRAMENTO AND SUTTER COUNTY, CA, AUGUST 16, 2010

Air Quality

The DEIS discusses the applicability of general conformity in Impact 4.11-b. For the proposed alternative, the DEIS states, “[w]ith mitigation, worst-case maximum annual emissions are below the *de minimis* [stat] thresholds and therefore would conform with the applicable SIP regional attainment goals (See Appendix F for detailed emission sources and assumptions)” (p.4-17). EPA does not agree with this conclusion. The general conformity thresholds for Volatile Organic Compounds (VOCs) and Nitrogen Oxides (NOx) were reduced, effective June 4, 2010 (75 FR 24409, May 5, 2010,), as noted in the DEIS, Table 4.11-4 and Appendix F. Since the Corps did not sign the ROD for Phase 4A prior to that date (p. ES-6), the new conformity limits apply to Phase 4a as well as 4b. Phase 4A emissions, described in Appendix F, exceed the current 25 tons per year general conformity threshold for NOx. Once conformity applies to a project, it is applicable to the entire project. So, if conformity applies to Phase 4A, it also applies to Phase 4B, regardless of the level of 4B emissions.

EPA staff raised this to the attention of the Corps and its contractor in several phone conversations. The Corps subsequently provided an alternative Table 21 that spread Phase 4a construction into 2012, and reduced NOx emissions, by 40%, to below the conformity threshold. Your contractor’s message¹ clarified that the reduced emissions will be achieved through vehicle emission controls, not emission credits or off-sets purchased from a local air district. The table also reflected other schedule changes for Phase 4b.

The revised table also showed reduced emissions for 2009 and 2010. Because 2009 is past and 2010 is more than half over, it is not clear how these emissions could be reduced.

Table 21 and Table 22, from Appendix F, contain differing emission estimates for 2010 and 2011. The Corps contractor clarified² that “the emission levels shown in Table 22 in Appendix F were not used in the analysis and should be considered extraneous.”

We also note the wording “would conform with the applicable SIP” (p. 4.11-17) is inappropriate. Such wording should be used only if the Corps is making an affirmative determination that the project conforms to the applicable SIP, pursuant to analysis showing that the project’s emissions will be over the *de minimis* applicability threshold.

¹ “In Case You Were Interested” Message to Tom Kelly (EPA) from Gregory Wolffe (AECOM). 12 August 2010. Email.

² “Conference Call This Afternoon Re: Natomas.” Message to John Kelly (EPA) from Gregory Wolffe (AECOM). 29 July 2010. E-mail.

Recommendation:

The FEIS should describe and commit to project changes that reduce emissions below the general conformity applicability threshold. If the Corps will rely on extension of the project schedule, in accordance with the alternative Table 21 provided to EPA, that table and any supporting information should be included in the Phase 4a and 4b RODs and the Phase 4b FEIS.

Alternatively, the FEIS could include a conformity determination that includes both Phase 4a and 4b.

The FEIS should remove Table 22 from Appendix F.

The FEIS should include a footnote for Table 21, in Appendix F, explaining that 2010 air emissions, from Phase 3 of the project, were included in the phase 3 FEIS which was relied upon in the phase 3 ROD, prior to the conformity limit change from 50 to 25 tons per year. Therefore, 50 tons per year was the correct general conformity applicability threshold to apply to Phase 3 for VOC and NOx.

Indirect and Growth Inducing Impacts

While the levees have been in place since 1915 (Table 1-2), currently the Natomas Basin (Basin) is subject to a building moratorium (p. 3-21). Without improvement of the levees, further development within the Basin will continue to be limited by the moratorium. The DEIS describes planned growth within the Natomas Basin of 60,000 dwellings and associated commercial and residential developments over the next two decades (p.2-81). The increase in emission of criteria pollutants from this development can cause health problems and further delay attainment of air quality standards set by the Clean Air Act.

The DEIS describes a regional blueprint for future growth in the Sacramento area, including the Natomas Basin, adopted by the Sacramento Area Council of Governments (SACOG) and Valley Vision (p. 2-16). EPA commends the Corps and Sacramento Area Flood Control Agency (SAFCA) for including the blueprint, a "unique regional visioning project . . . bringing smart growth principles . . . to growth projected in the Sacramento Region until 2050³." EPA supports this effort for the people of the Sacramento area to "spend less time in their cars, spend less money on gas, and protect our air quality while improving our overall quality of life," and we acknowledge the greenhouse gas benefits of the development recommended by the blueprint. Unfortunately, the DEIS does not commit to ensuring that future growth in the Basin is consistent with the blueprint.

The DEIS ultimately concludes, "the Phase 4b Project, while accommodating planned regional growth, is not growth inducing itself" (p.5-37). This distinction (accommodating growth vs. inducing growth) does not exist in NEPA regulations. Because the levee improvements will allow future growth in the basin, which is not currently allowed, the project will induce growth.

³ "Blueprint Then/Now/Next." *Sacramento Region Blueprint*. Sacramento Council of Governments, n.d. Web. 23 July 2010. <<http://www.sacregionblueprint.org>>.

Furthermore, SAFCA's reliance on development fees implies that growth in the Natomas Basin may be critical to funding future flood protection efforts. The DEIS explains (p. 2-81) that SAFCA will use development fees to fund activities that appear unrelated to development: waterside levee strengthening, landside levee strengthening, acquisition of agricultural easements (outside the basin), and improved system operations. The development impact fee applies to "all new structures placed anywhere in the 200-year (0.005 AEP) floodplain of SAFCA's capital assessment district." This implies the fee will be collected from many locations within SAFCA's jurisdiction. Yet, the vast majority of the remaining land to be developed appears within the 200-year floodplain appears to be located in the Natomas Basin, based on the SAFCA Boundary Map.

While the DEIS frequently notes the project is intended provide flood protection to current residents and property, the income generated from development fees appears to be a critical piece to ensuring adequate flood control protection remains in place. This further establishes growth inducement and future development as indirect impacts of the Natomas Levee Improvement Project.

The DEIS states that the City of Sacramento, Sacramento County, and Sutter County, which comprise three fifths of the organizations that comprise SAFCA, have developed general plans that provide a framework for growth and development within their jurisdictions. The DEIS does not state whether or not these plans are consistent with the blueprint. Several reports have documented that development fees are a significant revenue source for local governments⁴. The City and County of Sacramento have even developed a revenue sharing agreement for development in the Natomas Basin⁵. Like SAFCA, these entities are reliant on future development in the Natomas Basin to reduce future financial shortfalls.

EPA does not oppose development in the Natomas Basin, although we would advise against it in the deepest portions of the floodplain; however, we do think the FEIS should acknowledge that development is not incidental to the levee project, but an indirect and growth inducing impact of the project.

Recommendation:

The FEIS should describe all indirect and growth inducing impacts, including emissions of priority air pollutants and greenhouse gases from industrial, commercial, and residential development planned for the Natomas Basin.

⁴ For example, "Pay to Play, Residential Development Fees in California Cities and Counties, 1999." California Department of Housing and Community Development. Web. August 11, 2010. <http://www.hcd.ca.gov/hpd/pay2play/fee_rpt.pdf>

⁵ "Resolution No. 2002-830, Adopted by the Sacramento City Council on the date of December 10, 2002." Web. August 11, 2010. <<http://www.msa2.saccounty.net/planning/Documents/Natomas%20Joint%20Vision/City-CountyMemorandumofUnderstanding.pdf>>

To mitigate air pollution and traffic congestion from new housing, the FEIS should commit to ensuring future development in the Natomas Basin will be consistent with the SACOG and Valley Vision blueprint.

The FEIS should acknowledge that development fees are a necessary source of revenue to ensure future flood protection within SAFCA's jurisdiction.

Tribal Government



SHINGLE SPRINGS RANCHERIA

Shingle Springs Band of Miwok Indians,
Shingle Springs Rancheria
(Verona Tract), California
5281 Honpie Road, Placerville, CA 95667
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July 21, 2010

Elizabeth Holland, Planning Division
USACE, Sacramento District
1325 J Street
Sacramento, CA 95814

RE: Comments on the American River Watershed Post-Authorization Change Report & Interim General Reevaluation Report & the Draft EIS/Draft EIT on the American River Watershed Common Features Project/Natomas Post-authorization Change Report/Natomas Levee Improvement Program, Phase 4b Landside Improvements Project

Dear: Ms. Holland

The Shingle Springs Band of Miwok Indians, ("Tribe"), has reviewed the American River Watershed Post-Authorization Change Report & Interim General Reevaluation Report & the Draft EIS/Draft EIT on the American River Watershed Common Features Project/Natomas Post-authorization Change Report/Natomas Levee Improvement Program, Phase 4b Landside Improvements Project (the "Reports"). Thank you very much for the opportunity to comment. The Tribe commends the USACE & SAFCA officials and representatives for producing a plan that strives to balance the numerous interests of the Parties affected and the safety of the residents of the Sacramento Valley. By and large, the plan represents a great amount of thought and consideration towards the Tribe and associated cultural remains. However the Tribe has various concerns about the draft, in particular, omissions of certain Tribal interests and areas where interests could be articulated more precisely.

The majority of the document appears thoughtfully crafted and the Tribe believes that Tribal issues in general have been keenly addressed. The Tribe feels that the USACE & SAFCA has shown a commitment to ensuring inclusion, fair treatment, and equitable outcomes between the tribes, Sacramento residents, and flood prevention. Recognizing the outstanding work done to produce these Reports, the Tribe would like to submit comments as outlined in the enclosed chart.


*(**Note: The comments have been arranged in chart form by page number, and include the title of the section and the heading to which they correspond. Included in each comment is a recommended addition to the existing text or in some cases, a slight revision.)*

Conclusion

With these changes, the Tribe feels that the Reports will accurately represent the cooperative and equitable relationship that the USACE & SAFCA and Tribe envision. By accurately encompassing the cultural and communal welfare of the Tribe, the Reports can reflect the positive working relationship between tribes and the USACE & SAFCA.

Thank you for this opportunity to comment on USACE & SAFCA's work and the Tribe looks forward to continuing to be a part of USACE & SAFCA's process.

Very Truly Yours,



John Tayaba
Vice Chairperson
Most Likely Descendant

cc:

John Bassett, Director of Engineering
SAFCA
1007 7th Street, 7th Floor
Sacramento, CA 95814

Comment Chart

| American River Watershed Post-Authorization Change Report & Interim General Reevaluation Report | | |
|---|--|--|
| Page/Section | Quote/section | Comment |
| 1-5 (c.) 2 nd paragraph lines 4 & 5 | "...a group of Hudson Bay Company workers brought malaria to Natomas, and seventy-five percent of residents died." | <u>Should say:</u> "...seventy-five percent of local <i>Native Americans</i> died." |
| 1-21 (10) paragraph 3 line 8 | "...and/or protect the rights of Native Americans." | <u>Should say:</u> "...and/or protect the rights <i>and cultural resources</i> of Native Americans." |
| 3-28 Table 3-15, Cultural Resources | "No long term effects will result from the project" | <u>Issue:</u> We believe that long term effects may result from the project if cultural resources must be removed/ and or damaged. <u>Should Say:</u> "Damage and permanent loss of some cultural resources may occur. Plan implements appropriate mitigation measures to minimize damage or loss." |
| 3-33, 3-8 MITIGATION | Describes agencies that have included in coordination of mitigation | <u>Issue:</u> Does not mention local Native American Tribes. <u>Should include:</u> " <i>local Native American Tribes.</i> " |
| 4-43, Table 4-10-Costs of Potential Additional Increments | Total for Cultural Resource Preservation = 0 (zero) | <u>Issue:</u> This does not seem to be a realistic figure given the extensive amount of Cultural resources present along the river. |
| 6-4, 6-6. Additional Required Coordination | Under Chapter 6 – Public Involvement, Review, and Consultation | <u>Issue:</u> Does not mention tribes or the NAHC <u>Should Include:</u> "NAHC" and "Local Tribes" as separate headings and say that consultation has been "on-going" |
| 7-3, Chapter 7 – Recommendations (n.) | Comply with all applicable Federal and State laws and regulations, including but not limited to: | <u>Issue:</u> does not list NAGPRA as one of the laws. NAGPRA should be included. <u>Should Include:</u> " <i>NAGPRA</i> " in the laws listed. |
| Draft EIS/Draft EIT on the American River Watershed Common Features Project/Natomas Post-authorization Change Report/Natomas Levee Improvement Program, Phase 4b Landside Improvements Project | | |
| Page/ Section | Quote/section | Comment |
| 3.8 CULTURAL RESOURCES, 3-74 to 3-88; | Testing | The Tribe would like consult in more detail where known cultural resources have been identified, in addition to having tribal monitors |
| 4.8 Cultural Resources, 4.8-1 | | |

| | | |
|--|--|---|
| to4.8-13 | | <p>present at all ground disturbing activity in the vicinity of the known site, including any testing. At sites where testing has not yet been performed, the Tribe would like to have testing at depths of at least 6 feet. When testing has been performed along the shore only, the Tribe would like testing to be done up through 150-200 yards from the shore, where impacts from the project are likely, so as to further mitigate potential damage. Also, the Tribe would like testing to be done at all borrow sites, before borrowing can begin.</p> |
| <p>4.8-7 Adjacent Levee Alternative (Proposed Action) and Fix-in-Place Alternative</p> | <p>Construction of the Phase 4b Project may affect two identified prehistoric archaeological deposits: NLIP-40, which consists of a newly identified prehistoric resource that occurs in the Fisherman's Lake Borrow Area...</p> | <p>Is there an alternative for borrowing from an area that does not contain cultural resources such as CA-Sac-18, and the site in the South Fisherman's Lake Borrow Area? The Tribe would like to see a reasonable effort made to Borrow from areas not containing cultural resources.</p> |

State Agencies

CENTRAL VALLEY FLOOD PROTECTION BOARD

3310 El Camino Ave., Rm. 151
SACRAMENTO, CA 95821
(916) 574-0609 FAX: (916) 574-0682
PERMITS: (916) 574-0685 FAX: (916) 574-0682



July 27, 2010

John Bassett
Sacramento Area Flood Control Agency
1007 7th Street, 7th Floor
Sacramento, CA 95814



Dear Mr. Bassett:

State Clearinghouse (SCH) Number: 2009112025
Draft Environmental Impact Report Natomas Post-Authorization Change Report/Natomas
Levee Improvement Program, Phase 4b Project

Staff for the Central Valley Flood Protection Board has reviewed the subject document and provides the following comments:

The proposed project is located within the jurisdiction of the Central Valley Flood Protection Board. The Board is required to enforce standards for the construction, maintenance and protection of adopted flood control plans that will protect public lands from floods. The jurisdiction of the Board includes the Central Valley, including all tributaries and distributaries of the Sacramento River and the San Joaquin River, and designated floodways (Title 23 California Code of Regulations (CCR), Section 2).

A Board permit is required prior to starting the work within the Board's jurisdiction for the following:

- The placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, encroachment, excavation, the planting, or removal of vegetation, and any repair or maintenance that involves cutting into the levee (CCR Section 6);
- Existing structures that predate permitting or where it is necessary to establish the conditions normally imposed by permitting. The circumstances include those where responsibility for the encroachment has not been clearly established or ownership and use have been revised (CCR Section 6);
- Vegetation plantings will require the submission of detailed design drawings; identification of vegetation type; plant and tree names (i.e. common name and scientific name); total number of each type of plant and tree; planting spacing and irrigation method that will be within the project area; a complete vegetative management plan for maintenance to prevent the interference with flood control, levee maintenance, inspection and flood fight procedures (Title 23, California Code of Regulations CCR Section 131).

Mr. Bassett
July 27, 2010
Page 2 of 2

Potential significant effects - According to the draft document p. 4.7 – 8 "The plan for compensation for impacts to landside woodland would include transplanting suitable trees from the Phase 4b Project area, where feasible, as well as planting a variety of native tree species to create woodland habitat. Potential sites for plantings to compensate for landside woodland impacts would include locations along Reach A:16 of the Sacramento River east levee, and along Lower Dry Creek, immediately east of the NEMDC."

In accordance with CCR, Section 131 "(c) Vegetation must not interfere with the integrity of the adopted plan of flood control, or interfere with maintenance, inspection, and flood fight procedures." The draft document does not include detailed planting and management plans for the proposed increase in woodland habitat of the Sacramento River east levee, and along Lower Dry Creek. As a result, potential significant hydrological impacts due to the woodland plantings included in the proposed project could not be determined. The draft document should provide additional analysis and evaluation of the potential impacts and mitigation measures reducing impacts to the operations and maintenance of the flood control system and to the system's functioning.

The permit application and Title 23 CCR can be found on the Central Valley Flood Protection Board's website at <http://www.cvfpb.ca.gov/>. Contact your local, federal and state agencies, as other permits may apply.

If you have any questions please contact me at (916) 574-0651 or by email jherota@water.ca.gov.

Sincerely,



James Herota
Staff Environmental Scientist
Flood Projects Improvements Branch

cc:
Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, CA 95814

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



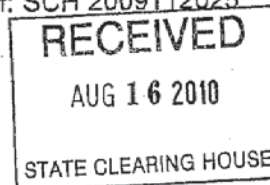
PAUL D. THAYER, Executive Officer
(916) 574-1800 FAX (916) 574-1810
California Relay Service From TDD Phone 1-800-735-2929
from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-1900
Contact FAX: (916) 574-1865

August 12, 2010

File Ref: SCH 2009112025

John Bassett
Sacramento Area Flood Control Agency
1007 7th Street, 7th Floor
Sacramento, CA 95814



Subject: Draft Environmental Impact Statement/Environmental Impact Report (DEIS/DEIR) for the American River Watershed Common Features Project / Natomas Post-authorization Change Report / Natomas Levee Improvement Program, Phase 4b Landside Improvements Project

Dear Mr. Bassett:

The California State Lands Commission (CSLC) staff has reviewed the subject DEIS/DEIR dated July 2, 2010. For this project, the CSLC is a Trustee Agency and, depending on the final alternative selected, may also be a Responsible Agency.

As general background, the State acquired sovereign ownership of all tidelands and submerged lands and beds of navigable waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all the people of the State for statewide Public Trust purposes of waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation and open space. The State owns sovereign fee title to tide and submerged lands landward to the mean high tide line (MHTL) as they existed in nature, prior to fill or artificial accretions. On navigable non-tidal waterways, the State holds fee ownership of the bed landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, as they last naturally existed. The State's sovereign interests are under the jurisdiction of the CSLC.

The current project is to address improving the 42 miles of flood protection levees for the Natomas Basin. The improvements will increase the level of flood protection to achieve a minimum of 200-year flood protection. Improvements to the levee system will result in disturbance and the potential loss of riparian habitat along sections of the proposed project. These changes, along with those proposed for the other levee system enhancements in the Sacramento Valley, will result in a cumulative loss of riparian vegetation and shaded riverine aquatic habitat along the river bank, which will be difficult to mitigate and may result in secondary impacts to the listed runs of salmonids and listed avian species. The CSLC recommends that the Sacramento Area Flood Control Agency work very closely with the California Department of Fish and

Game, U.S. Fish and Wildlife Service, NOAA Fisheries, and other applicable resources agencies, as well as with local representatives of adjoining landowners (such as the Sacramento River Conservation Area Forum), to address these cumulative impacts and to design appropriate mitigation/conservation areas. Other types of mitigation, such as avoidance, both in time and space (such as construction work windows), will also need to be considered.

To the extent the proposed project involves State-owned sovereign lands including, but not limited to, the Sacramento River and the American River, a lease from the Commission will be required. Please contact Diane Jones at 916-574-1843 for information concerning our leasing requirements. If you have any questions concerning the environmental review, please contact Chris Huitt at (916) 574-1938 or by e-mail at huittc@slc.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Oggins', with a horizontal line extending to the right from the end of the signature.

Cy R. Oggins, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
D. Jones, CSLC
C. Huitt, CSLC

DEPARTMENT OF TRANSPORTATION

DISTRICT 3 – SACRAMENTO AREA OFFICE
2800 GATEWAY OAKS DRIVE, MS 19
SACRAMENTO, CA 95833
PHONE (916) 274-0635
FAX (916) 263-1796
TTY 711



*Flex your power!
Be energy efficient!*

August 17, 2010

032010SAC0037

03-SAC-99 PM VAR

American River Watershed Common Features Project Natomas Basin

Draft Environmental Impact Report

SCH# 2009112025

John Bassett, Director of Engineering
Sacramento Area Flood Control Agency (SAFCA)
1007 7th Street, 7th Floor
Sacramento, CA 95814

Dear Mr. Bassett:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Statement/Draft Environmental Impact Report (DEIS/DEIR) for the American River Watershed Common Features Project/Natomas Levee Improvement Program, Phase 4b Landside Improvements Project and the Draft Natomas Post-Authorization Change Report. This review of Phase 4b is a portion of the process required to upgrading the levees in the Natomas area as part of the Natomas Levee Improvement Program. Our comments are as follows:

- Caltrans Encroachment Permits will be required for levee improvements at the Interstate 5 (I-5) American River North Levee crossing and the Interstate 80 (I-80) crossings across Sacramento River East Levee as well as the Natomas East Main Drainage Canal South Levee. All work proposed and performed within the State Highway right-of-way must be in accordance with Caltrans' standards. For more information on encroachment permits, the requirements, and an application form, please visit our web page at www.dot.ca.gov/doingbusiness and then click on "Encroachment Permits" or contact the Caltrans District 3, Office of Permits at (530) 741-4403.
- Caltrans District 3 would appreciate the opportunity to review the plans for levee improvements at the highway crossings.

John Bassett
August 17, 2010
Page 2

- The American River North Levee and Sacramento River East Levee 3B run under bridge structures on piers. Please provide a list of they type of equipment to be used under the structures and the plans/procedures in place to prevent any damage to existing bridge piers.
- The North East Main Drainage Canal South Levee runs under the bridge across the canal in close proximity to the bridge abutments. Please provide plans for the levee improvements at this location for Caltrans review.

If you have any questions regarding these comments, please contact Sadie Smith at (530) 741-4004 or sadie_smith@dot.ca.gov.

Sincerely,



ALYSSA BEGLEY, Chief
Office of Transportation Planning - South



Arnold Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Cathleen Cox
Acting Director

August 17, 2010

John Bassett
Sacramento Area Flood Control Agency
1007 7th Street, 7th Floor
Sacramento, CA 95814

Subject: Common Features/Natomas PACR/Natomas Levee Improvement Program, Phase 4b Project
SCH#: 2009112025

Dear John Bassett:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on August 16, 2010, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2009112025
Project Title Common Features/Natomas PACR/Natomas Levee Improvement Program, Phase 4b Project
Lead Agency Sacramento Area Flood Control Agency

Type EIR Draft EIR
Description The overall purpose of the Natomas Levee Improvement Program (NLIP) is to bring the entire 42-mile Natomas Basin perimeter levee system into compliance with applicable Federal and state standards for levees protecting urban areas. The Phase 4b - Project - a component of the NLIP - consists of improvements to the remaining portions of the Natomas Basin's perimeter levee system and associated landscape, irrigation/drainage infrastructure modifications, and environmental mitigation, including habitat creation and management.

Lead Agency Contact

Name John Bassett
Agency Sacramento Area Flood Control Agency
Phone (916) 874-7606 **Fax**
email
Address 1007 7th Street, 7th Floor
City Sacramento **State** CA **Zip** 95814

Project Location

County Sacramento, Sutter
City Sacramento
Region
Lat / Long 38° 41' N / 121° 36' W
Cross Streets Various
Parcel No.

| Township | Range | Section | Base |
|----------|-------|---------|------|
|----------|-------|---------|------|

Proximity to:

Highways Hwy 5, 99, 80
Airports Sacramento Int'l
Railways
Waterways Sacramento & American Rivers, NCC, NEMDC, PGCC
Schools
Land Use Various, including flood damage reduction facilities, agriculture, residential, and public right-of-way.

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects; Aesthetic/Visual

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 2; Office of Historic Preservation; Department of Parks and Recreation; Central Valley Flood Protection Board; California Highway Patrol; Caltrans, District 3; Regional Water Quality Control Bd., Region 5 (Sacramento); Native American Heritage Commission; State Lands Commission; Department of Water Resources

Date Received 07/01/2010 **Start of Review** 07/01/2010 **End of Review** 08/16/2010

Note: Blanks in data fields result from insufficient information provided by lead agency.

Local Agencies

August 2, 2010

Mr. John Bassett
Director of Engineering
SAFCA
1007 Seventh Street, 7th Floor
Sacramento, CA 95814

Ms. Elizabeth Holland
Planning Division
USACE, Sacramento District
1325 J Street
Sacramento, CA 95814

American River Watershed Common Features Project, Natomas Levee Improvement Program (NLIP), Phase 4b Landside Improvements Project DEIS/DEIR (SAC200701184f)

Dear Mr. Bassett and Ms. Holland:

Thank you for providing the NLIP Phase 4b Landside Improvements Project DEIS/DEIR to the Sacramento Metropolitan Air Quality Management District (SMAQMD) for review. SMAQMD staff comments follow.

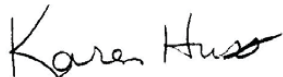
1. Please provide the analysis justifying the statement that a dust control plan has been developed that will "effectively reduce mass PM10 emissions below the concentration based threshold" (page 4.11-6, paragraph 2). Has modeling been performed to show concentrations below the 5% substantial contribution in non-attainment areas?
2. Why was the level of 400 tons/year of PM10 selected as a trigger to include the use of advanced dust suppression materials (page 4.11-14, last bullet)?
3. Would the application of advanced dust suppression materials reduce PM10 emissions from 400 to 100 tons/year (page 4.11-14, last bullet)?
4. The SMAQMD prefers that an estimated mitigation fee be disclosed in the DEIS/DEIR based on the emissions estimates and mitigation measures provided in the document (page 4.11-15, 4th bullet).
5. Because there is concern in the construction industry regarding the safe operation of off-road equipment with a diesel particulate filter (DPF) that blocks driver visibility, the SMAQMD suggests an alternative mitigation be available to the 15% DPF installation for off-road equipment. SMAQMD has determined that an additional 20% reduction in project-wide fleet average particulate emissions would be beneficial, which brings the total particulate emission reduction to 65% compared to the state fleet average (page 4.11-16, last bullet).
6. SMAQMD suggests adding the word "not" in the 3rd to last sentence of the first paragraph on page 4.11-23, regarding exposing sensitive receptors to substantial concentrations of Toxic Air Contaminants.

7. Overall, the climate change and greenhouse gas discussion and analysis were done well (section 5.1.5.12).
8. The listing of potential greenhouse gas mitigation measures on page 5-22 should be referenced in Table ES-2, Summary of Impacts and Mitigation Measures, and/or another obvious place in the DEIS/EIR that future contractors will reference for project construction requirements.

All projects are subject to SMAQMD rules in effect at the time of construction. Attached is a list of rules that may apply to this project. For more information on SMAQMD rules call 916-874-4800 or visit www.AirQuality.org.

Please contact me at 916-874-4881 or khuss@airquality.org if you have any questions regarding these comments.

Sincerely,



Karen Huss
Associate Air Quality Planner/Analyst

Attachment

Cc: Larry Robinson, Sacramento Metropolitan Air Quality Management District
Sondra Andersson, Feather River Air Quality Management District

SMAQMD Rules & Regulations Statement (revised 1/07)

*The following statement is recommended as standard condition of approval or construction document language for **all** development projects within the Sacramento Metropolitan Air Quality Management District (SMAQMD):*

All projects are subject to SMAQMD rules and regulations in effect at the time of construction. A complete listing of current rules is available at www.airquality.org or by calling 916.874.4800. Specific rules that may relate to construction activities or building design may include, but are not limited to:

Rule 201: General Permit Requirements. Any project that includes the use of equipment capable of releasing emissions to the atmosphere may require permit(s) from SMAQMD prior to equipment operation. The applicant, developer, or operator of a project that includes an emergency generator, boiler, or heater should contact the District early to determine if a permit is required, and to begin the permit application process. Portable construction equipment (e.g. generators, compressors, pile drivers, lighting equipment, etc) with an internal combustion engine over 50 horsepower are required to have a SMAQMD permit or a California Air Resources Board portable equipment registration.

Other general types of uses that require a permit include dry cleaners, gasoline stations, spray booths, and operations that generate airborne particulate emissions.

Rule 403: Fugitive Dust. The developer or contractor is required to control dust emissions from earth moving activities or any other construction activity to prevent airborne dust from leaving the project site.

Rule 417: Wood Burning Appliances. Effective October 26, 2007, this rule prohibits the installation of any new, permanently installed, indoor or outdoor, uncontrolled fireplaces in new or existing developments.

Rule 442: Architectural Coatings. The developer or contractor is required to use coatings that comply with the volatile organic compound content limits specified in the rule.

Rule 902: Asbestos. The developer or contractor is required to notify SMAQMD of any regulated renovation or demolition activity. Rule 902 contains specific requirements for surveying, notification, removal, and disposal of asbestos containing material.



SUTTER COUNTY
COMMUNITY SERVICES DEPARTMENT

Planning – Lisa Wilson, Planning Manager
Animal Control
Building Inspection
Environmental Health

Director – Larry Bagley
Assistant Director – Randy Cagle
Fire Services – Dan Yager
Emergency Services – John DeBeaux

CERTIFIED AND FIRST CLASS MAIL

August 13, 2010

John Bassett, P.E., Director of Engineering
Sacramento Area Flood Control Agency
1007 7th Street, 7th Floor
Sacramento, CA 95814

Re: Response to the Draft EIS/EIR on the Natomas Post-authorization Change Report/Natomas Levee Improvement Program, Phase 4b Landside Improvements Project

Dear Mr. Bassett,

Thank you for the opportunity to comment on the Draft EIS/EIR on the Natomas Post-authorization Change Report/Natomas Levee Improvement Program, Phase 4b Landside Improvements Project. The County of Sutter has the following comments on the proposed EIS/EIR.

- Plate 2-6 indicates the Triangle Properties borrow area were previously analyzed, while other portions of the document indicate the area is a new source of borrow. Please address this conflict.
- The proposed Triangle Properties borrow area will include an area currently occupied by the Pleasant Grove Cemetery District cemetery. Page 2-57 and Section 4.8 of the environmental document do not contain any discussion of the cemetery or the potential impacts of soil borrow on the cemetery. The County requests the proposed project's impacts on this cemetery be discussed and analyzed in the environmental document and effective mitigation be incorporated.
- Plate 2-6, Plate 2-13, and various tables in the environmental document indicate the Brookfield borrow site will be reclaimed to managed marsh. In previous discussions with SAFCA, the County understood the site would be reclaimed to agriculture, as rice production. Please be aware that Sutter County Zoning Code Section 1500-1412 requires approval of a development agreement by the Board of Supervisors for the conversion of agricultural land to permanent habitat.

John Bassett, P. E., Director of Engineering
Sacramento Area Flood Control Agency
August 13, 2010
Page 2

Typically, the removal of more than 1,000 cubic yards of material from a site is subject to the requirements of the Surface Mining and Reclamation Act (SMARA). This requires a surface mining permit and reclamation plan to be processed by Sutter County. If SAFCA would like to use this document as a basis for CEQA review for a subsequent surface mining and reclamation plan application, then the EIR needs to specifically address the potential impacts of borrow activities as well. We look forward to working with you to assure that all surface mining and reclamation impacts are properly analyzed and mitigated. Please provide our office with all future notices regarding this project.

Sincerely,



Douglas G. Libby, AICP
Principal Planner

DL:kf



DEPARTMENT OF
TRANSPORTATION

CITY OF SACRAMENTO
CALIFORNIA

915 I STREET, ROOM 2000
SACRAMENTO, CA
95814-2604

PH. (916) 808-8300
FAX (916) 808-8281

August 16, 2010

Elizabeth Holland,
USACE Sacramento District, Planning Division,
1325 J Street,
Sacramento, CA, 95814

Dear Ms. Holland:

Attached to this letter you will find comments on behalf of the City of Sacramento Department of Transportation, Engineering Services Division for the Natomas Levee Improvement Program Draft Environmental Impact Statement/Draft Environmental Impact Report.

If you have any questions or require any additional information, please call me at (916) 808-8279.

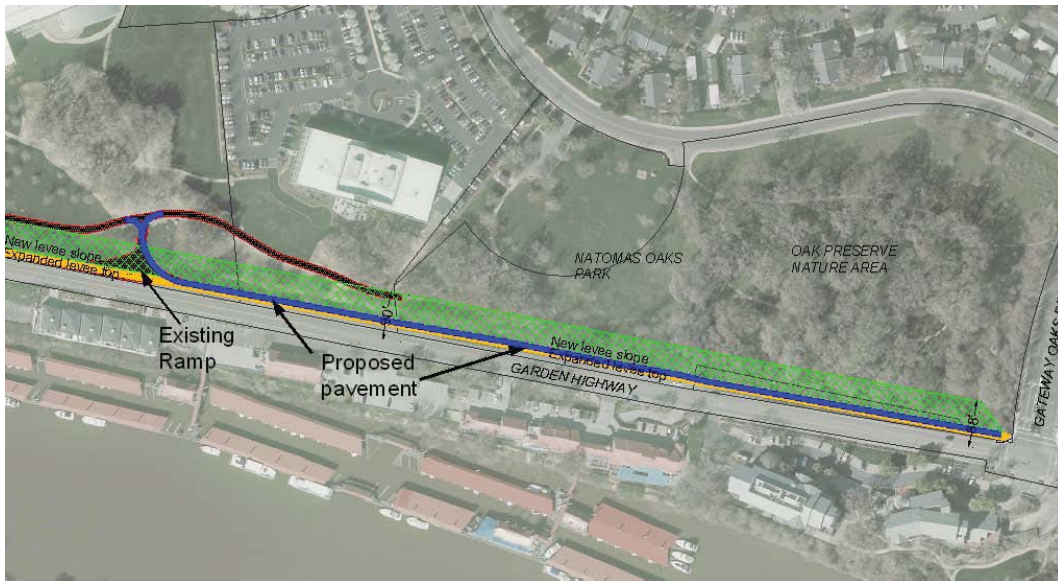
Sincerely,

Ryan Moore
Supervising Engineer,
Funding and Project Delivery,
Department of Transportation

Part 1 - Project Description

Page 2-24 says "To comply with USACE vegetation guidance, all vegetation would be cleared at least 15 feet from the landside toes of the improved levees." The removal of heritage trees within the city must be done in accordance with the City of Sacramento heritage tree ordinance, including the proper mitigation of lost resources. Mitigation shall be coordinated with Urban Forest Division of the Department of Transportation.

Page 2-25 says "Construct a bicycle and pedestrian trail along the 42-mile loop of the Natomas Basin levee perimeter in the northwestern portion of the County of Sacramento, southern portion of Sutter County, and a portion of the City of Sacramento (program-level analysis only, because site specific details are not available)..." The environmental document should clarify that the actual construction of the finished paved bike and pedestrian trail is not necessarily funded. In this context, the City of Sacramento would like to request that a portion of the proposed trail be constructed through a contribution of funds from the City. This trail segment is on Reach 20, Sta. 940+00 to Sta. 955+00. The City of Sacramento would like to provide the additional funds for paving the proposed bike trail at the top of the levee along this segment. This would include the cost of paving the east leg of the ramps at Sta. 940+00. By including the paving of this segment of bike trail, a vital link in the City's off street bike trail system can be established connecting Natomas to the American River Parkway.



Page 2-31 thru 2-32 says "Where cutoff wall construction occurs through the crown of the adjacent levee, some reconstruction work on Garden Highway would be required to restore the landside lane of the roadway. Garden Highway intersections at major roadway ramps would require degrading, rebuilding the embankment, and repaving to accommodate the installation of the cutoff wall and slope flattening. Traffic control and detours would be required during this phase of construction..." Will the repaving of the Garden Highway involve bringing the street up to city standards, including elements that would make the street more complete as outlined in the City's General Plan? At the very least, when this

segment of road is re-paved, the City of Sacramento would like to review and approve the striping plans to see if an additional eastbound bike lane can be striped within the existing roadway width.

Page 2-31 says "Garden Highway intersections at Natomas Park Drive, Truxel Road, Arden-Garden Connector, Northgate Boulevard, and four additional private parcel ramps would require degrading, rebuilding the embankment, and repaving to accommodate the installation of the cutoff wall and slope flattening. The ramps would be reconstructed to the current general ramp and intersection geometry..." At Reach 4, Sta. 100+00, the Garden Highway runs past the Niños Parkway. Will there be an access ramp to the open space as part of this project? If so, can the ramp be made so that it one day can become a bike trail access point to the Niños Parkway?

Page 2-53 and a similar paragraph on page 2-55 says "To facilitate raising of the pump discharge pipes, the existing bike trail would require a local raise in grade over the pipes. The trail raise would transition back down to existing grade upstream and downstream of the local raise. This work would require partial regrading of the waterside slope for the length of the raised bike trail. At this site, the levee would be degraded and reconstructed with engineered fill. A detour or closure of the bike trail would be required for up to 30 days..." Will the bike trail be reconstructed to meet current city standards?

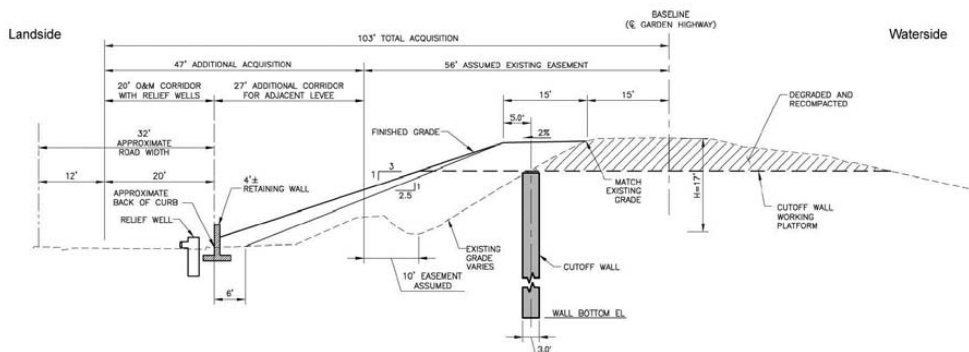
Page 2-53 says "The bike trail would be funded locally, separate from this project." Will there be an opportunity for the City of Sacramento to contribute funds to the project to construct a portion of the trail?

Page 2-53 says "Where a Class I bike trail cannot be constructed because of physical constraints, the bikeway would be designed to exceed or meet the minimum standards for a Class II facility (a lane set aside in city/county streets exclusively for bikes)." Will the process of delivering this project include an opportunity to work with City and County representatives to plan the locations of these locations?

Page 2-67 says "Because of the requirement to have newly constructed levees settle prior to final inspection and certification, trail construction in these areas would not occur until the following year's construction season, at the earliest. In addition, the long lead time in securing funding sources could delay construction for several years after completion of levee construction." Would this apply to the segment of bike trail on Reach 20, Sta. 940+00 to Sta. 955+00 where the levee is going to be regarded and repaved for the Garden Highway?

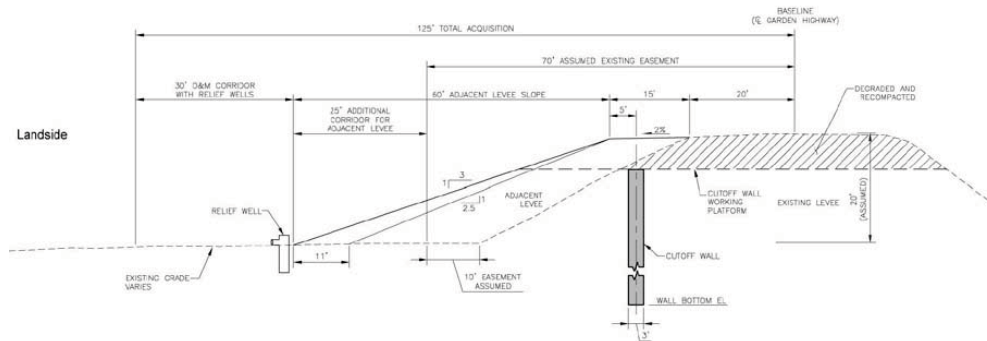
Part 2 - Plates

Page 2-101: The cross section on this page does not indicate the existing bike and pedestrian trail that is at the toe of the levee which will be covered over as a result of the project.



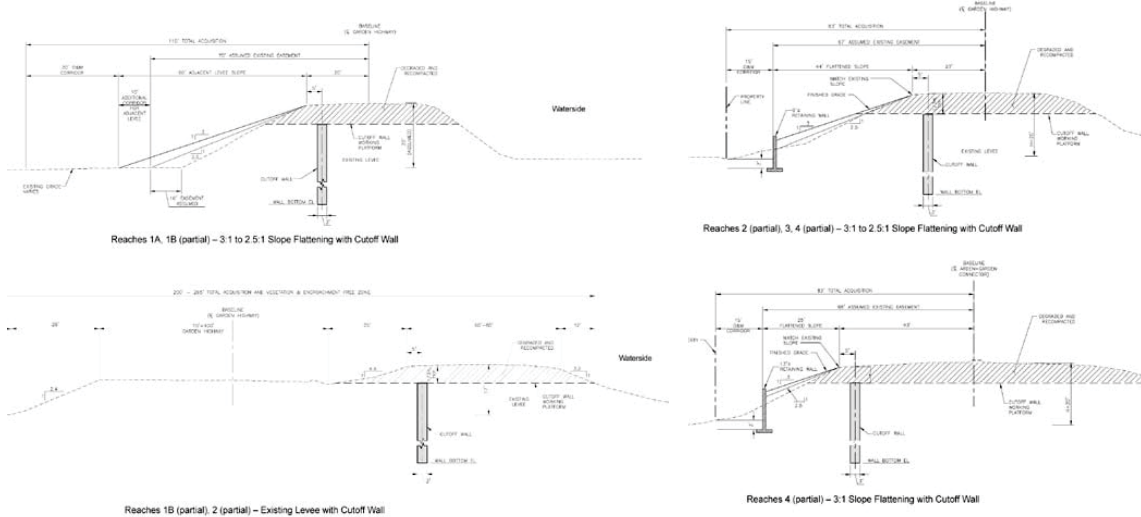
Adjacent Levee Section – Reaches 19B (partial) – 3:1 to 2.5:1 Slope with Cutoff Wall and Relief Wells

Page 2-103: The cross section on this page does not indicate the existing bike and pedestrian trail that is at the toe of the levee which will be covered over as a result of the project. In addition, this section shows a half width of Garden Highway at 20 feet. The crown of the Garden Highway actually varies in size, making the half width as much as 26 feet. Are we to make the assumption that the placement of the adjacent levee will be 15 feet to the north of the existing hinge point of the levee, or will it be set at 20 feet from the centerline of the Garden Highway?



Adjacent Levee Section – Reaches 19B (partial), 20 – 3:1 to 2.5:1 Slope with Cutoff Wall and Relief Wells

Pages 2-107 and 2-109: The cross sections on these pages do not indicate the existing bike and pedestrian trail that will be removed and presumably replaced as a result of the project. In the areas between Natomas Park Drive and Northgate Boulevard, will the future bike trail be on the north or south side of the Garden Highway?



Part 4 – Impacts Assessments

In Section 4.10.1.2, The environmental document states that the threshold of significance for transportation related impacts would result in a significant impact related to transportation and circulation if the proposed project, or project alternatives would do any of the following:

- “...substantially increase hazards due to a design feature or incompatible uses;
- result in inadequate emergency access; or
- conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.”

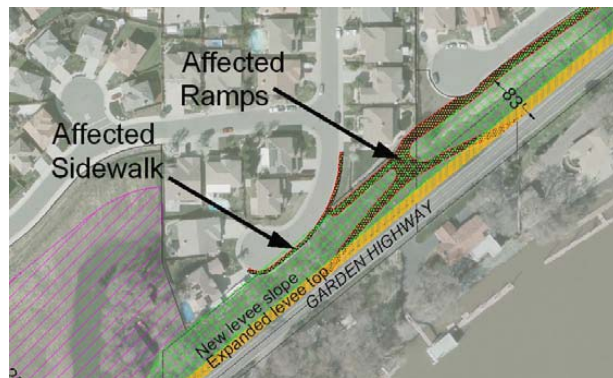
Within this context, this environmental document does not adequately address significant impacts that would result from the construction of the proposed adjacent levee structures. These impacts generally are the loss of existing emergency vehicle access points and the loss of existing pedestrian and bicycle facilities.

Within the City of Sacramento along the Garden Highway between Interstate 80 and Interstate 5, there are at least 2 public streets, 8 property access ramps and 6 emergency access points that connect with the Garden Highway and/or to each other. The proposed project does not show sufficient detail of how these connections will be modified. Based on the information provided, the proposed project will completely eliminate some of the emergency access points. Mitigations for these losses should be provided.

Furthermore, the stretch along the Garden Highway between Interstate 80 and Natomas Park Drive has at least 4 existing bike and pedestrian facilities that will be affected. The proposed project does not indicate what will happen to these facilities. Using the information provided about the proposed project, the loss of existing bike and pedestrian facilities is anticipated. Mitigations for these losses should be provided.

Details of these impacted areas are as follows:

1. Reach 19B, Sta. 879+00 to Sta. 885+00; there are two emergency access ramps at this location which provide access to the cul-de-sacs streets called Avocet Court and Marina Glen Way. The construction of the proposed project will require some re-alignment of these ramps to allow continued emergency vehicle access. These access ramps also function as bike and pedestrian access ramps. Construction of the

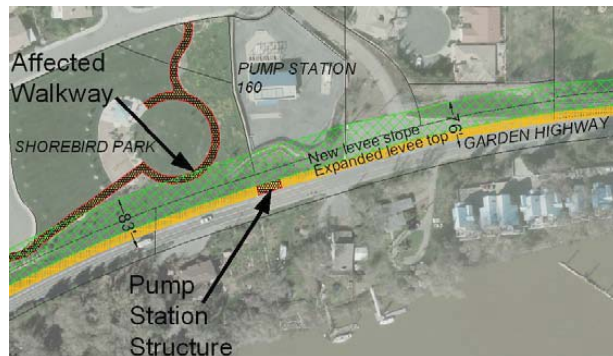


re-aligned ramps should comply with accessibility standards. The ramp to Marina Glen Way may require a retaining wall structure as mitigation. The construction of the proposed project will also interfere with the existing pedestrian walkway along the end of Marina Glen Way. The existing sidewalk should not be impacted, and proper mitigation, such as the inclusion of a retaining wall should be included.

2. Reach 19B, Sta. 883+00 to 892+00; there is a bike and pedestrian facility along Swainson Way/Avocet Court between the street curb and the toe of the levee. The construction of the proposed project will place the levee on top of this facility, rendering it unusable and disconnected from Shorebird Park. Mitigation for the loss of this facility must be provided. One option for mitigation would be the construction of the proposed bike trail at the top of the levee. If this is done, part of this mitigation should include connectivity to Shorebird Park near Sta. 892+00.



3. Reach 19B, Sta. 892+00 to Sta. 895+00; the existing pedestrian pathways within Shorebird Park run along the toe of the levee. The construction of the proposed project will place the levee on top of these pathways, rendering them unusable. Mitigation for the loss of these pathways must be provided. One option for mitigation would be the reconstruction of these pathways in a similar location and layout, but at a higher elevation. This could also be an opportunity to create connectivity to the proposed bike trail at the top of the levee.

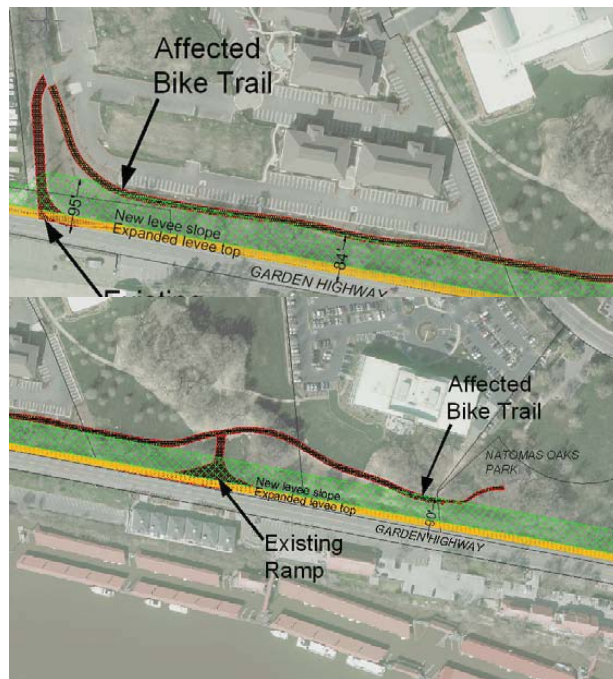


4. Reach 19B, Sta. 895+00; there is an elevated concrete structure adjacent to the Garden Highway that is associated with City Pump Station 160. The size and location of this structure appears to be in conflict with the location of the proposed bike trail at the top of the levee. While it is understood that the proposed project does not normally include the construction of this proposed bike trail, should this trail be selected as mitigation for the impact identified previously, the design of this trail should look at ways to coordinate with the pump station structure. This could be an opportunity to connect to the pedestrian pathways in Shorebird Park.

5. Reach 19B, Sta. 913+00 to 917+00; this area includes the intersection of Orchard Lane and Garden Highway and an emergency vehicle access/bike and pedestrian facility connecting Durazno Court to La Lima Way. The proposed project does not appear to significantly change the intersection at Orchard Lane; however there will likely be impacts during the construction. Appropriate detours and construction phasing for this intersection would be required. The proposed project will place the levee on top of the emergency vehicle access between Durazno Court and La Lima Way. The loss of this access-way must be mitigated. The proper mitigation for this impact would be the construction of an alternative access-way which will provide adequate emergency vehicle access and maintain bike and pedestrian connectivity between these streets. One option would be to construct ramps from the new proposed bike trail at the top of the levee to the two streets below.



6. Reach 20, Sta. 929+00; there is a traffic channelization island and an emergency access road at this location. The size and location of this structure appears to be in conflict with the location of the proposed bike trail at the top of the levee. While it is understood that the proposed project does not normally include the construction of this proposed bike trail, evaluation for the need for the continued use of this channelization island should be considered. Additionally, there is an existing emergency access road at this location. It does not appear that the propose project will require a modification of this access road, since it already ties into a wide part of the existing levee. The environmental document should verify that there is no impact at this location.



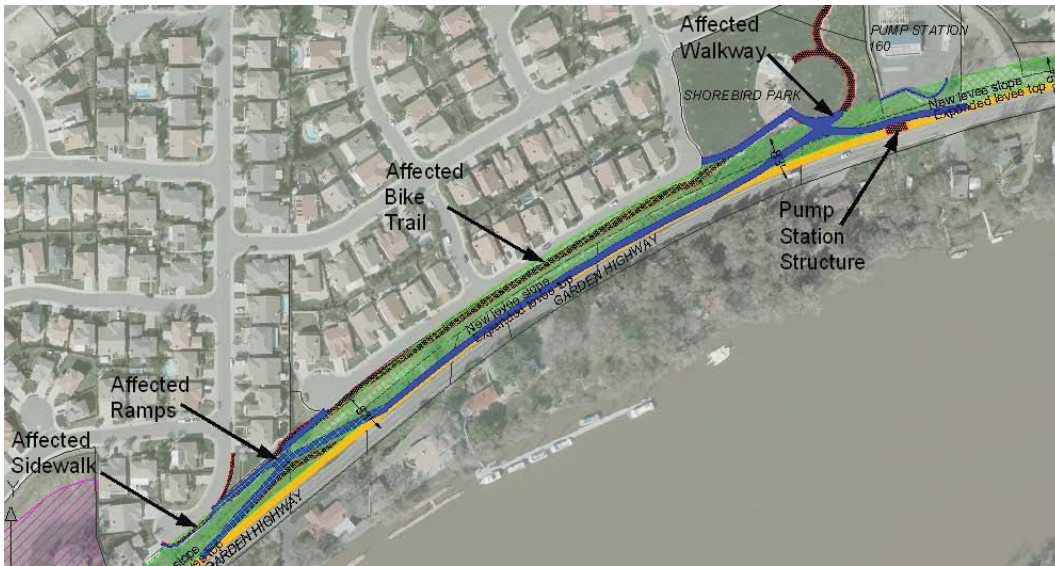
7. Reach 20, Sta. 929+00 to Sta. 940+00 and at Sta. 945; there is an existing bike and pedestrian trail near the toe of the levee. The construction of the proposed project will place the levee on top

of or near the edge of these pathways, rendering them unusable. Mitigation for the loss of trail must be provided. One option for mitigation would be the reconstruction of this trail in a similar location and layout, but at a higher elevation. This could also be mitigated by using the alternative 2.5:1 slope for the levee. Another alternative could be the installation of a retaining wall.

8. Reach 20, Sta. 949+00; there is a property access ramp to the Garden Highway at this location. This ramp is currently used as an unpaved footpath. The construction of the proposed project will require a re-alignment of this ramp to allow continued access to the City Park property and the existing nature trail further north. The proper construction to appropriate standards for these ramps should be part of the mitigation plan.
9. Reach 1A/1B and Reach 2, Sta. 0+00 to Sta. 37+00; there is an existing bike trail along the top of the levee for this segment. The construction of this project should replace the bike trail according to current standards.

Suggested Mitigations

1. Reach 19B, Sta. 879+00 to Sta. 885+00; To address several impacts, the City is suggesting that the proposed bike trail at the levee top be implemented for this segment. At the west end, the ramps to the cul-de-sac streets would be reconstructed, the trail would have a new ramp into Shorebird Park. The walkways within the park could be elevated to tie-in with the trail. To avoid the pump station structure, the trail would run along the north of it.



2. Reach 19B, Sta. 913+00 to 917+00; Since the construction will cut off the access to Durazno Court, one form of restoring emergency access would be to provide a new ramp up to the Garden Highway.





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FAX (530) 634-7660
www.fraqmd.org

David A. Valler, Jr.
Air Pollution Control Officer

August 16, 2010

Mr. John Bassett, Director of Engineering
Sacramento Area Flood Control Agency
1007 Seventh Street, 7th Floor
Sacramento, CA 95814

Ms. Elizabeth Holland, Planning Division
USACE, Sacramento District
1325 J Street
Sacramento, CA 95814

Re: DEIS/DEIR American River Watershed Common Features Project/Natomas Post-Authorization Change Report/Natomas Levee Improvement Program, Phase 4b Landside Improvements Project.

Dear Mr. Bassett and Ms. Holland,

The Feather River Air Quality Management District (District) appreciates the opportunity to provide comments on the above referenced project. The District has reviewed the project and has the following comments:

- In Table 3.11-1 on page 3-100, under the Yuba City-Almond Street Monitoring Station section, only State Maximum 24-hour PM_{2.5} concentrations have been reported. The State does not have a 24-hour PM_{2.5} ambient air quality standard (AAQS). The State AAQS is an annual average not to exceed 12 µg/m³. The District recommends adjusting the table to clarify the PM_{2.5} State annual average AAQS (12µg/m³) and the National 24-hour AAQS (35 µg/m³) and annual average AAQS (15.0 µg/m³), which is reported accurately in Table 3.11-2 on the following page.
- In Table 3.11-2 on page 3-101, south Sutter County and Sacramento County should have the same nonattainment status for the National 8-hour ozone AAQS as they both included in the Sacramento Federal Nonattainment Area. Table 3.11-2 states that the attainment status for Sutter County is Severe Nonattainment and Sacramento County is Serious Nonattainment.
- Also on Table 3.11-2 on page 3-101, the National 1-hour AAQS for nitrogen dioxide was adopted on January 22, 2010. The new standard is 0.100 ppm.

- As an alternative to the mitigation measure listed in the last bullet on page 4.11-16, the District has authorized an additional 20% PM reduction in project wide fleet-wide averages in lieu of 15% DPF's required on off-road construction equipment.

If you need further information or assistance, please contact me at (530) 634-7659 x210. Air District staff will be available to assist the project proponent or Lead Agency as needed.

Sincerely,



Sondra Andersson
Air Quality Planner

Enclosures: None

File: Chron



DEPARTMENT OF
PARKS AND RECREATION

PARKS ADMINISTRATION
Park Planning and Development Services

CITY OF SACRAMENTO
CALIFORNIA

915 I STREET, 5TH FLOOR
SACRAMENTO, CA 95814

PH 916-808-5200
FX 916-808-8266

August 16, 2010

Ms. Elizabeth Holland
Planning Division
U.S. Army Corps of Engineers, Sacramento District
1325 J Street
Sacramento, CA 95814

Subject: *Draft Environmental Impact Statement/ Draft Environmental Impact Report on the American River Watershed Common Features Project/ Natomas Post-authorization Change Report/ Natomas Levee Improvement Program, Phase 4b Landside Improvements Project*

Dear Ms. Holland:

Thank you for the opportunity to review the *Draft Environmental Impact Statement (DEIS) and Environmental Impact Report (DEIR)* for these important flood control projects. We are pleased that these levee improvements are in the process of being implemented; this is a very important project for the entire region.

The City of Sacramento Department of Parks and Recreation is responsible for the management of all parks and off-street bikeways within the City of Sacramento. A letter has been submitted separately from the City of Sacramento Department of Transportation concerning impacts to the City's existing and planned off-street bikeways. We did not want to duplicate those comments, but support them as they relate to the City's off-street bikeway system. Our comments provided below focus on impacts to City parks.

The City of Sacramento owns and manages thirteen neighborhood and community parks or regional parkways within or near the Phase 4B Project Area. All will be impacted in the short term and/or long term under the various alternatives identified in the report. From our preliminary calculations, it appears that the overall impact to the park system serving the South Natomas Community Plan Area would total about six (6) acres, with the greatest impact occurring at the Costa Park Site.

The following comments are offered:

Page 4.7-8, Adjacent Levee Alternative (Proposed Action), Long-Term and Permanent Impacts Due to Loss of Landside and Waterside Woodland and Shaded Riverine Aquatic Habitats, 1st Paragraph:

The last sentence mentions the planting of native trees to create woodland habitat along the Lower Dry Creek immediately east of NEMDC. Any plantings of mitigation trees at this location, also known as Hansen Ranch, will need to consider affects to the long term development plans for this site since mitigation trees would need to be protected thereafter.

Page 4.13-3, No Action Alternative, No Phase 4b Project Construction, 1st Paragraph:

In order to gain an understanding of the magnitude of the impact on heritage trees in the affected City parks, a survey of the affected areas should be conducted.

The United States Army Corps of Engineers (USACE) will need to follow Sacramento City Code Chapter 12.64 Heritage Trees, including pulling necessary permits for the removal of Heritage Trees. Language should state that USACE will identify each tree that qualifies for Heritage Tree status through a survey. In regards to the Heritage Trees that are being targeted for removal, mitigation will be based on diameter inches at a 1 to 1 replacement ratio. Therefore, if a 24 inch diameter Heritage Tree is removed than 24 diameter inches of new trees will be the replacement. In addition the Army Corps of Engineers will be required to maintain the new trees during the first 3 year establishment period, and longer if planted under difficult cultural conditions. You may need to contract with a third party maintenance provider for the work, like the Tree Foundation (<http://www.sactree.com/>).

Page 4.13-3, Adjacent Levee Alternative (Proposed Action), 2nd Paragraph:

See comments above regarding Sacramento City Code Chapter 12.64 on Heritage Tree removal.

Page 4.13-11, Fixed-in-Place Alternative, Mitigation Measure 4.13-b: Compensate City of Sacramento Department of Parks and Recreation for Loss of Parkland and Park Amenities:

The City will work with SAFCA and USACE staff to find suitable alternatives to compensate for parkland loss, preferably in the form of additional parkland within the South Natomas Community Planning Area. Where manmade amenities are impacted, including irrigation systems, play structures, walkways, landscaping, or other associated features, we will expect that funds will be made available for the redesign and reconstruction of the impacted parks under the direction of the City of Sacramento Department of Parks and Recreation. In addition, at the appropriate time, USACE and Sacramento Area Flood Control Agency (SAFCA) will need to obtain all necessary property rights (rights of entry or temporary or permanent easements) prior to conducting any work on any of the parks.

Page 4.13-4, Table 4.13-1, Bannon Creek Nature Preserve, Permanent Impacts:

Both the Adjacent Levee Alternative and the Fix-in-place Alternative will encroach 50 feet into the Bannon Creek Nature Preserve causing the loss of Heritage Oak Trees. See comments above regarding Sacramento City Code Chapter 12.64 on Heritage Tree removal. (See attached aerial photo)

Page 4.13-4, Table 4.13-1, Costa Park Site (Park Site SN2), Permanent Impacts:

Both the Adjacent Levee Alternative and the Fix-in-place Alternative propose the construction of an adjacent levee, seepage berm and utility corridor that would encroach 280'-290' into the park site making any future park use unfeasible, which is a more than significant impact. Can park amenities be built on top of the seepage berm or can the USACE mitigate the impact by providing equivalent park acreage within ½ mile of the park site? In addition, there is no mention of the existing building on the site and how the elimination of that building will be mitigated. In order to investigate if park features can be built on top of the seepage berm we need to know: 1) what is the slope of the seepage berm?; and, 2) can a park be placed on top of the seepage berm as an approach to co-locate the park on the property and fully utilize the entire park acreage? Are there other alternatives to the seepage berm that would not render this park site undevelopable? (See attached aerial photo)

Page 4.13-6, Table 4.13-1, Garden Land Park, Permanent Impacts:

Both the Adjacent Levee Alternative and the Fix-in-place Alternative propose expansion and/or relocation of the City of Sacramento Sump Pump 102 at this park site. This will have substantial impact on the usability of this park and more information is needed as to where and when the USACE is proposing to relocate the Sump Pump and to what extent it will be expanded. This information is essential to understand the full impact to the park site. Timing is especially important because we are scheduled to construct park improvements in June 2011 and we would not want to construct improvements that would conflict with the Sump Pump expansion/relocation. Can this sump pump be moved off of the park site altogether? If the sump pump will be moved within the park site, can it be moved to the northeast or southeast corner of the site for better utilization of the park? (See attached master plan)

Page 4.13-7, Table 4.13-1, Natomas Oaks Park, Permanent Impacts:

Both the Adjacent Levee Alternative and the Fix-in-place Alternative propose 50 to 70 foot encroachments

into the park, which will cause the loss of approximately 5-7 Heritage Oak Trees. See comments above regarding Sacramento City Code Chapter 12.64 on Heritage Tree removal. In addition there is an unpaved access ramp that slopes down into the natural preserve which will need to be rebuilt and maintained for access. Also, the improvements at this Park Site where funded by the Federal Land and Water Conservation Grant Program subject to Section 6(f)3 protections and shall not be converted to other than public outdoor recreation use without the approval of the U.S. Secretary of the Interior. (See attached master plan)

Page 4.13-7, Table 4.13-1, Ninos Parkway, Permanent Impacts:

Both the Adjacent Levee Alternative and the Fix-in-place Alternative proposal would encroach into the southern edge of the Ninos Parkway. If community garden plots are permanently affected, how will encroachment be mitigated? Will the USACE mitigate the impact by providing equivalent park acreage somewhere else within the SN Community Plan Area? Since the City's Bikeway's Master Plan calls for a bike trail connection between Ninos Parkway and Garden Highway using an off-street bike ramp, can one be built as part of the mitigation measure for encroaching into the Ninos Parkway? (See attached master plan)

Page 4.13-8, Table 4.13-1, Sand Cove Park, Permanent Impacts (Fix-in-Place Alternative):

In 2007, USACE, Sacramento District, City of Sacramento, Reclamation District 1000 and SAFCA completed bank protection measures to prevent ongoing streambank erosion and resource vandalism at this location. Any work at this site will need to avoid any impacts to this recently completed project. (See attached master plan)

Page 4.13-8, Table 4.13-1, Shorebird Park, Permanent Impacts:

The Adjacent Levee Alternative will encroach 50 feet into the park, causing impacts to irrigation lines, concrete walkways, landscaping, berms and lawns. Redesign of the park will be necessary to redevelop the public amenities and reconfigure the irrigation system, which need to be funded. This work shall be considered a part of the compensation for impacts to the park. Also, will a "utility corridor" consume additional park acreage? Are you proposing a "utility corridor" abutting the new landside toe the levee? What is allowed in a "utility corridor"? Can landscaping be planted abutting the new landside toe of the levee or are there restrictions? (See attached master plan)

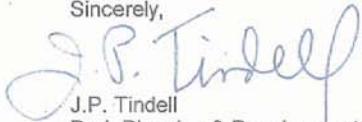
Page 4.13-10, Table 4.13-1, Ueda Parkway, Permanent Impacts:

See comments above regarding Sacramento City Code Chapter 12.64 on Heritage Tree removal.

I am also attaching the Park Master Plan and aerial photographs for each of park sites impacted in order to give a better understanding of the site and the potential disturbance to park features.

Again thank you for the opportunity to review this document. My staff and I look forward to working with you on this project and want to speak further about project specifics. Areas of further discussion include identifying developable parkland to compensate the loss of parkland in the South Natomas Community Plan Area, location of heritage trees mitigation, mitigation of impacted park amenities, processing of property rights, and rebuilding of access ramps. I am available to meet to further discuss these concerns and questions. You can contact me at 916-808-1955 or Raymond Costantino at 916-808-8826 to arrange a meeting.

Sincerely,



J.P. Tindell
Park Planning & Development Manager

Attachment 1: Park Master Plans and Aerials

cc: John Bassett, Sacramento Area Flood Control Agency
Mary de Beauvieres, City of Sacramento, Parks and Recreation Department
Ed Cox, City of Sacramento, Department of Transportation
Dan Roth, City of Sacramento, Council District 1 District Director

City of Sacramento
Department of Parks and Recreation
Bannon Creek Preserve



Bannon Creek Preserve
City Limits

0 200 400 Feet

Aerial Photo Taken April 2006
©Park Aerials ©Benita Bannon Creek Preserve
Information Systems July 15, 2009 5:52:10 PM

PARK SITE SN2: RIVER BEND



Park Site SN2: River Bend
Address: 2126 Garden Hwy
Council District: 1
Community Planning Area: 9
Park Type: Neighborhood
Total Acreage: 6.90

**City of Sacramento
Department of Parks
and Recreation**



Source: April 2009 aerial photograph



EXISTING PARK SITE FEATURES

- Ⓐ LEVEE
- Ⓑ PUMP STATION
- Ⓒ ADVENTURE AREA
- Ⓓ RESTROOM
- Ⓔ WATER PLAY AREA
- Ⓕ TOT LOT
- Ⓖ BIKE PATH
- Ⓗ TUBE AREA
- Ⓘ INDIVIDUAL PICNIC TABLE, TYP.
- Ⓜ PICNIC AREA
- Ⓝ PARKING LOT

PLAN LEGEND

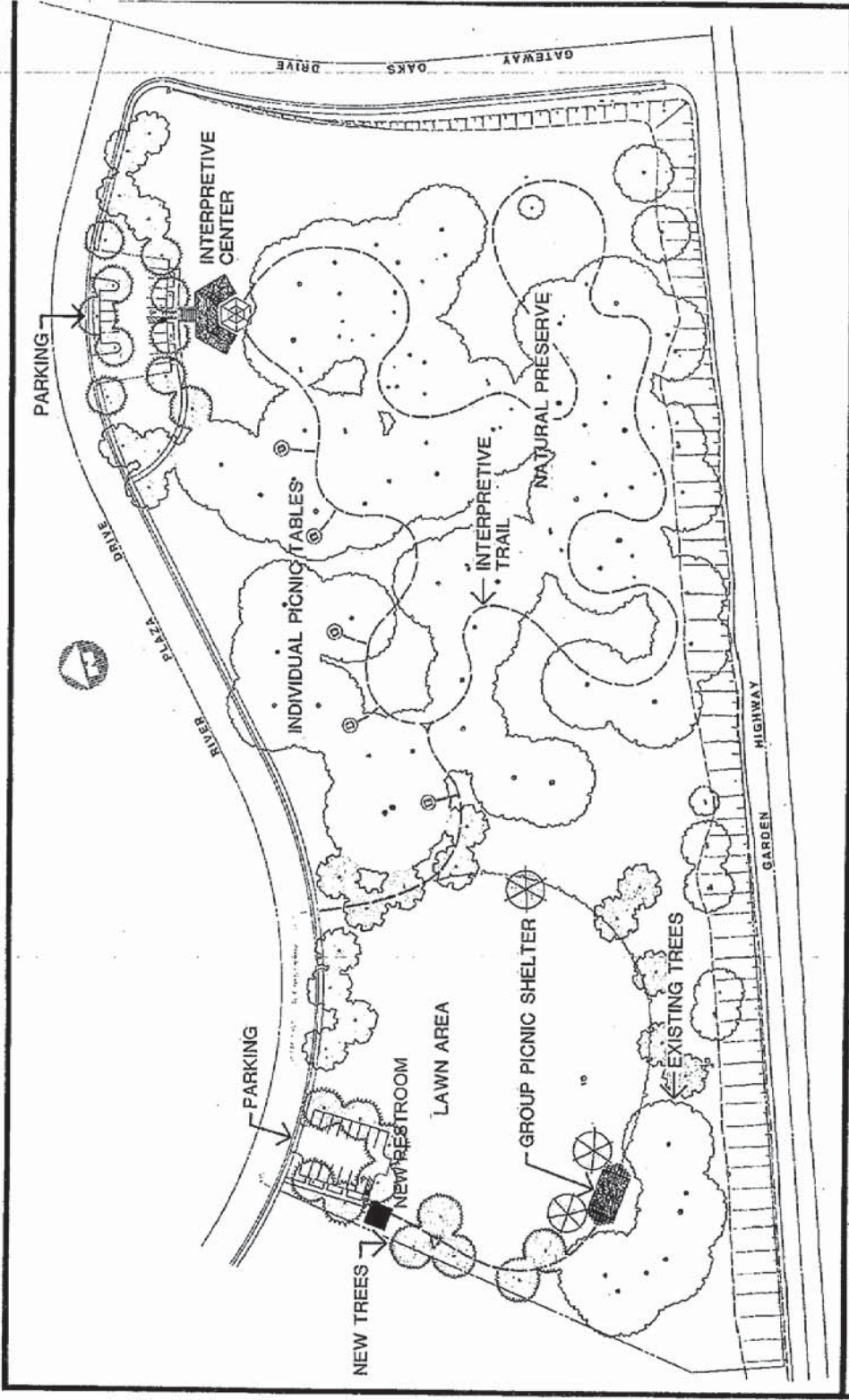
- Ⓚ SHADE STRUCTURE/ LARGER GROUP PICNIC AREA
- Ⓛ BENCHES
- Ⓜ BIKE RACKS
- Ⓝ HIGH CHAINLINK FENCE
- Ⓞ BMX TRACK
- Ⓟ SWING GATE
- Ⓠ DROP-OFF AREA
- Ⓡ SKATE PARK (ABOVE GROUND COMPONENTS)
- Ⓢ INTEGRATED SPORT COURT
- Ⓣ FITNESS EQUIPMENT

LIMIT OF IMPROVEMENTS

**MASTER PLAN FOR
GARDENLAND PARK (1.74 ACRES)
CITY OF SACRAMENTO CALIFORNIA**



PA 3

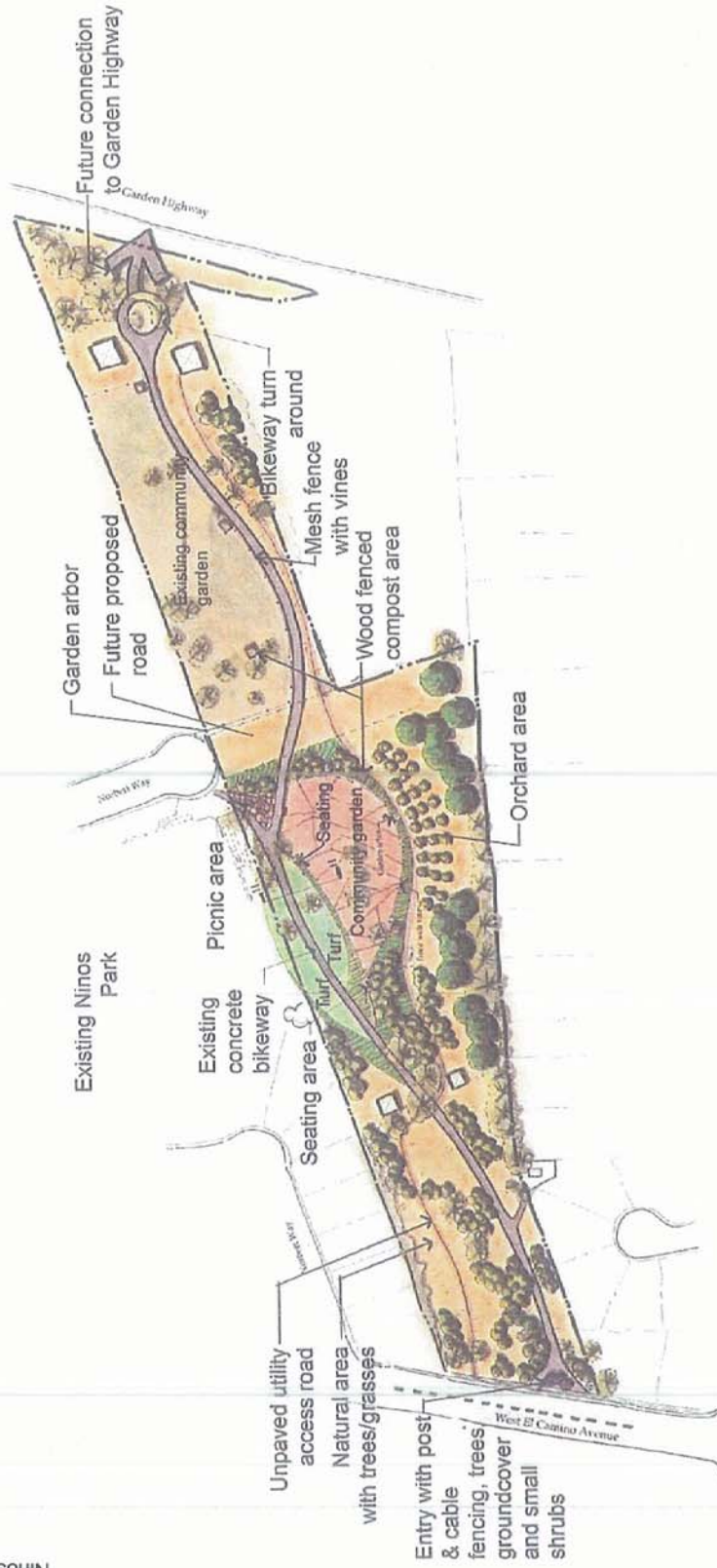


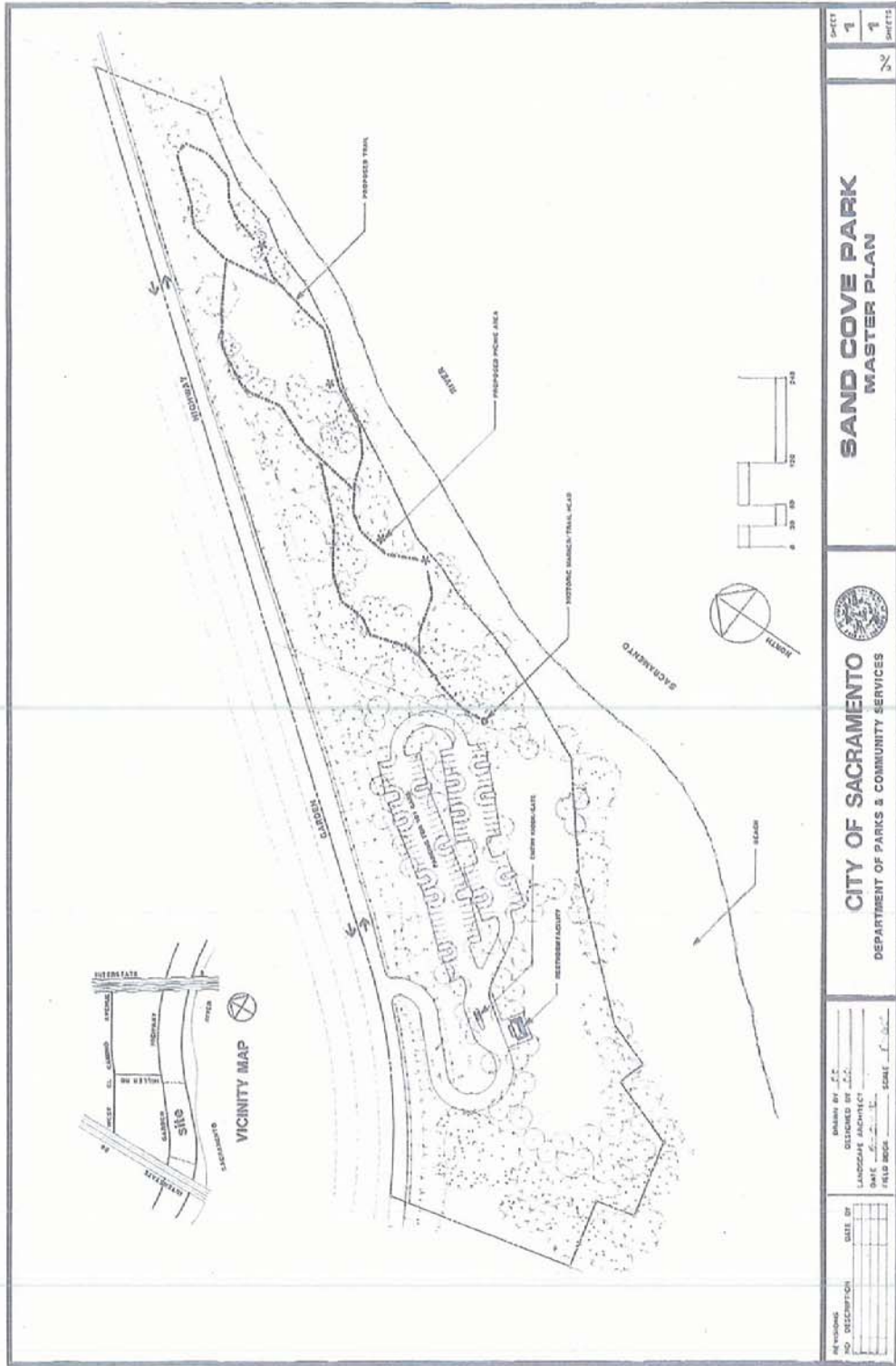
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| <p>CITY OF SACRAMENTO DEPARTMENT OF PARKS & COMMUNITY SERVICES</p> | | <p>NATOMAS OAKS PARK MASTER PLAN (12.05 AC)</p> | | | | | | | | | | | | |
| <p>1691</p> | | <p>SHEET</p> | | | | | | | | | | | | |

Natomas Oaks Park Master Plan

MASTER PLAN

January 14, 2008





| | | | |
|--|---------------------|-------|------|
| NO. DESCRIPTION | | | |
| DATE BY | | | |
| DESIGNED BY | LANDSCAPE ARCHITECT | | |
| DATE | FIELD WORK | | |
| SCALE | 1" = 100' | | |
| DRAWN BY: J.C. CITY OF SACRAMENTO DEPARTMENT OF PARKS & COMMUNITY SERVICES | | | |
| | | | |
| SAND COVE PARK MASTER PLAN | | | |
| SHEET | 1 | OF | 1 |
| | | SCALE | 1/2" |

KITTIWAKE DRIVE

SWAINSON WAY

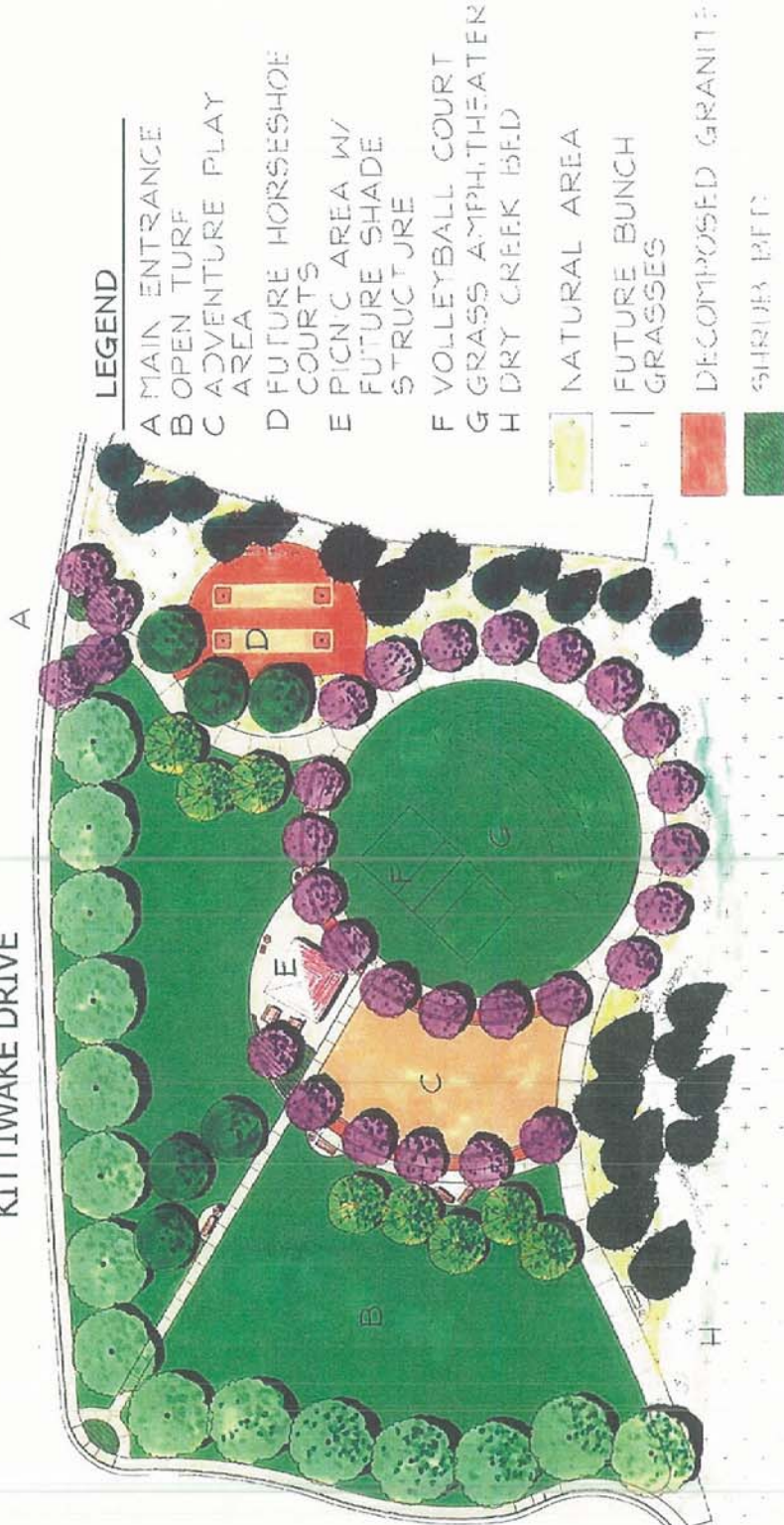
GARDEN HIGHWAY

MASTER PLAN FOR:

SHOREBIRD PARK

2 Acres

R2003-845



LEGEND

- A MAIN ENTRANCE
- B OPEN TURF
- C ADVENTURE PLAY AREA
- D FUTURE HORSESHOE COURTS
- E PICNIC AREA W/ FUTURE SHADE STRUCTURE
- F VOLLEYBALL COURT
- G GRASS AMPH. THEATER
- H DRY CREEK BED
- NATURAL AREA
- FUTURE BUNCH GRASSES
- DECOMPOSED GRANITE
- SHRUB BED



NORTH



PROJECT: SHOREBIRD PARK
 PREPARED BY: [unreadable]
 DATE: 12/2/2003

12/2/2003



July 20, 2010

Main Office

10060 Goethe Road
Sacramento, CA 95827-3553

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Sacramento Regional Wastewater

Treatment Plant

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Elk Grove, CA 95758-9550

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Director of Communications

Elizabeth Holland
Planning Division
USACE Sacramento District,
1325 J Street
Sacramento, CA 95814

Subject: Draft Environmental Impact Report/Draft Environmental Impact Statement for the American River Watershed Common Features Project/Natomas East Levee Improvement Program, Phase 4b Landslide Improvements Project and the Draft Natomas Post-authorization Change Report

Dear Ms. Holland:

The Sacramento Regional County Sanitation District (SRCSD) and Sacramento Area Sewer District (SASD) have reviewed the Draft Environmental Impact Report/Draft Environmental Impact Statement for the American River Watershed Common Features Project/Natomas East Levee Improvement Program, Phase 4b Landslide Improvements Project and the Draft Natomas Post-authorization Change Report and have the following comments:

SRCSD currently has critical facilities in operation that serve the entire Northern Sacramento region which are located in the proposed project area. The New Natomas Sewerage Pump Station Force Main crosses under the Sacramento River, near Interstate 80, the Old Natomas Force main is located near the intersection of San Juan and East Levee Road, and The Upper Northwest Interceptor (UNWI) is located near the intersection of Elkhorn Blvd. and East Levee Road.

There needs to be close coordination with SRCSD during the design and construction phases for projects within the vicinity of these interceptors to ensure that this project does not adversely affect these facilities.

If you have any questions regarding these comments, please contact me at (916) 876-9994.

Sincerely,

Sarena Deeble
SRCSD/SASD
Policy and Planning

cc: Ruben Robles
Michael Meyer
John Bassett, SAFCA
SRCSD Development Services
SASD Development Services

TECHNOLOGY IN PARTNERSHIP WITH NATURE

Organizations



909 12th Street Ste 116 Sacramento CA 95814 (916) 444-6600 www.sacbike.org

August 13, 2010

John Bassett, P.E., Director of Engineering
Sacramento Area Flood Control Agency
1007 7th Street, 7th Floor
Sacramento, CA 95814

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Craig Stradley
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Associates

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Partner
Streng Brothers Rentals

RE: Draft EIS/EIR on Phase 4b of the Natomas Levee Improvement Program

Dear Mr. Bassett:

Thank you for the opportunity to comment on the subject Draft EIR/EIS. We continue to be very pleased that the Phase 4b Project DEIR/EIS provides for the possible construction of the Natomas Levee Recreational Trail Project, a 42-mile bicycle and pedestrian Class I facility. However, we fear that many years may pass before actual construction of this trail may even start, let alone be completed and usable for either recreation or commuting.

The Draft EIR/EIS properly acknowledges that construction of the project will cause temporary (up-to-6-month) disruptions of roadways and trails used by bicyclists and commits to preparation and implementation of Bicycle Detour Plans for each such disruption.

The Draft EIR/EIS fails to identify possible significant adverse impacts of long-term or indefinite interruption of bicycle facilities. Such long-term impacts may occur if the NLIP does not commit to completely reconstruct existing bicycle facilities that are destroyed by construction excavation or filling. These significant adverse impacts may occur at the following locations of existing bicycle facilities (see City of Sacramento Bikeway Master Plan map dated April 2010):

1. Garden Highway along the American River levee and the lower portion of the Sacramento River levee (to Orchard Lane) where it currently has Class II bicycle lanes,
2. Class I Bike Trail at foot of Sacramento River levee westward from Natomas Oaks Park to the Main Drainage Canal Class I bike trail (this trail is currently an important commuter route from South Natomas towards downtown and will become much more important when the bike bridge over I80 to North Natomas at the junction of the Main Drainage Canal and the East and West Drainage Canals and their Class I bike trails is completed in 2011),
3. Class I Bike Trail at foot of Sacramento River levee westward from Shorebird Park to Marina Glen Way with connections up the slope of

SAFCA '10 AUG 16 PM2:56

the levee to Garden Highway (an important route for commuters from the western portion of South Natomas), and

4. Ueda Parkway Class I bike trail along the top of the Natomas East Main Drainage Canal west levee (an important commuter and recreational bicycle route between North Sacramento, North and South Natomas, and downtown).

These significant adverse impacts can be reduced to less than significant levels by the commitment of the NLIP 4b project to fully reconstruct and reestablish these important bicycle facilities and connections.

To fully mitigate temporary construction disruptions to bicycle routes, the Bicycle Detour Plans must include (in addition to what is stated in the DEIR/EIS) the following measures:

- Noticing of alternate routes for bicyclists to local bicycle organizations for distribution through their information channels, and
- 25 mph speed limits through the detours.

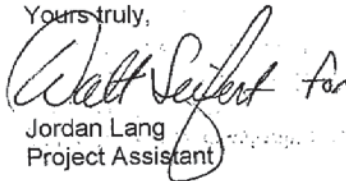
The Ueda Parkway bike trail currently has limited connections with surface streets in the neighborhoods near which it passes. Reconstruction of the Ueda Parkway bike trail after completion of the levee project should include establishing connections (possibly by paving construction-access ramps) to the following surface streets:

- Indiana Ave
- Senator Ave
- Rosin Court
- Tandy Court
- North Market Blvd

SABA is an award-winning nonprofit organization with more than 1400 members. We represent bicyclists. Our aim is more and safer trips by bike. We are working for a future in which bicycling for everyday transportation is common because it is safe, convenient, and desirable. Bicycling is the healthiest, cleanest, cheapest, quietest, most energy efficient, and least congesting form of transportation.

Thank you for considering our comments.

Yours truly,


Jordan Lang
Project Assistant

Cc: Ed Cox, City of Sacramento Alternate-Modes Coordinator
Dan Klinker, Sacramento County Bicycle Coordinator

Henningsen, Sarah

From: Bassett, John (MSA) [bassettj@SacCounty.NET]
Sent: Monday, August 16, 2010 2:36 PM
To: Dunn, Francine; Henningsen, Sarah
Subject: FW: DEIS/DEIR Comments due 8/16/10

-----Original Message-----

From: Frederick Weiland [mailto:flweiland@yahoo.com]
Sent: Monday, August 16, 2010 1:57 PM
To: Elizabeth.g.holland@usace.army.mil; Bassett, John (MSA)
Cc: Baker, Janet (MSA); rstork@friendsoftheriver.org; Warren V. Truitt
Subject: DEIS/DEIR Comments due 8/16/10

Dear Ms. Holland,

Save The American River Association (SARA) was founded in 1961 to establish The American River Parkway and remains today as the guardian of and advocate for its lands and waters.

Since we are already on record in a letter dated June 3, 2010, as opposing the U.S. Army Corps of Engineers' nationwide policy to require state and local flood control agencies to remove trees, shrubs, and woody vegetation from flood protection levees and adjacent areas, SARA will confine its comments here to the DEIS/DEIR evaluating the potentially significant environmental impacts of the Phase 4b Project, Reach I: 1-4.

1. Please confirm our understanding that Reach I: 1-4 is included in the conditional variance granted SAFCA thereby avoiding the removal of significant waterside riparian vegetation that would have resulted in severe impacts to the environment and on users of the American River Parkway. In fact, only the landside vegetation of Reach I: 1-4 is slated for removal except as noted in 2.

2. It is our understanding that the removal of no more than 28 trees on the NEMDC at the Arden Garden/Northgate Boulevard location (between Jefferson and Harding Avenues to be exact), in an area of the Parkway designated Protected Area, will be mitigated at a ratio of 3 to 1. This mitigation will be installed at least one to two years before the loss of the 28 trees, and the mitigation will be fully monitored to insure its success as replacement SRA. The mitigation site is located on the NEMDC between Rimmer and Tanaya Avenues. Please note that this mitigation does not compensate the Public for the loss of habitat and natural amenities within The American River Parkway. The DEIS/DEIR should address some form of compensation for degradation occurring within a Federal, State and County protected Park and River.

3. The DEIS/DEIR lists Discovery Park as a potential staging area for the levee improvements. Since the exact location within Discovery Park is not specified in the environmental document, please note that we will request further environmental analysis if a site location is chosen that may have impacts on the plants, animals and birds who rely on the River and Parkway lands.

Thank you for the opportunity to comment regarding potential impacts of the Phase 4b Project, Reach I: 1-4, on The American River Parkway. For our records, please confirm that you received these comments by the DEIS/DEIR deadline of August 16th, 5:00 p.m. SARA looks forward to the courtesy of your response.

Sincerely,

Betsy Weiland, Co-Chairman
Land Use Committee
Save The American River Association
4950 Keane Drive
Carmichael, California 95608

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August 16, 2010

Elizabeth Holland, Planning Division
U.S. Army Corps of Engineers, Sacramento District
1325 J Street
Sacramento, CA 95814

Re: Public Comment on the Draft Environmental Impact Statement/Draft Environmental Impact Report on the American River Watershed Common Features Project/Natomas Post-authorization Change Report/Natomas Levee Improvement Program, Phase 4b Landside Improvements Project

Dear Ms. Holland,

Thank you for the opportunity to comment on the Draft Environmental Impact Statement/Draft Environmental Impact Report (DEIS/DEIR) for the Natomas Levee Improvement Program, Phase 4b.

The Sacramento Tree Foundation appreciates the analysis made in the DEIS/DEIR addressing the preservation of as much waterside woodland as possible, thus reducing the impact to shaded riverine aquatic habitats. We understand the concept that the adjacent levee provides extra levee integrity with a redundant solution if the original levee should fail. This solution is a response to the Army Corps of Engineers' (Corps) perspective and policy that waterside and landside vegetation threatens the stability of levees.

While we appreciate the efforts made to preserve the waterside vegetation and trees, the basic premise of this approach – that trees on levees threaten the stability of levees – is flawed. It has not been proven that vegetation or trees weaken levee integrity. On the contrary, a 2001 report from the Engineer Research and Development Center (ERDC), which is the US Army Corps of Engineers' distributed research and development command, states:

“...Riparian vegetation helps stabilize banks, which is valuable because otherwise expensive structures would have to be built to stabilize the bank.”¹

The same report further states:

“The stabilizing benefits of vegetation can be a strong inducement for their incorporation into flood control projects. Leaves and stems of plants intercept rainfall and reduce surface erosion both from runoff and from overbank flooding. Vegetation, primarily woody plants, also helps to prevent mass movement, particularly shallow sliding in slopes.”²

“..healthy riparian vegetation also stabilizes streambanks, provides shade that prevents excessive water temperature fluctuations, performs a vital role in nutrient cycling and water quality, improves aesthetic and recreational benefits of a site, and is immensely productive as wildlife habitat. For these reasons, the incorporation of vegetation in stream restoration and flood control projects is often desirable..”³

“Flood attenuation is increased in vegetated riparian systems. As is the case for maintenance of stream morphology, the resistance of vegetation to flow is an important attribute for flood attenuation. The area that vegetation presents to flow is proportional to resistance (measured as Manning’s n) and effectiveness at reducing flow velocity. This presented vegetational area of vegetation increases directly with increased stem size and density. Trees are most effective at resisting flow.”⁴

Furthermore, on page 2-8 in the DEIS/DEIR, it is shown that in the past the Corps allowed vegetation to remain on levees and that during two subsequent floods, there was no evidence of instability or threat to safety:

“However, with the concurrence of USACE and the State, to minimize the project’s environmental effects, trees were allowed to remain in the maintenance area along the landside toe of the improved levee and along the waterside slope of the levee and waterside berm. It was felt that these trees would not impair the performance of the improved levee because there was adequate visibility of and access to both sides of the levee to conduct routine maintenance and flood fighting activities. Nor was there any significant concern regarding the impact of the remaining trees on the safety or structural integrity of the improved levee. Although nearly overtopped and subjected to prolonged high flow during the flood of 1986, the old levee had performed well with few signs of stress. With its increased height, the new levee performed even better during the flood of 1997. However, this levee is no longer considered in compliance with USACE levee vegetation guidance, and avoidance of landside tree clearing in this maintenance area would require a variance from USACE.

The California Department of Water Resources, in their letter of April 15, 2010 regarding the Corps’ vegetation variance policy:

“Whereas overtopping, underseepage, through-seepage, erosion and other high-risk modes of failure are well-documented in the Central Valley, we have not seen evidence that well-managed vegetations poses significant risks. We are not aware of any levee failures in the Central Valley that were caused by woody vegetation on levees, and interim studies suggest that woody vegetation has negligible detrimental effects on levee performance as well.”

Bio-stabilization of levees is common practice in Europe and gaining ground in other parts of the world.⁵ Given the scarcity of trees in California’s Central Valley and the severe reduction in wildlife habitat already inflicted on the region, we believe a

policy of “clearing, grubbing, and stripping” levees is irresponsible and will cause irreparable, long-term harm to the environment as well as to our citizens given the air and water quality benefits of trees, -- to say nothing of the great economic cost to implement such a policy.

In the Corps’ Engineering Technical Letter 1110-2-571, the benefits of landscape planting mentioned include dust and erosion prevention, water quality and wildlife habitat, and creating a pleasant environment for human use and recreation. But the benefits of trees with respect to our citizens go far beyond this list as shown below:

- Trees are a significant factor in reducing air pollution by means of nitrous oxide deposition, sulfur dioxide absorption, ozone interception, and particulate matter interception. 100 trees can remove 1,000 pounds of pollutants per year, including 400 pounds of ozone and 300 pounds of particulates.⁶ Recent research shows the increasing public health threats of ultrafine particulate matter from car exhaust.
- On an annual basis, 100 trees can remove 5 tons of carbon dioxide from the atmosphere.⁶ Large trees are the most effective for long-term carbon storage.
- In semi-arid California, trees catch and hold rainfall, which delays stormwater runoff and reduces flooding. A large deciduous tree can intercept between 500 and 760 gallons of water per year. A mature evergreen can intercept more than 4,000 gallons per year, depending on species and rainfall characteristics.⁷ Preventing stormwater runoff improves water quality and water availability at the local level. Tree canopies reduce soil erosion by diminishing the impact of rain on barren surfaces.
- Plants clean the soil and water by removing contaminants such as metals, pesticides, crude oil, polycyclic aromatic hydrocarbons and more through the process known as phytoremediation. Tree species commonly used for phytoremediation include willow, poplar (cottonwood hybrids), and mulberry, because they have deep root systems and are able to control the movement of pollutants by consuming large amounts of water. Willow and poplar are the typical species for riparian woodland in Sacramento. While pollutant removal rates vary greatly, one study estimated that one sugar maple growing along a roadway removed 60 mg of cadmium, 140 mg of chromium, 820 mg of nickel, and 5,200 mg of lead from the environment during a single growing season.⁸
- In urban areas, such as the Natomas Levee in Sacramento, an increase in tree canopy can reduce the urban heat island effect by reducing ambient temperatures by 3 – 5 degrees Fahrenheit.⁹

We urge the Corps to re-consider well-established alternative methods of bio-stabilization on levees in order to preserve our limited environmental resources. If current research and empirical data are somehow insufficient, we again urge the Corps to expedite the research needed to determine the impact of trees and

vegetation on levee stability. Please take the time to fully consider these alternatives before implementing a policy of clearing, grubbing, and stripping in the West.

The Sacramento Tree Foundation believes that we can reach a better solution by working with a broad range of agencies and concerned citizens – a solution that will address our urgent environmental, levee stability, and human health concerns. Thank you very much for your consideration.

Sincerely,



Cindy Blain
Operations Director
Sacramento Tree Foundation

1. Environmental considerations for vegetation in flood control channels. J. C. Fischenich, and R. R. Copeland. ERDC. TR-01-16, U.S. Army Engineer Research and Development Center, Vicksburg, MS. 2001. Page 3.
2. *Ibid.* Page 57-58.
3. *Ibid.* Page 3.
4. *Ibid.* Page 68-69.
5. *Ibid.* Page 57 and the article “City to plant trees to help prevent dyke, bank erosion” Viet Nam News, June, 16 2010. “During the 2011-15 period, the city will plant additional 810,000 trees along 112km of sea dykes, river and canal banks in the coastal district... City officials said the project was being undertaken because of the general ineffectiveness of various flood prevention programmes, on which the city had spent more than VND200 billion (\$10.5 million) each year since 2008.”
6. Tree Guidelines for San Joaquin Valley Community. E.G. McPherson et al, USDA Forest Service, Pacific Southwest Research Station, Center for Urban Forest Research. Davis, CA. 1999.
7. Benefits of the Urban Forest: Fact Sheet #1. USDA Forest Service, Pacific Southwest Research Station, Center for Urban Forest Research. Davis, CA. 2001.
8. Identified Benefits of Community Trees and Forests. K. Coder, University of Georgia. Athens, GA. 1996.
9. Energy Saving Calculations for Heat Island Reduction Strategies in Baton Rouge, Sacramento, and Salt Lake City. S. Konopacki and H. Akbari. 2000.

cc: John Bassett, Director of Engineering, Sacramento Area Flood Control Agency

Henningsen, Sarah

From: Holland, Elizabeth G SPK [Elizabeth.G.Holland@usace.army.mil]
Sent: Wednesday, August 18, 2010 6:44 AM
To: Henningsen, Sarah; Dunn, Francine
Subject: FW: Phase 4b Draft EIR/EIS Comments
Attachments: GHCA NLIP Phase 4b NOP Comments.pdf

NOP comment attached.

Elizabeth Holland
U.S. Army Corps of Engineers
Senior Environmental Manager
(916) 557-6763 Cell (916) 524-8239
e-Mail Elizabeth.g.holland@usace.army.mil

-----Original Message-----

From: Gibson Howell [mailto:gib@mail.com]
Sent: Tuesday, August 17, 2010 6:22 PM
To: bassetjt@saccounty.net; Holland, Elizabeth G SPK
Cc: Barbara Gualco; Buer. Stein (MSA); David Ingram
Subject: RE: Phase 4b Draft EIR/EIS Comments

Liz and John,

Could we please include our GHCA comments to the Phase 4b "NOP" to the Draft Phase 4b comments? As far as we can tell nothing has changed, so our comments remain the same. The only thing we would like to add is that we are very encouraged the USACE has granted the "Vegetation Variance" for the NLIP and that the USACE will abide by the "Settlement Agreements" between SAFCA and GHCA.

As unpaid volunteers for our community it is very difficult to decipher the 1000's of pages of EIR/EIS's that have been generated year after year by very well paid consultants. Trying to do this with hundreds of individually downloaded files that are not 'hyperlinked' makes this even more onerous. The paper documents are the only reasonable way to compare any changes between Phase 1, Phase 2, Phase 2 (supplemental), Phase 3, Phase 4a, and Phase 4b (each document more than 1000 pages long, not including appendixes).

Both the USACE and SAFCA websites only offer the "Draft Phase 4b" document in 17 multiple megabyte files that are not easily cross-referencable or 'hyper-linked'. In previous EIR/EIS's the entire document could be downloaded and seen as 'one entire document'. Trying to understand the scope and impact on our community is all but impossible with this segmented approach.

We only obtained a 'paper copy' of the Draft Phase 4b document on Friday the 13th, the weekend before the deadline. It took many calls, but thanks to SAFCA, they loaned us the only copy they had.

We respectfully request you incorporate the GHCA Phase 4b "NOP" comments to the "Draft Phase 4b EIR/EIS" comments.

Thank You,

Gibson Howell
President, Garden Highway Community Association

-----Original Message-----

From: Holland, Elizabeth G SPK
[mailto:Elizabeth.G.Holland@usace.army.mil]
Sent: Monday, August 16, 2010 2:13 PM
To: gib@mail.com
Subject: RE: Phase 4b Draft EIR/EIS Comments

Gib - I was trying to call you but got tied up in other phone calls and meetings this morning.

We are not providing extensions on this Phase as we must get the responses to comments completed and out to meet a deadline for congressional authorization. Please provide your comments to us today as we are now working through the responses. Sorry but we have to meet these deadlines to get authorization and funding this year.

I am not attending the meeting today - that is our levee safety section that deals with encroachments.

Elizabeth Holland
U.S. Army Corps of Engineers
Senior Environmental Manager
(916) 557-6763 Cell (916) 524-8239
e-Mail Elizabeth.g.holland@usace.army.mil

-----Original Message-----

From: Gibson Howell [mailto:gib@mail.com]
Sent: Monday, August 16, 2010 12:56 PM
To: Holland, Elizabeth G SPK
Subject: Phase 4b Draft EIR/EIS Comments

Liz,

Hello and hope all is well!

The GHCA was trying to generate our comments on Phase 4b using the website documents, but there are so many different files and they are so large it was proving to be near impossible. We just obtained a paper copy of the 4b Draft EIR/EIS last Friday and have been working on the GHCA comments this weekend. Can we please get an extension to file comments until either tomorrow (17th) or Wednesday (18th)? Any extension would be greatly appreciated.

Thank You,

Gibson Howell
GHCA

p.s. Will we be seeing you at the GHCA/SAFCA/USACE/CVFPB/RD1000 meeting today?



Garden Highway Community Association

2701 Del Paso Road, #130-231

Sacramento, CA 95835

December 4, 2009

John Bassett, Director of Engineering
SAFCA
1007 7th Street, 7th Floor
Sacramento, CA 95814

AND

Elizabeth Holland, Planning Division
U.S. Army Corps of Engineers
1325 J Street, Room 1480
Sacramento, CA 95814

RE: Comments on Phase 4b “Notice of Preparation”

SAFCA and US Army Corps of Engineers:

The Garden Highway Community Association (GHCA) is an incorporated community association whose membership includes nearly all waterside and landside property owners along the Garden Highway in the area addressed in SAFCA’s Natomas Levee Improvement Program (NLIP). The GHCA supports increased flood protection for the Natomas Basin, as long as it is done in a fiscally responsible, environmentally conscious, and scientifically sound manner. At the same time, as most GHCA members live on or next to the NLIP, they have an enormous interest and concern in how this project is implemented.

Below is a list of comments and concerns regarding the Phase 4b Notice of Preparation.

1. Failure to Adequately Consider Alternative Designs

SAFCA and the USACE have failed to conduct a legitimate, unbiased study to determine the most economically and environmentally sound project design to bring the Natomas Basin up to the USACE 100 year flood protection standard. SAFCA and the USACE have summarily dismissed feasible alternatives that would lead to region-wide solutions to the flooding potential in the Natomas Basin and surrounding communities. They have also failed to make a rationale, “good faith” effort at minimizing the height and footprint of the adjacent levee system, especially in light of the lower and inferior levee systems both upstream and adjacent to the NLIP. Therefore, the project is not in compliance of CEQA and NEPA requirements.

Pursuant to the applicable environmental laws, the agencies responsible for this Project must rigorously explore and objectively evaluate all reasonable alternatives and must devote substantial consideration to each alternative consideration.

Notably, during a recent SAFCA Board meeting which discussed the Project, it was repeated several times that the levee improvement design is a "work in progress" and that certification of ongoing EIS phases was a "worst case scenario" for the environment and property rights. Unfortunately, current environment destruction adjacent to Garden Highway does not correlate with these "work in progress" and "worst case scenario" portrayals. Rather, SAFCA and its contractors are in a race to remove highly sensitive habitat within the ENTIRE project footprint, despite the fact that alternative, less obtrusive levee improvement designs are gaining momentum and the fact that the Project is facing insurmountable fiscal problems.

The GHCA strongly encourages SAFCA and the USACE to look outside the Project's predestined box and not "clear a construction path" through sensitive habitats and rich farmland based upon "worst case" design scenarios. There are obviously countless alternative designs that would accomplish the flood protection our region needs at a fraction of the monetary, environmental and property-loss cost. For example, simply narrowing the footprint of the "seepage berms" would result in mammoth savings in all three of these areas. These berms, designed to be 500 feet wide in some areas, are unprecedented in our region and seem highly unwarranted when compared to the existing 10-20 foot berms that previously handled several 100-year-floods (without the cut-off walls that will be added as a part of this project). More telling, as evidenced by design concessions to certain property owners, SAFCA and the USACE have shown by their own actions that the footprint of the seepage berms can be substantially narrowed without losing the flood protection it seeks.

CEQA also requires a realistic analysis of the existing physical environmental conditions affecting the Project. Several court decisions have determined that the impacts of a proposed project must be measured against the "real conditions on the ground." Save Our Peninsula Committee v. Monterey County Board of Supervisors (2001) 87 Cal.App.4th 99, 121. "An EIR must focus on impacts to the existing environment, not hypothetical situations." *ibid.* In determining whether a project's impacts may significantly affect the existing environment, there must be a "baseline" set of environmental conditions to use as a comparison to the anticipated project impacts. As the Court of Appeal has explained, "it is only against this baseline than any significant environmental effects can be determined." County of Amador v. El Dorado County Water Agency (1999) 76 Cal.App.4th 99, 952.

Despite these requirements, the plans for this Project fail to describe the existing physical environmental conditions in order to determine the Project's significant adverse impacts on the existing environment. Conversely, the entire NLIP design relies upon a computer simulation that describes a hypothetical physical condition, but does not describe the actual physical conditions on the ground, including the current condition of the west side levees along the Sacramento River and the north side levee along the Natomas Cross Canal. This comparison would answer the question of "levee parity" and whether any spots along the river side of the east levee improvements or west side of the Sacramento River in Yolo County, or north side of the Natomas Cross Canal in Sutter County, would be more vulnerable to flooding.

In other words, if the east side levee along the Sacramento River has sufficient freeboard to ensure safe containment of the "200-year" design water surface, then these improved levees will have a significant adverse effect on the existing lower levee, properties, and structures along the west side of the Sacramento River as well as the homes and residents along Garden Highway on the river side of the improved east side levees.

The failure to evaluate the impact of a Project on the existing physical environmental conditions frustrates "the central function of the EIR, to inform decision makers about the impacts of the proposed project on the existing environment." Save Our Peninsula Committee, supra, 87 Cal.App.4th at p. 127.

The Project's plans further fail to consider the impacts of mounting environmental legislation and biological opinions which will significantly impact alternative flood protection plans, summarily dismissed by SAFCA as "impossible" or "inconceivable." One such edict recently issued by the The National Marine Fisheries Service unveiled a complex set of rules, a "biological opinion", which will likely have enormous impacts on local flood protection practices with the goal of increasing the populations of winter and spring-run salmon, Central Valley steelhead and green sturgeon. According to Kate Poole, attorney at the Natural Resources Defense Council, "There's no question any more about the fact that the Bay-Delta ecosystem is in dire need of significant changes and fixes. This is one big step to do that."

The new federal rules require that reclamation districts find a way to flood the Yolo Bypass more often to improve salmon habitat, negating SAFCA's argument that the Yolo Bypass could not be used to divert more water from the Sacramento River than current rules permit. Moreover, SAFCA's concern that water diversion to the Yolo Bypass would be too costly to local water and flood agencies apparently did not negate the decision on the new rules. The ruling governs water operations of the California Department of Water Resources, who will share the cost of the new orders. Clearly, flooding the Yolo Bypass "more frequently" will require a lowering of the Sacramento River weirs – a proposal made by the GHCA during 2007 as a more effective, long-term solution in lieu of an eternal levee battle in the narrow channels of the Sacramento River.

2. Failure to Adequately Consider and Protect Wildlife

The United States Environmental Protection Agency has previously commented on the NLIP, noting its continued concern over the temporary and permanent effects the Project is expected to have on the waters of the United States and recommended the continued "close consultation and collaboration" with the U. S. Fish and Wildlife Agency, California Department of Fish and Game and The Natomas Basin Conservancy to "ensure effects on woodlands, threatened and sensitive species habitat and waters of the US are avoided and minimized." Overall, this Agency has previously classified prior EIS drafts associated with the NLIP as "Insufficient Information (EC-2)".

The California Department of Fish and Game "DFG" has also expressed serious concern regarding the environmental impacts of the NLIP:

- The DFG believes pertinent mitigation measures are potentially unenforceable and may not bring the impacts to fisheries and aquatic resources to below a level that is significant.

- The DFG has found transplantation of herbaceous plants is typically unsuccessful and should be considered experimental. Mitigation measures for any potentially unavoidable impacts to special-status plants should include additional measures to increase the chances of survival for the population in question. Mitigation sites should be permanently protected and managed in perpetuity.
- The DFG is concerned with potential impacts to raptor nesting behavior not currently addressed in the DEIR, especially with regard to 24/7 construction and an estimated 900-1000 haul trips per day to deliver fill material. The DFG “believes that each of these activities could potentially result in significant impacts to nesting raptors including nest abandonment, starvation of young, and/or reduced health and vigor of eggs or nestlings that could result in death.”
- In their current form, the DFG opines that the environmental documents do not explore the potential impacts of nighttime construction activities on nesting raptors. Moreover, construction at night poses additional complications for the effectiveness of biological monitors in ensuring that appropriate buffer zones are in place around active nests and that birds do not abandon their nests.
- The DFG has noted that prior DEIRS do not provide a discussion of potential impacts to the Northern Harrier, a ground nesting raptor and does not consider avoidance or mitigation measures.

The GHCA further notes the NLIP purports to mitigate the loss of woodland habitat by the promise to create three acres of canopied woodlands for every one acre destroyed. This mitigation goal is fatally flawed in that there is no discussion, explanation and/or plan to address the environmental tragedy that will result from the 50 to 100 year period required for the “new” woodland habitat to be developed – assuming the planned mitigation goal is even reached.

Despite the failure to mitigate the significant adverse impacts resulting from the destruction of woodland habitat, and the lack of necessary funding to effect the planned mitigation related thereto, SAFCA and its contractors are currently proceeding with the destruction of woodland habitat and the clear-cutting of heritage oaks and other trees.

Further, the NLIP also proposes to utilize lands purchased by the Natomas Basin Conservancy (“Conservancy”) as borrow areas. These borrow areas will provide the base material for the landside levee improvements on the south side levee along the Natomas Cross Canal and the east side levee along the Sacramento River. Despite SAFCA's proposed use of these lands, the Conservancy acquired these properties to offset urban development's significant adverse impacts on protected wildlife species within the Natomas Basin. The Conservancy acquires and manages these properties consistent with the Natomas Basin Habitat Conservation Plan. The GHCA believes there still is no agreement between the Conservancy and SAFCA on the use of Conservancy lands and how these lands will carry out their intended conservation purpose after the soil necessary for the construction of the levee improvements is removed. Thus, any claimed mitigation for the loss and disturbance of Conservancy land is impermissibly deferred to some future time after Project approval and implementation.

Despite the fact that the Project’s agencies have been afforded several bites at the apple in an attempt to come up with acceptable environmental mitigation, it continues to gloss over the devastating impact the

Project will have on the sensitive habitat of protected species, including raptors, snakes and flora (see comments of the California Department of Fish and Game summarized above).

3. Failure to Study Simultaneous Multi-Phase Construction

SAFCA, and now the USACE, are currently postulating that multiple phases of the NLIP could be constructed simultaneously. This directly contravenes the construction impact and mitigation advanced in the prior environmental documents and creates new issues not previously studied or addressed. For example, there would be compounded effects of CO2 emissions, noise, dust, vibration, and disruption to wildlife that has not been analyzed. Compared to the original Phase 3 EIR, for example, emissions in just Sacramento County would raise from ROG 75 lb/day to 287 lb/day, NOX 413 lb/day to 1,476 lb/day, and PM10 971 lb/day to 3,847 lb/day if these phases are to be done simultaneously. Moreover, on page ES-16, "Air Quality," the Phase 3 DEIR references the "nonattainment status of the Feather River Air Quality Management District and the Sacramento Metropolitan Air Quality Management District for ozone and PM10." The GHCA contends the cumulative effect of simultaneous construction during multiple construction phases has not been sufficiently analyzed by the responsible agencies.

Furthermore, simultaneous construction could involve three or more phases of simultaneous, 24/7 construction. Given the grave impacts of just one 24/7 worksite, the GHCA believes SAFCA and the USACE certainly cannot justify multiple worksites operating in this manner. This impact would make the simultaneous Phases (2, 3, 4a, 4b) unreasonably harmful to wildlife, the environment, and Garden Highway residents.

4. Failure to Adequately Address Encroachments/Levee Prism

At page 7 of the NOP, Encroachment Management, the following proposed action appears: "Remove encroachments as required to meet the criteria of the USACE, CVFPB, and FEMA." Conversely, the Sacramento Division of USACE and SAFCA have repeatedly advised members of the GHCA that the "adjacent" levee adopted by the NLIP "should" remove the waterside trees, landscaping, fencing, and other vegetation and improvements from the "levee prism." In other words, these agencies believe implementation of the NLIP would spare these items from removal under even the most aggressive encroachment standards. Thus, the GHCA is concerned with the apparent unchanged position regarding encroachments as described in the current NOP.

Of utmost importance to property owners along Phase 4b, the USACE does not mention how they will treat vegetation and encroachments on either side of the levee where they decide not to build an "adjacent setback levee" and thus achieve a new levee prism. If a "one size fits all" approach of denuding levees is applied, it will completely contradict the long established local USACE procedures of planting trees to stabilize the levees, protect endangered wildlife and reduced wind-driven waves. We have also been told that many members of the scientific community believe trees and other vegetation improves the strength of a levee, especially in areas of the country that do not have to contend with hurricane strength winds. What are USACE's current views on this?

It also does not appear the USACE has identified what (if any) waterside encroachments will be subject to removal within the NLIP and what legal processes will be involved in condemnation of associated property rights. These questions are of utmost importance to the GHCA and its members. SAFCA has

also advised the GHCA it has maps of approximately 30,000 encroachments and all associated easements on the waterside of the levee. SAFCA recently revealed this database to the public, but there is no mention of the encroachments and/or vegetation that the involved flood agencies consider to be unacceptable. Research has revealed some vague, inadequately mapped easements dating back to the early 1900's which appear to show little or no support for any planned encroachment removal.

SAFCA has also stated "on the record" it is willing to help facilitate "post-facto" permits for encroachments that do not endanger the levee. Would the USACE also be willing to endorse this procedure? Unfortunately, because the property owners have no information as to what items SAFCA and the USACE feel are acceptable encroachments, Garden Highway properties are being left in the dark.

Overall, the members of the GHCA are very concerned about which "encroachments" might require removal and with the various easements SAFCA and/or its partners will attempt to claim. SAFCA has promised to work with each property owner to discuss and resolve issues regarding alleged encroachments, but thus far has taken no such action. Does the USACE plan on doing the same for Phase 4b? Currently, construction Phase 2 of the Project is underway, yet the GHCA is aware of no affected property owners having been contacted regarding encroachment or easement plans. This not only impacts existing improvements, but future improvements. The uncertainty also creates resale problems and negatively affects property values.

5. Failure to Justify 24/7 Construction

As accurately noted by the California Department of Fish and Game, previous EIRS/NEPA documents do not adequately address the potential impacts to raptor nesting especially with regard to 24/7 construction and an estimated 900-1000 haul trips per day to deliver fill material. The DFG "believes that each of these activities could potentially result in significant impacts to nesting raptors including nest abandonment, starvation of young, and/or reduced health and vigor of eggs or nestlings that could result in death." Moreover, the NOP does not explore the potential impacts of nighttime construction activities on nesting raptors. Moreover, construction at night poses additional complications for the effectiveness of biological monitors in ensuring that appropriate buffer zones are in place around active nests and that birds do not abandon their nests.

The NOP contends Cutoff Walls, wells and perhaps additional aspects of the Project require a 24/7 construction schedule. The residents along Garden Highway and the sensitive environment that exists in the riparian, river habitat adjacent thereto cannot be subjected to 24/7 construction simply because SAFCA or the USACE is running behind schedule on what might be perceived as an overly ambitious project. It is anticipated 24/7 construction during subsequent phases of the NLIP would have an exponentially adverse impact on property owners spanning many miles in all directions. Moreover, the use of trucks to get to and from the actual "construction" sites will expand the location of the impact far beyond the limited construction sites addressed by SAFCA and this NOP.

The GHCA also feels the NOP ignores both city and county (Sacramento and Sutter) noise ordinances. As such, the GHCA seeks an explanation as how the USACE plans to deal with violations of local noise ordinances.

6. Damage to Businesses

The NOP fails to address the impact of the project on the businesses that exist along and upon Garden Highway which thrive only because individuals seek the tranquility and peace of a rural, river atmosphere that is easily accessible, peaceful and enjoyable.

7. Hydrology

The hydrology reports postulated by SAFCA and its engineers in previous Phases conclude the improved levee system contemplated by the NLIP will not increase the flood risk to the waterside property owners within the NLIP. These reports are explicitly based upon the assumption that other surrounding Reclamation Districts will NEVER improve their levees. This assumption is improper, flawed and not in concert with the current push by adjacent Districts to fortify their levees. The threat of increased flood risk cannot be summarily dismissed and a funding mechanism must be included to deal with the financial impact of this impact.

Equally troubling, SAFCA admits its “design event analysis is not the same as the analysis procedure used by USACE.” As the primary advertised goal of the NLIP is to obtain USACE certification, why is SAFCA deviating from the USACE event analysis? The previous SAFCA EIRS/NEPA documents further note that the USACE analysis “includes consideration of system uncertainties.” Does this mean the SAFCA analysis does not account for “system uncertainties” such as the other side of the levee overtopping or failing?

Waterside residents adjacent to the NLIP are very concerned about increased flooding of their homes due to the levee being raised as much as three feet. SAFCA has systematically advised the GHCA not to worry, as levees will overtop or fail elsewhere. Unfortunately, it appears SAFCA’s engineering analysis does not account for this or assumes the other levees will be raised and reinforced. If both sides of the levee are eventually raised, then the water capacity of the river will be increased. This would allow the upstream reservoirs to release more water during a flood event and subject residents to a much greater chance of flooding. The GHCA has been advised there is debate amongst USACE engineers as to which provides the better hydrological model, “perfect world” where you cannot take into account deficiencies in other parts of the levee, or “real world” where you can. What is USACE’s view on this?

8. Property Values

The NOP, consistent with all prior SAFCA action related to the NLIP, wholly fails to address the impact of the Project on property values in the affected areas and has no funding mechanism in place to deal with the destruction of property values in and around the project that will ripen into eminent domain and inverse condemnation lawsuits. This exposure includes, but is not limited to, irreparable damage to property values which began when this project was first publically announced (at a time when real estate values were significantly higher than today), and will continue indefinitely into the future. The Project has stalled and prevented sales, land improvements and retirement plans. This trend will increase exponentially when active construction begins. Due the lack of a funding mechanism, the taxpayers will be left to shoulder yet another wave of unanticipated and undisclosed cost overruns.

9. Failure to Consider Environmental Impact of Development

While SAFCA publicly justifies the massive NLIP as a necessary cure for the imminent, Hurricane Katrina type flooding that could occur in the Natomas Basin in the event of a 100-year-flood, in reality SAFCA is simply trying to lift the building moratorium affecting the builders who have imprudently chosen to pave over rice fields in a “basin”. These are the same developers who have spent hundreds of thousands of dollars supporting our local officials and lobbying for the right to resume rapid development within the floodplain. Without more “urban sprawl”, these developers and the County of Sacramento are unable to tap into the “quick cash” that has been created from destroying our evaporating farm lands.

The GHCA contends that rather than encouraging additional urban sprawl, local agencies should be focusing on creating more housing in urban areas, i.e. building up, not out. Moreover, the failure of local agencies to curb their appetite for our farmlands will only increase traffic congestion, gas and carbon emissions and regional pollution at a time when universal fears and concerns over global warming, water scarcity and energy depletion is gaining momentum.

The GHCA contends the urban sprawl into the Natomas Basin, quite ironically, increases the flood potential for Natomas and surrounding communities. Vast farmland that previously collected and stored water during heavy storms, before slowly releasing it through natural underground seepage, has now been paved and improved with storm drains. Accordingly, thousands of acre feet of rainwater that previously rested safely within area farmland is now immediately collected and pumped into the Sacramento River. Historical flow charts from the Sacramento River during times of heavy storms confirm the negative impact Natomas Basin development is having on regional flood protection.

10. Failure of the Notice of Preparation to abide by the Settlement Agreement between SAFCA and the GHCA.

The “Notice of Preparation” in no way mentions the previously agreed to settlement agreement between SAFCA and the GHCA. While the GHCA understands the USACE is not SAFCA, as the assignee of certain aspects of the Project, the USACE is legally required to comply with all legally enforceable agreements entered into by SAFCA, the assignor. To hold otherwise would render the settlement agreement between SAFCA and the GHCA illusory.

11. Rights of Entry/Eminent Domain.

It has recently come to the attention of the GHCA that SAFCA has pursued Right of Entry Agreements from Garden Highway property owners without advising those property owners of any authority for the desired access and without advising owners of their associated rights. By withholding this critical information, SAFCA has in essence coerced many Garden Highway residents into making uninformed decisions under the bold threat of imminent litigation should they resist.

In response to a recent complaint by the GHCA, counsel for SAFCA has confessed that entry onto the private property of Garden Highway residents is being sought pursuant to the Eminent Domain laws of the State of California. However, pursuant to California Code of Civil Procedure Section 1245.010, SAFCA and/or its contractors must be “**authorized to acquire property for a particular use**” before

they may enter private property in order to “take photographs, studies, surveys, examinations, tests, soundings, borings, samplings, or appraisals or to engage in similar activities reasonably related to acquisition or use of the property for that use.” Apparently, SAFCA has repeatedly misinformed property owners that SAFCA possesses this authority when, in reality, no such authority had ever been obtained.

Based upon the foregoing, the GHCA hereby submits that all involved flood agencies seeking permission to enter private property must notify the affected property owners **of the legal authority upon which the agency relies, along with a full description of the associated rights afforded the property owners.**

Lastly, the GHCA hereby objects to the “taking” of private lands pursuant to the Eminent Domain laws under the guise that these lands are necessary for the development of the Project, when in fact the involved agency actually and surreptitiously plans to convey the condemned land to another private party, i.e. the airport.

12. Natomas Levee Recreational Trail Project.

The GHCA is pleased a recreational trail is finally being included as part of the NLIP. Unfortunately there is no funding mechanism in place other than waiting on the Department of Transportation, which has admitted could take years. As SAFCA and the USACE are already spending millions of dollars protecting cultural resources of Native American Indians, the GHCA believes it would be practical to allocate a nominal sum of money to enhance the resources of the current living residents in the Natomas Basin. The simple modification of the design of the new levee crown from a gravel road to paved road would bear a meager cost and would streamline the bike path for the DOT.

13. Incorporation.

The GHCA also hereby incorporates by reference all comments asserted by Garden Highway property owners and/or their representatives in response to this portion of the NLIP.

In sum, while the GHCA appreciates the daunting task this Project presents to the involved flood agencies, its members strongly feel that a more rational design approach would substantially reduce these challenges, save the taxpayers hundreds of millions of dollars, preserve sensitive habitat and rich farmland and ultimately expedite recertification of the Natomas levees. Moreover, the GHCA implores the involved flood agencies to continue to acknowledge and adhere to the rights of all Garden Highway residents, businesses and property owners.

Respectfully submitted,

GARDEN HIGHWAY COMMUNITY ASSOCIATION

Businesses

Henningsen, Sarah

From: Greg Johnson [gjohnson@kvie.org]
Sent: Wednesday, July 14, 2010 2:33 PM
To: Holland, Elizabeth G SPK
Cc: Parker, Laurie S SPK; Henningsen, Sarah; Tibbitts, Dan P SPK; McDaniel, David P SPK
Subject: RE: NLIP Garden Highway Reach 16

Elizabeth;

Thanks, that gives me a better understanding of the purpose of the EIS/EIR which in part is to present the worst case scenarios.

Laurie has provided some detail depicting what is more likely to be actually constructed. From that information it appears the impact to our property is much more conservative and at this point does not seem to impact the tower or building.

Greg Johnson
Director of Engineering

2030 West El Camino Ave.
Sacramento, CA 95833

V 916 641 3571
F 916 641 3599
gjohnson@kvie.org

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-----Original Message-----

From: Holland, Elizabeth G SPK [mailto:Elizabeth.G.Holland@usace.army.mil]
Sent: Wednesday, July 14, 2010 2:22 PM
To: Greg Johnson
Cc: Parker, Laurie S SPK; Henningsen, Sarah; Tibbitts, Dan P SPK; McDaniel, David P SPK
Subject: RE: NLIP Garden Highway Reach 16

Greg,

I understand you spoke with Laurie Parker from our real estate division. What you have reviewed is a draft EIS/EIR for the Natomas Study, we do not have authorization from Congress at this time for a project and so therefore, you have not been contacted about the location of the KVIE tower. If we receive congressional authorization for a project we will work to prepare design refinements. That is when we would coordinate with you on the tower. We will take your e-mail as a comment on the draft EIS/EIR and make sure that

it is considered in the final document. We will also work with you to look at alternatives in this area when we start to prepare plans and specifications. We will try and design to provide public safety and prevent impacts to the KVIE tower. At this time we are just not to a point that we can provide you with details of what will occur in that area - our EIS/EIR looks at the greatest potential impacts as required under NEPA.

If you have further questions please give me a call and if I cannot help you and will find someone who can.

Elizabeth Holland
U.S. Army Corps of Engineers
Senior Environmental Manager
(916) 557-6763 Cell (916) 524-8239
e-Mail Elizabeth.g.holland@usace.army.mil

-----Original Message-----

From: Greg Johnson [mailto:gjohnson@kvie.org]
Sent: Wednesday, July 14, 2010 10:15 AM
To: Holland, Elizabeth G SPK
Subject: NLIP Garden Highway Reach 16

John and Elizabeth;

KVIE owns property affected by the proposed levee improvements described in the just released DEIS/DEIR for the Natomas Levee Improvement Program. Our property is located on Garden Highway in the area described as Reach 16 in the document.

Located on our property, which is adjacent to the present levee, is a communications tower and associated building and equipment that is used to relay our broadcast programming from our studio to our transmitter site located in Walnut Grove, as well as an interconnection with our sister PBS station KQED in San Francisco.

In reading through the DEIS/DEIR it is clear that as part of this project major changes would take place on our property. Plate 2-8A (attached) shows that along with the widening of the levee itself, the finished grade of the 300 foot seepage berm would be substantially higher than the existing grade and extend through the present location of our tower and building. This is quite alarming especially as we were not informed earlier of the possibility that we would have to move or modify this vital tower, building and equipment.

I need one of you to call me to further explain exactly what's planned and its impact on our facility and property on Garden Highway.

Greg Johnson

Director of Engineering

2030 West El Camino Ave.

Sacramento, CA 95833

V 916 641 3571

F 916 641 3599

gjohnson@kvie.org

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Enclosure C

Distribution List

The following elected officials and representatives; government departments and agencies; non-profit organizations, partnerships, private organizations, and businesses; media; and individual property owners received a copy of the NOP for the EIS/EIR and Natomas PACR.

ELECTED OFFICIALS AND REPRESENTATIVES

- ▶ Doris Matsui, Congresswoman, 5th Congressional District
- ▶ Tom McClintock, Congressman, 4th Congressional District
- ▶ Roger Dickinson, Sacramento County Supervisor, District 1
- ▶ Jimmie Yee, Sacramento County Supervisor, District 2
- ▶ Susan Peters, Sacramento County Supervisor, District 3
- ▶ Roberta MacGlashan, Sacramento County Supervisor, District 4
- ▶ Don Nottoli, Sacramento County Supervisor, District 5
- ▶ James Gallagher, Sutter County Supervisor, District 5
- ▶ Mayor Kevin Johnson, Sacramento City Council
- ▶ Ray Tretheway, Sacramento City Council, District 1
- ▶ Sandy Sheedy, Sacramento City Council, District 2
- ▶ Steve Cohn, Sacramento City Council, District 3
- ▶ Rob Fong, Sacramento City Council, District 4
- ▶ Lauren Hammond, Sacramento City Council, District 5
- ▶ Kevin McCarty, Sacramento City Council, District 6
- ▶ Robbie Waters, Sacramento City Council, District 7
- ▶ Bonnie Pannell, Sacramento City Council, District 8
- ▶ William Kristoff, West Sacramento City Council

GOVERNMENT DEPARTMENTS AND AGENCIES

UNITED STATES GOVERNMENT

- ▶ Bureau of Indian Affairs, Pacific Regional Office
- ▶ Federal Aviation Administration
- ▶ Federal Emergency Management Agency, Region IX
- ▶ National Marine Fisheries Service
- ▶ Natural Resources Conservation Service
- ▶ U.S. Bureau of Reclamation, Central Valley Operations
- ▶ U.S. Coast Guard
- ▶ U.S. Department of Agriculture, National Rural Development Council
- ▶ U.S. Environmental Protection Agency, Division 9
- ▶ U.S. Fish and Wildlife Service

TRIBAL GOVERNMENT

- ▶ Shingle Springs Rancheria

STATE OF CALIFORNIA

State agencies that will receive the EIS/EIR via the State Clearinghouse are marked (*)

- ▶ California Bay-Delta Authority
- ▶ California Air Resources Board*
- ▶ California Department of Boating and Waterways, Regulations Unit
- ▶ California Department of Conservation*
- ▶ California Department of Education*
- ▶ California Department of Fish and Game, Region 2
- ▶ California Department of General Services*

- ▶ California Department of Health Services*
- ▶ California Department of Transportation, District 3*
- ▶ California Department of Toxic Substances Control*
- ▶ California Department of Water Resources
- ▶ California Environmental Protection Agency
- ▶ California Integrated Waste Management Board*
- ▶ California Regional Water Quality Control Board, Central Valley Region*
- ▶ Central Valley Flood Protection Board
- ▶ Native American Heritage Commission
- ▶ Office of Emergency Services*
- ▶ Office of Historic Preservation, State Historic Preservation Officer
- ▶ Office of Planning and Research, State Clearinghouse
- ▶ State Lands Commission, Division of Environmental Planning and Management
- ▶ State Water Resources Control Board*

REGIONAL, COUNTY, CITY, AND OTHER LOCAL AGENCIES

- ▶ Amador County
- ▶ American River Flood Control District
- ▶ Butte County
- ▶ Central Valley Flood Control Association
- ▶ City of Davis
- ▶ City of Sacramento
- ▶ City of Sacramento Department of General Services
- ▶ City of Sacramento Department of Parks and Recreation
- ▶ City of Sacramento Department of Transportation Engineering Services
- ▶ City of Sacramento Department of Utilities
- ▶ City of Stockton
- ▶ City of West Sacramento
- ▶ City of Woodland
- ▶ Colusa County
- ▶ Contra Costa County
- ▶ El Dorado County
- ▶ Feather River Air Quality Management District
- ▶ Natomas Central Mutual Water Company
- ▶ Natomas Unified School District
- ▶ Placer County
- ▶ Placer County Water Agency
- ▶ Port of Sacramento
- ▶ Reclamation District 150
- ▶ Reclamation District 307
- ▶ Reclamation District 537
- ▶ Reclamation District 730
- ▶ Reclamation District 785
- ▶ Reclamation District 900
- ▶ Reclamation District 999
- ▶ Reclamation District 1000
- ▶ Reclamation District 1001
- ▶ Reclamation District 1500
- ▶ Reclamation District 1600
- ▶ Reclamation District 2035
- ▶ Reclamation District 2068

- ▶ Regional Water Authority
- ▶ Rio Linda and Elverta Recreation and Park District
- ▶ Robla School District
- ▶ Sacramento Area Council of Governments
- ▶ Sacramento Area Sewer District
- ▶ Sacramento County
- ▶ Sacramento County Airport System
- ▶ Sacramento County Clerk/Recorder
- ▶ Sacramento County Department of Environmental Management
- ▶ Sacramento County Department of Environmental Review and Assessment
- ▶ Sacramento County Department of Regional Parks
- ▶ Sacramento County Department of Transportation
- ▶ Sacramento County Department of Water Resources
- ▶ Sacramento County Local Agency Formation Commission
- ▶ Sacramento County Municipal Services Agency
- ▶ Sacramento County Planning and Community Development Department
- ▶ Sacramento County Water Agency
- ▶ Sacramento Metropolitan Air Quality Management District
- ▶ Sacramento Metropolitan Fire District
- ▶ Sacramento Municipal Utility District
- ▶ Sacramento Regional County Sanitation
- ▶ San Joaquin County
- ▶ San Joaquin County Flood Control and Water Conservation District
- ▶ Solano County
- ▶ Sutter County
- ▶ Sutter County Clerk of the Board
- ▶ Sutter County Department of Public Works
- ▶ Sutter County Environmental Health Services
- ▶ Sutter County Planning Department
- ▶ Sutter County Resource Conservation District
- ▶ Sutter County Water Resources Division
- ▶ Three Rivers Levee Improvement Authority
- ▶ Twin Rivers Unified School District
- ▶ Yolo County
- ▶ Yolo County Flood Control and Water Conservation District
- ▶ Yolo County Parks and Natural Resources Management Division
- ▶ Yolo County Planning and Public Works Department
- ▶ Yuba County
- ▶ Yuba County Water Agency
- ▶ Yuba-Sutter County Farm Bureau

NON-PROFIT ORGANIZATIONS, PARTNERSHIPS, PRIVATE ORGANIZATIONS, AND BUSINESSES

- ▶ Alamar Restaurant
- ▶ APCO Worldwide
- ▶ Association for the Environmental Preservation of the Garden Highway
- ▶ California Native Plant Society, Sacramento Valley Chapter
- ▶ Cassidy & Associates
- ▶ Citizens for Good Government
- ▶ Community Watchdog Committee

- ▶ Creekside Natomas Neighborhood Association
- ▶ Dawson and Associates
- ▶ Delta Citizens Municipal Advisory Council
- ▶ Downtown Partnership
- ▶ Environmental Council of Sacramento
- ▶ Friends of the River
- ▶ Friends of the Sacramento River Greenway
- ▶ Friends of the Swainson's Hawk
- ▶ Garden Highway Community Association
- ▶ Gardenland-Northgate Neighborhood Association
- ▶ The Gualco Group
- ▶ Habitat 2020
- ▶ Heritage Park Homeowners Association
- ▶ Law Offices of Gregory Thatch
- ▶ Metro Airpark
- ▶ Natomas Chamber of Commerce
- ▶ Natomas Community Association
- ▶ Natomas Park Master Association
- ▶ North Natomas Alliance
- ▶ North Natomas Community Association
- ▶ Pacific Gas & Electric Company
- ▶ Planning & Conservation League
- ▶ Port of Sacramento
- ▶ Reach 7 Property Owners
- ▶ Regency Park Community Association
- ▶ Rio Linda Union School District
- ▶ Rio Ramaza Marina
- ▶ River Oaks Community Association
- ▶ River Oaks Ranch in Natomas, LLC
- ▶ Sacramento Area Bicycle Advocates
- ▶ Sacramento Association of Realtors
- ▶ Sacramento Builders Exchange
- ▶ Sacramento County Farm Bureau
- ▶ Sacramento County Taxpayers
- ▶ Sacramento Groundwater Authority and Regional Water Authority
- ▶ Sacramento Metro Chamber
- ▶ Sacramento Public Library, Central Library, Federal Documents
- ▶ Sacramento River Property Owners Association
- ▶ Save Our Sandhill Cranes
- ▶ Save the American River Association
- ▶ Sierra Club, Mother Lode Chapter
- ▶ Steinberg & Associates
- ▶ Sutter County Resource Conservation District
- ▶ Swabbies
- ▶ Terrace Park Neighborhood Association
- ▶ The Natomas Basin Conservancy
- ▶ The Nature Conservancy, Sacramento River Program
- ▶ Urban Creeks Council
- ▶ Valley View Acres Community Association
- ▶ Water Forum
- ▶ West Natomas Community Association

- ▶ West Sacramento Chamber of Commerce
- ▶ Wickland Pipelines, LLC

MEDIA

- ▶ Daily Recorder
- ▶ Folsom Telegraph
- ▶ N Magazine
- ▶ Sacramento Business Journal
- ▶ Sacramento News & Review
- ▶ The Sacramento Bee

INDIVIDUAL PROPERTY OWNERS

- ▶ Names withheld for privacy



ARNOLD SCHWARZENEGGER
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT
DIRECTOR

Notice of Preparation

November 5, 2009

To: Reviewing Agencies

Re: Natomas Post-Authorization Change Report/Natomas Levee Improvement Program, Phase 4b Project
SCH# 2009112025

Attached for your review and comment is the Notice of Preparation (NOP) for the Natomas Post-Authorization Change Report/Natomas Levee Improvement Program, Phase 4b Project draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

John Bassett
Sacramento Area Flood Control Agency
1007 7th Street, 7th Floor
Sacramento, CA 95814

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Acting Director

Attachments
cc: Lead Agency

2009 NOV 10 10:51:12

**Document Details Report
State Clearinghouse Data Base**

SCH# 2009112025
Project Title Natomas Post-Authorization Change Report/Natomas Levee Improvement Program, Phase 4b Project
Lead Agency Sacramento Area Flood Control Agency

Type **NOP** Notice of Preparation
Description The overall purpose of the Natomas Levee Improvement Program (NLIP) is to bring the entire 42-mile Natomas Basin perimeter levee system into compliance with applicable Federal and state standards for levees protecting urban areas. The Phase 4b - Project - a component of the NLIP - consists of improvements to a portion of the Natomas Basin's perimeter levee system and associated landscape, irrigation/drainage infrastructure modifications, and environmental mitigation, including habitat creation and management.

Lead Agency Contact

Name John Bassett
Agency Sacramento Area Flood Control Agency
Phone (916) 874-7606 **Fax**
email
Address 1007 7th Street, 7th Floor
City Sacramento **State** CA **Zip** 95814

Project Location

County Sacramento, Sutter
City Sacramento
Region
Cross Streets Various
Lat / Long 38° 41' N / 121° 36' W
Parcel No.

| Township | Range | Section | Base |
|-----------------|--------------|----------------|-------------|
|-----------------|--------------|----------------|-------------|

Proximity to:

Highways Hwy 5, 99, 80
Airports Sacramento Int'l
Railways
Waterways Sacramento & American Rivers, NCC, NEMDC, PGCC
Schools
Land Use Various, including flood damage reduction facilities, agriculture, residential, and public right-of-way

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects; Other Issues

Reviewing Agencies Resources Agency; Office of Historic Preservation; Department of Parks and Recreation; Central Valley Flood Protection Board; Department of Water Resources; Department of Fish and Game, Region 2; Native American Heritage Commission; State Lands Commission; California Highway Patrol; Caltrans, District 3; Department of Toxic Substances Control; Regional Water Quality Control Bd., Region 5 (Sacramento)

Date Received 11/05/2009 **Start of Review** 11/05/2009 **End of Review** 12/07/2009

NOP Distribution List

County: Sacramento, Sutter

SCH# 2009112025

Resources Agency

- Resources Agency
Nadell Gayou
- Dept. of Boating & Waterways
Mike Sotelo
- California Coastal Commission
Elizabeth A. Fuchs
- Colorado River Board
Gerald R. Zimmerman
- Dept. of Conservation
Rebecca Salazar
- California Energy Commission
Eric Knight
- Cal Fire
Allen Robertson
- Office of Historic Preservation
Wayne Donaldson
- Dept of Parks & Recreation
Environmental Stewardship Section
- Central Valley Flood Protection Board
James Herota
- S.F. Bay Conservation & Dev't. Comm.
Steve McAdam
- Dept. of Water Resources
Resources Agency
Nadell Gayou

Fish and Game

- Dept. of Fish & Game
Scott Flint
Environmental Services Division
- Fish & Game Region 1
Donald Koch
- Fish & Game Region 1E
Laurie Harnsberger

- Fish & Game Region 2
Jeff Drongesen
- Fish & Game Region 3
Robert Floerke
- Fish & Game Region 4
Julie Vance
- Fish & Game Region 5
Don Chadwick
Habitat Conservation Program
- Fish & Game Region 6
Gabrina Gatchel
Habitat Conservation Program
- Fish & Game Region 6 I/M
Brad Henderson
Inyo/Mono, Habitat Conservation Program
- Dept. of Fish & Game M
George Isaac
Marine Region

Other Departments

- Food & Agriculture
Steve Shaffer
Dept. of Food and Agriculture
- Depart. of General Services
Public School Construction
- Dept. of General Services
Anna Garbeff
Environmental Services Section
- Dept. of Public Health
Bridgette Binning
Dept. of Health/Drinking Water

Independent Commissions, Boards

- Delta Protection Commission
Linda Flack
- Office of Emergency Services
Dennis Castrillo
- Governor's Office of Planning & Research
State Clearinghouse
- Native American Heritage Comm.
Debbie Treadway

- Public Utilities Commission
Leo Wong
- Santa Monica Bay Restoration
Guangyu Wang
- State Lands Commission
Marina Brand
- Tahoe Regional Planning Agency (TRPA)
Cherry Jacques

Business, Trans & Housing

- Caltrans - Division of Aeronautics
Sandy Hesnard
- Caltrans - Planning
Terri Pencovic
- California Highway Patrol
Scott Loetscher
Office of Special Projects
- Housing & Community Development
CEQA Coordinator
Housing Policy Division

Dept. of Transportation

- Caltrans, District 1
Rex Jackman
- Caltrans, District 2
Marcellino Gonzalez
- Caltrans, District 3
Bruce de Terra
- Caltrans, District 4
Lisa Carboni
- Caltrans, District 5
David Murray
- Caltrans, District 6
Michael Navarro
- Caltrans, District 7
Elmer Alvarez

- Caltrans, District 8
Dan Kopulsky
- Caltrans, District 9
Gayle Rosander
- Caltrans, District 10
Tom Dumas
- Caltrans, District 11
Jacob Armstrong
- Caltrans, District 12
Chris Herre

Cal EPA

Air Resources Board

- Airport Projects
Jim Lerner
- Transportation Projects
Douglas Ito
- Industrial Projects
Mike Tollstrup

- California Integrated Waste Management Board
Sue O'Leary

- State Water Resources Control Board
Regional Programs Unit
Division of Financial Assistance

- State Water Resources Control Board
Student Intern, 401 Water Quality Certification Unit
Division of Water Quality

- State Water Resources Control Board
Steven Herrera
Division of Water Rights

- Dept. of Toxic Substances Control
CEQA Tracking Center

- Department of Pesticide Regulation
CEQA Coordinator

Regional Water Quality Control Board (RWQCB)

- RWQCB 1
Cathleen Hudson
North Coast Region (1)
- RWQCB 2
Environmental Document Coordinator
San Francisco Bay Region (2)
- RWQCB 3
Central Coast Region (3)
- RWQCB 4
Teresa Rodgers
Los Angeles Region (4)
- RWQCB 5S
Central Valley Region (5)
- RWQCB 5F
Central Valley Region (5)
Fresno Branch Office
- RWQCB 5R
Central Valley Region (5)
Redding Branch Office
- RWQCB 6
Lahontan Region (6)
- RWQCB 6V
Lahontan Region (6)
Victorville Branch Office
- RWQCB 7
Colorado River Basin Region (7)
- RWQCB 8
Santa Ana Region (8)
- RWQCB 9
San Diego Region (9)
- Other _____

Enclosure B

Meeting Handouts and Information Displays

Posters from March 2008 Scoping Meeting

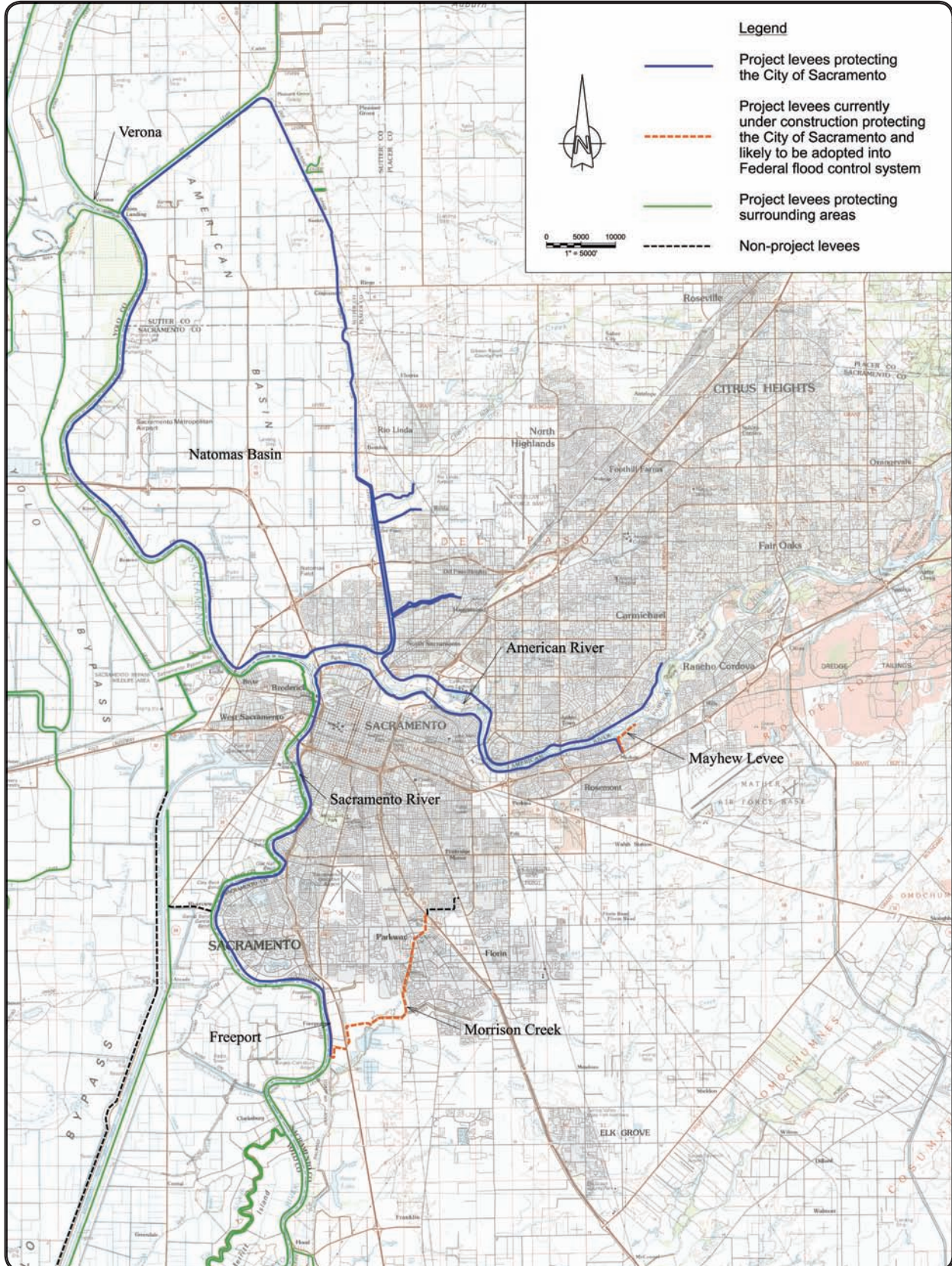
Flooding is a long-standing problem facing the Sacramento area. The recent floods of 1986 and 1997 devastated several communities, including homes, businesses, orchards and farmlands. In 1996 the Water Resources Development Act authorized the American River Common Features Project (CFP), designed to lessen flood risks in Sacramento. Since the authorization of the CFP 12 years ago, a great deal of progress has been made to improve the flood control system. However, new information and issues have been identified and new engineering standards have been instituted. As a result, there are continuing concerns about the integrity of Sacramento's flood control management system.

As a result, the U.S. Army Corps of Engineers plans to conduct a re-evaluation report called the American River Common Features General Re-evaluation Report (Common Features GRR) that will look at the existing CFP with the purpose of identifying alternatives to lower the risk of flooding to the City of Sacramento. The Common Features GRR will examine the City's flood management system as a whole, rather than on a site-by-site, project-by-project basis.

The purpose of the Common Features GRR is to review the CFP with the aim of making recommendations for changes or additions that will effectively and efficiently reduce flood risks within the American River Watershed. This includes the flood control features along the American and Sacramento Rivers that provide protection to the City of Sacramento and surrounding areas.

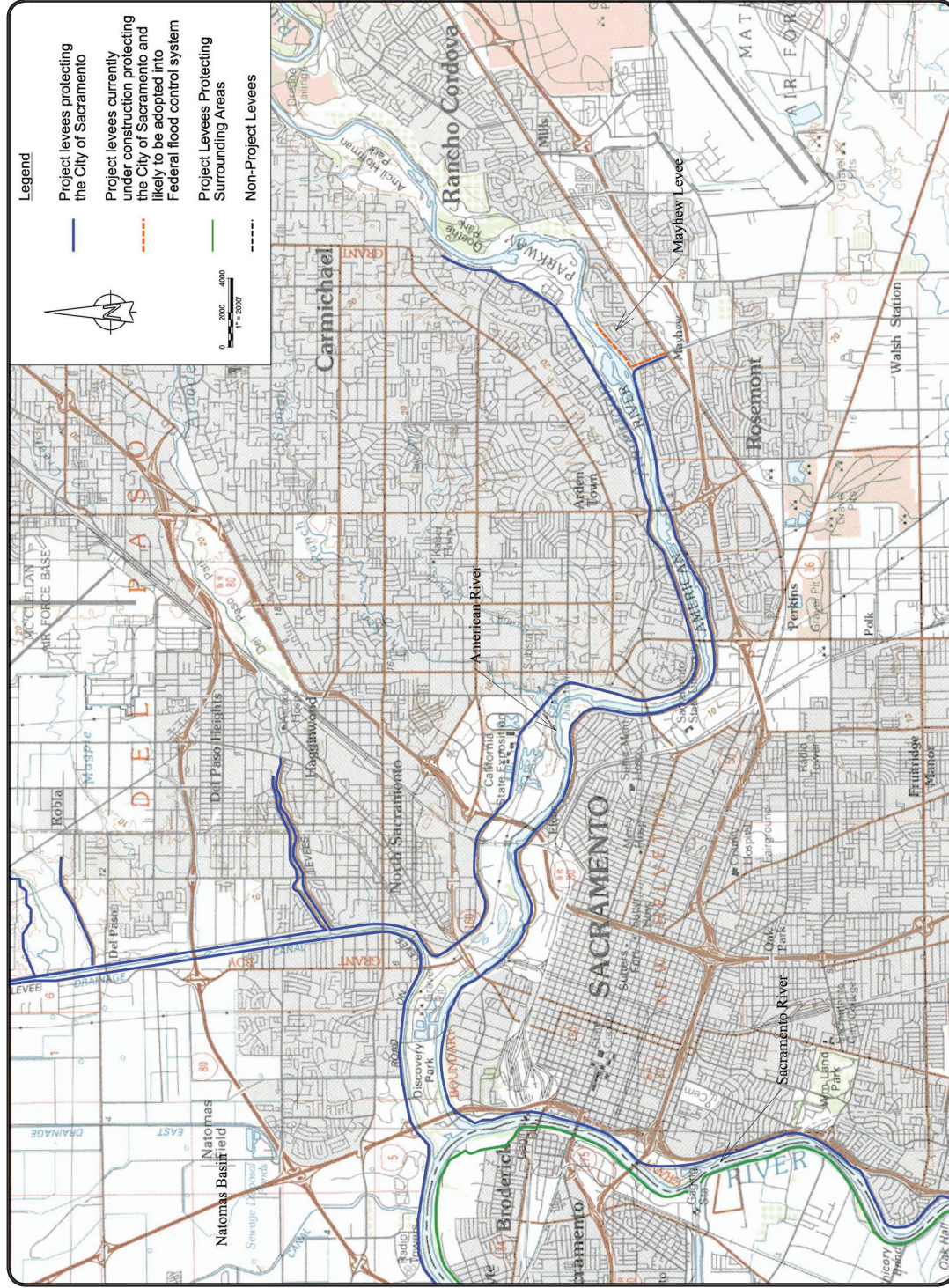
In a separate effort, the Sacramento Area Flood Control Agency (SAFCA) is currently working on a flood control program specific to Natomas to provide the area with 100-year flood protection as soon as possible, and ultimately, in cooperation with this study, 200-year protection. These improvements could be completed before the Common Features GRR is conducted because of the high risk of catastrophic flooding in Natomas. It is anticipated that SAFCA's program will eventually be incorporated into the Common Features GRR.



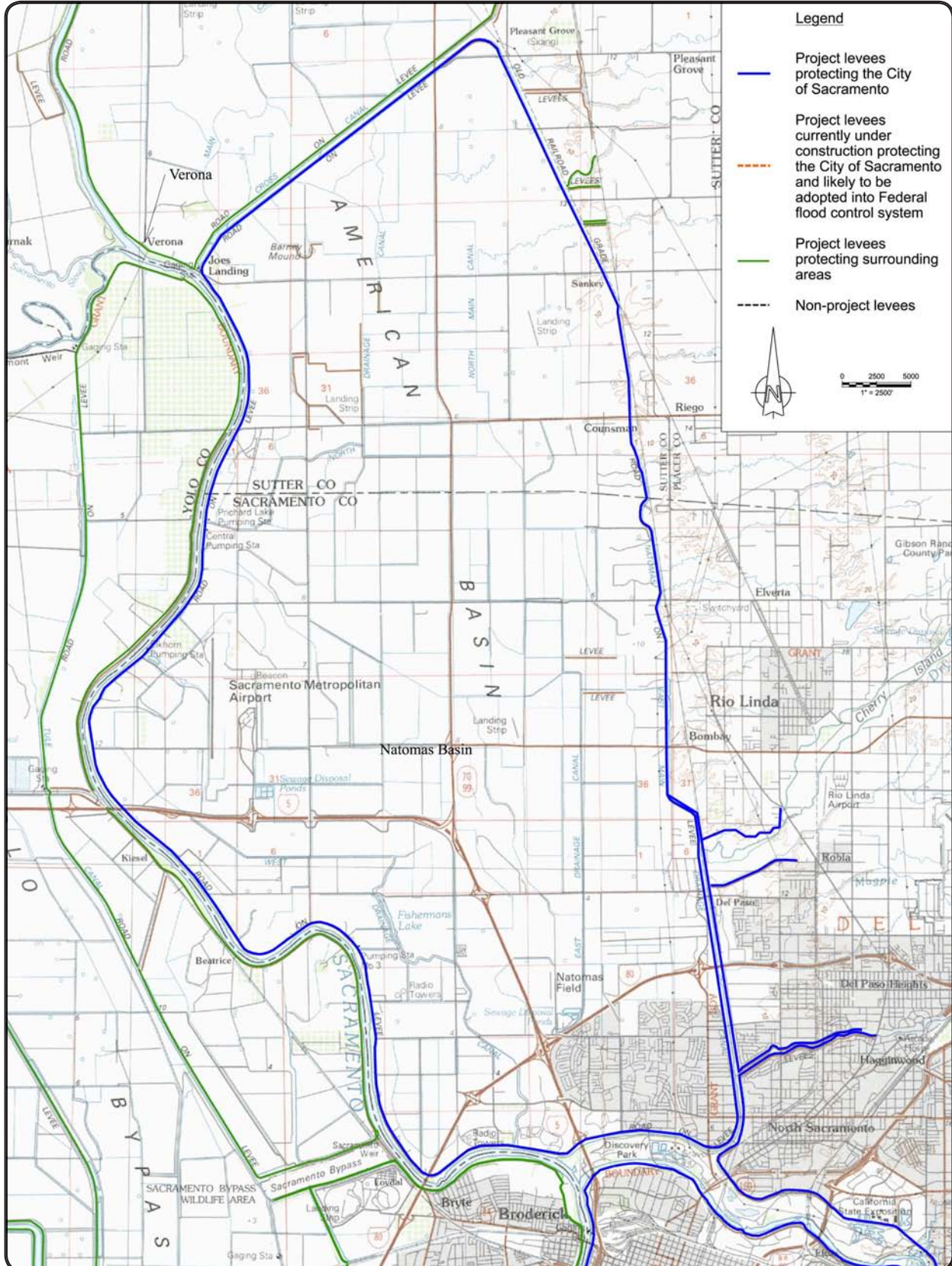


Study Area Detail

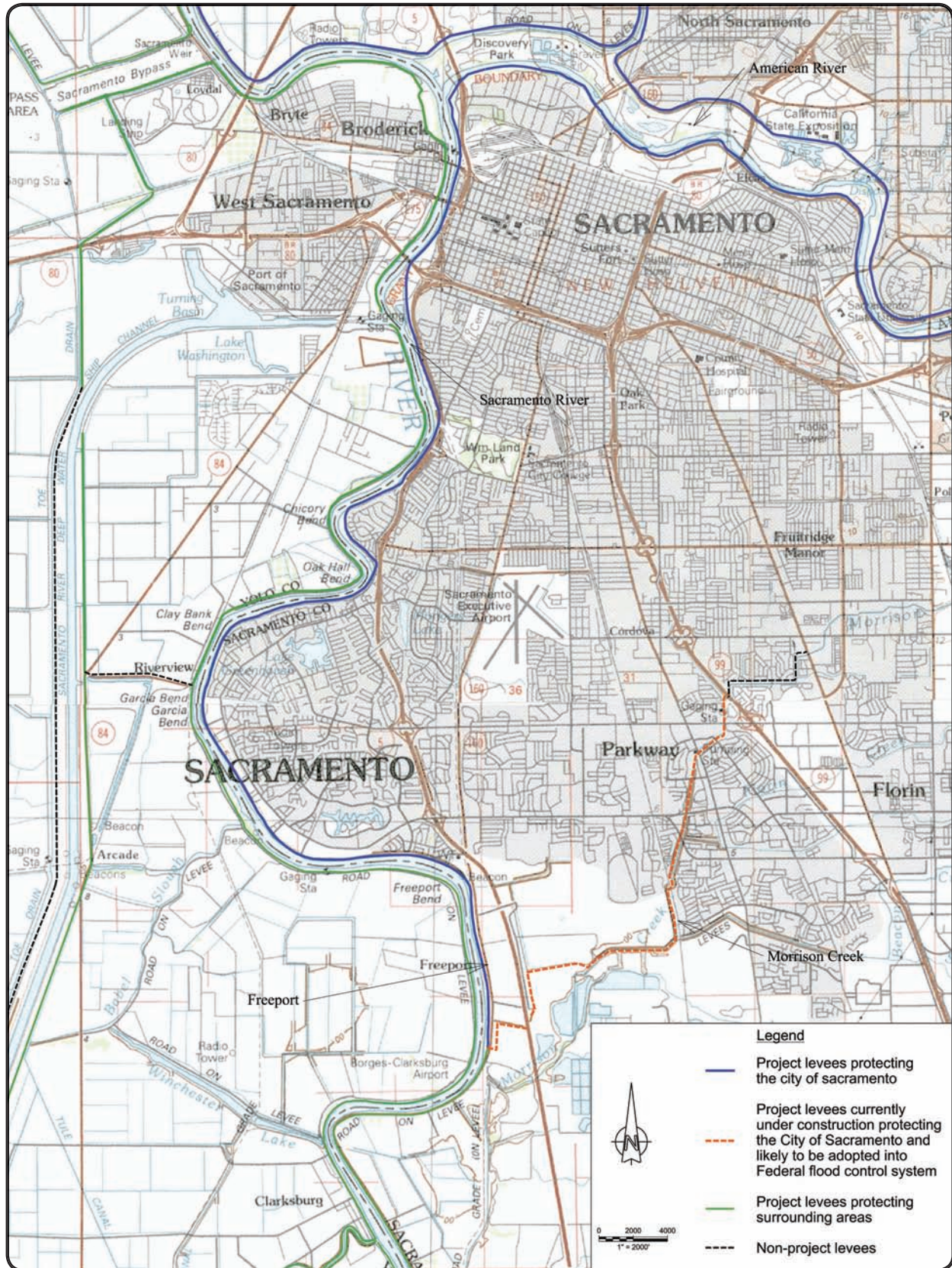
Lower American River



Natomas Basin



Sacramento River from American River to Freeport



Legend

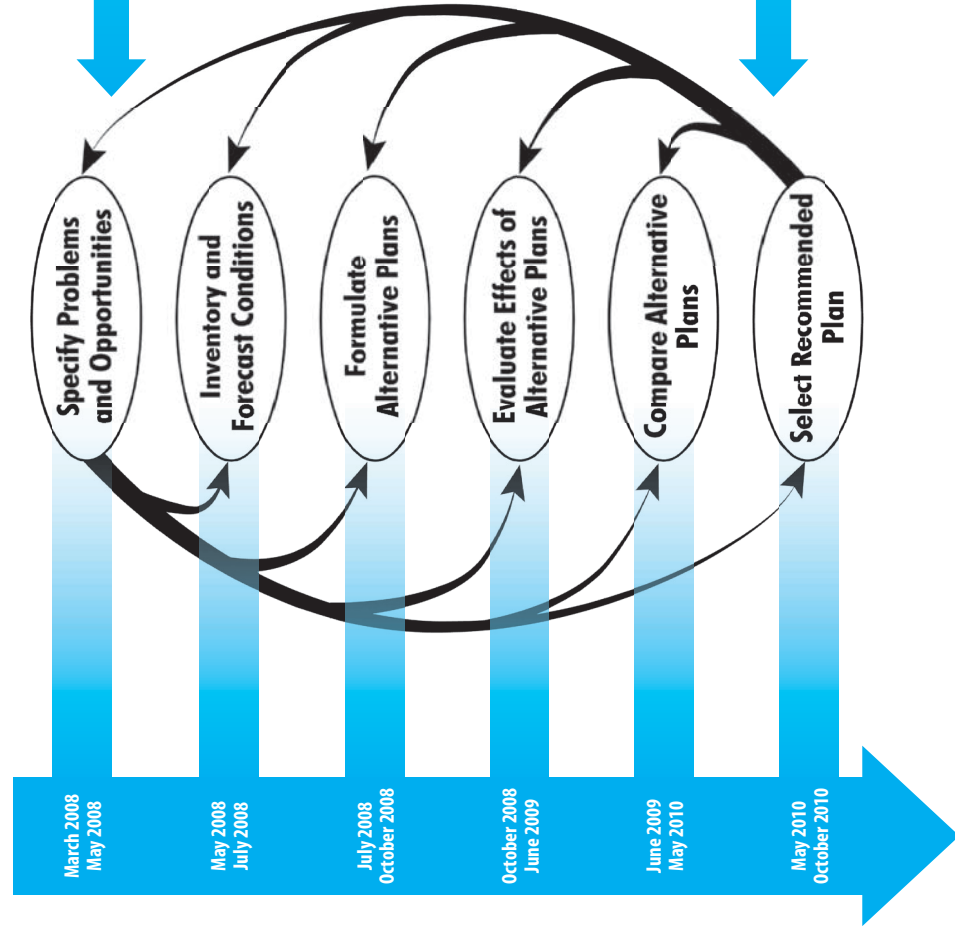
- Project levees protecting the city of sacramento
- - - Project levees currently under construction protecting the City of Sacramento and likely to be adopted into Federal flood control system
- Project levees protecting surrounding areas
- - - Non-project levees



Planning Process

The Corps' "Beehive" diagram represents the six planning steps and the iterative process of Corps project planning.

Corps decision making is generally based on the accomplishment and documentation of all of these steps. It is important to stress the iterative nature of this process. As more information is acquired and developed, it may be necessary to reiterate some of the previous steps. The six steps, though presented and discussed in a sequential manner for ease of understanding, usually occur iteratively and sometimes concurrently. Iterations of steps are conducted as necessary to formulate efficient, effective, complete and acceptable plans.



Previous investigations and ongoing/completed projects will inform the Common Features GRR

Completed and Ongoing Projects

A great deal of progress has been made since the major flood events in 1986 and 1997. The projects listed below are examples of recent efforts to increase the level of flood protection in the Sacramento area. These efforts will inform and be coordinated with the Common Features GRR planning process.

American River Common Features Projects

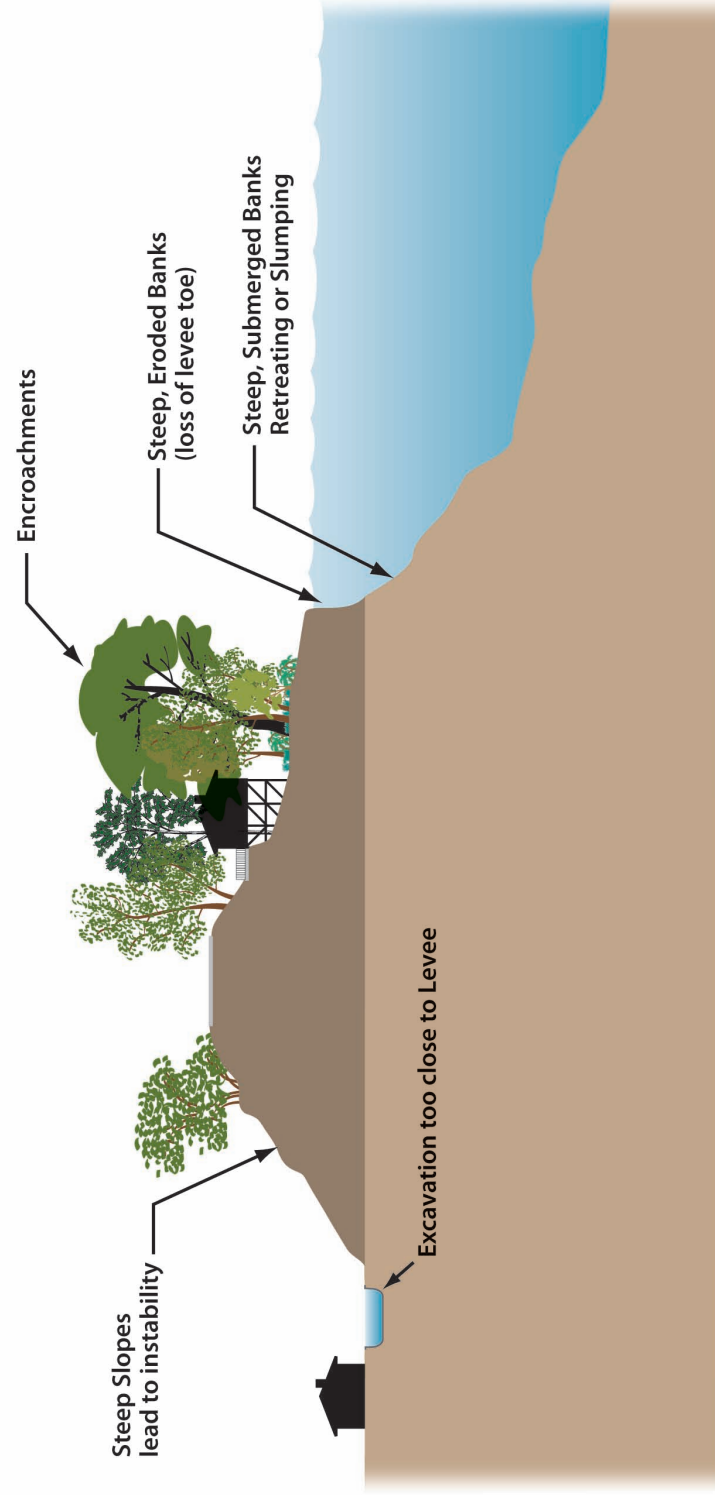
- Slurry Wall Construction along the Lower American River (24 miles completed)
- Upstream Telemetry Gages (completed)
- Erosion Protection (4 sites completed)
- Jet Grouting/Alternative Methods (ongoing)
- Seepage Remediation along the Sacramento River (completed)
- Mayhew Levee Raise and Drain Closure (under construction)
- Levee Raising and Strengthening (various sites remaining)

Other Major Flood Protection Projects

- Folsom Dam Reoperation (ongoing)
- Natomas Levee Improvement Project (ongoing)
- Sacramento River Bank Protection Project (Corps/CVFPB) (ongoing)
- West Sacramento Levee Improvement Project (Corps/City of West Sacramento) (ongoing)
- South Sacramento Streams Group Project (Corps/SAFCA) (ongoing)
- Joint Federal Project at Folsom Dam (Corps/Bureau of Reclamation/CVFPB/SAFCA)



Encroachments, Unstable Slopes, Erosion



- Unstable Slopes - irregular or overly steep slopes compromise the levee structure
- Encroachments including pools, homes, vegetation
- Erosion - water flow, wakes and waves, remove soil material, degrading the levee

Seepage and Inadequate Freeboard

Levee Instability - Saturated soil and sand layers may cause levee slopes to slump, or levee foundation to settle, risking levee failure at flood stage.

Seepage on the levee slope

Sand Boil

Water Seepage

Free Board - Levee height may be too low relative to predicted water levels.

Through Seepage - When the river is near flood stage, high water pressure at some locations causes seepage through the levee.

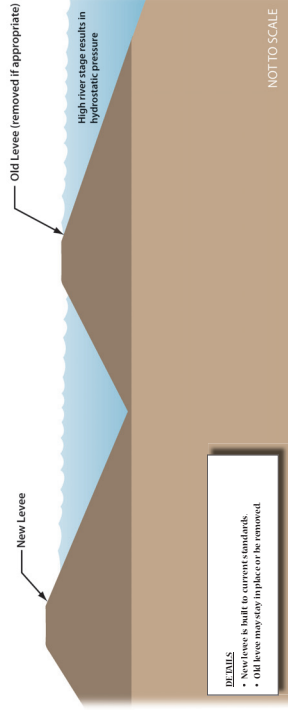
River level at flood stage

Underseepage - High river levels lead to underseepage through sand and graveled soils. High water pressure beneath the surface can emerge at the land-side levee toe, causing sand boils, and can also appear at the surface up to several hundred feet on the land-side of the levee.

- Inadequate Freeboard - levee height may be too low relative to predicted water levels

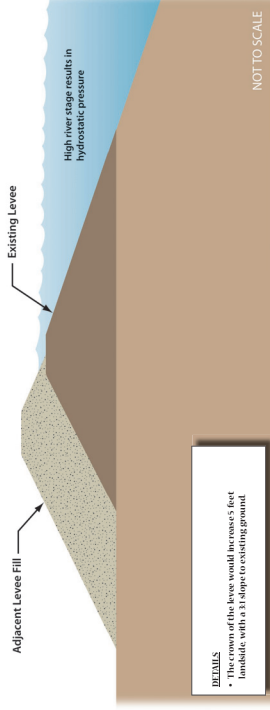
IMPROVEMENTS TO FLOOD CONTROL FEATURES THAT ADDRESS STABILITY, EROSION AND FREEBOARD

Setback Levee (stability, seepage, & freeboard)



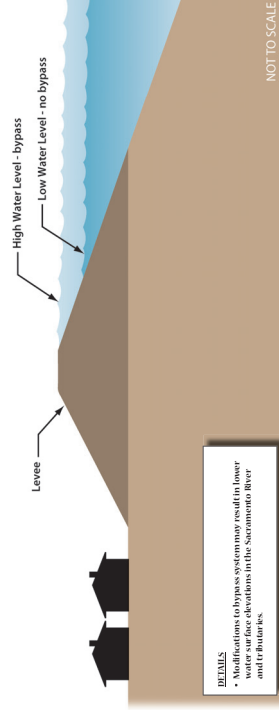
Concept:
A new levee is built toward the landside of an existing levee where the existing levee is not readily repairable or where more flooding capacity is desired.

Adjacent Levee Raise (stability, seepage, & freeboard)



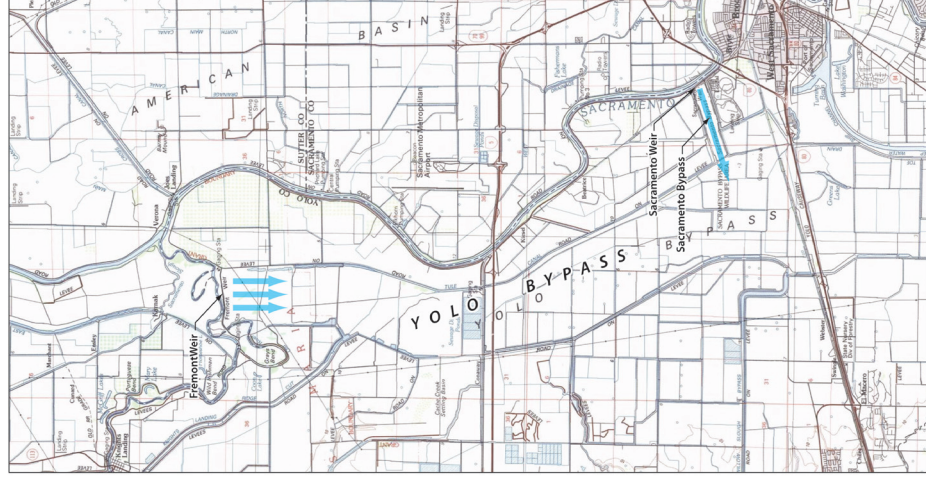
Concept:
A new embankment strengthens the existing levee and enlarges the slopes.

Diversion to Bypass System (seepage, stability, & freeboard)



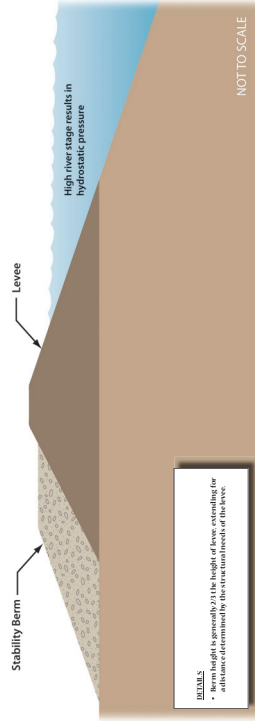
Concept:
Reducing water surface elevations by modifying diversion to the bypass system may also reduce seepage and stability issues by reducing hydrostatic pressure. Lower water surface elevations will also alleviate freeboard issues.

Diversion to Bypass System (seepage, stability, & freeboard)



IMPROVEMENTS TO LEVEES THAT ADDRESS STABILITY, EROSION AND FREEBOARD

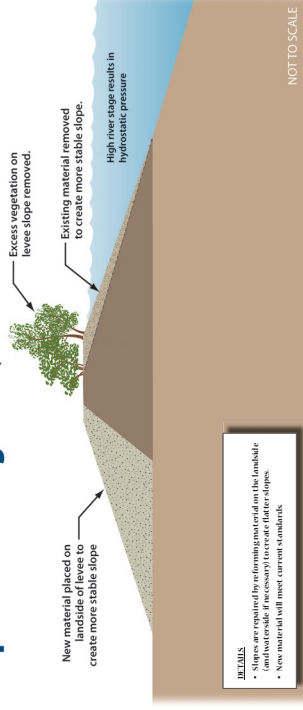
Stability Berm (stability)



Concept:
Provides additional support to levee to increase strength.

- DETAILS**
- Berms are generally 1/3 the height of levee extending for a distance determined by the structural needs of the levee.

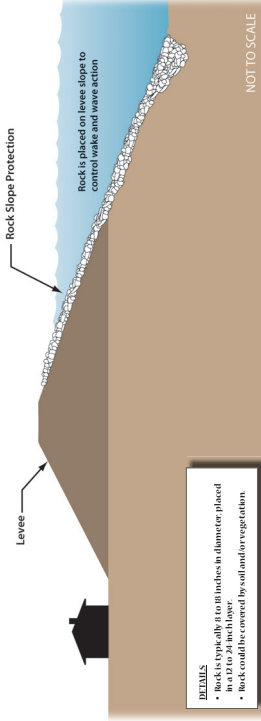
Slope Flattening (stability)



Concept:
Flatter slopes are more stable and less susceptible to erosion. Excess vegetation may inhibit levee maintenance and performance monitoring.

- DETAILS**
- Slopes are repaired by performing material on the landside (and outside, if necessary) to create flatter slopes.
 - New material will meet current standards.

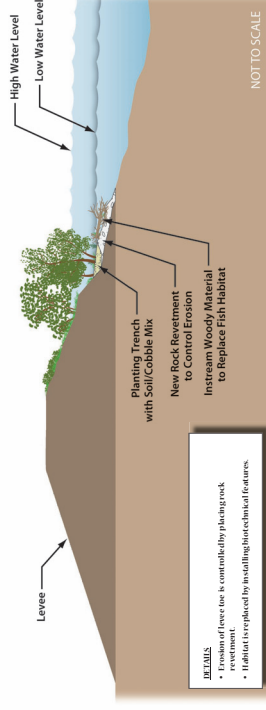
Rock Slope Protection (erosion)



Concept:
Water-side erosion is prevented by placement of rock.

- DETAILS**
- Rock is typically 4 to 80 inches in diameter, placed in a 12 to 24 inch layer.
 - Rock could be covered by soil and/or vegetation.

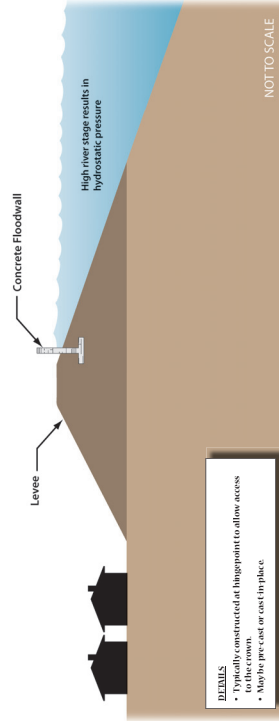
Biotechnical Erosion Protection (erosion)



Concept:
Placing rock revetment at toe of eroding levee controls erosion, installing biotechnical features replaces habitat and further controls erosion.

- DETAILS**
- Erosion of levee toe is controlled by placing rock revetment.
 - Habitat is replaced by installing biotechnical features.

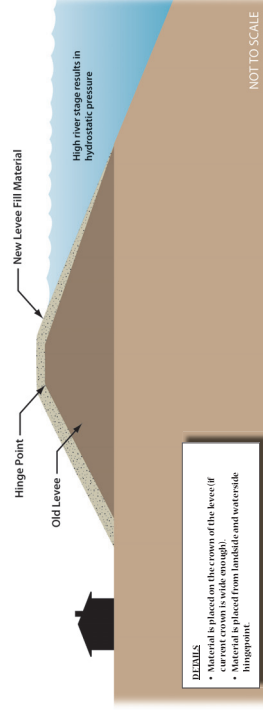
Flood Wall (freeboard)



Concept:
Additional levee height may be achieved through construction of a concrete wall on the levee crown.

- DETAILS**
- Typically constructed at hinge point to allow access to the crown.
 - May be pre-cast or cast in place.

In-Place Levee Raise (freeboard)

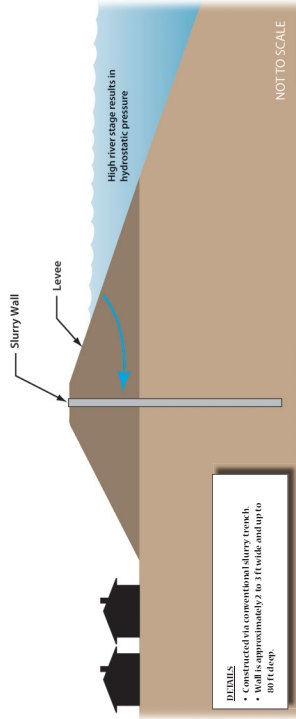


Concept:
Flood protection is increased by adding material to crown and levee slope (land or water side).

- DETAILS**
- Material is placed on the crown of the levee, if needed.
 - Material is placed from landside and water side hinge point.

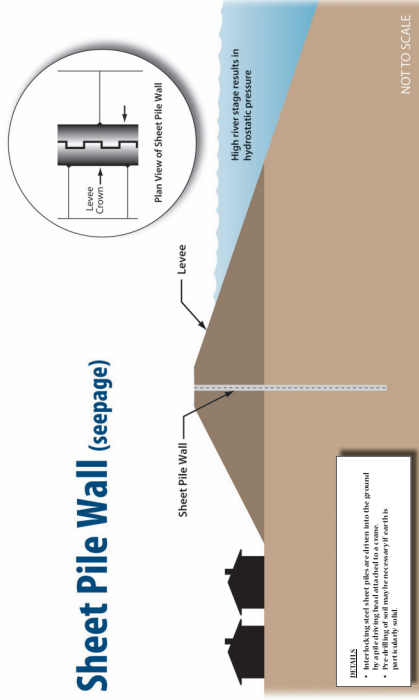
IMPROVEMENTS TO LEVEES THAT ADDRESS SEEPAGE

Slurry Wall (seepage)



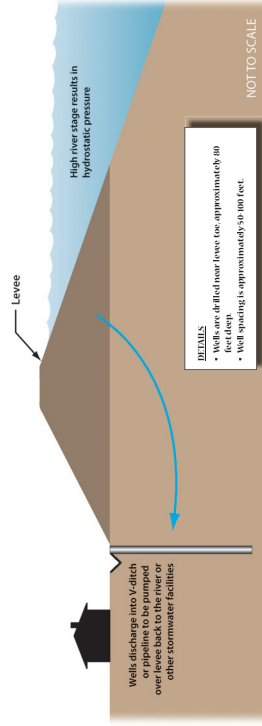
Concept: Water pressure is contained and dispersed by a low-permeability wall constructed within the levee cross section.

Sheet Pile Wall (seepage)



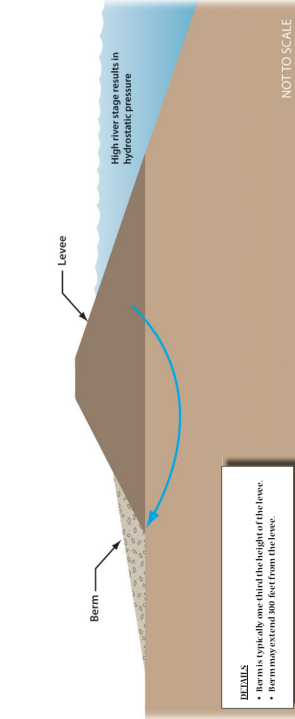
Concept: Steel panels are driven into the levee core to provide a seepage barrier.

Relief Well (seepage)



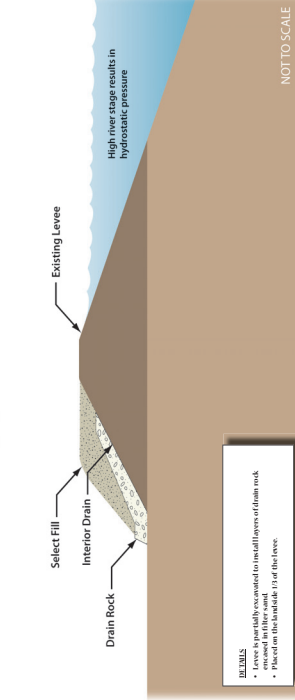
Concept: Water pressure is relieved via passive wells, which control water discharge into a collection system.

Seepage Berm (seepage)



Concept: Water pressure is contained and dispersed by a thickened soil layer.

Interior Drain (seepage)



Concept: Capture any through-seepage and direct it away from the face of the levee.

The process of determining the scope, focus and content of an EIS/EIR is known as “scoping”. Scoping is a part of the NEPA/CEQA process in which the general public, interested agencies and stakeholders provide comments to the Lead Agency to help identify the key issues, range of actions, alternatives, and environmental affects to be analyzed in the EIS/EIR.

The following issues related to this project have been identified to date:

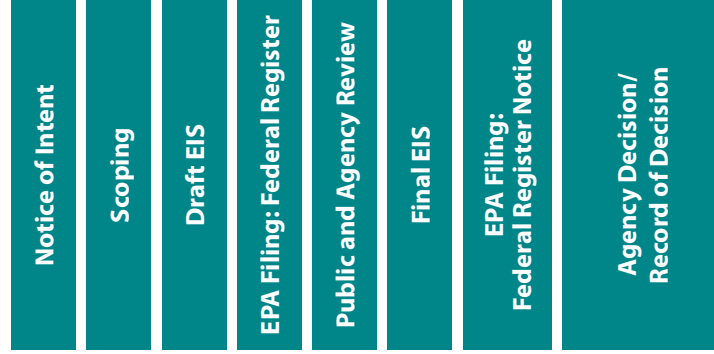
- Riparian vegetation and habitat effects;
- Cultural resources;
- Flood control and river hydraulic effect;
- Location of flood control infrastructure and effects on land use and access;
- Construction related effects such as those related to transportation, noise, and air quality;
- Economic issues

What is an EIS/EIR?

An EIS (Environmental Impact Statement) and an EIR (Environmental Impact Report) are documents that are required to comply with the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), respectively. The purpose of these documents is to analyze and disclose a project's potential effects on the natural and human environment and identify conservation measures and alternatives to avoid significant effects.

An EIS is prepared when there is Federal involvement in the project and an EIR is prepared when the project is subject to State or local jurisdiction. A joint document, an EIS/EIR, may be prepared when both a Federal and State agency are involved. The major steps to complying with both acts are outlined below.

NEPA (Environmental Impact Statement)



Notice of Intent

Scoping

Draft EIS

EPA Filing: Federal Register

Public and Agency Review

Final EIS

EPA Filing:
Federal Register Notice

Agency Decision/
Record of Decision

Official notice that an environmental document is being prepared

Defines the scope of the study by identifying issues and solidifying comments from the general public, agencies, and jurisdictions.

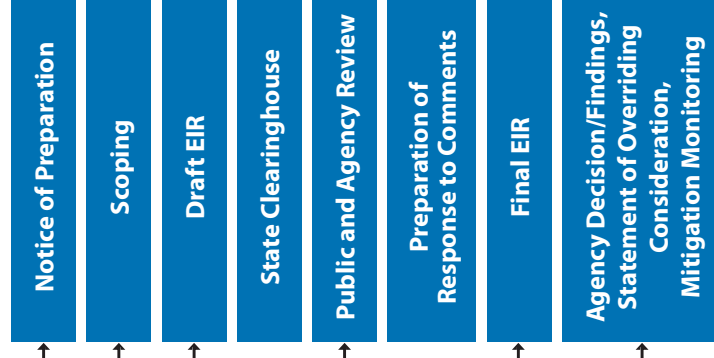
Describes the purpose and need/proposed project; alternatives considered; alternatives rejected or accepted; and a comprehensive evaluation of the environmental impacts that the alternatives would likely cause, and conceptual mitigation.

At least a 45-day period during which the public and agencies review the draft document and submit comments to the lead agencies.

Addresses the comments on the draft document and from any public hearing, presents the final evaluation of project-induced environmental impacts and ways to mitigate unavoidable impacts.

Lead agency uses information from the final document and the project record to issue a decision and document commitments and mitigation.

CEQA (Environmental Impact Report)



Notice of Preparation

Scoping

Draft EIR

State Clearinghouse

Public and Agency Review

Preparation of
Response to Comments

Final EIR

Agency Decision/Findings,
Statement of Overriding
Consideration,
Mitigation Monitoring

Posters from November 2009 Scoping Meeting

Relationship to other USACE Planning Documents

AMERICAN RIVER COMMON FEATURES PROJECT

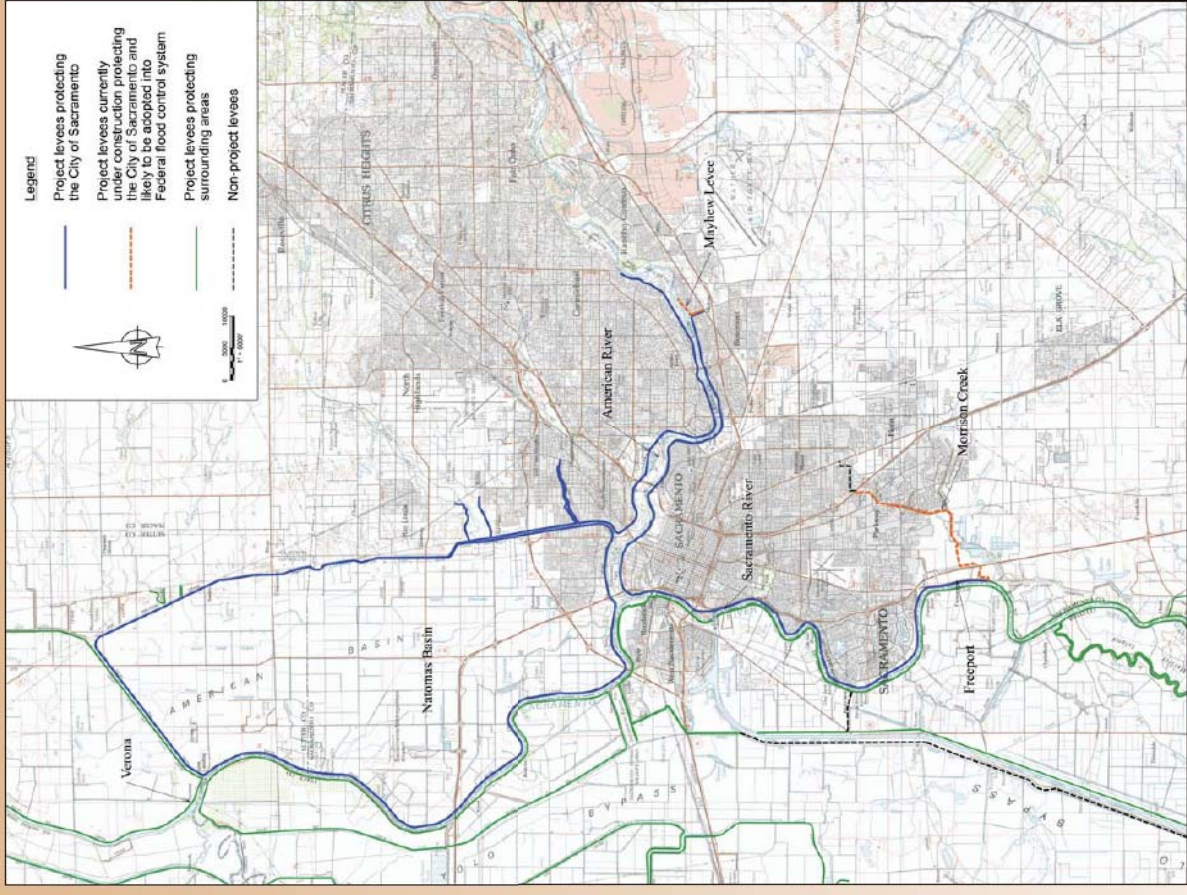
- ▶ Authorized in 1996 under the Water Resources Development Act
- ▶ Designed to lessen flood risks in Sacramento and strengthen the American River levees so they can safely pass a flow of 160,000 cubic feet per second
- ▶ The project has installed roughly 23 miles of cutoff wall up to depths of 80 feet, raised levees to provide adequate levee height, addressed slope stability issues, and corrected some erosion problems
- ▶ New issues have emerged and new engineering standards have been instituted since the authorization of the American River Common Features Project



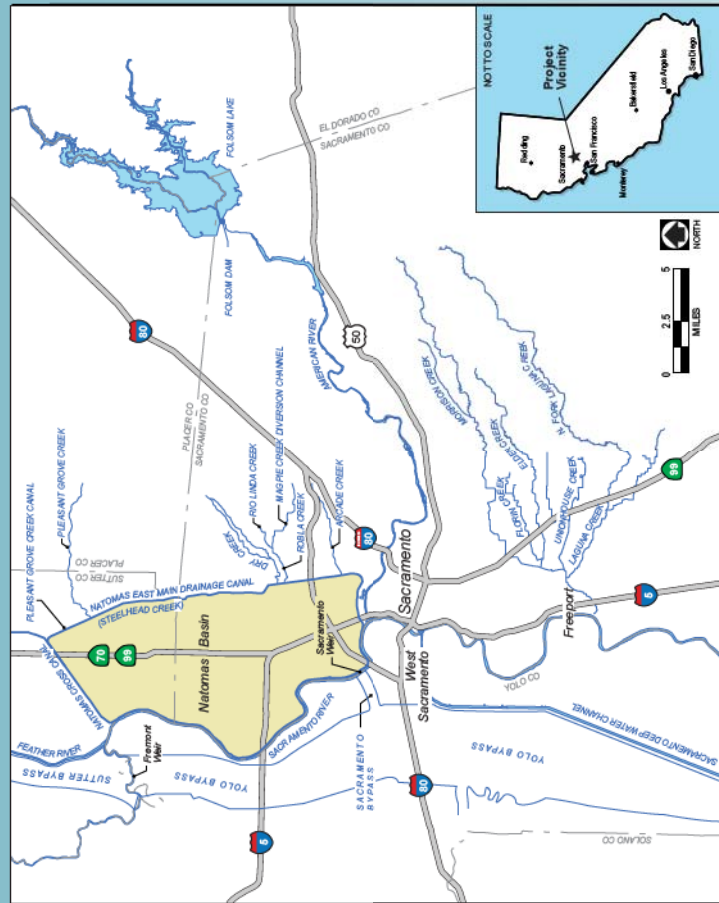
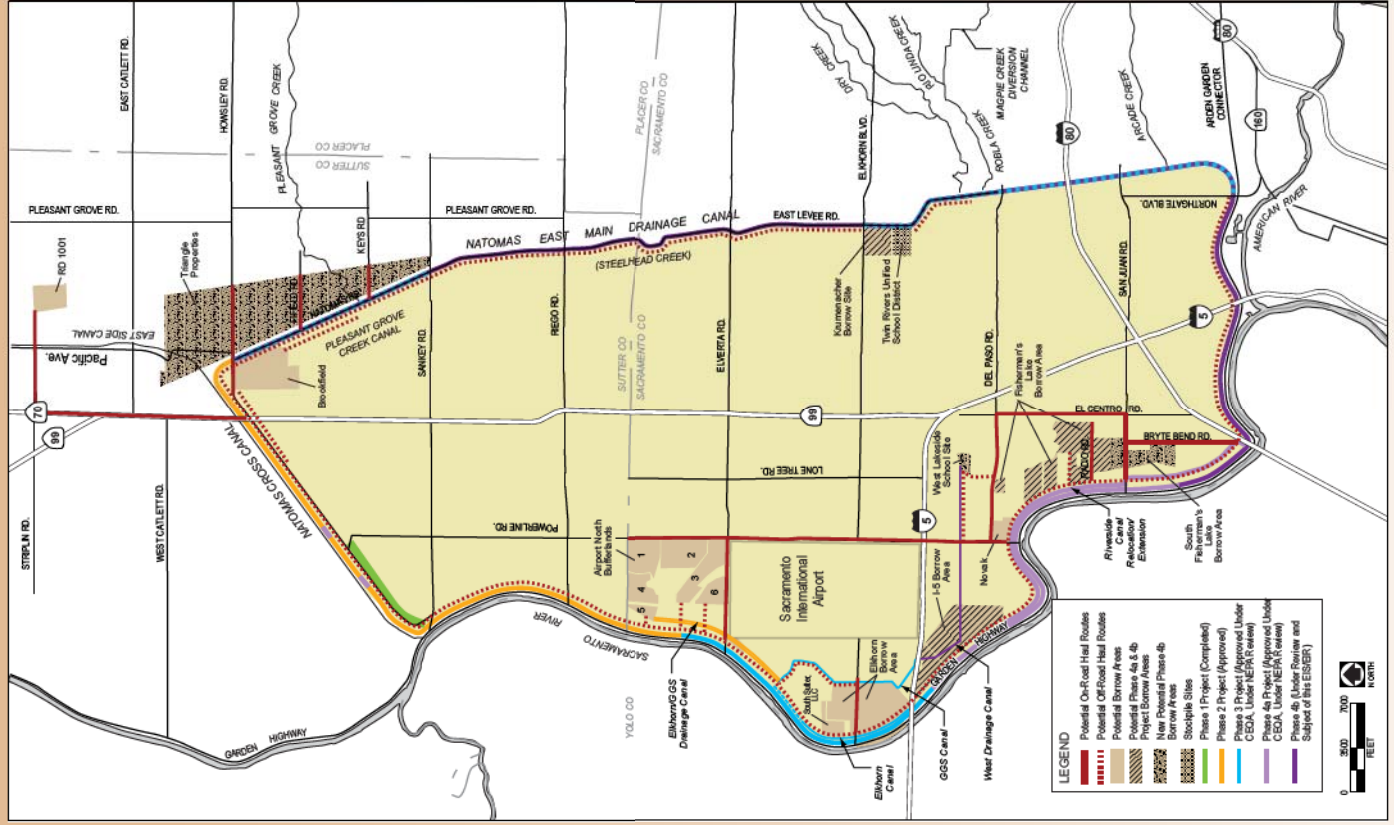
GENERAL RE-EVALUATION REPORT

- ▶ In light of new issues and standards, the General Re-evaluation Report (GRR) will look at the existing American River Common Features Project with the purpose of identifying alternatives to lower the risk of flooding in the City of Sacramento
- ▶ Three basins in the GRR analysis will be considered: the American River North Basin, Natomas Basin, and the Greater Sacramento Basin located south of the American River
- ▶ The EIS/EIR will be used for Natomas Basin GRR approval, for preparation of the Natomas Post-authorization Change Report (PACR), and to support implementation of the Natomas Levee Improvement Program Phase 4b Project Landslide Improvements Project
- ▶ USACE plans to implement the Phase 4b Project
- ▶ In the event the Natomas PACR is not approved by Congress, the EIS/EIR will support SAFCA's implementation of the Phase 4b Project should SAFCA choose to proceed without Federal participation

American River Common Features General Re-evaluation Report Study Area



Station 2 – Project Location and Background



CEDA = California Environmental Quality Act
 EIR = environmental impact report
 EIS = environmental impact statement
 GGS = giant garter snake
 NEPA = National Environmental Policy Act
 RD = reclamation district

Station 3 – History of the Natomas Basin Flood Damage Reduction System

| Year/Timeframe | Flood Damage Reduction Project/Event |
|------------------|---|
| 1911–1915 | Natomas Basin reclaimed: levees and interior drainage constructed |
| 1917–1967 | Levees authorized as part of the SRFCP; construction on the SRFCP is initiated and completed in stages |
| 1968 | NFIP authorized |
| 1978 | First NFIP 100-year Flood Maps issued by FEMA |
| 1986 | Major floods lead to SRFCP system re-evaluation |
| 1989 | FEMA issues new 100-year Flood Maps encompassing most of the city of Sacramento |
| 1990–1993 | Congress provides funding for the Sacramento Urban Levee Reconstruction Project |
| 1993–1998 | SAFCA carries out the NALP |
| 1996 | Congress authorizes raise and strengthening of Sacramento River east levee and strengthening of American River north levee |
| 1997 | Major flood in SRFCP |
| 1998 | USACE certifies Natomas Basin levees for 100-year FEMA flood protection |
| 1999 | Congress authorizes raise and strengthening of the NCC south levee |
| 1999 | Post-1997 Flood Assessment recognizes underseepage as a threat |
| 2000 | USACE initiates Natomas Basin Common Features Design |
| 2002 | USACE conducts public scoping meetings |
| 2003 | USACE Levee Task Force completes development of deep underseepage criteria |
| 2004 | USACE adopts Standard Operating Procedures for Urban Levee Design |
| 2004–2006 | SAFCA evaluates Natomas Basin levees |
| 2004 | USACE initiates General Re-Evaluation of the Common Features Project |
| 2006 | USACE recommends levee decertification based on new geotechnical information and new standards |
| 2006 | SAFCA initiates the NLIP |
| 2006 | SAFCA Board of Directors certifies the EIR for the Phase 1 Project, and USACE adopts a Finding of No Significant Impact and grants permission pursuant to Section 408 for the Phase 1 Project |
| 2007 | SAFCA Board of Directors certifies the EIR for the Phase 2 Project |
| 2008 | USACE issues the Draft and Final EIS for the Phase 2 Project |
| 2008 | USACE issues NOI for the General Re-evaluation of the Common Features Project |
| 2008 | SAFCA completes construction of the Phase 1 Project |
| 2009 | USACE issues the Phase 2 EIS ROD, granting permission pursuant to Sections 408, 404, and 10 for the Phase 2 Project |
| 2009 | SAFCA Board of Directors certifies the Supplement to the EIR for the Phase 2 Project |
| 2009 | SAFCA Board of Directors certifies the EIR for Phase 3 Project |
| 2009 | USACE prepares Final EIS for the Phase 3 Project |
| 2009 | USACE and SAFCA issue Draft EIS/EIR for the Phase 4a Project |
| 2009 | USACE issues Phase 3a ROD |
| 2009 | SAFCA Board of Directors certifies the Phase 4a EIR |
| 2009 | SAFCA issues NOP for the Natomas PACR/Phase 4b Project |

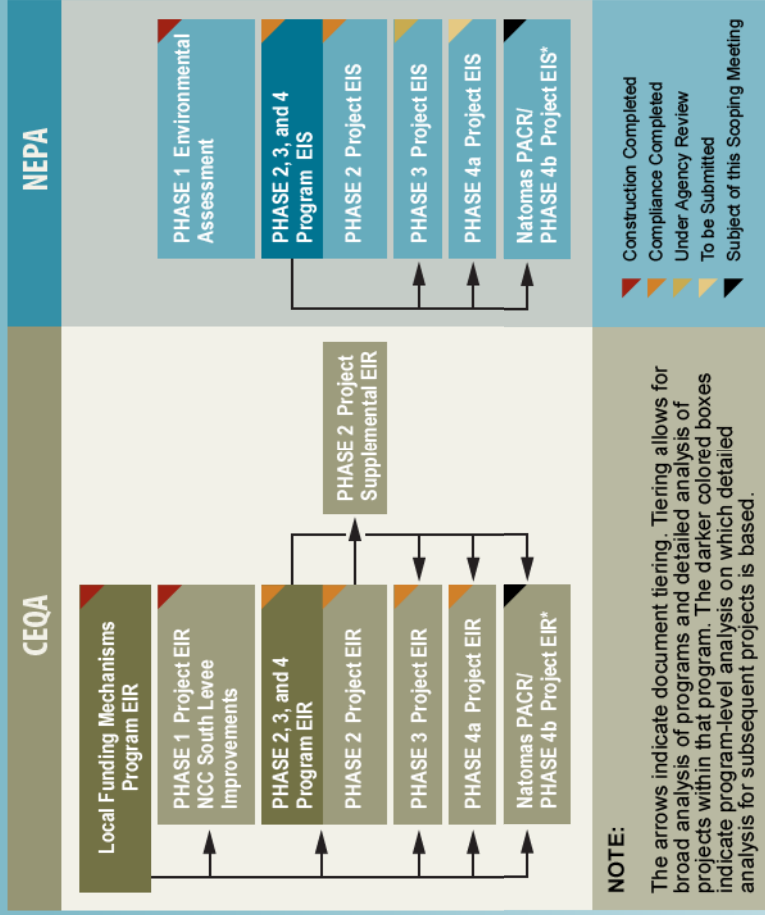
EIR = environmental impact report
 EIS = environmental impact statement
 FEMA = Federal Emergency Management Agency
 NALP = North Area Local Project
 NCC = Natomas Cross Canal

NFIP = National Flood Insurance Program
 NLIP = Natomas Levee Improvement Program
 NOI = notice of intent
 NOP = notice of preparation
 PACR = Post-authorization Change Report

ROD = record of decision
 SAFCA = Sacramento Area Flood Control Agency
 SEIR = Supplemental EIR
 SRFCP = Sacramento River Flood Control Project
 USACE = U.S. Army Corps of Engineers

Station 4 – National Environmental Policy Act and California Environmental Quality Act

CEQA and NEPA Compliance

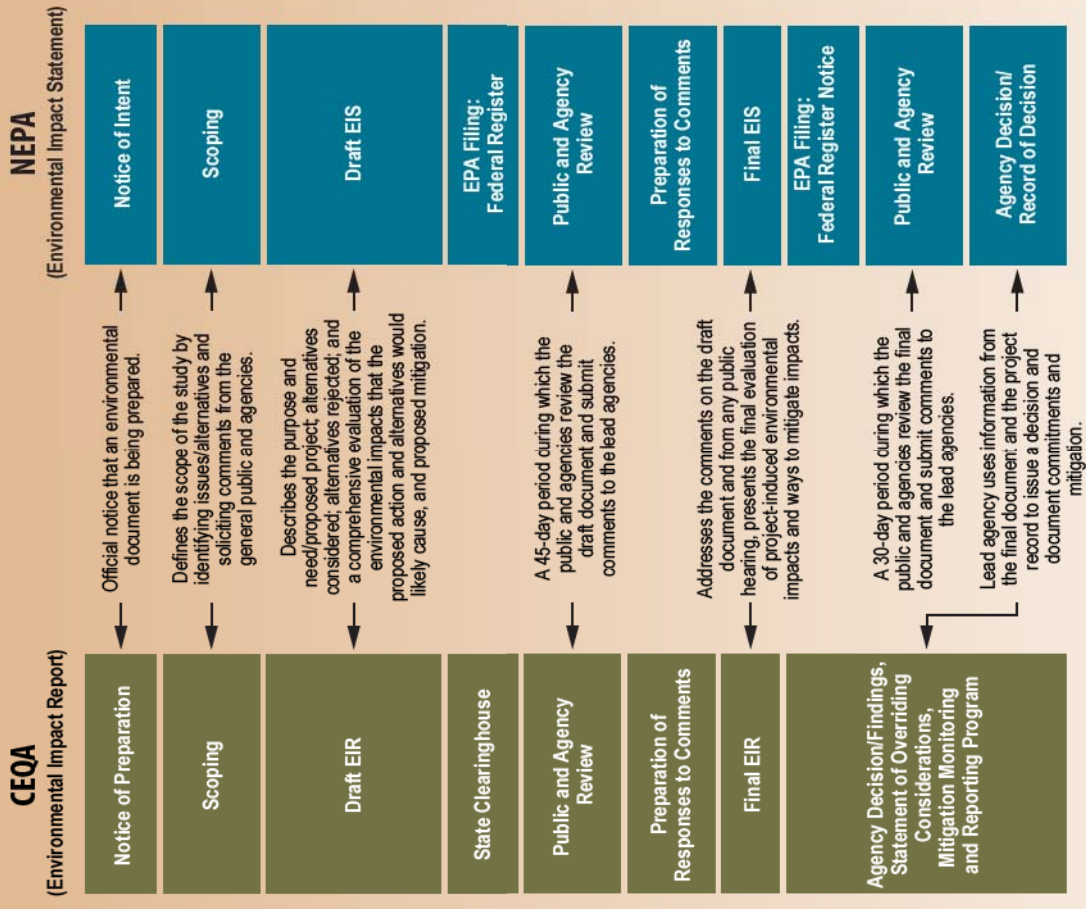


NOTE:
The arrows indicate document tiering. Tiering allows for broad analysis of programs and detailed analysis of projects within that program. The darker colored boxes indicate program-level analysis on which detailed analysis for subsequent projects is based.

* Natomas PACR/Phase 4b EIS/EIR Process Timeline

| | |
|---------------------------------|-------------------|
| Issue NOI | Feb 29, 2008 |
| Issue NOP | Nov 5, 2009 |
| Close of Scoping Period | Dec 4, 2009 |
| Release of Public Draft EIS/EIR | Early Spring 2010 |
| Comment Period | Spring 2010 |
| Issue Final EIS/Final EIR | Summer 2010 |
| Issue ROD and Certify Final EIR | Late Fall 2010 |

Understanding the CEQA and NEPA Processes



NEPA = National Environmental Policy Act
 CEQA = California Environmental Quality Act
 EIR = environmental impact report
 EIS = environmental Impact Statement
 EPA = U.S. Environmental Protection Agency
 ROD = record of decision
 PACR = Post-authorization Change Report

Station 5 – Levee Problems and Needs

SAFCA's Project Objectives

- ▶ Provide at least a 0.01 Annual Exceedance Probability (AEP) (100-year) level of flood protection to the Natomas Basin as quickly as possible
- ▶ Provide 0.005 AEP (200-year) protection to the Natomas Basin over time

NEED FOR ACTION

- ▶ Inadequate levee height
- ▶ Through-levee seepage and foundation underseepage with excessive hydraulic gradients
- ▶ Embankment instability
- ▶ Susceptibility to riverbank erosion and scour

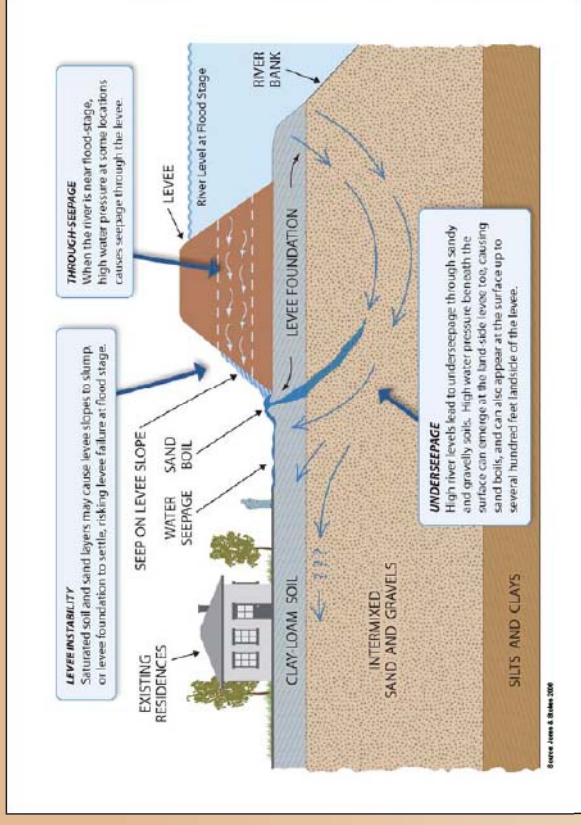
USACE PERMITTING REQUIRED (if SAFCA proceeds without Federal participation)

- ▶ Permission to alter Federal project levees under Section 408 of the Rivers and Harbors Act of 1899
- ▶ Permission to place fill in jurisdictional Waters of the United States under Section 404 of the Clean Water Act
- ▶ Permission to perform work in, under, or over navigable waters, and excavation of material from or deposition of material into navigable waters under Section 10 of the Rivers and Harbors Act of 1899

RELATIONSHIP TO THE GENERAL RE-EVALUATION OF THE COMMON FEATURES PROJECT

- ▶ USACE initiated a General Re-evaluation (GRR) of the Natomas Basin elements of the Common Features Project
- ▶ The EIS/EIR will be used for Natomas Basin GRR approval, for preparation of the Natomas Post-authorization Change Report (PACR), and support implementation of the Natomas Levee Improvement Program (NLIP) Phase 4b Landside Improvements Project (Phase 4b Project)
- ▶ USACE plans to implement the NLIP Phase 4b Project; however, in the event that the Natomas PACR is not approved by Congress, the EIS/EIR will support SAFCA's implementation of the Phase 4b Project if SAFCA chooses to move forward without Federal participation

Natomas Basin Levee Deficiencies



Levee Encroachments

Station 7 – Phase 4b Project Action Alternatives

Comparison of Major Project Components of the Action Alternatives

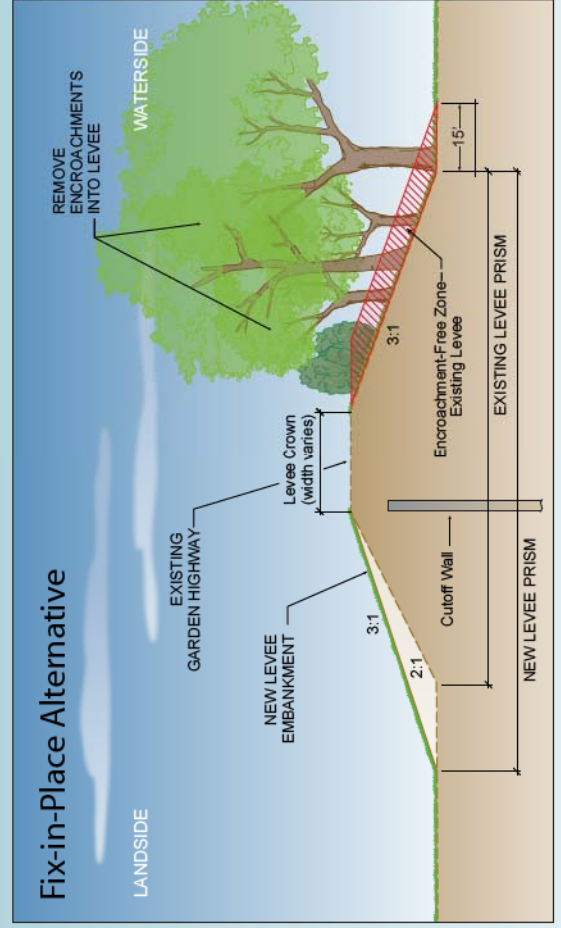
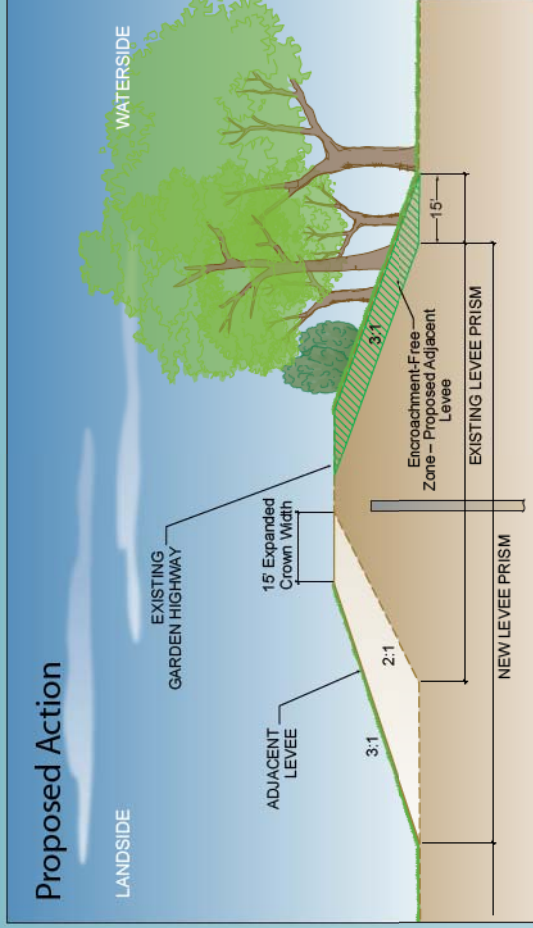
All elements of the Fix-in-Place Alternative would be the same as described for the Proposed Action, except for the method of raising and rehabilitating the Sacramento River east levee, the extent of levee degradation and road closures required to construct cutoff walls, and the extent of encroachment removal along the levee. Differences from the Proposed Action are shown in italicized text below.

| Component | Proposed Action | Fix-in-Place Alternative |
|--|---|--|
| Sacramento River East Levee Reaches 16–20: Levee Widening/Rehabilitation and Seepage Remediation | Construct an adjacent levee | Upgrade levee in place |
| Landside Vegetation Removal | Reaches 16–20 of the Sacramento River east levee, Reaches 1–4 of the American River north levee, NEMDC South, and for preparation of canal improvement work | Same as the Proposed Action, except maximum extent of removal would likely be reduced |
| Waterside Vegetation Removal | Waterside vegetation would be removed due to modifications to pumping plants along the Sacramento River east levee, NEMDC west levee, and PGCC west levee | In Reaches 16–20 of the Sacramento River east levee and Reaches 1–4 of the American River north levee, clear waterside vegetation to meet USACE vegetation policy criteria It is estimated that the numbers of acres of shaded riverine aquatic habitat lost would be greater. Same as Proposed Action for modifications to RD 1000 pump stations |
| Encroachment Management | Remove encroachments as required to meet the criteria of USACE, CVFPB, and FEMA | Same as the Proposed Action, except maximum extent of removal would likely be increased SAFACA would need to fully comply with USACE's levee vegetation policy requirements |

PGCC = Pleasant Grove Creek Canal
RD = reclamation district
SAFACA = Sacramento Area Flood Control Agency
USACE = United States Army Corps of Engineers

CVFPB = Central Valley Flood Protection Board
FEMA = Federal Emergency Management Agency
NEMDC = Natoma East Main Drainage Canal

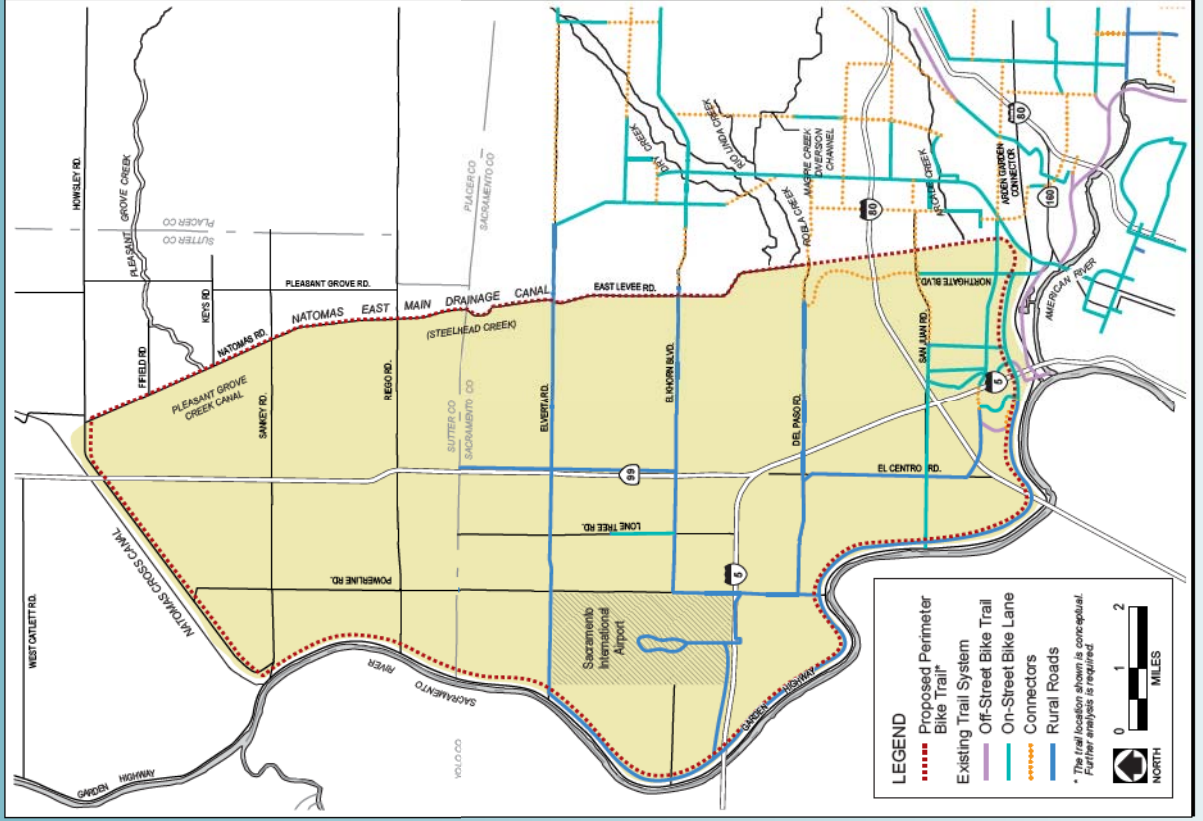
| Action Alternatives | No-Action Alternatives |
|---------------------|-------------------------|
| Proposed Action | No Project Construction |
| Fix-in-Place | Potential Levee Failure |



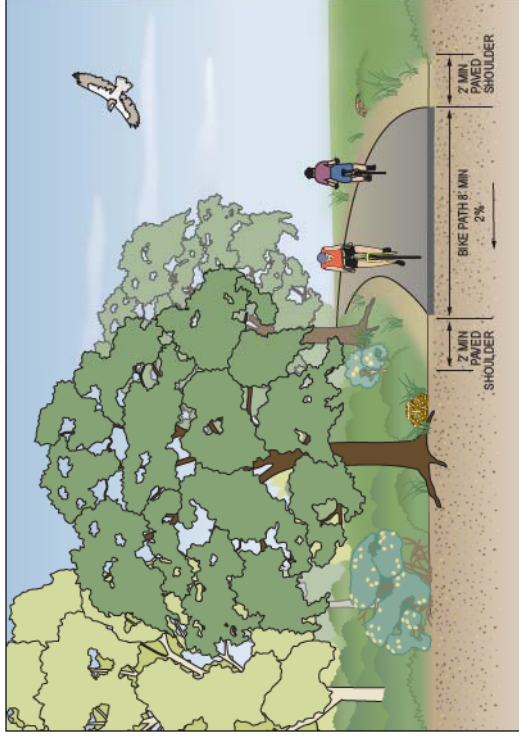
Station 8 – Proposed Natomas Basin Perimeter Bike Trail

Natomas Basin Perimeter Bike Trail

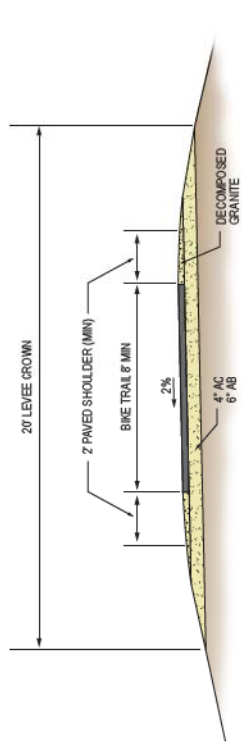
Goal: This regional trail would provide a bicycle commuter route at the southern and eastern end of the Natomas Basin that would connect to the regional American River trail system.



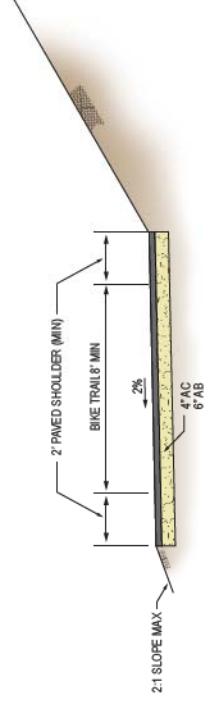
Design Concepts



Conceptual Illustration of Perimeter Bike Trail



Typical Cross Section of Bike Trail on Top of the Levee

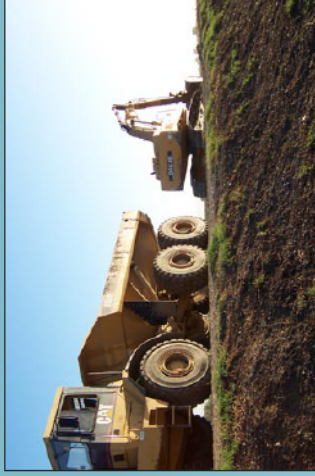


Typical Cross Section of Bike Trail on Toe of the Levee

* The trail design and locations shown are conceptual. Further analysis is required.

Station 9 – Project Commitments

Construction Methods



Hauler and excavator on levee crown



Levee embankment grading



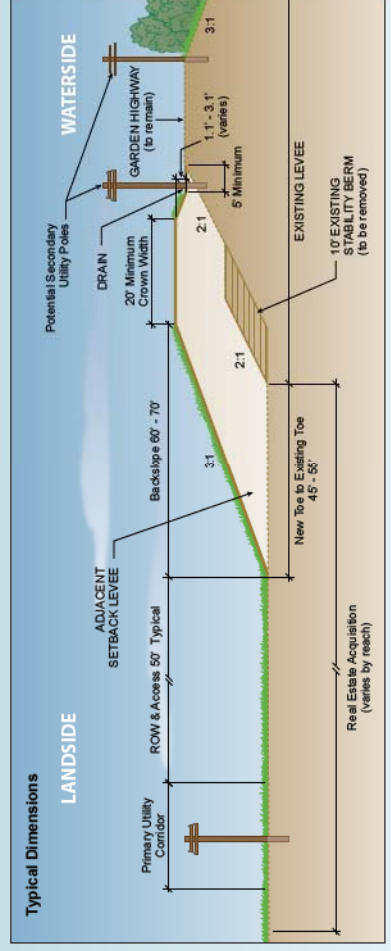
Construction of a slurry cutoff wall



Impact Reduction Methods

| Impact | Project Commitments |
|---|---|
| Construction Noise, Dust, and Vibration | <ul style="list-style-type: none"> ▶ Dust control best management practices ▶ Vibration monitoring ▶ Written notification prior to construction activity within 500 feet of homes and businesses ▶ Minimized traffic on Garden Highway |
| Traffic Management and Safety | <ul style="list-style-type: none"> ▶ Implementation of traffic safety and control measures in each construction season ▶ City, county, and Caltrans review of traffic control plans ▶ Use of traffic control personnel and signage ▶ Point-of-contact to address public concerns about construction activity |
| Nuisance to Residents along Garden Highway | <ul style="list-style-type: none"> ▶ Reimbursement provided for temporary relocation to nearby hotels for residences within 500 feet of 24-hours per day, 7 days per week cutoff wall construction schedules ▶ Temporary relocation during other 24-hour construction schedules (e.g., pump stations) considered on a case-by-case basis |
| Encroachments on Residences and Heritage Oaks | <ul style="list-style-type: none"> ▶ Avoidance measures*: <ul style="list-style-type: none"> - Reduce width of adjacent setback levee seepage berms, and operations and maintenance/utility corridor - Use cutoff walls or seepage relief wells <p>* Where feasible under levee design and seepage remediation performance requirements</p> |

Utility Pole Relocations



Station 10 – Probable Phase 4b Project Environmental Impacts

On the basis of preliminary evaluation, programmatic environmental analyses of the Phase 4b Project in previous NEPA and CEQA documents, and relevant environmental analyses of previous project phases, USACE and SAFCA have determined that the probable environmental effects of the Phase 4b Project are as follows:

AIR QUALITY, NOISE, AND TRAFFIC

- ▶ Temporary, short-term effects during construction
- ▶ Cumulative effects of possible combined construction phases
- ▶ 24/7 construction for some elements of the project

AGRICULTURAL LAND CONVERSION

- ▶ Conversion of farmland to nonagricultural uses
- ▶ Temporary conversion during borrow operations

BIOLOGICAL RESOURCES

- ▶ Temporary disturbance or permanent loss of habitats, wildlife corridors, and special-status species
- ▶ Loss of woodland and shaded riverine aquatic habitat and sensitive aquatic habitat

CULTURAL RESOURCES

- ▶ Temporary and/or permanent disturbance of known and unknown historic or prehistoric resources

LAND USE AND PLANNING

- ▶ Physically divide an established community

TRANSPORTATION AND CIRCULATION

- ▶ Temporary increase in traffic and traffic hazards
- ▶ Full or partial Garden Highway closure for up to 6 months

CUMULATIVE GROWTH-INDUCING IMPACTS

- ▶ Agricultural Resources
- ▶ Water Quality
- ▶ Fisheries
- ▶ Biological Resources
- ▶ Cultural Resources
- ▶ Air Quality
- ▶ Noise
- ▶ Visual Resources

GROWTH-INDUCING IMPACTS

- ▶ Create new permanent employment opportunities
- ▶ Short-term employment opportunities
- ▶ Removal of an obstacle to additional growth and development in the Natomas Basin

Post-Document Release Meeting Posters

Flooding is a long-standing problem facing the Sacramento area. The recent floods of 1986 and 1997 devastated several communities, including homes, businesses, orchards and farmlands. In 1996 the Water Resources Development Act authorized the American River Common Features Project (CFP), designed to lessen flood risks in Sacramento. Since the authorization of the CFP 14 years ago, a great deal of progress has been made to improve the flood control system. However, new information and issues have been identified and new engineering standards have been instituted. As a result, there are continuing concerns about the integrity of Sacramento's flood control management system.

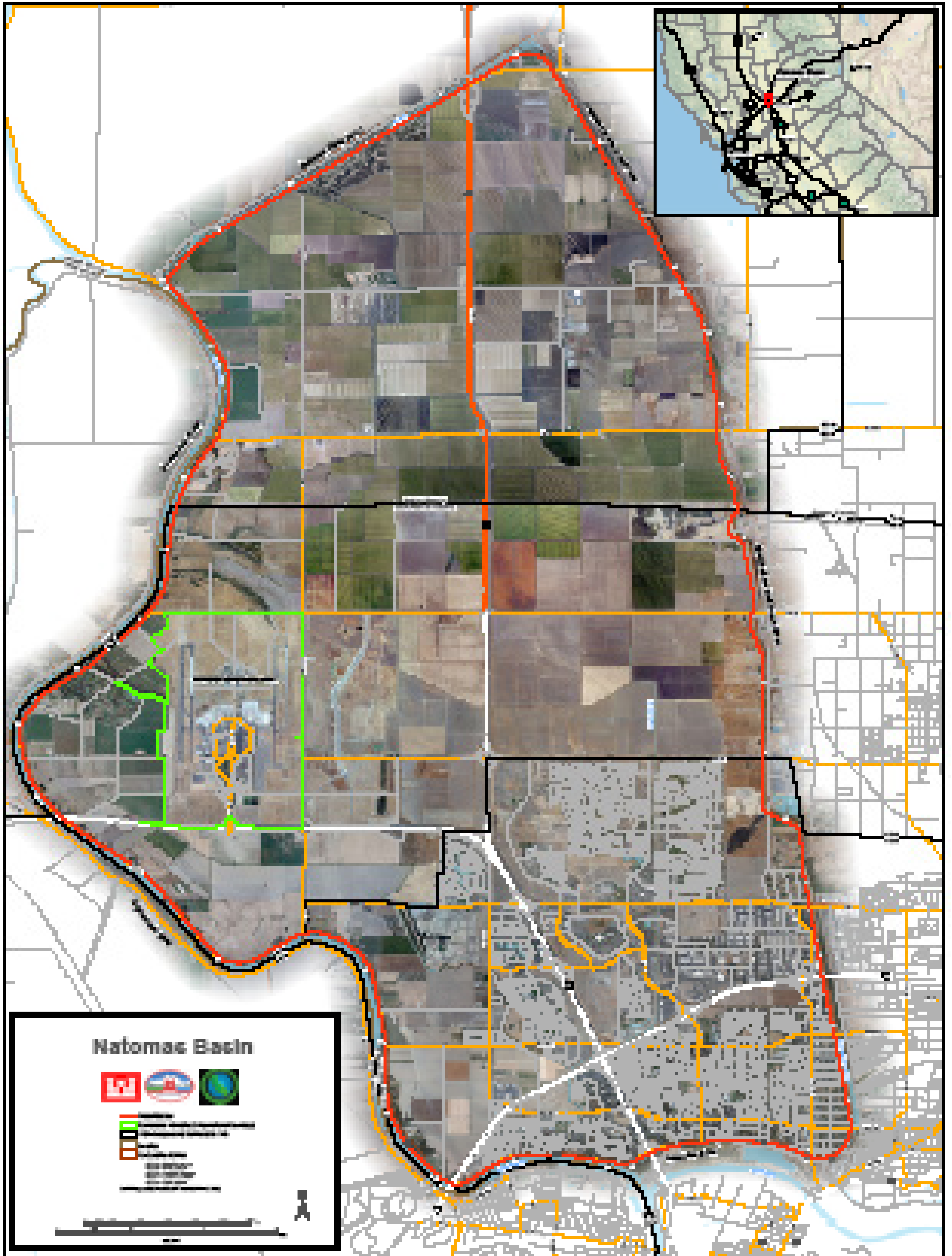
As a result, the U.S. Army Corps of Engineers plans to conduct a re-evaluation report called the American River Common Features General Re-evaluation Report (Common Features GRR) that will look at the existing CFP with the purpose of identifying alternatives to lower the risk of flooding to the City of Sacramento. The Common Features GRR will examine the City's flood management system as a whole.

The purpose of the Common Features GRR is to review the CFP with the aim of making recommendations for changes or additions that will effectively and efficiently reduce flood risks within the American River Watershed. This includes the flood control features along the American and Sacramento Rivers that provide protection to the City of Sacramento and surrounding areas.

In a separate effort, the Sacramento Area Flood Control Agency (SAFCA) is currently working on a flood control program specific to Natomas to provide the area with 100-year flood protection as soon as possible, and ultimately, in cooperation with this study, 200-year protection. Improvements could be completed before the Common Features GRR is completed because of the high risk of catastrophic flooding in Natomas. It is anticipated that SAFCA's program will eventually be incorporated into the Common Features GRR.

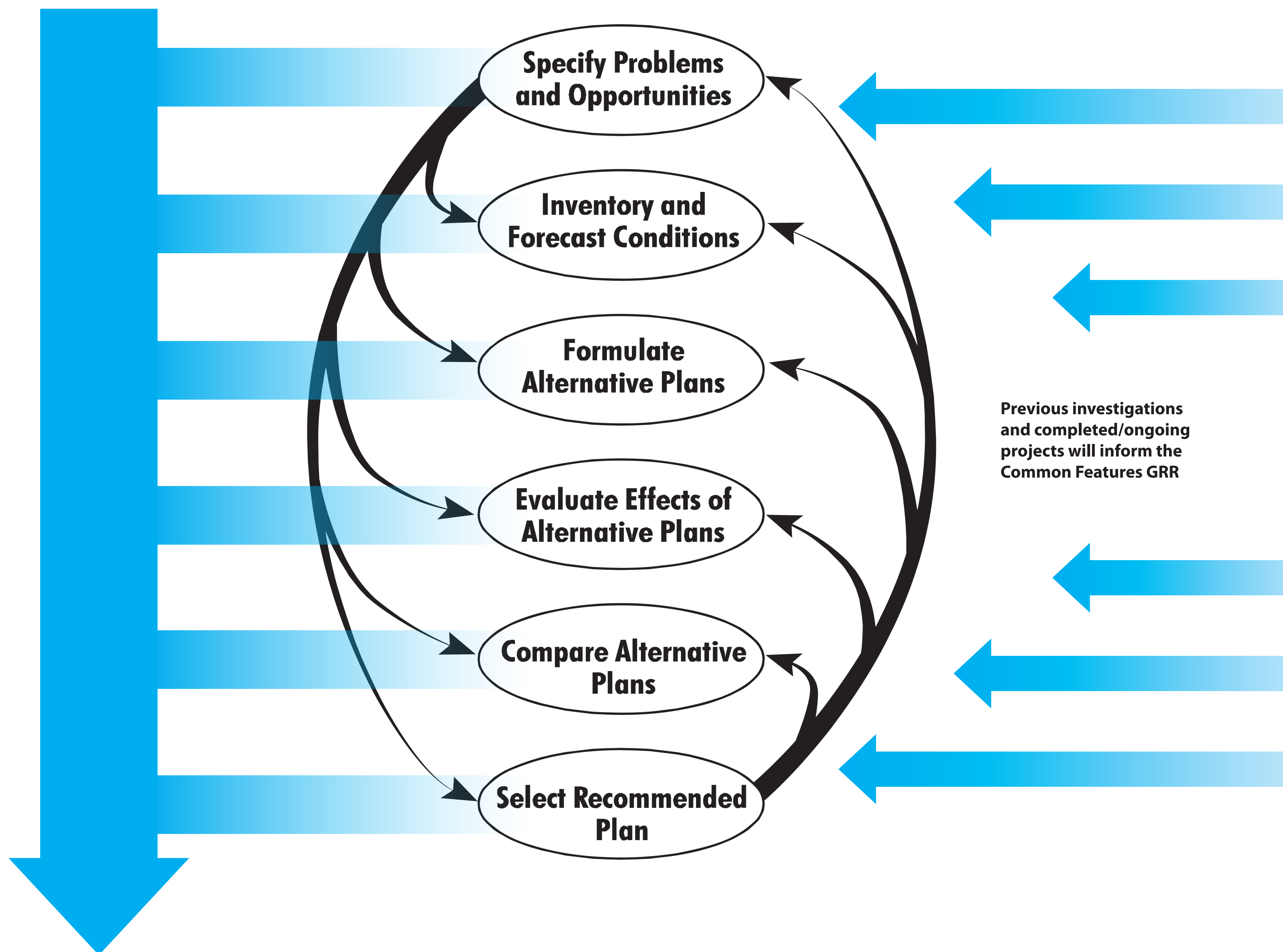
In the summer of 2009, in order to expedite completion of a report for a possible 2010 Water Resource Development Act authorization, Sacramento District was directed to complete a Natomas Post Authorization Change Report (NPACR) that focused only on levee improvements in the Natomas Basin. The public review period of the Draft NPACR began on 2 July and will conclude on 16 August. After public comments are addressed the final report will be sent to Corps Headquarters for review and processing with the goal of having a Chief's Report by the end of 2010.





The Corps' "Beehive" diagram represents the six planning steps and the iterative process of Corps project planning.

Corps decision making is generally based on the accomplishment and documentation of all of these steps. It is important to stress the iterative nature of this process. As more information is acquired and developed, it may be necessary to reiterate some of the previous steps. The six steps, though presented and discussed in a sequential manner for ease of understanding, usually occur iteratively and sometimes concurrently. Iterations of steps are conducted as necessary to formulate efficient, effective, complete and acceptable plans.



Completed and Ongoing Projects

A great deal of progress has been made since the major flood events in 1986 and 1997. The projects listed below are examples of recent efforts to reduce flood risk in the Sacramento area. These efforts will inform and be coordinated with the Common Features GRR planning process.

American River Common Features Projects

- Slurry Wall Construction along the Lower American River (24 miles completed)
- Upstream Telemetry Gages (completed)
- Erosion Control Measures for 100-year level of protection (completed)
- Jet Grouting/Alternative Methods (ongoing)
- Seepage Remediation along the Sacramento River for 100-year level of protection (completed)
- Mayhew Levee Raise and Drain Closure (completed)
- Levee Raising and Strengthening (various sites remaining)

Other Major Flood Protection Projects

- Folsom Dam Reoperation (ongoing)
- Natomas Levee Improvement Project (ongoing)
- Sacramento River Bank Protection Project (Corps/CVFPB) (ongoing)
- West Sacramento Levee Improvement Project (Corps/City of West Sacramento) (ongoing)
- South Sacramento Streams Group Project (Corps/SAFCA) (ongoing)
- Joint Federal Project at Folsom Dam (Corps/Bureau of Reclamation/CVFPB/SAFCA) (ongoing)

Previous investigations and completed/ongoing projects will inform the Common Features GRR

History of the Natomas Basin Flood Damage Reduction System

| Year/Timeframe | Flood Damage Reduction Project/Event |
|------------------|---|
| 1911–1915 | Natomas Basin reclaimed: levees and interior drainage constructed |
| 1917–1957 | Levees authorized as part of the SRFCP; construction on the SRFCP is initiated and completed in stages |
| 1968 | NFIP authorized |
| 1978 | First NFIP 100-year Flood Maps issued by FEMA |
| 1986 | Major flood leads to SRFCP system re-evaluation |
| 1989 | FEMA issues new 100-year Flood Maps encompassing most of the city of Sacramento |
| 1990–1993 | Congress provides funding for the Sacramento Urban Levee Reconstruction Project |
| 1993–1998 | SAFCA carries out the NALP |
| 1996 | Congress authorizes WRDA 96, including raise and strengthening of Sacramento River east levee and strengthening of American River north levee in Natomas |
| 1997 | Major flood in SRFCP |
| 1998 | USACE certifies Natomas Basin levees for 100-year FEMA flood protection |
| 1999 | Congress authorizes WRDA 99, including raise and strengthening of the NCC south levee in Natomas |
| 1999 | Post-1997 Flood Assessment recognizes underseepage as a threat |
| 2000 | USACE initiates Natomas Basin Common Features Design |
| 2002 | USACE conducts public scoping meetings |
| 2003 | USACE Levee Task Force completes development of deep underseepage criteria |
| 2004 | USACE adopts Standard Operating Procedures for Urban Levee Design |
| 2004–2006 | SAFCA evaluates Natomas Basin levees |
| 2006 | USACE initiates General Re-Evaluation of the Common Features Project |
| 2006 | USACE recommends levee decertification based on new geotechnical information and new standards |
| 2006 | SAFCA initiates the NLIP |
| 2006 | SAFCA Board of Directors certifies the EIR for the Phase 1 Project, and USACE adopts a Finding of No Significant Impact and grants permission pursuant to Section 408 for the Phase 1 Project |
| 2007 | SAFCA Board of Directors certifies the EIR for the Phase 2 Project |
| 2008 | USACE issues the Draft and Final EIS for the Phase 2 Project |
| 2008 | USACE issues NOI for the General Re-evaluation of the Common Features Project |
| 2008 | SAFCA completes construction of the Phase 1 Project |
| 2009 | USACE issues the Phase 2 EIS ROD, granting permission pursuant to Sections 408, 404, and 10 for the Phase 2 Project |
| 2009 | SAFCA Board of Directors certifies the Supplement to the EIR for the Phase 2 Project |
| 2009 | SAFCA Board of Directors certifies the EIR for Phase 3 Project |
| 2009 | USACE prepares Final EIS for the Phase 3 Project |
| 2009 | USACE and SAFCA issue Draft EIS/EIR for the Phase 4a Project |
| 2009 | USACE issues Phase 3a ROD |
| 2009 | SAFCA Board of Directors certifies the Phase 4a EIR |
| 2009 | SAFCA issues NOP for the Natomas PACR/Phase 4b Project |

EIR = environmental impact report

EIS = environmental impact statement

FEMA = Federal Emergency Management Agency

NALP = North Area Local Project

NCC = Natomas Cross Canal

NFIP = National Flood Insurance Program

NLIP = Natomas Levee Improvement Program

NOI = notice of intent

NOP = notice of preparation

PACR = Post-authorization Change Report

ROD = record of decision

SAFCA = Sacramento Area Flood Control Agency

SEIR = Supplemental EIR

SRFCP = Sacramento River Flood Control Project

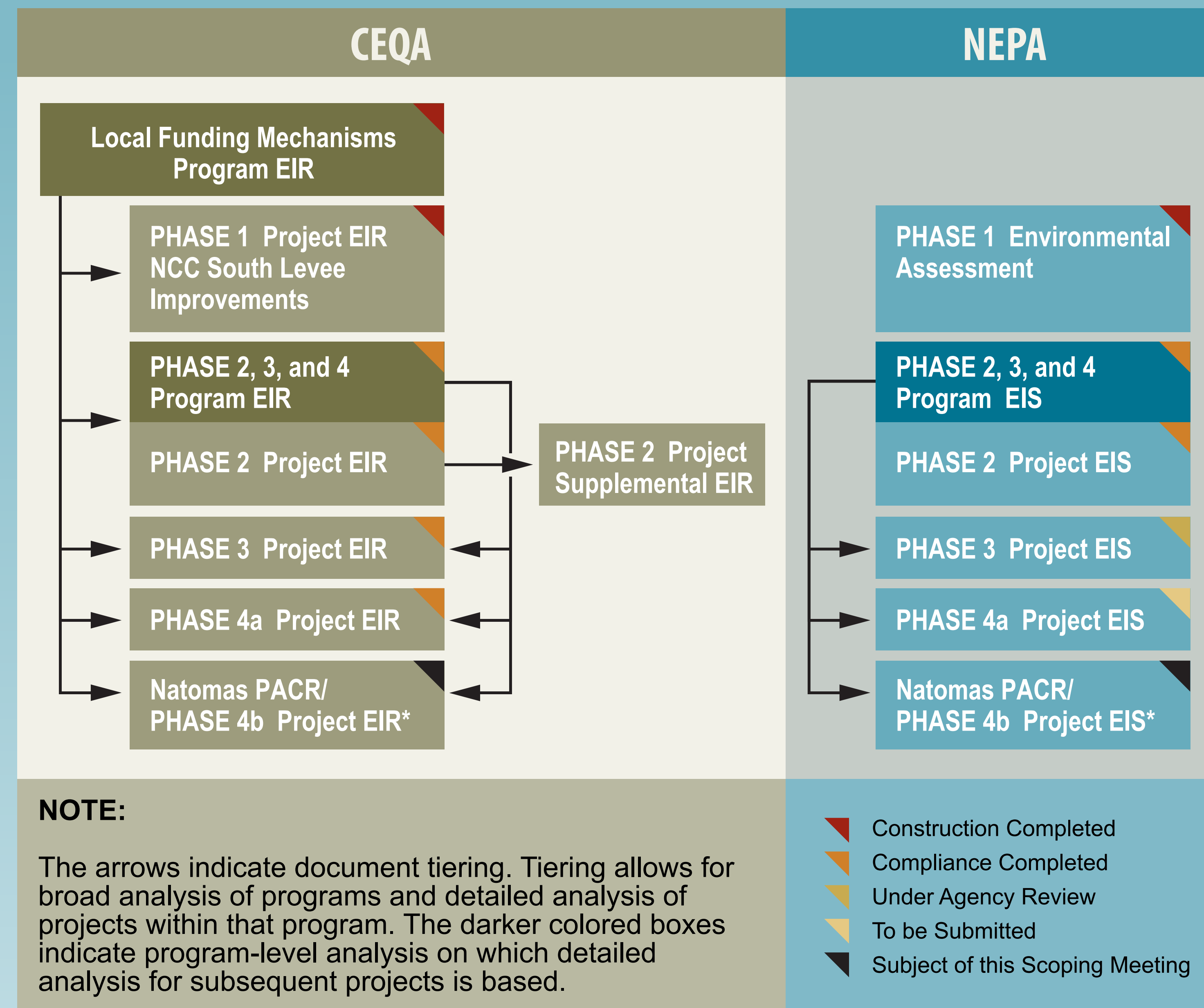
USACE = U.S. Army Corps of Engineers

WRDA = Water Resources Development Act



National Environmental Policy Act and California Environmental Quality Act

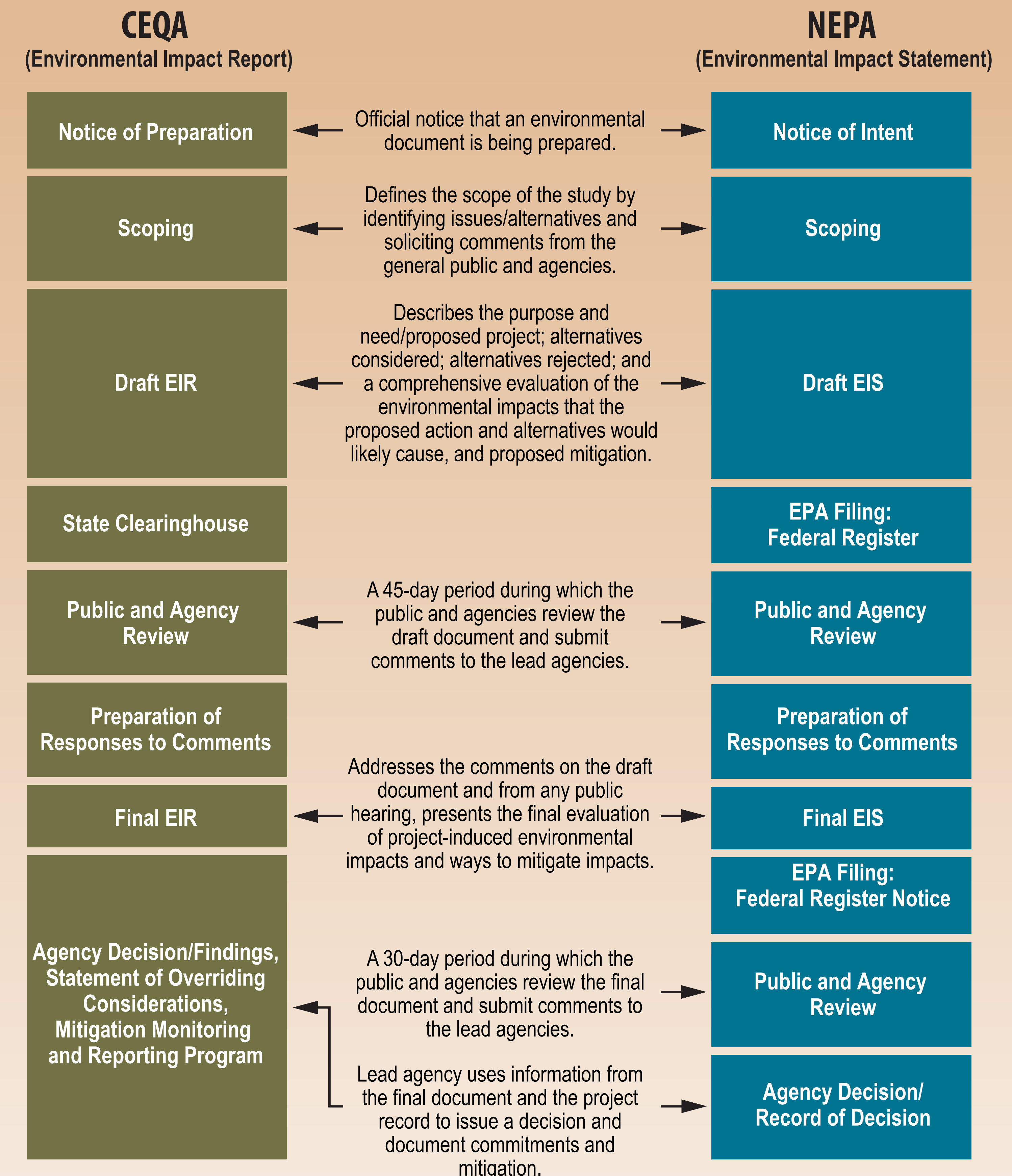
CEQA and NEPA Compliance



* Natomas PACR/Phase 4b EIS/EIR Process Timeline

| | |
|---------------------------------|-------------------|
| Issue NOI | Feb 29, 2008 |
| Issue NOP | Nov 5, 2009 |
| Close of Scoping Period | Dec 4, 2009 |
| Release of Public Draft EIS/EIR | Early Summer 2010 |
| Comment Period | Summer 2010 |
| Issue Final EIS/Final EIR | Fall 2010 |
| Issue ROD and Certify Final EIR | Late Fall 2010 |

Understanding the CEQA and NEPA Processes



NEPA = National Environmental Policy Act
 CEQA = California Environmental Quality Act
 EIR = environmental impact report
 EIS = environmental impact Statement

EPA = U.S. Environmental Protection Agency
 ROD = record of decision
 PACR = Post-authorization Change Report

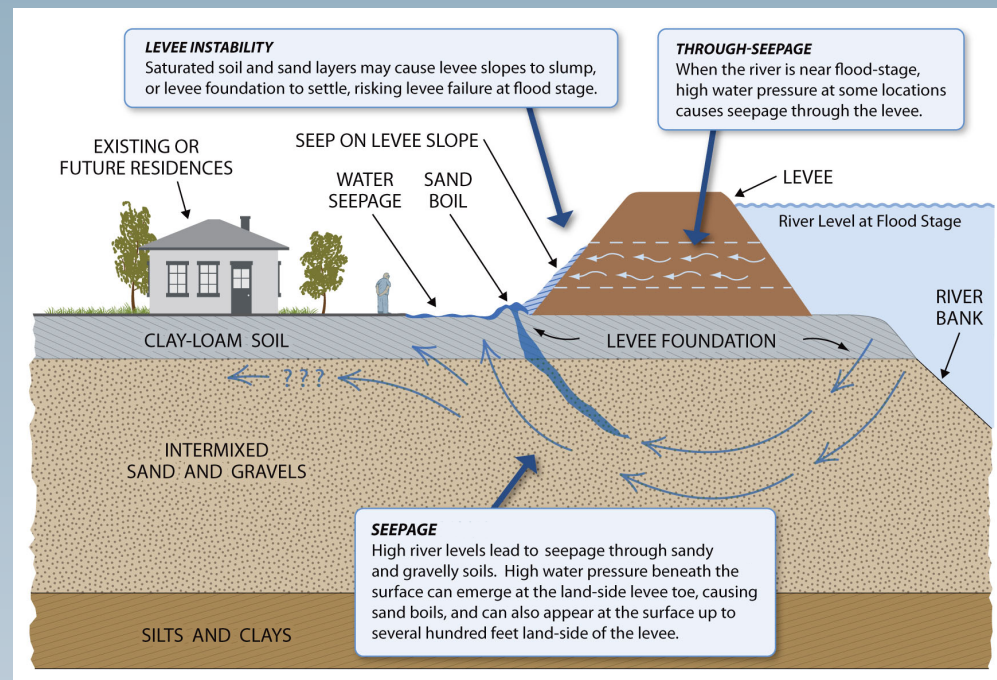
Station 3 – Project Purpose and Need

Corps' Project Purpose

Reduce flood risk for the city of Sacramento

Project Need: Levee Problems

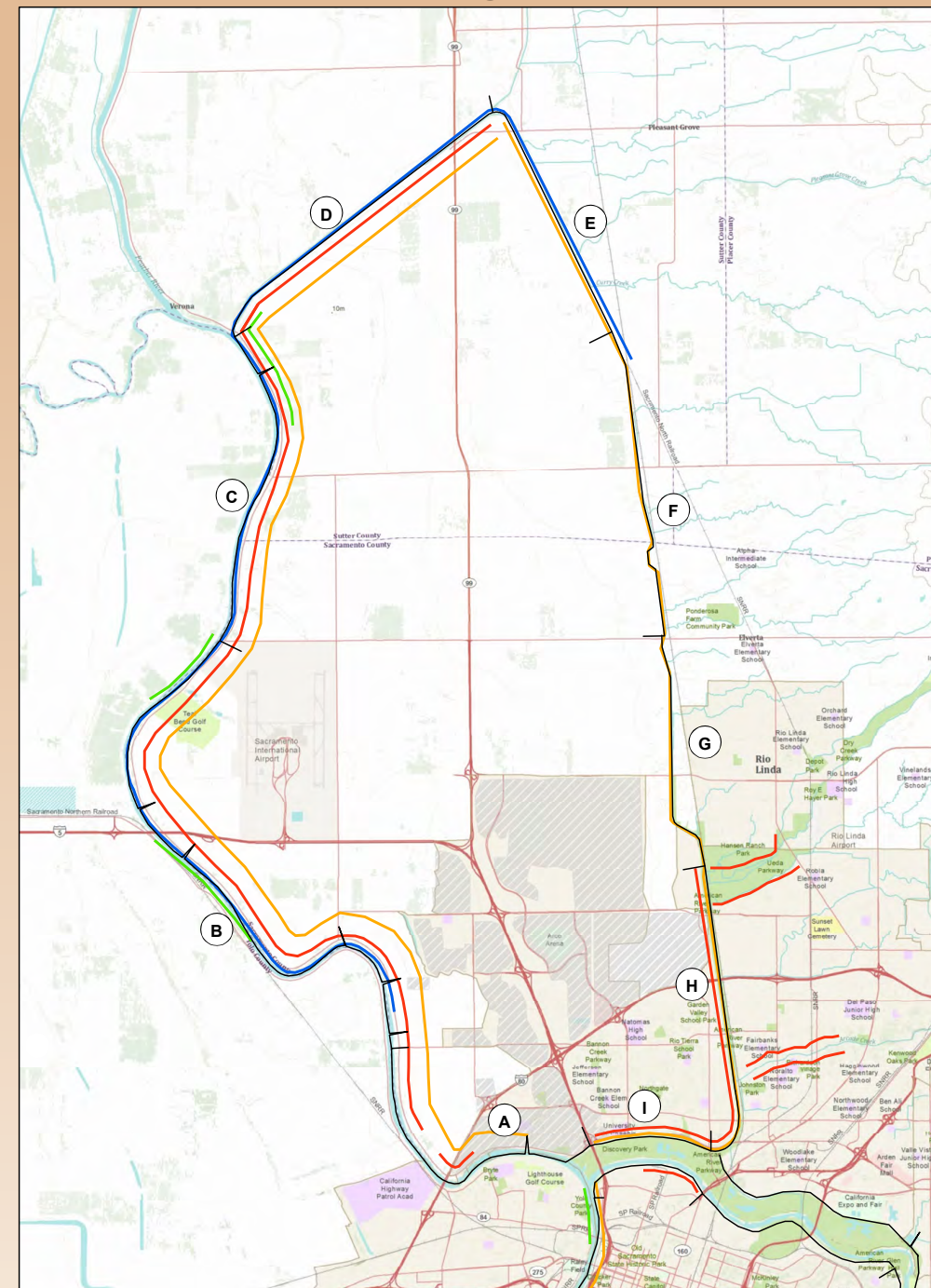
Seepage: Geotechnical studies have identified seepage beneath and through segments of the Natomas levee system as a significant risk to the stability and reliability of the system.



Height Deficiency: Much of the Natomas levee system is not high enough to meet the FEMA criteria for the National Flood Insurance Program and the Urban Level of Flood Protection required by state law.

Vegetation: USACE levee guidance requires the removal of vegetation greater than 2 inches in diameter on the levee slopes and within 15 feet of the waterside and land-side levee toes.

Levee Segments Requiring Seepage Remediation and Levee Height Increases



American River Common Features Project, Natomas Post-Authorization Change Report



July 2010



Common Features Project
Levee Deficiencies

Legend

- Reaches (A)
- Levee Distress
 - Seepage
 - Stability
 - Erosion
 - Height Deficiency
- New Urban Development

Alternatives Considered and Eliminated

Measure

Yolo Bypass Improvements:

Redesign of Fremont Weir, new setback levee from Fremont Weir to north levee of Sacramento Bypass.

Reduced Natomas Urban Levee Perimeter:

Construction of an east-west cross levee across Natomas Basin approximately 500 feet north of Elkhorn Boulevard.

Reasons for Elimination

- ▶ Need for interagency coordination would delay improvements well beyond 2010
- ▶ Would not address seepage deficiencies
- ▶ High cost of land acquisition, road relocation and levee materials.
- ▶ Would strand current investments in levee system in northern part of basin.
- ▶ Would not protect a portion of Sutter County designated for development
- ▶ Does not meet project objectives

General Remediation Methods

Levee Height

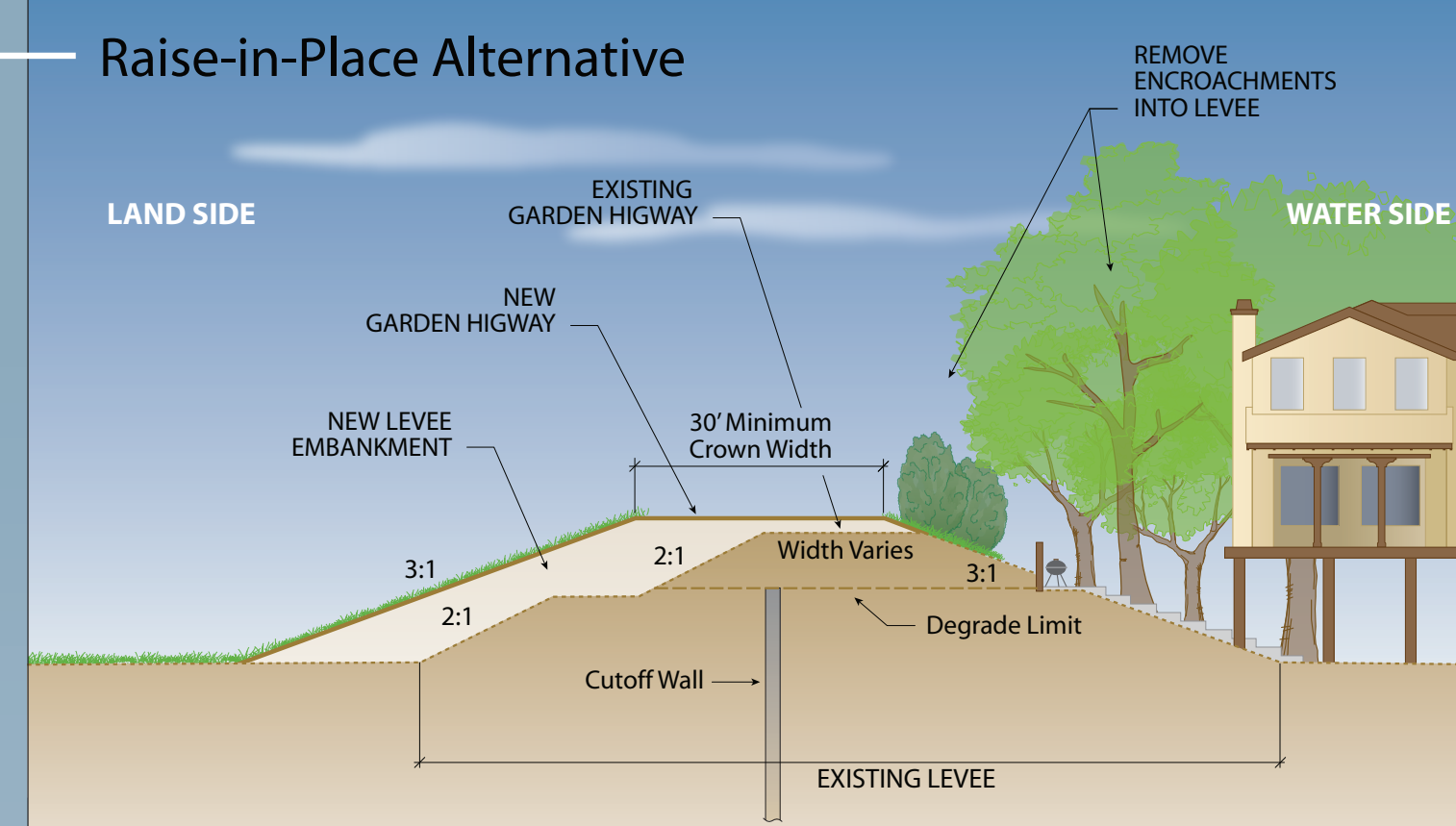
- ▶ Raise existing levee where needed (would require substantial encroachment removal)
- ▶ Construct adjacent levee, raised where needed (would reduce need to remove encroachments)
- ▶ Construct Sacramento River setback levee where feasible, raised where needed

Seepage

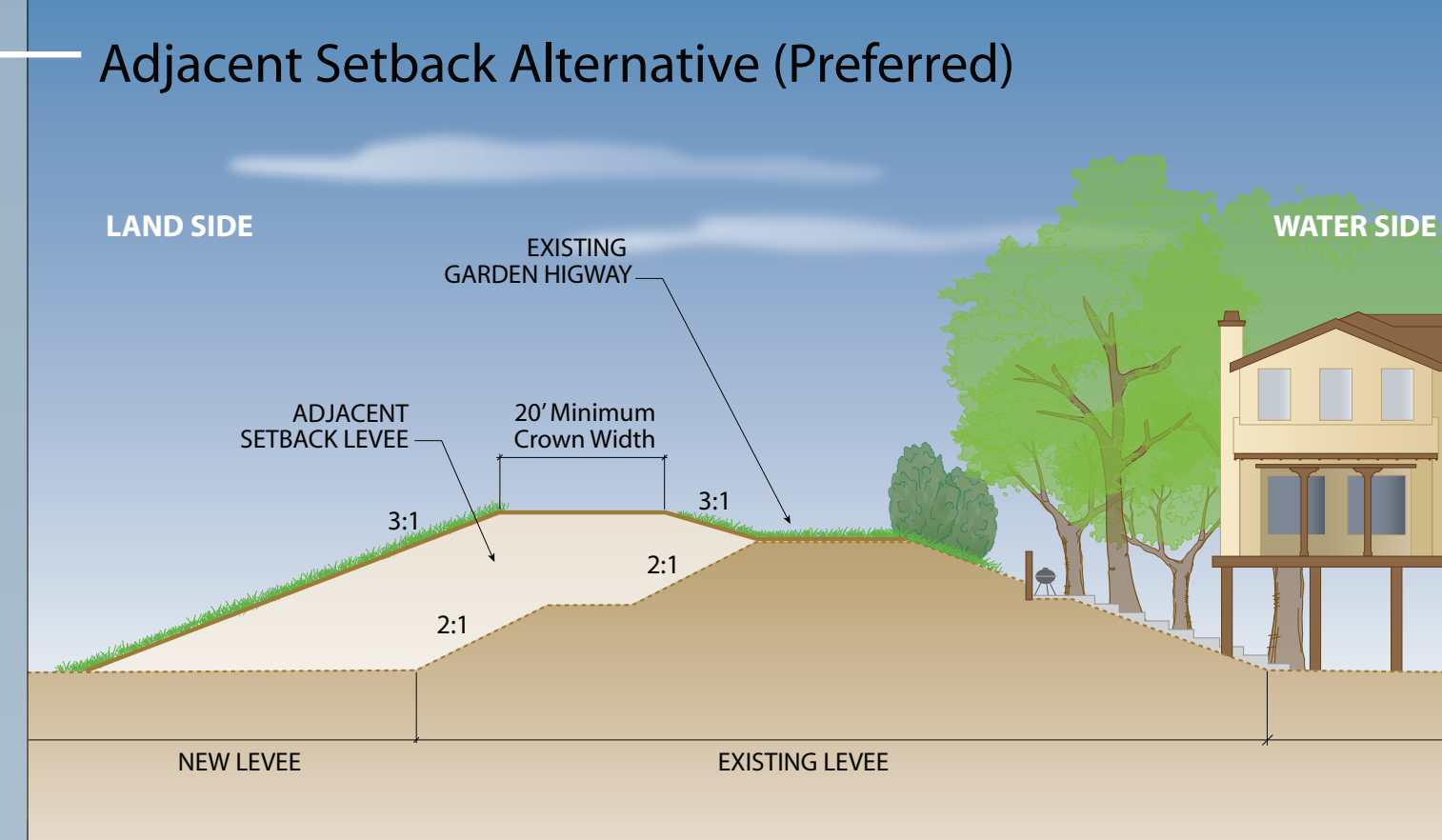
- ▶ Seepage berms (extending 100-300 feet from landside levee toe)
- ▶ Seepage cutoff walls
- ▶ Relief wells

Methods depend on localized conditions

Comparison of Levee Raise Approaches



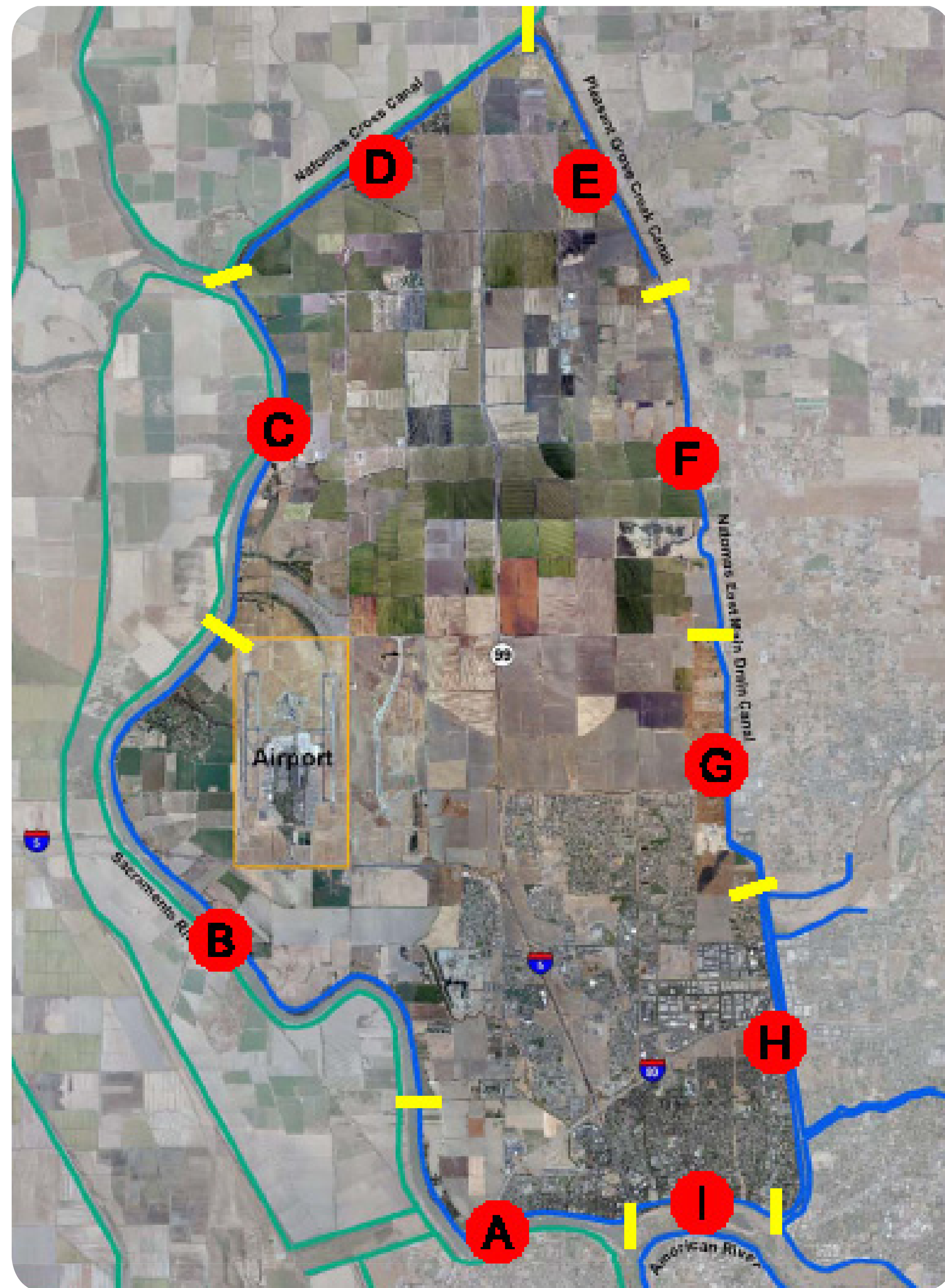
Raising the levee in place would require closing sections of Garden Highway and worsen the problem of managing encroachments in the levee footprint subject to USACE's policies.



Along the Sacramento River east levee, an adjacent setback levee would reduce impacts to Garden Highway and the problem of encroachment management. However, it would substantially increase the amount of earth moving.

Alternatives To Be Evaluated

- ▶ No Action Alternative
- ▶ Authorized Project
- ▶ Fix Levees in Place
- ▶ Adjacent Levee



Plan Components. In addition to the features included in the 1996 and 1999 authorizations, the selected plan includes the additional features to complete the plan for flood risk management to the Natomas Basin. The principal features of this plan are: (1) seepage remediation and embankment stabilization along the NCC south levee, the Sacramento River east levee, the PGCC and the southern portion of the NEMDC west levees. including construction of an adjacent levee adjoining the Sacramento River east levee; (2) agricultural irrigation and drainage improvements, including construction of a new GGS/Drainage Canal; (3) habitat creation and management in connection with project borrow activities; (4) aviation safety components, including relocation of irrigation and drainage infrastructure in the Airport Operation Area and grading of the Airport's northern bufferlands to improve surface drainage and reduce the risk of bird strikes; and (5) right-of-way acquisition to facilitate long-term operation and maintenance activities.

The modifications to existing interior drainage facilities have been limited to bringing the facilities in compliance with Corps criteria for penetrations through levees (upgrading discharge lines, pumps, etc. to raise the drainage over the top of levee).

Project Reaches and Basic Levee Improvements - The map shows the project reaches.

- Reach A: Sacramento River east levee from Interstate Highway 5 up to San Juan Road. The length of this reach is approximately 3.8 miles. The general improvements include widening the existing levee a minimum of 15 feet through construction of an adjacent levee and installation of approximately 3.4 miles of soil bentonite cutoff wall with a depth of 103.5 feet.
- Reach B: Sacramento River east levee from San Juan Road up to Elverta Road. The length of this reach is approximately 9.5 miles. The general improvements include widening the existing levee by construction of an adjacent levee, installation of approximately 4.3 miles of a soil bentonite cutoff wall that ranges in depth between 40 and 115 feet, and installation of approximately 5.6 miles of seepage berms that range in width from 80 to 300 ft.
- Reach C: Sacramento River east levee from Elverta Road up to Sankey Road at the west end of the south levee of the Natomas Cross Canal (NCC). The length of this reach is approximately 5 miles. The general improvements include widening the existing levee by construction of an adjacent levee, installation of approximately 4.6 miles of soil bentonite cutoff wall that ranges in depth between 19 and 65 feet, and installation of approximately 2.7 miles of seepage berms that range in width from 100 to 500 ft.
- Reach D: Natomas Cross Canal south levee from Sankey Road up to Howsley Road. The length of this reach is approximately 5.5 miles. The general improvements include widening the existing levee by fix in place construction and installation of a soil bentonite cutoff wall that ranges in depth between 60 and 75 feet.
- Reach E: Pleasant Grove Creek Canal west levee from Howsley Road up to Sankey Road. The length of this reach is approximately 3.3 miles. The general improvements include widening the existing levee by fix in place construction and installation of a soil bentonite cutoff wall that ranges in depth between 65 and 70 feet.
- Reach F: The Natomas East Main Drainage Canal (NEMDC) west levee from Sankey road down to Elverta Road. The length of this reach is approximately 4.7 miles. The general improvements include widening the existing levee by fix in place construction, installation of approximately 2.6 miles of soil bentonite cutoff wall with a depth of 53-feet, and flattening the landside levee slope.
- Reach G: The NEMDC west levee from Elverta Road down to the pumping station just upstream of Dry Creek. The length of the reach is approximately 3.6 miles. The general improvements include improving the levee by fix in place construction and installation of a soil bentonite cutoff wall.
- Reach H: The NEMDC west levee from the pumping station just upstream of Dry Creek down to Northgate Boulevard. The length of this reach is approximately 4.5 miles. The general improvements include improving the existing levee by fix in place construction and installation of a soil bentonite cutoff wall with a depth of 41 feet.
- Reach I: The American River north levee from Northgate Boulevard down to interstate Highway 5. The length of this reach is approximately 1.8 miles. The general improvements include improving the levee by fix in place construction and installation of a soil bentonite cutoff wall with a depth of 37 feet.

Topics of Major Concern

Air Quality, Noise, Traffic

- ▶ Temporary effects during construction
Best management practices and environmental commitments for construction will reduce localized construction effects.
- ▶ Cumulative effects of combined construction phases

Cultural Resources

- ▶ Changes to elements of RD 1000 rural historic landscape district
- ▶ Potential effects on archaeological resources
Programmatic Agreement between USACE, SAFCA, State Historic Preservation Officer, and Advisory Council on Historic Preservation will govern phased approach to cultural resource protection.
- ▶ On going coordination with tribal representatives to protect resources and minimize impacts

Agricultural Land Conversion

- ▶ Conversion in footprint of flood control facilities, relocated and new canals, borrow sites
Additional lands to be preserved in agricultural use under public ownership.

Biological Resources

- ▶ Effects on habitats of species protected under the Natomas Basin Habitat Conservation Plan
 - Canals and rice fields that provide giant garter snake (GGS) habitat
 - Agricultural cropland used for foraging by Swainson's hawks
 - Trees potentially used for nesting by Swainson's hawk and other birds

Habitat replacement and conservation strategies in project design: marsh habitat for GGS use, new drainage canal to connect GGS population areas, grassland on flood control features and in borrow sites, lands preserved in agricultural use, new woodland groves.

Hydraulics

- ▶ Required levee height increases for compliance with regulations
- ▶ Minimize work in channels
- ▶ No impact on Sacramento River Flood Control Project design profiles

Enclosure A

Public Notices, Publications, News Releases

NEPA Notice of Intent

DEPARTMENT OF DEFENSE**Department of the Army; Army Corps of Engineers****Notice of Intent To Prepare an Environmental Impact Statement for 408 Permission and 404 Permit to Three Rivers Levee Improvement Authority for the Feather River Levee Repair Project, California, Segment 2**

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The action being taken is the preparation of an Environmental Impact Statement (EIS) for the issuance of both the 408 permission to the Central Valley Flood Protection Board and 404 Permit to Three Rivers Levee Improvement Authority (TRLIA) for their work on the Feather River Levee Repair Project (FRLRP). Under 33 U.S.C. 408, the Chief of Engineers grants permission to alter an existing flood control structure if it is not injurious to the public interest and does not impair the usefulness of such work. Under section 404 of the Clean Water Act, the District Engineer permits the discharge of dredged or fill material into waters of the United States if the discharge meets the requirements of the Environmental Protection Agency's 404(b)(1) guidelines and is not contrary to the public interest. The FRLRP is located in Yuba County, CA. TRLIA is requesting this permission and permit in order to complete construction along the east levee of the Feather River.

DATES: A public scoping meeting will be held March 10, 2008, 6:30 to 8:30 at the Yuba County Government Center, 915 8th Street, Marysville, CA. Send written comments by April 9, 2008 to the address below.

ADDRESSES: Send written comments and suggestions concerning this study to Mr. John Suazo, U.S. Army Corps of Engineers, Sacramento District, Attn: Planning Division (CESPK-PD-R), 1325 J Street, Sacramento, CA 95814. Requests to be placed on the mailing list should also be sent to this address.

FOR FURTHER INFORMATION CONTACT:

Questions about the proposed action and EIS should be addressed to John Suazo at (916) 557-6719, e-mail: john.suazo@usace.army.mil or by mail to (see **ADDRESSES**).

SUPPLEMENTARY INFORMATION:

1. *Proposed Action.* The U.S. Army Corps of Engineers is preparing an EIS to analyze the impacts of the work proposed by TRLIA from the implementation of the FRLRP, Segment 2. The FRLRP, Segment 2 is being

constructed by TRLIA to improve flood protection to portions of Yuba County and Reclamation District (RD) 784.

2. *Alternatives.* The EIS will address an array of flood control improvement alternatives along Segment 2. Alternatives analyzed during the investigation will include a combination of one or more flood protection measures. These measures include seepage berms, stability berms, setback levees, seepage cutoff walls, and relocation of a pump station.

3. *Scoping Process.* a. The Corps has initiated a process to involve concerned individuals, and local, State, and Federal agencies. A public scoping meeting will be held on March 10, 2008 to present information to the public and to receive comments from the public.

b. Significant issues to be analyzed in depth in the EIS include effects on hydraulic, wetlands and other waters of the U.S., vegetation and wildlife resources, special-status species, cultural resources, land use, fisheries, water quality, air quality, transportation, and socioeconomics; and cumulative effects of related projects in the study area.

c. The Corps is consulting with the State Historic Preservation Officer to comply with the National Historic Preservation Act, and the National Marine Fisheries Service and the U.S. Fish and Wildlife Service to comply with the Endangered Species Act. Coordination with the National Marine Fisheries Service has been completed; coordination with U.S. Fish and Wildlife Service is still ongoing.

d. A 45-day public review period will be provided for individuals and agencies to review and comment on the draft EIS. All interested parties are encouraged to respond to this notice and provide a current address if they wish to be notified of the draft EIS circulation.

4. *Availability.* The draft EIS is scheduled to be available for public review and comment in early 2008.

Dated: February 22, 2008.

Thomas C. Chapman,

COL, EN, Commanding.

[FR Doc. E8-3919 Filed 2-28-08; 8:45 am]

BILLING CODE 3710-EZ-P

DEPARTMENT OF DEFENSE**Department of the Army; Army Corps of Engineers****Notice of Intent To Prepare an Environmental Impact Statement for the American River Common Features General Reevaluation Report, Sacramento, CA**

AGENCY: Department of the Army, U.S. Army Corps of Engineers; DOD.

ACTION: Notice of intent.

SUMMARY: The action being taken is the preparation of an environmental impact statement (EIS) for the American River Common Features General Reevaluation Report (GRR). The Common Features Project GRR will re-evaluate the currently authorized plan as well as develop and evaluate other viable alternatives, including a locally-preferred plan, with the goal of identifying a comprehensive plan that will lower the risk of flooding in and around the City of Sacramento. The Common Features Project GRR is located in Sacramento, Sutter and Yolo Counties, CA.

DATES: A series of public scoping meetings will be held as follows:

1. March 5, 2008, 5 to 7 p.m. at The Elk's Lodge.
2. March 6, 2008, 5 to 7 p.m. at Arden Park Community Center, Room A.
3. March 10, 2008, 3 to 6 p.m. at The Library Galleria East Meeting Room.
4. March 13, 2008, 5 to 7 p.m. at The Sierra Health Foundation.

Send written comments by April 11, 2008 to the address below.

ADDRESSES: Written comments and suggestions concerning this study may be submitted to Ms. Elizabeth Holland, U.S. Army Corps of Engineers, Sacramento District, Attn: Planning Division (CESPK-PD-R), 1325 J Street, Sacramento, CA 95814. Requests to be placed on the mailing list should also be sent to this address. The location of the public meetings is as follows; The Elks Lodge, 6446 Riverside Blvd., Sacramento, CA; Arden Park Community Center, 1000 La Sierra Drive, Sacramento, CA; Library Galleria, 828 "I" Street, Sacramento, CA; and Sierra Health Foundation, 1321 Garden Highway, Sacramento, CA.

FOR FURTHER INFORMATION CONTACT:

Questions about the proposed action and EIS should be addressed to Liz Holland at (916) 557-6763, e-mail Elizabeth.g.holland@usace.army.mil or by mail to (see **ADDRESSES**).

SUPPLEMENTARY INFORMATION:

1. *Proposed Action.* The U.S. Army Corps of Engineers is preparing an EIS

to analyze the impacts of a range of alternatives that would lessen the risk of flooding in and around the City of Sacramento.

2. *Alternatives.* The EIS will address an array of flood control improvement alternatives that are intended to reduce flood risk within the project area. Alternatives analyzed during the investigation will include a combination of one or more flood protection measures. These measures include levee improvements (e.g., seepage berms, adjacent setback levees, seepage wells, seepage cutoff walls), revisions to system hydraulics through setbacks, levee raises, and/or more diversion of flow into the bypass system, and possible use of upstream lands for detention.

3. *Scoping Process.* a. A series of public scoping meeting will be held in early March, 2008 to present information to the public and to receive comments from the public. These meetings are intended to initiate the process to involve concerned individuals, and local, State, and Federal agencies.

b. Significant issues to be analyzed in depth in the EIS include effects on hydraulics, wetlands and other waters of the U.S., vegetation and wildlife resources, special-status species, esthetics, cultural resources, recreation, land use, fisheries, water quality, air quality, transportation, and socioeconomics; and cumulative effects of related projects in the study area.

c. The Corps is consulting with the State Historic Preservation Officer to comply with the National Historic Preservation Act and the U.S. Fish and Wildlife Service and National Marine Fisheries Service to comply with the Endangered Species Act. The Corps is also coordinating with the U.S. Fish and Wildlife Service to comply with the Fish and Wildlife Coordination Act.

d. A 45-day public review period will be provided for individuals and agencies to review and comment on the draft EIS. All interested parties are encouraged to respond to this notice and provide a current address if they wish to be notified of the draft EIS circulation.

4. *Availability.* The draft EIS is scheduled to be available for public review and comment in spring 2010.

Dated: February 15, 2008.

Thomas C. Chapman,

COL, EN, Commanding.

[FR Doc. E8-3922 Filed 2-28-08; 8:45 am]

BILLING CODE 3710-EZ-P

DEPARTMENT OF DEFENSE

Department of the Navy

Meeting of the Ocean Research and Resources Advisory Panel

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Ocean Research and Resources Advisory Panel (ORRAP) will meet to discuss National Ocean Research Leadership Council (NORLC) and Interagency Committee on Ocean Science and Resource Management Integration (ICOSRMI) activities. All sessions of the meeting will be open to the public.

DATES: The meeting will be held on Tuesday, April 15, 2008 from 8 a.m. to 5:30 p.m. and Wednesday, April 16, 2008 from 8 a.m. to 1:30 p.m.

ADDRESSES: The meetings will be held at the Consortium for Ocean Leadership located at 1201 New York Ave, Suite 420, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dr. Charles L. Vincent, Office of Naval Research, 875 North Randolph Street, Suite 1425, Arlington, VA 22203-1995, telephone: 703-696-4118.

SUPPLEMENTARY INFORMATION: This notice is provided in accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2). The meeting will include discussions on ocean research to applications, ocean observing, professional certification programs, and other current issues in the ocean science and resource management communities. In order to maintain the meeting time schedule, members of the public will be limited in their time to speak to the Panel. Members of the public should submit written comments at least one week prior to the meeting to Dr. Charles L. Vincent, Office of Naval Research, 875 North Randolph Street, Suite 1425, Arlington, VA 22203-1995, telephone: 703-696-4118.

Dated: February 22, 2008.

T.M. Cruz,

Lieutenant, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. E8-3893 Filed 2-28-08; 8:45 am]

BILLING CODE 3810-FF-P

DEPARTMENT OF DEFENSE

Department of the Navy

[USN-2008-0008]

Privacy Act of 1974; System of Records

AGENCY: Department of the Navy, DoD.

ACTION: Notice to Amend a System of Records.

SUMMARY: The Department of the Navy is amending a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on March 31, 2008 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to the Department of the Navy, PA/FOIA Policy Branch, Chief of Naval Operations (DNS-36), 2000 Navy Pentagon, Washington, DC 20350-2000.

FOR FURTHER INFORMATION CONTACT: Mrs. Doris Lama at (202) 685-6545.

SUPPLEMENTARY INFORMATION: The Department of the Navy systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: February 25, 2008.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

N01000-3

SYSTEM NAME:

Navy Individual Service Review Board (ISR) Proceedings Application File (March 18, 1997, 62 FR 12806).

CHANGES:

SYSTEM NAME:

Delete entry and replace with "DoD Civilian/Military Service Review Board."

SYSTEM LOCATION:

Delete entry and replace with "Navy Personnel Command (PERS-312), 5720

CEQA Notice of Preparation



NOTICE OF PREPARATION

To: Agencies and Interested Parties
From: Sacramento Area Flood Control Agency
Date: November 5, 2009
Subject: Announcement of:

- 1) **Notice of Preparation of an Environmental Impact Statement/Environmental Impact Report on the Natomas Post-authorization Change Report/Natomas Levee Improvement Program, Phase 4b Landside Improvements Project;**
- 2) **Public Scoping Meeting to be held on November 18, 2009; and**
- 3) **Scoping Comments due by December 4, 2009**

The Sacramento Area Flood Control Agency (SAFCA) and the U.S. Army Corps of Engineers (USACE), Sacramento District, intend to prepare a “joint” environmental impact statement (EIS)/environmental impact report (EIR), consistent with the National Environmental Policy Act (NEPA) (42 United States Code [USC] Section 4321 et seq.) and the California Environmental Quality Act (CEQA) (California Public Resources Code [PRC], Section 21000 et seq.; see also 14 California Code of Regulations [CCR] Sections 15220, 15222 [State CEQA Guidelines]), for the Natomas Post-authorization Change Report (Natomas PACR)/Natomas Levee Improvement Program (NLIP), Phase 4b Landside Improvements Project (Phase 4b Project) in the Natomas Basin in Sacramento and Sutter Counties, California. USACE, Sacramento District, will be the Federal lead agency for purposes of complying with NEPA, and SAFCA will be the state lead agency for compliance with CEQA.

PURPOSE OF THE NOTICE OF PREPARATION

In accordance with the State CEQA Guidelines (CCR Section 15082), SAFCA has prepared this notice of preparation (NOP) to inform responsible and trustee agencies and interested parties that an EIS/EIR will be prepared. The purpose of an NOP is to provide sufficient information about the proposed project and its potential environmental impacts to allow the Governor’s Office of Planning and Research (OPR), responsible and trustee agencies, Federal agencies involved in approving or funding a project, and interested parties the opportunity to provide a meaningful response related to the scope and content of the EIS/EIR, including the significant environmental issues, reasonable alternatives, and mitigation measures that the responsible or trustee agency, or the OPR, will need to have explored in the EIS/EIR (State CEQA Guidelines CCR Section 15082[b]).

The project location, description, and probable environmental effects of the proposed project are presented below. An initial study has not been prepared because the EIS/EIR will address all issue areas and it is already known that the proposed project could have a significant effect on the environment. The EIS/EIR will also include feasible mitigation measures, where available, and consideration of a reasonable range of alternatives to avoid or substantially reduce the proposed project’s significant adverse environmental impacts.

The purposes of this NOP are to:

1. briefly describe the proposed project and the anticipated content of the EIS/EIR to be prepared for the proposed project;

2. announce the public scoping meeting to facilitate public input and to be held: November 18, 2009, from 4:30 to 6:30 p.m. at South Natomas Community Center (Activity Room) located at 2921 Truxel Road in Sacramento, California; and
3. solicit input by December 4, 2009, from Federal, state, regional, and local agencies, and from interested organizations and individuals about the content and scope of the EIS/EIR, including the alternatives to be addressed and the potentially significant environmental impacts.

INTRODUCTION TO THE PHASE 4b PROJECT

The Phase 4b Project consists of improvements to a portion of the Natomas Basin's perimeter levee system (see **Exhibits 1, 2, and 3** below) in the City of Sacramento and in Sutter and Sacramento Counties, California, associated landscape and irrigation/drainage infrastructure modifications, and habitat creation and management. A more detailed project description is provided below.

To implement the Phase 4b Project, SAFCA is requesting permission from USACE pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 United States Code [USC] 408, referred to as "Section 408") for alteration of Federal project levees; Section 404 of the Clean Water Act (33 USC 1344) for placement of fill into jurisdictional waters of the United States; and Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) for work performed in, over, or under navigable waters of the United States (such as excavation of material from or deposition of material into navigable waters).

SAFCA may also need to obtain several state, regional, and local approvals or permits to implement the Phase 4b Project in the event that USACE does not receive authorization to construct the Phase 4b Project. These include: CVFPB encroachment permit; California Surface Mining and Reclamation Act permit; Clean Water Act Section 401 water quality certification, Clean Water Act Section 402 National Pollutant Discharge Elimination System permit; California Fish and Game Code Section 2081 incidental take authorization; California Fish and Game Code Section 1602 streambed alteration agreement; encroachment permits from the California Department of Transportation, Sacramento County, Sutter County, and City of Sacramento; and authority to construct authorization from the Sacramento Metropolitan Air Quality Management District and the Feather River Air Quality Management District.

RELATIONSHIP TO OTHER U.S. ARMY CORPS OF ENGINEERS PLANNING DOCUMENTS

The EIS/EIR will support the approval of USACE's Natomas Basin General Re-evaluation Report (GRR) and Natomas PACR. The EIS/EIR will also support the final project phase of the NLIP, the Phase 4b Project.

The Natomas GRR covers the Sacramento Metropolitan Area. The American River drainage basin covers about 2,100 square miles northeast of Sacramento and includes portions of Placer, El Dorado, Sutter, and Sacramento Counties. The Natomas GRR considers flood risk management for the Natomas Basin. The GRR will consider the existing flood risk reduction projects together as a system, with the purpose of developing analysis tools that consider the flood risk reduction system as a whole and identifying a comprehensive plan that will lower the flood risk in Sacramento. Accordingly, USACE, SAFCA, and the California Department of Water Resources (DWR) seek to integrate planning, design, and implementation of enhanced flood risk reduction measures within the Natomas Basin study area.

The Natomas GRR will ultimately be incorporated into a larger and more broadly scoped investigation called the American River Common Features Project (Common Features Project) GRR. The Common Features Project GRR will consider the Sacramento River downstream of the American River to Freeport where Beach Lake levee forms the southern flank of the City of Sacramento's flood defenses. It should be noted that there are three basins in the GRR analysis that will be considered in the future: the American River-North Basin, Natomas Basin, and

the Greater Sacramento Basin located south of the American River. However, only the Natomas Basin is the subject of this EIS/EIR.

The Natomas GRR schedule has been accelerated due to the risk of levee failure in the Natomas Basin. The accelerated schedule will allow USACE to begin construction in 2011 and reduce the risk of flooding and billions of dollars of property damage in the Natomas Basin.

The EIS/EIR will summarize the NLIP project phases already completed by SAFCA and how the NLIP relates to USACE's Natomas Basin GRR and PACR. The EIS/EIR will be used for Natomas Basin GRR approval, for preparation of the Natomas PACR, and to support implementation of the Phase 4b Project. USACE plans to implement the Phase 4b Project. In the event the Natomas PACR is not approved by Congress, however, the EIS/EIR will support SAFCA's implementation of the Phase 4b Project should SAFCA choose to proceed without Federal participation.

RELATIONSHIP TO THE NATOMAS LEVEE IMPROVEMENT PROGRAM

The Phase 4b Project is a subphase of one of the four project phases of the NLIP Landside Improvements Project. The overall purpose of the NLIP is to bring the entire 42-mile Natomas Basin perimeter levee system into compliance with applicable Federal and state standards for levees protecting urban areas. The NLIP was first evaluated in SAFCA's programmatic *EIR on Local Funding Mechanisms for Comprehensive Flood Control Improvements for the Sacramento Area* (State Clearinghouse No. 2006072098). Volume II of that EIR contained a project-level evaluation of the Natomas Cross Canal South Levee Phase 1 Improvements (Phase 1 Project).

In 2007, SAFCA prepared the *EIR on the NLIP Landside Improvements Project* (Phase 2 EIR, State Clearinghouse No. 2007062016), which covers the three additional phases of "landside" improvements to the levees protecting the Natomas Basin, including the Phase 2 Project, Phase 3 Project, and Phase 4 Project. The Phase 2 Project was analyzed at a project-level and the remainder of the Landside Improvements Project (Phase 3 and 4 Projects) was analyzed at a program-level in the Phase 2 EIR. On November 29, 2007, the SAFCA Board of Directors certified the EIR and approved the Phase 2 Project. Following completion of the Phase 2 EIR, USACE prepared an EIS to meet USACE's NEPA requirements to support USACE's decisions on the permissions and permitting under Sections 408, 404, and 10. A record of decision (ROD) was signed by USACE in January 2009. The Phase 2 EIS also contained a project-level analysis of the Phase 2 Project and a program-level analysis of the Phase 3 and 4 Projects. Since certification of the Phase 2 EIR, SAFCA made modifications and refinements to the design of the Phase 2 Project. A supplemental EIR (SEIR) was prepared by SAFCA to evaluate these modifications, which the SAFCA Board of Directors certified in January 2009, at which time the Board also approved the modifications to the Phase 2 Project.

The Phase 3 Project was analyzed at a project-level in the *DEIS/DEIR on the NLIP Phase 3 Landside Improvements Project* (Phase 3 DEIS/DEIR, State Clearinghouse No. 2008072060), which was released for public review on February 13, 2009. Following public review, SAFCA prepared an FEIR to provide responses to comments on the Phase 3 DEIS/DEIR. The SAFCA Board of Directors certified the FEIR and approved the Phase 3 Project in May 2009. Separately, USACE prepared an FEIS to provide responses to comments received on the Phase 3 DEIS/DEIR; the Phase 3 FEIS was issued for public review in August 2009. After consideration of all comments received, USACE will consider whether to grant Section 408 permission, which will be documented in a ROD, in December 2009/January 2010. To construct the Phase 3 Project with minimal interruption of and conflict with drainage/irrigation services and special-status wildlife habitat (giant garter snake), some Phase 3 Project components (canal work, utility relocation, vegetation removal, and demolition of structures) need to be constructed in late 2009 and early 2010 in advance of the Phase 3 Project's major levee construction, which would begin in 2010. To facilitate this staged construction, a staged permitting approach was implemented for the Phase 3 Project. Specifically, irrigation and drainage infrastructure (termed the Phase 3a Project) was permitted by USACE and the Central Valley Regional Water Quality Control Board (Central Valley RWQCB) under Sections 404 and 401, respectively, of the Clean Water Act, in October 2009; this work would occur in late 2009

and early 2010, in advance of Phase 3 Project levee construction. Some vegetation removal also would occur during the non-nesting season for raptors and other bird species. A separate, but related, set of permits for the Phase 3 Project's Sacramento River east levee construction and related pumping plant improvements (termed the Phase 3b Project) is anticipated in late 2009; this work would occur in 2010 and 2011. The potential exists for up to 30% of the Phase 2 Project also to be constructed in 2010, concurrent with Phase 3 Project construction, or even potentially concurrently with the Phase 4a Project, depending on the timing and availability of funding and receipt of all required environmental clearances and permits.

The Phase 4 Project consists of two subphases (4a and 4b) to provide the flexibility to construct this phase over more than one construction season. The Phase 4 Project was analyzed at a program-level in the Phase 2 EIR. Each subphase has its own independent utility, can be accomplished with or without the other subphase, and provides additional flood risk reduction benefits to the Natomas Basin whether implemented individually or collectively. The Phase 4a Project was analyzed at a project-level in the *DEIS/DEIR on the NLIP Phase 4a Landside Improvements Project* (Phase 4a DEIS/DEIR, State Clearinghouse No. 2009032097), which was released for public review on August 28, 2009. Similar to the Phase 3 Project, USACE and SAFCA are preparing a separate FEIS and FEIR, respectively. The SAFCA Board of Directors will consider certification of the EIR and Phase 3 Project approval at its November 13, 2009 Board meeting. Separately, USACE will prepare an FEIS and issue it for a 30-day public review in early 2010. Phase 4a Project construction is planned to begin in 2010 and is anticipated to be completed in 2011, assuming receipt of all required environmental clearances and permits.

PROJECT OBJECTIVES OF THE NATOMAS LEVEE IMPROVEMENT PROGRAM

The following objectives were adopted by SAFCA in connection with the NLIP: (1) provide at least a 100-year level of flood risk reduction (0.01 Annual Exceedance Probability [AEP]) to the Natomas Basin as quickly as possible, (2) provide 200-year flood risk reduction to the Basin over time (0.005 AEP), and (3) avoid any substantial increase in expected annual damages as new development occurs in the Basin. The first two project objectives would reduce the residual risk of flooding sufficiently to meet the minimum requirements of Federal and state law for urban areas like the Natomas Basin. The third project objective is a long-term objective of SAFCA's.

Additional project objectives that have informed SAFCA's project design are to: (1) use flood damage reduction projects in the vicinity of the Sacramento International Airport (Airport) to facilitate management of Airport lands in accordance with the Airport's *Wildlife Hazard Management Plan* (Sacramento County Airport System [SCAS] 2007); and (2) use flood damage reduction projects to increase the extent and connectivity of the lands in the Natomas Basin being managed to provide habitat for giant garter snake, Swainson's hawk, and other special-status species.

PROPOSED PHASE 4b PROJECT

The Phase 4b Project would address underseepage, stability, erosion, penetrations, and levee encroachments along approximately 3.4 miles of the Sacramento River east levee in Reaches 16–20, approximately 6.4 miles of the Natomas East Main Drainage Canal (NEMDC) west levee between Elkhorn Boulevard and Sankey Road, and the windows left in the improvements done by the of previous phases at levee penetrations and road crossings on Natomas Cross Canal (NCC) south levee. The Phase 4b Project would also include relocation of the existing irrigation and drainage canals landside of the levee slopes, relocation and modifications of the pumping stations, bridges, encroachments, and any penetrations of the levee embankment. Removal of the vegetation within the levee right-of-way to address USACE requirements and any environmental mitigation are also included in the Phase 4b Project.

The Phase 4b Project includes the following major activities anticipated to begin in spring 2011, which will be analyzed at a project-level in the Phase 4b EIS/EIR:

- ▶ **Sacramento River East Levee Reaches 16–20: Levee widening/rehabilitation and seepage remediation**—Construct an adjacent levee with flattened landside slope and cutoff walls, seepage berms, and relief wells, where required, to reduce potential underseepage and seepage through the levee. Cutoff wall construction would be conducted 24 hours per day, 7 days per week (24/7).
- ▶ **American River North Levee Reaches 1–4: Slope flattening and seepage remediation**—Flatten the slope and install cutoff walls in the American River north levee from just east of Gateway Oaks Drive to Northgate Boulevard. Cutoff wall construction would be conducted 24/7.
- ▶ **NEMDC West Levee—Northern Segment: Levee raising, slope flattening, and seepage remediation**—Raise the levee in place or construct an adjacent levee, flatten slopes, and install cutoff walls from Sankey Road to just south of Elkhorn Boulevard. Cutoff wall construction would be conducted 24/7.
- ▶ **Pleasant Grove Creek Canal (PGCC) and NEMDC South: Levee raising and slope flattening**—Raise the levee in place or construct an adjacent levee and flatten slopes on the PGCC southwest levee and on the NEMDC southwest levee from Elkhorn Boulevard to Northgate Boulevard.
- ▶ **PGCC and NEMDC South: Waterside improvements**—Erosion repair and rock slope protection at locations where erosion around the outfall structures penetrating the levee was observed. Construct additional remediation to protect against damage caused by beavers and burrowing animals.
- ▶ **PGCC Culvert Remediation**—Upgrade or remove five culverts that currently drain the area east of the PGCC by passing water under the canal to canals along the landside of the PGCC southwest levee. Under the culvert removal option, construct detention basins east of the PGCC levee to provide replacement storage for drainage. Depending on the design of the detention basins, pumping stations may be needed to discharge water out of the basins and into the PGCC.
- ▶ **State Route (SR) 99 NCC Bridge Remediation**—Construct a moveable barrier system or a stop log gap at the south end of the SR 99 bridges to be used at high river stages to prevent overflow from reaching the landside of the NCC south levee. Modify the bridge deck connections to the supporting piers and abutments as needed to resist uplift pressure during high water stages. Install additional seepage remediation consisting of seepage cutoff walls where the bridges cross the NCC south levee.
- ▶ **West Drainage Canal**—Realign the West Drainage Canal to shift an approximately 1-mile portion, starting at Interstate 5 (I-5), to an alignment farther south of the Airport Operations Area. Modify the existing canal east of the alignment to reduce bank erosion and sloughing, decrease aquatic weed infiltration, improve Reclamation District (RD) 1000 maintenance access, and enhance giant garter snake habitat connectivity.
- ▶ **Riego Road Canal (Highline Irrigation Canal) Relocation**—Relocate approximately 4,000 feet of irrigation canal, approximately 250 feet of buried irrigation piping, and three irrigation turn-out structures away from the proposed levee footprint for the northern segment of the NEMDC west levee.
- ▶ **NCC South Levee Ditch Relocations**—Relocate the Vestal Drain ditch and Morrison Canal to reduce underseepage potential in Reaches 2, 5, and 6 of the NCC south levee.
- ▶ **Modifications to RD 1000 Pumping Plants**—Raise and/or replace the discharge pipes for Pumping Plant Nos. 1A and 1B along the Sacramento River east levee, and Pumping Plant Nos. 6 and 8 along the NEMDC west levee, to cross the levee above the 0.005 AEP design water surface elevation. Construct new outfall structures for Pumping Plant Nos. 6 and 8, requiring dewatering of portions of the NEMDC. Construction would be conducted 24/7.

- ▶ **Modifications to City of Sacramento Sump Pumps**—Raise and/or replace the discharge pipes for City Sump 160 (Sacramento River east levee Reach 19B), City Sump 58 (American River north levee), and City Sump 102 (NEMDC west levee at Gardenland Park) to cross the levee above the 0.005 AEP design water surface elevation. Construct new outfall structures, requiring dewatering of portions of the Sacramento River, the low-flow channel of the NEMDC along the waterside of the American River north levee, and the NEMDC. Relocate pump stations as needed to accommodate the proposed levee improvements. Construction would be conducted 24/7.
- ▶ **Borrow Site Excavation and Reclamation**—Excavate earthen material at the borrow sites and then return the sites to preconstruction uses or suitable replacement habitat. For levee improvements along the Sacramento River east levee (Reaches 16–20) and the American River north levee (Reaches 1–4), the South Fisherman’s Lake Borrow Area and the West Lakeside School Site (**Exhibit 2**) are anticipated to be the primary source of soil borrow material. The Triangle Properties Borrow Area (**Exhibit 3**) would be the primary source of borrow material for levee improvements along the PGCC and NEMDC North. The South Fisherman’s Lake Borrow Area, the West Lakeside School Site, and the Triangle Properties Borrow Area Areas will be fully analyzed in the EIS/EIR.

The Fisherman’s Lake Borrow Area, which was fully analyzed in the Phase 4a DEIS/DEIR, could provide additional borrow material for the Phase 4b Project. The Krumenacher borrow site and Twin Rivers Unified School District stockpile site (**Exhibit 2**), which were fully analyzed in the Phase 3 DEIS/DEIR and Phase 4a DEIS/DEIR, would be the source of borrow material for improvements to NEMDC South and back-up sources for NEMDC North.

- ▶ **Habitat Creation and Management**—Enhance connectivity between northern and southern populations of giant garter snake in the Natomas Basin by improving habitat conditions along the West Drainage Canal, and establish woodlands consisting of native riparian and woodland species in or around the Natomas Basin as compensation for woodland impacts along the Sacramento River east levee (Reaches 16–20), American River north levee, and NEMDC west levee.
- ▶ **Infrastructure Relocation and Realignment**—Relocate and realign private irrigation and drainage infrastructure (wells, pumps, canals, and pipes), and relocate utility infrastructure (power poles) as needed to accommodate the levee improvements and canal relocations.
- ▶ **Landside Vegetation Removal**—In Reaches 16–20 of the Sacramento River east levee, in Reaches 1–4 of the American River north levee, and in NEMDC South, clear landside vegetation to prepare for Phase 4b Project levee and canal improvement work.
- ▶ **Waterside Vegetation Removal**—Waterside vegetation would be removed due to modifications to pumping plants along the Sacramento River east levee, NEMDC west levee, and PGCC southwest levee.
- ▶ **Bank Protection: Sacramento River Left Bank**—Because the adjacent levee would be constructed in Sacramento River east levee Reaches 1–20 under the NLIP, no erosion protection is needed along the left bank of the Sacramento River. The distance from the projected levee slope of the new adjacent levee to the current bank location is sufficient to guarantee that bank erosion would not intrude into the projected levee slope in the near future. Bank protection would be constructed along the PGCC and NEMDC South to address the waterside erosion sites noted above.
- ▶ **American River Common Features Project**—Upgrade levees at locations along the American River upstream of Northgate Boulevard, including raising and/or reshaping levee sections and installing cutoff walls.
- ▶ **Right-of-Way Acquisition**—Acquire lands within the Phase 4b Project footprint along the Sacramento River east levee, American River north levee, NEMDC west levee, and at associated borrow sites.

- ▶ **Encroachment Management**—Remove encroachments as required to meet the criteria of USACE, CVFPB, and Federal Emergency Management Agency (FEMA). SAFCA would be required to submit a variance request to CVFPB, and then ultimately to USACE, requesting confirmation that SAFCA’s adjacent levee design for the Sacramento River east levee and American River north levee sufficiently addresses USACE’s guidance regarding vegetation on levees, if SAFCA chooses to implement the project without Federal participation.

The following additional project details are associated with the Phase 4b Project.

- ▶ **Cutoff Walls.** Three-foot-wide cutoff walls made of either soil-bentonite (SB), cement bentonite (CB), or soil-cement-bentonite (SCB) would be installed either through the existing levee or along the landside toe of the existing levee. Depending on the construction method used, the top of the cutoff walls would be at least 10 feet above the existing ground surface at the landside toe of the levee (within either the new adjacent setback levee) or in the existing levee, and extend up to a depth of 110 feet below ground surface in some areas. Locations and depths would be determined during final engineering design. The total linear extent would be approximately 17,700 feet along the Sacramento River east levee Reaches 16–20; approximately 9,400 feet along the American River north levee, and 35,700 feet along the NEMDC north west levee. Cutoff wall construction would be conducted 24/7.
- ▶ **Seepage Berms.** Sacramento River east levee seepage berm widths would extend up to 100 feet from the adjacent levee landside toe in Reaches 17–18, up to 250 feet from the adjacent levee landside toe in Reach 19A, and up to 300 feet from the adjacent levee landside toe in Reach 16. Depending upon the width, maximum thickness would be 6–7 feet. All berms would gradually slope downward to about 4 feet thick at the landside edge, with a 3H:1V slope to ground level. A gravel surface patrol road would be constructed near the outside edge of the seepage berm. Final locations of the seepage berms would be determined during final engineering design.
- ▶ **Relief Wells.** Sacramento River east levee relief wells would be constructed at selected locations where berms cannot be wide enough or walls deep enough to meet the required seepage remediation design parameters. Relief wells would also be constructed along some of the entrance channels to the landside pump stations. Relief wells would be spaced between 60–100 feet apart and would extend to depths of between 60–80 feet below the ground surface.
- ▶ **Measures to Reduce Impacts to Residences, Businesses, and Heritage Oaks.** Where residences, businesses, and heritage oak trees are located, measures would be employed to reduce the project footprint impacts to these resources, to the extent feasible given levee design and seepage remediation performance requirements. These measures could include reducing the width of the adjacent levee, seepage berms, and operations and maintenance access and utility corridors; and strategically using cutoff walls or seepage relief wells.
- ▶ **Power Pole Relocation.** Power poles that currently exist on the landside slope of the levee and at the landside levee toe would need to be relocated and/or rerouted to accommodate the widened levee footprint. To the extent feasible, mainline utility infrastructure, such as power poles, would be relocated beyond the landside levee toe. Some poles may need to be relocated to the waterside of the existing levee. No power poles would be relocated within the new levee prism. Tree pruning would likely be required in some locations to accommodate the power pole relocation and associated wires. SAFCA would conduct the relocations in coordination with the appropriate utility companies and the construction operations.
- ▶ **Removal or Modification of Landside Structures and Other Facilities.** Multiple residential and agricultural structures are located within the footprint of the levee improvements. These structures, and the facilities supporting them, would have to be modified, removed, or relocated out of the project footprint before the start of levee construction in those areas. Irrigation facility conveyance, distribution boxes, wells,

and standpipes within the footprint of the project features would be demolished and replaced as needed. Debris from structure demolition, power poles, utility lines, piping, and other materials requiring disposal would be hauled off-site to a suitable landfill. Demolished concrete could be sent to a concrete recycling facility. Wells and septic systems would be abandoned in accordance with the applicable state and county requirements. Drilling and development pumping of replacement wells would be conducted 24/7.

- ▶ **Garden Highway Closures.** Because of space constraints, in Sacramento River east levee Reaches 19B–20, the landside lane of Garden Highway would be closed for up to 6 months to allow for construction of a cutoff wall. In addition, because there would be no room for a two-way haul route at the toe of the existing levee, the waterside lane of Garden Highway would be used by haul trucks delivering materials. This lane would only be open to local traffic, with use of traffic controls. For levee improvements along the American River north levee, the Garden Highway/Arden-Garden Connector would be completely closed for up to 6 months between I-5 and Northgate Boulevard. Through traffic would be detoured to West El Camino Avenue, SR 160, and Richards Boulevard. Garden Highway would be closed at several locations, including City of Sacramento Pump 160 and RD 1000 Pumping Plant Nos. 1A and 1B, to allow for installation of pipes that need to be raised above the 0.005 AEP water surface profile.
- ▶ **Reconstruction of Intersections.** Garden Highway intersections at Natomas Park Drive, Truxel Road, Northgate Boulevard, and four additional ramps at private parcels would require degrading, rebuilding the embankment, and repaving to accommodate the installation of the American River north levee cutoff wall and levee slope flattening. Garden Highway intersections at Orchard Lane, Gateway Oaks Drive, and several additional ramps at private parcels would require degrading, rebuilding the embankment, and repaving to accommodate the installation of the Sacramento River east levee cutoff wall and levee slope flattening. The ramps would be reconstructed to the current general ramp and intersection geometry. The design would meet Sacramento County or City of Sacramento roadway design criteria, depending upon the jurisdiction. Where alternate access to the private properties is available, the private ramps would be removed and not replaced.
- ▶ **West Drainage Canal Realignment.** The proposed new alignment would abandon and reroute approximately 4,700 feet of the West Drainage Canal. The typical cross-section for the modified West Drainage Canal would require a right-of-way of up to 150 feet for approximately 1.2 miles. The realigned section of the canal would have a 30-foot bottom width, stable 3H:1V bank slopes on one or both sides, and a narrow, variable width bench on one side of the canal. A 20-foot-wide maintenance and inspection road would flank each side of the canal and would be slightly elevated above adjacent land to improve an all-weather road condition. Culverts would cross under the patrol road to allow continued drainage into the canal from adjacent fields. The realignment would include rerouting of a small section of the West Drainage Canal (starting at the M10 Drain south of I-5 which leads to RD 1000's Pumping Plant No. 5) to a north-south orientation to improve the management of adjacent agricultural parcels, and to move the canal farther from the Airport Operations Area in the vicinity of the west runway.
- ▶ **Riego Road Canal Relocation.** A portion of an irrigation canal owned by the Natomas Central Mutual Water Company (NCMWC) would be relocated to make room for the proposed improvements to the west levee of NEMDC North. The affected portion includes approximately 4,000 feet of irrigation canal, approximately 250 feet of buried irrigation piping, and three irrigation control turn-out structures. These facilities would be relocated outside of the levee footprint as part of the Phase 4b Project. To prevent disruptions, the NCMWC irrigation system would be replaced with in-kind facilities compatible with the new levee footprint to prevent disruption of irrigation service. The new canal would be a highline canal with 3H:1V side slopes and a maintenance road on each of the embankments. A right-of-way of up to 100-feet beyond the new levee footprint would be required for the new facility.
- ▶ **Natomas Levee Recreational Trail Project.** As part of the Phase 4b Project, a regional Class I (completely separated from traffic) bicycle and pedestrian trail is proposed to be constructed in an approximately 42-mile loop along the Natomas Basin levee perimeter in the northwestern portion of the City and County of

Sacramento and the southern portion of Sutter County. The exact alignment of the recreational trail, in terms of its placement in relation to levees and roadways, would be determined through detailed engineering design. Construction, operation, and maintenance of a recreation trail on the perimeter levee system would require a CVFPB encroachment permit with an endorsement by RD 1000. The proposed recreational trail is intended to provide a bicycle commuter route at the southern and eastern end of the Natomas Basin that would connect to the regional American River trail system.

ALTERNATIVES TO THE PROPOSED PHASE 4b PROJECT

Because the EIS/EIR will be a joint NEPA/CEQA document, it will fully evaluate the environmental impacts of the Phase 4b Project and the following two alternatives at an equal level of detail:

No-Action Alternative (No-Project Alternative for purposes of CEQA)—Under NEPA, the expected future without-project conditions; under CEQA, the existing condition at the time this NOP was published (November 5, 2009), as well as what would be reasonably expected to occur in the foreseeable future if the Phase 4b Project were not approved. The No-Action Alternative consists of two scenarios:

- ▶ **No Project Construction**—The No-Action Alternative consists of the conditions that would likely prevail in the Natomas Basin if no action at all were taken by SAFCA, the State, or USACE to further improve the Basin’s perimeter levee system beyond the accomplishments of the Sacramento Urban Levee Reconstruction Project; the North Area Local Project; and the NLIP Phase 1, 2, 3, and 4a Projects. Under this scenario, key segments of this system would continue to provide less than 100-year flood risk reduction, and the entire Natomas Basin would be permanently designated as a special flood hazard area subject to development restrictions and mandatory flood insurance requirements pursuant to the regulations of the National Flood Insurance Program. SAFCA would not provide the Natomas Basin with at least a .01 AEP risk reduction by the end of 2010 and would not be able to facilitate achieving a 0.005 AEP risk reduction by the end of 2012.
- ▶ **Potential Levee Failure**—The same conditions with respect to development within the Natomas Basin as described above for the No Project Construction scenario would exist for the Potential Levee Failure scenario. Without additional improvements to the Natomas Basin perimeter levee system, wind and wave run-up or seepage conditions could cause portions of this system to fail, triggering widespread flooding and extensive damage to the Basin’s existing residential, commercial, agricultural, and industrial structures. Extensive damage to utilities, roadways, and other infrastructure systems would also likely occur. The magnitude of the flood damage would depend upon the location of the levee breach, severity of the storm, and river flows at the time of a potential levee failure.

Fix-in-Place Alternative—All elements of the Fix-in-Place Alternative would be the same as described for the Proposed Action, except for the method of raising and rehabilitating the Sacramento River east levee, the extent of levee degradation and road closures required to construct cutoff walls, and the extent of encroachment removal along the levee. Differences from the Proposed Action are shown in italicized text below.

- ▶ **Sacramento River East Levee Reaches 16–20: Levee widening/rehabilitation and seepage remediation**—Upgrade levee in place with cutoff walls, seepage berms, and relief wells, where required, to reduce seepage potential. Cutoff wall construction would be conducted 24/7.
- ▶ **Landside Vegetation Removal**—Same as the Proposed Action, *except maximum extent of removal would likely be reduced.*
- ▶ **Waterside Vegetation Removal**—*In Reaches 16–20 of the Sacramento River east levee and Reaches 1–4 of the American River north levee, clear waterside vegetation to meet USACE vegetation guidance criteria. It is estimated that the numbers of acres of shaded riverine aquatic (SRA) habitat lost would be greater.* Same as Proposed Action for modifications to RD 1000 pump stations.

- ▶ **Encroachment Management**—Same as the Proposed Action, *except maximum extent of removal would likely be increased. SAFCA would not be eligible to request a variance and would need to fully comply with USACE's levee vegetation requirements.*

Alternatives that have already been addressed in previous environmental documents for the NLIP will be briefly summarized in the EIS/EIR for the Phase 4b Project and incorporated by reference. These alternatives include the following:

- ▶ Yolo Bypass Improvements;
- ▶ Reduced Natomas Urban Levee Perimeter;
- ▶ Construction of a New Setback Levee;
- ▶ Raise Levee in Place with a 1,000-Foot Levee Setback in the Upper 1.4 Miles along the Sacramento River East Levee;
- ▶ Construct an Adjacent Setback Levee with a 500-Foot Levee Setback in the Upper 1.4 Miles along the Sacramento River East Levee;
- ▶ No SAFCA Levee Improvements—Private Levees in Natomas;
- ▶ Natomas .01 AEP Flood Risk Reduction;
- ▶ No-Action Alternative—Airport Compartment Levee; and
- ▶ Cultural Resources Impact Reduction Alternative.

PROBABLE ENVIRONMENTAL IMPACTS OF THE PROPOSED PHASE 4b PROJECT

The EIS/EIR will describe the direct and indirect significant environmental impacts of the Phase 4b Project. The EIS/EIR will also evaluate the cumulative impacts of the project when considered in conjunction with the other phases of the Landside Improvements Project and other related past, present, and reasonably foreseeable future projects, including other USACE (408 permission) and SAFCA projects.

On the basis of programmatic environmental analyses of the Phase 4b Project in previous NEPA and CEQA documents and relevant environmental analyses of previous project phases, USACE and SAFCA have determined that the probable environmental effects of the Phase 4b Project are as follows:

- ▶ **Agricultural Resources:** Conversion of Important Farmland to nonagricultural use; temporary and permanent effects on agricultural productivity; and conflicts with lands under Williamson Act contracts.
- ▶ **Land Use, Socioeconomics, and Population and Housing:** Inconsistency with adopted land use plans and the Natomas Basin Habitat Conservation Plan; temporary disturbance and division of an existing community and temporary disruption of commercial activities during construction; potential displacement of existing housing, especially affordable housing; potential reduction in local or regional employment; and other potential socioeconomic impacts, the analysis of which is required by NEPA.
- ▶ **Geology, Soils, and Mineral Resources:** Potential soil erosion or loss of topsoil during construction; and potential loss of mineral resources.
- ▶ **Hydrology and Hydraulics:** Minimized flood risk; potential temporary and/or permanent alteration of local drainage patterns; potential effects on groundwater recharge.

- ▶ **Water Quality:** Temporary effects on water quality during construction.
- ▶ **Biological Resources:** Temporary disturbance or permanent loss of woodland habitats and wildlife corridors; temporary disturbance or permanent loss of jurisdictional waters of the United States; temporary disturbance or permanent loss of special-status plant species; temporary disturbance or permanent loss of special-status species habitats; construction disturbance or take of special-status terrestrial species, especially Swainson's hawk and giant garter snake; loss of fish or aquatic habitat through increased sedimentation and turbidity or release of contaminants during construction; and loss of SRA habitat.
- ▶ **Cultural Resources:** Temporary and/or permanent disturbance of known and unknown historic or archaeological resources.
- ▶ **Paleontological Resources:** Potential disturbance of unknown unique paleontological resources during earthmoving activities.
- ▶ **Transportation and Circulation:** Temporary increase in traffic and traffic hazards on local roadways during construction, including hauling; temporary closure of roadways, including full and partial closure of sections of Garden Highway and connecting ramps throughout the 6-month construction season; and temporary disruption of emergency service response times and access.
- ▶ **Air Quality:** Temporary and short-term increases in pollutant emissions associated with construction activities, including the potential overlap in construction of portions of the Phase 2, 3, and 4a Projects with the Phase 4b Project; and long-term increases in pollutant emissions.
- ▶ **Noise:** Temporary and short-term increases in noise and vibration levels near sensitive receptors during construction, including the need for 24/7 construction for cutoff walls and 24/7 construction associated with relocating wells away from the levee.
- ▶ **Recreation:** Addition of a new recreation trail on the improved Natomas Basin levee perimeter system; and potential construction-related closures of/impacts to recreational facilities in the project area.
- ▶ **Visual Resources:** Temporary and long-term changes in scenic views or visual character of the project area from the construction of project features and tree/vegetation removal and replanting.
- ▶ **Utilities and Service Systems:** Temporary disruption of irrigation supply; potential disruption of utility service from construction activities and from the relocation of power poles.
- ▶ **Hazards and Hazardous Materials:** Potential spills of hazardous materials during construction; potential exposure to hazardous materials at project sites during construction; potential for higher frequency of collisions between aircraft and wildlife at the Airport during construction and as a result of permanent changes in land cover; and increased exposure to wildland fire risk during construction.
- ▶ **Environmental Justice:** Potential for disproportionately high and adverse effects on minority or low income populations, including Tribal populations, the analysis of which is required by NEPA.
- ▶ **Cumulative and Growth-Inducing Impacts:** Potential cumulatively considerable incremental contributions from Phase 4b Project impacts in the areas of agricultural resources, water quality, fisheries, biological resources, cultural resources, air quality (including temporary and short-term generation of greenhouse gas emissions [CO₂] from project construction), noise, and visual resources; potential growth-inducing impacts from construction of the NLIP, including substantial new permanent employment opportunities, substantial short-term employment opportunities, and removal of an obstacle to additional growth and development in the Natomas Basin.

PUBLIC SCOPING MEETING

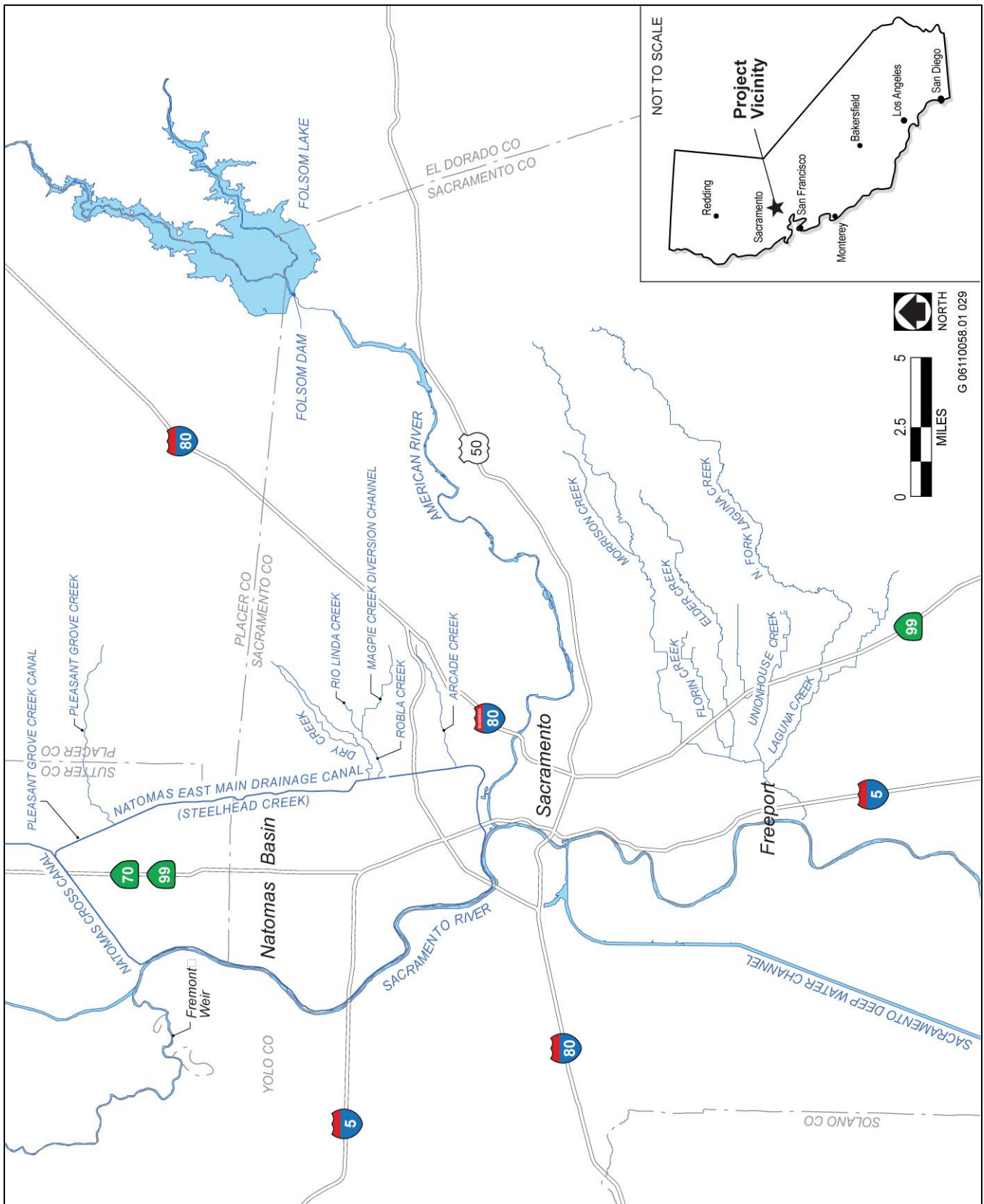
A joint EIS/EIR public scoping meeting, conducted by USACE and SAFCA, will be held during the 30-day NOP public review period to inform interested parties about the proposed project, and to provide agencies and the public with an opportunity to provide comments on the scope and content of the EIS/EIR. The joint scoping meeting will satisfy the meeting requirement for projects of statewide, regional, or areawide significance (see State CEQA Guidelines CCR Section 15082 [c]).

The meeting will be held on November 18, 2009, from 4:30 to 6:30 p.m., at 2921 Truxel Road (South Natomas Community Center) in Sacramento, California and will have an open-house format with multiple stations set up to highlight different aspects of the proposed project and the NEPA/CEQA process. Attendees will have the opportunity to ask questions and discuss the project and the EIS/EIR process with project team members and to provide oral and written comments. The meeting space is accessible to persons with disabilities and a court reporter will be available. Individuals needing special assistive devices will be accommodated to the best of SAFCA's ability. For more information, please contact John Bassett, SAFCA Director of Engineering, at least 48 hours before the meeting (contact information is provided below).

PROVIDING COMMENTS ON THE NOTICE OF PREPARATION

Interested parties may provide written or oral comments on the proposed content and scope of the EIS/EIR at the public scoping meeting or may provide written comments directly to SAFCA. **Written comments on the NOP must be provided to SAFCA at the earliest possible date, but must be received no later than 5 p.m. on Friday, December 4, 2009.** Agencies that will need to use the EIS/EIR when considering permits or other approvals for the proposed project should provide the name of a contact person. Comments provided by e-mail should include the name and address of the sender and include "Natomas PACR/NLIP Phase 4b Project NOP Scoping Comment" in the subject line. Please send all written and/or e-mail comments on the NOP to:

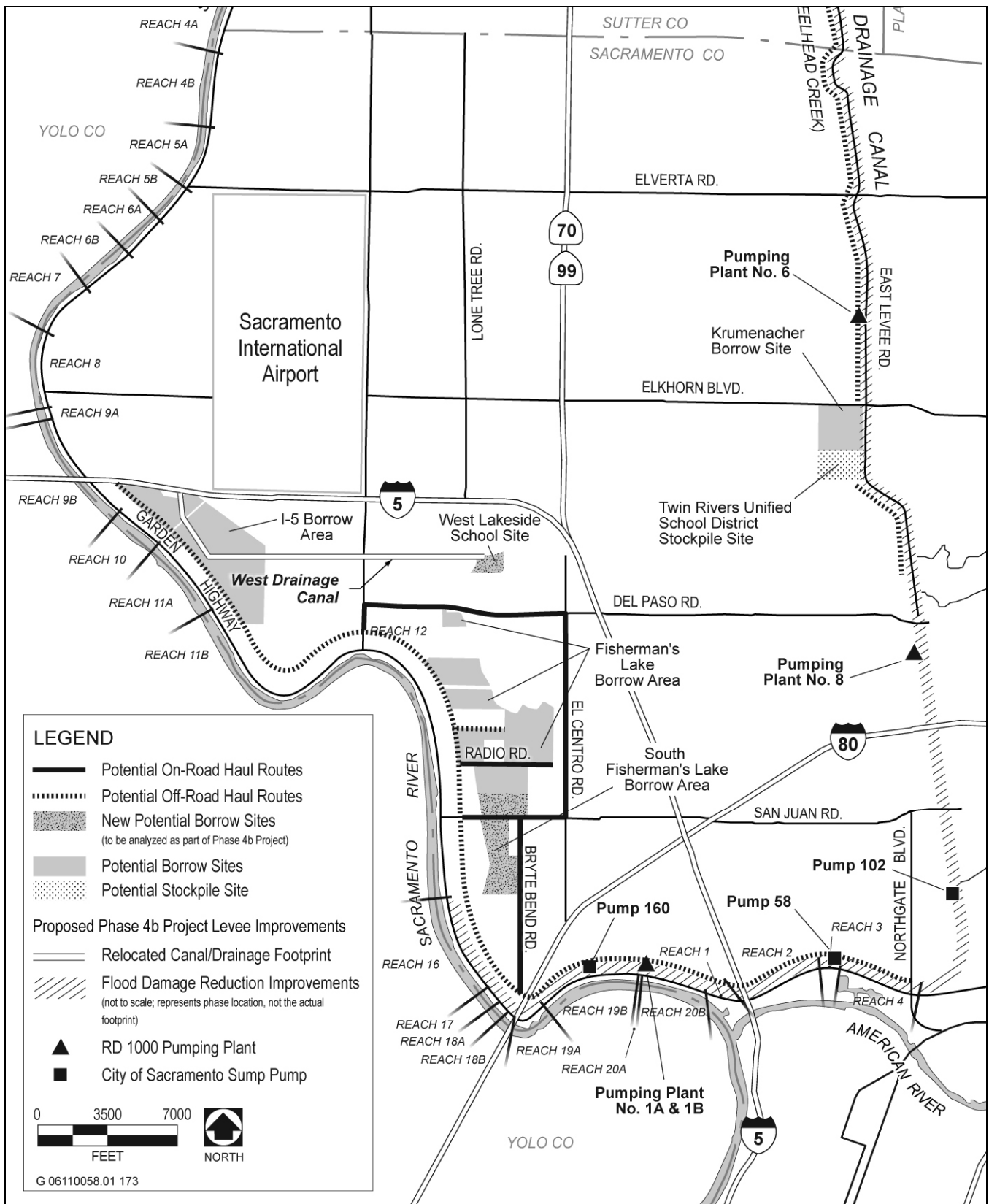
John Bassett, P.E., Director of Engineering
Sacramento Area Flood Control Agency
1007 7th Street, 7th Floor
Sacramento, CA 95814
Telephone: (916) 874-7606
Fax: (916) 874-8289
E-mail: bassettj@saccounty.net



Source: Based on information from CaSil; adapted by AECOM, formerly EDAW in 2007

Regional Location

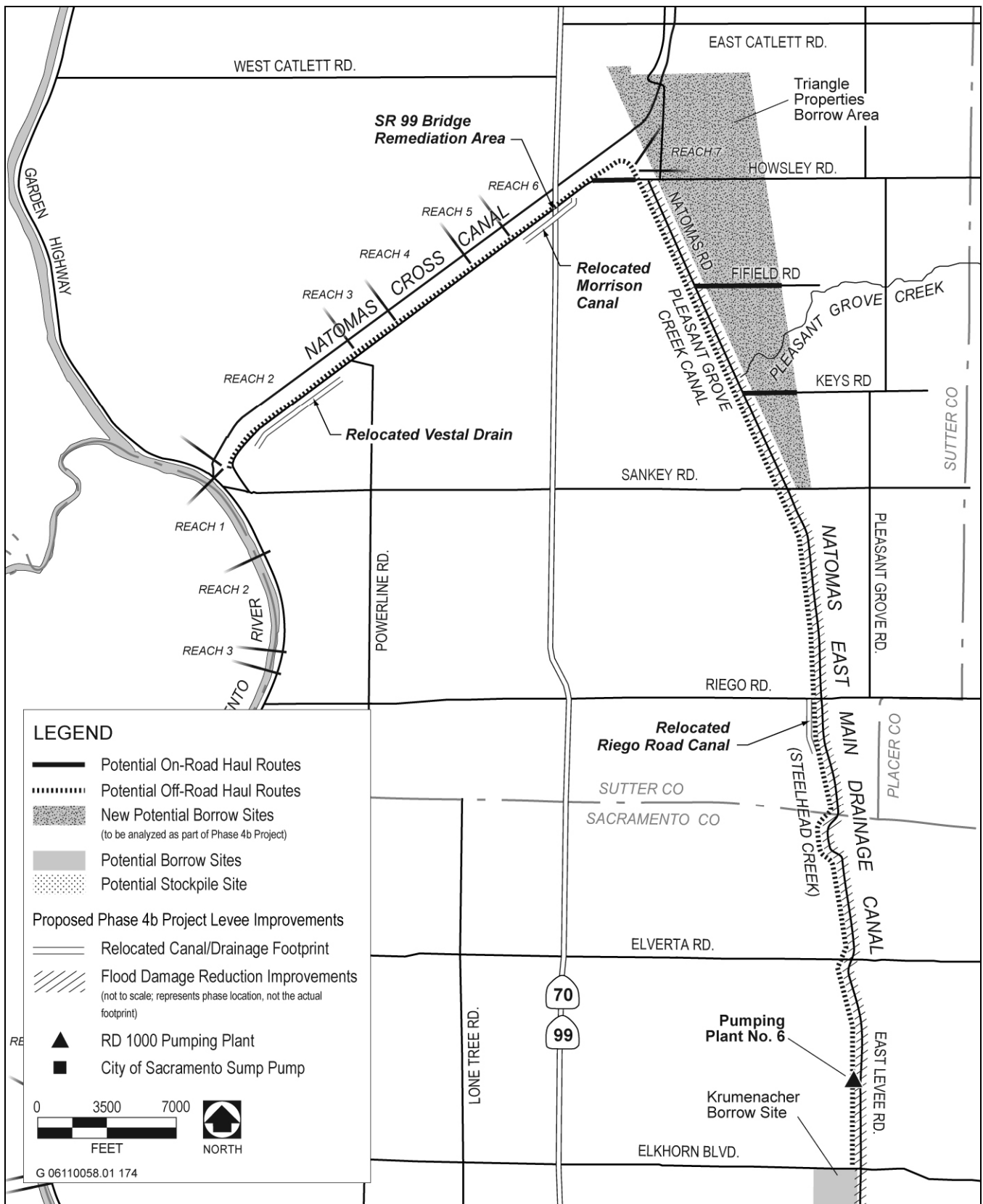
Exhibit 1



Source: Based on information from CaSil, Sacramento Area Council of Governments in 2006, Mead & Hunt in 2009; adapted by AECOM 2009

Phase 4b Project Construction Areas (Southern Portion)

Exhibit 2



Source: Based on information from CaSil, Sacramento Area Council of Governments in 2006, Mead & Hunt in 2009; adapted by AECOM 2009

Phase 4b Project Construction Areas (Northern Portion)

Exhibit 3

News Release

<http://www.sacbee.com/classified-ads/ad/998295>


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Public Notice of Availability The draft environmental impact statement/draft environmental impact report (DEIS/DEIR) for the American River Watershed Common Features Project (Common Features)/Natomas Post-authorization Change Report (Natomas PACR)/Natomas Levee Improvement Program (NLIP), Phase 4b Landside Improvements Project (Phase 4b Project) is now available for public review. The DEIS/DEIR has been prepared by the U.S. Army Corps of Engineers (USACE), Sacramento District and the Sacramento Area Flood Control Agency (SAFCA) in accordance with the requirements of the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), with USACE as the lead agency for NEPA compliance and SAFCA as the lead agency for CEQA compliance. The DEIS/DEIR evaluates the potential significant environmental impacts of the Phase 4b Project, and will be submitted to Congress in late 2010 to support approval of USACE's Common Features/Natomas PACR, which is an element of the Common Features General Re-evaluation Report (GRR). If the Common Features/Natomas PACR is authorized by Congress, USACE would implement the Phase 4b Project. If authorization is not granted, SAFCA could choose to implement the Phase 4b Project. In readiness for the latter scenario, SAFCA is requesting permission from USACE pursuant to Section 14 of the Rivers and Harbors Act of 1899 (Section 408) for alteration of Federal project levees; Section 404 of the Clean Water Act (Section 404) for the placement of fill in jurisdictional waters of the United States; and Section 10 of the Rivers and Harbors Act of 1899 (Section 10) for work performed in, over, or under navigable waters of the United States. Construction of the Phase 4b Project is planned for 2012-2016, assuming receipt of Congressional authorization, funding (if SAFCA pursues without Federal participation), and all required environmental clearances and permits. The overall purpose of the NLIP is to bring the entire 42-mile Natomas Basin perimeter levee system into compliance with applicable Federal and state standards for levees protecting urban areas. The NLIP Landside Improvements Project consists of four phases (1, 2, 3, and 4a and 4b). The Phase 4b DEIS/DEIR is the final subphase of the NLIP Landside Improvements Project, and consists of improvements to the remaining portions of the Natomas Basin's perimeter levee system in Sutter and Sacramento Counties,

California, and associated landscape and irrigation/drainage infrastructure modifications. **Project Location** Encompassing approximately 53,000 acres, the Natomas Basin is bounded by the Natomas Cross Canal to the north, the Sacramento River to the west, the American River to the south, and the Pleasant Grove Creek Canal and the Natomas East Main Drainage Canal to the east. The Basin is protected from high flows in these tributaries and in the American and Sacramento Rivers by a Federal perimeter levee system. All project construction activities would take place in Sacramento and Sutter Counties within the Natomas Basin. Phase I Environmental Site Assessments indicate possible contamination issues associated with historic land uses. As part of the Phase 4b Project, mitigation would be implemented to ensure that contaminants are not present at unacceptable levels on sites associated with project construction activities. Refer to the DEIS/DEIR for additional details. **Significant Impacts Identified in the DEIS/DEIR** The DEIS/DEIR describes the purpose and need for the project, identifies the Proposed Action and alternatives to the Proposed Action, and presents an analysis of the project's potential environmental impacts and mitigation measures. The Proposed Action would result in significant and unavoidable adverse impacts on agricultural resources; land use, socioeconomics, and population and housing; biological resources; cultural resources; transportation and circulation; noise; recreation; visual resources; and hazards and hazardous materials. **Document Availability** Printed copies of the DEIS/DEIR are available for public review at the following locations: - USACE, Sacramento District, 1325 J Street, Sacramento, CA 95814 -SAFCA, 1007th Street, 7th Floor, Sacramento, CA 95814 -Sacramento Central Library, 828 I Street, Sacramento, CA 95814 -Sutter County Library, 750 Forbes Avenue, Yuba City, CA 95991 The DEIS/DEIR may also be viewed on USACE's Web site at <http://www.spk.usace.army.mil> and SAFCA's Web site at http://www.safca.org/Programs_Natomas.html. **Comment Period** The public review period begins on July 2, 2010 and ends on August 16, 2010. All comments received on the DEIS/DEIR will be considered and responses will be provided in the final EIS (FEIS) and final EIR (FEIR). Please provide written comments to: Elizabeth Holland, Planning Division, USACE, Sacramento District, 1325 J Street, Sacramento, CA 95814, Fax: (916) 557-7856, Phone: (916) 557-6763, E-mail: Elizabeth.G.Holland@usace.army.mil Or John Bassett, Director of Engineering, SAFCA, 1007 7th Street, 7th Floor, Sacramento, CA 95814, Fax: (916) 874-8289, Phone: (916) 874-7606, E-mail: BassettJ@saccounty.net **Public Meeting** A public meeting before the SAFCA Board of Directors will be held on July 15, 2010, at 3:00 p.m. at the Sacramento City Council Chambers, located at 915 I Street, Sacramento, California. An additional public workshop will be held on July 21, 2010, from 5:30 to 7:30 p.m., at the Sacramento County Administration Building, 700 H Street, Hearing Room 1.

Read more: <http://www.sacbee.com/classified-ads/ad/998295#ixzz0sXqKtmJ0>

Notice of Availability

Federal Register- July 2, 2010



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

Environmental Resources Branch

TO ALL INTERESTED PARTIES:

The draft Environmental Impact Statement/draft Environmental Impact Report (DEIS/DEIR) for the American River Watershed Common Features Project (Common Features)/ Natomas Levee Improvement Program (NLIP), Phase 4b Landside Improvements Project (Phase 4b Project) and the draft Natomas Post-authorization Change Report (Natomas PACR) are now available for public review. The DEIS/DEIR has been prepared by the U.S. Army Corps of Engineers (USACE), Sacramento District and the Sacramento Area Flood Control Agency (SAFCA) in accordance with the requirements of the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), with USACE as the lead agency for NEPA compliance and SAFCA as the lead agency for CEQA compliance.

The DEIS/DEIR evaluates the potential significant environmental impacts of the Phase 4b Project, and will be submitted to Congress in late 2010 to support potential approval of USACE's Common Features/Natomas PACR, which is an element of the Common Features General Re-evaluation Report (GRR). The Post-Authorization Change Report contains a reanalysis of a previously authorized project, using current planning criteria and policies, which is required due to changed conditions and/or assumptions. The results may affirm the previous plan; reformulate and modify it, as appropriate; or find that no plan is currently justified.

The overall purpose of the NLIP is to bring the entire 42-mile Natomas Basin perimeter levee system into compliance with applicable Federal and State standards for levees protecting urban areas. The NLIP Landside Improvements Project consists of four phases (1, 2, 3, and 4a and 4b). The Phase 4b DEIS/DEIR is the final subphase of the NLIP Landside Improvements Project, and consists of improvements to the remaining portions of the Natomas Basin's perimeter levee system in Sutter and Sacramento Counties, California, and associated landscape and irrigation/drainage infrastructure modifications.

If the Common Features/Natomas PACR is authorized by Congress, USACE would implement the Phase 4b Project. If authorization is not granted, SAFCA could choose to implement the Phase 4b Project. In readiness for the latter scenario, SAFCA is requesting permission from USACE pursuant to Section 14 of the Rivers and Harbors Act of 1899 (Section 408) for alteration of Federal project levees; Section 404 of the Clean Water Act (Section 404) for the placement of fill in jurisdictional waters of the United States; and Section 10 of the Rivers and Harbors Act of 1899 (Section 10) for work performed in, over, or under navigable waters of the United States. Construction of the Phase 4b Project is planned for 2012–2016, assuming receipt of Congressional authorization, funding (if SAFCA pursues without Federal participation), and all required environmental clearances and permits.

Project Location

The NLIP encompasses the 53,000-acre Natomas Basin in northern Sacramento and southern Sutter Counties, California. The Natomas Basin is bounded by the Natomas Cross Canal to the north, the Sacramento River to the west, the American River to the south, and the Pleasant Grove Creek Canal and the Natomas East Main Drainage Canal to the east. All project construction activities would take place within the Natomas Basin. Based on an extensive records search, no known hazardous materials sites are located within the specific sites proposed for project-related excavation; however, Phase I Environmental

Site Assessments, completed for project planning purposes, indicate possible contamination issues associated with historic land uses. As part of the Phase 4b Project, mitigation would be implemented to ensure that contaminants are not present at unacceptable levels on these sites, near the location of project construction activities.

Significant Impacts Identified in the DEIS/DEIR

The DEIS/DEIR describes the purpose and need for the project, identifies the Proposed Action and alternatives to the Proposed Action, and presents an analysis of the project's potential environmental impacts and mitigation measures. The Proposed Action would result in significant and unavoidable adverse impacts on agricultural resources; land use, socioeconomics, and population and housing; biological resources; cultural resources; transportation and circulation; noise; recreation; visual resources; and hazards and hazardous materials.

DEIS/DEIR Review Period, Document Availability, and Public Meeting

The 45-day public review period for the DEIS/DEIR and Natomas PACR begins on July 2, 2010 and closes on August 16, 2010. The DEIS/DEIR and Natomas PACR is being provided to public agencies. Other interested parties may review a printed copy of the DEIS/DEIR during the public review period at the following locations during normal business hours:

- USACE, Sacramento District: 1325 J Street, Sacramento, CA 95814
- SAFCA: 1007 7th Street, 7th Floor, Sacramento, California 95814
- Sacramento Central Library: 828 I Street, Sacramento, CA 95814
- Sutter County Library: 750 Forbes Avenue, Yuba City, CA 95991

The DEIS/DEIR is also available at USACE's Web site: www.spk.usace.army.mil or SAFCA's Web site: http://www.safca.org/Programs_Natomas.html. CD copies of the DEIS/DEIR or Natomas PACR may be requested from USACE by contacting Ms. Holland (see below). Please provide any written comments by 5:00 p.m. on **August 16, 2010** to:

Elizabeth Holland, Planning Division
USACE, Sacramento District
1325 J Street
Sacramento, CA 95814
Fax: (916) 557-7856
E-mail: Elizabeth.G.Holland@usace.army.mil

Or John Bassett, Director of Engineering
SAFCA
1007 7th Street, 7th Floor
Sacramento, CA 95814
Fax: (916) 874-8289
E-mail: BassettJ@saccounty.net

A CEQA public meeting will be held before the SAFCA Board of Directors on July 15, 2010, at 3:00 p.m. in the Sacramento City Council Chambers located at 915 I Street, Sacramento, California. An additional public workshop will be held on July 21, 2010, from 5:30 to 7:30, at the Sacramento County Administration Building, 700 H Street, Hearing Room 1.

For further information, please contact Ms. Holland at (916) 557-6763 or Mr. Bassett at (916) 874-7606.

Sincerely,



Alicia E. Kirchner
Chief, Planning Division

SUPPLEMENTARY INFORMATION: On May 7, 2010, EPA published a notice that the Commonwealth of Massachusetts had petitioned the Regional Administrator, Environmental Protection Agency, to determine that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the waters of Pleasant Bay/Chatham Harbor. Three comments were received on this petition. The response to comments can be obtained utilizing the above contact information.

The petition was filed pursuant to Section 312 (f) (3) of Public Law 92–500, as amended by Public Laws 95–217 and 100–4, for the purpose of declaring these waters a No Discharge Area (NDA).

Section 312 (f) (3) states: After the effective date of the initial standards and regulations promulgated under this section, if any State determines that the protection and enhancement of the quality of some or all of the waters within such State require greater environmental protection, such State

may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters, except that no such prohibition shall apply until the Administrator determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for such water to which such prohibition would apply.

This Notice of Determination is for the waters of Pleasant Bay/Chatham Harbor. The NDA boundaries are as follows:

| Waterbody/General area | From latitude | From longitude | To latitude | To longitude |
|---|-----------------|-----------------|-----------------|-----------------|
| Bounded on the west by mainland Chatham, Harwich, Brewster and Orleans; bounded on the east by Nauset Beach (North Beach) and North Beach Island. A line drawn cross the mouth of the North inlet across from Minister's Point. | 41°42'19.43" N. | 69°55'44.76" W. | 41°42'13.31" N. | 69°55'45.11" W. |
| From West of a line across the mouth of the South Inlet: | 41°40'41.51" N. | 69°56'3.47" W. | 41°39'56.52" N. | 69°56'30.48" W. |

The area includes the municipal waters of Chatham, Harwich, Brewster and Orleans.

The information submitted to EPA by the Commonwealth of Massachusetts certifies that there are three pumpout facilities located within this area. A list of the facilities, with locations, phone numbers, and hours of operation is

appended at the end of this determination.

Based on the examination of the petition and its supporting documentation, and information from site visits conducted by EPA New England staff, EPA has determined that adequate facilities for the safe and sanitary removal and treatment of

sewage from all vessels are reasonably available for the area covered under this determination.

This determination is made pursuant to Section 312 (f) (3) of Public Law 92–500, as amended by Public laws 95–217 and 100–4.

PUMPOUT FACILITIES WITHIN THE NO DISCHARGE AREA

| Name | Location | Contact info. | Hours | Mean low water depth |
|------------------------------------|------------------------------------|---------------------------------------|---------------------------------------|----------------------|
| Pleasant Bay/Chatham Harbor | | | | |
| Harbormaster | Round Cove Harwich | 508–430–7532, VHF 60 | On demand | N/A. |
| Harbormaster | Ryder's Cove Chatham | 508–945–1067 or 508–945–5185, VHF 66. | M–F 8 a.m.–5 p.m., Sat. 9 a.m.–1 p.m. | 3 ft. |
| Nauset Marine East | 37 Barley Neck Road, East Orleans. | 508–255–3045, VHF 9 | On demand | 3 ft. |

Dated: June 24, 2010.

H. Curtis Spalding,

Regional Administrator, New England Region.

[FR Doc. 2010–16174 Filed 7–1–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–8991–2]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–1399 or <http://www.epa.gov/compliance/nepa/>. Weekly receipt of Environmental Impact Statements. Filed 06/21/2010 through 06/25/210. Pursuant to 40 CFR 1506.9.

Notice

In accordance with Section 309(a) of the Clean Air Act, EPA is required to make its comments on EISs issued by other Federal agencies public. Historically, EPA has met this mandate by publishing weekly notices of availability of EPA comments, which includes a brief summary of EPA's comment letters, in the **Federal Register**. Since February 2008, EPA has been including its comment letters on EISs on its Web site at: <http://www.epa.gov/compliance/nepa/eisdata.html>. Including the entire EIS comment letters on the Web site satisfies the Section 309(a) requirement to make EPA's comments on EISs available to the public. Accordingly, on March 31, 2010, EPA discontinued the

publication of the notice of availability of EPA comments in the **Federal Register**.

EIS No. 20100236, Draft EIS, FERC, CA, Kilarc-Cow Creek Hydroelectric Project (FERC Project No. 606) Proposes to Surrender the License for Operation Project, Old Crow Creek and South Cow Creek, Shasta County, CA, Comment Period Ends: 08/16/2010, Contact: Mary O'Driscoll, 1–866–208–3372.

EIS No. 20100237, Final Supplement, BLM, NV, Newmont Gold Mining, South Operations Area Project Amendment, Updated Information on the Cumulative Effects Analyses, Operation and Expansion, Plan of Operations, Elko and Eureka Counties, NV, Wait Period Ends: 08/

02/2010, Contact: Deb McFarlane, 775-753-0200.

EIS No. 20100238, Final Supplement, BLM, NV, Leeville Mining Project, Propose to Develop and Operate an Underground Mine and Ancillary Facilities including Dewatering Operation, Updated Information on the Cumulative Effects Analyses, Plan-of-Operations/Right-of-Way Permit and COE Section 404 Permit, Elko and Eureka Counties, NV, Wait Period Ends: 08/02/2010, Contact: Deb McFarlane, 775-753-0200.

EIS No. 20100239, Draft EIS, BPA, WA, Central Ferry-Lower Monumental 500-kilovolt Transmission Line Project, Proposing to Construct, Operate, and Maintain a 38 to 40-Mile-Long 500-kilovolt (kV) Transmission Line, Garfield, Columbia and Walla Walla Counties, WA, Comment Period Ends: 08/16/2010, Contact: Tish Eaton, 503-230-3469.

EIS No. 20100240, Draft EIS, USACE, CA, American River Watershed Common Features Project/Natomas Post-Authorization Change Report/Natomas Levee Improvement Program, Phase 4b Landside Improvements Project, Sacramento and Sutter Counties, CA, Comment Period Ends: 08/16/2010, Contact: Elizabeth G. Holland, 916-557-6763.

EIS No. 20100241, Draft EIS, USACE, CA, Sunridge Properties Project, Implementing Alternatives for Six Residential Development Project, City of Rancho Cordova, Sacramento County, CA, Comment Period Ends: 08/16/2010, Contact: Michael Jewell, 916-557-6605.

EIS No. 20100242, Draft EIS, NSA, MD, Fort George G. Meade, Maryland, to Address Campus Development, Site M as an Operational Complex and to Construct and Operate Consolidated Facilities for Intelligence Community Use, Fort George G. Meade, MD, Comment Period Ends: 08/16/2010, Contact: Jeffery William, 301-688-2970.

EIS No. 20100243, Draft EIS, FHWA, AL, I-85 Extension from I-59/I-20 near the Mississippi State Line to I-65 near Montgomery, Portion of Autauga, Dallas, Hale, Lowndes, Marengo, Montgomery, Perry, and Sumter Counties, AL, Comment Period Ends: 08/16/2010, Contact: Mark D. Bartlett, 334-274-6350.

Amended Notices

EIS No. 20100225, Draft EIS, BLM, NV, Winnemucca District Office Resource Management Plan, Humboldt, Pershing, Washoe, Lyon and

Churchill Counties, NV, Comment Period Ends: 09/22/2010, Contact: Robert Edward, 775-623-1597.

Revision to FR Notice Published 06/25/2010: Correction to Title.

EIS No. 20100234, Final EIS, USAF, 00, Shaw Air Base Airspace Training Initiative (ATI), 20th Fighter Wing, Proposal to Modify the Training Airspace Overlying Parts, South Carolina and Georgia, Wait Period Ends: 07/26/2010, Contact: Linda Devine, 757-764-9434.

Revision to FR Notice Published 06/25/2010: Correction to Contact Person Telephone Number.

Dated: June 29, 2010.

Robert W. Hargrove,
Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2010-16171 Filed 7-1-10; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-9170-7]

Notice of Meeting of the EPA's Children's Health Protection Advisory Committee (CHPAC)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the next meeting of the Children's Health Protection Advisory Committee (CHPAC) will be held July 21 and 22, 2010 at the Ritz-Carlton Hotel, 1150 22nd Street, NW., Washington, DC. The CHPAC was created to advise the Environmental Protection Agency on science, regulations, and other issues relating to children's environmental health.

DATES: The CHPAC will meet July 21 and 22, 2010.

ADDRESSES: Ritz-Carlton Hotel, 1150 22nd Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Martha Berger, Office of Children's Health Protection, USEPA, MC 1107A, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, (202) 564-2191, berger.martha@epa.gov.

SUPPLEMENTARY INFORMATION: The meetings of the CHPAC are open to the public. The CHPAC will meet on Wednesday, July 21 from 8:30 a.m. to 5 p.m., and Thursday, July 22 from 9 a.m. to 12:30 p.m. Agenda items include discussions on prenatal environmental exposures and indoor environments for children.

ACCESS AND ACCOMMODATIONS: For information on access or services for individuals with disabilities, please contact Martha Berger at 202-564-2191 or berger.martha@epa.gov, preferably at least 10 days prior to the meeting.

Dated: June 28, 2010.

Martha Berger,
Designated Federal Official.

Draft Agenda—U.S. Environmental Protection Agency, Children's Health Protection Advisory Committee: July 21-22, 2010, The Ritz-Carlton Hotel, Salon IIIA, 1150 22nd St, NW., Washington, DC 20037; 202-974-5557.

Plenary Session Desired Outcomes

- Learn about new and ongoing activities at EPA and the Office of Children's Health Protection.
- Review work group efforts on indoor environments and prenatal exposures.
- Discuss potential interagency task force issues: Asthma disparities and chemical management.

Wednesday, July 21

- 8:00 Coffee.
8:30-8:35 Review Meeting Agenda and Introductions.
8:45-9:15 Highlights of Office of Children's Health Protection Activities, Peter Grevatt, Director OCHP.
9:15-10:15 Indoor Environments Work Group. Tyra Bryant-Stephens and Janice Dhonau, Co-chairs, Matthew Davis, EPA lead.
10:15-10:30 Break.
10:30-11:30 Prenatal Exposures Work Group. Amy Kyle and Nancy Clark, Co-chairs. Michael Firestone, EPA lead.
11:30-12:30 EPA's voluntary lead testing in drinking water initiative. Office of Water.
12:30-2:15 LUNCH (on your own).
2:15-3:15 Asthma Disparities Group Discussion.
3:15-3:30 Break.
3:30-4:30 Asthma Disparities Discussion, continued.
4:30 PUBLIC COMMENT.
5:00 ADJOURN.

Thursday, July 22

- 8:30 Coffee.
9:00-9:15 Check in and Agenda Review.
9:15-10:15 Chemicals Management Group Discussion.
10:15-10:30 Break.
10:30-11:30 Chemicals Management Discussion, continued.
11:30-12:00 Review and Next Steps.
12:00 ADJOURN.

[FR Doc. 2010-16177 Filed 7-1-10; 8:45 am]

BILLING CODE 6560-50-P

Enclosure E

Letters and Comments from Individuals

Individuals

3934 El Centro Road
Sacramento, Ca 95834

July 7, 2010

John Bassett, Director of Engineering
SAFCA
1007 7th Street, 7th Floor
Sacramento, Ca 95814

Re: Comments on DEIS / DEIR and Natomas PACR

Dear Mr. Bassett:

This is to comment on deficiencies we perceive in the above materials. Although we support simultaneous efforts to improve flood protection and conservation in our neighborhood, we also believe it is critical to delineate all impacts of the proposed project, and to identify all viable mitigation efforts.

This comment letter is to point out two inter-related project aspects – to highlight possible ground water hydrology impacts due to aggregated factors, and to note the lack of specificity and comprehensive analysis of improvements to the West Drainage Canal. At the end of this comment letter we will link these two issues.

Regarding ground water hydrology impacts, we note that some elements are not analyzed, and others are analyzed in isolation, without consideration of their combined and possible multiplier impacts – for instance, due to changes in vegetation. For example, page 4.5-16, "Effects of Cutoff Walls on Existing Groundwater Wells," notes restrictions on movement of ground water. Elsewhere in the document, numerous mentions of additional wells are noted (for example, page 2-61 notes that irrigation wells may be needed to be established for woodland groves; page 4.7-2 discusses creating managed marsh for giant garter snake, again creating a demand on ground water hydrology.) Most significantly, missing from the discussion is the impact on near-

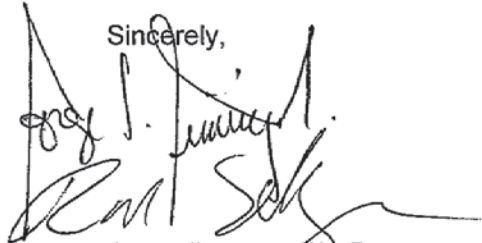
surface groundwater moisture from the creation of significant earth "borrow" depressions. Although hillside hydrology is complicated, it is our general understanding that such terracing has an impact: that "upper terraces" dry out more than "lower terraces." Because our approximately 3 acre ranchette – as well as our neighbors – are on the "upper terrace" near significant proposed "borrow areas" and are planted in home orchards, and depend on well water for our domestic use as well as irrigation, we have concerns about the cumulative impact of the various ground water hydrology elements, mentioned above, notably potential additional pumping required to maintain our private property or well failure.. We believe the draft needs to delineate these elements better, and to use a systems approach to look at these elements in combination.

Regarding the lack of specificity and comprehensive analysis of improvements to the West Drainage Canal, we note several deficiencies. The part of that waterway east of El Centro Road, between Arena Blvd and Peregrine Park / I-5 seemingly is never mentioned. That omission is particularly troubling because that section of the waterway has the same habitat limitations mentioned elsewhere (for example, page 2-60 notes "...mostly barren, steep banks with little or no cover or foraging habitat...") Additionally, the report fails to note, for that same section of the waterway, the existence of several significant open public lands with potential for design integration for West Drainage Canal habitat improvements. Those existing public lands include 1) Witter Ranch State Historical Park / San Juan Reservoir park, 2) Red Tail Hawk Park, and 3) Peregrine Park. The reports also fails to mention the recreational use of the entire West Drainage Canal, the levies of which are used for biking and strolling by many residents. Additionally, the report fails to note the impending completion of a crucial link in Sacramento bikeways, tying into the West Drainage Canal and Peregrine Park (see Sacramento Bee, June 6, 2010, "Groundbreaking held for Natomas bike bridge link" – ironically, that article mentions that construction will stop for several months to accommodate the hibernation season of the giant garter snake, one of the objectives of the NLIP). Design attention to this section of the West Drainage Canal is also important because the CH2MHill analysis of giant garter snake records, as part of their Revised Natomas Basin HCP (their Figure 12), charts existence of the species in this area.

As mentioned previously, we believe these two concerns are actually linked. We believe that an element in mitigating the ground water hydrology issues above are contained in improvements potentials to the West Drainage Canal. The very elements that improve habitat (see page 2-60 – “..sloped banks supporting native sedges and rushes at the shoreline...” and “...a variable width submerged bench located within the bank, which would support a band of tules...”) would also improve ground water percolation recharge. The existence of public open spaces which could accommodate slight widening of the canal in spots to achieve this goal seems to be an opportunity that the NLIP should not overlook. For the very few significant, privately owned open space parcels contiguous with the West Drainage Canal (such as the parcel on Arena Blvd. that backs up to the canal), perhaps strategic land use design stipulations could accommodate such habitat improvements before they are precluded by development.

We hope that these comments further improve the draft.

Sincerely,

Handwritten signatures of Jorge Jimenez and Ron Selge. The signature of Jorge Jimenez is on the left and Ron Selge is on the right, with a long horizontal line extending from the end of his signature.

Jorge Jimenez, Ph. D.
Ron Selge

Jew, Deborah

From: Holland, Elizabeth G SPK [Elizabeth.G.Holland@usace.army.mil]
Sent: Tuesday, August 17, 2010 8:22 AM
To: Henningsen, Sarah; Dunn, Francine
Cc: Ruhl, Jane C LRL; Muha, Andrew T SPK; Evoy-Mount, Matilda L SPK; Bassett, John (MSA)
Subject: FW: Natomas Levee project 4b

An additional comment from Mr. Perry.

Elizabeth Holland
U.S. Army Corps of Engineers
Senior Environmental Manager
(916) 557-6763 Cell (916) 524-8239
e-Mail Elizabeth.g.holland@usace.army.mil

-----Original Message-----

From: john P [mailto:john@pbccpas.com]
Sent: Thursday, August 12, 2010 2:01 PM
To: Holland, Elizabeth G SPK
Cc: Parker, Laurie S SPK
Subject: Re: Natomas Levee project 4b

Dear Ms. Holland: Thank you for your response. The inclusion of habitat mitigation adjacent to our agricultural property causes great concern because of past problems we have had farming adjacent non agricultural parcels. The affects of damages from insects, rodents and birds is unimaginable. In the case of certain corps, we have suffered total loss farming next to non farmed parcels.

Thank you;
John Perry

On 8/12/2010 12:36 PM, Holland, Elizabeth G SPK wrote:

> Mr. Perry,
>
> We will include these as official comments on the draft EIS/EIR and
> respond to them in the final document. The Corps has not begun plans
> and specifications for this reach of the project at this time.
> Construction of the reach you refer to is slated for 2013, depending
> on Congressional Funding. When we begin construction drawings we will
> be contacting concerned individuals to coordinate efforts of design
> and construction. In the mean time you will find responses to your
> comments in the final EIS/EIR which will be released in the October
> timeframe.
>
> Elizabeth Holland
> U.S. Army Corps of Engineers
> Senior Environmental Manager
> (916) 557-6763 Cell (916) 524-8239
> e-Mail Elizabeth.g.holland@usace.army.mil

>
>
> -----Original Message-----
> From: john P [mailto:john@pbbcpas.com]
> Sent: Wednesday, July 28, 2010 2:51 PM
> To: Holland, Elizabeth G SPK
> Cc: BassettJ@saccounty.net
> Subject: Natomas Levee project 4b
>
> Dear Ms. Holland: At the recent work shop, I indicated that I would
> send you a list of questions related the project. Attached is a list
> of questions related to the project. I would like to meet with your
> staff or consultants to address some of our concerns. In several
> weeks our operation will be at peak activity and it would be
> appropriate for your staff or consultants to visit our operation, so
> they have an understanding of the affects of the project on our operations.
>
> Contact me at your convenience.
>
> Thank you;
> John Perry
>
>
>

PERRY FARMS
DIVERSIFIED FARMING
350 Court Street, Woodland, CA 95695
Telephone (530) 662-3251
Fax (530) 662-4600

MEMO LETTER

Date: July 23, 2010

To: USACE; Attention Elizabeth Holland

From: John Perry, Perry Farms

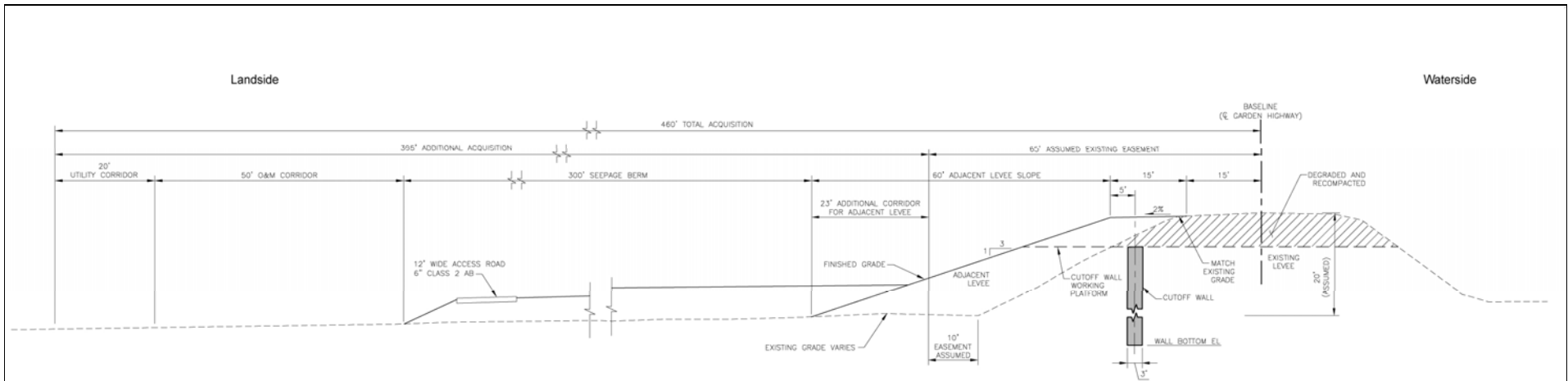
Re: Natomas Phase 4B project

Per our review of the DEIS/DEIR we have questions as to the physical and financial impact of the project on our farming operation. We will start with a description and physical location of our operation, in order for the CORP of Engineers has an understanding of the affects of this project on our operation.

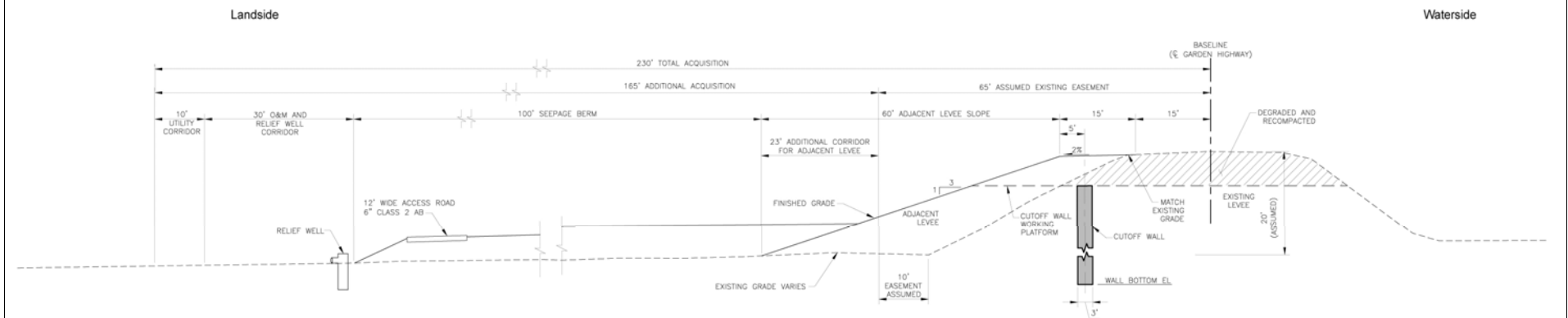
The operation is located south of the Fisherman's Lake and farms approximately 1,000 acres. The operation has been in existence since the 1930s. The operation farms a variety of crops including wheat, corn, safflower, sunflower and fresh market vegetables. A substantial amount of the acreage farmed is located along the Garden Highway. A majority of the fresh market vegetables are grown on property along the Garden Highway. A large portion of irrigation water is serviced from the Riverside Canal.

In order to plan the future of the operation, we need some clarity as to the timing and foot print of the project. The following is a list of questions that we have in order to plan how to deal with the project:

1. What is the foot print of the project?
2. What are the dates anticipated for the initial physical occupation of the project foot print and the anticipated duration?
3. What are the dates and duration of the relocation of the Riverside Canal
4. What is the physical design and location of the River Canal?
5. How will irrigation water be serviced to the area while relocation and construction work occurs?
6. What are the location of the borrow sites?
7. Between the project's foot print and the barrow sites, there will be a substantial reduction in acreage being farmed by our operation; what provisions are being made to address the economic impact on our farming operation.
8. Substantial compaction of soils will occur as result of the construction activities and relocation of canals. What factors are being considered to address this long term affect on agricultural activities?
9. The relocation of the canals and levee construction will change the landscape of the area. What provisions are being made to eliminate the creation of habitat for rodents, noxious weeds and insects?
10. Farming requires the movement of farm equipment, between various parcels. Are provisions being made to address ingress and egress while construction is occurring?



Adjacent Levee Section – Reaches 16 (partial) – 3:1 Slope with 300' Seepage Berm, Cutoff Wall



Adjacent Levee Section – Reaches 16 (partial), 17, 18A – 3:1 Slope with 100' Seepage Berm, Cutoff Wall

G 06110058.01 213

Source: HDR 2009

Cross-Sections – Sacramento River East Levee Reach A:16–18A

Plate 2-8a

July 28, 2010

Elizabeth Holland, Planning Division
USACE, Sacramento District
1325 J Street
Sacramento, CA 95814

**RE: Natomas Levee Improvement Program
Construction Staging Area for Lease**

Dear Ms. Holland,


My name is Imogene W. Amrine and I own a 10 acre parcel at 2520 Garden Highway (APN: 274-0250-040-0000). Physically my parcel is located 1 mile south of San Juan Road on Garden Highway.

This 10 acre parcel was leased from me in the past and used as a construction staging area during levee improvements. It has electricity, well water and a driveway (over the irrigation ditch) that was constructed for heavy loads.

The parcel is available for lease immediately and throughout the Natomas Levee Improvement Program. Please let me know who I should talk to with regards to the possibility of leasing out my parcel.

Enclosed is a parcel map with my parcel highlighted and an aerial photo of the parcel.

Sincerely,



Imogene W. Amrine
5640 Angelina Ave.
Carmichael, CA 95608
916/487-2422

Cc: John Basset, Director of Engineering, SAFCA

Enc.

SAFCA '10 JUL 30 AM 11:46

Exhibit A

POR. SEC. 28, T.9 N., R.4 E., M.D.B. 8. M.

274-25



Assessor's Map Bk. 274 - Pg. 25
County of Sacramento, Calif.

Natomas Riverside Sub. No. 2, R. M. Bk. 15, Pg. 41



Garden Hwy

© 2006 Sanborn
© 2006 Navteq
© 2006 Europa Technologies

© 2006 Google

Pointer 38°36'37.47" N 121°33'21.62" W elev 20 ft Streaming ||||| 100% Eye alt 1171 ft

Phillip Day Perry
2346 La Lima Way
Sacramento, California 95833

August 4, 2010

Elizabeth Holland, Planning Division
USACE, Sacramento District
1325 J Street
Sacramento, CA 95814

RE: Comments related to the Phase 4b Project of the NLIP

Dear Ms. Holland,

Thank you for the opportunity to offer comments regarding the DEIS/DEIR for the above-referenced project.

My residence of the last 21 years abuts the RD1000 Main Drainage Canal and is located within one block of the project area described as Reach 19b.

During my tenure in Natomas, I have been subject to slurry wall construction, pumping plant improvements, and additional cutoff-wall construction that have created noise, dust, and traffic nightmares.

As currently presented, this project will unduly and negatively impact the quality of life for every resident who lives within a mile of this project's footprint, both during construction and for years after.

Schematics of the levee "improvements" indicate that in this heavily populated area, we will soon face slopes denuded of mature trees, new retaining walls, months-long road closures, and seemingly endless noise and dust.

This project also reeks of wasted tax dollars.

Dollars wasted on earlier levee work now deemed inadequate. Dollars wasted tearing-up recently completed cutoff-wall work at pumping plant #1 so outfall pipes can be reconfigured. Dollars wasted on over-building an already adequate levee system.

This project will simply destroy the existing visual character of the project area.

I am a minority voice to be sure as we can assume that ninety-nine percent of the population of Natomas cares only about not having to pay for flood insurance. What those of us who live in the actual construction area have to go through while this project is undertaken makes no difference. The fact is, those in charge will look at these and any other comments provided, shrug their shoulders, then do what *they* believe to be in the best interests of the community, contrary viewpoints be damned.

I just don't have that much faith that SAFCA, the USACE, or any other government agency involved in this project truly knows what they are doing except a desire to turn the Sacramento River into a drainage ditch, ala the Los Angeles River. There must be better ways to achieve the results being dictated to us by USACE.

Sincerely,


Phil Perry

Henningsen, Sarah

From: Holland, Elizabeth G SPK [Elizabeth.G.Holland@usace.army.mil]
Sent: Monday, August 16, 2010 8:44 AM
To: Dunn, Francine; Henningsen, Sarah
Cc: Ruhl, Jane C LRL; Muha, Andrew T SPK; Evoy-Mount, Matilda L SPK
Subject: FW: Phase 4b Landside Improvements Project

Comments for EIS/EIR

Elizabeth Holland
U.S. Army Corps of Engineers
Senior Environmental Manager
(916) 557-6763 Cell (916) 524-8239
e-Mail Elizabeth.g.holland@usace.army.mil

-----Original Message-----
From: Melvin Borgman [mailto:melvin.borgman@yahoo.com]
Sent: Sunday, August 15, 2010 5:19 PM
To: Holland, Elizabeth G SPK
Cc: bgualco@gualco.com
Subject: Phase 4b Landside Improvements Project

Ms. Holland:

What is the current design criteria for water elevations

in the Sacramento River at Verona,
in the Natomas Cross Canal,
in the Pleasant Grove Creek Canal?

What was the original design criteria for water elevations

in the Sacramento River at Verona,
in the Natomas Cross Canal,
in the Pleasant Grove Creek Canal?

When the river elevation at Verona is higher than the elevation of the Western Pacific Railroad, water from the tributaries of the Natomas Cross Canal system are blocked and are forced to flow north and south along the east side of the Western Pacific Railroad, flooding the area from Coon Creek to Sankey Road. The winter of 2009-2010 brought significant storms to the east Valley and west slope of the Sierra region, yet no significant flooding occurred in the Pleasant Grove area. The river at Verona never reached a 30 foot elevation and the Natomas Cross Canal system worked.

Various "improvements" in the river system in the past 100 years such as straightening levees and channels up stream brings water to Verona faster. Improvements down stream such as levees around "islands" in the Delta and building houses, docks, bridges, etc. in the water side of the river reduce flow capacity. The gradient from Verona to the Delta is nearly zero to begin with.

How can the river elevation be reduced in heavy storm conditions?

- * Increase Sacramento River flow capacity.
- * Make the River wider and deeper.
- * Remove levees from "islands" in the Sacramento River Delta.
- * Increase upstream storage capacity.
- * Curtail drainage pumping by reclamation and drainage districts during periods of high river flow conditions. These districts should have internal retention facilities.

Please acknowledge receipt of this message.

Respectfully submitted,
Melvin Borgman
3559 Howsley Road
Pleasant Grove, CA 95668

Henningsen, Sarah

From: Bassett. John (MSA) [bassettj@SacCounty.NET]
Sent: Monday, August 16, 2010 9:50 AM
To: Dunn, Francine; Henningsen, Sarah
Subject: FW: NLIP Phase 4b

From: Charlotte Borgman [mailto:cborgmom@yahoo.com]
Sent: Monday, August 16, 2010 8:52 AM
To: Elizabeth.G.Holland@usace.army.mil
Cc: Bassett. John (MSA); bgualco@gualco.net
Subject: NLIP Phase 4b

Ms. Holland:

I have concerns regarding the proposed relocation of the Morrison Canal.

As you are aware, that canal supplies irrigation water to the C. Morrison Ranch as part of the Natomas Mutual Water Company system. The proposed relocation of the canal will separate a large portion of our property on the west side of SR99 from the remaining portion of the "west side" property. The proposed relocation will create a small section of land to the north of the new canal that will be difficult to cultivate, irrigate and harvest compared to the current situation. It will also cut off access to the remaining property from a well that is located in the north east corner of our property on the west side of SR99.

The proposed relocation will also isolate the northwest corner of our property on the east side of SR99 making that portion of the ranch difficult if not impossible to farm. Our supply pump from the present location of the Morrison Canal is in that northwest corner and feeds an underground pipeline that runs from there almost to the eastern border of the ranch near the "fig tree". That is a relatively new system completed in 2005.

As pictured in Plate 2-16 the proposed relocation appears to also pass through our equipment shed and the house located near it.

It is my understanding that the proposed relocation is a seepage related issue. If the levee improvements in that area included seepage controls, why is it necessary to relocate a ditch that would "catch" seepage if any occurred?

A significant portion of our ranch was lost to the improvements to SR99, including the addition of the Howsley Road interchange, and the previous relocation of the Morrison Canal to it's current location. Additional loss of property and the inconvenience of farming around the relocated canal will create a financial burden.

Respectfully submitted,
Charlotte Borgman
C. Morrison Ranch
P.O. Box 771
Pleasant Grove, CA 95668

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Henningsen, Sarah

From: Bassett. John (MSA) [bassettj@SacCounty.NET]
Sent: Monday, August 16, 2010 9:51 AM
To: Dunn, Francine; Henningsen, Sarah
Subject: FW: Levee Comments.doc
Attachments: Levee Comments.doc

From: CandeeR@saccourt.ca.gov [mailto:CandeeR@saccourt.ca.gov]
Sent: Monday, August 16, 2010 8:49 AM
To: Elizabeth.g.holland@usace.army.mil; Bassett. John (MSA)
Cc: tbarth@bttlawfirm.com
Subject: Levee Comments.doc

Ms. Holland and Mr. Bassett,

Attached are my comments on the DEIS/DEIR. I am also putting a hard copy in the mail today addressed to Ms. Holland.

Thanks for the opportunity to comment.

Roland L. Candee

COUNTY OF SACRAMENTO EMAIL DISCLAIMER:

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August 12, 2010

Elizabeth Holland, Planning Division
USACE, Sacramento District
1325 J Street
Sacramento, CA 95814

Subject: Comments on July 2, 2010 Draft EIS/EIR; American River
Watershed Common Features Project/Natomas Post-Authorization
Change Report/Natomas Levee Improvement Program, Phase 4b

Dear Ms. Holland,

My name is Roland L. Candee and I live on the Garden Highway in Sutter County. I object to the U.S. Corps of Engineers giving permission to SAFCA to proceed with the project, via previous authorization(s) or via any new authorization(s). It is obvious that the whole approach is flawed for reasons set out in detail in my previously submitted written comments, all of which are incorporated herein by reference.

For example, the project as it relates to the Natomas Levee has been pushed through in pieces under a claim that somehow each segment has “independent utility” – all this directly in the face of people such as myself pointing out that pieces of this project as it relates to the Natomas Levee raising have no more independent utility than one wall to a bathtub has independent utility. It now appears that the Natomas Levee raising project will not be completed anytime in the near future because of funding issues, leaving levee waterside land owners such as myself receiving all of the burdens without any complete flood protection flowing to the Natomas Basin. This approach makes a mockery of 40 C.F.R. Section 1508.25’s requirement that an agency consider the effects of connected actions within a single EIS. Would the SAFCA board really have approved moving forward originally if they knew there was not enough money to complete the project? It seems perfectly realistic that the SAFCA board would have looked to expend resources on projects that could realistically be completed and not go after projects that couldn’t realistically be completed. An obvious place to potentially spend less money to get to the same result would have been to lower the elevation of the Fremont Weir, taking pressure off the portion of the Sacramento River in issue with the Natomas Levee raising project.

For another example, pushing the project through in stages makes it effectively impossible for a member of the public (such as myself) to track all of the various issues and positions that a public agency such as SAFCA has taken. I went to SAFCA's offices and asked for a hard copy of this latest draft EIS/EIR so that I could try and compare what is currently written with three or four prior EIS/EIR documents and I was told the materials are only available on CD. While I appreciate the volume, I simply don't have the time or manpower available to personally print out everything and go through the comparison of the multiple voluminous documents. If the agencies had followed the legal requirement that all of the effects of connected actions be tracked within a single EIS, then I would not be left in an effectively impossible situation to accomplish a review. I could look at one document and see what, if anything, I needed to comment on.

For another example, what is the real target for how high the Natomas Levee must be raised? Prior environmental documents took the position that the needed levee height was up to three feet higher than the current Garden Highway levee elevation. I now read in your latest document that the "up to three feet higher" amount is not sufficient and the target has moved to a standard that is expressed as the 200 year flood elevation plus three feet of elevation plus an allowance for wave run-up plus an additional foot for climate change. While I do not believe that any judicial officer will have any trouble ultimately reaching the obvious conclusion that raising the levee shifts the risk of flooding from those inside the basin to those immediately outside the levee, the process of submitting this large project through in various pieces for review creates many legal issues. Would the SAFCA board really have approved moving forward originally if they knew the levee raising was going to need to immediately be followed with a subsequent project to raise the levee even higher? The obvious answer is that the SAFCA members are rational thinking, serious board members who would have been bothered by an approach that effectively damned waterside levee residents such as myself to multiple levee raising projects one after another.

Even past the consideration of inappropriately approaching this as multiple independently viable levee raising projects, the Attachment 5 to the Natomas Post-Authorization Change Report is very relevant in revealing the absurdity of taking the position, as the SAFCA board has done, that raising the levee doesn't transfer flood risk to the property of waterside land owners such as myself. If I have properly read the analysis (and I must concede that

it is confusing as written), then it appears that SAFCA is now taking the position that they (SAFCA) can legally proceed with post-authorization changes as long as there are not hydraulic impacts on the river beyond those previously authorized. Hence, despite the current admission that up to three feet of levee raise isn't going to be enough (i.e., the needed raise has gone to three feet above the 200 year flood level plus an allowance for wave run-up plus one foot for climate change), the post-authorization change report can go through and be approved because SAFCA is not technically asking for authority to raise the Natomas Levee beyond the "up to three feet" previously approved. Ironically, the reasoning as expressed in the position paper focuses on levee height as the obvious main criteria that triggers a transfer of risk and a requirement of mitigation/inverse condemnation acknowledgment. The specific language contained in the position paper notes that "(f)ix-in-place levee improvements that do not change the geometry of the hydraulic cross section, **including existing levee height** (emphasis added), would not effect the flood event hydrograph." Additional language notes that "there is no requirement for mitigation for improvements **that do not raise the height of the levee** (emphasis added)." The position paper admits that raising the levee would be "a transfer of risk of flooding from the project area to another area." How can SAFCA now admit that raising the levee is a fundamental transfer of risk yet when this levee raising was originally approved, no transfer of risk for the "up to three feet" of levee raise was ever acknowledged? The obviousness of this levee raising equals condemnation/transfer of risk tie is further revealed in the fact that this draft EIS/EIR justifies no condemnation/transfer of risk on the American River portion of the overall project specifically on the grounds that there is no raise in the height of the levee!

The current draft EIS/EIR appears to continue to concede that the numbers show a rise in the river elevation level in the vicinity of my property as a result of the project, albeit a small amount and under flood conditions. I continue to object to SAFCA's choosing originally to use a .1 foot standard as an apparently claimed de minimis amount of rise in elevation when the true standard is that development must not cause any rise in base flood elevation levels. I continue to object to SAFCA apparently then changing the de minimis amount to fit with what modeling shows is present under a 500 year flood event. Even if a court allows an agency to get away with setting a de minimis standard, that agency should not be allowed to later change the chosen de minimis standard amount. 500 year flood events do happen. I also note that even if some de minimis standard is

used, there is no way to avoid the fact that the Natomas Levee project as actually constructed is now revealed to include moving and raising the Garden Highway in the vicinity of where Sankey Road has been relocated to intersect with the Garden Highway just south of where the Natomas Cross Canal joins the Sacramento River. Where the Garden Highway originally ran has now been obliterated, but it appears to me that the actual levee height is, in places, well over six feet higher than the height of the original Garden Highway and the relocation of the Garden Highway to the east is an obvious change in the hydrology of the Sacramento River channel just upriver from my property. Such actual changes to the hydrology should logically require SAFCA to admit that the project inversely condemns my property.

It is now obvious that water will be added to the channel via several drains that are already in place just north (upstream) from my property. The size of the drains is obvious and can be readily measured. Surface water that previously flowed away toward the inland side of the Garden Highway is now to be directly added to the Sacramento River just north of my property. The prior SAFCA engineer, Joe Countryman, assured the SAFCA board that there was no valid claim being presented by waterside land owners because “not a drop of water” was to be added to the river. One of the SAFCA board members, on the day SAFCA approved moving forward with the levee raising project, publically told the waterside land owners present at that meeting that our claims were not being recognized by SAFCA because “not a drop of water” was to be added to the channel. Now we subsequently find out that 23 drains’ worth of surface water is being directly added to the channel. Would SAFCA have authorized proceeding in the manner previously approved by SAFCA if SAFCA board members had not received the express assurance of staff that “not a drop of water” was being added to the river? With the benefit of hindsight, it is clear this “not a drop of water” argument was simply a way (now admittedly not based on true facts) to deflect the board’s thinking away from the obvious transfer of risk that comes with raising the levee.

A prior comment submitted a couple of years ago (July 2008) resulted in SAFCA taking the position that *Orpheum Building Company v. San Francisco Bay Area Rapid Transit District* (1978) 80 Cal.App.3d 863, 871, was SAFCA’s legal authority for taking the position that there is no claim for inverse condemnation of my property present under these facts. *Orpheum* involved a situation where the absence of any trespass was stipulated to by the parties at trial, there was no physical entry onto the

property during construction, there was no contemplation that the project would result in physical invasion of the property in the future, and the jury heard the evidence that there was a special benefit of a value of over \$100,000 (proximity to a new BART station) that flowed to the property as a result of the project. Those are not the facts present here in regard to my property and the Natomas Levee raising. There will not be a stipulation of “no trespass” when my case is tried. In fact, I have photos showing that the construction has included physically placing a monitoring box on my property, an actual trespass that I would expect SAFCA to admit and acknowledge as being a physical entry onto my property during construction. Additionally, the data shows that my property will be subjected to more frequent flooding with flood levels elevated, albeit in small amounts if the SAFCA data is to be believed, from the prior pre-project status quo. And I do not believe that there is any special benefit of any nature that flows to my property as a result of the project.

If, as I contend the evidence shows, my property is being effectively inversely condemned, then I am entitled to be compensated as required by law. My belief is that SAFCA’s delay in acknowledging the inverse condemnation has significantly increased my damages. An argument can be made that the date of the take is no later than the date SAFCA’s board originally authorized the project to proceed. I believe my immediate neighbor had his property on the market at the time of the SAFCA original board action for approximately \$1.7 million. That property has remained on the market for almost the entire time since the original SAFCA board action and is now on the market for less than \$1 million. The levee project’s existence appears to be the obvious answer for why the property hasn’t sold.

Under the circumstances, as a minimum, any permission, permits, or authorization granted by the U.S. Army Corps of Engineers allowing the Natomas Levee project to proceed should require SAFCA to admit that the property of myself and my neighbors who live on the waterside of the current Garden Highway in areas where the levee is being raised is being inversely condemned and SAFCA should proceed as required by law in an inverse condemnation situation.

Roland L. Candee
10411 Garden Highway
Sacramento, CA 95837

Keith M. Seegmiller
2598 Garden Highway
Sacramento, CA 95833

16 August 2010

Mr. John Bassett, Director of Engineering
Sacramento Area Flood Control Agency
1007 7th Street, 7th Floor
Sacramento, CA 95814

Subject: Draft EIS/EIR
NLIP, Phase 4b

Ref.: APN 225-0210-022-0000

Dear Mr. Bassett:

The following comments relative to the Subject Draft EIS/EIR are submitted in accordance with the procedures stated on page ES-23 of the DEIS/DEIR.

Specifically, these comments address certain issues and certain potential mitigation measures applicable to landside properties situated in Reach 16 and the Southern portion of Reach 15. Within this area there are at least five -- and possibly an additional one or two--residential properties. (Since I have not yet had the opportunity to discuss these matters with my neighbors, I am presently speaking only for myself.)

1. The entire NLIP Project has as its objective preventing potentially catastrophic consequences resulting from what are - BY DEFINITION - episodic flooding events. Since I have lived in my home on Garden Highway - for thirty-three years - such events have happened only twice -- 1986 and 1997.
2. In my reading of the Subject DEIS/DEIR, I have not found any discussion of the installation of "Relief Wells." If I am mistaken, I would appreciate being directed to the appropriate sections of The DEIS/DEIR. (I am referring, of course to "Relief Wells" relative to Reaches 15 and 16.)
3. My understanding is that, within Reaches 15 and 16, both active alternatives involve the construction of "barrier walls." ... PLUS the creation of an "adjacent levee" AND untold hundreds of thousands of cubic yards of soil for multiple acres of "berm" to a possible depth of nine feet.
4. I believe that "Relief Wells" (in addition to a barrier wall and a single "Adjacent levee") are much more effective in mitigating the results of episodic flooding than millions of tons of dirt built on the assumption that tonnage will sufficiently compress the underlying soils to prevent underseepage.

* Not true for the "Fix-in-Place" alternative

SAFCA '10 AUG 16 PM2:26

--Ongoing, annual well maintenance and repair work for the "Relief Wells" can be billed/assessed to the beneficial properties (in lieu of the up-front capital costs of property acquisition and dirt hauling).

-- On Garden Highway, we are familiar with the operation of domestic water wells and the expenses of maintaining them. (We are also familiar with the deeper water supply wells drilled by the local farmers into the natural water table for irrigation water.) In 33 years, I believe I have had occasion twice (maybe three times) to do underground well maintenance -- and that for 24/7/365 water service. (I understand that the "Relief Wells" would be significantly deeper, which could entail higher maintenance charges.)

-- In other words, please deal with the potential problems of "underseepage" WHEN THEY OCCUR! Remove the water. Don't just pile tonnage of dirt on top of the existing soils.

5. In addition, I am the custodian of five (5) Heritage Oaks on my property. I believe that some significant consideration should be given to preserving these trees. An extensive "berm" - to the depth of nine feet -- would clearly kill them.
6. I have been a participant in a few informal conversations concerning the possibility/feasibility of installing such "Relief Wells" along this stretch of approximately one-half mile. I have not yet been aware of any in-depth analysis/consideration of this alternative for this location.

(Again, if I am mistaken, please direct me to the appropriate documents.)

I respectfully request that detailed consideration and analysis of the alternative of (1) Adjacent levee, (2) barrier wall**, and (3) Relief Wells be given thorough consideration -- in consultation with the affected property owners.

Respectfully submitted,

Keith M. Saegmiller

** I also remember that a (INADEQUATE) barrier wall was constructed along this portion of Garden Highway in the late 1980s &/or early 1990s.

2342 Swainson Way
Sacramento, CA 95833
rjohnson916@yahoo.com

August 16, 2010

John Bassett, P.E.
Director of Engineering
Sacramento Area Flood Control Agency
1007 7th Street, 7th Floor
Sacramento, CA 95814

Dear Mr. Bassett,

RE: Natomas Levee Improvement Program Phase 4b Landside Improvements Project

Subject: Draft EIS/EIR Comments

I am a homeowner within the River Oaks Community Association (ROCA) and my property is located within 800 feet of Garden Highway. After review of the Draft Environmental Impact Statement/Draft Environmental Impact Report dated July 2, 2010, I have several concerns that carry over from my comment letter based on my review of the NOP.

- **Power pole relocation** (page 2-30)- Relocating power poles to the waterside of the existing levee is acceptable, but it is preferred that they be undergrounded and placed at shallow depths above the 0.005 AEP flood surface elevation similar to the reconstructed pump station discharge pipes. Any above grade facilities can be placed on either side of the road. Relocating the existing land side power poles from the top of the levee down to the bottom of the slope is not acceptable. These are a real eyesore to put into our neighborhoods that were built to specifically avoid these and are a serious concern.
- **Seepage berm, up to 250' wide in addition to the adjacent levee construction at Tim Lewis** -. It appears that the berm and its grade transitions will extend all the way to the sidewalk along Wheelhouse Avenue.
 - Confirm the treatment to the top of it. A combination of natural park to replace the lost trees in the grove at the west end with manicured park is desired, including incorporation of a community park which has been planned near the I-80 crossing.
 - Provide beautification at the 12' wide transition slope behind the sidewalk. Leaving the existing temporary ditch that is weed filled and a magnet for trash is unacceptable as a permanent solution.
- **Existing Bike Trail along Swainson Way** (Upper figure on Page 2-101)-
 - Widening the levee and removal of the existing walk/bike path along the south side of Swainson Way/Avocet Court is an unacceptable loss. This is a heavily used pedestrian route in our community, and this path provides an important access between the Shorebird and Warmington subdivisions. It in part acts as an informal extension of Shorebird Park.

- Utilization of the future bike trail at the top is unacceptable, replacement of this path at the levee toe elevation is a must.
 - There will not be sufficient access points to provide similar access between Avocet and Marina Glen.
 - Using said trail would not only be highly inconvenient given the grade differential, but it would also be unsafe given the proximity to the very high speed traffic on Garden Highway.
- The retaining walls proposed through here need to be further setback and the height increased in order to maintain a minimum 6' wide walk along this stretch.
 - The retaining walls must not be a plain masonry unit or similar construction, and a design which will not attract graffiti. Rockery (Parson's) stone gravity walls as used in Folsom would be acceptable as they are less prone to graffiti, and provide a natural blending that a masonry unit wall does not. Should masonry unit be used, veneers and other architectural details that match other walls in the development need to be used.
- **Shorebird Park** (Upper figure on Page 2-101)-
 - Shorebird Park must be reconstructed to replace any walks, trees, or other amenities removed or otherwise disturbed by the construction. Loss of the walk along the south side is unacceptable.
- **City of Sacramento Pump 160**
 - The drive access from Garden Hwy must be reconstructed as needed. Access from the residential area to Garden Hwy is an important connection for this immediate neighborhood, particularly with the loss of the old driveways at Marina Glen.
- **Access at W. River Drive/Wheelhouse Avenue**
 - This drive access from Garden Hwy must also be reconstructed as needed. This provides a key access from the residential area to Garden Hwy as well as to Sand Cove Park across the street from the access.

Please incorporate these comments into your documentation. If you have any questions, please feel free to contact me via email or USPS mail.

Sincerely,

A handwritten signature in blue ink, appearing to be 'RJ', with a long horizontal line extending to the right.

Ronald Johnson, P.E.

Public Hearing

July 15, 2010

Clerk:

Our next Item is a Timed Item:

Item 1 Public Hearing – Draft Environmental Impact Statement/Environmental Impact Report on the American River Watershed Common Features Project/Natomas Post-Authorization Change Report/Natomas Levee Improvement Program Phase 4b Landside Improvements Project

Tim Washburn:

Mr. Tretheway, Members of the Board, Tim Washburn, Director of Planning. This is a Public Hearing item, an opportunity for folks in the community to offer comments on the joint Environmental Impact Report/Environmental Impact Statement that was issued on July 2nd by the Corps, with the cooperation of the Central Valley Flood Protection Board and SAFCA. I am going to give some brief comments, take any questions the Board may have, and then ask you to open it up and take any comments that may be for the public.

So as the Board is aware, I mean this is the sixth environmental document that we have issued in the last three years. We started as you recall, in the beginning of 2007, with a program EIR that looked at the entire 200 year protection plan for SAFCA that was the basis for our forming the assessment. We followed up with a Project Level but also Program Level look at the Natomas Levee Improvement Program. Later in 2007, an EIS that complemented that document was issued at the beginning of 2008 and since then we have of course, issued two more Environmental Impact Reports and Environmental Impact Statements.

This is unprecedented, that we have been able to maintain this pace in analyzing these problems and proceeding with these documents through the process. And now we have arrived at a point where we believe this is the last document in the series, and it is a document that will cover the transition from the SAFCA led project, which is where we have been for the last three years, to the Corps coming on the scene and taking over the Project and commencing to construct the remainder of it.

So just to remind the Board, our environmental documents will bring us along and we've completed most of the Natomas Cross Canal. We have a substantial amount of the Sacramento River east levee done. We expect that we will be awarding a final contract on our part to carry us down past Powerline Road into the vicinity of Fisherman's Lake and from that point forward, we will hand the baton, by in large, to the Corps. So this document covers the elements of the Project that we have not yet evaluated in the five previous documents, at a level of detail and so that is the lower part of the Sacramento River east levee, essentially from San Juan Road down to I-5; the American River north levee from I-5 over to Northgate; and then

the upper part of the Natomas East Main Drain west levee, from Elkhorn up to Sankee Road. All other pieces of the perimeter were analyzed in prior documents, so this one focuses on those reaches and analyzes the impact of the Project there, but it also adds some elements that we've picked up from prior documents that weren't analyzed.

In particular, we are going to be re-aligning and altering the slope on the RD 1000 west drainage channel from I-5 over to Fisherman's Lake. We are going to be doing some work along Pleasant Grove Creek Canal Levee that was not analyzed in prior documents, in particular, we have to either remove or improve five culverts that drain water from the Pleasant Grove area into Natomas and we still need to raise the Pleasant Grove Creek Canal levee slightly, about a foot, and we need to raise a portion of the Natomas East Main Drain west levee at the upper end, about a quarter mile or maybe a half mile.

The rest is levee strengthening. And so nothing that the Board hasn't heard about, cut-off wall construction where that is feasible, we do have to on the east side of the basin along the NEMDC west levee, probably widen that levee section because it is over steepened on the waterside and to be stable, it needs to be widened and that will require us probably to relocate Natomas East Levee Road and it should be noted, we are now going to be getting into a more heavily populated part of Natomas.

We have generally been operating in the northern and western part of the basin which is basically agricultural. As we get down the Sac River east levee, the parcels get smaller on the landside and for the first time, we will be confronting the challenges of improving the levee where there are urban subdivisions. And so this document foreshadows those challenges, evaluates those impacts and offers mitigation measures for the impacts that may result. We are going to most likely be removing a lot more landside trees. Those of you who have driven along the Garden Highway, in the Reach between the RD 1000 office and say down to the Arden/Garden, or say Northgate, there is a lot of trees at the landside tow of the levee there and this document suggests, analyzes and anticipates that those trees will have to be removed as part of the design of the Project, in order to flatten the back slope of the levee and in order to meet Corps requirements for maintaining Operation and Maintenance Roadways, at the toe of the levee.

Those trees will be mitigated within the corridors that we have been creating as part of our Project and also a substantial mitigation in the document, is anticipated in Lower Dry Creek where SAFCA and the City of Sacramento own substantial lands there, that will accommodate 40 to 50 acres of mitigation in Lower Dry Creek. But there will be trees taken out that are now close to where people now live and that will be a challenge for us.

We also face the challenge of dealing with all of the infrastructure that passes through and over the levees as you get into these urban areas: electrical/utility lines; natural gas lines; water mains; storm water facilities, these will pose major challenges to our design and construction capability and these also are analyzed in what we have referred to as the Phase 4b Document.

This is going to be a challenging part of the Project. We are happy that we have the Corps of Engineers to be able to step up to this challenge and of course we will assist them in every way we can. The purpose of this item is to appraise you of the issuance of this document, which occurred on July 2, and there is a 45 day document period that will remain open until August 16th. We will then quickly respond to any comments that we receive on the EIS/EIR and issue a Final EIS/EIR in the early part of September. It will go through a 30 day review process as is required under NEPA. We will then be required to respond to any comments we get on that Final document and bring this document to a position where it can be certified by this Board and approved by the Corps, toward the end of the year.

So that is the process going forward, this is an essential part of our bringing this Project forward for federal authorization and approval and for turnover to the Corps for construction. I would be happy to answer any questions you may have on the scope of this document.

Chairman Tretheway:

Okay I'll see if we have any questions at this time.
Mr. Shiels

John Shiels:

What is the Natomas Levee Class One Bike Trail Project?

Tim Washburn:

The, that project is a county sponsored project and the county, the Department of Transportation, specifically approached us and requested that we include in the description of the Project, the eventual construction of a bike trail on the adjacent levee that we are constructing around Natomas. We thought that was a reasonable request and so it is being included in the Environmental Document for environmental coverage. It is going to be up to the County of Sacramento, working with the City to advance that project forward in terms of actual permitting and construction.

John Shiels:

So we are not expecting to spend any, commit any funds...

Tim Washburn:

No, it is not in the SAFCA NLIP, it is an additional project that the County and the City would sponsor.

John Shiels:

Okay. I want to be sure that if that project goes forward, that it is understood that there are conditions that RD1000 has, that must be met.

Tim Washburn:

Yes, I think we have gained some valuable experience in building the WYDA Bike Trail on the NEMDC west levee. I think we have some experience and background to, to go from there.

John Shiels:

Thank you.

Chairman Tretheway:

Are there any other questions? Tim --this is the second public hearing?

Tim Washburn:

Yes, we had a Public Hearing in the South Natomas Community Center on Tuesday. There will be another one on the 21st I believe, a 3rd Public Hearing.

Chairman Tretheway:

And that is at the County Board of Supervisors?

Tim Washburn:

Yes.

Chairman Tretheway:

The one on Tuesday, what -- anyone show up and any comments?

Tim Washburn:

To be honest, it was not a very large turn out of the public. No. Now I should say, we have by direct mail notification, notified 900 property owners in the footprint of this Project, along the Garden Highway, on both sides of the Garden Highway, and the lower Sacramento River and along the American River north levee. So I don't know whether that suggests that people haven't paid attention to the notice or aren't interested or not sure.

Chairman Tretheway:

Well, it is only 700 pages, right? Okay we have no body signed up today to speak?

Clerk:

That's correct.

Chairman Tretheway:

Anybody? It is an opportunity to fill out the form and speak? Okay sign up afterwards - just introduce yourself and then ... can we help him get a sign up sheet

Clerk:

There is one on the lecturn.

Tim Washburn:

If you would open the Hearing, then we will record the statement

Chairman Tretheway:

Okay, so the Public Hearing is now open.

Phil Perry:

Very good. My name is Phil Perry. I am a resident that lives within about a block of the levee in the Bree/Sisto Rio Development. My property abuts the Reclamation District slough that goes to Pumping Plant 1.

Couple of concerns, I have not read the whole document, shame on me. What I do notice is the impact that it is going to have on our local area, just as a taxpayer it is a little concerning that we went through a levee improvement project years ago and that seems to have gone for not. So I apologize if I am somewhat reluctant to endorse this project as a local homeowner because I have already gone through this a few times and just recently when, and it kind of concerns me that we just recently filled in the area where the pumping plant is and looking at the document, it would appear that much of that will be taken apart again because they are going to have to raise all of the outlet pipes up and over the levee at the location.

According to the EIR, the original pumping – or I guess its 2, Number 2, which is in the old building. A lot of those pumps are going to have to be taking out they are going to have to make higher output because they are going to have to get more of a head to get up and over the levee. Strikes me as that is something that could have been looked at when they were filling in the slurry wall that they hadn't completed.

Those are the kind of things that cause me to doubt that this is being viewed in the most strategic way. The trees obviously it is quite sad the idea that one of the reasons I moved to the area is the bucolic look of it and that is going to be stripped clean. We're going to have basically a straight levee that is on La Lima Way there that now we have a number of wonderful trees. The park that is down the street,

down by Chevy's, I would imagine, that will lose a large portion of trees and it just kind of changes the look of the place.

It seems there would be better and cheaper ways to do this, considering the improvements that have been made up river, considering the other improvements that have been made. I just want the Board to ensure they are looking at this as the most cost effective way of actually doing these repairs and make it safe. I also realize that I am also in a quite small minority, because I think you would find that anybody that lives much further away from the levee than I do, doesn't give a darn that it is going to be stripped clean.

They, there for the first time they started paying flood insurance. I have been paying it for 21 years living over there. It was very nice when it was down to \$300 a year, this year we're up to a grand this year and next year we should be down to \$300 again, so it's a pretty good deal. The people that live in the interior, that haven't been paying flood insurance, I feel for them, but it's a fairly small price. I am just asking that you guys look at this closely. I realize this is a comment period and I also understand that comments just basically get in the record. I am not sure really what kind of impact it has on the EIR in any way shape or form, thank you.

Chairman Tretheway:

Thank you Mr. Perry. I do believe I can share with you that your comments that are germane to the EIS/EIR will be replied to in the Final draft. Correct? As is every public comment either written or oral. Stein.

Stein Buer:

I would like to supplement Tim's very good summary by reminding the Board and the public that the document casts an envelope of likely maximum environmental impacts and we will be working with the community, people like Mr. Perry and others, to minimize impacts wherever we can. And we will look at each and every structure to see if there are ways that we can minimize the additional work that needs to be done.

I would also like to mention, overtime, standards have changed. And the work that has been done before has certainly been very effective in improving the level of flood protection in the basin, a comparison of 1986 and 1997 show that we solved the huge problem of water seeping through the levee and causing the backside to erode, but the standards have changed and we have to meet those new standards to maintain or regain our accreditation.

So it is a moving target. And we will always be working on these levees and it can be frustrating that we are back out there over and over again, but that is really the

nature of this system, we will always be working on these levees one way or another to make them better.

Thank you very much.

Chairman Tretheway:

Thank you.

Mr. Gallagher.

James Gallagher:

Yeah, one thing I wanted to add, as another important component of this EIS, is the issues with the Pleasant Grove Creek Canal and a lot of you have been on this Board for a long time, so you know there have always been some issues and impacts to the Pleasant Grove area, in Sutter County. So I know staff has already been very much working with that community, and I know that is a priority for me as well. I know this Board we want to ensure we are good neighbors and that we are working with all these communities that are in some ways impacted by this Project. This Project is a necessity, we are all here to make sure it happens, but we all want to make sure that we address those impacts as they arise.

I do want to thank Stein and staff for working on that issue, and I know as we continue to work through the process, I think we can find a way to ensure that those impacts are fully mitigated.

Stein Buer:

In fact, we do have a Public Meeting scheduled for August 4th, in the Pleasant Grove Creek area. We don't have a location yet, but the last one is not the 21st, it is August 4th, for a total of four Public Meetings on this issue, so those people in that particular area will have a convenient way to express their concerns and learn more about the project.

Chairman Tretheway:

I want to thank James for taking a leadership role up in that community. We'll button this one up finally. Do we need to close Public Hearing? It says information only

So we need to close public hearing with a motion.

Virginia Moose:

So moved.

John Shiels:

Second.

Chairman Tretheway:

Second by Mr. Shiels. All in favor please say "aye"

All:

"I"

Chairman Tretheway:

Any noes or abstenstion?

Thank you.