

## **APPENDIX A**

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Notice of Preparation and Responses to Notice of Preparation



DEVELOPMENT SERVICES – PLANNING

8401 LAGUNA PALMS WAY • ELK GROVE, CALIFORNIA 95758

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## NOTICE OF PREPARATION OF A DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

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**DATE:** July 20, 2020

**TO:** Responsible and Trustee Agencies, Organizations, and Interested Parties

**LEAD AGENCY:** City of Elk Grove  
Contact: Christopher Jordan, Director of Strategic Planning and Innovation  
8401 Laguna Palms Way, Elk Grove, CA 95758

**SUBJECT:** Supplemental Environmental Impact Report for the Multi-Sport Complex and Grant Line Industrial Annexation Area

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In discharging its duties under Section 15021 of the California Environmental Quality Act (CEQA) Guidelines, the City of Elk Grove (as lead agency, hereinafter “City” or “Elk Grove”) intends to prepare a supplemental environmental impact report (SEIR), consistent with Section 15163 of the CEQA Guidelines (Title 14 of the California Code of Regulations, hereinafter the “CEQA Guidelines”), for the **Multi-Sport Complex and Grant Line Industrial Annexation Area** (the “Project,” described later in this document). This environmental document will supplement the Elk Grove SOIA and Multi-Sport Complex EIR (State Clearinghouse #2015102067).

In accordance with Section 15082 of the CEQA Guidelines, the City has prepared this notice of preparation (NOP) to provide the Office of Planning and Research, responsible and trustee agencies, and other interested parties with sufficient information describing the Project and its potential environmental effects.

CEQA Guidelines Section 15163 states that a lead agency may choose to prepare a supplement to an EIR rather than a subsequent EIR if proposed changes meet the conditions described in CEQA Guidelines Section 15162 and if only minor additions and changes would be necessary to make the previous EIR adequate. Because the City has determined that a SEIR will be prepared for the proposed Project, an Initial Study has not been prepared (CEQA Guidelines Section 15063[a]).

As specified by the CEQA Guidelines, the NOP will be circulated for a 30-day review period. **The comment period runs from Monday, July 20, 2020 to Wednesday, August 19, 2020.** The City welcomes public input during the review period. If the City has not received either a response or a well-justified request for additional time by a responsible agency by the end of the review period, the City may presume that the responsible agency has no response (CEQA Guidelines Section 15082[b][2]).

CEQA provides for a Lead Agency to facilitate one or more Scoping Meetings, which provide opportunity for determining the scope and content of the EIR. Traditionally, the City hosts one Scoping Meeting for the general public during the NOP comment period. In accordance with State and local health orders limiting in-person public meetings, the City is providing an alternative method for the Scoping Meeting. A video presentation by staff, introducing the Project and outlining the CEQA process, is available for review at <http://www.egplanning.org/environmental> and <http://www.elkgrovecity.org/sportscomplex>. The website also provides a method for directly providing comments. This video and comment opportunity will be available at the above link throughout the NOP comment period (July 20, 2020 to August 19, 2020).

Comments may also be submitted in writing during the review period and addressed to:

City of Elk Grove  
Office of Strategic Planning and Innovation  
c/o Christopher Jordan  
8401 Laguna Palms Way  
Elk Grove, CA 95758  
cjordan@elkgrovecity.org

## PROJECT LOCATION AND SETTING

The Project site is located southeast of the existing City boundary. The Project site consists of approximately 557 acres located south of Grant Line Road (near its intersection with Waterman Road) and east of the Union Pacific Railroad tracks and State Route 99. The Project site extends eastward past the intersection of Grant Line Road and Mosher Road, and extends southward to the Sacramento County Urban Services Boundary (Exhibit 1).

Most of the Project site is undeveloped. Existing uses consist primarily of agricultural land (i.e., row crops and pasture). Industrial uses are present beyond the north and west sides of the Project site, opposite Grant Line Road and the Union Pacific Railroad. Agricultural land (row crops) is present east of the Project site. The Deer Creek/Cosumnes River floodplain, which also includes row crops and cattle grazing, is present to the south.

## PROJECT DESCRIPTION

The SEIR will supplement the *Elk Grove Sphere of Influence Amendment and Multi-Sport Park Complex Draft Environmental Impact Report* (2019 Elk Grove SOIA EIR), which addressed development of a multi-sports park complex on the City-owned property, along with a mix of commercial, industrial, and mixed uses in the surrounding area. The 2019 Elk Grove SOIA EIR was circulated for public review beginning on June 29, 2018 and concluding on August 14, 2018 (State Clearinghouse Number 2015102067). This EIR was certified by the Sacramento Local Agency Formation Commission (LAFCo) on May 1<sup>st</sup>, 2019. LAFCo approved the SOI amendment at the same hearing.

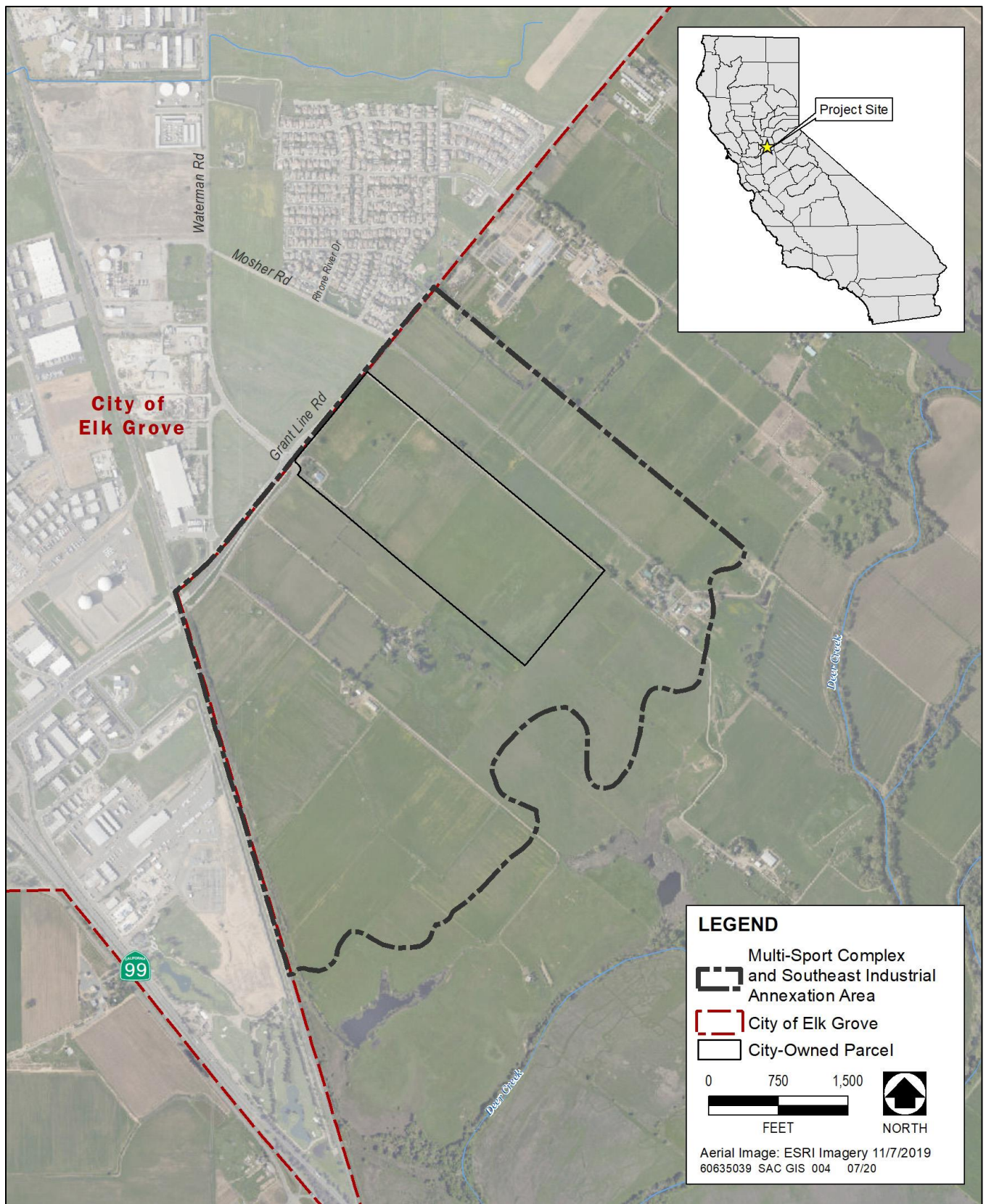
There are two parts of the revised Project description that are the focus of analysis in the SEIR: (1) a change in the land use designations for the proposed General Plan amendment and pre-zoning; and (2) additional information related to infrastructure improvements that will be necessary to serve the Project site. These revisions are discussed below.

### Land Use Plan

The City is proposing a change in the land use designations and pre-zoning for the Project site. In particular, the approximately 100-acre City-owned parcel that was formerly proposed for Public Open Space/Recreation would now be designated for Light Industrial uses, and the previously proposed General Commercial/Commercial Office uses would be replaced with a smaller area of Regional Commercial. The total proposed changes in land use and associated acreages at the Project site are listed in Table 1 and shown in Exhibit 2.

<b>Table 1. Existing and Proposed Land Use Changes</b>			
<b>Land Use/Zoning</b>	<b>Approved in 2018 (acres)</b>	<b>Proposed (acres)</b>	<b>Net Change (acres)</b>
Parks and Open Space (P/OS)	171+/-	64	(106)
Mixed Use (MU)	118+/-	118	0
Light Industrial (LI) and Heavy Industrial (HI)	211+/- (undifferentiated)	211 (Light Industrial) 143 (Heavy Industrial)	147
General Commercial/Commercial Office (GC)	61	0	(61)
Regional Commercial (RC)	0	21	20
Public Right-of-Way	0	3	3
<b>Total</b>	<b>561±</b>	<b>561±</b>	<b>0</b>

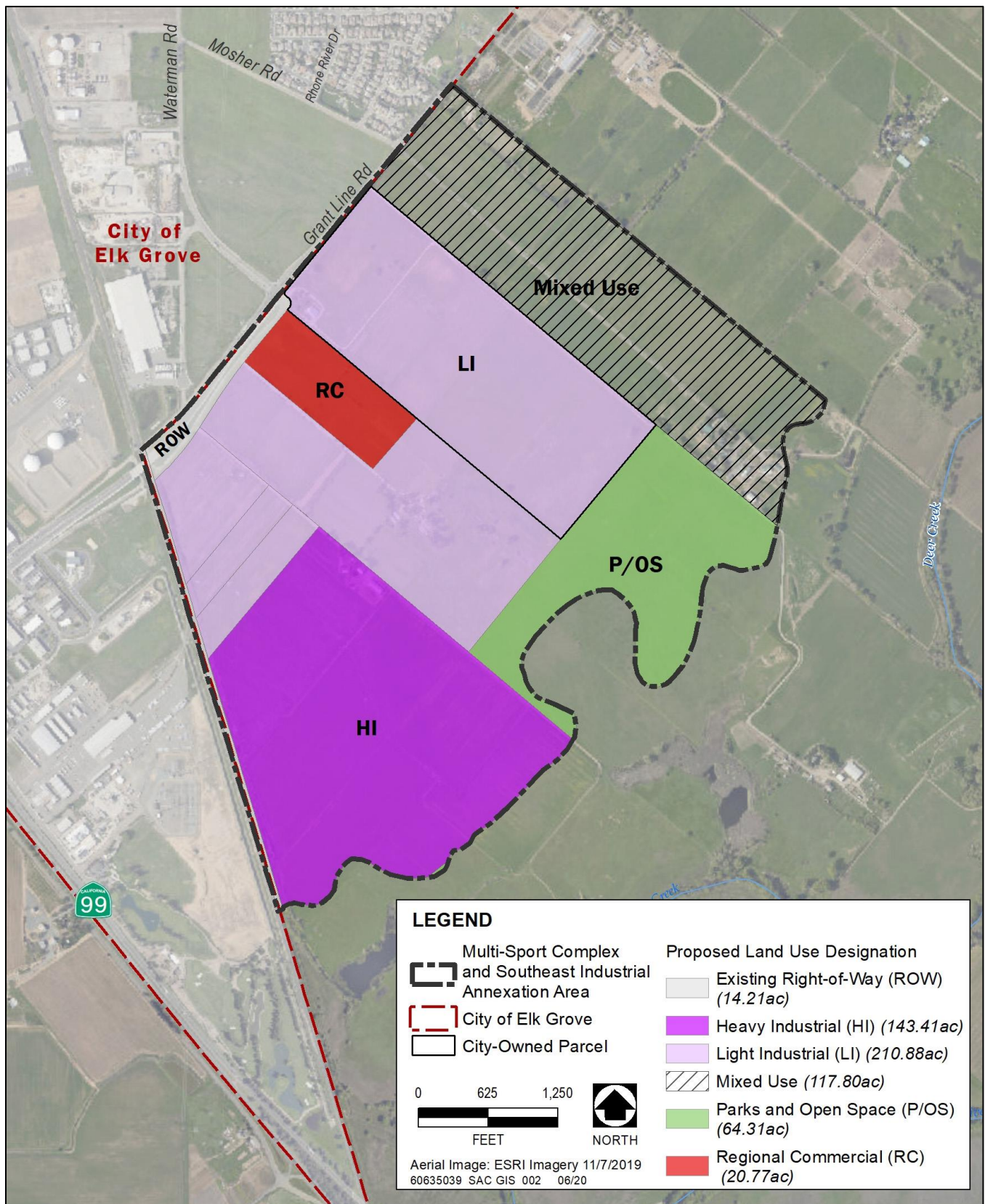
Note: Acreage between the 2018 land plan and the proposed Project is updated based upon the latest available mapping data for the area as available from the City and Sacramento County. Acreage information may be further refined based upon verified field surveys.



Source: City of Elk Grove 2020

**Exhibit 1. Project Site and Vicinity**





Source: City of Elk Grove 2020

**Exhibit 2. Proposed Land Use Plan**

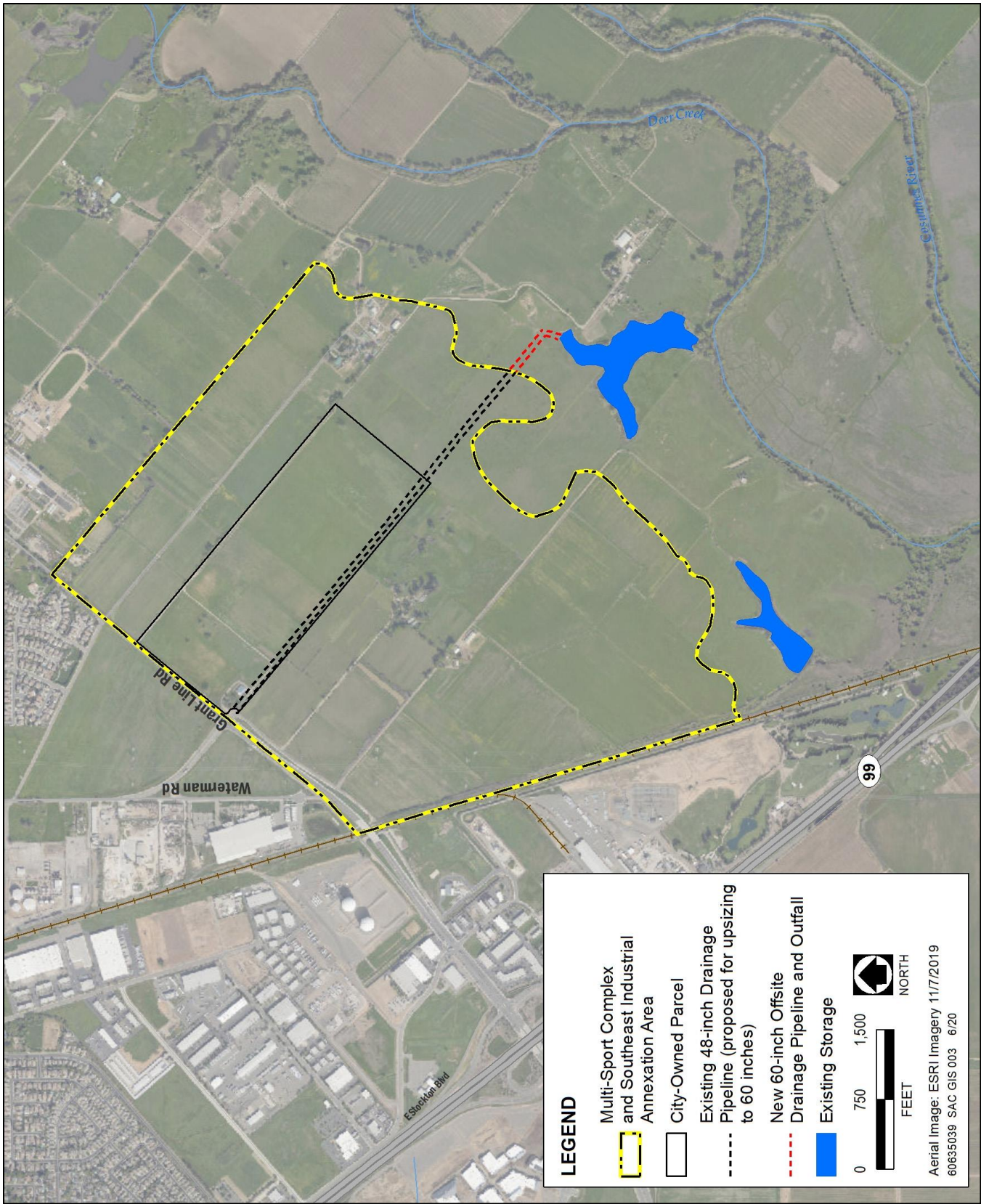
This SEIR assumes development of the City-owned parcel under a variety of scenarios, all with underlying General Plan and zoning designations of Light Industrial. The previously considered multi-sport complex is allowed in the Light Industrial, subject to approval of a Conditional Use Permit. The proposed General Plan and zoning would also permit a range of industrial uses, including but not limited to manufacturing, warehousing, and distribution, either by right or with approval of a use permit. Since the original 2019 Elk Grove SOIA EIR addresses sports complex uses in detail, the SEIR will focus on impacts associated with the expansion of the light industrial land use designation and pre-zoning.

## **Infrastructure**

The on-site infrastructure needs at the Project site were evaluated in the Elk Grove SOIA EIR. However, since the 2019 Elk Grove SOIA EIR was certified, the following additional detailed studies have been prepared:

- ▶ The *Elk Grove Multi-Sport Park Complex Transportation Master Plan* identifies on-site circulation elements, including on-site roadway alignments, and outlines the proposed intersection improvements.
- ▶ As anticipated in the 2019 Elk Grove SOIA EIR, water supply for the Project site would be provided by the Sacramento County Water Agency's (SCWA) Zone 40. Since publication of the Elk Grove SOIA EIR, an *Elk Grove Multi-Sport Complex Water Master Plan* and *Zone 40 Water Supply Master Plan Amendment for the Elk Grove Multi-Sport Complex* have been prepared. The Water Master Plan and Zone 40 Water Supply Master Plan Amendment concluded water supply demands would be greater than identified in the 2019 Elk Grove SOIA EIR. The SEIR will address the additional water supply demand for the Project and if SCWA water supplies are available to meet water supply demands of the Project in normal, single-dry, and multiple-dry years. Water will be delivered to the Project site through existing 24-inch and 16-inch transmission pipelines located in Grant Line Road. There are two proposed points of connection to the existing transmission main in Grant Line Road: one at the intersection of Waterman Road, and one at the intersection of Mosher Road. The on-site domestic water backbone infrastructure layout has been designed to comply with SCWA requirements. The Zone 40 Water Supply Master Plan Amendment also satisfies the requirement for a Water Supply Assessment as provided in CEQA Guidelines Section 15155.
- ▶ As anticipated in the 2019 Elk Grove SOIA EIR, wastewater collection for the Project site will be provided by the Sacramento Area Sewer District (SASD). Since publication of the Elk Grove SOIA EIR, a *Level II Sewer Study* has been prepared for the Project site that addresses wastewater generated by the Project and the capacity of off-site sewer infrastructure to accommodate additional wastewater flows. The on-site backbone sewer collection system has been designed to comply with SASD's design standards. SASD conducted an analysis and confirmed that the existing off-site conveyance system has adequate capacity to accommodate the peak wet-weather flow generated by the Project site at full build-out.
- ▶ A new drainage master plan shows the need for off-site facilities that were not known at the time of the original 2019 EIR. Specifically, an existing pipeline located along the south-southeast border of the City-owned parcel would be upsized, which would extend off-site to an existing pond and an existing outfall into Deer Creek (Exhibit 3). This off-site drainage improvement was not previously evaluated in the 2019 Elk Grove SOIA EIR.





Source: City of Elk Grove 2020

**Exhibit 3. Off-Site Drainage Improvement Map**



## REQUIRED APPROVALS

Approvals for the Project include, but are not limited to:

- ▶ certification of the SEIR prepared for the Project,
- ▶ adoption of a General Plan amendment to designate properties within the Project area on the City's General Plan Land Use Diagram,
- ▶ rezoning of properties within the annexation area consistent with the General Plan amendment.

The ultimate buildout of uses anticipated on the Project site will require additional entitlements from the City, including, but not limited to, the following:

- ▶ Site development plans, including conditional or minor use permits and major or minor design review
- ▶ Tentative and final parcel and subdivision maps
- ▶ Grading and building permits

Other agencies that may require permission or approvals may include, but are not limited to:

- ▶ U.S. Army Corps of Engineers
- ▶ U.S. Fish and Wildlife Service
- ▶ California Department of Fish and Wildlife
- ▶ Central Valley Regional Water Quality Control Board
- ▶ Sacramento Metropolitan Air Quality Management District
- ▶ Sacramento County Water Agency
- ▶ Sacramento Area Sewer District
- ▶ Sacramento Regional County Sanitation District
- ▶ Sacramento Local Agency Formation Commission

## PROBABLE ENVIRONMENTAL EFFECTS

The 2019 Elk Grove SOIA EIR comprehensively addressed impacts associated with development of the SOIA. The SEIR is intended to serve as a supplement to the previously circulated Elk Grove SOIA EIR. The City does not anticipate new or substantial increase in the severity of impacts associated with these topics from those previously identified in the Elk Grove SOIA EIR. Impacts and conditions presented in the Elk Grove SOIA EIR will serve as the primary base of comparison for the analysis. The SEIR will incorporate applicable mitigation measures for proposed future actions that were identified in the Elk Grove SOIA EIR. Elements of the prior analysis that are unchanged will not be re-analyzed in the SEIR, but a summary discussion of those areas for which impacts remain the same or would be lessened will be provided for the reader's use. Additional information would be provided to ensure the analysis in the SEIR is current and fully addresses the proposed light industrial land uses on the City-owned property and construction of off-site drainage improvements. The City anticipates that the SEIR would focus on additional information on the following environmental resources:

- ▶ Aesthetics
- ▶ Agricultural Resources
- ▶ Air Quality
- ▶ Biological Resources
- ▶ Cultural and Tribal Cultural Resources
- ▶ Geology, Soils, Minerals, and Paleontological Resources
- ▶ Greenhouse Gases Emissions
- ▶ Hazards and Hazardous Materials, including Wildfire

- ▶ Land Use, Population, Housing, Employment, Environmental Justice, and Unincorporated Disadvantaged Communities
- ▶ Noise and Vibration
- ▶ Public Services, Including Recreation
- ▶ Hydrology and Water Quality
- ▶ Transportation and Traffic
- ▶ Utilities and Service Systems
- ▶ Energy



***Sent Via E-Mail***

August 11, 2020

Christopher Jordan  
City of Elk Grove  
8401 Laguna Palms  
Elk Grove, CA 95758  
[cjordan@elkgrovecity.org](mailto:cjordan@elkgrovecity.org)

Subject: **Multi-Sport Complex and Grant Line Industrial Annexation Area/ NOP / 2015102067**

Dear Mr. Jordan:

The Sacramento Municipal Utility District (SMUD) appreciates the opportunity to provide comments on the Negative Declaration (NEG) for the Multi-Sport Complex and Grant Line Industrial Annexation Area (Project, SCH 2015102067). SMUD is the primary energy provider for Sacramento County and the proposed Project area. SMUD's vision is to empower our customers with solutions and options that increase energy efficiency, protect the environment, reduce global warming, and lower the cost to serve our region. As a Responsible Agency, SMUD aims to ensure that the proposed Project limits the potential for significant environmental effects on SMUD facilities, employees, and customers.

It is our desire that the Project will acknowledge any impacts related to the following:

- Overhead and or underground transmission and distribution line easements. Please view the following links on [smud.org](http://smud.org) for more information regarding transmission encroachment:
  - <https://www.smud.org/en/Business-Solutions-and-Rebates/Design-and-Construction-Services>
  - <https://www.smud.org/en/Corporate/Do-Business-with-SMUD/Land-Use/Transmission-Right-of-Way>
- Utility line routing
- Electrical load needs/requirements
- Energy Efficiency
- Climate Change
- Cumulative impacts related to the need for increased electrical delivery
- The potential need to relocate and or remove any SMUD infrastructure that may be affected in or around the project area



More specifically, SMUD would like to have the following details related to the electrical infrastructure incorporated into the project description:

- Comments from 2019 Elk Grove SOIA EIR specific to the Multi-Sport Complex & Grant Line Road Annexation:
  - Standard 12.5-foot overhead/underground PUE along all streets.
  - 25-foot PUE/PUFPE along Grant Line Rd. for existing 69kV line.
  - Existing 12kV overhead line along Waterman & Grant Line Rd.
  - Existing & proposed 12kV line along Mosher Rd.
  - Existing 69kV line along Waterman & Grant Line Rd.
  - Proposed 2<sup>nd</sup> 69kV circuit along Grant Line Rd. on existing pole line.
  - Proposed 12kV underground lines along Grant Line Rd. and Waterman Rd.

SMUD would like to be involved with discussing the above areas of interest as well as discussing any other potential issues. We aim to be partners in the efficient and sustainable delivery of the proposed Project. Please ensure that the information included in this response is conveyed to the Project planners and the appropriate Project proponents.

Environmental leadership is a core value of SMUD, and we look forward to collaborating with you on this Project. Again, we appreciate the opportunity to provide input on this NOP. If you have any questions regarding this letter, please do not hesitate to contact me at 916.732.5384, or by email at [Amy.Spitzer@smud.org](mailto:Amy.Spitzer@smud.org).

Sincerely,



Amy Spitzer  
Environmental Services Specialist  
Sacramento Municipal Utility District  
6201 S Street  
Sacramento, CA 95817

cc: Entitlements

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 3  
PLANNING DIVISION  
703 B Street, MS-4130  
Marysville CA 95901  
PHONE (530) 634-7616  
www.dot.ca.gov  
TTY 711  
www.dot.ca.gov



*Making Conservation  
a California Way of Life.*

August 19, 2020

GTS# 03-SAC-2018-00722

Mr. Christopher Jordan  
Director of Strategic Planning and Innovation  
City of Elk Grove  
8401 Laguna Palms Way, Elk Grove, CA 95758  
1112 I Street, Suite 100  
Sacramento, CA 95814

**Multi-Sport Complex and Grant Line Industrial Annexation Area – Notice of Preparation (NOP) of a Draft Supplemental Environmental Impact Report (SEIR)**

Dear Mr. Jordan,

Thank you for including the California Department of Transportation (Caltrans) in the review process for the project referenced above. Caltrans' new mission, vision, and goals signal a modernization of our approach to California's transportation system. We review this local development for impacts to the State Highway System (SHS) in keeping with our mission, vision, and goals for sustainability/livability/economy, and safety/health. We provide these comments consistent with the State's smart mobility goals that support a vibrant economy, and build communities, not sprawl.

The Multi-Sport Complex and Grant Line Industrial Annexation Area project (Project) proposes an expansion to the City of Elk Grove's Sphere of Influence (SOI) by approximately 561 acres. The NOP of a SEIR for the Project would address the following changes in proposed land use:

- Decrease Parks and Open Space from 171 acres to 61 acres
- Increase Industrial from 211 acres Undifferentiated Industrial to:
  - 211 acres Light Industrial
  - 143 Acres Heavy Industrial
- Decrease General Commercial/Commercial Office from 61 acres to zero acres
- Increase Regional Commercial from zero acres to 21 acres
- Increase Public Right of Way from zero acres to 3 acres

The Project is located southwest of the existing City of Elk Grove boundary that currently consists of primarily agricultural land in Sacramento County. The boundaries of the proposed SOI Amendment Area are located south of Grant Line Road (near its intersection with Waterman Road) and east of the Union Pacific Railroad (UPRR) tracks and State Route (SR)

Christopher Jordan  
City of Elk Grove  
August 19, 2020  
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99, extending east to a point just east of the intersection of Grant Line Road and Mosher Road. The following comments are based on the NOP received.

### **Forecasting/Traffic Operations**

In the SEIR's transportation impacts analysis, please identify impacts from changes in the Project's land uses in the following terms:

- VMT generation for Approved and Proposed land use changes
- Length of queue analysis for the Grant Line Rd interchange off-ramps for Approved and Proposed land uses
- Revised trip generation per the Institute of Transportation Engineers (ITE) 10th Edition Trip Generation Manual

Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this development.

If you have any questions regarding these comments or require additional information, please contact Douglas Adams, Intergovernmental Review Coordinator, at (530) 741-4543 or by email at: douglas.adams@dot.ca.gov.

Sincerely,



Alex Fong,  
Acting Branch Chief, Transportation Planning – South  
Planning, Local Assistance, and Sustainability





Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
North Central Region  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670-4599  
916-358-2900  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



August 18, 2020

City of Elk Grove  
Office of Strategic Planning and Innovation  
c/o Christopher Jordan  
8401 Laguna Palms Way  
Elk Grove, CA 95758  
[cjordan@elkgrovecity.org](mailto:cjordan@elkgrovecity.org)

Dear Mr. Jordan:

RE: SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE MULTI-SPORT  
COMPLEX AND GRANT LINE INDUSTRIAL ANNEXATION AREA (PROJECT)  
NOTICE OF PREPARATION SCH# 2015102067

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation of a Supplemental Environmental Impact Report (SEIR) from the City of Elk Grove for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

## **CDFW ROLE**

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

## **PROJECT DESCRIPTION SUMMARY**

The Project site is located southeast of the existing City boundary. The Project site consists of approximately 557 acres located south of Grant Line Road (near its intersection with Waterman Road) and east of the Union Pacific Railroad tracks and State Route 99. The

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<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Christopher Jordan  
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Project site extends eastward past the intersection of Grant Line Road and Mosher Road, and extends southward to the Sacramento County Urban Services Boundary.

The SEIR will supplement the Elk Grove Sphere of Influence Amendment (SOIA) and Multi-Sport Park Complex Draft Environmental Impact Report (2019 Elk Grove SOIA EIR), which addressed development of a multi-sports park complex on the City-owned property, along with a mix of commercial, industrial, and mixed uses in the surrounding area. The 2019 Elk Grove SOIA EIR was circulated for public review beginning on June 29, 2018, and concluding on August 14, 2018 (State Clearinghouse Number 2015102067). This EIR was certified by the Sacramento Local Agency Formation Commission (LAFCo) on May 1st, 2019. LAFCo approved the SOIA at the same hearing. There are two parts of the revised Project description that are the focus of analysis in the SEIR: (1) a change in the land use designations for the proposed General Plan amendment and pre-zoning; and (2) additional information related to infrastructure improvements that will be necessary to serve the Project site. These revisions are discussed below.

The Project description in the draft SEIR should include the whole action as defined in the CEQA Guidelines § 15378 and should include appropriate detailed exhibits disclosing the Project area including temporary impacted areas such as equipment stage area, spoils areas, adjacent infrastructure development, staging areas and access and haul roads if applicable.

As required by § 15126.6 of the CEQA Guidelines, the draft SEIR should include appropriate range of reasonable and feasible alternatives that would attain most of the basic Project objectives and avoid or minimize significant impacts to biological resources.

## **ENVIRONMENTAL SETTING**

CDFW recommends three progressive steps in Project impact evaluations: habitat assessment, detection surveys, and impact assessment in evaluating whether projects will have impacts to special-status species. The information gained from these steps will inform any subsequent avoidance, minimization and mitigation measures. The steps for Project impact evaluations are: 1) habitat assessment, 2) surveys, and 3) impact assessment. Habitat assessments are conducted to evaluate the likelihood that a site supports wildlife species and their habitats. Detection surveys provide information needed to determine the potential effects of proposed projects and activities on those species and habitats. Impact assessments evaluate the extent to which wildlife species and their habitat may be impacted directly or indirectly, on and within a reasonable distance of proposed CEQA Project activities. CDFW recommends that the draft SEIR include a complete environmental assessment of the existing biological conditions within the Project area including but not limited to the type, quantity and locations of the habitats, flora and fauna. Maps and information regarding the habitat assessment and survey efforts should be included within the draft SEIR. Any surveys of the biological conditions and related environmental analysis should be completed by qualified personnel with sufficient experience in the wildlife and habitats associated with the Project and associated reports should be included as appendices to the draft SEIR.

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To identify a correct environmental baseline, the draft SEIR should include a complete and current analysis of endangered, threatened, candidate, and locally unique species with potential to be impacted by the Project. CEQA guidelines § 15125, subdivision (c) requires lead agencies to provide special emphasis to sensitive habitats and any biological resources that are rare or unique to the area. CDFW recommends that the environmental documentation identify natural habitats and provide a discussion of how the proposed Project will affect their function and value.

CDFW recommends that the California Natural Diversity Database (CNDDDB), as well as previous studies performed in the area, be consulted to assess the potential presence of sensitive species and habitats. Although the CNDDDB is one tool that may identify potential sensitive resources in the area, the dataset should not be regarded as complete for the elements or areas with the potential to be impacted. Other sources for identification of species and habitats near or adjacent to the Project area should include, but may not be limited to, State and federal resource agency lists, California Wildlife Habitat Relationship System, California Native Plant Society Inventory, agency contacts, environmental documents for other projects in the vicinity, academics, and professional or scientific organizations. In addition, CNDDDB is not a comprehensive database. It is a positive detection database. Records in the database exist only where species were detected and reported. This means there is a bias in the database towards locations that have had more development pressures, and thus more survey work. Places that are empty or have limited information in the database often signify that little survey work has been done there. A nine United States Geologic Survey 7.5-minute quadrangle search is recommended to determine what may occur in the region (see Data Use Guidelines on the CDFW webpage <https://www.wildlife.ca.gov/Data/CNDDDB/Maps-and-Data>).

## **IMPACT ASSESSMENT AND MITIGATION MEASURES**

Based on habitat assessments and survey results, the draft SEIR should clearly identify and describe all short-term, long-term, permanent, or temporary impacts to biological resources under CDFW's jurisdiction, including all direct and foreseeable indirect impacts caused by the proposed Project.

The draft SEIR should define the threshold of significance for each impact and describe the criteria used to determine whether the impacts are significant (CEQA Guidelines, § 15064, subd. (f).) The draft SEIR must demonstrate that the significant environmental impacts of the Project were adequately investigated and discussed, and it must permit the significant effects of the Project to be considered in the full environmental context. CDFW also recommends that the environmental documentation provide a scientifically supported discussion regarding adequate avoidance, minimization, and/or mitigation measures to address the Project's significant impacts upon fish and wildlife and their habitat. For individual projects, mitigation must be roughly proportional to the level of impacts, including cumulative impacts, in accordance with the provisions of CEQA (Guidelines section 15126.4(a)(4)(B), 15064, 15065, and 16355). In order for mitigation measures to be effective, they must be specific, enforceable, and feasible actions that will improve environmental conditions.



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The SEIR should incorporate mitigation performance standards that would ensure that significant impacts are reduced as expected. Mitigation measures proposed in the SEIR should be made a condition of approval of the Project. Please note that obtaining a permit or other authorization from CDFW by itself with no other mitigation proposal may constitute mitigation deferral.

#### *Migratory Birds and Birds of Prey*

Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) (16 U.S.C., §§ 703-712). CDFW implemented the MBTA by adopting the Fish and Game Code section 3513. Fish and Game Code sections 3503, 3503.5 and 3800 provide additional protection to nongame birds, birds of prey, their nests and eggs. Potential habitat for nesting birds and birds of prey is present within the Project area. The proposed Project should disclose all potential activities that may incur a direct or indirect take to nongame nesting birds within the Project footprint and its close vicinity. Appropriate avoidance, minimization, and/or mitigation measures to avoid take must be included in the SEIR. Measures to avoid the impacts should include species specific work windows, biological monitoring, installation of noise attenuation barriers, etc.

#### *South Sacramento Habitat Conservation Plan*

On June 22, 2020, the South Sacramento Conservation Agency Joint Powers Authority (SSCA JPA) adopted a resolution authorizing the Executive Director of the South Sacramento Conservation Agency to execute an agreement with the City Of Elk Grove to be a Participating Special Entity under the South Sacramento Habitat Conservation Plan (SSHCP) SOIA Area.

As such, CDFW recommends the SEIR contemplate the City's participation in the SSHCP for the Project. If the City participates in the SSHCP for the Project, the SEIR should include:

- Disclosure of the Project's Covered Activities under the SSHCP
- Assessment of SSHCP landcover types in the Project Area
- Analysis of all 28 SSHCP Covered Species
- Identification of applicable SSHCP Avoidance and Minimization Measures

#### *Landscaping*

CDFW has noted that landscaping improvements may be implemented in the Project. CDFW recommends consideration of the Homegrown Habitat Plant List (Sacramento Valley Chapter, California Native Plant Society) (Attachment 1) when developing the final planting palette. The Homegrown Habitat Plant List (HHPL) is the result of a coordinated effort of regional stakeholders with the intent of improving landscape plantings for the benefit of property owners and ecosystem. Including plants from the HHPL is intended to produce the following outcomes for landscaping:

- Increased drought tolerance
- Decreased water use
- Decreased maintenance and replacement planting costs
- Increased functionality for local pollinators and wildlife
  - Increase in overall biodiversity and ecosystem health
- Increased carbon sequestration and climate change resilience
- Educational opportunities for staff and students

Christopher Jordan  
City of Elk Grove  
August 18, 2020  
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## ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link:

[http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB\\_FieldSurveyForm.pdf](http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf). The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: [http://www.dfg.ca.gov/biogeodata/cnddb/plants\\_and\\_animals.asp](http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp).

## FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

## CONCLUSION

CDFW appreciates the opportunity to comment on Notice of Preparation and assist the Lead Agency in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Dylan Wood, Environmental Scientist at 916-358-2384 or [dylan.a.wood@wildlife.ca.gov](mailto:dylan.a.wood@wildlife.ca.gov).

Sincerely,

DocuSigned by:

*Kelley Barker*

778EDA8AE45F4C9...

Kelley Barker

Environmental Program Manager

Enclosure: Attachment 1- Homegrown Habitat List

ec: Dylan Wood, Environmental Scientist  
*Department of Fish and Wildlife*

Office of Planning and Research, State Clearinghouse, Sacramento



# SACRAMENTO COUNTY FARM BUREAU

PUTTING THE FOOD ON YOUR FORK SINCE 1917

August 12, 2020

City of Elk Grove  
Office of Strategic Planning and Innovation  
c/o Christopher Jordan  
8401 Laguna Palms Way  
Elk Grove, CA 95758

**RE: Notice of Preparation of a Draft Supplemental Environmental Impact Report**

Dear Mr. Jordan,

The Sacramento County Farm Bureau is a non-governmental, non-profit, grassroots organization. Our purpose is to protect and promote agricultural interests throughout Sacramento County and to find solutions to the problems of the farm, the farm home, and rural communities. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources.

Farm Bureau opposed the initial efforts of the City of Elk Grove to amend their Sphere of Influence to provide for the development of the Multi-Sports Complex. While we still believe that this is not the most appropriate use of this land in its entirety, for the purpose of the new Supplemental Environmental Impact Report we will focus on the individual characteristics of this report.

With the recent change in the designation of an approximately 100-acre City-owned parcel that was originally proposed for Public Open Space/Recreation to new Light Industrial Uses, it is apparent that the need to preserve open space was never an actual desire of the City at all. This new EIR changes more agricultural farmland to industrial uses, which was a concern that our organization expressed on numerous occasions during the last iteration of the EIR and we were given the rebuttal that the proposed designations of parks and open space and mixed use space was a significant portion of the project, thus showing City's commitment to preserving these areas. It leads us to believe that this was just a tactic to get the original Sphere of Influence Amendment passed, because this change comes just two years after it was originally approved.

The proposed land use designations now show that 67% of this proposed development will be used for Industrial and Regional Commercial use, a stark difference to the 48% that was previously proposed. Simply put, this change moves from less than 50% to now 2/3 of the entire development. Farm Bureau *cannot* support urban development of agricultural land when the need for expansion is not substantiated by credible and current projections for future urban growth. Urban development is ever encroaching on agricultural and open space lands. There needs to be consideration of a buffer zone between the urban/industrial and rural interface of this expansion.

Water resources should be of the utmost importance when considering the feasibility of this proposed project change. A land use change of this size and scope, will have a significant impact on the groundwater supply of that area and potentially an impact on the surrounding agricultural properties. In a time where groundwater resources are being scrutinized, monitored and measured,



## SACRAMENTO COUNTY FARM BUREAU

PUTTING THE FOOD ON YOUR FORK SINCE 1917

through the development of the Groundwater Sustainability Plan for this sub-basin, this land use change needs to be addressed in how the additional industrial uses will draw upon these resources.

Additionally, traffic flow in the immediate and surrounding areas need to be adequately addressed with this new land designation.

While we support some aspects of this project including the use of designated lands for some parks, open space and for an agricultural fair, the conversion of over 100-acres to increase the industrial usage of this facility is just a blatant attempt at leap-frog development, where it is not needed.

It has become extremely apparent that the preservation of agricultural land and open space is not a priority of the City of Elk Grove, as this claim that it is has been abandoned before it even had a chance to be put into action.

Thank you for the opportunity to share our concerns and we look forward to following this new iteration of the process.

Sincerely,

Ken Oneto  
President



## SACRAMENTO LOCAL AGENCY FORMATION COMMISSION

1112 I Street, Suite 100 • Sacramento, CA 95814 • (916) 874-6458 • Fax (916) 874-2939

[www.saclafco.org](http://www.saclafco.org)

August 19, 2020

City of Elk Grove  
Office of Strategic Planning and Innovation  
c/o Christopher Jordan  
8401 Laguna Palms Way  
Elk Grove, CA 95758

Re: Comments on the Notice of Preparation of a Supplemental Environmental Impact Report for the Multi-Sport Complex and the Grant Line Industrial Annexation Area

Thank you for providing the Notice of Preparation (NOP) of a Supplemental Environmental Impact Report (SEIR) for the Multi-Sport Complex and the Grant Line Industrial Annexation Area project to LAFCo for review and comment.

In 2018/2019, the Sacramento Local Agency Formation Commission (LAFCo or Commission) and the City of Elk Grove, as joint lead agencies, prepared and certified an Environmental Impact Report (EIR) that evaluated an amendment of the City's Sphere of Influence. The EIR was certified by LAFCo on May 1, 2019, and the Commission subsequently approved the City's Sphere of Influence Amendment (SOIA) request.

Although no land uses, except for a City-sponsored Multi-Sports Complex, were proposed for the area subject to the SOIA, for purposes of analysis, the EIR assumed and assessed several categories of commercial and industrial land uses within the project site, including necessary infrastructure. Since the time of certification of the EIR, several modifications have been proposed to the land uses planned for the project site and utility and service systems necessary to serve future developed uses.

To evaluate the potential environmental effects of these changes, the City is preparing a Supplemental EIR (SEIR) pursuant to Section 15163 of the State CEQA Guidelines. The City will be the lead agency for preparation of the SEIR. For the current action, since no LAFCo approvals are currently being requested, LAFCo will be an interested agency for purposes of this SEIR. For subsequent activities associated with the project, LAFCo will become a responsible agency as it considers changes in public agency organization, including annexation of the project site (in whole or in part) into the City of Elk Grove, and detachments from CSA No. 1 (Street Lighting) and CSA No. 11 (Supplemental Police). The proposed project site would also require annexation into Sacramento Area Sewer District (SASD) and Sacramento County Regional Sanitation District.

As described in the NOP, anticipated City of Elk Grove approvals for the project include, but are not limited to:

- Certification of the SEIR prepared for the project,
- Adoption of a General Plan amendment to designate properties within the Project area on the City's General Plan Land Use Diagram, and
- Rezoning of properties within the annexation area consistent with the General Plan amendment.<sup>1</sup>

<sup>1</sup> No map or other indications of the Zoning districts to be applied to the project were included in the NOP.





The City anticipates that ultimate buildout of land uses on the project site will require additional entitlements from the City, including, but not limited to, the following:

- Site development plans, including conditional or minor use permits and major or minor design review
- Tentative and final parcel and subdivision maps
- Grading and building permits.

Future urban development of the site would also require annexations and detachments to the City and various service as providers as described above. In our review of the NOP, it is unclear to us whether the City intends the SEIR to serve as the environmental document for use by LAFCo, as a responsible agency, in its consideration of future annexation and detachment requests, or if subsequent environmental documents would be prepared for individual development projects as they are proposed and reviewed by the City. For purposes of this NOP review, LAFCo assumes that the SEIR would be used only for the approvals outlined in the NOP (amendment of the General Plan and rezoning), and that additional environmental reporting beyond the SEIR would be prepared for any future project-by-project requests to LAFCo for annexation or detachment. With this assumption, LAFCo does not believe that completion of site-specific technical studies as set forth in the 2019 EIR (such as those required by Mitigation Measure 3.5-2a, for example) are necessary until the City or a project applicant submits an application to LAFCo for annexation or detachment.

LAFCo appreciates the joint working relationship that the Commission and the City enjoyed during the preparation of the 2019 Multi-Sport Complex and the Grant Line Industrial Annexation Area EIR, and the 2019 EIR's acknowledgement of LAFCo's role in the land use process. The 2019 EIR provides a comprehensive analysis of issues of statutory authority and specific interest to LAFCo.

While we generally concur with the City's proposed strategy for completion of the SEIR, for issues of importance to LAFCo, we encourage the City to comprehensively assess and document any changed conditions pursuant to Section 15062 of the State CEQA Guidelines that may result from the revised land uses and infrastructure proposed for the modified project, or changes in the environmental or regulatory settings since preparation of the 2019 EIR. Statutory issues of authority to LAFCo continue to be the effects of the project as modified on agricultural resources, open space, housing, environmental justice, growth inducement, and the provision and adequacy of public services and utilities. Additionally, LAFCo maintains its interest in the project's effects on biological resources, climate change, water availability, and stormwater management and flooding.

Many of the mitigation measures identified in the 2019 EIR incorporate time or activity triggers for mitigation compliance. For many programmatic impacts, the 2019 EIR required that mitigation studies and actions be completed prior to the submission of an application to LAFCo. However, for the City-owned parcel, this requirement properly was deemed unnecessary in the EIR. With modification of the potential land uses on the City-owned parcel to permit the potential for private development activities, LAFCo requests that any applicable mitigation measures that included City-only triggers be modified to include similar triggers for LAFCo.

Again, thank you for sending the NOP for the preparation of a SEIR for the Multi-Sport Complex and the Grant Line Industrial Annexation Area project to LAFCo for review. Should you have any questions regarding our comments, please contact me. We look forward to continuing our coordination with the City regarding this project.



Very truly yours,



**SACRAMENTO LOCAL AGENCY FORMATION COMMISSION**  
Donald J. Lockhart, AICP  
Executive Officer

cc: LAFCo Commissioners



**From:** Christopher Jordan  
**To:** [Gerken, Matthew](#)  
**Subject:** [EXTERNAL] FW: NOTICE OF PREPARATION OF A DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT  
**Date:** Wednesday, August 19, 2020 8:43:05 AM

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

From: Christopher Jordan  
Sent: Wednesday, August 19, 2020 8:43 AM  
To: 'lynn wheat' <[wheat91@yahoo.com](mailto:wheat91@yahoo.com)>  
Subject: RE: NOTICE OF PREPARATION OF A DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

Hi Lynn,

Comments received here and on the website. Thank you.

Christopher

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

From: lynn wheat <[wheat91@yahoo.com](mailto:wheat91@yahoo.com)>  
Sent: Tuesday, August 18, 2020 9:53 PM  
To: Christopher Jordan <[cjordan@elkgrovecity.org](mailto:cjordan@elkgrovecity.org)>  
Subject: NOTICE OF PREPARATION OF A DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

[EXTERNAL EMAIL]

Christopher,

I submitted the below comments on the city's website this evening. Could you please respond to this email acknowledging receipt?

Thank you,

Lynn

August 18, 2020

To: City of Elk Grove Office of Strategic Planning and Innovation  
c/o Christopher Jordan 8401 Laguna Palms Way Elk Grove, CA 95758 [cjordan@elkgrovecity.org](mailto:cjordan@elkgrovecity.org)

Regarding: NOTICE OF PREPARATION OF A DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

Supplemental Environmental Impact Report for the Multi-Sport Complex and Grant Line Industrial Annexation Area

I believe it is important to consider and include a review and response from the Sacramento Central Ground Water Authority (SCGA) as SCGA is developing the Sustainable Groundwater Plan for our area. Please include the studies and work of SCGA.

Please include the effects of climate change on water availability.

Please include the community impact and the financial cost/impact of improving infrastructure and providing the water to existing as well as future residents.

I call into question whether there will be the available water needed to adequately supply this potential and future development. As mitigation measures are considered, I oppose a mitigation measure suggesting existing residents will conserve more.

Thank you for the opportunity to comment.

Sincerely,

Lynn Wheat

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By sending us an email (electronic mail message) or filling out a web form, you are sending us personal information (i.e. your name, address, email address or other information). We store this information in order to respond to or process your request or otherwise resolve the subject matter of your submission.

Certain information that you provide us is subject to disclosure under the California Public Records Act or other legal requirements. This means that if it is specifically requested by a member of the public, we are required to provide the information to the person requesting it. We may share personally identifying information with other City of Elk Grove departments or agencies in order to respond to your request. In some circumstances we also may be required by law to disclose information in accordance with the California Public Records Act or other legal requirements.



## NATIVE AMERICAN HERITAGE COMMISSION

July 20, 2020

Christopher Jordan  
City of Elk Grove  
8401 Laguna Palms Way  
Elk Grove, CA 95758

**Re: 2015102067, Multi-Sport Complex and Grant Line Industrial Annexation Area Project,  
Sacramento County**

Dear Mr. Jordan:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

CHAIRPERSON  
**Laura Miranda**  
Luiseño

VICE CHAIRPERSON  
**Reginald Pagaling**  
Chumash

SECRETARY  
**Merri Lopez-Keifer**  
Luiseño

PARLIAMENTARIAN  
**Russell Attebery**  
Karuk

COMMISSIONER  
**Marshall McKay**  
Wintun

COMMISSIONER  
**William Mungary**  
Paiute/White Mountain  
Apache

COMMISSIONER  
**Julie Tumamait-  
Stenslie**  
Chumash

COMMISSIONER  
[Vacant]

COMMISSIONER  
[Vacant]

EXECUTIVE SECRETARY  
**Christina Snider**  
Pomo

**NAHC HEADQUARTERS**  
1550 Harbor Boulevard  
Suite 100  
West Sacramento,  
California 95691  
(916) 373-3710  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
[NAHC.ca.gov](http://NAHC.ca.gov)



## AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

**1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:**

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

**2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:**

A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

**3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

**4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

**5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

**6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
    - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i.** Protecting the cultural character and integrity of the resource.
    - ii.** Protecting the traditional use of the resource.
    - iii.** Protecting the confidentiality of the resource.
  - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

## NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

- b.** The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
- 3.** Contact the NAHC for:
- a.** A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b.** A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
- 4.** Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
- a.** Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subs. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: [Nancy.Gonzalez-Lopez@nahc.ca.gov](mailto:Nancy.Gonzalez-Lopez@nahc.ca.gov).

Sincerely,



Nancy Gonzalez-Lopez  
Cultural Resources Analyst

cc: State Clearinghouse

SACRAMENTO-YOLO  
**MOSQUITO  
& VECTOR  
CONTROL**  
DISTRICT

**MAILING ADDRESS**

8631 BOND ROAD  
ELK GROVE, CA 95624

City of Elk Grove  
Office of Strategic Planning & Innovation  
8401 Laguna Palms Way  
Elk Grove, CA 95758  
Attn: Christopher Jordan

July 27, 2020

Re: **SEIR for the Multi-Port Complex and Grant Line Industrial Annexation**

**1.800.429.1022**  
**FIGHTtheBITE.net**

The Sacramento-Yolo Mosquito and Vector Control District (District) appreciates the opportunity to review and comment on the City's SEIR for the Multi-Port Complex and Grant Line Industrial Annexation Area. The District is providing the following comment to be addressed in the SEIR.

**Comment:** When analyzing the drainage improvement and the off-site extension, ensure mosquito breeding does not occur as a result of this improvement. Include in the SEIS an annual maintenance requirement for any open drain ditch as well as the outfall pond to ensure the increase in flow does not cause an increase in vegetation and mosquito breeding.

**Gary Goodman, MANAGER**

The District is available and willing to provide technical assistance with the SEIR analysis if required.

**2020 BOARD OF TRUSTEES**

Should you have any questions or concerns please feel free to contact me at (916) 405-2085.

**JAYNA KARPINSKI-COSTA**  
PRESIDENT, CITRUS HEIGHTS

Sincerely,

**CRAIG BURNETT**  
VICE PRESIDENT, FOLSOM



**GAR HOUSE**  
SECRETARY, WINTERS

**CHRISTOPHER BARKER**  
DAVIS

Marty Scholl  
Ecological Management Department  
Sacramento Yolo Mosquito and Vector Control District  
mscholl@FightTheBite.net

**RAUL DEANDA**  
WEST SACRAMENTO

**SEAN DENNY**  
WOODLAND

**BRUCE ELDRIDGE**  
YOLO COUNTY

**LYNDON HAWKINS**  
ELK GROVE

**RAYMOND LATORRE**  
SACRAMENTO

**SUSAN MAGGY**  
SACRAMENTO COUNTY

**ROBERT J. MCGARVEY**  
RANCHO CORDOVA

**MARCIA MOONEY**  
GALT

ISLETON



Aug 19, 2020

SENT VIA EMAIL

Christopher Jordan, AICP  
City of Elk Grove  
Office of Strategic Planning and Innovation  
8401 Laguna Palms Way  
Elk Grove, CA 95758  
[cjordan@elkgrovecity.org](mailto:cjordan@elkgrovecity.org)

**RE: Supplemental Environmental Impact Report for the Multi-Sport Complex and Grant Line Industrial Annexation Area (SAC201501538)**

Dear Mr. Jordan:

Thank you for providing an opportunity for the Sacramento Metropolitan Air Quality Management District (Sac Metro Air District) to review and comment on the City of Elk Grove (City) Supplemental Environmental Impact Report (SEIR) for the Multi-Sport Complex and Grant Line Industrial Annexation Area (Project). The SEIR includes environmental review for a project revision consisting of (1) changes in the land use designations for the proposed General Plan amendment and rezoning for the Project site, and (2) additional information related to infrastructure improvements that will be necessary to serve the Project site. Sac Metro Air District staff comments follow.

**Changes between the adopted LAFCO FEIR MMRP & proposed City SEIR:**

District staff note a change in the performance standard described in measure 3.4.2 of the *Mitigation Monitoring and Reporting Program for the Elk Grove SOI Amendment and Multi-Sport Park Complex Final Environmental Impact Report (FEIR)* adopted by the Sacramento Local Agency Formation Commission (LAFCo) in March 2019 and the proposed SEIR.

Measure 3.4.2 of the LAFCo adopted FEIR required the implementation of a strategy to reduce operational emissions by 35% unless the City of Elk Grove could demonstrate that the annexation would be consistent with anticipated regional growth patterns as documented in the Sacramento Area Council of Governments (SACOG) Metropolitan Transportation Plan/Sustainable Communities Strategy and the applicable State Implementation Plan (SACOG MTP/SCS & SIP). The measure adopted in the LAFCO FEIR includes the following language:

*The City of Elk Grove shall require, as a part of the multi-sports park project and plans for development within the balance of the SOIA Area, the implementation of strategies to reduce operational ozone precursors. This can be in the form of an Air Quality Mitigation Plan or another enforceable mechanism. This would be submitted to SMAQMD for review and approval prior to the issuance of a building permit. The performance standard is to achieve a reduction in, or offset of operational ozone precursor emissions by at least 35 percent for the multi-sports park project and for development within the*

*balance of the SOIA Area. The performance standard would be 15 percent for areas that have Land Use Designations under a future City General Plan update or amendment **that are consistent with the current Metropolitan Transportation Plan/Sustainable Communities Strategy and the applicable State Implementation Plan.***

The proposed SEIR omits the language requiring the City to demonstrate consistency with the adopted SACOG MTP/SCS. This omission could materially change the potential operational emissions associated with the implementation of the project approved by LAFCO and could undermine the mitigation requirements set by LAFCO for the proposed annexation. The Sac Metro Air District recommends that the SEIR be modified to include all mitigation measures from the adopted LAFCO FEIR.

### **Greenhouse Gas Reduction Program:**

Mitigation Measure 3.8-1 mentions that the City will require the implementation of strategies to reduce greenhouse gas (GHG) emissions for the entire SOIA area, either through a stand-alone Greenhouse Gas Reduction Program (GHGRP) or through an update to the City's Climate Action Plan (CAP). Sac Metro Air District staff recommend that the DEIR specify the timing of this mitigation measure and that the City provide the GHGRP to the Sac Metro Air District for review & comment prior to adoption.

All projects are subject to Sac Metro Air District rules in effect at the time of construction. A list of common [construction related rules](#)<sup>1</sup> and the [complete listing of rules](#)<sup>2</sup> are available on the Sac Metro Air District's website. Links are provided in the footnotes.

Please provide notice to the Sac Metro Air District when the draft final environmental document is available for review. An email to [projectreview@airquality.org](mailto:projectreview@airquality.org) is the most direct way to do so.

Thank you for your consideration of these comments. If you have any questions, please contact me at 916-874-2694 or [jhurley@airquality.org](mailto:jhurley@airquality.org).

Regards,

-JJ Hurley

Joseph J. Hurley  
Air Quality Planner/Analyst

c: Paul Philley, Program Supervisor – CEQA & Land Use Section, Sac Metro Air District

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<sup>1</sup> [http://www.airquality.org/LandUseTransportation/Documents/Rules%20attachment\\_6-18Final.pdf](http://www.airquality.org/LandUseTransportation/Documents/Rules%20attachment_6-18Final.pdf)

<sup>2</sup> <http://www.airquality.org/Businesses/Rules-Regulations>



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

August 20, 2020

Regulatory Division (SPK-2018-00842)

City of Elk Grove  
Attn: Mr. Christopher Jordan  
8401 Laguna Palms Way  
Elk Grove, California 95758  
[CJordan@elkgrovecity.org](mailto:CJordan@elkgrovecity.org)

Dear Mr. Jordan:

We are responding to your August 11, 2020, request for an approved jurisdictional determination for the Elk Grove Sports Park Complex site. The approximately 99-acre project site is located near the terminus of Waterman Road and Grant Line Road, at Latitude 38.37404°, Longitude -121.34580°, in the City of Elk Grove, Sacramento County, California.

Based on available information, we concur with your aquatic resources delineation for the site, as depicted on the enclosed May 18, 2018, Figure 5, *Delineation of Aquatic Features, Elk Grove, CA*, drawing prepared by Hunting Environmental (enclosure 1).

The 0.97-acre of aquatic resources identified as "Ditch and Agricultural Pond" on the above drawing are intrastate isolated aquatic resources with no apparent interstate or foreign commerce connection. As such, these aquatic resources are not regulated by the U.S. Army Corps of Engineers. This disclaimer of jurisdiction is only for Section 404 of the Federal Clean Water Act.

We are enclosing a copy of the *Approved Jurisdictional Determination Form* for your site (enclosure 2).

This approved jurisdictional determination is valid for five years from the date of this letter, unless new information warrants revision of the determination before the expiration date. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 Code of Federal Regulations (CFR) Part 331.

A *Notification of Appeal Process (NAP) and Request for Appeal (RFA) Form* is enclosed (enclosure 3). If you request to appeal this determination, you must submit a completed RFA form to the South Pacific Division Office at the following address: Administrative Appeal Review Officer, Army Corps of Engineers, South Pacific Division, CESPDPDO, 1455 Market Street, 2052B, San Francisco, California 94103-1399, Telephone: 415-503-6574, FAX: 415-503-6646.

In order for an RFA to be accepted by the Corps, we must determine that the form is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that the form was received by the Division Office within 60 days of the date of the NAP. It is not necessary to submit an RFA form to the Division Office unless you object to the determination in this letter.

We recommend that you provide a copy of this letter and notice to all other affected parties, including any individual who has an identifiable and substantial legal interest in the property.

This approved jurisdictional determination has been conducted to identify the limits of aquatic resources subject to U.S. Army Corps of Engineers jurisdiction under Section 404 of the Clean Water Act and/or Section 9 and 10 of the Rivers and Harbors Act for the particular site identified in this request.

We appreciate feedback, especially about interaction with our staff and our processes.

Please refer to identification number SPK-2018-00842 in any correspondence concerning this project. If you have any questions, please contact Peck Ha by email at [Peck.Ha@usace.army.mil](mailto:Peck.Ha@usace.army.mil), or telephone at (916) 557-6617. For program information or to complete our Customer Survey, visit our website at [www.spk.usace.army.mil/Missions/Regulatory.aspx](http://www.spk.usace.army.mil/Missions/Regulatory.aspx).

Sincerely,



Michael S. Jewell  
Chief, Regulatory Division  
Sacramento District

Enclosures

cc:

Ms. Joyce Hunting, Hunting Environmental, [JHunting@huntenv.com](mailto:JHunting@huntenv.com)  
Ms. Jordan Hensley, CVRWCB, [Jordan.Hensley@waterboards.ca.gov](mailto:Jordan.Hensley@waterboards.ca.gov)

## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: City of Elk Grove Attn: Mr. Christopher Jordan	File No.: SPK-2018-00842	Date: August 19, 2020
--	--------------------------	-----------------------

Attached is:	See Section below
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	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
→	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

**SECTION I** - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at [http://www.usace.army.mil/cecw/pages/reg\\_materials.aspx](http://www.usace.army.mil/cecw/pages/reg_materials.aspx) or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.



**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

U.S. Army Corps of Engineers  
Phone: 916-557-6617, FAX: 916-557-7803  
Email: [Peck.Ha@usace.army.mil](mailto:Peck.Ha@usace.army.mil)

If you only have questions regarding the appeal process you may also contact:

Thomas J. Cavanaugh  
Administrative Appeal Review Officer  
U.S. Army Corps of Engineers  
South Pacific Division  
1455 Market Street, 2052B  
San Francisco, California 94103-1399  
Phone: 415-503-6574, FAX: 415-503-6646  
Email: [Thomas.J.Cavanaugh@usace.army.mil](mailto:Thomas.J.Cavanaugh@usace.army.mil)

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or agent.

Date:

Telephone number:



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

**I. ADMINISTRATIVE INFORMATION**

Completion Date of Approved Jurisdictional Determination (AJD): [August 20, 2020](#).

ORM Number: [201800842](#).

Associated JDs: [N/A](#).

Review Area Location<sup>1</sup>: State/Territory: [CA](#). City: [Elk Grove](#). County/Parish/Borough: [Sacramento](#).

Center Coordinates of Review Area: Latitude [38.386656](#). Longitude [-121.347567](#).

**II. FINDINGS**

**A. Summary:** Check all that apply. At least one box from the following list **MUST** be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: [N/A](#).
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

---

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.



**U.S. ARMY CORPS OF ENGINEERS  
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**B. Rivers and Harbors Act of 1899 Section 10 (§ 10)<sup>2</sup>**

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A. acres	N/A.	N/A.

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): <sup>3</sup>			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A. acres	N/A.	N/A.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A.	N/A. acres	N/A.	N/A.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):			
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A. acres	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A. acres	N/A.	N/A.

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
D7	0.016 acres	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	Two aquatic classifications occur within the project site: the agriculture pond and agriculture ditch. The agriculture pond feature is characterized by man-made depressions in the ground that hold ponded water. Historically, ground-

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

<sup>3</sup> A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.

<sup>4</sup> Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

<sup>5</sup> Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
				<p>water was pumped into the agricultural pond. The pond would hold the water until it was used for irrigation (pumped into a sprinkler system). This drainage ditch is located along the perimeter of the project site would catch the irrigation runoff and return to the pond.</p> <p>The on-site pump has now been removed and the pond collects rainwater that flows in from the ditches. It works as a catchment pond, holding rainwater that is brought in from the ditches.</p> <p>In the past and its current state, the agricultural ditches capture stormwater runoff and conveys these flows to the pond where it is retained until the water evaporates or percolates. They do not contribute surface water flow in a typical year.</p> <p>Please also see comments in Section III C.</p>
D8	0.025	Acre	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	See above.
D9	0.017	acre	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	See above.
D5	0.007	acre	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	See above.
D10	0.044	acre	(b)(1) Lake/pond or impoundment	See above.



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	
D11	0.014	acre	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	See above.
P1	0.257	acre	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	See above.
D1	0.094	acres	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	See above.
D2	0.024	acres	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	See above.
D3	0.101	acres	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	See above
D4	0.107	acres	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	See above.
D6	0.138	acres	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	See above



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
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NAVIGABLE WATERS PROTECTION RULE**

**III. SUPPORTING INFORMATION**

**A. Select/enter all resources** that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

Information submitted by, or on behalf of, the applicant/consultant: [City of Elk Grove , Elk Grove Sport Park Complex, Preliminary Jurisdiction Delineation Report, and May 16, 2018, Figure 5, Delineation of Aquatic Features, Elk Grove, CA.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A .](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

Photographs: [Aerial:. Google Earth Pro, 7.3.3.7692, September 2019 elevation 0, eye alt 2347 ft, Latitude 38.375100, Longitude -121.345091, Retrieved August 18, 2020 .](#)

Corps site visit(s) conducted on: [Date\(s\).](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [Survey provided by City of Elk Grove, Elk Grove Sports Sprots Park Complex , Preliminary Jurisdiction al Delineation Report, prepared by Hunting Environmental - NRCS \(US Department of Agriculture, Natural Resources Conservation Service. 2018a. \(NRCS\) Web Soil Survey 2.3 \(<http://websoilsurvey.nrcs.usda.gov/>\).](#)

USFWS NWI maps: [Title\(s\) and/or date\(s\).](#)

USGS topographic maps: [Title\(s\) and/or date\(s\).](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Issues</a>	<a href="#">N/A.</a>

**B. Typical year assessment(s):** [Precipitation that falls as rain ranges from an average high of 3.84inches in January to a low of 0.01 inches in July, for a total average annual rainfall of 17.37 inches.](#)

**C. Additional comments to support AJD:** [Two aquatic classifications occur within the projec site. The agriculture pond and agriculture ditch. The agriculture pond feature is characterized by man-made depressions in the ground that hold ponded water. Historically, ground-water was pumped into the agricultural pond. The pond would hold the water until it was used for irrigation \(pumped into a sprinkler system\). Surface water sheet-flows into a network of man-made agricultural drainage ditches which are](#)

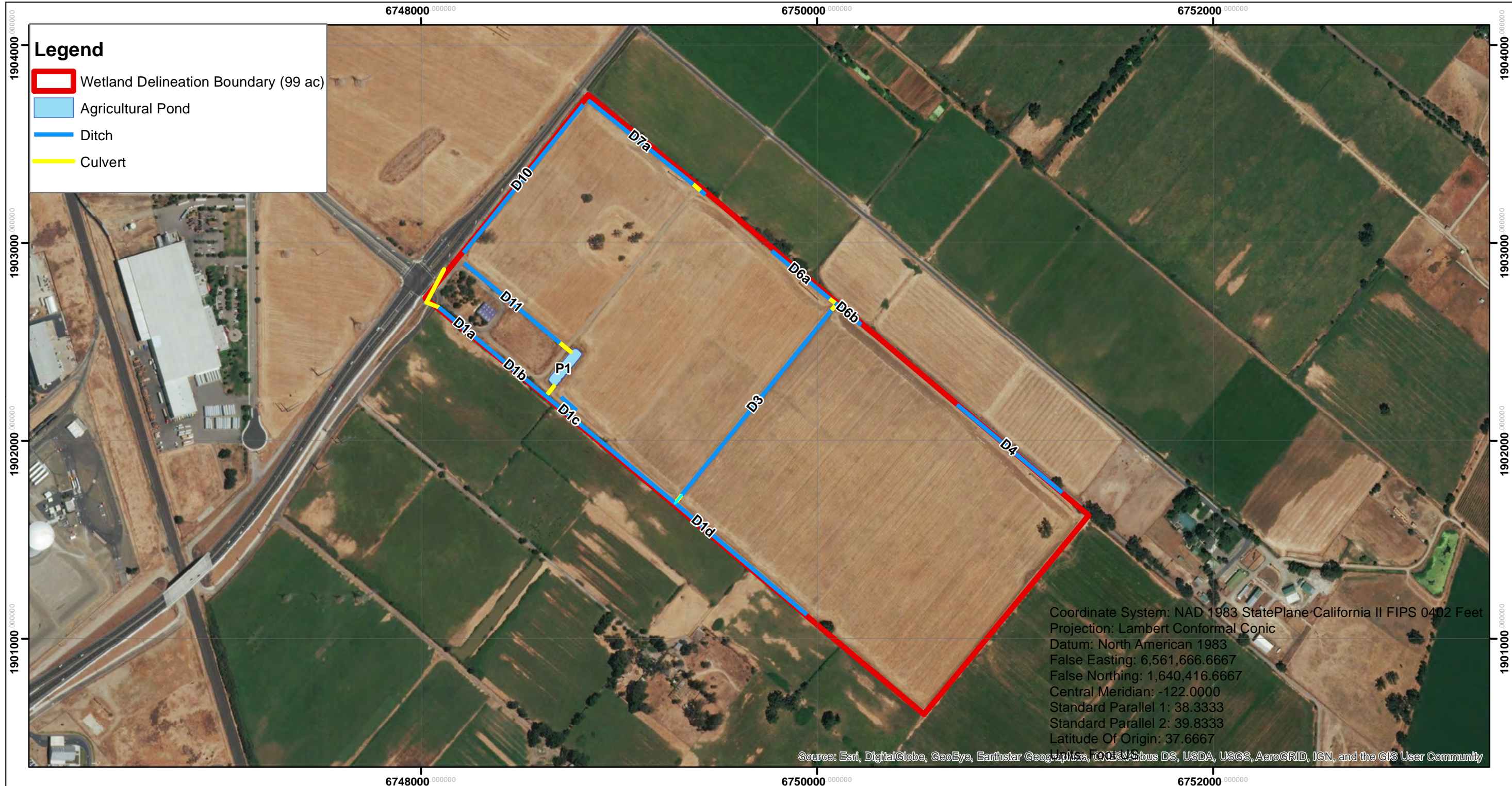




**U.S. ARMY CORPS OF ENGINEERS  
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NAVIGABLE WATERS PROTECTION RULE**

found throughout the interior of the project area. The network of ditches is interconnected through a variety of culverts. The ditches convey water around the project site and eventually all flow into the agricultural pond on-site. The drainage ditches along the perimeter of the project site would catch the irrigation runoff and return to the pond. The on-site pump has now been removed and the pond collects rainwater that flows in from the ditches. It works as a catchment pond, holding rainwater that is brought in from the ditches. In its current state, the agricultural ditches capture stormwater runoff and conveys these flows to the pond where it is retained until the water evaporates or percolates. There is a small culvert that connects one ditch to a roadside ditch along Grant Line Road; however, the culvert elevation is only breached during flooding events.





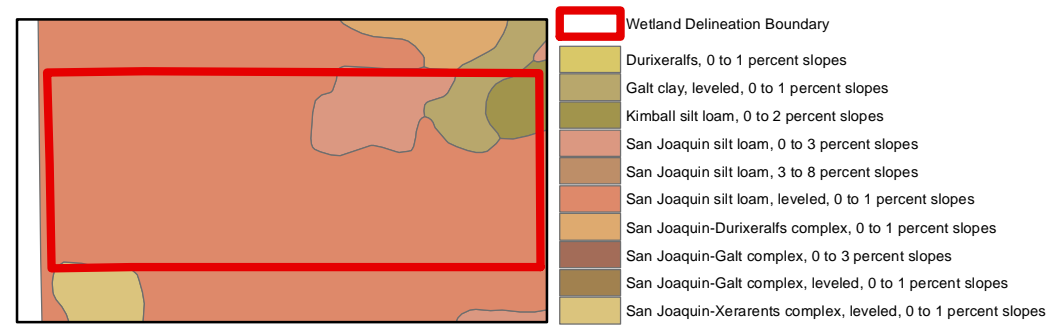
**Legend**

- Wetland Delineation Boundary (99 ac)
- Agricultural Pond
- Ditch
- Culvert

Coordinate System: NAD 1983 StatePlane-California II FIPS 0402 Feet  
 Projection: Lambert Conformal Conic  
 Datum: North American 1983  
 False Easting: 6,561,666.6667  
 False Northing: 1,640,416.6667  
 Central Meridian: -122.0000  
 Standard Parallel 1: 38.3333  
 Standard Parallel 2: 39.8333  
 Latitude Of Origin: 37.6667

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNR/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Map ID	Feature Type	Length (feet)	Width (feet)	Area (acres)
D1	Ditch	1362	3	0.094
D1	Ditch	353	3	0.024
D1	Ditch	399	11	0.101
D1	Ditch	310	15	0.107
D2	Ditch	105	3	0.007
D3	Ditch	1201	5	0.138
D4	Ditch	694	1	0.016
D6	Ditch	550	2	0.025
D7	Ditch	760	1	0.017
D10	Ditch	963	2	0.044
D11	Ditch	631	1	0.014
P1	Agricultural Pond	N/A	N/A	0.257



- Wetland Delineation Boundary
- Durixeralfs, 0 to 1 percent slopes
- Galt clay, leveled, 0 to 1 percent slopes
- Kimball silt loam, 0 to 2 percent slopes
- San Joaquin silt loam, 0 to 3 percent slopes
- San Joaquin silt loam, 3 to 8 percent slopes
- San Joaquin silt loam, leveled, 0 to 1 percent slopes
- San Joaquin-Durixeralfs complex, 0 to 1 percent slopes
- San Joaquin-Galt complex, 0 to 3 percent slopes
- San Joaquin-Galt complex, leveled, 0 to 1 percent slopes
- San Joaquin-Xerarents complex, leveled, 0 to 1 percent slopes



**1:6,000**  
 Elk Grove Quadrangle  
 HUC - 180400130503  
 Omochumnes Landgrant  
 UTM Zone 10N NAD 83

**Delineation of Aquatic Features  
 Elk Grove, CA**

**Figure 5**



**Delineated By: Dayna Winchell**  
**Date: May 16, 2018**  
**Drafted By: Joyce Hunting**



**From:** Christopher Jordan  
**To:** [Cultural Resource Department Inbox](#)  
**Cc:** [Gerken, Matthew](#)  
**Subject:** [EXTERNAL] RE: Multi-Sport Complex and Grant Line Industrial Annexation Area  
**Date:** Tuesday, August 18, 2020 5:25:58 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[DRAFT\\_SportsComplex\\_ProposedLUP.pdf](#)

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Hello Mariah,

Thank you for your email. In response, please find attached an exhibit illustrating planned land uses for the Project area. I'm copying Matthew Gerken from AECOM, our CEQA consultant, as he can address any technical questions and can forward additional exhibits as appropriate.

As always, we appreciate the Wilton Rancheria's continued working relationship with City and are available to discuss the project in more detail.

Christopher



**Christopher J. Jordan, AICP | City Manager's Office**

*Director of Strategic Planning and Innovation*

**City of Elk Grove**

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TTY/TDD 888.435.6092

[elkgrovecity.org](http://elkgrovecity.org)

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**From:** Cultural Resource Department Inbox <crd@wiltonrancheria-nsn.gov>

**Sent:** Tuesday, August 18, 2020 12:20 PM

**To:** Christopher Jordan <cjordan@elkgrovecity.org>

**Cc:** Cultural Resource Department Inbox <crd@wiltonrancheria-nsn.gov>

**Subject:** Multi-Sport Complex and Grant Line Industrial Annexation Area

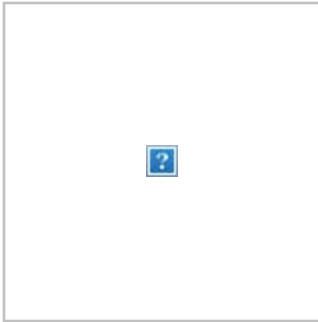
[EXTERNAL EMAIL]

Good morning,

Wilton Rancheria received the letter notification regarding the Multi-Sport Complex and Grant Line

Industrial Annexation Area dated July 20, 2020. We would like to request any maps of this project.

Thank you



**Mariah Mayberry**

Wilton Rancheria

Tel: 916.683.6000 ext 2023 | Fax: 916.683.6015

9728 Kent Street | Elk Grove | CA | 95624

[mmayberry@wiltonrancheria-nsn.gov](mailto:mmayberry@wiltonrancheria-nsn.gov)

[wiltonrancheria-nsn.gov](http://wiltonrancheria-nsn.gov)

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By sending us an email (electronic mail message) or filling out a web form, you are sending us personal information (i.e. your name, address, email address or other information). We store this information in order to respond to or process your request or otherwise resolve the subject matter of your submission.

Certain information that you provide us is subject to disclosure under the California Public Records Act or other legal requirements. This means that if it is specifically requested by a member of the public, we are required to provide the information to the person requesting it. We may share personally identifying information with other City of Elk Grove departments or agencies in order to respond to your request. In some circumstances we also may be required by law to disclose information in accordance with the California Public Records Act or other legal requirements.

NOTICE OF PREPARATION OF A DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT  
Supplemental Environmental Impact Report for the Multi-Sport Complex and Grant Line Industrial  
Annexation Area

Website NOP Responses

**1**      **8/18/20 21:49:29**

**Lynn Wheat**

I believe it is important to consider and include a review and response from the Sacramento Central Ground Water Authority (SCGA) as SCGA is developing the Sustainable Groundwater Plan for our area. Please include the studies and work of SCGA.

Please include the effects of climate change on water availability.

Please include the community impact and the financial cost/impact of improving infrastructure and providing the water to existing as well as future residents.

I call into question whether there will be the available water needed to adequately supply this potential and future development. As mitigation measures are considered, I oppose a mitigation measure suggesting existing residents will conserve more.

Thank you for the opportunity to comment.

Sincerely,

Lynn Wheat

**2**      **8/18/20 20:54:25**

**Suzanne Pecci**

"The preparation of an SEIR is not appropriate and a subsequent EIR should be prepared due to substantial changes and additions made to the project that were not addressed in the Elk Grove SOIA and Multi-Sport Complex EIR (State Clearinghouse #2015102067) specifically the activation of the latent powers of Omochumne- Hartnell Water District (OHWD) to enter into agreements with SCWA and other water purveyors to provide municipal water, and with SASD to provide sewer services to new development within the Elk Grove SOI Soccer Complex Multi-use park Industrial Annexation Area within OHWD service area boundaries. OHWD is an Independent Special District that is historically an agricultural water district district that serves its members agricultural water interests.

A Special District cannot provide a ""new and different"" service without LAFCo approval. (Third District 2008 5052324 April 2008). Government Code Section 56425 et seq speaks to LAFCo's role in the activation of latent powers in an SOI, and 56430 et seq to the Municipal Service Review. There is no discussion in the SEIR of the activation of Principal Acts of OHWD to provide ""new and different"" services and LAFCo's role in the process. There are no attachments relating to the LAFCo process, no applications from OHWD, no LAFCo approvals, reports, studies, water plans nor is there any evidence of

public outreach, protest hearings announcements, landowners votes and no evidence of engagement with the landowners within the district including the hundreds of ag res owners in OHWD boundaries, many of whom are within the city limits of Elk Grove. If the principal acts of OHWD were, in fact, changed by the Sacramento County Board of Supervisors pursuant to Water Code 35040 it is not stated in the SEIR and no attachments to evidence such approval are included in the SEIR.

As we are all aware the South American Subbasin Groundwater Sustainability Agencies including OHWD and the Sacramento Central Groundwater Authority are currently engaged in the development of a single Groundwater Sustainability Plan for the sub basin. To satisfy the requirements of the Sustainable Groundwater Management Act (SGMA) and avoid management of the sub basin by the Department of Water Resources (DWR) a plan must be filed with DWR by 2022. As we are all also aware SGMA requires transparency, public engagement and public outreach to all interested parties in the sub basin which will be evaluated by the DWR and which could become a factor in approval or denial of the GSP.

I propose in consideration of a having a transparent and viable SASb GSP development effort which will meet DWR scrutiny that a new EIR be developed or at the very least the SEIR be recirculated with supplement section that accurately addresses: the water supply and sewer arrangements for the Elk Grove SOIA and Multi-Sport Complex industrial Annexation Area and ,specifically, the activation of the latent powers of OHWD; any role the City plays in the water/sewer arrangements; the potential impacts it creates on the Cosumnes River/Deer Creek water sheds; how increased water demand in the Elk Grove SOI impacts municipal water users in Elk Grove and ag res owners in Elk Grove and groundwater sustainability in the SASb; and how the infrastructure and administration of the water and sewer services in OHWD will be financed by the district.

Also provide attachments to the re-circulated SEIR which are currently a matter of public record that include: the Elk Grove Multi-sport Complex Water Master Plan, and Zone 40 Water Supply Master Plan Amendment as well as LAFCo or BOS public records there might be relating to the approval of the latent powers different"" of OHWD.

Thank you.

Suzanne Pecci, a longtime resident of the rural area of East Elk Grove"