

2 COMMENTS AND RESPONSES TO COMMENTS

2.1 LIST OF COMMENTERS AND RESPONSES TO COMMENTS

This section of the Final SEIR contains comment letters received during the public review period for the Draft SEIR, which concluded November 24th, 2020, and two comment letters received after the close of the public review period. Comment letters received during the public comment period, as well as the late comment letters received on November 25, 2020 and December 11, 2020, respectively, are included in their entirety in Appendix B to this Final SEIR.

In conformance with CEQA Guidelines Section 15088(a), the City has prepared written responses to all comments that addressed environmental issues related to the Draft SEIR. The focus of the responses to comments is on the disposition of significant environmental issues that are raised in the comments, as specified by Section 15088(c) of the CEQA Guidelines.

2.1.1 LIST OF COMMENTERS ON THE DRAFT SEIR

Table 2-1 identifies a number for each comment letter received, the author of the comment letter, and the date received. Each comment letter received during the Draft SEIR review period is included in its entirety in Appendix B, and the two comment letters received after the close of the Draft SEIR review period are also included in their entirety in Appendix B. A summary of each comment is provided for decision maker consideration before each response. As a matter of law, the City is not required to respond to comments that are submitted after the close of publicly noticed comment period. Responses are provided in this Final SEIR as a matter of public disclosure and transparency.

| Table 2-1 Comments Received on the Draft SEIR | | |
|--|---|-------------------|
| Letter # | Commenter | Date Received |
| Comments Received During the Draft SEIR Review Period | | |
| 1 | Suzanne Pecci | October 13, 2020 |
| 2 | Pacific Gas & Electric Company, Plan Review Team, Land Management | October 13, 2020 |
| 3 | Sacramento Regional County Sanitation District | October 26, 2020 |
| 4 | Wilton Rancheria | October 27, 2020 |
| 5 | Sacramento Area Sewer District | November 9, 2020 |
| 6 | SMUD | November 16, 2020 |
| 7 | Department of Transportation (Caltrans) | November 19, 2020 |
| 8 | Central Valley Regional Water Quality Control | November 19, 2020 |
| 9 | Suzanne Pecci | November 23, 2020 |
| 10 | Sacramento Metropolitan Air Quality Management District | November 24, 2020 |
| Comments Received After the Close of the Draft SEIR Review Period | | |
| 11 | Lozeau Drury | November 25, 2020 |
| 12 | Lozeau Drury | December 11, 2020 |

2.2 COMMENTS AND RESPONSES ON THE SEIR

A summary of the written comments received on the Draft SEIR and the responses to those comments are provided in this section. Each comment letter is reproduced in its entirety in Appendix B to this Final SEIR. Where a commenter has provided multiple comments, each comment is indicated by a line bracket and an identifying number in the margin of the comment letter.

2.2.1 LETTER 1, SUZANNE PECCI, OCTOBER 13, 2020

2.2.1.1

RESPONSE TO COMMENT LETTER 1, SUZANNE PECCI, OCTOBER 13, 2020

Comment 1-1

The comment provides a link to a website related to the Harvest Water Project (formerly called South County Ag Program). The comment also provides a copy of the Draft EIR for the “South Sacramento County Agriculture and Habitat Lands Recycled Water Program,” prepared by Sacramento County Regional Sanitation District (Regional San), which includes the potential for irrigation of agricultural and habitat conservation land near the Cosumnes River and Stone Lakes Wildlife Refuge between I-5 and State Route (SR) 99 (west of the project site).

The City is appreciative of the information provided. This comment does not pertain to the adequacy or completeness of the Draft SEIR. The comment is noted.

2.2.2 LETTER 2, PACIFIC GAS & ELECTRIC COMPANY, PLAN REVIEW TEAM, LAND MANAGEMENT, OCTOBER 13, 2020

2.2.2.2

RESPONSE TO COMMENT LETTER 2, PACIFIC GAS & ELECTRIC COMPANY, PLAN REVIEW TEAM, LAND MANAGEMENT, OCTOBER 13, 2020

Comment 2-1 *The commenter states that if the proposed project is adjacent to/or within PG&E-owned property and/or easements, then PG&E will be working with the City/landowners to ensure compatible uses and activities near its facilities. The commenter has also attached various information and PG&E requirements related to natural gas and electric facilities.*

The City and/or applicant(s) of future development phases will coordinate with PG&E as future development occurs within the project site, consistent with Mitigation Measure 3.15-1.

Comment 2-2 *The comment provides information related to the process related to requests for service, and requests that all PG&E facilities be included and analyzed in the CEQA document prepared for the project.*

Project impacts related to increased energy consumption are evaluated in Draft SEIR Section 3.16, “Energy.” In addition, to the extent that the extension of physical infrastructure necessary to serve the project site is known at this time (e.g., trenching for underground utilities including electrical and natural gas lines), such potential physical impacts are evaluated throughout all topic areas of the Draft SEIR. Please see also response to Comment 2-1.

**2.2.3 LETTER 3, SACRAMENTO REGIONAL COUNTY SANITATION DISTRICT,
OCTOBER 26, 2020**

2.2.3.3 RESPONSE TO COMMENT LETTER 3, SACRAMENTO REGIONAL COUNTY SANITATION DISTRICT, OCTOBER 26, 2020

Comment 3-1 *The comment states that in order to receive sewer service, the project site must be annexed into both the Sacramento Area Sewer District (SASD) and the Regional San service areas via the Local Agency Formation Commission (LAFCo). The commenter further notes that upon annexation, SASD will provide local sewer service for the project site.*

As noted on Draft SEIR pages 1-3 and 2-21, the City anticipates that LAFCo will use the original 2019 SOIA EIR and this SEIR as it considers changes in public agency organization, including the required annexation to the SASD and Regional San service areas. The original 2019 SOIA EIR and this SEIR were both developed to identify all potential environmental effects associated with this approach to providing services.

Comment 3-2 *The comment states that Regional San adopted an updated Interceptor Sequencing Study in 2013, and that the most current SASD planning document is the 2010 System Capacity Plan Update.*

The City appreciates this updated information.

Comment 3-3 *The comment states that Regional San and SASD are not land-use authorities and that planning for sewer service is based on information provided by local land-use authorities.*

This comment is consistent with the City's understanding.

Comment 3-4 *The comment suggests that on-site and off-site environmental impacts associated with extending sewer services to this development should be "contemplated" within the EIR.*

The increased demand for wastewater collection and conveyance facilities for the proposed project, as well as the potential increased demand for wastewater treatment facilities, are analyzed in Section 3.15, "Utilities and Service Systems," Impacts 3.15-1 and 3.15-3 (pages 3.15-13, 3.15-14, and 3.15-16). Furthermore, to the extent that the physical extension of infrastructure necessary to serve the project site is known (e.g., trenching for underground utilities including wastewater conveyance pipelines), such potential impacts are evaluated in detail throughout all topic areas of the Draft SEIR.

Comment 3-5 *The comment states that the project proponent must complete a Sewer Master Plan.*

As noted on Draft SEIR page 3.15-13, A Level II Sewer Study was prepared in accordance with SASD's design standards and minimum sewer study requirements to identify on-site backbone wastewater collection and conveyance facilities to serve the Project site (Wood Rogers 2020). SASD conducted an analysis and confirmed that the existing off-site conveyance system has adequate capacity to accommodate peak wet-weather flows generated within the Project site at full buildout (Wood Rogers 2020). The City understands that a full Sewer Master Plan for the Project site is required, and such a plan will be prepared in the future as more detailed information becomes available regarding on-site developments.

Comment 3-6 *The comment states that customers receiving service from Regional San and SASD are responsible for rates and fees outlined within the latest Regional San and SASD ordinances.*

This comment is consistent with the City's current understanding.

2.2.4 LETTER 4, WILTON RANCHERIA, OCTOBER 27, 2020

2.2.4.4 RESPONSE TO COMMENT LETTER 4, WILTON RANCHERIA, OCTOBER 27, 2020

The comment letter submitted by Wilton Rancheria recommends revisions to the mitigation measures provided in the Draft SEIR (attached as part of the comment letter) due to the sensitivity of the area. The suggested mitigation measure language is presented and discussed below as separately coded comments. The recommended additions to the mitigation language are generally consistent with, but more detailed than the guidance provided by the City's General Plan and General Plan EIR (including Mitigation Measures 5.5.1a and 5.5.1b).

Comment 4-1 *The comment requests the following language be added as mitigation: "Avoidance and preservation in place is the preferred manner of mitigating impacts to tribal cultural resources and will be accomplished by several means, including planning construction to avoid tribal cultural resources, archaeological sites and/ or other resources; incorporating sites within parks, green-space or other open space; covering archaeological sites; deeding a site to a permanent conservation easement; or other preservation and protection methods agreeable to consulting parties and regulatory authorities with jurisdiction over the activity. Recommendations for avoidance of cultural resources will be reviewed by the CEQA lead agency representative, interested Native American Tribes and the appropriate agencies, in light of factors such as costs, logistics, feasibility, design, technology and social, cultural and environmental considerations, and the extent to which avoidance is consistent with project objectives."*

The following changes have been made, as detailed in Chapter 3 of this Final SEIR, "Corrections and Revisions to the Draft SEIR," to the second bullet point of Mitigation Measure 3.6-2c:

"Avoidance and preservation in place is the preferred manner of mitigating impacts to Tribal Cultural Resources and may be accomplished by several means, such as planning construction to avoid tribal cultural resources, archaeological sites, and/ or other resources; incorporating sites within parks, green-space, or other open space areas; covering archaeological sites; and deeding a site to a permanent conservation easement. If any elements of the on-site development or the off-site drainage improvements will impact an archaeological site, including those determined to be a Tribal Cultural Resource, and avoidance is not a feasible option, a qualified archaeologist, in consultation with traditionally and culturally affiliated California Native American tribes, shall evaluate the eligibility of the site for listing in the California Register of Historical Resources. If the archaeological site is found to be a historical resource as per CEQA Guidelines Section 15064.5 (a)(3), the qualified archaeologist shall recommend further mitigative treatment, which could include preservation in place or data recovery. If the archaeological site is found to be a Tribal Cultural Resource, recommendations for avoidance of cultural resources will be reviewed by the City as the CEQA lead agency and culturally affiliated Native American Tribes, in light of factors such as costs, logistics, feasibility, design, technology and social, cultural and environmental considerations, and the extent to which avoidance is consistent with project objectives. The City will retain the final authority to make all such decisions."

Comment 4-2 *The comment requests the following language be added as mitigation: "Avoidance and design alternatives may include realignment within the project area to avoid cultural resources, modification of the design to eliminate or reduce impacts to cultural resources or modification or realignment to avoid highly significant features within a cultural resource."*

The language included in the Draft SEIR contemplates avoidance, and the City has included the commenter's suggested additional language related to planning development so that its construction would avoid resources. It may not be possible to completely avoid all impacts; therefore, the suggested language has not been added. Please see also responses to Comment 4-1 and 4-9.

Comment 4-3 *The comment requests the following language be added as mitigation: "Native American Representatives from interested Native American Tribes will be allowed to review and comment on these analyses and shall have the opportunity to meet with the CEQA lead agency representative and its representatives who have technical expertise to identify and recommend feasible avoidance and design alternatives, so that appropriate and feasible avoidance and design alternatives can be identified."*

Consultation with the Wilton Rancheria under Public Resources Code Sections 21084.3(a) and (b) and CEQA Guidelines Section 15370 has already taken place as part of the 2019 SOIA EIR and this SEIR. Therefore, Native American Representatives from interested Native American Tribes have already had the opportunity to review and comment on the analyses. With regards to future site-specific actions undertaken at the time of construction activities, the original and the revised mitigation language provides the opportunity for review, commenting, recommendations and other activities associated with consultation. Please see the responses to Comments 4-1, 4-5, 4-8, and 4-9.

Comment 4-4 *The comment requests the following language be added as mitigation: "If the resource can be avoided, the construction contractor(s), with paid Native American monitors from culturally affiliated Native American Tribes present..."*

The word "paid" has not been included in revisions to Mitigation Measure 3.6-2c, but the remainder of the requested language has been added, as shown in Chapter 3 of this Final SEIR, "Corrections and Revisions to the Draft SEIR."

Comment 4-5 *The comment requests the following language be added as mitigation: "...will install protective fencing outside the site boundary, including a buffer area, before construction restarts. The construction contractor(s) will maintain the protective fencing throughout construction to avoid the site during all remaining phases of construction. The area will be demarcated as an "Environmentally Sensitive Area". Native American representatives from interested Native American Tribes and the CEQA lead agency representative will also consult to develop measures for long term management of the resource and routine operation and maintenance within culturally sensitive areas that retain resource integrity, including tribal cultural integrity, and including archaeological material, Traditional Cultural Properties and cultural landscapes, in accordance with state and federal guidance including National Register Bulletin 30 (Guidelines for Evaluating and Documenting Rural Historic Landscapes), Bulletin 36 (Guidelines for Evaluating and Registering Archaeological Properties), and Bulletin 38 (Guidelines for Evaluating and Documenting Traditional Cultural Properties); National Park Service Preservation Brief 36 (Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes) and using the Advisory Council on Historic Preservation (ACHP) Native American Traditional Cultural Landscapes Action Plan for further guidance. Use of temporary and permanent forms of protective fencing will be determined in consultation with Native American representatives from interested Native American Tribes."*

Portions of the requested language have been added to Draft SEIR Mitigation Measure 3.6-2c (as shown in Chapter 3, “Corrections and Revisions to the Draft SEIR”), with the following modifications:

~~If the resource can be avoided~~ If a Tribal Cultural Resource is identified and avoidance is determined by the City to be feasible, the construction contractor(s), with the City’s archaeologist and Native American monitors from culturally affiliated Native American Tribes present, will install protective fencing along an area that is 20 feet outside of the site boundary, including a buffer area, before construction restarts. The construction contractor(s) will maintain the protective fencing throughout construction to avoid the site during all remaining phases of construction. The area will be demarcated as an “Environmentally Sensitive Area.” Native American representatives from culturally affiliated ~~interested~~ Native American Tribes and the CEQA lead agency representative City and its archaeologist will also consult to develop measures for long-term management of the resource and routine operation and maintenance within culturally sensitive areas that retain resource integrity, including tribal cultural integrity, and including Native American archaeological material, and Traditional Cultural Properties and cultural landscapes in accordance with state and federal guidance including National Register Bulletin 30 (Guidelines for Evaluating and Documenting Rural Historic Landscapes), Bulletin 36 (Guidelines for Evaluating and Registering Archaeological Properties), and Bulletin 38 (Guidelines for Evaluating and Documenting Traditional Cultural Properties); National Park Service Preservation Brief 36 (Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes) and using the Advisory Council on Historic Preservation (ACHP) Native American Traditional Cultural Landscapes Action Plan for further guidance. The need for temporary and permanent forms of protective fencing will be determined in consultation with the City, the City’s archaeologist, and Native American representatives from culturally affiliated ~~interested~~ Native American Tribes.”

The City appreciates the additional suggested guidance documents provided by the commenter from the National Register and the National Park Service. However, this is not a federal project. The Project site consists solely of City- and privately-owned parcels. The City looks forward to continued collaboration with the Wilton Rancheria, and other culturally affiliated Native American Tribes, during the required cultural resources survey, the construction monitoring process, and during discussions if any Tribal Cultural Resources are found to be present.

Comment 4-6

The comment requests the following language be added as mitigation: “To minimize the potential for destruction of or damage to existing or previously undiscovered burials, archaeological and tribal cultural resources and to identify any such resources at the earliest possible time during project-related earthmoving activities, THE PROJECT PROPONENT and its construction contractor(s) will implement the following measures:”

The requested language, with the following modifications, has been added at the beginning of Draft SEIR Mitigation Measure 3.6-2a (as shown in Chapter 3, “Corrections and Revisions to the Draft SEIR”):

“To minimize the potential for destruction of or damage to existing or previously undiscovered burials, and archaeological and tribal cultural resources, and to identify any such resources at the earliest possible time during project-related

earthmoving activities, ~~THE PROJECT PROPONENT and its construction contractor(s) will implement~~ the following measures will be implemented:”

Comment 4-7 *The comment requests the following language be added as mitigation: “Paid Native American monitors from culturally affiliated Native American Tribes...”*

Please see the response to Comment 4-4.

Comment 4-8 *The comment requests the following language be added as mitigation: “...will be invited to monitor the vegetation grubbing, stripping, grading or other ground-disturbing activities in the project area to determine the presence or absence of any cultural resources. Native American representatives from cultural affiliated Native American Tribes act as a representative of their Tribal government and shall be consulted before any cultural studies or ground-disturbing activities begin.”*

Portions of the requested language have been added to Draft SEIR Mitigation Measure 3.6-2a, as shown:

“The City shall notify the Wilton Rancheria a minimum of 14 days prior to the start of ground-disturbing activities at the project site for which a City permit has been issued (e.g., grading permit, demolition permit). Paid Native American monitors from the Wilton Rancheria will be invited to monitor the vegetation grubbing, stripping, grading or other ground-disturbing activities in the project area to determine the presence or absence of any Native American cultural resources, beginning on the date upon which the City indicates that ground-disturbing activities will start.”

Mitigation Measure 3.6-2a already includes language related to further consultation with culturally affiliated Native American tribes prior to the approval of development projects and off-site improvements and prior to the start of the required survey and inventory for archaeological resources, and therefore the remaining language has not been added.

Comment 4-9 *The comment requests the following language be added as mitigation: “Native American representatives and Native American monitors have the authority to identify sites or objects of significance to Native Americans and to request that work be stopped, diverted or slowed if such sites or objects are identified within the direct impact area. Only a Native American representative can recommend appropriate treatment of such sites or objects.”*

The requested language has been added to Draft SEIR Mitigation Measure 3.6-2c with the following modifications:

“In consultation with the City and its archaeological representative, Native American representatives and Native American monitors ~~have the authority to~~ will be provided with the opportunity to identify sites or objects of significance to Native Americans and to request that work be stopped, diverted, or slowed if such sites or objects are identified within the direct impact area. ~~Only In~~ consultation with the City and its archaeological representative, a Native American representative ~~can~~ will be provided with the opportunity to recommend appropriate treatment of such sites or objects. The City will retain the final authority to make all such decisions.”

Comment 4-10 *The comment requests the following language be added as mitigation: “If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, or bone,*

are discovered during ground-disturbing activities, work will stop in that area and within 100 feet of the find until a archaeologist who meets the Secretary of the Interior’s qualification standards can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the Caltrans, the SHPO, and other appropriate agencies. Appropriate treatment measures may include development of avoidance or protection methods, archaeological excavations to recover important information about the resource, research, or other actions determined during consultation.”

Substantially similar or identical language, and which would accomplish the same purpose as the suggested language, is already contained in Draft SEIR Mitigation Measure 3.6-2c. Therefore, the requested change has not been made.

Comment 4-11 The comment requests the following language be added as mitigation: “In accordance with the California Health and Safety Code, if human remains are uncovered during ground disturbing activities, the construction contractor or the County, or both, shall immediately halt potentially damaging excavation in the area of the burial and notify the County coroner and a qualified professional archaeologist to determine the nature of the remains. The coroner shall examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands, in accordance with Section 7050(b) of the Health and Safety Code. If the coroner determines that the remains are those of a Native American, he or she shall contact the NAHC by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). After the coroner’s findings are presented, the County, the archaeologist, and the NAHC-designated Most Likely Descendant (MLD) shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed.”

Substantially similar or identical language, and which would accomplish the same purpose as the suggested language, is already contained in Draft SEIR Mitigation Measure 3.6-4 (please see pages 3.6-10 and 3.6-11). Therefore, the requested change has not been made.

Comment 4-12 The comment requests the following language be added as mitigation: “Inadvertent Discoveries Mitigation Measures: Develop a standard operating procedure, points of contact, timeline and schedule for the project so all possible damages can be avoided or alternatives and cumulative impacts properly accessed.”

Mitigation Measure 3.6-2a already contains a suite of measures that would avoid and reduce impacts referenced by the commenter and would be more specific and enforceable compared to the recommended language. Therefore, the requested change has not been made.

Comment 4-13 The comment requests the following language be added as mitigation: “If potential tribal cultural resources, archaeological resources, other cultural resources, articulated, or disarticulated human remains are discovered by Native American Representatives or Monitors from interested Native American Tribes, qualified cultural resources specialists or other Project personnel during construction activities, work will cease in the immediate vicinity of the find (based on the apparent distribution of cultural resources), whether or not a Native American Monitor from an interested Native American Tribe is present. A qualified cultural resources specialist and Native American Representatives and Monitors from culturally affiliated Native American Tribes will assess the significance of the find and make recommendations for further evaluation and treatment as necessary. These recommendations will be documented in the project record. For any recommendations made by interested Native American Tribes which are not implemented, a justification for why the recommendation was not followed will be provided in the project record.”

The language suggested by the commenter here is addressed by original language in the Draft SEIR, as well as additional language that has been added at the request of the commenter and is shown in detail in Chapter 3 of this Final SEIR. Please see Mitigation Measures 3.6-2a, 3.6-2c, and 3.6-4. Similar language was recommended as a part of Comment 4-10. Please see responses to Comments 4-9 and 4-10. The requested language has not been added.

Comment 4-14 *The comment requests the following language be added as mitigation: “If adverse impacts to tribal cultural resources, unique archeology, or other cultural resources occurs, then consultation with Wilton Rancheria regarding mitigation contained in the Public Resources Code sections 21084.3(a) and (b) and CEQA Guidelines section 15370 should occur, in order to coordinate for compensation for the impact by replacing or providing substitute resources or environments.”*

The commenter’s suggested consultation with the Wilton Rancheria under Public Resources Code Sections 21084.3(a) and (b) and CEQA Guidelines Section 15370 has taken place as part of the 2019 SOIA EIR and this SEIR. The City has considered the comments submitted by Wilton Rancheria on the Draft SEIR, and responses are provided above in Comments 4-1 through 4-13. Please see also Chapter 3, “Corrections and Revisions to the Draft SEIR.”

Ongoing requirements for consultation are addressed by original language in the Draft SEIR, as well as additional language that has been added at the request of the commenter and is shown in detail in Chapter 3 of this Final SEIR. Please see Mitigation Measures 3.6-2a, 3.6-2c, and 3.6-4. The City looks forward to continued collaboration with the Wilton Rancheria, and other culturally affiliated Native American Tribes, during the required cultural resources survey, the construction monitoring process, and during discussions if any Tribal Cultural Resources are found to be present.

2.2.5 LETTER 5, SACRAMENTO AREA SEWER DISTRICT, NOVEMBER 9, 2020

2.2.5.5 RESPONSE TO COMMENT LETTER 5, SACRAMENTO AREA SEWER DISTRICT, NOVEMBER 9, 2020

Comment 5-1 *The commenter notes that additional comments related to the Draft SEIR are attached. The comment also states that SASD is not a land-use authority and does not approve EIRs; however, the comment states that the EIR is consistent with the proposed project's Level II Sewer Study (Wood Rodgers 2020) approved on September 22, 2020.*

The commenter's understanding regarding land use authority is consistent with that of the City's. City appreciates SASD's confirmation that the EIR is consistent with the approved Level II Sewer Study. Responses to the additional comments submitted by SASD on the Draft SEIR are provided below in the response to Comments 5-4 through 5-9.

Comment 5-2 *The comment provides a brief summary of the project size and location.*

The City appreciates the commenter's review of the project description, location, and other details.

Comment 5-3 *The comment states that the project site will need to be annexed into the SASD service area via LAFCo, and that once annexation has occurred, SASD will provide sewer service. The comment further states that SASD agrees that implementation of the mitigation measures in the SEIR will adequately address the sewage aspects of the project and reduce these impacts to a less-than-significant level.*

As noted on Draft SEIR pages 1-3 and 2-21, the City anticipates that LAFCo will use the original 2019 SOIA EIR and this SEIR as it considers changes in public agency organization, including the required annexation to the SASD service area. The City appreciates SASD's concurrence that implementation of mitigation measures contained in the Draft SEIR will reduce project-related wastewater impacts to a less-than-significant level.

Comment 5-4 The minor change requested by the commenter has been made. Please see Chapter 3, "Corrections and Revisions to the Draft SEIR" of this Final SEIR.

Comment 5-5 The minor change requested by the commenter has been made. Please see Chapter 3, "Corrections and Revisions to the Draft SEIR" of this Final SEIR.

Comment 5-6 The minor change requested by the commenter has been made. Please see Chapter 3, "Corrections and Revisions to the Draft SEIR" of this Final SEIR.

Comment 5-7 The minor change requested by the commenter has been made. Please see Chapter 3, "Corrections and Revisions to the Draft SEIR" of this Final SEIR.

Comment 5-8 The minor change requested by the commenter has been made. Please see Chapter 3, "Corrections and Revisions to the Draft SEIR" of this Final SEIR.

Comment 5-9 The minor change requested by the commenter has been made. Please see Chapter 3, "Corrections and Revisions to the Draft SEIR" of this Final SEIR.

2.2.6 LETTER 6, SMUD, NOVEMBER 16, 2020

2.2.6.6 RESPONSE TO COMMENT LETTER 6, SMUD, NOVEMBER 16, 2020

Comment 6-1 *This comment provides an introduction to the submitted comments, including a statement of SMUD’s Core Vision, and states that, “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.”*

The City appreciates and looks forward to continued collaboration with SMUD for the provision of electrical service to serve the proposed project. As required by CEQA, the Draft SEIR evaluates the physical impacts on the environment of implementing the proposed project.

Comment 6-2 *The comment requests that the project EIR address the following: overhead and/or underground transmission and distribution line easements, utility line routing, electrical local needs requirements, energy efficiency, climate change, cumulative impacts related to increased electrical infrastructure, and the potential need to relocate any existing SMUD infrastructure in the project area.*

The evaluation suggested by the commenter is contained in all of the topic area sections throughout the Draft SEIR, along with Chapter 4, “Cumulative Impacts.”

Comment 6-3 *The comment provides detailed information related to electrical infrastructure necessary to serve the project site. SMUD requests that the Draft SEIR project description be amended to include this information, and that this new information be evaluated throughout the Draft SEIR, including the addition of two new SMUD electrical stations within the project site. SMUD also requests that the Draft SEIR be amended to specifically include comments from the 2019 Elk Grove SOIA EIR specific to the Multi-Sport Complex & Grant Line Road Annexation.*

Please see the City’s previous response to SMUD’s comments related to electrical infrastructure needs in the Final EIR prepared for the 2019 SOIA. Electrical facilities that may be required to serve the proposed Project are identified in Draft SEIR Chapter 2, “Project Description,” on page 2-17. As stated in the Final EIR prepared for the 2019 SOIA, “The location of on-site infrastructure would be planned in consultation with SMUD and the location of infrastructure would be identified in the final project design. As part of the Project approval process, the City and/or project applicants for future development would be required to consult with SMUD regarding the extension and locations of on-site infrastructure.” For purposes of clarification, this text has been added to Chapter 3 of this Final SEIR, along with the statement that additional electrical infrastructure may be required. Please see also Mitigation Measure 3.15-3, which requires future applicants for development projects to coordinate utility service with electrical and natural gas service agencies. Because detailed design and improvement plans for the proposed project have not yet been prepared, additional CEQA analysis may be necessary in the future.

Comment 6-4 *The comment states that SMUD would like to be involved in future discussions related to the provision of electrical service.*

The City and/or applicant(s) of future development phases will coordinate with SMUD as future development occurs within the project site. Please see Mitigation Measure 3.15-3, which requires coordination with utility service with electrical and natural gas service agencies.

Comment 6-5

The comment states that SMUD looks forward to collaborating with the City on this Project, and requests that the information included in this comment letter be conveyed to the project planners and the appropriate project proponents.

The City looks forward to future collaborations, as well. Please see the response to Comment 6-4.

2.2.7 LETTER 7, DEPARTMENT OF TRANSPORTATION (CALTRANS), NOVEMBER 19, 2020

2.2.7.7 RESPONSE TO COMMENT LETTER 7, DEPARTMENT OF TRANSPORTATION (CALTRANS), NOVEMBER 19, 2020

Comment 7-1 *The comment states that Caltrans has reviewed the Draft SEIR and is providing comments consistent with the State’s smart mobility goals that support a vibrant economy and build communities.*

The City appreciates the commenter’s review of the Draft SEIR and the comments provided.

Comment 7-2 *The comment provides a brief summary of the proposed Project that is analyzed in the Draft SEIR.*

The City appreciates the detailed review of the proposed Project.

Comment 7-3 *The comment states that peak runoff discharge for the 10- and 100-year storm events to the State Right-of-Way and to Caltrans highway drainage facilities must be reduced to at or below the pre-construction levels, and notes that such runoff must also meet all regional water quality control board water quality standards. The comment further states that all work performed within the State Right-of-Way must be in accordance with Caltrans standards and requires a Caltrans Encroachment Permit prior to commencing construction. Finally, the comment states that for the encroachment permit application, drainage plans and calculations for the pre- and post- 10- and 100-year peak runoff (quantities and velocities) and water quality treatment for all discharge to the State Right-of-Way and to Caltrans highway drainage facilities must be provided.*

Peak runoff discharge for the 10- and 100-year storm events would be reduced to levels that are at or below pre-construction conditions, and would meet all Central Valley Regional Water Quality Control Board water quality standards, as discussed and evaluated in Draft SEIR Section 3.10, “Hydrology and Water Quality.” The City and/or applicant(s) of future development phases will provide Caltrans with all necessary drainage plans and calculations as part of the encroachment permit application, in accordance with Caltrans standards, as future development occurs.

Comment 7-4 *The comment requests that Caltrans be provided with copies of further project actions, and states that Caltrans would like the opportunity to review and comment on any future project changes.*

Caltrans has been added to the Project mailing list. The City and/or applicant(s) of future development phases will consult with Caltrans as future development occurs.

**2.2.8 LETTER 8, CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL,
NOVEMBER 19, 2020**

2.2.8.8 RESPONSE TO COMMENT LETTER 8, CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL, NOVEMBER 19, 2020

Comment 8-1 *The comment states that the Central Valley Regional Water Quality Control Board (CVRWQCB) is delegated with the responsibility of protecting the quality of surface and groundwaters of the state, and therefore agency comments on the Draft SEIR will address concerns surrounding those issues.*

The comment is consistent with the City's understanding.

Comment 8-2 *The comment summarizes the purpose of Basin Plans as related to water quality requirements of the Clean Water Act and the Porter-Cologne Water Quality Control Act. The comment also notes that the Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities.*

The applicability of and compliance of the proposed Project with the Basin Plan, including provisions to protect water quality and designated beneficial uses, is addressed in Draft SEIR Section 3.10, "Hydrology and Water Quality."

Comment 8-3 *The comment states that to minimize sediment movement that could trigger algal blooms, the Central Valley Water Board recommends the project activities occur outside of the timeframe of June through September.*

Construction activities at any project site are already partially restricted during the winter rainy season during storm events. The action suggested by CVRWQCB is infeasible; June through September is the primary season when construction activities need to occur for projects throughout the Central Valley.

The comment further states that portions of the Lower Cosumnes River near the Project area are currently on the Clean Water Act Section 303(d) List of Impaired Waters due to Escherichia coli (E.coli), Invasive Species, and sediment toxicity. The comment also states that Water Board staff recommend referencing the most current 303(d) list and requirements contained in existing TMDLs for the Lower Cosumnes River within the SEIR, discussing any potential short- and long-term effects of these pollutants from project activities or program level impacts, and discussing mitigation measures and/or best management practices to reduce potential effects.

The most current 303(d) list and requirements contained in existing TMDLs for the Lower Cosumnes River are discussed on Draft SEIR page 3.10-2. Potential impacts related to surface and groundwater quality from Project implementation are thoroughly evaluated in Draft SEIR Impacts 3.10-1 through 3.10-4 (pages 3.10-10 through 3.10-17). Implementation of Mitigation Measure 3.10-4b would provide additional water quality protection by preventing the storage of construction materials and equipment in a flood zone during the rainy season. All other impacts would be less-than-significant with compliance with state and local laws, regulations, policies, and ordinances.

Comment 8-4 *The comments states that all wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan, and further states that the SEIR should evaluate potential impacts to both surface and groundwater quality.*

Please see the response to Comment 8-3.

- Comment 8-5 *The comment explains the requirements of the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit) Construction General Permit Order No. 2009-009-DWQ, and that the Construction General Permit requires development and implementation of a Storm Water Pollution Prevention Plan.*
- Please see the response to Comment 8-3.
- Comment 8-6 *The comment provides information related to the Phase I and II Municipal Separate Storm Sewer System (MS4) permits, which require the permittees to reduce pollutants and runoff flows from new development and redevelopment using BMPs to the maximum extent practicable, as well as implementation of Low Impact Development (LID) strategies to reduce hydromodification effects.*
- Please see the response to Comment 8-3.
- Comment 8-7 *The comment states that storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.*
- Please see the response to Comment 8-3.
- Comment 8-8 *The comment provides information related to Clean Water Act (CWA) Section 404 permits.*
- CWA Section 404 permits, along with U.S. Army Corps of Engineer Section 404 Individual Permit and Central Valley RWQCB Section 401 Water Quality Certification, for the proposed Project are discussed in Draft SEIR Section 3.5, “Biological Resources,” and are included in Mitigation Measure 3.5-9a (pages 3.5-50 and 3.5-51).
- Comment 8-9 *The comment provides information related to the circumstances under which a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities.*
- Please see the response to Comment 8-8.
- Comment 8-10 *The comment provides information related to Waste Discharge Requirements and associated permits.*
- Please see the responses to Comments 8-3 and 8-8.
- Comment 8-11 *The comment provides information related to construction dewatering.*
- If construction dewatering is necessary, the City and/or the project applicant/s will obtain the necessary permits from CVRWQCB.
- Comment 8-12 *The comment provides information related to National Pollutant Discharge Elimination System Permits.*
- Please see the response to Comment 8-3.

2.2.9 LETTER 9, SUZANNE PECCI, NOVEMBER 23, 2020

2.2.9.9 RESPONSE TO COMMENT LETTER 9, SUZANNE PECCI, NOVEMBER 23, 2020

- Comment 9-1 *The commenter explains the location of her property and her interest in development in the Project area.*
- This comment does not pertain to the adequacy or completeness of the Draft SEIR. The comment is noted.
- Comment 9-2 *The commenter states that she is concerned about the impact that the proposed Project could have on groundwater wells in the surrounding area, and states that this issue is not addressed in the Draft SEIR.*
- The potential impacts of the proposed Project on groundwater are thoroughly evaluated in Draft SEIR Section 3.10, "Hydrology and Water Quality," Impact 3.10-2 (pages 3.10-12 through 3.10-13).
- Comment 9-3 *The comment states the Draft SEIR fails to mention that the approximately 514-acre Project is located in the "overlap service area" of Omochumne-Hartnell Water District (OHWD) and Sacramento County Water Agency (SCWA).*
- Pages 2-11 and 3.15-1 of the Draft SEIR state, "The majority of the Project site is located within the 'overlap service area' of the Omochumne-Hartnell Water District (OHWD) and the SCWA, with the exception of 17 acres and 48 acres that are located exclusively in the OHWD and SCWA service areas, respectively."
- Comment 9-4 *The commenter states that, based on her review of the Project Municipal Services Review, Sphere of Influence LAFCo#04-15 Sacramento LAFCo/City of Elk Grove, April 2019, 4.0 Services, Infrastructure, and Facilities, there is a statement that "... OHWD has indicated that the District is preparing a plan regarding the provision of domestic water service within its boundaries." The commenter further explains that she was unable to obtain a copy of a letter referenced by LAFCo in the Project Municipal Services Review related to this topic.*
- This comment does not pertain to the adequacy or completeness of the Draft SEIR. The comment is noted.
- The reference in the MSR pertains to a letter received by LAFCo in August 2008 from OHWD regarding a prior SOI amendment application. In the letter, OHWD states "...the District is the most logical entity to provide domestic water service to the proposed SOI area below Grant Line Road and east of Highway 99. This area is already encompassed within the District's boundaries, and as a California Water District the District has the authority to produce, store, and distribute water for both irrigation and domestic needs." In addition, the City has never received a copy of an approved plan to provide municipal and industrial (M&I) water service to the Project area, nor is the City aware of the presence of OHWD infrastructure necessary to provide M&I water service. As such, the SEIR does not analyze the potential for service by OHWD.
- Comment 9-5 *The commenter states, "There certainly must have been Brown Act violations and at best an obvious lack of transparency in public agencies failing to provide information to the public regarding a matter of public interest of how sufficient water will be provided for planned urbanization, agricultural interests, environmental interests, as well as for all existing beneficial users in the South American Subbasin for the Project Area (and subsequent areas of development along Grantline Road in OHWD.)"*

Water supplies for the proposed Project would be provided by SCWA, not OHWD. The provision of water supplies for the proposed Project is discussed in detail in Draft SEIR Chapter 2, “Project Description” on pages 2-11 through 2-14; Section 3.15, “Utilities and Service Systems” on pages 3.15-1 through 3.15-5; Impact 3.15-1 (pages 3.15-12 and 3.15-13); and Impact 3.15-2 (pages 3.15-14 through 3.15-16).

Comment 9-6 *The commenter alleges that the City and the Draft SEIR failed to provide data relating to the provision of water supplies to the proposed project by OHWD.*

Please see the response to Comment 9-5.

Comment 9-7 *The comment raises concerns about tax increases that could be caused by OHWD supplying water for the proposed project and inquires as to the reason why domestic water supply plans by OHWD are not being openly shared with the public.*

Please see the response to Comment 9-5.

Comment 9-8 *The comment states there is relationship between the Sustainable Groundwater Management Act and OHWD providing water supply for the proposed Project, and that there should be a public conversation about these issues since OHWD is involved in the regional groundwater sustainability plan, but would be providing water for both agricultural as well as municipal and industrial supply.*

As previously noted, water supplies for the proposed Project would be provided by SCWA, not OHWD. Please see also the response to Comment 9-2.

2.2.10 LETTER 10, SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT, NOVEMBER 24, 2020

2.2.10.10 RESPONSE TO COMMENT LETTER 10, SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT (SMAQMD), NOVEMBER 24, 2020

- Comment 10-1 *The comment provides a brief summary of the proposed Project.*
- The City appreciates the detailed review of the proposed Project.
- Comment 10-2 *The comment states that SMAQMD appreciates that Draft SEIR Mitigation Measure 3.4-2 has been modified as previously requested by SMAQMD staff in the NOP comment letter.*
- The City acknowledges and continues to support the referenced mitigation language.
- Comment 10-3 *The comment states that SMAQMD appreciates that Draft SEIR Mitigation Measure 3.8-1a has been modified as previously requested by SMAQMD staff in the NOP comment letter.*
- The City acknowledges and continues to support the referenced mitigation language.
- Comment 10-4 *The comments that SMAQMD appreciates that Draft SEIR Mitigation Measure 3.8-1b requires that CalGreen Tier II standards be implemented.*
- The City acknowledges and continues to support the referenced mitigation language.
- Comment 10-5 *SMAQMD notes the inclusion of parking-protected bike lanes in the design for the collector street section in the Transportation Master Plan (Draft SEIR Appendix G), and encourages the City to also consider the inclusion of buffers between the bicycle lane and the travel lane in the design of the Arterial Street section, as well.*
- The City and the project proponents will consider SMAQMD’s recommendation in the future when site-specific improvement plans are prepared.
- Comment 10-6 *The comment requests that SMAQMD be provided with notice when the Final SEIR is available for public review, and notes that all projects are subject to SMAQMD rules in effect at the time of construction.*
- SMAQMD has been added to the Project mailing list. The City and the Project proponents understand that all projects are subject to relevant SMAQMD rules that are in effect at the time of construction.

2.2.11 LETTER 11, LOZEAU DRURY, NOVEMBER 25, 2020

2.2.11.11 RESPONSE TO COMMENT LETTER 11, LOZEAU DRURY, NOVEMBER 25, 2020

Comment 11-1 *The comment requests that Lozeau Drury, LLP be added to the mailing list for CEQA documents related to the proposed project, as well as notices for related public hearings.*

Lozeau Drury LLP has been added to the Project-related mailing list. Detailed information related to City Council meetings and public hearings are available on the City's website, as follows:

https://www.elkgrovecity.org/city_hall/city_government/city_council/council_meetings; and

https://www.elkgrovecity.org/city_hall/city_government/city_council/council_meetings/public_hearing_notices.

As a matter of law, the City is not required to respond to comments that are submitted after the close of publicly noticed comment periods. Responses are provided in this Final SEIR as a matter of public disclosure and transparency.

2.2.12 LETTER 12, LOZEAU DRURY, DECEMBER 11, 2020

2.2.12.12 RESPONSE TO COMMENT LETTER 12, LOZEAU DRURY, DECEMBER 11, 2020

The City notes that this comment letter was submitted more than two weeks after the close of the public comment period on the Draft SEIR. Although not required, the City has provided responses to the comments contained in the December 11, 2020 letter, below. Responses are provided in this Final SEIR as a matter of public disclosure and transparency. The comments submitted by Lozeau Drury were excerpted from and encompass the comments contained in the attachments submitted by SWAPE and Dr. Smallwood and therefore separate responses to the attachments are not provided.

Comment 12-1 *The comment provides a brief summary of the changes to the proposed Project contained in the Executive Summary of the Draft SEIR.*

The summary stated by the commenter is generally correct; however, the proposed Project also includes approximately 20 acres of Regional Commercial (Draft SEIR, p. ES-2).

Comment 12-2 *The comment alleges that the SEIR fails as an informational document, is insufficient as a matter of law, and is not supported by substantial evidence. The comment also notes that Shawn Smallwood, Ph.D., and the environmental consulting firm SWAPE, have contributed to the comments contained in the letter, and that copies of the C.V.s of Dr. Smallwood and SWAPE are attached to the letter. The comment further states that “a number of significant omissions and flaws in the SEIR’s analysis of likely hazard, air quality, greenhouse gas (‘GHG’) and biological resource impacts” have been identified. Therefore, the commenter requests that the SEIR be revised to address the “shortcomings” identified in further comments below.*

The SEIR contains a thorough and complete analysis of the changes to the Project as compared to the 2019 SOIA EIR and associated adverse physical environmental effects, provides sufficient detail as required by CEQA, is sufficient as a matter of law, and is supported by substantial evidence. Refer to the comments provided by relevant experts with the Sacramento Regional County Sanitation District, the Sacramento Area Sewer District, Sacramento Metropolitan Utility District, California Department of Transportation, and the Sacramento Metropolitan Air Quality Management District. The fact that Dr. Smallwood and SWAPE have contributed to the comments is noted. Specific responses to comments related to hazards, air quality, GHGs, and biological resources are provided below.

Comment 12-3 *The comment provides a summary of a variety of legal concepts related to CEQA EIRs.*

The information provided by the commenter is noted. The Draft and Final SEIR incorporate all relevant statutory, regulatory, and case law guidance. No revision to the SEIR in response to this general recitation of legal concepts is needed, nor would it be appropriate.

Comment 12-4 *The comment claims that, although the areas slated for development within the Project site may be contaminated with persistent residual pesticides and herbicides from historic applications of DDT and pesticides containing heavy metals, including arsenic and lead, the City makes no effort to further investigate or identify any areas of potential contamination, disclose the extent of such contamination and devise meaningful mitigations or a Project alternative that responds to any contamination found on the site. The comment further provides the opinion that the SEIR’s reliance on “future, vague actions” to identify contamination at the site and provide for clean-up is contrary to CEQA because it fails to provide a necessary baseline regarding the presence of soil contamination and fails to develop enforceable mitigation measures to address the Project’s disturbance of any such areas, and instead defers mitigation until a future date.*

This topic is thoroughly addressed in the 2019 SOIA EIR, which was certified by the Sacramento Local Agency Formation Commission (LAFCo). Appendix E to the 2019 SOIA EIR includes a Phase I Environmental Site Assessment (ESA) – a study of potential hazards that could affect the use of property. The Phase I ESA identified a small area of the City-owned parcel that formerly contained an orchard, and a small area of the same parcel that was formerly cultivated with row crops. The Phase I ESA recommended that soil sampling (to further characterize the level and types of constituents of concern) be conducted *in the future*. The potential for the entire Project site (both the City- and privately-owned parcels) to contain residual agricultural chemicals was evaluated as part of the 2019 SOIA EIR in Section 3.9, “Hazards and Hazardous Materials,” and Mitigation Measure 3.9-2 was adopted as part of the MMRP when the 2019 SOIA EIR was certified.

As discussed in Draft SEIR Section 3.9, “Hazards, Hazardous Materials, and Wildfire,” the proposed change in land use on the City-owned parcel from Public Open Space/Recreation to Light Industrial, and the proposed changes from General Commercial/Commercial Office to Regional Commercial on a privately owned parcel, would not change the potential risk of exposure from any residual agricultural chemicals that may be present at the Project site. The 2019 SOIA EIR and Draft SEIR Mitigation Measure 3.9-2 both state that, as part of a Phase II ESA, soil/groundwater testing and remediation is required prior to site development, and that the sampling program developed as a part of the Phase II ESA must be conducted to determine the degree and location of contamination, if any, exists. If contamination is determined to exist, it will be fully remediated, by qualified personnel, in accordance with federal, State, and local regulations and guidelines established for the treatment of hazardous substances.

The adopted mitigation measure commits to a realistic performance standard. (See CEQA Guidelines Section 15126.4 [a][1][B] [“The specific details of a mitigation measure, however, may be developed after project approval when it is impractical or infeasible to include those details during the project’s environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure.”]). The extent to which some of the proposed mitigation measures are general in nature reflects the fact that the Project site includes more than 500 acres of land area with a build-out timeline that is assumed to be 20 years. The specificity of an EIR’s discussion of mitigation measures should be proportionate to the specificity underlying the project (*Rio Vista Farm Bureau Center v. County of Solano* [1992] 5 Cal.App.4th 351 at p. 376).

Therefore, the Draft SEIR appropriately defines the environmental baseline, and Mitigation Measure 3.9-2 contains appropriate performance standards that will reduce any potential future impacts to a less-than-significant level.

Comment 12-5 *The comment states that representative soil sampling should be conducted, and the results should be used to evaluate health risks to construction workers and nearby residents. The comment also states that the SEIR should develop “actual mitigation measures” related to possible soil contamination that would apply to all future projects.*

See the response to Comment 12-4.

Comment 12-6 *The comment states there is no explanation describing why the ratio of protected farmland is limited to 1:1 in Draft SEIR Mitigation Measure 3.3-1. The comment further states, “There is*

no evidence that it is not feasible for future projects to increase the acreage of farmland that must be conserved in exchange for farmland loss to the Project's future development. Although requiring additional farmland to be conserved in exchange for destroying farmland on the Project site would not completely offset those significant impacts, it plainly would further mitigate those impacts beyond the proposed 1:1 ratio."

This issue was thoroughly addressed in the SOIA EIR, which was certified by LAFCo in 2019. Draft SEIR Mitigation Measure 3.3-1 contains the same language that was previously certified in the 2019 SOIA EIR. The proposed change in land use on the City-owned parcel from Public Open Space/Recreation to Light Industrial, and the proposed changes from General Commercial/Commercial Office to Regional Commercial on the privately owned parcel, would not change the amount of farmland that would be converted to urban uses, and would not change the feasibility of Mitigation Measure 3.3-1. The City partnered with LAFCo on the 2019 SOIA EIR, placing a high degree of emphasis on the evaluation and mitigation of agricultural resources impacts, with other agencies and organizations and agencies providing input on this topic. The feasibility of this mitigation or the ratio of acreage to be conserved was not raised by the commenter or any other reviewers as an issue as part of the 2019 SOIA EIR. The commenter has not demonstrated that the mitigation would be infeasible. Preservation of farmland at a ratio of 1 acre preserved for each 1 acre lost by Project development is appropriate and feasible. ("Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors [CEQA Guidelines Section 15364]). Furthermore, the City's 2019 General Plan Update EIR evaluated the conversion of agricultural land at the Project site (and other areas within the City boundary and the City's sphere of influence) to urban uses and included General Plan Policy AG-1-5 as required mitigation. Policy AG-1-5 states, "Protect agricultural lands from future risk of conversion by requiring mitigation of the loss of qualified agricultural lands at a 1:1 ratio" (City of Elk Grove 2019, p. 4-49). Therefore, no change to Draft SEIR Mitigation Measure 3.3-1 is needed.

Comment 12-7 *The comment states that the SEIR should be revised to identify the costs of the agricultural conservation easements it identifies and the feasibility of requiring a higher ratio of preserved acres to offset future development at the site, because there is no substantial evidence to show that a 1:1 ratio is the feasible limit on conserving farmland acreage to offset the Project's unavoidable impacts to farmland.*

See the responses to Comments 12-4 and 12-6. As noted, mitigation for loss of agricultural resources was thoroughly addressed in the SOIA EIR, which was certified by LAFCo in 2019 and the SEIR uses the same mitigation language that was included in the certified in the 2019 SOIA EIR. Preservation of farmland at a ratio of 1 acre preserved for each 1 acre lost by Project development is appropriate and feasible. The City evaluated the loss of agricultural resources comprehensively as a part of the updated General Plan and EIR, and the adopted General Plan includes Policy AG-1-5, which requires 1:1 mitigation (City of Elk Grove 2019, p. 4-49). This ratio is proportional to the actual impact, and it would not be feasible for the City to arbitrarily vary from General Plan-required mitigation in this case. Therefore, no change to Draft SEIR Mitigation Measure 3.3-1 is needed.

Comment 12-8 *The comment states that the SEIR's air pollutant emissions modeling with CalEEMod is inconsistent with the project description and underestimated project emissions, and therefore the discussion of air quality impacts is not supported by substantial evidence. The comment includes claims of inconsistency or lack of substantial evidence, as identified in further comments below.*

The emissions estimates included in the SEIR use the best available information and industry accepted modeling methodology to analyze air pollutant emissions and related impacts, supported by substantial evidence. Specific responses to comments related to air pollutant emissions estimates are provided below in responses to Comments 12-9 through 12-17.

Comment 12-9 *The comment states that the modeling omitted inputs to account for parking areas and therefore failed to account for emissions that would be produced during construction and operation of the Project.*

It is too early in the planning process to identify specific parking areas and types associated with each proposed land use designation; however, the acreages associated with future parking areas were not omitted and are instead represented by emissions estimates for the overarching land uses proposed for the Project site: Parks and Open Space, Mixed Use, Light Industrial, Heavy Industrial, and Regional Commercial. As such, the construction-related emissions associated with parking areas are accounted for and considered to be conservatively overestimated as the modeling accounted for additional equipment for building construction and interior and exterior architectural coatings associated with structures, but would not be associated with typical parking lots. Similarly, operational emissions were overestimated, as they accounted for area, energy, and mobile sources of emissions associated with the land uses, which are greater than the energy-source emissions that may otherwise be generated by parking areas.

Comment 12-10 *The comment states that the modeling reduced the default input for the CO₂ Intensity Factor in CalEEMod by about 100 pounds per megawatt hour, and that a reference for this reduction was not provided.*

As noted in the CalEEMod emissions modeling files included in Draft SEIR Appendix B, and acknowledged by the comment, the CO₂ intensity factor adjustment from CalEEMod defaults was performed to reflect more current emissions intensity of the electricity provider for the Project site. The emissions intensity factor was based on the EPA eGrid data for 2018 for the CAMX subregion, which includes the Project site. As described in SEIR Section 3.16, “Energy,” electric services in the City of Elk Grove are provided by the Sacramento Municipal Utility District (SMUD), and the SMUD power mix in 2018 was comprised of approximately 46 percent GHG-free resources, with the remainder from natural gas and less than one percent from unspecified power sources (i.e., electricity that is not traceable to specific generation sources by any auditable contract) (SMUD 2019a).¹ The CalEEMod User Guide explains that the CalEEMod default is based on a 2009 emissions intensity for SMUD; 2009 emissions intensity would not reflect the substantial increase in GHG-free energy resources by utilities in California since 2009 in response to the State’s Renewables Portfolio Standards (RPS). As explained in SEIR Section 3.16, “Energy,” the RPS have become increasingly more stringent over time, and retail sellers of electricity, including SMUD, have substantially decreased CO₂ emissions intensity due to increased incorporation of renewable energy resources in their power mix. The GHG emissions intensity of utility providers will continue to decline over time as 2030 standards under Senate Bill 100, adopted in September of 2018, increased the RPS to 60 percent by 2030 and requires that 100 percent of retail sales of electricity to be generated from renewable or zero-carbon emission sources of electricity by 2045. As such, the state average carbon dioxide emissions intensity factor, based on the EPA eGrid data for 2018, is a reasonable and conservative update from the 2009 default

¹ Renewable energy sources for the purposes of California’s renewable portfolio standard of 33 percent renewable energy generation by 2020 include biomass, solar, wind, geothermal, and small hydroelectric power plants that generate 30 MW or less of electricity.

CalEEMod CO₂ Intensity Factor input value when evaluating a project that will not begin operations until after 2020 and for which full buildout and total energy consumption is not anticipated until approximately the year 2035, by which time SMUD would have incorporated more than 60 percent qualified renewable energy resources to comply with RPS requirements.

It is noted that the 2018 eGrid data, updated in March 2020 after the initial release, estimates the CAMX subregion average CO₂e intensity to be 495.6 pounds per megawatt-hour, while the data input used for this modeling was 492 pounds per megawatt-hour. While this is a slight difference from the referenced data point, the actual CO₂ intensity factor would actually be substantially lower than the 2018 rate as the utility providers continue to reduce dependence on GHG-generating energy resources in order to meet the RPS requirements, which only required 20 percent of energy be generated by renewable resources by 2020, with increased requirements to 33 percent by 2020 and 60 percent by 2030.

Comment 12-11 *The comment states that the modeling input reduces the footprint of proposed development by about 44,000 square feet from the up to 5.6 million square feet of light and heavy industrial identified in the project description.*

The land use acreage and square foot estimates of each land use, including light and heavy industrial, are based on the same GIS data as used for the Project Description. In particular, the Project Description Table 2-2 identifies light industrial proposed acres as 212 +/- and heavy industrial proposed acres as 143 +/-, acknowledging the potential for this to vary slightly in one direction or the other; the acreages used for emissions modeling in CalEEMod used the same data but did not round (calculated to be 210.88 and 143.31 acres for light and heavy industrial land uses, respectively). The data are appropriate for use in the calculations presented in the SEIR.

Comment 12-12 *The comment states that the assumption that 25 percent of land uses allowed by the project would be constructed in a single year is not substantiated with a reference for the Sacramento Metropolitan Air Quality Management District (SMAQMD) document as the source for this recommendation.*

The commenter has not recommended any alternative to the conservative assumption used in the SEIR which, while it would likely overestimate actual impacts, is consistent with the balance of the approach in the SEIR overall, which is designed to provide a conservative estimate of impacts that informs a rigorous suite of mitigation measures. SMAQMD provides methods for the analysis and review of air quality impacts from land use development projects being considered within the boundaries of the SMAQMD in the *Guide to Air Quality Assessment in Sacramento County* (Guide). The SMAQMD Guide recommends that when evaluating a proposed plan's construction-generated emissions of criteria air pollutants and precursors, for "construction projects that will last more than 4 years, lead agencies should assume 25% of the total land uses would be constructed in 1 single year, unless otherwise known" (SMAQMD 2020a, page 9-4). The use of this conservative assumption is appropriate for the SEIR and no change is needed nor would it be appropriate.

Comment 12-13 *The comment states that the model inputs left out data inputs for a number of fields for the "User Defined Recreational" uses, particularly trip rates.*

One of the SEIR project objectives is to designate open space as needed to meet resource conservation standards and to provide an adequate floodplain buffer. This is identified as the Parks/Open Space acreage in the southeastern portion of the Project site, as shown on Figure

2-3. As such, this land use is not anticipated to generate vehicle trips and other operational emissions sources, such as lighting, water use, or waste generation, in the same way that a recreational center or city park otherwise may. This is similarly reflected in the Attachment A of the Transportation Management Plan Review Memo (Fehr & Peers 2020) prepared for the SEIR, which uses a trip generation and VMT of zero for the Parks and Open Space land use for the proposed Project. Emissions and related impacts of any more active "parks/open space" such as the Sports Complex was were thoroughly evaluated in the 2019 SOIA EIR.

Comment 12-14 *The comment states that the construction schedule modeled arbitrarily and disproportionately alters model inputs without justification, thereby underestimating maximum daily construction-related emissions.*

The commenter is incorrect. As detailed in SEIR Section 3.4.3 and above in the response to Comment 12-12, the adjustment to the construction schedule is substantiated and the methodology explains that, although it is unlikely that the most intensive days of construction would occur concurrently, to conservatively estimate maximum potential daily emissions, it is assumed that all the construction phases could occur concurrently throughout the Project site for the duration of the year of maximum-potential development. In addition, to further ensure a conservative emissions estimate of maximum daily and annual emissions, it is assumed that 25 percent of land uses within the Project site could be constructed within a single year, assumed to be 2021 as the first possible year of construction; off-site improvements were assumed to be constructed in their entirety in this same initial year. Not only is this level of construction in a single year a conservative assumption that would likely overestimate actual impacts, but modeling all emissions for the year 2021 also results in a conservative estimate of construction-related emissions over the construction period since emissions rates will go down in the future as more stringent emissions regulations take effect. Any construction in future years would more realistically result in fewer emissions for the same level of activity due to fleet turnover over time, in which older equipment and vehicles are replaced by those with new engines meeting more recent and more stringent emission standards

Comment 12-15 *The comment states that the application of Tier 4 Final equipment for modeling the mitigated scenario does not reflect the assumptions of Mitigation Measure TACM-8, which requires at least 25 percent of the off-road construction fleet use Tier 4 diesel engines and does not specify whether the requirement is for Tier 4 interim or Tier 4 final.*

Mitigation Measure 3.4-1a is only required in the case that SMAQMD thresholds of significance for criteria air pollutants are exceeded, while TACM-8, as referenced by the comment, is not a mitigation measure identified as part of this SEIR, but is a measure of the City's Climate Action Plan that must be satisfied as a part of Mitigation Measure 3.8-1a to ensure that the Project is consistent with the City's Climate Action Plan for the purposes of Greenhouse Gas emissions reductions. Consistency with the City's Climate Action Plan measure TACM-8 is required under Mitigation Measure 3.8-1a irrespective of a project's emissions of criteria air pollutants.

While the mitigation scenario was modeled to represent the ability of proposed projects to achieve emissions reductions that would be less than the SMAQMD-recommended thresholds, the finding of Impact 3.4-1 also acknowledges that, "due to the unknown duration and intensity of specific construction activities associated with future development of the Project site, the uncertainty with regard to the availability of construction equipment that meet Tier 4 engine emissions standards, and the fact that estimated NO_x emissions are approaching the SMAQMD threshold of 85 pounds per day, in is within the realm of

possibility that a given development project within the Project site could exceed the maximum daily emissions threshold for NO_x.” As such, the finding of Impact 3.4-1 as less than significant was based on incorporation of Mitigation Measure 3.4-1b, which requires payment of an off-site mitigation fee to off-set any incremental construction-generated NO_x emissions in exceedance of the SMAQMD threshold of significance, if needed. As the intent of Mitigation Measure 3.4-1a is to incorporate the use of best management practices and best available control technology during construction activities to reduce emissions of criteria pollutants to levels that do not exceed the SMAQMD thresholds of significance, or to the maximum extent possible prior to implementation of Mitigation Measure 3.4-1b, modeling the potential for mitigation using Tier 4 final equipment is a reasonable measure of what emissions reductions would be achievable by implementation of Mitigation Measure 3.4-1a.

Comment 12-16 *The comment states that the model inputs for vehicle trip lengths are inconsistent with the methodology described in the SEIR and underestimate trips associated with industrial uses anticipated for the Project site, and therefore does not meet the substantial evidence standard. The SWAPE discussion that the comment references specifically identifies the trip distance inputs used in the mitigated operational emissions CalEEMod model run.*

The trip distances used for the mitigated operational emissions estimates is calculated by multiplying the daily VMT per service population limits for each land use by the total service population to estimate total VMT with the mobile source reduction strategies and performance standard required by Mitigation Measure 3.4-2. This total VMT is then divided by the daily trip generate rates for each land use from Attachment A of the Transportation Management Plan Review Memo (Fehr & Peers 2020) prepared for the SEIR. This adjustment was noted in the notes of the CalEEMod output file. The description in the SIR that is quoted with regard to adjusting the trip lengths associated with the industrial uses for the purposes of the unmitigated operational modeling scenario, and does not conflict with the modeling inputs used for the mitigated scenario. In addition, the model inputs reflect average trip lengths and not maximum for any given trip; therefore, while some trips may be longer, others will be shorter, and the estimates reflect a calculation of the average trip distances. The adjustments made to the CalEEMod vehicle trip distances for the mitigated scenario are appropriate for the SEIR and no change is needed or appropriate.

Comment 12-17 *The comment states that the CalEEMod modeling should be reviewed and adjusted, and the emissions as currently modeled do not provide substantial evidence to support impact analyses.*

The emissions estimates included in the SEIR use the best available information and industry accepted modeling methodology to analyze air pollutant emissions and related impacts, supported by substantial evidence. The CalEEMod model inputs were specifically adjusted to reflect best available project-specific data and reasonable assumptions bases on the proposed land use mix and regional context. As detailed in the responses to Comments 12-9 through 12-16. The data are appropriate for use in the calculations presented in the SEIR. The use of the data inputs and assumption for the CalEEMod model is appropriate for the SEIR, and the emissions estimates based on this modeling provide substantial evidence for the impact analyses and findings of significance; no change is needed or appropriate.

Comment 12-18 *The comment states that SEIR’s finding that the Project’s construction-related air pollutant emissions will be less than significant is inaccurate due to the modeling input errors noted in Comments 12-9 through 12-15. The comment goes on to explain that, based on modeling conducted by SWAPE, rather than no impact, the emissions would result in significant*

impacts and the SEIR should be revised to include requisite mitigation measures to address these emissions.

The commenter is incorrect. The emissions estimates included in the SEIR use the best available information and industry accepted modeling methodology to analyze air pollutant emissions and related impacts, supported by substantial evidence. The CalEEMod model inputs were specifically adjusted to reflect best available Project-specific data and reasonable assumptions based on the proposed land use mix and regional context. As detailed in the responses to Comments 12-9 through 12-16. The data are appropriate for use in the calculations presented in the SEIR. The use of the data inputs and assumption for the CalEEMod model is appropriate for the SEIR, and the emissions estimates based on this modeling provide substantial evidence for the impact analyses and findings of significance. The revised modeling by SWAPE is acknowledged, but does not reflect the appropriate modeling inputs or assumptions, as discussed above in the response to Comments 12-9 through 12-16. Also note, the comment is incorrect in characterizing the SEIR as indicating “no impact,” as the SEIR concludes a finding of less than significant with mitigation and incorporates Mitigation Measures 3.4-1a and 3.4-1b to reduce construction-related emissions. No change is needed or appropriate.

Comment 12-19 *The comment states that the SEIR fails to identify all feasible mitigation measures and defers mitigation to offset the Project’s significant and unavoidable impacts associated with emissions of NOx. The comment questions the enforceability of having SMQMD review and approve a future AQMP to ensure achieving a reduction in, or offset of, operational ozone precursor emissions. The comment also goes on to question the applicability and effectiveness of the City’s General Plan policies identified by Mitigation Measure 3.4-2 for compliance by the proposed Project with the General Plan for the purposes of reducing operational ozone precursor emissions.*

See the comment letter from the Sacramento Metropolitan Air Quality Management District (SMAQMD), the agency that oversees air quality rules and regulations throughout Sacramento County. As shown in Comment Letter 10, the Air District has confirmed that the approach to air quality impact assessment and mitigation, as well as greenhouse gas emissions analysis and mitigation, is appropriate. This includes the inclusion of Mitigation Measure 3.4-2, which includes “implementation of an enforceable mechanism, such as an Air Quality Mitigation Plan (AQMP) to reduce or offset mobile source operational emissions by a minimum of 35 percent of total mobile source emissions” (SMAQMD Comment Letter 10, Comment 10-1). When lead agencies in Sacramento County are approving plans, frequently, the AQMP tool, with specific performance standards as employed in the SEIR by the City, is used to ensure effective mitigation in cases where the relevant details of future development projects cannot yet be known. This tool has been used successfully by the City of Elk Grove and throughout the region.

Mitigation Measure 3.4-2 identifies several strategies described in the City’s General Plan that could be feasibly implemented within the context of future developments within the Project site. This mitigation requires the City to impose strategies to reduce mobile source emissions for future developments, subject to review and approval by SMAQMD, the regional agency with recognized expertise in mobile source reduction strategies. The Draft SEIR references a variety of potential mobile sources reduction strategies that have been vetted for feasible application within the Planning Area as a part of the City’s recent General Plan update, including policies MOB-1-1, MOB-3-1, MOB-3-2, MOB-3-7, MOB-3-15, MOB-3-16, MOB-4-1, MOB-4-5, NR-4-1, NR-4-4, NR-6-5, and NR-6-7. Policy MOB-1-1 requires new development to demonstrate conformance with the VMT limit of the relevant

General Plan land use designation, which was established to ensure that the total VMT generated by operations throughout the City would achieve State-mandated reductions in VMT. The Policy also imposes VMT limits by geographic area, including the existing (2019) City Limits and within each of four Study Areas that provide for future annexation, such as this Project. Policy MOB-3-1 calls for complete streets that accommodate access for all modes, which will be incorporated into site plans for future developments within the Project site. Policy MOB-3-2 calls for strategies that reduce the reliance on single-occupancy vehicles and promote the viability of non-auto modes of transportation (that would also reduce operational mobile source emissions). Policy MOB-3-7 contemplates a complete transportation network that provides connectivity to reach destinations for pedestrians and cyclists, which can be incorporated into future developments within the Project site. Policy MOB-3-15 would use reduced parking requirements, which can be incorporated into employment-generating and commercial uses within the Project site to provide additional incentive for reaching destinations via transit, or by bicycling or walking. Policy MOB-3-16 references parking maximums to create the same sort of incentive in areas where pedestrian, bicycle, and transit use are prioritized. Policy MOB-4-1 calls for direct, safe, and pleasant bicycle and pedestrian routes that connect to destinations and convenient bicycle and pedestrian connections to public transportation stops, all of which can be incorporated in the context of site plans within the Project site. Policy MOB-4-5 could be incorporated by future employers within the Project site, including cash payments in-lieu of a parking space (consistent with the State parking cash out program), and on-site amenities to support active transportation to workplaces. Policy NR-4-1 requires new developments that could exceed relevant air pollutant thresholds to incorporate design/operational features demonstrated to reduce emissions by at least 15 percent compared to the unmitigated project (although Mitigation Measure 3.4-2 requires the Project site to substantially exceed this performance standard). Policy NR-4-4 promotes pedestrian and bicycle access and encourages non-auto forms of transportation, which can be incorporated in the context of developments within the Project site to reduce criteria air pollutant emissions to meet the specific performance standard required by Mitigation Measure 3.4-2.

In addition to feasible reduction strategies developed by the City in the form of General Plan policies, the mitigation also allows alternative strategies that are demonstrated to the City's satisfaction and subject to approval by SMAQMD, or reduction measures recommended by SMAQMD. To further ensure that the performance standard required by Mitigation Measure 3.4-2 is met, payment of fees adequate to purchase offsets are also allowed once all other feasible measures have been exhausted. SMAQMD has successfully managed offset programs and, based on a demonstrated history of success overseeing offset programs, the Air District has endorsed this mitigation language, including the option for payment of offsets. Future developments within the Project site are required to demonstrate compliance with the AQMP reduction strategies developed in collaboration with the Air District or equivalent strategies that achieve the same level of reduction prior to issuance of a building permit.

Additional detailed guidance for operational reduction strategies, as well as the protocols for analysis, is provided by SMAQMD in its guidance document for AQMPs, which will be used for implementing Mitigation Measure 3.4-2 (SMAQMD 2020b). As noted in this guidance document, "[s]ometimes the information available for a large plan does not exist in enough detail for the plan to utilize the mitigation measures described in this guidance document directly." Obviously, this is true in situations like exist for the Project, where a relatively wide range of land uses is potentially anticipated. The Air District guidance provides detailed guidance on operational mobile source reduction measures, which are based on academic research and literature published by the California Air Pollution Control Officers Association

and allow quantified analysis of the benefits of these reduction measures at the project level through AQMPs based on the level, extent, and depth of the reduction measures, as applied.

While the commenter claims that the performance standard required by Mitigation Measure 3.4-2 is “vague,” in fact, the opposite is true – the performance standard is quantified and thoroughly detailed in the mitigation language.

The commenter speculates that, since the Project site is adjacent to areas that are pre-screened from further vehicle miles traveled (VMT) analysis, that future developments within the Project site could be pre-screened, as well, which is irrelevant to the imposition of Mitigation Measure 3.4-2 – this mitigation does not provide an exemption for future developments that could be pre-screened from additional VMT analysis through future updates to the City’s VMT impact analysis guidelines. The comments related to truck traffic from what the commenter speculates would be large-scale distribution centers is similarly irrelevant since Mitigation Measure 3.4-2 applies to mobile source emissions from all aspects of the vehicle fleet and, unlike VMT analysis, is not limited to passenger vehicles only. The commenter continues to conflate VMT impact analysis and mitigation with the mobile source reduction strategies and performance standard required by Mitigation Measure 3.4-2 throughout this comment. The City’s Transportation Analysis Guidelines, adopted as part of its 2019 General Plan, state that different forms of VMT are to be the basis of the various VMT calculations performed for analysis of a project. Specifically, transportation analysis utilizes a Tour-Based Origin-Destination method, whereas air quality utilizes a Boundary method and GHG uses Regional Targets Advisory Committee Origin-Destination (page 26-27 and Table 10). The different methods are necessary because of the types of trips and accounting each method employs and how this data relates to established thresholds.

As acknowledged in the SEIR, while the City has imposed all feasible mitigation, including more detailed requirements that will be possible to develop in the context of development projects with a definitive performance standard, it is acknowledged that a significant and unavoidable impact would remain. This is consistent with the City’s obligations under CEQA. No change to the SEIR is needed, nor would any change be appropriate.

Comment 12-20

The comment states that the SEIR’s finding of significance for the potential health risks from diesel emissions associated with construction and operation of the Project is not supported by substantial evidence because a Health Risk Assessment was not prepared.

CEQA Guidelines Section 15151 provides guidance for the preparation of an adequate EIR. An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information that enables them to make a decision that intelligently takes account of environmental consequences. An evaluation of the environmental impacts of a project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. The analysis of potential health effects from construction were evaluated consistent with the SMAQMD CEQA Guide recommendations. The SMAQMD CEQA Guide, revised April 2020 (page 5-3), recommends the analysis of construction-related TACs, including the following:

- A discussion of the type of construction activities that would occur and the TAC emission sources associated with those activities. As noted on page 5-5 of the SMAQMD CEQA Guide, the District recognizes that detailed information about a project’s construction activities may not be known at the time of writing the impact analysis. In this case, the District recommends the use of conservative estimates for the parameters

including the number and type of construction equipment used, the hours of operation, and the distance from equipment to the nearest off-site receptors.

- A significance determination about construction-generated TAC emissions, without mitigation.
- A discussion of feasible mitigation necessary to reduce construction-generated TACs and whether the reduction is sufficient to reduce impacts to a less-than-significant level.

To address the first element of the SMAQMD-recommended analysis, the analysis for Impact 3.4-3 used CalEEMod, with appropriate adjustments for anticipated land uses and assumed maximum construction intensity, to estimate maximum daily construction-related emissions based on default construction equipment type and daily use. Construction activities are not anticipated to require unique equipment or substantial demolition, site preparation, or grading and related activities and equipment, as the site is relatively flat and undeveloped. Therefore, the CalEEMod defaults that provided the estimated number and type of construction equipment and hours of use are conservative (would tend to overestimate actual impacts). In addition, the mass emissions estimates represented the maximum intensity construction year and assumed construction in the earliest possible year, of which both assumptions were explained in the SIER to be considered conservative for the purposes of estimating potential emissions.

To address the second element of the SMAQMD-recommended analysis, the analysis evaluated the potential construction activities and emissions to determine significance. The analysis considered the location and duration of construction, as well as data limitations that exist prior to any proposed development within the Project site. The analysis explained that construction activities would occur throughout the Project area and that the operation of construction equipment would not be concentrated in one location for an extended period of time, thereby limiting the length of any potential exposure on any single existing or future sensitive receptor. As noted in the SEIR discussion of Impact 3.4-3, the dose to which receptors are exposed is the primary factor used to determine health risk. Dose is a function of the concentration of a substance in the environment and the extent of exposure a person has with the substance; a longer exposure period to a fixed amount of emissions would result in higher health risks for nearby sensitive receptors. As described in the SEIR (page 3.4-23), due to the highly dispersive properties of DPM (concentrations lower extremely quickly over distance), and the fact that construction activities would occur throughout and not be concentrated at a single location in the Project site, construction would not result in a substantial increase in ambient pollutant concentrations, with the potential exception of the immediate vicinity of a particular construction site. In addition, as further detailed in the SEIR (page 3.4-23), the duration associated with any given construction activity at a specific location within the Project site would be temporary and therefore the duration of exposure and any existing or potential future receptors would also be short-term and temporary in nature. Existing off-site residents on the north side of Grant Line Road would only be within close proximity to construction activities during the construction activities associated with development in the immediate vicinity of Grant Line Road. Such exposure durations would be temporary and of short duration relative to the total exposure period used for typical health risk calculations (i.e., 30 years). The analysis also acknowledged that construction would occur over many years and would therefore use newer off-road equipment as part of typical construction fleets the further into the future that construction occurs, further reducing potential future construction-related emissions. However, because the exact location with respect to sensitive receptors and length of construction activities cannot be determined at the

time of this analysis, the analysis conservatively considers the exposure of sensitive receptors to substantial diesel particulate matter emissions to be potentially significant.

To address the second element of the SMAQMD-recommended analysis, Mitigation Measure 3.4-3a was incorporated, which would require implementation of the SMAQMD Basic Construction Emission Control Practices and the Enhanced On-site Exhaust Control Measures for off-road construction equipment, or equivalent mitigation. As summarized in Table 3.4-2, mitigation would substantially reduce particulate matter emissions to well below the SMAQMD-recommended thresholds of significance, reducing the impact a less-than-significant level.

Operationally, the potential exposure of sensitive receptors to toxic air contaminant (TAC) emissions from future land uses is found to be potentially significant (Impact 3.4-3, SEIR page 3.4-27). Mitigation Measure 3.4-3b requires implementation of California Air Resources Board (CARB) guidance concerning land use compatibility with regard to TAC emissions, as detailed in CARB's *Quality and Land Use Handbook: A Community Health Perspective* (Handbook) or as it may be updated in the future. If these guidelines are infeasible, and a project would have the potential to generate substantial TAC emissions or expose sensitive receptors to substantial TAC pollutant concentrations, the City will require project-level analysis and appropriate mitigation, as necessary, to ensure that sensitive receptors are not exposed to substantial pollutant concentrations. In communication with the SMAQMD, the City will require, if necessary, a site-specific analysis for operational activities to determine whether health risks would exceed applicable health risk thresholds of significance. Future projects with the potential to result in exposure of sensitive receptors to TAC emissions will be required to reduce exposure of sensitive receptors to substantial pollutant concentrations to levels consistent with thresholds recommended by the SMAQMD applicable at the time the project is proposed. The CARB Handbook is based upon extensive analysis and is an industry-respected guidance for the purposes of land use planning. In addition, the land use compatibility and buffer distances were developed in 2005; regulatory requirements have become increasingly stringent over time to reduce operational emissions through improved best available control technology, improved fuel standards, idling restrictions for large trucks associated with distribution centers or similar land uses, and other regulatory requirements that have since been put in place. As such, the 2005 guidance may be considered a somewhat conservative source of guidance on buffer widths. The comment notes that the SIER should evaluate a "likely scenario of uses relying on diesel trucks or other TAC sources and evaluating an appropriate buffer zone excluding such uses in proximity to sensitive receptors." The CARB Handbook provides these buffer zones, which are incorporated as part of Mitigation Measure 3.4-3b in order to support the finding of less than significant with mitigation. Any more detailed modeling scenario would be highly speculative at this time, as the range of assumptions regarding timing of operation, location, potential fleet mix, site design, and other project details critical to any more detailed dispersion modeling and health risk assessment cannot be supported by any reasonable assumptions at the level of design available at this stage of planning.

In addition, the comment states that the analysis and related mitigation breaks up the Project into several smaller individual future projects that does not address the Project's foreseeable truck impacts as a whole. The potential impacts associated with emissions of the entire Project at buildout, including those from trucks, is addressed after the discussion of TAC emissions, in Impact 3.4-3. The discussion related to diesel emissions appropriately considers the impacts on a more localized scale. The dose to which receptors are exposed is the primary factor used to determine health risk; dose is a function of the concentration of a substance in the environment and the extent of exposure a person has with the substance. As described in

Impact 3.4-3, ambient concentrations of mobile-source diesel particulate matter emissions are reduced substantially with distance from the sources, typically by 70 percent at a distance of approximately 500 feet (ARB 2005). As such, the analysis appropriately considers Project-related impacts at both the localized and more regional scale.

Comment 12-21 *The comment states that the SEIR fails to identify all feasible mitigation measures for the purposes of GHG emissions reductions, including compliance with mitigation equivalent to SMAQMD BMP-1 and BMP-2, requirement that 100 percent of residential units include all electric appliances and HVAC, 100 percent of off-construction use Tier 4 Final equipment, mandated EV charging equipment for industrial uses as well as commercial and residential standards, installation of solar panels on all building sufficient to meet the Project's electrical demands, as well as other measures identified by SWAPE.*

The comment is incorrect in that, while the ultimate finding of Impact 3.8-1 is cumulatively considerable and unavoidable, the SEIR does include Mitigation Measures 3.8-1a and 3.8-1b to require all feasible mitigation for future projects. Mitigation Measure 3.8-1a requires that future development within the Project site demonstrate consistency with the City's CAP and other feasible reduction strategies needed to achieve a GHG emissions rate that is consistent with the State legislative framework. As the future tenant mix and specific design details cannot be determined at this time, and because the list of potential GHG-reduction measures applicable to land use development is extensive and always changing with the development of new and evolving technologies, listing out specific requirements for each potential land use would not provide any additional value to the mitigation measure, which already requires implementation of "feasible reduction strategies" to reduce GHG emissions to a less than significant level. In addition, the comment is incorrect, and the SEIR does include Mitigation Measure 3.8-1b to require implementation of SMAQMD BMPs, or BMPs as they may be revised in the future, or equivalent on-site or off-site mitigation, as applicable. Mitigation Measure 3.8-1b also requires that, if equivalent on-site or off-site mitigation is used in-lieu of the below measures, it must be demonstrated that the proposed measures would achieve an equivalent or greater reduction in the GHG emissions rate.

The mitigation measure commits to a realistic performance standard. (See CEQA Guidelines Section 15126.4 [a][1][B] ["The specific details of a mitigation measure, however, may be developed after project approval when it is impractical or infeasible to include those details during the project's environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure."]). The extent to which some of the proposed mitigation measures are general in nature is a reflection of the fact that the Project site includes more than 500 acres of land area with a build-out timeline that is assumed to be 20 years. The specificity of an EIR's discussion of mitigation measures should be proportionate to the specificity underlying the project (*Rio Vista Farm Bureau Center v. County of Solano* [1992] 5 Cal.App.4th 351 at p. 376). Therefore, as acknowledged in the SEIR, while the City has imposed all feasible mitigation, including more detailed requirements that will be possible to develop in the context of development projects with a definitive performance standard, it is acknowledged that a significant and unavoidable impact would remain. This is consistent with the City's obligations under CEQA.

Comment 12-22 *The comment states that Dr. Smallwood has reviewed the SEIR, and that specific comments (attached and summarized below) point out "numerous shortcomings in the baseline assessment of the presence of species at the site, failures to evaluate impacts that will result*

from the Project, and numerous instances where the SEIR's assertions are insufficient or not supported by substantial evidence."

Responses to Comments by Dr. Smallwood, as presented by Lozeau Drury, are provided in Comments 12-23 through 12-27. The Draft SEIR contains a thorough and comprehensive baseline that includes the potential special-status species at the Project site, rigorous evaluation of all potential impacts related to biological resources that will directly or indirectly result from Project implementation, and sufficient data supported by substantial evidence upon which to base the impact conclusions.

Comment 12-23 *The comment says that the Draft SEIR states, "[t]he proposed project does not result in any physical development; therefore, no specific surveys were conducted to assess potential impacts.' SEIR, p. 3.4-35."*

The commenter is incorrect. The Draft SEIR contains no such statement. Furthermore, SEIR page 3.4-35 does not exist.

The comment further states, "[g]iven the reconnaissance level of surveys conducted to date, the results are wildly erratic with each subsequent survey identifying new and different special status species occurring on the site." The comment further states that Dr. Smallwood performed "surveys" that were conducted "from the edge of the site." The comment further states that the results of surveys at the Project site are "wildly erratic," and that "[n]o serious effort has been made to characterize the environmental setting, resulting in the 2020 SEIR's false and entirely unbelievable determination that a 572-acre site composed of irrigated pasture, thickly vegetated hedges, Valley oaks, and wetlands, and situated along Deer Creek, supports only a few special-status species of wildlife." The comment states that failure to perform protocol-level surveys has resulted in an under reporting of the species and underestimates the Project's impact on burrowing owls, and fails to provide an accurate baseline.

The commenter did not conduct a survey of the Project site or visit the site or off-site improvement areas. Instead, the commenter stood on Grant Line Road, and based on observations from this vantage point, where only a few acres of the Project site are visible (and none of the off-site improvement areas are visible), claims that the information presented in the Draft SEIR is inaccurate and/or inadequate. The commenter also claims to have performed surveys at the Project area (location unspecified) in 2011 (nine years ago) and at the former Sky Ranch Airport (approximately 0.25-mile northeast of the Project site) in 1999 (21 years ago). Wildlife observations based on 9- to 21-year-old data are not relevant since wildlife moves over time and habitat and plant populations change over time as land uses change (including the ongoing agricultural operations at the Project site and the off-site improvement areas). Since the commenter has neither visited nor surveyed either the Project site nor the off-site improvement areas, comments thereon related to the presence of wildlife species and habitat are speculative.

Issues related to biological resources at the Project site (including burrowing owls and other special-status species and sensitive habitats) were thoroughly evaluated in the 2019 SOIA EIR certified by LAFCo, including Mitigation Measures 3.5-1, 3.5-2a, 3.5-2b, 3.5-3a, 3.5-3b, 3.5-3c, 3.5-4, 3.5-5, 3.5-6, 3.5-7, 3.5-9a, 3.5-9b, 3.5-11. As part of the 2019 SOIA EIR, LAFCo and the City determined that these mitigation measures (which include protocol-level surveys once site-specific improvement plans and development proposals are brought forward in the future) would protect special-status species and sensitive habitats to the maximum extent feasible. These same mitigation measures are included in the Draft SEIR.

Protocol-level surveys are not required for an appropriate determination of potential impacts or related mitigation measures, since the Draft SEIR analysis is based on the results of visits to the Project site and the off-site improvement areas conducted by qualified biologists and on California Natural Diversity Database (CNDDDB) search results in 2020. See also response to Comment 12-4 related to deferred mitigation. The results of a records search for species presence at the Project site based on the CNDDDB and a site visit performed by a qualified biologist was reported in the 2019 SOIA EIR, and an updated search of the CNDDDB and updated results of the 2020 site visits performed by qualified biologists are presented in the Draft SEIR. The proposed change in land use on the City-owned parcel from Public Open Space/Recreation to Light Industrial, and the proposed changes from General Commercial/Commercial Office to Regional Commercial on the privately owned parcel, would not change the amount or type of special-status species or sensitive habitats that could be affected on the Project site. The Draft SEIR also presents updated analysis of potential special-status species and habitats related to the off-site improvements that were not a part of the 2019 SOIA EIR. The updated CNDDDB search results presented in the Draft SEIR include the new off-site improvement areas. Special-status species and habitats are discussed in the Draft SEIR based on reconnaissance-level visits to the Project site and the off-site improvement areas conducted by qualified biologists in 2020. The Draft SEIR presents an appropriate environmental baseline related to biological resources. In addition to the Mitigation Measures adopted in the 2019 SOIA EIR (listed above and carried forward into the SEIR), the Draft SEIR also contains three additional mitigation measures designed to provide additional protection to special-status biological resources and sensitive habitats that are known to occur or may occur in the off-site improvement areas. No change to the Draft SEIR is needed.

Comment 12-24 *The comment states that the impacts of the proposed Project are inaccurate, because Project implementation would result in the loss of habitat located on the site, and this loss of habitat “would be prevented from producing thousands of birds per year and millions over the next century.”*

See the response to Comment 12-23. CEQA documents are required to present analysis of, and disclose potential adverse effects attributable to proposed projects, as well as identify feasible mitigation to reduce or avoid such impacts. Lead agencies are not required to foreclose all development and in fact lead agencies in California are required to a certain extent to plan for development. For example, State housing law requires cities and counties to provide adequate sites to accommodate subject jurisdictions’ share of regional housing needs. No change to the SEIR is required.

Comment 12-25 *The comment states there is a “[l]ack of any serious effort by the SEIR to identify and quantify the Project’s cumulative wildlife impacts, including no effort to identify the magnitude of those impacts and the failure to acknowledge the long-term loss of productivity the Project will have on the existing habitat. For these reasons, the SEIR’s evaluation of cumulative impacts to wildlife from the project is insufficient.”*

The Draft SEIR contains a thorough evaluation of the cumulative impacts related to biological resources and concludes that the loss of sensitive habitat and special-status species in the region as a whole represents a significant cumulative impact, and the proposed Project would result in a cumulatively considerable and cumulatively significant and unavoidable impact even after the implementation of all feasible mitigation measures (Draft SEIR, pp. 4-7 through 4-9). No change to the SEIR is required.

Comment 12-26 *The comment states that the Draft SEIR does not appropriately address wildlife migratory routes or nursery sites for Swainson's hawk, and states that the Project may have a significant impact on wildlife movement based on the future potential for wildlife collisions with automobiles.*

The potential for nesting birds to be affected by Project-related activities is evaluated in Draft SEIR Impacts 3.5-3 and 3.5-4 (pp. 3.5-35 through 3.5-42), and language related thereto along with the requisite mitigation measures are specifically discussed in the impact related to wildlife migratory corridors and nursery sites (Draft SEIR Impact 3.5-10, p. 3.5-52). The commenter suggests that potential future collisions between wildlife and trucks on area roadways should result in a determination that the proposed Project would have a significant impact on wildlife movement. However, since the Project site and the off-site improvement areas do not serve as migratory routes (other than potential stop-over and foraging habitat for birds along the Pacific Flyway as addressed in Draft SEIR Impact 3.5-10, p. 3.5-53), the commenter's suggestion is inapplicable. As discussed in Impact 3.5-10, the Project site consists of open agricultural land used for row crops, and the off-site improvement areas consist of agricultural drainage ditches. Abundant agricultural habitat of equal or better value (for migrating birds on the Pacific Flyway) is available surrounding the Project site, including the Cosumnes River and Preserve, Stone Lakes Wildlife Refuge, and the Woodbridge Ecological Reserve. The commenter has provided no evidence that the proposed Project may have a significant impact on wildlife movement. ("Substantial evidence" consists of facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts; substantial evidence does not include "[a]rgument, speculation, unsubstantiated opinion or narrative, [or] evidence which is clearly erroneous or inaccurate..." [CEQA Guidelines Section 15384, emphasis added].) The topics raised by the commenter are thoroughly addressed in Impact 3.5-10 (Draft SEIR, pp. 3.5-51 and 3.5-52); therefore, no further analysis or changes to the Draft SEIR are necessary.

Comment 12-27 *The comment states, "Dr. Smallwood estimates that close to 100,000 birds per year would be hurt or killed by collisions involving the over 200,000 daily vehicle miles to be generated from the Project" and "[h]e further concludes that the project-generated traffic would cause substantial, significant impacts to wildlife." The comment further states that "Dr. Smallwood's expert analysis, combined with the SEIR's failure to collect information or address traffic impacts to wildlife, is substantial evidence that the Project may have significant wildlife impacts associated with vehicle collisions and these impacts are not addressed in the SEIR."*

See the responses to comments 12-24 and 12-26. No further analysis or changes to the Draft SEIR are required.

Comment 12-28 *The comment states that the Draft SEIR does not evaluate the potential impacts from future use of pesticides in and around the proposed industrial use areas, including the potential for secondary "animal damage" resulting from ingestion of pesticides by wildlife.*

The potential for wildlife to ingest poisonous substances used at any location in California is addressed by proper use, handling, and disposal procedures as detailed on product labels. Implementation of proper use, handling, and disposal procedures is addressed by a variety of federal, State, and local agencies (such as U.S. EPA, California EPA, California Department of Pesticide Regulation, and the local Certified Unified Program Agency, which were discussed in 2019 SOIA EIR Section 3.9, "Hazards and Hazardous Materials," pp. 3.9-4 through 3.9-12.) As stated on Draft SEIR p. 3.1-1, because this document is a Supplemental EIR, the "Regulatory Framework" subsection identifies only those regulatory concerns that

have changed since the 2019 SOIA EIR was prepared, or are new (i.e., have been enacted or adopted since the 2019 SOIA EIR). Future use of pesticides was evaluated as part of 2019 SOIA EIR Impacts 3.9-1 and 3.9-3 and is evaluated in Draft SEIR Impacts 3.9-1 and 3.9-3. Furthermore, the 2019 SOIA EIR included an evaluation of nearly 300 acres of industrial/commercial land uses; the proposed minor land use changes contemplated in this SEIR would not change the potential for wildlife to ingest poisonous substances, and this issue was not raised as a topic of concern in the certified 2019 SOIA EIR. No further analysis is warranted and no changes to the Draft SEIR are required.

Comment 12-29 *The commenter requests that the City consider the comments included in the letter even though they were submitted after the close of the public/agency comment period, and states that the commenter reserves the right to supplement the comments up until the close of public hearings on the project. The comment also states that for the specific reasons stated in the comments, the Draft SEIR should be revised and recirculated.*

As a matter of law, the City is not required to respond to comments that are submitted after the close of publicly noticed comment periods. Responses are provided in this Final SEIR as a matter of public disclosure and transparency. For the reasons stated above in responses to Comments 12-1 through 12-29, no revisions to the Draft SEIR are necessary, and recirculation is not required.