

## **Appendix A. NEPA Scoping Materials**

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# Appendix A – Scoping Report

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# Chapter 1. Introduction

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The National Environmental Policy Act (NEPA) requires a Federal agency to fully disclose potential environmental effects of a proposed project with open public participation throughout the decision-making process. Public participation is first achieved in the scoping process, by which the lead Federal agency invites cooperating and participating agencies and interested and potentially affected members of the public to assist in identifying significant impacts to the human and natural environment that could result from the Proposed Action (Code of Federal Regulations (CFR) 40 § 1501.9 *Scoping*). The U.S. Army Corps of Engineers (USACE), Sacramento District, is preparing a Supplemental Environmental Impact Statement (SEIS)/Subsequent Environmental Impact Report (SEIR) for design refinements associated with the American River Common Features (ARCF) 2016 General Reevaluation Report (GRR) Final Environmental Impact Statement/Final Environmental Impact Report (FEIS/FEIR).

This scoping report contains a brief description of the ARCF SEIS/SEIR, an overview of the public scoping process, and the comments received during the scoping period. The formal scoping comment period for the proposed project began with the publication of the Notice of Intent (NOI) in the Federal<sup>1</sup> Register on October 7, 2022, and ended on December 31, 2022. Public scoping meetings were held virtually on November 2, 2022, and on November 30, 2022, from Sacramento, CA. *Appendix A, Notice of Intent to Prepare a Draft Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report for the 2016 American River Common Features Project, Sacramento, CA*, contains a copy of the NOI and *Appendix C, Copies of Comments Received during the Scoping Period for the Proposed Action*, contains oral and written comments from the public. Oral comments were recorded during the public scoping meeting, and written comments were received via U.S. mail, email, and through the project website ([www.sacleveeupgrades.com](http://www.sacleveeupgrades.com)).

## 1.1 Proposed Project

USACE is preparing to draft a SEIS/SEIR to analyze changes made during final preliminary design of multiple contract actions within the ARCF project that could result in potentially significant environmental effects. This supplemental document will centralize where the public and agencies can look for the most current project information and will bring environmental considerations up to date. The SEIS/SEIR will focus on new or different features of project designs that have evolved since the original 2016 ARCF GRR FEIS/FEIR was completed, while analyzing the potential environmental impacts of these changes. Accordingly, the Proposed Action for this SEIS/SEIR consists of project features where the final design is sufficiently different from the original design (Design Refinements). Environmental impacts are likely to be different than those analyzed in the 2016 ARCF GRR FEIS/FEIR.

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<sup>1</sup> (FR Vol. 87, No.194/Friday, October 7, 2022)

This supplemental document will centralize where the public and agencies need to look for the most current project information and will bring environmental considerations up to date. The SEIS/SEIR will focus on Design Refinements that have evolved since the original 2016 ARCF GRR FEIS/FEIR was completed, while analyzing the potential environmental impacts of these changes.

## 1.2 Purpose of Scoping

Under NEPA, federal agencies are mandated to consider environmental impacts for all federal agency decision making. NEPA requires federal agencies to cooperate with other agencies including state and local governments, and to involve public stakeholders and the local community in projects that receive federal funding or require federal permits. NEPA created the Council on Environmental Quality (CEQ), which publishes NEPA regulations. CEQ regulations at 40 Code of Federal Regulations Section 1501.7 require an early and open process for determining the scope of issues to be addressed, intending to identify significant and nonsignificant issues related to the proposed action (i.e., scoping).

All interested parties, including federal, state, and local agencies; appropriate federally recognized Native American tribes; interested stakeholders; and minority, low-income, or disadvantaged populations—are urged to participate in the NEPA environmental analysis process. Public participation opportunities are guided by CEQ regulations that include, at a minimum, an NOI, a scoping process, a minimum 45-day public review of the Draft SEIS, and a public meeting on the Draft SEIS.

Throughout the public scoping process for the proposed project, individuals can obtain information on the status and progress of the Draft Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report for the 2016 American River Common Features Project by visiting the project website ([www.sacleveupgrades.com](http://www.sacleveupgrades.com)) or by email via [ARCF\\_SEIS@usace.army.mil](mailto:ARCF_SEIS@usace.army.mil).

## Chapter 2. Scoping Process Summary

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NEPA requires an early and open process for determining the scope of the issues to be addressed as part of preparation of the SEIS/SEIR. During this scoping process, the relevant agency will solicit public input. USACE conducted two public scoping meetings, virtually at 5:00 p.m., on November 2, 2022, and on November 30, 2022, from Sacramento, California, to (1) help identify significant issues and data gaps associated with the proposed project; and (2) assist in identifying other potential alternatives in analyzing the potential impacts. USACE will use information gathered during the scoping process to inform the development of a reasonable range of alternatives that meet the Project purpose while minimizing impacts to the human and natural environment to the greatest extent practicable using innovative technology and sustainable design.

The overall NEPA scoping process for the SEIS/SEIR consisted of the following actions.

- Publishing the NOI to prepare the SEIS/SEIR for refinements made to the 2016 ARCF GRR SEIS/SEIR in the Federal Register, including an announcement for the public scoping meeting.
- Distributing a public notice announcing the public scoping meeting and its time and location to newspapers, stakeholders, and other interested parties.
- Developing a public website by which project information, contact information for public comments, and scoping feedback could be exchanged with the public.
- Utilizing an updated comprehensive mailing list from the *2016 American River Common Features SEIS/SEIR* to capture all interested parties and maximize the distribution of scoping information to the local community.
- Sending consultation letters by mail to agencies and tribes including invitations to participate in the scoping process and scoping meetings, and invitations to become cooperating agencies (see Section 2.3, *Government-to-Government Consultation*, in this scoping report for further details on cooperating agencies).
- Holding a public scoping meeting to inform the local community and other interested parties about the proposed action and to solicit written comments on the issues that should be addressed in the SEIS/SEIR.
- Reviewing and categorizing oral and written comments to be evaluated in the Draft SEIS/SEIR.
- Preparing this scoping report.

## 2.1 Public Notices and Distribution of Notices

The scoping process was initiated on October 7, 2022, when the NOI to prepare a Draft SEIS/SEIR for refinements made to the 2016 ARCF GRR FEIS/FEIR was published in the Federal Register. The NOI provided a description of the proposed action, further information on the scoping and public involvement process, potentially significant environmental issues, additional review and consultation to be incorporated into the preparation of the Draft SEIS/SEIR, and an estimated timeframe for the availability of the Draft SEIS/SEIR. The NOI included the project website and provided point of contact information at USACE to encourage public involvement and solicit comments regarding the proposed action.

A letter with the scoping meeting information was sent by mail to all interested parties previously identified in the 2016 FEIS/FEIR. A copy of the scoping meeting letter notice is provided in *Appendix B, Public Scoping Meeting Notice*.

During the public scoping period, USACE provided the public with a variety of methods with which to comment on the proposed action and issues relevant to the proposed project.

- Orally and in writing at the public scoping meeting.
- Via e-mail to ARCF\_SEIS@usace.army.mil.
- Via email to USACE through the project website at [www.sacleveeupgrades.com](http://www.sacleveeupgrades.com).
- Via mail to Public Affairs Office, U.S. Army Corps of Engineers, 1325 J Street Room 1513, Sacramento, CA 95814.

As other interested parties are identified, they will be added to the mailing list, which will be updated continuously throughout development and finalization of the SEIS/SEIR. Anyone requesting information regarding the SEIS/SEIR will be added to the mailing list, unless otherwise requested.

## 2.2 Advertisement of Public Meeting in Newspapers

To notify the public, USACE posted an advertisement in the local newspaper prior to the scoping meeting. An advertisement was submitted to *The Sacramento Bee*. A copy of the scoping meeting newspaper advertisement is provided in *Appendix B, Public Scoping Meeting Notice*.

## 2.3 Government-to-Government Consultation

The USACE is the NEPA lead agency for the SEIS. Project partners include the Sacramento Area Flood Control District (SAFCA), the Central Valley Flood Protection Board (CVFPB) as the California Environmental Quality Act (CEQA) lead agency for the SEIR, and the Department of Water Resources assisting CVFPB with CEQA.

USACE sent an email invitation on October 21, 2022, to representatives from state and federal agencies including the U.S. Environmental Protection Agency (USEPA), the National Marine Fisheries Service (NMFS), the U. S. Fish Wildlife Service (USFWS), the Federal Emergency Management Agency (FEMA), the Bureau of Indian Affairs (BIA), the National Park Service (NPS), and the U.S. Bureau of Reclamation (USBR). This email is included in *Appendix B, Public Scoping Meeting Notice*.

## 2.4 Public Scoping Meeting

Public scoping meetings were held virtually in Sacramento County on November 2, and 30, 2022. There were 54 Attendees included private citizens, industry stakeholders, non-governmental organizations, and elected officials for the first meeting and 39 attendees for the second meeting. USACE Environmental Manager opened the meeting at 5:00 p.m. and described the ARCF project, the EIS process, mitigation, a general EIS timeline, and the opportunities for public involvement and comment. Following the presentation, members of the public were invited to make oral comments. A total of 9 people made oral comments, and two anonymous people left two comments in the meeting chat box. The public was encouraged to submit written comments on the proposed project. A total of 7 people provided comments in writing and submitted either a letter or an email that is found on the project website at [www.sacleveeupgrades.com](http://www.sacleveeupgrades.com).

## 2.5 Public Comments

The scoping comment period for the proposed project began on October 7, 2022, and closed on December 31, 2022. USACE provided the public and agencies additional time to comment since a second public meeting was held on November 30, 2022. General comments were accepted at the public scoping meeting, and written comments were accepted via mail or email.

# Chapter 3. Comment Analysis

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Comments during the public scoping period were received as follows: 9 individuals commented at the public scoping meeting, 4 individuals provided comments electronically, and 5 letters were received by U.S. mail from community members, agencies, and organizations.

There were no comments received after December 31, 2022, but if any additional comments are received prior to the publication of the Draft SEIS/SEIR, they will be considered.

## 3.1 Review and Organization of the Scoping Comments

Although there were only 18 total commentors, each communication included multiple comments resulting in 69 categorized comments. Comment topics included concerns and general support related to community involvement/engagement, general NEPA guidelines, surface water and groundwater quality and supply, air quality, and mitigation concerns surrounding the American River Mitigation (Urrutia) property. As previously stated, copies of all comments can be found in *Appendix C, Copies of Comments Received during the National Environmental Quality Act Scoping Period* and summarized by issue in *Appendix D, Summary of Comments Received during the National Environmental Policy Act Scoping Period*. Many of the oral comments and individual letters and emails addressed more than one topic.

## 3.2 Overview of Comments Received

Most of the comments received expressed concerns related to mitigation. Of the 69 categorized comments, 21 comments were mitigation related, 7 comments were related to air quality or climate change, 3 comments were related to water resources, 2 comments were related to cultural resources, 2 comments were related to environmental justice, 1 comment was related to aquatic resources, and the remaining comments were in reference to NEPA scoping, budget, utilities, recreation, traffic, noise, transportation, and aesthetics. For more information on USACE and partners response to comments, Appendix D includes a table that is categorized and includes summaries of comments and detailed responses.

## 3.3 Recommendations for the SEIS

All comments received during the comment period for the NEPA scoping period will be used to inform the scope and development of the Draft SEIS/SEIR. Recommendations for the SEIS/SEIR include comprehensively addressing the issues presented, providing for an open and inclusive public involvement process, and providing transparency to the community regarding the specifics of the proposed project.



## Chapter 4. Future Public Involvement

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Throughout the development of the SEIS, there will be additional opportunities for public involvement and comment. There is a minimum 45-day public review of the Draft SEIS/SEIR, along with a public meeting on the Draft SEIS/SEIR required by CEQ regulations. The Final SEIS/SEIR must be posted to the Federal Register for 30-days prior to the Record of Decision (ROD) being signed. USACE also plans on opportunities for public awareness, involvement, and participation including website updates and formal and informal meetings with interested members of the public, community groups, and individuals as requested.

Updated information will be posted on the project website ([www.sacleveeupgrades.com](http://www.sacleveeupgrades.com)). Agencies and the public will be notified when the Draft SEIS/SEIR is available for review and comment. USACE will host a public hearing to gather comments on the Draft SEIS/SEIR.

## Chapter 5. Literature Cited

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U.S. Army Corps of Engineers, Sacramento District. 2016. *Final Environmental Impact Statement/Final Environmental Impact Report for the American River Common Features General Reevaluation Report*. State Clearing House Number 2005072046. Sacramento, CA.

# Appendix A. Notice of Intent for the ARCF SEIS/SEIR



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surveys, sampling, or testing may be required.

An electronic copy of the ROD is available for review and download at: <https://home.army.mil/belvoir/index.php/about/Garrison/directorate-public-works/environmental-division>. A printed copy may be requested from Fort Belvoir DPW-ED at the phone number or email address listed above.

Publication of the ROD formally concludes the NEPA process for this Proposed Action. The Army will proceed with the Full Implementation Alternative described in the Final EIS and will execute the mitigation and protective measures identified in the ROD.

James W. Satterwhite Jr.,  
Army Federal Register Liaison Officer.  
[FR Doc. 2022-21858 Filed 10-6-22; 8:45 am]  
BILLING CODE 3711-02-P

## DEPARTMENT OF DEFENSE

Department of the Army, Army Corps of Engineers

Notice of Intent To Prepare a Draft Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report XIV [XIV] for the 2016 American River Watershed Common Features Project, Sacramento, CA

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

ACTION: Notice of intent.

**SUMMARY:** The U.S. Army Corps of Engineers (USACE) intends to prepare a draft Supplemental Environmental Impact Statement (SEIS)/Subsequent Environmental Impact Report (SEIR) to the 2016 American River Watershed Common Features (ARCF) General Reevaluation Report (GRR), Final Environmental Impact Statement/Environmental Impact Report (FEIS/FEIR). USACE will serve as the lead National Environmental Policy Act (NEPA) agency and the Central Valley Flood Protection Board (CVFPB) will serve as the lead California Environmental Quality Act (CEQA) agency, with support from the California Department of Water Resources (DWR). The construction of cutoff walls and seepage berms to decrease the likelihood of levee failure, and installation of bank armoring to protect levees from erosion, are project actions authorized by WRDA 2016 to reduce flood risk to metropolitan Sacramento. The elements of the project will be organized and discussed in the SEIS in a manner to avoid restating discussions and findings that remain current and

accurate in the 2016 ARCF EIS/EIR. This would allow the reader of the ARCF SEIS/SEIR to focus on the document's analysis of impacts of design changes to project features, while the relevant sections of the 2016 ARCF GRR FEIS/FEIR would be referenced where no design changes are planned. Mitigation will be considered as required for any additional impacts addressed in the ARCF SEIS/SEIR.

A description of the current proposed plans for the project is set forth below.

**DATES:** Written comments regarding the scope of the environmental analysis should be received by November 31, 2022.

**ADDRESSES:** Written comments and suggestions concerning ARCF Project and requests to be included on the Project mailing list may be submitted to Guy Romine, U.S. Army Corps of Engineers, Sacramento District, Attn: Environmental Analysis Section (CESPK-PDR-A), 1325 J Street, Sacramento, CA 95814.

**FOR FURTHER INFORMATION CONTACT:** Mr. Guy Romine, telephone at (916) 557-5100, email at [ARCF\\_SEIS@usace.army.mil](mailto:ARCF_SEIS@usace.army.mil). Additional information will also be posted on the internet at: [www.sacleveeupgrades.com](http://www.sacleveeupgrades.com).

## SUPPLEMENTARY INFORMATION:

### 1. Purpose and Need

The Purpose of the ARCF SEIS/SEIR project is to reduce the overall flood risk within the study area. An unacceptably high risk of flooding from levee failure threatens the public safety of the City of Sacramento, as well as property and critical infrastructure throughout the study area. The Sacramento metropolitan area is one of the most at-risk areas for flooding in the United States. There is a high probability that flood flows in the American and Sacramento Rivers will stress the network of levees protecting the system to the point that levees could fail. Previous segments of the authorized project have been or will be constructed as authorized, but there are remaining segments that must still be implemented to reduce flood risk associated with erosion, seepage, and levee stability within the study area.

USACE has determined that the levee system along the Sacramento and American Rivers do not meet the current Federal standards for flood risk reduction due to seepage, slope stability, and erosion. The proposed project is needed to reduce risk of levee failure.

### 2. Proposed Action

USACE is preparing to draft a SEIS/SEIR to analyze changes made during final preliminary design of multiple contract actions within the ARCF project that could result in potentially significant environmental effects. This supplemental document will centralize where the public and agencies can look for the most current project information and will bring environmental considerations up to date. The SEIS/SEIR will focus on new or different features of project designs that have evolved since the original ARCF GRR FEIS/FEIR was completed, while analyzing the potential environmental impacts of these changes. Accordingly, the Proposed Action for this SEIS/SEIR consists of project features where the final design is sufficiently different from the original design. Environmental impacts are likely to be different than those analyzed in the 2016 FEIS/FEIR, with these project features are outlined below.

#### Lower American River Design Refinements

Using updated modeling and data, USACE completed a semi-quantitative risk assessment (SQRA), which identified several areas on the Lower American River requiring design refinements that were not specifically addressed in the ARCF GRR FEIS/FEIR. Different erosion protection methods than those discussed in the ARCF GRR FEIS/FEIR are now indicated to provide better onsite mitigation, fisheries habitat, and to decrease impacts to heritage oak trees. Specifically, launchable toe protection and tie backs may be required in many areas. A launchable rock toe and tie backs are placed at the waterside edge of a constructed planting bench, lower on the levee/riverbank, to allow riparian vegetation to grow next to the water's edge. If erosion and scour occur below the launchable toe, the revetment placed in the launchable toe would launch and cover the eroded area, preventing further erosion and providing bank slope stability. Additionally, haul routes and staging areas to implement these erosion control areas will be needed. Erosion protection work may also be implemented around trees in certain areas, to minimize a risk for scour caused by trees.

#### Lower American River—State Route 160 Bridge Area Design Refinements

The SQRA also determined that the area under the State Route 160 Bridge contributes to flood risk, and will need supplementary measures to properly

address this risk. The Proposed Action will require additional bank protection work in this area, including evaluation of staging areas, the addition of haul routes outside the original project footprint, and an extended nighttime work schedule not evaluated in the 2016 ARCF GRR FEIS/FEIR.

#### *Sacramento River Erosion Design Refinements and Construction Requirements*

The 2016 ARCF GRR FEIS/FEIR did not analyze staging areas for erosion protection work since it was assumed all work would be done by barge. Land side staging areas and haul routes to the staging areas have been added to the Proposed Action to ensure revised construction needs are met. Erosion protection features are now designed to include more rock than was originally estimated in the 2016 ARCF GRR FEIS/FEIR and will be further considered in the ARCF SEIS/SEIR.

#### *Maggie Creek Area*

The Proposed Action would require realignment of the levee and canal at Maggie Creek, increase localized storage and water conveyance, and an increased height of the levee at that site. Night work would be considered in the Proposed Action as a method to reduce daytime noise impacts and reduce the daytime closures of Raley Boulevard. In the Preferred Alternative of the ARCF GRR FEIS/FEIR, Raley Boulevard was presumed to be partially closed with the possibility of the loss of the northern right-hand turn lane, but under the Proposed Action the road would be fully closed during a portion of the construction season.

#### *Mitigation Sites*

The Proposed Action includes a comprehensive mitigation proposal to cover all remaining impacts of the ARCF project. The ARCF GRR FEIS/FEIR cited the need for additional mitigation and restoration planning once the designs of the ARCF Project were closer to completion. Project planners have now determined that on-site mitigation commitments set forth in the ARCF GRR FEIS/FEIR will be inadequate if the revised Proposed Action is implemented. The Proposed Action may include purchase of mitigation bank credits, or construction of dedicated mitigation facilities, or both, to meet additional mitigation requirements.

#### **3. Alternatives**

The Alternatives to the Proposed Action that may be considered in the SEIS/SEIR include: (1) Construction of mitigation sites and purchase of

mitigation bank credits, as well as design refinements and construction requirements discussed above; and (2) the required No Action Alternative. The No Action Alternative would be defined as construction of the ARCF 2016 Project exactly as described in Alternative 2 of the ARCF GRR FEIS/FEIR, (the Preferred Alternative).

#### **4. Scoping Process**

*a.* A public scoping meeting will be held in the form of a teleconference and/or webinar to present an overview of the Proposed Action, its project features, and the ARCF SEIS/SEIR Process. Scoping will afford all interested parties an opportunity to provide comment on the proposed scope of analysis in the draft document and to identify alternatives measures. Comments on scoping, including potential alternatives, pertinent information, studies, and/or analyses, relevant to this Proposed Action may be submitted to the contacts listed below. If any reasonable alternatives are identified during the scoping period, USACE will evaluate those alternatives in the draft SEIS/SEIR, along with a no action alternative. The public scoping meeting is anticipated to be held on 2 November 2022. Exact time, registration details, additional information, and any schedule changes will be announced online at: [www.sacleveupgrades.com](http://www.sacleveupgrades.com).

*b.* The Proposed Action is anticipated to affect the following resources, which the SEIS/SEIR will fully consider, including visual resources, vegetation and wildlife, fisheries, special status species, cultural resources, air quality, transportation, climate change, recreation, hydrology and water quality, noise, geological resources, environmental justice, and public utilities. Those resources expected to be unaffected by the design changes encompassed by the Proposed Action will not be discussed in the ARCF SEIS/SEIR.

*c.* USACE will consult with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS) to ensure that the Proposed Action complies with the Endangered Species Act and the Fish and Wildlife Coordination Act. The NMFS anticipates receipt of one or more requests for authorization to take incidental to activities related to the project under the Magnuson-Stevens Fishery Conservation and Management Act (MSA). USACE will also consult with the State Historic Preservation Officer and Native American Tribes to ensure compliance with the National Historic Preservation Act, and with the National Parks Service to seek a Wild

and Scenic Rivers Act consistency determination for the Proposed Action. Additional State consultations may be required under CEQA or other California State Regulations. These consultations will be coordinated by CVFPB or DWR.

USACE intends to consult with CRWQCB support its decision on any permits and permissions requested under sections 10 and 14 of the Rivers and Harbors Act, section 401 and 404 of the Clean Water Act.

*d.* This NOI commences the public scoping process to identify issues and potential alternatives for consideration in the ARCF SEIS/SEIR. Throughout the scoping process, Federal agencies; Tribal, State, and local governments; and the general public have the opportunity to help USACE determine significant resources and issues, impact-producing factors, reasonable alternatives (e.g., size, geographic, seasonal, or other restrictions on construction and siting of facilities and activities), and potential mitigation measures to be analyzed in the SEIS/SEIR, as well as to provide additional information. In the interests of efficiency, completeness, and facilitating public involvement, the SEIS/SEIR will use the NEPA process to fulfill public involvement requirements established in 36 CFR 800.2(d).

USACE anticipates it will hold a virtual public scoping meeting for the SEIS/SEIR on 2 November 2022. Registration details, additional information, and any schedule changes will be announced online at: [www.sacleveupgrades.com](http://www.sacleveupgrades.com).

After completion of the Draft ARCF SEIS/SEIR a 45-day public review period will be provided for interested parties and agencies to review and comment on the draft document. All interested parties are encouraged to respond to this notice and provide a current address if they wish to be notified of the ARCF SEIS/SEIR circulation.

#### **4. Availability**

After the draft SEIS/SEIR is completed, USACE will publish a notice of availability (NOA) and request public comments on the draft SEIS/SEIR. USACE expects to issue the NOA in August 2023. After the public comment period ends, the Army will review and respond to comments received and will develop the final SEIS/SEIR. USACE expects to make the final SEIS/SEIR available to the public in May 2024. A ROD will be completed no sooner than



30 days after the final EIS is released, in accordance with 40 CFR 1506.11.

Antoinette R. Gant,

COL (P), EN, Commanding.

[FR Doc. 2022-21870 Filed 10-6-22; 8:45 am]

BILLING CODE 3720-68-P

## DEPARTMENT OF EDUCATION

[Docket No.: ED-2022-SCC-0081]

### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Consolidated State Performance Report Renewal (Part 1 and Part 2)

**AGENCY:** Office of Elementary and Secondary Education (OESE), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of a currently approved collection.

**DATES:** Interested persons are invited to submit comments on or before November 7, 2022.

**ADDRESSES:** Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this information collection request (ICR) by selecting "Department of Education" under "Currently Under Review," then check the "Only Show ICR for Public Comment" checkbox. *Reginfo.gov* provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the "View Information Collection (IC) List" link. Supporting statements and other supporting documentation may be found by clicking on the "View Supporting Statement and Other Documents" link.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Sarah Newman, 202-453-6956.

**SUPPLEMENTARY INFORMATION:** The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the

Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed ICR that is described below. The Department is especially interested in public comments addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public record.

**Title of Collection:** Consolidated State Performance Report Renewal (Part 1 and Part 2).

**OMB Control Number:** 1810-0724.

**Type of Review:** A revision of a currently approved collection.

**Respondents/Affected Public:** State, Local, and Tribal Governments.

**Total Estimated Number of Annual Responses:** 14,653.

**Total Estimated Number of Annual Burden Hours:** 16,481.

**Abstract:** The Consolidated State Performance Report (CSPR) is the required annual reporting tool for each State, the Bureau of Indian Education, District of Columbia, and Puerto Rico as authorized under Section 8303 of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA). The CSPR collects data on programs authorized by: Title I, Part A; Title I, Part C; Title I, Part D; Title II, Part A; Title III, Part A; Title IV Part A; Title V, Part A; Title V, Part B, Subparts 1 and 2; and The McKinney-Vento Act. The information in this collection relate to the performance and monitoring activities of the aforementioned programs under ESSA and the McKinney-Vento Act. These data are needed for reporting on Government Performance and Results Act (GPRA) as well as other reporting requirements under ESSA. This submission is a request to update the currently approved CSPR collection (OMB 1810-0724) for school years 2022-23, 2023-24, and 2024-25. There are three substantive changes to the collection since it was last approved. First, we propose revising the structure and standardizing the language of the CSPR across sections to create consistent language, remove duplication or redundancies in the guidance, and to

reduce text that will be added to technical assistance documents. Second, we propose reducing the number of tables containing Title I, Part A, Title I, Part C, and McKinney-Vento Act data. Third, we propose moving the State Report Cards section from CSPR Part I to CSPR Part II.

Dated: October 4, 2022.

Kun Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2022-21926 Filed 10-6-22; 8:45 am]

BILLING CODE 4000-01-P

## DEPARTMENT OF EDUCATION

[Docket No.: ED-2022-SCC-0124]

### Agency Information Collection Activities; Comment Request; Educational Opportunity Centers Program (EOC) Annual Performance Report

**AGENCY:** Office of Postsecondary Education (OPE), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, ED is proposing a reinstatement without change of a previously approved collection.

**DATES:** Interested persons are invited to submit comments on or before December 6, 2022.

**ADDRESSES:** To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2022-SCC-0124. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, ED will temporarily accept comments at [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov). Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the PRA Coordinator of the Strategic Collections and Clearance

Dated: October 12, 2022.

Aaron T. Siegel,  
Alternate OSD Federal Register Liaison  
Officer, Department of Defense.

[FR Doc. 2022-22470 Filed 10-14-22; 8:45 am]

BILLING CODE 5001-06-C

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID: DoD-2022-OS-0057]

### Submission for OMB Review; Comment Request

**AGENCY:** Office of the Under Secretary of Defense for Personnel and Readiness (OUSDP&R), Department of Defense (DoD).

**ACTION:** 30-Day information collection notice.

**SUMMARY:** The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

**DATES:** Consideration will be given to all comments received by November 16, 2022.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** Angela Duncan, 571-372-7574, [whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil).

### SUPPLEMENTARY INFORMATION:

**Title:** Associated Form; and OMB Number: Post-Election Voting Survey of State Election Officials; OMB Control Number 0704-PEVS.

**Type of Request:** New.

**Number of Respondents:** 55.

**Responses per Respondent:** 1.

**Annual Responses:** 55.

**Average Burden per Response:** 15 minutes.

**Annual Burden Hours:** 13.75 hours.

**Needs and Uses:** The primary objective of the Post-Election Voting Survey of State Election Officials, conducted on behalf of the Federal Voting Assistance Program (FVAP), is to gather feedback from the state election officials (SEOs) responsible for administering the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) on behalf of the military and

overseas voters. This customer service focused survey will help FVAP understand how it can best engage election officials and identify areas where its processes can be improved. This ongoing evaluation will help determine the extent to which FVAP is achieving its mission and what actions FVAP might be able to take in the future to improve its products and services. Conducting this research will help FVAP meet its federal and congressional mandates in terms of ensuring that UOCAVA voters are receiving adequate support from state officials in the registration and voting process for federal elections. The data obtained through this study is also intended to provide insights into existing barriers to UOCAVA voting and recommendations for addressing these challenges. To obtain the necessary information, the Post-Election Voting Survey of State Election Officials project will use data collected from the population of SEOs from all 50 U.S. States, the District of Columbia, and the four U.S. territories covered under UOCAVA: Puerto Rico, Guam, American Samoa, and the U.S. Virgin Islands.

**Affected Public:** Individuals or households.

**Frequency:** Biennially.

**Respondent's Obligation:** Voluntary.

**OMB Desk Officer:** Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

• **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.

**Instructions:** All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

**DOD Clearance Officer:** Ms. Angela Duncan.

Requests for copies of the information collection proposal should be sent to Ms. Duncan at [whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil).

Dated: October 12, 2022.

Aaron T. Siegel,  
Alternate OSD Federal Register Liaison  
Officer, Department of Defense.

[FR Doc. 2022-22519 Filed 10-14-22; 8:45 am]

BILLING CODE 5001-06-P

## DEPARTMENT OF DEFENSE

### Army Corps of Engineers

**Notice of Intent To Prepare a Draft Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report XIV [XIV] for the 2016 American River Watershed Common Features Project, Sacramento, CA**

**AGENCY:** U.S. Army Corps of Engineers

**ACTION:** Notice of intent; correction.

**SUMMARY:** The U.S. Army Corps of Engineers (USACE) published a document in the **Federal Register** of October 7, 2022, concerning the intent to prepare a draft Supplemental Environmental Impact Statement (SEIS)/Subsequent Environmental Impact Report (SEIR) to the 2016 American River Watershed Common Features (ARCF) General Reevaluation Report (GRR), Final Environmental Impact Statement/Environmental Impact Report (FEIS/FEIR). The document contained an incorrect date.

**FOR FURTHER INFORMATION CONTACT:** Mr. Guy Romine, telephone at (916) 557-5100, email at [ARCF\\_SEIS@usace.army.mil](mailto:ARCF_SEIS@usace.army.mil).

### SUPPLEMENTARY INFORMATION:

#### Correction

In the **Federal Register** of October 7, 2022, in FR Doc. 2022-21870, on page 61003, in the second column, correct the **DATES** caption to read:

**DATES:** Written comments regarding the scope of the environmental analysis should be received by December 1, 2022.

David B. Olson,

Federal Register Liaison Officer, Army Corps of Engineers.

[FR Doc. 2022-22526 Filed 10-14-22; 8:45 am]

BILLING CODE 9720-58-P

## DEPARTMENT OF DEFENSE

### Department of the Navy

[Docket ID: USN-2022-HQ-0028]

### Proposed Collection; Comment Request

**AGENCY:** Department of the Navy, Department of Defense (DoD).

**ACTION:** 60-Day information collection notice.

**SUMMARY:** In compliance with the *Paperwork Reduction Act of 1995*, the Department of the Navy announces a proposed public information collection

## **Appendix B.        Public Meeting Scoping Notice**

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### Notice

The U.S Army Corps of Engineers, Sacramento District (Corps) has scheduled a public scoping meeting for the 2016 American River Common Features Project (ARCF) Supplemental Environmental Impact Statement on November 2, 2022, at 5:00 pm. The Meeting will be held in a virtual setting at \_\_\_\_\_. All interested individuals are invited to attend.

The Corps intends to prepare a draft Supplemental Environmental Impact Statement (SEIS)/Subsequent Environmental Impact Report (SEIR) to the ARCF General Reevaluation Report (GRR), Final Environmental Impact Statement/Environmental Impact Report. The Corps is the lead federal agency under the National Environmental Policy Act and the Central Valley Flood Protection Board will serve as the lead California Environmental Quality Act agency, with support from the California Department of Water Resources. The projects in this program that are being evaluated under this SEIS/SEIR include Lower American River erosion (LAR) contract 3B, LAR 4A, Magpie, Mitigation and, Sacramento River erosion contract 3. These projects have undergone refinement and design changes since they were originally described in the 2016 ARCF GRR.

The purpose of the 2016 ARCF is to reduce flood risk by modernizing Sacramento's aging flood infrastructure along the American and Sacramento Rivers and Magpie Creek. The work authorized by Congress includes the construction of cutoff walls and seepage berms to decrease the likelihood of levee failure, and installation of bank armoring to protect levees from erosion.

Additional project information and an opportunity to provide written comments is available on the ARCF SEIS website at: [www.sacleveeupgrades.com](http://www.sacleveeupgrades.com). For further information contact: Mr. Guy Romine, telephone at (916) 557-5100, e-mail at [ARCF\\_SEIS@usace.army.mil](mailto:ARCF_SEIS@usace.army.mil).





Beaufort Gazette  
Belleville News-Democrat  
Bellingham Herald  
Bradenton Herald  
Centre Daily Times  
Charlotte Observer  
Columbus Ledger-Enquirer  
Fresno Bee

The Herald - Rock Hill  
Herald Sun - Durham  
Idaho Statesman  
Island Packet  
Kansas City Star  
Lexington Herald-Leader  
Merced Sun-Star  
Miami Herald

el Nuevo Herald - Miami  
Modesto Bee  
Raleigh News & Observer  
The Olympian  
Sacramento Bee  
Fort Worth Star-Telegram  
The State - Columbia  
Sun Herald - Biloxi

Sun News - Myrtle Beach  
The News Tribune Tacoma  
The Telegraph - Macon  
San Luis Obispo Tribune  
Tri-City Herald  
Wichita Eagle

## AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
77907	335522	Print Legal Ad-IPL00946670 - IPL0094667		\$498.79	1	62 L

**Attention:** Drew Sutton

GEI Consultants Inc.  
2868 Prospect Park Drive, Suite 400  
Rancho Cordova, CA 95670

**Notice**

The U.S. Army Corps of Engineers, Sacramento District (Corps) has scheduled a public scoping meeting for the 2016 American River Common Features Project (ARCF) Supplemental Environmental Impact Statement on November 2, 2022 at 5:00 pm. The Meeting will be held in a virtual setting at <https://usace1.webex.com/meet/guykromine>. All interested individuals are invited to attend.

The Corps intends to prepare jointly with the Central Valley Flood Protection Board (CVFPB) a draft Supplemental Environmental Impact Statement (SEIS)/Subsequent Environmental Impact Report (SEIR) to the ARCF General Reevaluation Report (GRR), Final Environmental Impact Statement/Environmental Impact Report. The Corps is the lead federal agency under the National Environmental Policy Act and the CVFPB will serve as the lead California Environmental Quality Act agency, in coordination with the California Department of Water Resources. The projects in this program that are being evaluated under this SEIS/SEIR include Lower American River erosion (LAR) Contract 3B, LAR Contract 4A, Sacramento River Erosion Contract 3, North Area Streams Reach 1 (Magpie Creek), and Mitigation sites for loss of riparian habitat along the American and Sacramento Rivers. These projects have undergone refinement and design changes since they were originally described in the 2016 ARCF GRR.

The purpose of the 2016 ARCF project is to reduce flood risk by modernizing Sacramento's aging flood infrastructure along the American and Sacramento Rivers and Magpie Creek. The work authorized by Congress includes the construction of cutoff walls and seepage berms to decrease the likelihood of levee failure, and installation of bank protection to protect levees from erosion.

Additional project information and an opportunity to provide written comments until December 31, 2022 is available on the ARCF 2016 Project website at: [www.sacleveeupgrades.com](http://www.sacleveeupgrades.com). For further information contact: Mr. Guy Romine, telephone at (916) 557-5100, e-mail at ARCF\_SEIS@usace.army.mil.  
IPL0094667  
Oct 19 2022

### DECLARATION OF PUBLICATION (C.C.P.2015.5)

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the printer and principal clerk of the publisher of The Sacramento Bee, printed and published in the City of Sacramento, County of Sacramento, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Sacramento, State of California, under the date of September 26, 1994, Action No. 379071; that the notice of which the annexed is a printed copy, has been published in each issue thereof and not in any supplement thereof on the following dates, to wit:

No. of Insertions: 1

Beginning Issue of: 10/19/2022

Ending Issue of: 10/19/2022

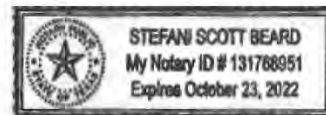
Legals Clerk

### COUNTY OF DALLAS STATE OF TEXAS

I certify (or declare) under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Sacramento, California, on 10/19/2022.

*Stefani Beard*

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.  
Legal document please do not destroy!



**From:** Martin, Nathaniel J CIV USARMY CESPK (USA) <Nathaniel.J.Martin@usace.army.mil>

**Sent:** Friday, October 21, 2022 9:38 AM

**To:** [14danmeier@gmail.com](mailto:14danmeier@gmail.com); [Alessandro.amaglio@fema.dhs.gov](mailto:Alessandro.amaglio@fema.dhs.gov); [allison.bosworth@noaa.gov](mailto:allison.bosworth@noaa.gov); [amy.dutschke@bia.gov](mailto:amy.dutschke@bia.gov); [barbara\\_rice@nps.gov](mailto:barbara_rice@nps.gov); [bhubbard@usbr.gov](mailto:bhubbard@usbr.gov); [Dunning.connell@Epa.gov](mailto:Dunning.connell@Epa.gov); [ellen.mcbride@noaa.gov](mailto:ellen.mcbride@noaa.gov); [jennifer\\_hobbs@fws.gov](mailto:jennifer_hobbs@fws.gov); [Susan\\_Rosebrough@nps.gov](mailto:Susan_Rosebrough@nps.gov); [ARandolph@cityofsacramento.org](mailto:ARandolph@cityofsacramento.org); [bellase@SacCounty.NET](mailto:bellase@SacCounty.NET); [CountyExecutive@SacCounty.net](mailto:CountyExecutive@SacCounty.net); [dmunger@saclibrary.org](mailto:dmunger@saclibrary.org); [drepan@cityofsacramento.org](mailto:drepan@cityofsacramento.org); [eguerre@cityofsacramento.org](mailto:eguerre@cityofsacramento.org); [feedback@sswd.org](mailto:feedback@sswd.org); [hchan@cityofsacramento.org](mailto:hchan@cityofsacramento.org); [jcorless@sacog.org](mailto:jcorless@sacog.org); [jsharris@cityofsacramento.org](mailto:jsharris@cityofsacramento.org); [KHuss@airquality.org](mailto:KHuss@airquality.org); [kvalenzuela@cityofsacramento.org](mailto:kvalenzuela@cityofsacramento.org); [Nottolid@saccounty.net](mailto:Nottolid@saccounty.net); [recdistrict3@hotmail.com](mailto:recdistrict3@hotmail.com); [richdesmond@saccounty.gov](mailto:richdesmond@saccounty.gov); [rjennings@cityofsacramento.org](mailto:rjennings@cityofsacramento.org); [Sloloe@cityofsacramento.org](mailto:Sloloe@cityofsacramento.org); [sorgenkc@saccounty.gov](mailto:sorgenkc@saccounty.gov); [SupervisorFrost@saccounty.net](mailto:SupervisorFrost@saccounty.net); [SupervisorKennedy@saccounty.gov](mailto:SupervisorKennedy@saccounty.gov); [SupervisorSerna@Saccounty.gov](mailto:SupervisorSerna@Saccounty.gov); [arc@ARConservancy.org](mailto:arc@ARConservancy.org); [california@tnc.org](mailto:california@tnc.org); [communications@metrochamber.org](mailto:communications@metrochamber.org); [connect@northsacramentochamber.org](mailto:connect@northsacramentochamber.org); [coyoteontheriver@gmail.com](mailto:coyoteontheriver@gmail.com); [deb@sacbike.org](mailto:deb@sacbike.org); [friendoftheswainsonshawk@gmail.com](mailto:friendoftheswainsonshawk@gmail.com); [gary@cepsym.org](mailto:gary@cepsym.org); [gregg.ellis@icf.com](mailto:gregg.ellis@icf.com); [info@arpf.org](mailto:info@arpf.org); [info@sacramentoriverparkway.org](mailto:info@sacramentoriverparkway.org); [info@sarariverwatch.org](mailto:info@sarariverwatch.org); [info@thelatinocenter.org](mailto:info@thelatinocenter.org); [jpeifer@sgah20.org](mailto:jpeifer@sgah20.org); [melinda@floodassociation.net](mailto:melinda@floodassociation.net); [office@ecosacramento.net](mailto:office@ecosacramento.net); Stork, Roland <[rstork@friendsoftheriver.org](mailto:rstork@friendsoftheriver.org)>;

**Subject:** American River Common Features (ARCF) SEIS/SEIR Public Scoping Meeting November 2, 2022, at 5:00 pm

The U.S Army Corps of Engineers, Sacramento District (USACE) has scheduled a public scoping meeting for the American River Common Features Project (ARCF) Supplemental Environmental Impact Statement (SEIS) on November 2, 2022, at 5:00 pm. The Meeting will be held in a virtual setting at <https://usace1.webex.com/meet/guy.k.romine>. All interested individuals are invited to attend.

This meeting is to inform the public of the upcoming environmental analysis for the SEIS and define the range of issues and potential alternatives. The SEIS is a supplement to the ARCF General Reevaluation Report (GRR), Final Environmental Impact Statement/Environmental Impact Report and will be prepared jointly with the Central Valley Flood Protection Board (CVFPB) Subsequent Environmental Impact Report (SEIR). USACE is the lead federal agency under the National Environmental Policy Act and the CVFPB serves as the lead California Environmental Quality Act agency, in coordination with the California Department of Water Resources. The projects in this program that are being evaluated under this SEIS/SEIR include Lower American River (LAR) erosion Contract 3B, LAR Contract 4A, Sacramento River Erosion Contract 3, North Area Streams Reach I (Magpie Creek), and Mitigation sites for loss of riparian habitat along the American and Sacramento Rivers. These projects have undergone refinement and design changes since they were originally described in the ARCF GRR and EIS/EIR.

Additional project information and an opportunity to provide written comments is available on the ARCF 2016 Project website at: [www.sacleveeupgrades.com](http://www.sacleveeupgrades.com). For further information please contact: Mr. Nathaniel Martin, by telephone at (916) 557-5100, or by e-mail at [ARCF\\_SEIS@usace.army.mil](mailto:ARCF_SEIS@usace.army.mil).

Nathaniel (Nate) Martin  
Environmental Manager  
1325 J Street, Room 1000  
Sacramento, California 95814  
[nathaniel.j.martin@usace.army.mil](mailto:nathaniel.j.martin@usace.army.mil)  
(916) 557-6708 desk

## Appendix C. Copies of Comments Received during the National Environmental Policy Act Scoping Period

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**From:** [Anna Starkey](#)  
**To:** [ARCF SEIS](#)  
**Subject:** [Non-DoD Source] Public Scoping Meeting and NOI 2016 American Watershed Common Features Project  
**Date:** Friday, October 28, 2022 1:32:42 PM  
**Attachments:** [American River Common.pdf](#)

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Dear Mr. Martin,

On behalf of the United Auburn Indian Community, Tribal Historic Preservation Department, thank you for the notification and opportunity to comment on the amendments to the American Watershed Common Features Project. In order for us to accurately provide comments, please provide us with shapefiles of the new areas that will be included in the amended EIS so we may review if any culturally sensitive areas will be impacted.

Lastly, please update your contact information for UAIC. Jason Camp is no longer the THPD. Matthew Moore now is.

Thank you,  
Anna



**Anna M. Starkey, M.A., RPA**  
Cultural Regulatory Specialist  
Tribal Historic Preservation Department | UAIC  
10720 Indian Hill Road  
Auburn, CA 95603  
Direct Line: (916) 251-1565 | Cell: (530) 863-6503  
[astarkey@auburnrancheria.com](mailto:astarkey@auburnrancheria.com) | [www.auburnrancheria.com](http://www.auburnrancheria.com)

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Nothing in this e-mail is intended to constitute an electronic signature for purposes of the Electronic Signatures in Global and National Commerce Act (E-Sign Act), 15, U.S.C. §§ 7001 to 7006 or the Uniform Electronic Transactions Act of any state or the federal government unless a specific statement to the contrary is included in this e-mail.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

November 30, 2022

Via email ARCF\_SEIS@usace.army.mil

Guy Romine  
U.S. Army Corps of Engineers, Sacramento District  
Attn: Environmental Analysis Section (CESPK-PDR-A)  
1325 J Street  
Sacramento, CA 95814

Subject: EPA's Scoping Comments on the draft Supplemental Environmental Impact Statement (SEIS)/Subsequent Environmental Impact Report (SEIR) to the 2016 American River Watershed Common Features (ARCF) Final Environmental Impact Statement/Environmental Impact Report (FEIS/FEIR), Sacramento County, California

Dear Mr. Romine:

The U.S. Environmental Protection Agency has reviewed the Corps' notice to initiate a supplemental environmental analysis for the above referenced project. The EPA's comments are provided pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508) and our NEPA review authority under Section 309 of the Clean Air Act.

The enclosed detailed comments are provided to assist in the development of a Supplemental Draft Environmental Impact Statement. The EPA recognizes the need for flood control in this highly urbanized area and welcomes this process as an opportunity to evaluate and minimize the impacts of existing and future projects on the regional environment. The Notice of Intent states that the Corps will look at Lower American River and State Route 160 Bridge area design refinements, new staging and haul routes, levee realignments in the Magpie Creek area, and a mitigation plan to address additional compensatory mitigation needed. We appreciated the clarifications provided at the public meeting held November 2, 2022 regarding the scope of the supplemental analysis. We recommend updating any additional direct, indirect, and cumulative impacts to water and biological resources not covered in the 2016 ARCF EIS and addressing unhoused communities and additional compensatory mitigation needed due to design changes.

We appreciate the opportunity to provide comments on this scoping notice and look forward to continued participation in the NEPA process. If you have any questions, please contact me at (415) 972-3742 or [truitt.rob@epa.gov](mailto:truitt.rob@epa.gov).

Sincerely,

ROBERTA  
TRUITT

Robin Truitt  
NEPA Environmental Review Branch

Digitally signed by ROBERTA  
TRUITT  
Date: 2022.11.30 15:43:40  
-0800

Enclosure: EPA's Detailed Scoping Comments

**U.S. EPA DETAILED SCOPING COMMENTS ON THE SUPPLEMENTAL EIS FOR THE AMERICAN RIVER  
COMMON FEATURES PROJECTS, SACRAMENTO COUNTY, CALIFORNIA – NOVEMBER 30, 2022**

**Alternatives Analysis**

The EPA recommends that the Corps explore and objectively consider a full range of alternatives and evaluate in detail all reasonable alternatives that fulfill the project's purpose and need and regulatory requirements. For example, there could be various bank and levee protection designs that could be employed, alone or in combination, that maximize environmental benefits or ecological components, structures and functions while also reducing risk of life and property loss from a large flood event. It would be useful to present various bank erosion and levee protection methods together to compare those analyzed in the 2016 ARCF FEIS/FEIR (e.g., conventional riprap or rock and bank revetments<sup>1</sup>) with the proposed use of launchable toe protection and tie backs, and/or with bio-technical techniques that integrate riparian restoration for riverbank stabilization. Such comparisons would more sharply define the issues and provide a clear basis for choice among options by decision-makers (40 CFR 1502.14 (b)).

Describe how each alternative was developed, how it addresses project objectives, and how it will be implemented. Quantify the potential environmental impacts of each alternative to the greatest extent (e.g., acres of habitat impacted and mitigation needed) and clearly delineate differences in impacts between alternatives analyzed. We also recommend comparing the costs and benefits of each of the alternatives, including the costs for required mitigation measures. Further, discuss reasons for eliminating alternatives to the proposed action (40 CFR 1502.14 (a)).

**Scope of Assessment and Impacts Analysis**

In the Supplemental Draft EIS, include and describe all connected actions (40 CFR 1501.9(e)(1)). The Council on Environmental Quality Regulations also require analysis of "reasonably foreseeable environmental trends and planned actions in the area." Analysis of impacts should also consider "effects that are later in time or farther removed in distance from the proposed action or alternatives."

EPA recommends describing the threat to resources as a whole, presented from the perspective of the resource instead of from the individual project. Identify how resources, ecosystems, and communities in the vicinity of the project have already been, or will be, affected by past, present, or future activities in the lower portions of the Sacramento and American River watersheds. The Supplemental Draft EIS should also consider the combined impacts associated with these activities the area and the potential impacts on various resources, characterized in terms of their response to change and capacity to withstand multiple stressors.

Describe a suite of potential mitigation measures, under the jurisdiction of the Corps and project sponsors, that will serve to alert other agencies or officials about potential protective measures that can be implemented. For this Supplemental DEIS, we specifically recommend that the Corps focus its analysis on riparian habitat, biological and aquatic resources, and threatened or endangered species that are at risk or be significantly impacted by the proposed project before mitigation.

**Baseline Environmental Conditions**

When evaluating project effects, we recommend using existing environmental conditions as the baseline for comparing impacts across all alternatives, including the no action alternative. This provides an important frame of reference for quantifying and/or characterizing magnitudes of effects and

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<sup>1</sup> See priorities of the Salmonoid Recovery Plan in NMFS' 2021 Biological Opinion at pg. 60



understanding each alternative's impacts and potential benefits. This is particularly important when there are environmental protections in place that are based on current conditions, such as total maximum daily loads (TMDLs), for impaired stream segments.

The Supplemental Draft EIS should present impacts to resources as a comparison to the existing conditions baseline using a consistent method of measuring project impacts for all alternatives. By utilizing existing environmental conditions as a baseline, future changes to environmental resources can be more accurately measured. We recommend that the Corps consider the following when defining baseline conditions:

- Verify that historical data (e.g., data five years or older) are representative of current conditions.
- Compare historical data with the most recent water quality and quantity information and any predictive models that show what might occur under various conditions or trends.
- Include resources directly impacted by the project footprints within the geographic scope of analysis, as well as the resources indirectly (or secondarily) impacted by the projects (40 CFR 1508.1(g)(1)).

#### **Climate Change**

We recommend that the Supplemental Draft EIS consider how climate change could potentially influence the study area. Include anticipated changes to the watershed in terms of quantity and timing of snowpack, runoff, and precipitation and how these changes may impact hydrology and riparian habitats in the project area, project operations and maintenance, and long-term mitigation success. Discuss how implementation of the proposed projects could lessen or potentially mitigate for these impacts.

#### **Water Resources**

The Supplement Draft EIS should provide a complete hydrologic characterization of the project vicinity and the cumulative impact area. We recommend that the Corps incorporate by reference and summarize the 2016 ARCF FEIS/FEIR analysis of water quality, including collection of dissolved oxygen, temperature, and other parameters that are considered seasonal or naturally occurring. These data may be used for comparison to changes in water quality as a result of current conditions or project actions.

Discuss all direct, indirect, and cumulative impacts to surface water and groundwater quality and quantity from the proposed project and alternatives both during construction and in operations. Describe all potential project discharges, seepage, temporary ponding, diversions, as well as the potential effects of these activities on water quality and flow and other beneficial uses.

Focus on potentially significant threats to surface waters from existing conditions and proposed management actions, including the suspension and transport of sediments or substrates. Discuss the potential for increased (or decreased) runoff of sediments and pollutants, impacts to riparian areas downstream, the potential for erosion, the potential impact to drinking water intakes, and changes in stream flow, substrate, dissolved oxygen, and temperature. Identify and evaluate measures which could reduce these impacts for each design or engineering alternative and commit to these measures as part of the project.

#### **Aquatic Resources, Wetlands and Riparian Areas**

In the Supplemental Draft EIS, describe aquatic habitats in the project area (e.g., habitat type, plant and animal species, functional values, and integrity) and the environmental consequences of the proposed alternatives on these resources. Impacts to aquatic resources should be evaluated in terms of the areal (acreage for wetlands) or linear extent (for streams) to be impacted and by the functions they perform.

To support a LEDPA determination, conduct a formal and reproducible assessment of the condition of aquatic resources in the reservoir footprint using an approved conditional assessment such as the California Rapid Assessment Method (CRAM).<sup>2</sup>

#### **Biological Resources, Habitat, and Wildlife**

##### **Compensatory Mitigation**

In the summer of 2021, EPA echoed the concerns<sup>3</sup> of the USFWS and NMFS regarding the ability of planting benches built atop launchable flood features to provide long term, on-site mitigation if they launched due to bank erosion or scouring from flood events because they had not been used before for bank or levee protection on the Sacramento or American Rivers. Once launched, as designed, exposed rip-rap rock could reduce riparian vegetation and native habitat function and reduce fish habitat and food availability throughout the entirety of the action area (See e.g., NMFS BO p. 79). In the Biological Opinions, both NMFS and the USFWS requested that the Corps provide more information on these launchable flood protection features and address the durability of the mitigation (NMFS BO p. 108; USFWS BO p. 26). To account for the potential loss of on-site mitigation, the Corps committed to adding 4 acres of additional mitigation over the 50-year life of the project and would create a balance between open water and bench habitat.<sup>4</sup>

The EPA recommends that the Supplemental EIS incorporate the findings of the Biological Assessment (to be released in December 2022) and consultations into its analysis and discuss which proposed design features or alternatives will be counted, or discounted, as long-term compensatory mitigation. Specifically discuss how the 4 acres of additional compensatory mitigation associated with the launchable features in LAR Contract 2 were calculated or could be replicated as applied to the launchable rock toes or trenches proposed here.

##### **Mitigation Plan and Long-Term Management**

The Notice of Intent mentions the identification and construction of new mitigation sites. The EPA is not aware of any CWA Section 404 or ESA credits available presently at mitigation banks in the Lower American River area, although credits may be available through the National Fish and Wildlife Federation Sacramento District In-Lieu Fee Program or may become available at proposed banks. The EPA recommends that the Supplemental Draft EIS:

- Propose a Mitigation Plan that identifies and quantifies which species and/or aquatic resources might be directly, indirectly, or cumulatively affected by each alternative and mitigate impacts to these habitats. Emphasis should be placed on the protection and recovery of species due to their status or potential status under the federal or state Endangered Species Act, and compensation for impacted aquatic resource functions and values. It should discuss the types of mitigation needed and types/sites of compensatory mitigation available. The Mitigation Plan should also identify responsible parties, and funding mechanisms to be used. It would evaluate (and quantify if feasible) potential mitigation measures and their effectiveness at mitigating impacts to loss of habitat. Discuss any limitations or drawbacks of these mitigation measures, and address how their effectiveness will be implemented, monitored, and enforced.

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<sup>2</sup> California Wetland Monitoring Workgroup (CWMW). 2019. Using the California Rapid Assessment Method (CRAM) for Project Assessment as an Element of Regulatory, Grant, and other Management Programs. Technical Bulletin – Version 2.0, 85 pp. [https://www.cramwetlands.org/sites/default/files/2019CRAM\\_TechnicalBulletin.pdf](https://www.cramwetlands.org/sites/default/files/2019CRAM_TechnicalBulletin.pdf)

<sup>3</sup> EPA comments on the LAR Contract 2, dated July 19, 2021.

<sup>4</sup> Public meeting of Nov. 2, 2022



- Include a Long-Term Management Plan that adapts mitigation measures to future hydrologic and geomorphic conditions within the system of approved projects in the 2016 American River Common Features Final EIS/EIR and update the Habitat Mitigation Monitoring and Adaptive Management Plan in coordination with NMFS and USFWS. Discuss remedial actions to be taken if on-site mitigation is compromised in the future. Remedial actions may include replanting, creation of additional off-site habitat, or purchase of mitigation bank credits. Include adaptive management responses, such as mitigation ratios, success criteria, monitoring, and maintenance, to future potential impacts of launchable rock events on riparian and fish habitat, including.
- The proposed project will impact a variety of resources for an extended period of time. As a result, we recommend that the project be designed to include an environmental inspection and monitoring program to ensure compliance with all mitigation measures and assess their effectiveness. In the Supplemental Draft EIS, describe the monitoring program and how it will be used as an effective feedback mechanism (i.e., adaptive management) so that any needed adjustments can be made to the project to meet environmental objectives throughout the life of the project. Discuss adaptive management monitoring programs that will be implemented before and after the proposed actions to determine potential impacts on plant and wildlife species, especially species classified rare, threatened, or endangered on either state or federal lists. Describe a mechanism or process that could be used to consider and implement additional mitigation measures.
- Include as appendices to the Supplemental Draft EIS the most recent biological assessment (informal consultation). Summarize the biological opinions of the resource agencies (formal consultation) and demonstrate that the preferred alternative is consistent with these assessments or opinions. Discuss the project's consistency with other existing laws and regulations, including the Migratory Bird Treaty Act.

We recommend providing clear commitments to carry out proposed mitigation measures identified in the Supplemental Draft EIS, or as otherwise established. Joe Morgan of EPA's Wetlands and Oceans Section is available to provide expertise and assistance on the development of Mitigation or Long-Term Management Plans. He can be reached at 415.972.3309 or by email at [Morgan.Joseph@epa.gov](mailto:Morgan.Joseph@epa.gov).

#### ***Invasive Species***

In Supplemental Draft EIS, include measures that are consistent with Executive Order 13112 on Invasive Species. We suggest including any existing agency direction for noxious weed management, a description of current conditions, and best management practices, which will be utilized to prevent, detect, and control invasives in the project area. Discuss measures that would be implemented to reduce the likelihood of introduction and spread of invasive species within the proposed project area. We encourage the Corps and local sponsors to promote integrated weed management, with prioritization of management techniques that focus on non-chemical treatments first, and mitigation to avoid herbicide transport to surface or ground waters. Early recognition and control of new infestations is critical to stop the spread of the infestation and avoid wider future use of herbicides, which could correspondingly have more adverse impacts on biodiversity, water quality and fisheries.

#### **Environmental Justice**

In the Spring of 2022, the Corps issued interim Environmental Justice implementation guidance and initiatives into the civil works program designed to build climate-resistant infrastructure that protects communities and ecosystems. The policy encourages environmental justice and disproportionate impacts to disadvantaged communities be considered in all phases of project planning and decision-making and the

USACE is directed to initiate outreach and engage disadvantaged communities early in the process to identify and address problems. In addition, Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (February 16, 1994), directs federal agencies to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of their actions on minority and low-income populations. It further directs agencies to develop a strategy for implementing environmental justice and providing minority and low-income communities access to public information and public participation. As such, the Corps should address adverse environmental effects of the proposed project on these communities and outline measures to mitigate for impacts.

In the Corps’ preparation of the environmental justice analysis, we encourage consideration of two specific resources: 1) CEQ’s *Environmental Justice: Guidance Under the National Environmental Policy Act* report<sup>5</sup> and 2) the Federal Interagency Working Group on Environmental Justice and NEPA Committee’s *Promising Practices for Environmental Justice Methodologies in NEPA Reviews* report.<sup>6</sup> These documents provide information on applying environmental justice methodologies that have been established in federal NEPA practice. Further, it may be useful to use EPA’s EJ Screen<sup>7</sup> and/or the most recent American Community Survey from the U.S. Census Bureau (i.e., Five-Year Data Profile Estimates for 2013-2019). To best illustrate the presence of a minority population, we recommend that the Corps analyze block groups, the smallest geographical unit for which the U.S. Census Bureau publishes data. We caution using larger tracts in the analysis, such as counties, to the extent they may dilute the presence of low income or minority populations.

However, some USACE Districts have expanded the EJ analysis<sup>8</sup> to address the displacement of unhoused communities along levees and in floodplains in and around the study area as these common areas of refuge may create erosion, habitat destruction, maintenance, and sanitary issues. People living there are more at-risk as they likely lack the resources and means to evacuate quickly and establish safer living situations. In the Upper Guadalupe Project report, the Corps used the City of San José’s Homeless Census figures to illustrate the rising numbers of unsheltered persons, the nature of the problem, and committed to engaging and supporting the city in its efforts to relocate unhoused communities to places outside of the flood hazard zone and improve life safety. Discuss these matters in the Supplemental Draft EIS and to support any finding of “no disproportionate impact,” estimate the number of individuals who could be impacted by construction activities and describe what would happen to the unhoused after removal.

After the Corps has determined if minority and low-income populations reside in the project area, we recommend that the Draft EA or EIS discuss whether these communities would be potentially affected by individual or cumulative actions of the proposed action. We also recommend addressing whether any of the alternatives or construction access limits would cause any disproportionate adverse impacts, such as higher exposure to toxins; changes in existing ecological, cultural, economic, or social resources or access; cumulative or multiple adverse exposures from environmental hazards; or community disruption.

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<sup>5</sup> See [https://www.epa.gov/sites/production/files/2015-02/documents/ej\\_guidance\\_nepa\\_ceq1297.pdf](https://www.epa.gov/sites/production/files/2015-02/documents/ej_guidance_nepa_ceq1297.pdf).

<sup>6</sup> See [https://www.epa.gov/sites/production/files/2016-08/documents/nepa\\_promising\\_practices\\_document\\_2016.pdf](https://www.epa.gov/sites/production/files/2016-08/documents/nepa_promising_practices_document_2016.pdf).

<sup>7</sup> EJScreen is an online mapping tool that can aid the agencies in developing outreach for EJ communities. The tool is available at <https://ejscreen.epa.gov/mapper/>.

<sup>8</sup> See, e.g., the November 2022 Upper Guadalupe River Flood Risk Management Project Draft General Reevaluation Report and Supplemental Environmental Assessment.



Present opportunities for affected communities to provide input into the NEPA process. In the Draft EA or EIS, include information describing what was done to inform these communities about the project and the potential impacts it will have on their communities (notices, mailings, fact sheets, briefings, presentations, translations, newsletters, reports, community interviews, surveys, canvassing, telephone hotlines, question and answer sessions, stakeholder meetings, and on-scene information), what input was received from the communities, and how that input was utilized in the decisions that were made regarding the project.

#### **Traffic**

The EPA understands that land side staging areas and haul routes to the staging areas were not analyzed for specific projects in the 2016 ARCF GRR FEIS/FEIR. The Supplemental Draft EIS should explain why barge work cannot be employed to avoid or minimize impacts to traffic, transportation, and noise. The Supplemental Draft EIS should also detail essential provisions in a Construction Traffic Management Plan that address circulation considerations, such as maintaining a minimum of one lane open to traffic in each direction at all times, restricting truck traffic on residential streets to only those streets where project activities occur, notifying impacted areas and transit agencies of alternate traffic and pedestrian routes and bus stops at least 72 hours prior to the start of construction work, and maximizing the use of major roadways and trucking routes for any detours or road closures.

#### **Noise**

In the Supplemental Draft EIS, discuss the need for extended nighttime work schedules and explain how noise impacts are avoided or minimized by performing the work at night. Typically, noise ordinances limit construction activities to certain daylight hours to prevent night-time disruption to nearby residents or other sensitive receptors - and it would be useful to explain reasons for any night work preferences to the community. Estimate noise levels from both landside and water side work. Discuss compliance with and City and County noise ordinances and what approvals would be needed to deviate from timing restrictions. Determine at what levels, and where, temporary barriers for noise reduction would be needed.

#### **Air Quality**

##### ***Green House Gas Emissions***

The Supplemental Draft EIS should provide a discussion of ambient air conditions (baseline or existing), National Ambient Air Quality Standards and nonattainment areas, and potential air quality impacts of the proposed project for each alternative. In estimating criteria pollutant emissions for the analysis area, discuss the timeframe for release of these emissions through the license lifespan of the proposed project.

We note that the project area is in moderate nonattainment for PM<sub>10</sub>; therefore, we recommend the following measures to mitigate construction emissions of fugitive dust, oxides of nitrogen, and volatile organic compounds and to include these measures in all construction contracts.

##### **Fugitive Dust Source Controls:**

- Stabilize disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate. This applies to both active and inactive sites during workdays, weekends, holidays, and windy conditions.
- Phase grading operations where appropriate and operate water trucks for stabilization of surfaces under windy conditions.
- When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.

#### Mobile and Stationary Source Controls:

- Reduce unnecessary idling from heavy equipment.
- Prohibit engine tampering to increase horsepower, unless within the manufacturer's specifications.
- Lease or buy newer, cleaner equipment using the best available emissions control technologies.
- Use lower-emitting engines and fuels, including electric, liquified gas, hydrogen fuel cells, and/or alternative diesel formulations, if feasible.
- *On-Highway Vehicles* - On-highway vehicles should meet, or exceed, the U.S. EPA exhaust emissions standards for model year 2010 and newer heavy-duty on-highway compression-ignition engines (e.g., drayage trucks, long haul trucks, refuse haulers, shuttle buses, etc.).<sup>9</sup>
- *Nonroad Vehicles & Equipment* - Nonroad vehicles and equipment should meet, or exceed, the U.S. EPA Tier 4 exhaust emissions standards for heavy-duty nonroad compression-ignition engines (e.g., nonroad trucks, construction equipment, cargo handlers, etc.).<sup>10</sup>

#### Administrative Controls:

- Coordinate with appropriate air quality agencies to identify a construction schedule that minimizes cumulative impacts from other planned projects in the region, to the extent feasible.
- Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking.<sup>11</sup>
- Develop a construction traffic and parking management plan that minimizes traffic interference and maintains traffic flow and avoid routing truck traffic near sensitive land uses to the fullest extent feasible.
- Locate diesel engines, motors, and equipment staging areas as far as possible from residential areas and other sensitive receptors (e.g., schools, daycare centers, hospitals, senior centers, etc.).
- Reduce construction-related trips of workers and equipment, including trucks.
- Identify all commitments to reduce construction emissions and quantify air quality improvements that would result from adopting specific air quality measures.
- Identify where implementation of mitigation measures is rejected based on economic infeasibility.

#### Consultation with Tribal Governments

It is important that formal government-to-government consultation take place early in the scoping phase of the project to ensure that all issues are adequately addressed in the Draft EA or EIS. The principles for interactions with tribal governments are outlined in the presidential "Memorandum on Government-to-Government Relations with Native American Tribal Governments" (April 29, 1994) and Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments" (November 6, 2000). As a resource, we recommend the document *Tribal Consultation: Best Practices in Historic Preservation*,<sup>12</sup> published by the National Association of Tribal Historic Preservation Officers. EPA Region 9 has a robust tribal program. If you need assistance with consultation or updated tribal contacts, please contact John (JR) Herbst at (619) 235-4787 or [herbst.john@epa.gov](mailto:herbst.john@epa.gov).

<sup>9</sup> See <https://nepis.epa.gov/Exec/QueryPDF.cgi?Dockey=P100O9ZZ.pdf>

<sup>10</sup> See <https://nepis.epa.gov/Exec/QueryPDF.cgi?Dockey=P100OA05.pdf>

<sup>11</sup> Suitability of control devices is based on whether there is reduced normal availability of the construction equipment due to increased downtime and/or power output, whether there may be significant damage caused to the construction equipment engine, or whether there may be a significant risk to nearby workers or the public.

<sup>12</sup> National Association of Tribal Historic Preservation Officers. May 2005. *Tribal Consultation: Best Practices in Historic Preservation*. Available at [http://www.nathpo.org/PDF/Tribal\\_Consultation.pdf](http://www.nathpo.org/PDF/Tribal_Consultation.pdf)

In the Draft EA or EIS, summarize the results of tribal consultation and identify the main concerns expressed by tribes (if any), and how those concerns were addressed. We also recommend identifying any protection, mitigation, and enhancement measures identified by tribes.

#### **National Historic Preservation Act**

Consultation for tribal cultural resources is required under Section 106 of the National Historic Preservation Act. Historic properties under NHPA are properties that are included in the National Register of Historic Places or that meet the criteria for NRHP. Section 106 of NHPA requires a federal agency consider the effects of their actions on cultural resources, following the regulation at 36 CFR 800, and upon determining that activities under its control could affect historic properties, to consult with the appropriate State Historic Preservation Office/Tribal Historic Preservation Office. Under NEPA, any impacts to tribal, cultural, or other treaty resources must be disclosed.

In the Supplemental Draft EIS, discuss how the Corps would avoid or minimize adverse effects on the physical integrity, accessibility, or use of cultural resources or archaeological sites, including traditional cultural properties (TCPs), throughout the project area. Clearly discuss mitigation measures for archaeological sites and TCPs. We encourage the Corps to append any Memoranda of Agreements to the Supplemental Draft EIS, after redacting specific information about these sites that is sensitive and protected under Section 304 of NHPA. We also recommend providing a summary of all coordination with tribes and with the SHPO/THPOs, including identification of NRHP eligible sites and development of a Cultural Resource Management Plan.

Executive Order 13007, "*Indian Sacred Sites*" (May 24, 1996), requires federal land managing agencies to accommodate access to, and ceremonial use of, Indian sacred sites by Indian religious practitioners, and to avoid adversely affecting the physical integrity, accessibility, or use of sacred sites. It is important to note that a sacred site may not meet NRHP criteria for a historic property and that, conversely, a historic property may not meet the criteria for a sacred site. It is also important to note that sacred sites may not be identified solely in consulting with tribes located within geographic proximity of the project. Tribes located outside the direct impact area the plan area may also have religiously significant ties to lands within the plan area and should be included in the consultation process.

Address the existence of any Indian sacred sites in the project area that may be considered spiritual sites by regional tribal nations. Discuss how the Corps would ensure that the proposed action would avoid or mitigate for the impacts to the physical integrity, accessibility, or use of sacred sites.

SACRAMENTO METROPOLITAN



November 10, 2022

Guy Romine  
U.S. Army Corps of Engineers, Sacramento District  
Attn: Environmental Analysis Section (CESPK-PDR-A)  
1325 J Street  
Sacramento, CA 95814  
[ARCF\\_SEIS@usace.army.mil](mailto:ARCF_SEIS@usace.army.mil)

**Subject: Notice of Intent to Prepare a Draft Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report for the 2016 American River Watershed Common Features General Reevaluation Report Final Environmental Impact Statement/Final Environmental Impact Report (SAC201301442)**

Dear Guy Romine:

Thank you for informing the Sacramento Metropolitan Air Quality Management District (Sac Metro Air District) of the U.S. Army Corps of Engineers' Notice of Intent to Prepare a Draft Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report (DSEIS/SEIR) for the 2016 American River Watershed Common Features (ARCF) General Reevaluation Report (GRR) Final Environmental Impact Statement/Environmental Impact Report<sup>1</sup>. The intent of the DSEIS/SEIR is to analyze potential significant impacts from changes made during final preliminary design of multiple segments of the ARCF project, including Lower American River erosion protection methods, State Route 160 Bridge, Sacramento River erosion design refinements, Magpie Creek, and mitigation site actions and potential expansion. The California Health and Safety Code requires the Sac Metro Air District to represent the residents of Sacramento County in influencing the decisions of other agencies whose actions may have an adverse impact on air quality. In that context, Sac Metro Air District staff provides the following recommendations.

Utilize Sac Metro Air District's *Guide to Air Quality Assessment in Sacramento County*<sup>2</sup> (CEQA guide) to inform the air quality and greenhouse gas analyses and to determine if the project changes will have significant impacts. The CEQA guide includes screening criteria, thresholds of significance, methods for analysis, mitigation strategies, and best management practices for reducing emissions and exposure.

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<sup>1</sup> U.S. Army Corps of Engineers, ARCF GRR Final EIS/EIR, December 2015:  
[https://www.spk.usace.army.mil/Portals/12/documents/civil\\_works/CommonFeatures/ARCF\\_GRR\\_Final\\_EIS-EIR\\_Jan2016.pdf](https://www.spk.usace.army.mil/Portals/12/documents/civil_works/CommonFeatures/ARCF_GRR_Final_EIS-EIR_Jan2016.pdf)

<sup>2</sup> Sac Metro Air District CEQA Guide: <https://www.airquality.org/Businesses/CEQA-Land-Use-Planning/CEQA-Guidance-Tools>



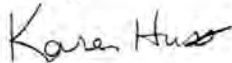
All air quality and greenhouse gas mitigation measures and environmental commitments adopted for the ARCF GRR and the General Conformity Determination<sup>3</sup> (GCD) should be incorporated into the DSEIS/SEIR. If any measures or commitments are found to be outdated, infeasible, or in conflict, they should be updated prior to being incorporated.

The analysis should disclose if the project changes will impact the GCD. If necessary, Army Corps should update the GCD to ensure the project will not hinder ozone attainment efforts in the Sacramento region.

Increased trucking activity and the area needed for staging equipment can create conflicts with bicycle travel, pedestrian pathways, and transit stops. Safe, convenient, clearly marked alternative routes should be determined with input from the surrounding communities and local agencies to ensure commute trips by active modes are not discouraged during project construction.

Please provide the notice of the availability of the DSEIS/SEIR by sending an email to [projectreview@airquality.org](mailto:projectreview@airquality.org). You may contact me if you have any questions regarding these recommendations at [khuss@airquality.org](mailto:khuss@airquality.org) or 279-207-1131.

Sincerely,



Karen Huss  
Associate Air Quality Planner / Analyst

cc: Paul Philley, AICP, CEQA & Land Use Program Supervisor, Sac Metro Air District

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<sup>3</sup> U.S. Army Corps of Engineers, ARCF GRR Final General Conformity Determination, June 2021:  
[https://www.spk.usace.army.mil/Portals/12/documents/civil\\_works/CommonFeatures/WRDA16/Documents/ARCF16\\_Final-GenConform\\_Determination-w-AppendixA\\_Jun2021.pdf?ver=56b3FYmyrsKSWSzYI5nesO%3d%3d](https://www.spk.usace.army.mil/Portals/12/documents/civil_works/CommonFeatures/WRDA16/Documents/ARCF16_Final-GenConform_Determination-w-AppendixA_Jun2021.pdf?ver=56b3FYmyrsKSWSzYI5nesO%3d%3d)

**Regional Parks Department**  
Liz Bellas, Director



**Divisions**  
Administration  
Golf  
Leisure Services  
Maintenance  
Rangers  
Therapeutic Recreation Services

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**County of Sacramento**

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December 30, 2022

Mr. Guy Romine  
Attn: Environmental Analysis Section (CESPK-PDR-A)  
U.S. Army Corps of Engineers, Sacramento District  
1325 J Street  
Sacramento, California 95814

Subject: Notice of Intent to Prepare a Draft Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report for the 2016 American River Watershed Common Features Project, Sacramento CA

Mr. Romine,

In October the U.S Army Corps of Engineers (USACE) issued a Notice of Intent (NOI) to prepare a Draft Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report (SEIS/SEIR) for the 2016 American River Watershed Common Features Project (ARCF), Sacramento CA. This NOI “commences the public scoping process to identify issues and potential alternatives for consideration in the SEIS/SEIR.” During this process, “Federal agencies, Tribal, State and local governments and the general public have the opportunity to help USACE determine significant resources and issues, impact producing factors, reasonable alternatives, and potential mitigation measures to be analyzed in the SEIS/SEIR.” The Sacramento County Department of Regional Parks (Regional Parks) appreciates this opportunity to assist USACE in determining reasonable alternatives for analysis in the SEIS/SEIR, particularly with respect to the location, design, and construction of “dedicated mitigation facilities” in the American River Parkway (ARP) as necessary to fulfill the mitigation commitments set forth in the ARCF General Re-evaluation Report Final EIS/EIR.

The NOI provides no details on such facilities. Based on a presentation by USACE to Regional Parks on August 31, 2022, it appears that the mitigation effort for American River impacts is focused in large part on the privately owned Urrutia property, an abandoned sand and gravel mine occupying 120 acres in the Discovery Park area of the American River Parkway. The Sacramento Area Flood Control Agency (SAFCA) is currently seeking to acquire this property. As we noted to USACE following their presentation, Regional Parks strongly supports use of the Urrutia site for ARCF Project mitigation. However, we have been reluctant to weigh in on the landscape design alternatives that should be considered until SAFCA completes the due diligence phase of its

negotiation with the property owners. Issuance of the NOI has changed this calculus. In response to USACE's formal request for assistance in identifying reasonable alternatives for the site, we offer the following observations.

First, public use of the Urrutia property is governed by the goals and policies of the 2008 American River Parkway Plan (Parkway Plan). The Area Plan for the Discovery Park area of the Parkway calls for acquiring the property and reclaiming and restoring it to enhance its fish and wildlife value, accommodate historical and cultural interpretive activities, including demonstrations of California Native American culture, and support picnicking, hiking and wildlife viewing. The Area Plan further identifies improvements that should be created to support these purposes and, based on the assumption that the site's existing open water pond will remain post-acquisition, provides that boating and fishing may be allowed for interpretive purposes only by permit at the discretion of the Parkway Manager.

The Parkway Plan states that habitat restoration, local drainage, public utilities and flood control facilities, as determined to be appropriate to and permitted within a Wild and Scenic Rivers corridor, are permitted in all land use categories. Hence use of the Urrutia property for habitat mitigation would not require changes in the existing land use designations for the property. On the other hand, the Parkway Plan provides that any physical development proposal which is not consistent with the approved Area Plan in which the development would occur should not proceed to the contract drawing stage until the proposal has been approved in accordance with the planning and development process spelled out in Chapter 11 of the Parkway Plan.

As indicated in our last meeting with USACE, habitat improvement concepts for the Urrutia site are currently under development. It is our understanding that these concepts are aimed at meeting the following ARCF Project mitigation needs at the site:

- Approximately 62 acres of floodplain habitat that could be provided by breaching the berm that currently separates the Urrutia pond from the river and filling a portion of the pond to achieve landscape elevations suitable for seasonal inundation to support fish rearing. This habitat type would also provide riparian canopy to offset the approximately 31 acres needed to mitigate for the Yellow-billed Cuckoo riparian canopy impacts; and
- Approximately 38 acres of less frequently inundated Valley Elderberry Longhorn Beetle (VELB) habitat that could be provided by filling the remainder of the pond to match the landscape elevations currently surrounding the pond.

All of the concepts presented to Regional Parks envision complete elimination of the existing 58 acre pond with one exception which shows preservation of a small pond (approximately 8 acres) connected to the river that is intended to provide functional open water habitat values similar to the values currently associated with the isolated pond. Each of these concepts indicate that approximately 70-80 acres of floodplain habitat would be created to offset the needed mitigation.

While filling in the isolated Urrutia pond would eliminate an existing fish stranding risk that arises when flows in the American River and/or Bannon Slough are high enough to spill water and fish into the pond the physical change would extinguish the wildlife habitat, interpretive, and wildlife viewing values associated with the existing pond. Whether and to what extent these values could be preserved by including a small river connected embayment in the design has yet to be determined. In any case, the consequences of eliminating a unique wildlife habitat feature in order to protect a vulnerable fish population from periodic stranding; or alternatively preserving this unique habitat and mitigating but not eliminating the existing stranding risk need to be fully evaluated. Without such an evaluation, decision makers will not be able to make a reasoned determination as to what physical changes to the Urrutia site make the most sense in light of the goals and policies of the Parkway Plan.

The process for making this determination is described in the Implementation chapter of the Parkway Plan. Any physical change which involves a modification to an existing Area Plan is subject to a public hearing process involving the County Recreation and Parks Commission and the County Planning Commission each of which must review the proposed modification and provide its recommendation to the County Board of Supervisors which is the ultimate local authority for all matters related to the planning and management of the Parkway. As part of the project review process, Regional Parks is responsible for ensuring that proposed projects are designed to first, avoid adverse environmental impacts; second, minimize adverse environmental impacts; and third, replace, repair, or restore adversely impacted resources as close as feasible in time and place to the impact. Impacts include but are not limited to aesthetics, recreational facilities and access points, water quality, soils, and all biological resources. Noise, air quality (including fugitive dust) and other impacts associated with construction are also impacts to avoid, minimize, and mitigate. In carrying out this responsibility, Regional Parks may request project proponents to consider modifications and/or alternatives to proposed projects that would minimize impacts to existing Parkway resources or reduce construction related impacts in a manner that Regional Parks deems to be consistent with the Parkway Plan.

In this instance, Regional Parks believes it would be appropriate for USACE to consider at least one habitat enhancement alternative for the Urrutia site that preserves a substantial portion of the isolated pond. Such an alternative was developed as part of the Urrutia planning process spearheaded by USACE at the end of 2021 (see attached figures). Under this alternative, the offsite floodplain habitat needs of the ARCF Project would be achieved and there would space remaining on the Urrutia property to provide a small portion of the VELB habitat needs with the balance being placed at other locations in the Parkway (including land adjacent to the Urrutia property) that Regional Parks has identified as suitable and available for this purpose. This alternative would accommodate an isolated pond approximately 30 acres in size thereby preserving most of the wildlife habitat, interpretive, and wildlife viewing values associated with this feature of the Parkway and aligning more closely with the Parkway Plan policies applicable to the Urrutia site. The existing fish stranding risk could be lessened through the shrinkage of the pond and there would be



opportunities for further minimization of this risk through site grading so as to direct Bannon Slough overflows away from the remnant pond and allow some escapement from the pond into Bannon Slough.

This alternative would not require substantial volumes of fill material to be brought to the site thereby eliminating many of the traffic, noise, and fugitive dust issues that would result from filling the entire pond. The isolated pond could serve as a discharge site for ponded water evacuated from the portion of the pond being filled with material to create floodplain habitat. This would allow the existing riverside berm to separate the construction area from the river and minimize the risk that sediment mobilized by construction activity could reach the American River and degrade its water quality. And retention of a substantial portion of the isolated pond would minimize the need to mitigate for the loss of the wildlife habitat values associated with this existing feature.

Regional Parks appreciates the importance of reducing stranding and predation of anadromous fish in the Parkway. Toward that end, the Parkway Plan declares that “minor grading and dredging should be conducted to provide positive drainage from floodplain ponds to the low flow channel of the American River” (Policy 3.12). In this instance, the need for off-site mitigation in connection with USACE’s ongoing bank stabilization program in the Parkway has created an opportunity to eliminate a long-standing fish stranding risk. However, the scale of the physical changes being contemplated for the Urrutia site go far beyond minor grading and dredging and therefore warrant a careful consideration of the resulting impacts to the Parkway. This consideration should include a full exploration of alternatives, including the alternative of preserving a substantial portion of the existing isolated pond at the site to ensure alignment with the goals and policies of the Parkway Plan.

Regional Parks strongly supports use of the Urrutia site for ARCF Project mitigation, specifically for impacts occurring along the American River, in consideration of the above discussion. We look forward to continued engagement, coordination, and collaboration associated with the USACE efforts along the ARP.

Cordially,

Liz Bellas,  
Director of Regional Parks

cc:  
Susan Rosebrough, National Parks Service





December 22, 2022

U.S. Army Corps of Engineers, Sacramento District  
Attn: Guy Romine, Environmental Analysis Section  
1325 J Street, Sacramento 95814

Sent via email to [ARCF\\_SEIS@usace.army.mil](mailto:ARCF_SEIS@usace.army.mil) :

**Regarding: American River Common Features Project (ARCF)  
Notice of Intent (NOI)  
Intent to Prepare a Draft Supplemental Environmental Impact Statement (SEIS)  
in addition to a Draft Subsequent Environmental Impact Report (SEIR) XIV  
regarding the Lower American River Contracts 3B and 4A  
Public Scoping Comment Period: October 31 - December 31, 2022**

Reviewed by: Cordova Recreation and Park District

Laura Taylor, CRPD Park Planning and Development Manager  
Lisbet Gullone, CRPD Contract Planner

Cordova Recreation and Park District (CRPD) is responding to a Notice of Intent from U.S. Army Corps of Engineers to prepare a Supplemental Environmental Impact Statement (SEIS) and a Subsequent Environmental Impact Report (SEIR) regarding the American River Common Features Project. Due to technical difficulties during the original Public Scoping Meeting on November 2, a second meeting was held on November 30, 2022 and the Public Scoping Period was extended to December 31, 2022.

Based on the slides presented during the NEPA Scoping Meeting (dated November 30, 2022) and an earlier released update regarding Contracts 1, 2 and 3A (slide presentation dated September 13, 2022), it is CRPD's understanding that the anticipated improvements along the American River will be limited to erosion control along the river side of existing levees.

As a part of the scoping meeting, Environmental Manager Nathaniel Martin introduced the following project partners:

- Corps of Engineers (lead agency for the NEPA process);
- Central Valley Flood Protection Board (lead agency for the CEQA Process); and
- Sacramento Area Flood Control Agency (cooperating agency)

#### **CORDOVA RECREATION AND PARK DISTRICT (CRPD)**

CRPD is the second largest Park and Recreation District in Sacramento County and was established in 1958. CRPD is independently funded and governed by a Board of Directors.

CRPD has jurisdiction over Quimby park land within its boundary. At this time CRPD manages 43 parks with a combined area over 600 acres. American River Parkway is located along CRPD's north boundary. It is CRPD's goal to provide all residential neighborhoods with easy access to park land and recreational facilities.

#### **PARK IMPACTED BY AMERICAN RIVER LEVY UPGRADE PROJECT**

Only one park within CRPD is directly affected by the American River Common Features project. This park is known as Larchmont Community Park and it serves the College Green East neighborhood. Among the existing park amenities are four soccer fields heavily used by local youth soccer programs, two tennis courts, a playground and a picnic area. Two soccer fields are located immediately adjacent to an existing levee. Parking for the park is provided at the west end of Stansberry Way and west of the park site is O. W. Erlewine Elementary School. Additional parking needs are satisfied by on-street parking along Linda Rio Drive and other local streets.

#### **DISTRICT CONCERNS**

Flood control is clearly an important concern for the Greater Sacramento area but it is also the CRPD's responsibility to maintain the level of recreational services required by the State and local governments. As a part of this effort, CRPD's Board of Directors serves as the decision-making body for major issues affecting the use of Quimby park land and the financing of new projects.

An exhibit for Contract 3B of the American River Common Features project shows that Larchmont Community Park as one of the potential staging areas for the levee improvement project. Before these plans can move forward, CRPD's Board of Directors will need to review and approve a construction easement and strategy that will minimize the interruption of park services within in the College Green East neighborhood.

#### **ENVIRONMENTAL REVIEW**

##### **Recreation**

During the scoping meetings on November 2 and November 30, the Corps of Engineers reported that additional analysis of Recreation will be included in the future SEIS/SEIR reports.

Use of Larchmont Community Park as a staging area will substantially disrupt the College Green East Neighborhood. Not only would all or some of the use of the park site be lost during levee construction and park restoration, but any use of the park would be impacted by noise, traffic, and dust.

##### **CRPD's Recommendation:**

- Analyze if staging areas could be limited to commercial and industrial sites along arterial/collector roads.

*If Larchmont Community Park remains one of the staging areas, CRPD recommends that the supplemental environmental reports should consider mitigation for the temporary loss of an active community park. Damage to the existing park infrastructure (asphalt parking lot, finish grade, irrigation, turf and trees) will require repair or replacement as part of the Common Features project. Restoration of the park as part of the construction project should be included in the project description and budgeting.*

*Identify how much of Larchmont Park is proposed for use during the Common Features project for access, staging and the construction process. Minimize the proposed impact to existing park infrastructure as much as possible.*

#### **Aesthetics and Visual Resources**

The loss of trees and vegetation along the levees will have a substantial visual impact on the parkway and on Larchmont Community Park. As seen on the attached photo, large oaks are located close to the top of the levee that is facing Larchmont Community Park.

If flood lights are used to accommodate nighttime work this should also be considered a negative visual impact.

#### **CRPD's Recommendations:**

- Consider if the loss of vegetation on and adjacent to the levee can be mitigated by off-site planting.

*If mitigation planting is proposed within Larchmont Park a new planting plan must be reviewed and approved by CRPD.*

#### **Transportation and Circulation**

During the construction of levees, traffic by heavy vehicles will increase and there may be fewer parking spaces available in the vicinity of project areas and around staging sites. The disruption of the use of the park and nearby residential neighborhoods would be minimized if, as much as possible, the construction traffic is limited to the existing levee roads.

#### **CRPD's Recommendation:**

- Consider ways to minimize the need for heavy vehicle traffic through Larchmont Park and adjacent residential neighborhoods.

*Construction traffic should be minimized around the co-located park and school site (Larchmont Park and O. W. Erlewine Elementary School). Whenever possible, the existing levee roads should be used to access construction sites.*

#### **Noise**

The environmental studies for the American River Common Features project will need to consider noise from both construction and heavy vehicles.

#### **CRPD's Recommendation:**

- The noise generated by construction and heavy vehicles may have a negative impact on passive and programmed use of Larchmont Park.

*Consider if construction operations should be limited to certain hours to reduce impact to the use of the park and to the surrounding neighborhood.*

#### **Public Utilities and Services**

Parks are part of the public services that are normally available in residential subdivisions. Citizen access to parks and recreation services during levee improvements and the subsequent park restoration will be restricted.

#### **CRPD's Recommendation:**

- Evaluate if the loss of recreational opportunities and park land will need to be mitigated.



*Evaluate mitigation measures for the loss of recreational opportunities, loss of revenue to CRPD and local sport leagues, and the need for funding required to temporarily relocate the services.*

**ADDITIONAL PROJECT IMPACTS**

As reported during the November 2 scoping meeting, Sacramento's flood control project has been fully funded through the bipartisan Budget Act of 2018. However, it is not clear if the restoration of staging areas have been considered as a part of the construction costs.

**NEXT STEP**

When the joint environmental document is prepared U.S. Army Corps of Engineers will be the lead agency for the SEIS document and the Central Valley Flood Protection Board will be the lead agency for the SEIR document.

**FINAL THOUGHTS**

CRPD welcomes the opportunity to provide feedback when alternative construction strategies are considered. This would allow CRPD's staff to update the General Manager and Board of Directors about how the levee project will impact Larchmont Community Park. Regular updates will be beneficial leading up to a requested Board action to approve a construction easement and funding agreement (if needed) for mitigation measures. It would also provide CRPD more time to plan for a disruption of park services.

Please contact CRPD's Park Planning & Development Manager Laura Taylor at 916.842.3319 or [ltaylor@crpd.com](mailto:ltaylor@crpd.com) for further discussions regarding the American River Common Features project.

Respectfully,



Laura L. Taylor, ASLA  
Park Planning and Development Manager  
Cordova Recreation and Park District

*ltaylor@crpd.com*

Copy: Patrick Larkin, General Manager for Cordova Recreation and Park District  
Jill Nunes, CRPD Parks and Recreation Director  
Matt Goodell, CRPD Finance Manager  
Cristina James, CRPD Landscape Architect  
Andrew Saltmarsh, CRPD Planning Technician

Attachment: View of Levee along Larchmont Park



**From:** [Chris Conard](#)  
**To:** [ARCF\\_SFIS](#)  
**Subject:** [URL Verdict: Neutral][Non-DoD Source] Comments on NOI for American River Common Features (ARCF) Supplemental EIS/Subsequent EIR  
**Date:** Friday, December 30, 2022 4:46:36 PM

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December 30, 2022

Dear Guy Romine,  
U.S. Army Corps of Engineers  
Sacramento District,

I appreciate the opportunity to comment and request acknowledgement of the receipt of these comments by email at [conardc@gmail.com](mailto:conardc@gmail.com)

My comments on the NOI for the American River Common Features (ARCF) Supplemental EIS/Subsequent EIR will focus primarily on my concern that the existing habitat value of the Urrutia Pond site ("Quarry Pond") upstream of Discovery Park on the American River Parkway has not been carefully considered while it is planned as a means to meet mitigation requirements. During calls for input, there has been a varying degree of acknowledgement that the reconfiguration or even elimination of the pond to provide mitigation credit is contemplated. The Corps has not fully engaged on this topic during public scoping and information sharing, but it is clear from the public scoping meeting held on November 2, 2022 that there is a lot of interest from users and protectors of the Parkway that the existing habitat values of the Urrutia Pond be carefully taken into account.

There is a limited but consistent census of birds at the Urrutia Pond during the American River Natural History Association Wildlife Count (first weekend in December) and the Sacramento Christmas Bird Count (usually within a few days of December 20 each year). In response to plans that may drastically alter the site, more recent surveys have been performed by members of the Central Valley Bird Club, the Sacramento Audubon Society, and Save the American River Association.

We have found there is consistent and substantial use of off-channel habitat for night roosting of birds that use the lower American River during the day. Along the lower stretches of the Parkway, the Urrutia Pond is an important and unique feature for these species. As an illustration, nearly 300 Common Goldeneyes, over 100 Common Mergansers, and many other water birds have flown to the site in the late evening (details of one of the surveys are here: <https://ebird.org/checklist/S124339712>). Loss of this roosting site would likely reduce the use of the lower stretches of the American River by several species of water birds.

In earlier rounds of input for the American River Parkway Plan, I also stressed the importance of the site for periodic roosting and/or feeding by large numbers of Canvasbacks. Here is a sample of Canvasback numbers from surveys performed by Maureen Geiger of the Sacramento Audubon Society:

December 21, 2019	3,500
December 17, 2017	50
December 5, 2015	4,500
December 6, 2014	4,000
December 7, 2013	2,000



As the numbers above illustrate, there is a variable but consistently high number of Canvasbacks using this site for at least a decade (because of Covid-19 and access issues, there were no counts made in 2020 or 2021).

Recent surveys have also detected pairing and nest-tending by Bald Eagles in a tree immediately adjacent to the site, showing another benefit of this habitat.

The following species use still water and deeper water habitat, such as created by borrow pits, gravel pits, and other human activities. Despite their origins, these habitats have a lot of value and don't have natural analogs elsewhere on or immediately adjacent to the Parkway. On the lower stretch of the American River, the Urrutia Pond is unique in offering such habitat.

Canvasback  
Ring-necked Duck  
Bufflehead  
Common Goldeneye  
Barrow's Goldeneye  
Hooded Merganser  
Common Merganser  
Ruddy Duck  
Pied-billed Grebe  
Eared Grebe  
Western Grebe  
Clark's Grebe  
Double-crested Cormorant  
American White Pelican  
Caspian Tern  
Forster's Tern  
Great Blue Heron  
Great Egret  
Snowy Egret  
Green Heron  
Black-crowned Night-Heron  
Osprey  
Belted Kingfisher

Before major changes to the pond are contemplated, systematic surveys of the site should be undertaken. I am happy to provide additional input and data from future surveys as I learn more about this important habitat component along the lower American River. I have been performing regular bird surveys in the Sacramento region for over 20 years and

Thanks again for the opportunity to comment.

Chris Conard  
2405 Rio Bravo Circle  
Sacramento, CA 95826

**From:** [Dan Meier](#)  
**To:** [ARCF SEIS](#)  
**Subject:** [Non-DoD Source] ARCF SEIS/SEIR  
**Date:** Thursday, December 29, 2022 2:16:48 PM

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Public Affairs Office  
Attn: ARCF SEIS  
U.S. Army Corps of Engineers

Any mitigation sites to be considered under this environmental document should evaluate and document their suitability for specific habitat types. This evaluation and documentation is not included in the County's Natural Resource Management Plan (NRMP), nor is it adequate to simply state that these mitigation sites were selected by the USACE, CVFPB, and SAFCA in coordination with Sacramento County Department of Regional Parks. Maps must be provided showing habitat types by location. Also, specific documentation must be provided on key factors that were considered in evaluating habitat suitability such as soil analyses, hydrology, groundwater levels, flood, inundation frequency, habitat connectivity, and any other relevant factors.

The USACE has indicated that the Urrutia property may be included as a mitigation site in this environmental document. Due to the size and location of the Urrutia property, it is clearly a linchpin for mitigation/restoration on the Lower American River, and its use by the USACE as a mitigation site is appropriate.

If the Urrutia property is included as a potential mitigation site to address USACE American River Commons impacts, then a Conceptual Naturalization Plan must be developed for the Urrutia property consistent with recommendations of the Final Draft of the Lower American River NRMP. This Conceptual Naturalization Plan needs to be developed by County Regional Parks, American River stakeholders and jurisdictional agencies in advance of its use by the USACE as a mitigation site. The Conceptual Naturalization Plan must also take into consideration the previous planning for this site that included extensive public participation and permitting, and the land designations for the site included in the Sacramento County American River Parkway Plan (2008) adopted by state statute.

Thank you for considering these comments.

Sincerely,

Dan Meier  
[14danmeier@gmail.com](mailto:14danmeier@gmail.com)

**From:** [M.C.](#)  
**To:** [ARCF SEIS](#)  
**Subject:** [Non-DoD Source] Detailed Site Plans  
**Date:** Thursday, December 1, 2022 11:59:01 AM

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Hello. At the meeting yesterday regarding the American River Common Features (ARCF) Supplemental EIS/Subsequent EIR, I inquired if detailed drawings/plans were available online to examine, and was told not yet, more or less. I further asked in the chat box when those materials would be made available online for public examination, in light of the comment deadline in 31 days, and did not get a response. I'm not sure my question was seen. If you could let me know when I can see those plans online, I'd appreciate it.

Thanks for your hard work.  
Matt Carr

**From:** [Dale Steele](#)  
**To:** [ARCF SEIS](#)  
**Subject:** [Non-DoD Source] Preliminary Input for SEIS/SEIR Public Scoping Mtg 11/3/22  
**Date:** Wednesday, November 2, 2022 6:08:13 PM

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I agree with the comments made by others at this meeting regarding mitigation in the Parkway. I was only able to get in at the end of the presentation. I had audio problems and tried to submit this input via chat. I am sending it in this email as well. I will likely have additional comments after the ACOE holds another public scoping meeting hopefully later this month. Additional comment time needs to be added as well since the process has been delayed due to technical problems.

My preliminary comments follow. There has been damage in recent years to existing ACOE mitigation sites within the Parkway. The ACOE needs to address these mitigation site impacts including how future sites will be preserved. Existing VELB status in the Parkway needs to be addressed in any proposals for additional mitigation for the species there. The Urretia parcel being considered for mitigation has existing wildlife habitat values that need to be considered and preserved and/or enhanced.

Thanks,

Dale Steele  
dalet.steele@gmail.com

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Thanks, Dale

"Pay attention to the open skies"

**Appendix D. Summary of Comments Received  
during the National Environmental  
Policy Act Scoping Period**

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Comment Number	Name of Commenter	Commenting Organization	Comment	Response
Comments Accepted During the Virtual Scoping Meetings in November 2022				
1-1	Dan Airola	Central Valley Bird Club	Meeting is not legitimate due to incorrect link in announcement.	USACE agreed to host a second Scoping Meeting.
2-1	Joe O'Connor	none	Commented on bad link for meeting and asked for presentation to be repeated.	USACE agreed to post the presentation and a recording of the meeting
3-1	Betsy Weiland	Save the American River Association	Posting presentation is not a substitute for a second meeting.	USACE agreed to host a second Scoping Meeting during the first meeting. The follow up meeting was held on Nov 30th.
3-2	Betsy Weiland	Save the American River Association	If Urrutia property is to be used for mitigation, USACE must consider alternative designs and consider the ideas advanced through the Parkway Plan visioning process.	USACE appreciates the comment and will consider multiple alternatives in evaluation of the Urrutia property for mitigation.
3-3	Betsy Weiland	Save the American River Association	Mitigation should stay in the Parkway. Not many available sites, concerns about degrading already high-quality habitat, and questions about spreading elderberry.	"Per the 2015 and 2021 USFWS BO, USACE is required to 1) create mitigation as close to the project impacts as possible 2) find areas within the lower American River Parkway which will either expand existing compensation areas or provide for connectivity between conserved VELB habitat areas. 3) consider recovery actions outlined in VELB recovery plans. The 5 Elderberry Transplant sites that were covered in previous environmental documents were selected by a multi-agency committee in 2019. This committee included project partners and Sacramento County Department of Regional Parks."
3-4	Betsy Weiland	Save the American River Association	How will the Bank Protection Working Group remain engaged in designs for the American River?	Thank you for your comment. The American River Common Features (ARCF) General Reevaluation Report (GRR), authorized by Congress in the Water Resources Development Act (WRDA) of 2016, included up to 11 miles of bank stabilization being implemented along LAR to help safely convey flows up to 160,000 cubic feet per second (cfs). A commitment was included in the GRR, and further reinforced through an associated Biological Opinion, to work with local entities in implementation of bank protection. This commitment is being fulfilled through regular interactions with the Lower American River Task Force's Bank Protection Working Group (BPWG), a group originally organized in the mid-1990's. USACE will continue to provide updates and seek input from the BPWG on draft designs as they advance and evolve through the design process carried out by USACE and its state and local flood control partners.
3-5	Betsy Weiland	Save the American River Association	The project that intercepts with Cap City Freeway is still waiting for response to comments, correct?	LAR Contract 3A comment period has passed. USACE reported that the CEQA portion was certified on October 28, 2022 and is on CEQANET-NEPA was completed when the FONSI was signed on November 4, 2022 and is available at <a href="http://www.sacleveeupgrades.com">www.sacleveeupgrades.com</a> . In addition, responses to written comments are included in the final documents.
3-6	Betsy Weiland	Save the American River Association	When will construction begin for that project? (LAR C3A)	Vegetation clearing is planned for December 2023 - Feb 15 <sup>th</sup> , 2024, with construction occurring June 1, 2024 to November 30, 2024. However, there is a possibility that LAR C3A will be delayed, and the vegetation removal would then be pushed to December 2024 – Feb 15 <sup>th</sup> 2025, and construcion would be June 1 2025 to November 30, 2025.
3-7	Betsy Weiland	Save the American River Association	Referring to slide #20, Why does mitigation have to be located on the American River Pkwy? Why can't it use mitigation banks? We have used mitigation banks for elderberry in the past?	Mitigating impacts on the lower American River is a requirement of the Wild and Scenic Rivers Act as well as the USFWS Biological Opinion and VELB Recovery Plans.
3-8	Betsy Weiland	Save the American River Association	The concern is that with the extensive amount of work on the American River and since mitigation is specific to what's being impacted, that mitigation is being in locations that are not appropriate. The Parkway is getting shoved into mitigation just to find mitigation sites. Also, what is stickability? Used on slide #21.	USACE and its partners are carefully evaluating sites along the American River Parkway for mitigation purposes and USACE will continue to work with local agencies and organizations to determine the most appropriate mitigation sites. The goal of mitigation is to compensate for the loss of habitat resulting from erosion protection, and USACE is having to mitigate at higher ratios than what is impacted from the project. Stackability is the term we have been using to define complex habitat that provides for multiple species, similar to the habitat we are impacting. For example, Riparian vegetation such as willows, that are planted below the OHWM could benefit both Western Yellow-billed Cuckoo and Salmonids. The associated vegetation around the elderberry mitigation sites also benefit the Riparian Habitat protected by the Fish and Wildlife Coordination Act.
4-1	Kathy Kaynor	Save the American River Association	Thank you for agreeing to re-do this meeting again. It is very important to a lot of us on here now, if you could give us any information on the Urrutia property.	Thank you for commenting. USACE agreed to an additional public meeting that would describe mitigation in more detail including Urrutia. Public scoping meetings were held virtually in Sacramento County on November 2, and 30, 2022. Information including the presentations are available at <a href="http://www.sacleveeupgrades.com">www.sacleveeupgrades.com</a> .
5-1	Dan Airola	Central Valley Bird Club	Disagrees with the requirement for written comments to also be submitted. Putting the burden on the public to write and submit comments, discourages public comment.	USACE understands the difficulties with writing comments on public projects. However, USACE and its partners are in compliance with environmental laws and regulations and submitting comments in writing helps ensure accurate records of comments being received.
5-2	Dan Airola	Central Valley Bird Club	Urrutia property is really important for some types of waterfowl on the lower American River. More data needs to be collected on how the property is used by wildlife. USACE should conduct surveys of bird use on this off-channel site during winter this year. The site is important for species that feed on the river during the day and return to a quiet space at night.	Thank you for commenting. USACE will conduct all required surveys of the property prior to any disturbance.
6-1	Jim Morgan	None	Was the intent of the SEIS/SEIR to deal with the Urrutia property?	The intent of the SEIS/SEIR was not just for the Urrutia property/mitigation, but for many Design Refinements associated with the ARCF project, along with additional contracts, such as the Lower American River Contract 3B, or the Lower American River Contract 4A, the Sacramento River Contract 3, and Magpie Creek.
7-1	Joe O'Connor	None	It would be helpful if you had somebody come up with a concept for the use of the Urrutia property. It would help understand what is going to happen to it and how much would be used.	USACE and project partners are actively working on mitigation design concepts and as these concepts advance and site constraints are fully evaluated and surveys completed, information will be shared with the TRAC, BPWG, LARTF as other ARCF project designs as done. .

Comment Number	Name of Commenter	Commenting Organization	Comment	Response
8-1	Stephen Puccini	none	Who will be responsible for making sure the proposed mitigation succeeds? For example, Paradise Beach still has wire wrapping around trees that should've been removed.	Habitat Management Plans are being drafted for both the short term and long-term care of mitigation sites located on bank protection sites and elsewhere in the parkway. Maintenance of Browse Control (wire wrapping around trees to prevent beaver destruction) measures are addressed in the current drafts.
8-2	Stephen Puccini	none	Would like the SEIS/SEIR to state the responsible party for monitoring/maintenance of mitigation sites.	The responsible parties for short- and long-term care of the mitigation sites will be located in the site-specific Habitat Management Plans and the MMRP while would be included on the CEQA side of the SEIS/SEIR. The Habitat Management Plans are being drafted and reviewed by Resource Agencies currently but will require design as-builts to be finalized.
8-3	Stephen Puccini	none	Areas with launchable rock will have vegetation on the bench that will be lost if a large flood event occurs. Is there a plan to replace that vegetation if it's removed during a catastrophic event? Also, launchable rock would affect open water habitat?	Approximately 4 acres of additional mitigation is planned to account for the potential habitat impacted that expected to be lost to erosion over the life of the project. Each site-specific Habitat Management Plan will include adaptive management guidance; however in the case of catastrophic flood USACE expects the bank protection features to perform as flood control features, and without these features, habitat lost would most likely be greater than without these erosion protection features in place.
9-1	Chris Conard	none	If there is going to be a major reconfiguration of the Urrutia property, would it be part of another round of scoping? Or would we just see it in the SEIS/SEIR?	USACE would like to include mitigation strategy in this SEIS/EIR unless scheduling and other details make it impossible.
9-2	Chris Conard	none	There is no way to comment on that element of the project with no details available. By the time a public EIR is released, it's difficult to make meaningful changes to the project. The whole point of public scoping is to get up-front comments, and a lot of us are primarily interested in Urrutia, which is currently off the table. We don't want to have the next time we see it be fait accompli in the EIS/EIR.	It is not accurate to state that it is too late to make meaningful comments by the public review period. The NEPA and CEQA process both allow for document updates and re-releases to the public prior to the final publication of the document, allowing for public input and possibility of project changes because of that public input. Yes, the purpose of scoping is to inform the public on a project early in the process; however, it is also to gain information from the same public on resources and issues beyond the project description that might be of import to the overall action. The NEPA/CEQA public review period for the draft document is a relevant and appropriate time to issue comments and concerns for any aspect of the project that might lead to agency review of the project and even potential changes at that time. As requested by the public, a second scoping meeting was held on Nov 30, 2022. This presentation included additional information on potential mitigation sites, including Urrutia. Concerns and comments from the public regarding Urrutia have been received as part of the scoping process and are being responded to. However, this site is still in the conceptual phase of development meaning that specific design elements are not available at this time.
10-1	Anonymous -1	none	Is the CEQA lead the CVFPB planning to do an NOP for the CEQA side?	CVFPB will not prepare a separate Notice of Preparation (NOP). CEQA guidelines do not require an NOP for subsequent or supplemental EIRs.
11-1	Anonymous -2	none	Are detailed design plans available online yet?	Design plans vary between contracts but the majority of the contracts are at 65% design or greater along with conceptual designs and would be available for the public review of the draft report.
12-1	Anthony Navasero	none	Looking at the slide for Sacramento River Erosion Contract 3 compared to another document on USACE website for SLER Contract 3.	The document online refers to a different project, addressing different issues.
12-2	Anthony Navasero	none	Are these separate areas?	Thank you for your comment. Sacramento River Erosion Contract 3 and SREL Contract 3 are different contracts that slightly overlap. For example, SREL work is top of levee, and Erosion work in lower down on the levee including in water work. For more information on SREL Contract 3 or Sacramento River Erosion Contract 3, please visit <a href="http://www.sacleveeupgrades.com">www.sacleveeupgrades.com</a> .
12-3	Anthony Navasero	none	Still in the Delta though?	Sacramento River Erosion and SREL Contract 3 are located along the Sacramento River near the Pocket area and near Freeport. According to the Delta Council delineations, these areas are mostly located in the Delta Secondary Zone, with a small portion of them on the downstream side being in the Delta Primary Zone.
13-1	Robin Truitt	EPA Environmental Review Branch	EPA has previously commented on launchable toes/launchable rock features and the need to provide mitigation at these sites. Will the Draft Biological Assessments address any commitments with resources agencies/USFW and NMFS?	The on-site mitigation guidance for launchable rock trench and launchable toe features is included in both BOs. USACE will revisit in the new BAs. USACE does not expect either agency to change their opinion substantially in how they calculate on-site mitigation. USACE has prepared a launchable rock memo, provided to the Technical Resource Advisory Committee and resource agencies. The memo recommends about 4 acres of mitigation over the life of the project, based on an estimate of total erosion on launchable rock features over the life of the project.
13-2	Robin Truitt	EPA Environmental Review Branch	Will the memo be summarized in the BA?	Yes. Preparing the memo was a requirement of the BO. At this point, USACE has agreed to add acres of mitigation for launchable rock and this information will be included in the new BO
Comments Received by Email and/or U.S. Mail				
14-1	Anna Starkey	United Auburn Indian Community (UAIC)	Provide shapefiles for areas to be covered by the SEIS.	Shapefiles will be provided as requested.
14-2	Anna Starkey	UAIC	Matthew Moore is new THPO.	The Tribal contact list has been updated.

Comment Number	Name of Commenter	Commenting Organization	Comment	Response
15-1	Robin Truitt	U.S. EPA Environmental Review Branch	<p>The EPA recommends that the Corps explore and objectively consider a full range of alternatives and evaluate in detail all reasonable alternatives that fulfill the project's purpose and need and regulatory requirements. It would be useful to present various bank erosion and levee protection methods together to compare those analyzed in the 2016 ARCF FEIS/FEIR (e.g., conventional riprap or rock and bank revetments<sup>1</sup>) with the proposed use of launchable toe protection and tie backs, and/or with bio-technical techniques that integrate riparian restoration for riverbank stabilization. Such comparisons would more sharply define the issues and provide a clear basis for choice among options by decision-makers (40 CFR 1502.14 (b)).</p> <p>Describe how each alternative was developed, how it addresses project objectives, and how it will be implemented. Quantify the potential environmental impacts of each alternative to the greatest extent (e.g., acres of habitat impacted, and mitigation needed) and clearly delineate differences in impacts between alternatives analyzed. We also recommend comparing the costs and benefits of each of the alternatives, including the costs for required mitigation measures. Further, discuss reasons for eliminating alternatives to the proposed action (40 CFR 1502.14 (a)).</p>	Thank you for your comment. USACE follows federal law, CEQ regulations and guidelines, agency policy, and best practices for the development of a NEPA document. Additionally, the full range of alternatives and the associated impacts were discussed in the 2016 GRR EIS/EIR.
15-2	Robin Truitt	EPA Environmental Review Branch	<p>In the Supplemental Draft EIS, include and describe all connected actions (40 CFR 1501.9(e)(1)). The Council on Environmental Quality Regulations also require analysis of “reasonably foreseeable environmental trends and planned actions in the area.” Analysis of impacts should also consider “effects that are later in time or farther removed in distance from the proposed action or alternatives.”</p> <p>EPA recommends describing the threat to resources as a whole, presented from the perspective of the resource instead of from the individual project. Identify how resources, ecosystems, and communities in the vicinity of the project have already been, or will be, affected by past, present, or future activities in the lower portions of the Sacramento and American River watersheds. The Supplemental Draft EIS should also consider the combined impacts associated with these activities the area and the potential impacts on various resources, characterized in terms of their response to change and capacity to withstand multiple stressors.</p> <p>Describe a suite of potential mitigation measures, under the jurisdiction of the Corps and project sponsors, that will serve to alert other agencies or officials about potential protective measures that can be implemented. For this Supplemental DEIS, we specifically recommend that the Corps focus its analysis on riparian habitat, biological and aquatic resources, and threatened or endangered species that are at risk or be significantly impacted by the proposed project before mitigation.</p>	Thank you for your comment. USACE will follow Federal law, CEQ regulations, and agency policy on complying with NEPA, including assessing all appropriate areas of impact and resources impacted by the Federal Action, whether through direct, indirect, beneficial, and/or cumulative effects. Associated mitigation measures, best management practices, and avoidance and minimization measures to be implemented to reduce impacts to those resources will be noted within the joint NEPA and CEQA document, including a cumulative impact analysis.
15-3	Robin Truitt	EPA Environmental Review Branch	<p>When evaluating project effects, we recommend using existing environmental conditions as the baseline for comparing impacts across all alternatives, including the no action alternative. This provides an important frame of reference for quantifying and/or characterizing magnitudes of effects and understanding each alternative's impacts and potential benefits. This is particularly important when there are environmental protections in place that are based on current conditions, such as total maximum daily loads (TMDLs), for impaired stream segments.</p> <p>We recommend that the Corps consider the following when defining baseline conditions: 1.) Verify that historical data (e.g., data five years or older) are representative of current conditions. 2.) Compare historical data with the most recent water quality and quantity information and any predictive models that show what might occur under various conditions or trends. 3.) Include resources directly impacted by the project footprints within the geographic scope of analysis, as well as the resources indirectly (or secondarily) impacted by the projects (40 CFR 1508.1(g)(1)).</p>	Thank you for your comment. USACE follows federal law, CEQ regulations and guidelines, agency policy, and best practices for the development of a NEPA document, and will use existing baseline environmental conditions when evaluating the new design refinements. .USACE will lay out any methodology and assumptions used in development of the analysis in the SEIS/SEIR.

Comment Number	Name of Commenter	Commenting Organization	Comment	Response
15-4	Robin Truitt	EPA Environmental Review Branch	We recommend that the Supplemental Draft EIS consider how climate change could potentially influence the study area. Include anticipated changes to the watershed in terms of quantity and timing of snowpack, runoff, and precipitation and how these changes may impact hydrology and riparian habitats in the project area, project operations and maintenance, and long-term mitigation success. Discuss how implementation of the proposed projects could lessen or potentially mitigate for these impacts.	<p>Analyzing designs to address flows above 160,000 cfs are outside of the scope and authorization for this project. The GRR authorization specifically references a 160,000 cfs channel design flow target based on the 1 in 200 annual exceedance probability (AEP) (200-year event) in the hydraulic analyses prepared during the study phases of the project. In addition to the modeling, the American River design flow targets were also based on an understanding of an 82-year period of historic hydrologic records, with an emphasis of the system's performance seen in the 1986 and 1997 floods with an emphasis on erosion as the potential failure mode. Prior to the construction of the auxiliary spillway (Joint Federal Project (JFP)), the maximum discharge that could safely occur from the Folsom Dam outlets and over the dam's main spillway was 115,000 cfs. This was the approximate flow estimated to have been released at the peak of the 1986 event. JFP added an additional 312,000 cfs of potential flood release capacity. Nimbus Dam regulates flows before being released in the Lower American River and can buffer some portion of higher releases when JFP is used to control flood flows. The design team briefly examined the flow behavior during higher releases that could occur with the operation of JFP, including a 190,000 cfs release. Major infrastructure improvements, including modifications to multiple bridge decks downstream, would be required in order to safely accommodate a 190,000 cfs flow. Increasing temperatures under climate change mean that the hydrologic record will begin to shift and there will need to be increasing considerations of flashier and potentially larger flood events. Above 190,000 cfs, further channel and floodplain capacity and levee modifications would be required to facilitate passing the probable maximum flood (PMF) and overtopping of the levee system could become a concern at the PMF. The PMF inflow for Folsom Lake for the approximately 1,900 square mile drainage basin is estimated at approximately 900,000 cfs (1 in 25,000 AEP).</p> <p>The Bureau of Reclamation is in the process of studying the American River Basin, part of which is identifying measures to be implemented upstream of Folsom Lake to flows that would have historically been stored as snowpack before they are released into the valley. The Corps has both ecosystem restoration and flood risk management authorities it can exercise once authorized by Congress and would be able to assist in addressing larger watershed concerns with engineering with nature approaches or on-stream or off-stream storage to mitigate climate change flows, however, no recent studies or initiatives exist currently in our district and this project's authority does not cover those activities. The Corps has offered input into the Central Valley Flood Protection Plan that partnerships may be available to implement engineering with nature solutions, like wet meadow restoration, in headwater areas of the state, to mitigate climate change influenced flow conditions. Regarding natural community resiliency in the Parkway, particularly project mitigation sites, planting plans require irrigation for the first several years of riparian establishment with species that are selected for their elevational proximity to the low-flow channel of the river to effectively establish roots down to the water table. Remediation may be needed to address losses in excess of the criteria set forth in our biological opinions within the first 8 to 10 years. Some minor amount of riparian community succession is expected over the 50-year lifespan of the project, but tree vigor and survivorship may be negatively influenced by increasing temperatures if the water table is also affected. Invasive weed management will be allowed and is encouraged during the long-term management of the site to reduce competition for native trees and shrubs. The Corps and non-federal sponsors are required to manage these areasy and adaptive management considerations can be developed and applied as needed to address any issues with long-term success. Although the ARCF project is anticipated to result in net benefits to climate change, USACE is not directly addressing climate change conditions with this SEIS/SEIR as future flows from the Folsom JFP are greater than what the current channel can handle based on historic hydrologic conditions. The ARCF SEIS/SEIR addresses design refinements identified in the 2016 ARCF GRR EIS/EIR that will ultimately help armor the waterside toes of the levee allowing for higher flows and velocities from the JFP in the future.</p>
15-5	Robin Truitt	EPA Environmental Review Branch	We recommend that the Corps incorporate by reference and summarize the 2016 ARCF FEIS/FEIR analysis of water quality, including collection of dissolved oxygen, temperature, and other parameters that are considered seasonal or naturally occurring. These data may be used for comparison to changes in water quality as a result of current conditions or project actions.	The SEIS will incorporate by reference the 2016 ARCF FEIS/FEIR and only include additional analysis where needed. In addition, each contract under the ARCF project is required to obtain a CWA 401 Water Quality Certification that includes specific water quality monitoring upstream and downstream during construction. In addition, each contractor is required to develop and implement a Storm Water Pollution Prevention Plan (SWPPP) to ensure storm water does not leave the site carrying sediments and or any construction related chemicals.
15-6	Robin Truitt	EPA Environmental Review Branch	<p>Discuss all direct, indirect, and cumulative impacts to surface water and groundwater quality and quantity from the proposed project and alternatives both during construction and in operations. Describe all potential project discharges, seepage, temporary ponding, diversions, as well as the potential effects of these activities on water quality and flow and other beneficial uses.</p> <p>Focus on potentially significant threats to surface waters from existing conditions and proposed management actions, including the suspension and transport of sediments or substrates. Discuss the potential for increased (or decreased) runoff of sediments and pollutants, impacts to riparian areas downstream, the potential for erosion, the potential impact to drinking water intakes, and changes in stream flow, substrate, dissolved oxygen, and temperature. Identify and evaluate measures which could reduce these impacts for each design or engineering alternative and commit to these measures as part of the project.</p>	The SEIS/SEIR will evaluate impacts to surface and ground water as compared to current conditions as a result of the project construction and post-construction conditions. The potential impacts mentioned in your comment will be considered for each contract and potential mitigation site, as well as identification of measures to avoid or reduce those impacts.

Comment Number	Name of Commenter	Commenting Organization	Comment	Response
15-7	Robin Truitt	EPA Environmental Review Branch	In the Supplemental Draft EIS, describe aquatic habitats in the project area (e.g., habitat type, plant and animal species, functional values, and integrity) and the environmental consequences of the proposed alternatives on these resources. Impacts to aquatic resources should be evaluated in terms of the areal (acreage for wetlands) or linear extent (for streams) to be impacted and by the functions they perform. To support a LEDPA determination, conduct a formal and reproducible assessment of the condition of aquatic resources in the reservoir footprint using an approved conditional assessment such as the California Rapid Assessment Method (CRAM).2	All jurisdictional aquatic habitats under Section 404 of CWA will be assessed and evaluated. Pending on the level of impact a Section 404 b1 alternative analysis may be conducted. Evaluating selected alternatives under the 404 b1 will be conducted to demonstrate Least Environmental Damaging Practicable Alternative (LEDPA). If the selective alternative is not the preferred LEDPA alternative additional compensatory mitigation may be required.
15-8	Robin Truitt	EPA Environmental Review Branch	Regarding the BA addressing planting benches atop launchable flood features potentially reducing riparian vegetation and native habitat function, reduce fish habitat, and food availability throughout the area. The EPA recommends that the Supplemental EIS incorporate the findings of the Biological Assessment (to be released in December 2022) and consultations into its analysis and discuss which proposed design features or alternatives will be counted, or discounted, as long-term compensatory mitigation.  Specifically discuss how the 4 acres of additional compensatory mitigation associated with the launchable features in LAR Contract 2 were calculated or could be replicated as applied to the launchable rock toes or trenches proposed here.	Onsite mitigation is any onsite planting area, excluding native grasslands. Each site will have a Habitat Management Plan.  The Launchable Rock Durability Analysis memorandum provides results of the engineering analysis to determine the long-term durability of the Sacramento and American River ARCF 2016 Project sites. Erosion repairs with launchable rock and on-site habitat mitigation features currently in place have performed well and have largely remained stable since they were constructed. They are expected to continue to remain mostly stable for the life of the project. The engineering review of previously constructed sites found that some rock launching has occurred in response to scour and erosion. In most cases, however, there has been no effect, or minor effects, on the associated habitat mitigation bench. Nevertheless, some sites have an anticipated future durability rating of medium. We anticipate a total of 4.12 acres of the on-site habitat mitigation area could be lost at the ARCF 2016 Project sites. The Memo supports a total of 4.12 acres of on-site habitat mitigation should be credited at a 1:1 impact to restoration ratio for the onsite mitigation proposed. The full memorandum will be provided in the appendix.
15-9	Robin Truitt	EPA Environmental Review Branch	Propose a Mitigation Plan that identifies and quantifies which species and/or aquatic resources might be directly, indirectly, or cumulatively affected by each alternative and mitigate impacts to these habitats. Emphasis should be placed on the protection and recovery of species due to their status or potential status under the federal or state Endangered Species Act, and compensation for impacted aquatic resource functions and values. It should discuss the types of mitigation needed and types/sites of compensatory mitigation available. The Mitigation Plan should also identify responsible parties, and funding mechanisms to be used. It would evaluate (and quantify if feasible) potential mitigation measures and their effectiveness at mitigating impacts to loss of habitat. Discuss any limitations or drawbacks of these mitigation measures, and address how their effectiveness will be implemented, monitored, and enforced.  Include a Long-Term Management Plan that adapts mitigation measures to future hydrologic and geomorphic conditions within the system of approved projects in the 2016 American River Common Features Final EIS/EIR and update the Habitat Mitigation Monitoring and Adaptive Management Plan in coordination with NMFS and USFWS. Discuss remedial actions to be taken if on-site mitigation is compromised in the future. Remedial actions may include replanting, creation of additional off-site habitat, or purchase of mitigation bank credits. Include adaptive management responses, such as mitigation ratios, success criteria, monitoring, and maintenance, to future potential impacts of launchable rock events on riparian and fish habitat.	Much of this information can be found in the supplemental environmental documents that have previously been finalized and the current Biological Opinions. Additional information will be in the SEIS/EIR, Biological Assessments, upcoming Biological Opinions, and the site-specific Habitat Management Plans. Responsible parties, performance criteria, success criteria, adaptive management, monitoring and reporting are outlined in site specific Habitat Management Plans. These documents are coordinated with Resource Agencies and Sacramento County Department of Regional Parks.
15-10	Robin Truitt	EPA Environmental Review Branch	The proposed project will impact a variety of resources for an extended period of time. As a result, we recommend that the project be designed to include an environmental inspection and monitoring program to ensure compliance with all mitigation measures and assess their effectiveness. In the Supplemental Draft EIS, describe the monitoring program and how it will be used as an effective feedback mechanism (i.e., adaptive management) so that any needed adjustments can be made to the project to meet environmental objectives throughout the life of the project. Discuss adaptive management monitoring programs that will be implemented before and after the proposed actions to determine potential impacts on plant and wildlife species, especially species classified rare, threatened, or endangered on either state or federal lists. Describe a mechanism or process that could be used to consider and implement additional mitigation measures.	Thank you for your comment. USACE follows federal law, CEQ regulations and guidelines, agency policy, and best practices for the development of a NEPA document. In addition, an HMMAMP and LTMPs will be developed to address long-term maintenance. Although NEPA doesn't require it, a Mitigation Monitoring and Reporting Plan will be developed and included in the SEIR portion of the document.
15-11	Robin Truitt	EPA Environmental Review Branch	Include as appendices to the Supplemental Draft EIS the most recent biological assessment (informal consultation). Summarize the biological opinions of the resource agencies (formal consultation) and demonstrate that the preferred alternative is consistent with these assessments or opinions. Discuss the project's consistency with other existing laws and regulations, including the Migratory Bird Treaty Act.	Thank you for your comment. We will include the biological assessments, biological opinions, and references to other applicable laws and regulations.
15-12	Robin Truitt	EPA Environmental Review Branch	We recommend providing clear commitments to carry out proposed mitigation measures identified in the Supplemental Draft EIS, or as otherwise established. Joe Morgan of EPA's Wetlands and Oceans Section is available to provide expertise and assistance on the development of Mitigation or Long-Term Management Plans. He can be reached at 415.972.3309 or by email Morgan.Joseph@epa.gov	Habitat Management Plans are being drafted for each site. In addition, an MMRP will be developed as required by CEQA. Thank you for the additional resource.



Comment Number	Name of Commenter	Commenting Organization	Comment	Response
15-13	Robin Truitt	EPA Environmental Review Branch	In Supplemental Draft EIS, include measures that are consistent with Executive Order 13112 on Invasive Species. We suggest including any existing agency direction for noxious weed management, a description of current conditions, and best management practices, which will be utilized to prevent, detect, and control invasives in the project area. Discuss measures that would be implemented to reduce the likelihood of introduction and spread of invasive species within the proposed project area. We encourage the Corps and local sponsors to promote integrated weed management, with prioritization of management techniques that focus on non-chemical treatments first, and mitigation to avoid herbicide transport to surface or ground waters. Early recognition and control of new infestations is critical to stop the spread of the infestation and avoid wider future use of herbicides, which could correspondingly have more adverse impacts on biodiversity, water quality and fisheries.	<p>The 2016 ARCF GRR Final EIS/EIR describes the project's compliance with Executive Order 13112 and identifies areas dominated by non-native vegetation in the project area in Section 3.6, "Vegetation and Wildlife,". The Project would follow updated USACE Invasive Species Policy Guidance in fulfillment of Section 501 of WRDA 2020. This replaces the USACE Invasive Species Policy dated June 12, 2009. The Corps would remove the noxious weeds from the various plant communities prior to construction. For each of the action alternatives, direct effects to stands of grassland habitat with invasive plants would result from clearing and grubbing and rock placement activities once levee improvements and construction begin. Disturbed areas will be reseeded with a native grass mix.</p> <p>Following project completion, a management plan will be implemented that will be consistent with the Habitat Mitigation, Monitoring, and Adaptive Management Plan developed for the 2016 ARCF GRR Final EIS/EIR. Invasive plant species incursions will be controlled as early as possible to prevent wide- scale establishment and minimize control efforts such as pesticide usage. The techniques available for controlling terrestrial and aquatic species may involve hand or mechanical removal and chemical treatment. Only chemicals approved for use in California in or around aquatic habitats may be used. Crews will weed within the watering basins of the plantings and within an 18-inch radius of each woody and grass associated plant. Invasive species mitigation will prevent nonnative herbaceous growth and soil moisture competition. Maintenance crews will mow weeds to below 6 inches in height during the growing season.</p>
15-14	Robin Truitt	EPA Environmental Review Branch	USACE is directed to initiate outreach and engage disadvantaged communities early in the process to identify and address problems. In addition, Executive Order 12898, “ <i>Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations</i> ” (February 16, 1994), directs federal agencies to identify and address, as appropriate, disproportionately high, and adverse human health or environmental effects of their actions on minority and low-income populations. It further directs agencies to develop a strategy for implementing environmental justice and providing minority and low-income communities access to public information and public participation. As such, the Corps should address adverse environmental effects of the proposed project on these communities and outline measures to mitigate for impacts.	USACE and other federal agencies are required to take Environmental Justice (EJ) concerns into consideration pursuant to NEPA and Executive Orders 12898, 13985, 14008 and the Justice40 initiative. To comply with federal EJ initiatives, USACE must first identify communities that have been marginalized, underserved, and overburdened by environmental hazards. Defined as “disadvantaged communities” in the Justice40 Initiative and the CEQ EJ Tool, this data will be used to identify EJ concerns in the project area. In accordance with guidelines presented in federal and agency guidance and in “Promising Practices for EJ Methodologies in NEPA Reviews: Report of the Federal Interagency Working Group on Environmental Justice & NEPA Committee” (EPA 2016), USACE is identifying and assessing potential impacts to disadvantaged communities through demographic analysis, assessment of impacts and public outreach and will be included in the EJ chapter of the SEIS/SEIR. Outreach efforts have consisted of a plain language letter being sent to school districts, faith-based groups, and advocacy groups for unhoused individuals in the vicinity of the project area. As project details are solidified it is anticipated that outreach to underrepresented communities and community centers would continue.
15-15	Robin Truitt	EPA Environmental Review Branch	<p>In the Corps’ preparation of the environmental justice analysis, we encourage consideration of two specific resources: 1) CEQ’s Environmental Justice: Guidance Under the National Environmental Policy Act report<sup>5</sup> and 2) the Federal Interagency Working Group on Environmental Justice and NEPA Committee’s Promising Practices for Environmental Justice Methodologies in NEPA Reviews report.<sup>6</sup> These documents provide information on applying environmental justice methodologies that have been established in federal NEPA practice. Further, it may be useful to use EPA’s EJ Screen<sup>7</sup> and/or the most recent American Community Survey from the U.S. Census Bureau (i.e., Five-Year Data Profile Estimates for 2013-2019).</p> <p>To best illustrate the presence of a minority population, we recommend that the Corps analyze block groups, the smallest geographical unit for which the U.S. Census Bureau publishes data. We caution using larger tracts in the analysis, such as counties, to the extent they may dilute the presence of low income or minority populations.</p> <p>In the Upper Guadalupe Project report, the Corps used the City of San José’s Homeless Census figures to illustrate the rising numbers of unsheltered persons, the nature of the problem, and committed to engaging and supporting the city in its efforts to relocate unhoused communities to places outside of the flood hazard zone and improve life safety. Discuss these matters in the Supplemental Draft EIS and to support any finding of ‘no disproportionate impact,’ estimate the number of individuals who could be impacted by construction activities and describe what would happen to the unhoused after removal.</p> <p>After the Corps has determined if minority and low-income populations reside in the project area, we recommend that the Draft EA or EIS discuss whether these communities would be potentially affected by individual or cumulative actions of the proposed action. We also recommend addressing whether any of the alternatives or construction access limits would cause any disproportionate adverse impacts, such as higher exposure to toxins; changes in existing ecological, cultural, economic, or social resources or access; cumulative or multiple adverse exposures from environmental hazards; or community disruption.</p>	The Corps has determined that individuals experiencing homelessness, communities of color and low-income populations reside in the project area. Guided by federal and agency policy along with virtual EJ tools (E.g., EPA EJ Screen, CEQ Screening Tool etc.) the Corps continues to work with local organizations to facilitate outreach and to identify and mitigate impacts to these communities. At this time, feedback from area schools and faith-based organizations has contributed to EJ mitigation measures.
15-16	Robin Truitt	EPA Environmental Review Branch	Present opportunities for affected communities to provide input into the NEPA process. In the Draft EA or EIS, include information describing what was done to inform these communities about the project and the potential impacts it will have on their communities (notices, mailings, fact sheets, briefings, presentations, translations, newsletters, reports, community interviews, surveys, canvassing, telephone hotlines, question and answer sessions, stakeholder meetings, and on-scene information), what input was received from the communities, and how that input was utilized in the decisions that were made regarding the project.	Many EJ communities were identified in the initial NEPA process. Public notices and two meetings were held to solicit input. Additional targeted outreach to identified EJ communities is ongoing via letters, emails, telephone calls and social media.

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15-17	Robin Truitt	EPA Environmental Review Branch	<p>The EPA understands that land side staging areas and haul routes to the staging areas were not analyzed for specific projects in the 2016 ARCF GRR FEIS/FEIR. The Supplemental Draft EIS should explain why barge work cannot be employed to avoid or minimize impacts to traffic, transportation, and noise.</p> <p>The Supplemental Draft EIS should also detail essential provisions in a Construction Traffic Management Plan that address circulation considerations, such as maintaining a minimum of one lane open to traffic in each direction at all times, restricting truck traffic on residential streets to only those streets where project activities occur, notifying impacted areas and transit agencies of alternate traffic and pedestrian routes and bus stops at least 72 hours prior to the start of construction work, and maximizing the use of major roadways and trucking routes for any detours or road closures.</p>	Using barges only, for waterside work, was considered in the original document. Since then, the need for landside staging areas, access roads, and work from the top of the levee was realized. These potential impacts will be covered in the coming SEIS/SEIR as this will expand the project Area of Effect (AOE). Certain projects will be forced to shut down roads completely due to design changes made since the 2016 document. These impacts will be addressed in detail in the SEIS/SEIR. Traffic impact reduction methods will be addressed as well.
15-18	Robin Truitt	EPA Environmental Review Branch	<p>In the Supplemental Draft EIS, discuss the need for extended nighttime work schedules and explain how noise impacts are avoided or minimized by performing the work at night. Typically, noise ordinances limit construction activities to certain daylight hours to prevent night-time disruption to nearby residents or other sensitive receptors - and it would be useful to explain reasons for any night work preferences to the community.</p> <p>Estimate noise levels from both landside and water side work. Discuss compliance with and City and County noise ordinances and what approvals would be needed to deviate from timing restrictions. Determine at what levels, and where, temporary barriers for noise reduction would be needed.</p>	Night time work is discouraged or not allowed in most of the ARCF project footprints. This is due to city and county ordinances restricting noise levels during the evening and nighttime hours. As most of the project are near residences, nighttime work could increase the number of sensitive receptors in the project's area of effect. In areas such as business parks or less densely populated areas where work is over 1000 feet from residences nighttime work may be considered to reduce noise impacts, as there are fewer sensitive receptors present during non-business hours. These areas are limited within the projects and may not be practical for only small portions of projects. As for the SEIS/SEIR, night work is a possibility for Magpie Creek, Urrutia, Grand Island and possibly LAR Contract 4A due to the construction being 1,000 feet away from residences. Noise impacts would be avoided, and measures would be implemented to ensure that sensitive receptors would not be impacted by noise in areas where night work needs to take place.
15-19	Robin Truitt	EPA Environmental Review Branch	<p>The Supplemental Draft EIS should provide a discussion of ambient air conditions (baseline or existing), National Ambient Air Quality Standards and nonattainment areas, and potential air quality impacts of the proposed project for each alternative. In estimating criteria pollutant emissions for the analysis area, discuss the timeframe for release of these emissions through the license lifespan of the proposed project.</p> <p>We note that the project area is in moderate nonattainment for PM10; therefore, we recommend the following measures to mitigate construction emissions of fugitive dust, oxides of nitrogen, and volatile organic compounds and to include these measures in all construction contracts.</p> <p>Fugitive Dust Source Controls: 1) Stabilize disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate. This applies to both active and inactive sites during workdays, weekends, holidays, and windy conditions. 2) Phase grading operations where appropriate and operate water trucks for stabilization of surfaces under windy conditions. 3)When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.</p> <p>Mobile &amp; Stationary Controls: 1) Reduce unnecessary idling from heavy equipment. 2) Prohibit engine tampering to increase horsepower, unless within the manufacturer's specifications. 3) Lease or buy newer, cleaner equipment using the best available emissions control technologies. 4) Use lower-emitting engines and fuels, including electric, liquified gas, hydrogen fuel cells, and/or alternative diesel formulations, if feasible. 4) On-Highway Vehicles - On-highway vehicles should meet, or exceed, the U.S. EPA exhaust emissions standards for model year 2010 and newer heavy-duty on-highway compression- ignition engines (e.g., drayage trucks, long haul trucks, refuse haulers, shuttle buses, etc.). 5) Nonroad Vehicles &amp; Equipment - Nonroad vehicles and equipment should meet, or exceed, the U.S. EPA Tier 4 exhaust emissions standards for heavy-duty nonroad compression-ignition engines (e.g., nonroad trucks, construction equipment, cargo handlers, etc.).</p> <p>Administrative Controls: 1) Coordinate with appropriate air quality agencies to identify a construction schedule that minimizes cumulative impacts from other planned projects in the region, to the extent feasible. 2) Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking. 3) Develop a construction traffic and parking management plan that minimizes traffic interference and maintains traffic flow and avoid routing truck traffic near sensitive land uses to the fullest extent feasible. 4) Locate diesel engines, motors, and equipment staging areas as far as possible from residential areas and other sensitive receptors (e.g., schools, daycare centers, hospitals, senior centers, etc.). 5) Reduce construction-related trips of workers and equipment, including trucks. 6) Identify all commitments to reduce construction emissions and quantify air quality improvements that would result from adopting specific air quality measures. 7) Identify where implementation of mitigation measures is rejected based on economic infeasibility.</p>	In addition to updating the General Conformity Report as appropriate, the SEIS will include a description of affected air basins, attainment status, conformity thresholds and an analysis of updated emissions based on changes to the duration of the construction period in consideration of all remaining contracts. The contractor specifications will require compliance with Air Resources Board Portable Equipment Registration regulations, offroad and on road equipment regulations, and local air district rules on fugitive dust controls. We will assess the remaining suggested environmental commitments for application to our remaining contracts. Seepage and stability work done on the Sacramento River required specialty equipment that could not meet the Tier 4 standard, so we will attempt to identify any exceptions or will adopt the Tier 4 commitment for the remainder of the project.

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15-20	Robin Truitt	EPA Environmental Review Branch	It is important that formal government-to-government consultation take place early in the scoping phase of the project to ensure that all issues are adequately addressed in the Draft EA or EIS. The principles for interactions with tribal governments are outlined in the presidential “Memorandum on Government- to Government Relations with Native American Tribal Governments” (April 29, 1994) and Executive Order 13175, “Consultation and Coordination with Indian Tribal Governments” (November 6, 2000). As a resource, we recommend the document <i>Tribal Consultation: Best Practices in Historic Preservation</i> , <sup>12</sup> published by the National Association of Tribal Historic Preservation Officers. EPA Region 9 has a robust tribal program. If you need assistance with consultation or updated tribal contacts, please contact John (JR) Herbst at (619) 235-4787 or herbst@epa.gov; In the Draft EA or EIS, summarize the results of tribal consultation and identify the main concerns expressed by tribes (if any), and how those concerns were addressed. We also recommend identifying any protection, mitigation, and enhancement measures identified by tribes.	Since the majority of impacts to cultural resources were analyzed in the original EIS, this summary will only entail the changes in scope included in the SEIS. Several local tribes are engaged in ongoing consultation through the Section 106 NHPA process. USACE has accomplished this successfully at the staff level; they have not requested Government-to-Government consultation. Tribal concerns and preferences have been documented and integrated into the target Section 106 documents that USACE has produced according to the requirements of the Programmatic Agreement; this practice will continue for proposed project elements documented in this SEIS. Due to the volume of correspondence, not all of these communications will be included in the SEIS.
15-21	Robin Truitt	EPA Environmental Review Branch	<p>In the Supplemental Draft EIS, discuss how the Corps would avoid or minimize adverse effects on the physical integrity, accessibility, or use of cultural resources or archaeological sites, including traditional cultural properties (TCPs), throughout the project area. Clearly discuss mitigation measures for archaeological sites and TCPs.</p> <p>We encourage the Corps to append any Memoranda of Agreements to the Supplemental Draft EIS, after redacting specific information about these sites that is sensitive and protected under Section 304 of NHPA. We also recommend providing a summary of all coordination with tribes and with the SHPO/THPOs, including identification of NRHP eligible sites and development of a Cultural Resource Management Plan.</p> <p>It is important to note that a sacred site may not meet NRHP criteria for a historic property and that, conversely, a historic property may not meet the criteria for a sacred site. It is also important to note that sacred sites may not be identified solely in consulting with tribes located within geographic proximity of the project. Tribes located outside the direct impact area the plan area may also have religiously significant ties to lands within the plan area and should be included in the consultation process. Address the existence of any Indian sacred sites in the project area that may be considered spiritual sites by regional tribal nations. Discuss how the Corps would ensure that the proposed action would avoid or mitigate for the impacts to the physical integrity, accessibility, or use of sacred sites.</p>	Only cultural resources, TCPs, etc. not covered by the original EIS would be analyzed in the SEIS. The process for consultation, development of minimization measures, treatments, etc. is defined in a Programmatic Agreement (PA), executed in 2015. USACE will continue to adhere to the terms of the PA in order to fulfill the requirements of the NHPA.
16-1	Karen Huss	SMAQMD	Analysis should follow SMAQMD's CEQA guide.	We will utilize the Guide to Air Quality Assessment in Sacramento County in developing our air quality assessment for the SEIS in coordination with the state and local partners on the project.
16-2	Karen Huss	SMAQMD	SEIS/EIR should incorporate mitigation measures and environmental commitments from the GRR and the General Conformity Determination. Outdated, infeasible, or conflicting measures should be updated.	The SEIS/SEIR will incorporate by reference mitigation measures and environmental commitments from the 2016 GRR FEIS/FEIR and evaluate any new design refinements and incorporate any new mitigation if needed. If needed, the regulatory setting as it pertains to air quality will also be update for any new regulations.
16-3	Karen Huss	SMAQMD	The analysis should disclose whether project changes will impact the GCD and USACE should update the GCD if necessary.	It is anticipated that the General Conformity Report will need to be updated or amended to tease out whether there are changes to emissions based on the extended duration of the construction schedule from 8 years back to 14 years, and with the additional material being hauled. An updated report may not be available by the draft release of the SEIS, however, we can incorporate the existing Final General Conformity Report as an appendix in the draft SEIS and furnish and updated report for the Final SEIS.
16-4	Karen Huss	SMAQMD	Trucking and equipment staging may create conflicts with bikes/pedestrians and transit us. Alternative routes should be determined with input from surrounding communities and local agencies to ensure active mode commute trips are not discouraged by construction.	USACE appreciates the comment regarding staging areas interfering with recreational use of the American River Parkway. USACE coordinates all project staging area location decisions with the project partners including County Parks and the National Park Service (NPS) in order to obtain a Consistency Determination from NPS. This determination requires USACE to adequately divert bike traffic, and in most cases, keep the diverted bike traffic within the Parkway and on paved surfaces.
17-1	Liz Bellas	Sacramento County - Regional Parks Dept.	Public use of the Urrutia property is governed by the goals and policies of the 2008 American River Parkway Plan (Parkway Plan). The Area Plan for the Discovery Park area of the Parkway calls for acquiring the property and reclaiming and restoring it to enhance its fish and wildlife value, accommodate historical and cultural interpretive activities, including demonstrations of California Native American culture, and support picnicking, hiking, and wildlife viewing. The Area Plan further identifies improvements that should be created to support these purposes and, based on the assumption that the site's existing open water pond will remain post-acquisition, provides that boating and fishing may be allowed for interpretive purposes only by permit at the discretion of the Parkway Manager.	The Urrutia property is a privately held location within the American River Parkway that is currently not open to public use. The only reason this property will be acquired is to provide agency required mitigation for the American River Common Features Project. The mitigation will provide habitat for state and federally listed species as well as enhance the ecological value for local and migratory wildlife by restoring the disconnected floodplain. Local tribes are already involved with this portion of the ARCF project, and to the extent feasible any mitigation or cultural uses will be included in the final designs. The site may have limited recreational access for hiking and wildlife viewing while the construction is occurring and while the vegetation is being established however once mature the site could provide these public uses. The SEIS/SEIR makes the assumption that a pond will be retained but a pond is not required by the NEPA. The inclusion of a pond was evaluated as one of the design alternatives to satisfy CEQA requirements; however, was ultimately not carried forward by USACE due to being cost prohibitive and non-compatible with habitat mitigation requirements.

Comment Number	Name of Commenter	Commenting Organization	Comment	Response
17-2	Liz Bellas	Sacramento County, Regional Parks Dept.	<p>This letter provides support for a habitat enhancement alternative at the Urrutia property that preserves a substantial portion of the isolated 30-acre pond on the site and believes it would be appropriate for USACE to consider this alternative to ensure alignment with the Parkway Plan Policies applicable to the Urrutia site. Such an alternative was developed by USACE as part of the Urrutia planning process at the end of 2021. The following comments are reasons for supporting this alternative.</p> <p>Under this alternative, the offsite floodplain habitat needs of the ARCF Project would be achieved and there would space remaining on the Urrutia property to provide a small portion of the VELB habitat needs with the balance being placed at other locations in the Parkway (including land adjacent to the Urrutia property) that Regional Parks has identified as suitable and available for this purpose. This alternative would accommodate an isolated pond approximately 30 acres in size thereby preserving most of the wildlife habitat, interpretive, and wildlife viewing values associated with this feature of the Parkway and aligning more closely with the Parkway Plan policies applicable to the Urrutia site. The existing fish stranding risk could be lessened through the shrinkage of the pond and there would be opportunities for further minimization of this risk through site grading so as to direct Bannon Slough overflows away from the remnant pond and allow some escapement from the pond into Bannon Slough.</p> <p>This alternative would not require substantial volumes of fill material to be brought to the site thereby eliminating many of the traffic, noise, and fugitive dust issues that would result from filling the entire pond.</p> <p>The isolated pond could serve as a discharge site for ponded water evacuated from the portion of the pond being filled with material to create floodplain habitat. This would allow the existing riverside berm to separate the construction area from the river and minimize the risk that sediment mobilized by construction activity could reach the American River and degrade its water quality. And retention of a substantial portion of the isolated pond would minimize the need to mitigate for the loss of the wildlife habitat values associated with this existing feature.</p>	<p>Thank you for your comment expressing the importance the preserving the Urrutia pond to protect wildlife habitat, interpretive and wildlife viewing values consistent with the American Parkway Plan.</p> <p>At the request of County Parks, an alternative that preserves a substantial portion of the 30-acre pond has been developed and was considered to satisfy Section 15126.6 of the State CEQA Guidelines, but not evaluated as a full alternative in the Draft SEIS/SEIR.</p> <p>The American River Mitigation (Urrutia) site, upon acquisition by the Project Partners, would be surveyed to fully evaluate the wildlife habitat available. The Urrutia pond is a manmade feature resulting from mining. Mitigation site development would aim to restore the landscape and natural floodplain to a pre-mining era when habitat values were highest for the species that are now Federally protected (threatened and endangered) due primarily to widespread habitat loss associated with urbanization. The 120-acre site would be constructed to provide habitat as outlined in the USFWS and NMFS Biological Opinions. The site would also mitigate for the loss of regional habitats defined in the ARCF 2016 FWCA Report.</p> <p>Inclusion of the pond is not compatible with the ARCF habitat mitigation requirements and would be potentially cost prohibitive. It would reduce the acres available for mitigation resulting in a need for another site or sites, which have been difficult to identify on the Lower American River. It would introduce risk of predation to special status species by non-native species. It would include a large non-project cost to build features to reduce the risk of species predation.</p>
17-3	Liz Bellas	Sacramento County, Regional Parks Dept.	<p>Regional Parks appreciates the importance of reducing stranding and predation of anadromous fish in the Parkway. Toward that end, the Parkway Plan declares that “minor grading and dredging should be conducted to provide positive drainage from floodplain ponds to the low flow channel of the American River” (Policy 3.12). In this instance, the need for off-site mitigation in connection with USACE’s ongoing bank stabilization program in the Parkway has created an opportunity to eliminate a long-standing fish stranding risk. However, the scale of the physical changes being contemplated for the Urrutia site go far beyond minor grading and dredging and therefore warrant a careful consideration of the resulting impacts to the Parkway. This consideration should include a full exploration of alternatives, including the alternative of preserving a substantial portion of the existing isolated pond at the site to ensure alignment with the goals and policies of the Parkway Plan.</p>	<p>Thank you for your comment.</p> <p>The proposed mitigation features would be designed to improve existing natural resource conditions by lowering the terrace surface to increase accessibility for fish species of concern as described in the American River Parkway Natural Resources Management Plan (2022). These mitigation features would be native habitat types that would typically be expected to occur in the Parkway. The features would enhance fish and wildlife habitat value, accommodate historical and cultural interpretive activities, and support public access with recreational trails.</p> <p>The American River Mitigation (Urrutia) site would be developed in accordance with the Parkway Plan and would not violate any local, State, or Federal regulations. Four alternatives for mitigation have been explored and subsequently evaluated by the ARCF project team for effects in the Draft SEIS/SEIR. The Urrutia technical memorandum will be provide as reference to in the appendixes of the document which provide alternative analysis.</p>
18-1	Laura Taylor	Cordova Recreation and Park District	<p>The loss of trees and vegetation along the levees will have a substantial visual impact on the parkway and on Larchmont Community Park. As seen on the attached photo, large oaks are located close to the top of the levee that is facing Larchmont Community Park. If flood lights are used to accommodate nighttime work this should also be considered a negative visual impact.</p> <p>Consider if the loss of vegetation on and adjacent to the levee can be mitigated by off-site planting. If mitigation planting is proposed within Larchmont Park a new planting plan must be reviewed and approved by CRPD.</p>	<p>USACE agrees that the loss of trees and vegetation will cause a visual impact on the American River Parkway and Larchmont Community Park. The 2016 ARCF GRR FEIS/FEIR already covered impacts to visual resources in the American River Parkway. USACE will analyze the impacts to visual resources on those using Larchmont Community Park for recreation in the SEIS. Visual impacts from lighting (both staging and construction) were not analyzed in the 2016 ARCF GRR FEIS/FEIR, so possible impacts from nighttime lighting on visual resources will be analyzed in the SEIS as well. Mitigation for lost riparian habitat is already included in the 2016 ARCF GRR FEIS/FEIR. Impacts on vegetation removed within recreational parks that may not be considered riparian habitat will be analyzed in the SEIS. USACE acknowledges that new plantings within Larchmont Community Park must be coordinated with Cordova Recreation and Park District.</p>
18-2	Laura Taylor	Cordova Recreation and Park District	<p>During the construction of levees, traffic by heavy vehicles will increase and there may be fewer parking spaces available in the vicinity of project areas and around staging sites. The disruption of the use of the park and nearby residential neighborhoods would be minimized if, as much as possible, the construction traffic is limited to the existing levee roads.</p> <p>Consider ways to minimize the need for heavy vehicle traffic through Larchmont Park and adjacent residential neighborhoods. Construction traffic should be minimized around the co-located park and school site (Larchmont Park and O. W Erlewine Elementary School). Whenever possible, the existing levee roads should be used to access construction sites.</p>	<p>USACE will consider this when assessing traffic and noise in the SEIS. Haul routes were developed in a manner that would reduce the traffic through neighborhoods and by schools as much as feasible. The project footprint has been updated since the NOI was released and now shows that haul traffic would be limited to the east end of Larchmont Community Park in order to try to minimize the impacts of haul trucks on use of Larchmont Community Park. The 2016 ARCF GRR FEIS/FEIR already minimizes parking impacts. It says "The construction contractor would provide adequate parking for construction trucks, equipment, and construction workers within the designated staging areas throughout the construction period. If inadequate space for parking is available at a given work site, the construction contractor would provide an off-site staging area and as needed, coordinate the daily transport of construction vehicles, equipment, and personnel to and from the work site." Parking access in the area should not be significantly impacted as this mitigation measure is already in place and will still be applicable to the SEIS. Although some contracts may require night work, there would be no nightwork for Contract C3B near Larchmont Park.</p>

Comment Number	Name of Commenter	Commenting Organization	Comment	Response
18-3	Laura Taylor	Cordova Recreation and Park District	The environmental studies for the American River Common Features project will need to consider noise from both construction and heavy vehicles. The noise generated by construction and heavy vehicles may have a negative impact on passive and programmed use of Larchmont Park. Consider if construction operations should be limited to certain hours to reduce impact to the use of the park and to the surrounding neighborhood.	USACE agrees that use of Larchmont Community Park will have impacts to recreation, noise, traffic, and dust. USACE will analyze these impacts in the SEIS and will consider possible mitigation measures to reduce these impacts. In addition, there will be no night work permitted for this portion of the project resulting in acceptable noise impacts to sensitive receptors as the project would adhere to Sacramento County, City of Sacramento noise ordinances.
18-4	Laura Taylor	Cordova Recreation and Park District	Parks are part of the public services that are normally available in residential subdivisions. Citizen access to parks and recreation services during levee improvements and the subsequent park restoration will be restricted. Evaluate if the loss of recreational opportunities and park land will need to be mitigated. Evaluate mitigation measures for the loss of recreational opportunities, loss of revenue to CRPD and local sport leagues, and the need for funding required to temporarily relocate the services.	USACE agrees that those wanting to recreate at Larchmont Park will be impacted by levee work. The 2016 ARCF GRR FEIS/FEIR (the overarching NEPA document for the ARCF Project) already lists the mitigation measure that "Any recreation facilities affected by the project would be replaced in-kind within the existing area". This mitigation measure will still be applicable for the SEIS so the commentors concerns of replacing damaged infrastructure is already being addressed with the overarching NEPA document. USACE will analyze in the SEIS how closure of a part of Larchmont Community Park will impact the loss of recreational opportunities for the neighborhood, revenue, and the cost of relocating recreational services.
18-5	Laura Taylor	Cordova Recreation and Park District	As reported during the November 2 scoping meeting, Sacramento's flood control project has been fully funded through the bipartisan Budget Act of 2018. However, it is not clear if the restoration of staging areas has been considered as a part of the construction costs.	The construction contract for this project will require in the Specifications that the contractor would replace staging areas to preexisting conditions. The funding for restoration of staging areas will be built into the contracts.
18-6	Laura Taylor	Cordova Recreation and Park District	CRPD welcomes the opportunity to provide feedback when alternative construction strategies are considered. This would allow CRPD's staff to update the General Manager and Board of Directors about how the levee project will impact Larchmont Community Park. Regular updates will be beneficial leading up to a requested Board action to approve a construction easement and funding agreement (if needed) for mitigation measures. It would also provide CRPD more time to plan for a disruption of park services.	Another commenting opportunity will be available during the 45-day public comment period upon release of the Draft SEIS/SEIR. USACE and the Project Partners will update CRPD to the greatest extent practicable.
19-1	Chris Conard	None	<p>My comments on the NOI for the American River Common Features (ARCF) Supplemental EIS/Subsequent EIR will focus primarily on my concern that the existing habitat value of the Urrutia Pond site ("Quarry Pond") upstream of Discovery Park on the American River Parkway has not been carefully considered while it is planned as a means to meet mitigation requirements. During calls for input, there has been a varying degree of acknowledgement that the reconfiguration or even elimination of the pond to provide mitigation credit is contemplated. The Corps has not fully engaged on this topic during public scoping and information sharing, but it is clear from the public scoping meeting held on November 2, 2022, that there is a lot of interest from users and protectors of the Parkway that the existing habitat values of the Urrutia Pond be carefully taken into account.</p> <p>We have found there is consistent and substantial use of off-channel habitat for night roosting of birds that use the lower American River during the day. Along the lower stretches of the Parkway, the Urrutia Pond is an important and unique feature for these species. As an illustration, nearly 300 Common Goldeneyes, over 100 Common Mergansers, and many other water birds have flown to the site in the late evening (details of one of the surveys are here: <a href="https://ebird.org/checklist/S124339712">https://ebird.org/checklist/S124339712</a>). Loss of this roosting site would likely reduce the use of the lower stretches of the American River by several species of water birds.</p> <p>In earlier rounds of input for the American River Parkway Plan, I also stressed the importance of the site for periodic roosting and/or feeding by large numbers of Canvasbacks. Here is a sample of Canvasback numbers from surveys performed by Maureen Geiger of the Sacramento Audubon Society: (12/21/19 - count: 3500); (12/17/19 - count: 50); (12/5/15 - count: 4500); (12/6/14 - count: 4000); (12/7/13 - count: 2000). As the numbers above illustrate, there is a variable but consistently high number of Canvasbacks using this site for at least a decade (because of Covid-19 and access issues, there were no counts made in 2020 or 2021). Recent surveys have also detected pairing and nest-tending by Bald Eagles in a tree immediately adjacent to the site, showing another benefit of this habitat.</p> <p>The following species use still water and deeper water habitat, such as created by borrow pits, gravel pits, and other human activities. Despite their origins, these habitats have a lot of value and don't have natural analogs elsewhere on or immediately adjacent to the Parkway. On the lower stretch of the American River, the Urrutia Pond is unique in offering such habitat. [Canvasback, Ring-necked Duck, Bufflehead, Common Goldeneye, Barrow's Goldeneye, Hooded Merganser, Common Merganser, Ruddy Duck, Pied-billed Grebe, Eared Grebe, Western Grebe, Clark's Grebe, Double-crested Cormorant, American White Pelican, Caspian Tern, Forster's Tern, Great Blue Heron, Great Egret, Snowy Egret, Green Heron, Black-crowned Night-Heron, Osprey, Belted Kingfisher]</p>	<p>Thank you for your comment on the habitat value of the proposed American River Mitigation site, Urrutia, for migratory birds, including waterfowl. Various design alternatives have been proposed in order to preserve highest quality existing habitat while constructing new habitat for special status species mitigation as required under the Endangered Species Act and the Biological Opinions from U.S. Fish and Wildlife Service and National Marine Fisheries Services. As a Federal agency, USACE must comply with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.</p> <p>Survey data, including data from eBird.org and iNaturalist, is used in the compilation of the Existing Conditions in Appendix B 4.1 Vegetation and Wildlife. Any temporary adverse impacts associated with construction would be documented in above referenced appendix.</p> <p>In addition, from Section 4.3: "Special-status species evaluated for potential to occur in the study area for the proposed project refinements were identified based on review of current USFWS species lists (USFWS 2023), resource databases and other information available from NMFS (NMFS 2021), California Natural Diversity Database (CNDDB) occurrences (CDFW 2023), and the California Native Plant Society (CNPS) online inventory (CNPS 2023). See Appendix for the complete species lists. Additional species addressed in the environmental analysis for projects in the vicinity or in local or State conservation planning efforts were also considered (SRCSD 2014). The CNDDB search (see Attachment XX) yielded occurrences of a total of 72 special-status plants and animals within the US Geological Survey 9-quad search area (Taylor Monument, Rio Linda, Sacramento West, Sacramento East, Carmichael, Clarksburg, Florin, Isleton, Rio Vista); 64 of these species have been documented within 5 miles of the study area."</p>
19-2	Chris Conard	None	Before major changes to the pond are contemplated, systematic surveys of the site should be undertaken. I am happy to provide additional input and data from future surveys as I learn more about this important habitat component along the lower American River.	Biological surveys would be conducted once property acquisition is completed by the Project Partners.



Comment Number	Name of Commenter	Commenting Organization	Comment	Response
20-1	Dan Meier	Sacramento Native Plant Society, American River Parkway Coalition	<p>Any mitigation sites to be considered under this environmental document should evaluate and document their suitability for specific habitat types. This evaluation and documentation is not included in the County's Natural Resource Management Plan (NRMP), nor is it adequate to simply state that these mitigation sites were selected by the USACE, CVFPB, and SAFCA in coordination with Sacramento County Department of Regional Parks.</p> <p>Maps must be provided showing habitat types by location. Also, specific documentation must be provided on key factors that were considered in evaluating habitat suitability such as soil analyses, hydrology, groundwater levels, flood, inundation frequency, habitat connectivity, and any other relevant factors.</p>	<p>Mitigation sites are selected based upon their ability to provide highest quality habitat for special status species impacted by the Proposed Action. It was not only the responsibility of USACE and Project Partners, but the Federal and State resources agencies. U.S. Fish and Wildlife Service provided support for the selection made.</p> <p>Habitat Management Plans will be developed for the Draft SEIS/SEIR, which will include the details such as maps with habitat types.</p>
20-2	Dan Meier	Sacramento Native Plant Society, American River Parkway Coalition	<p>If the Urrutia property is included as a potential mitigation site to address USACE American River Commons impacts, then a Conceptual Naturalization Plan must be developed for the Urrutia property consistent with recommendations of the Final Draft of the Lower American River NRMP. This Conceptual Naturalization Plan needs to be developed by County Regional Parks, American River stakeholders and jurisdictional agencies in advance of its use by the USACE as a mitigation site. The Conceptual Naturalization Plan must also take into consideration the previous planning for this site that included extensive public participation and permitting, and the land designations for the site included in the Sacramento County American River Parkway Plan (2008) adopted by state statute.</p>	<p>Thank you for your comment. Any habitat mitigation plans must be in compliance with the local and State regulations, including the American River Parkway Plan and as mentioned the Lower American River Natural Resources Management Plan. USACE and Project Partners engage with stakeholders, including County Parks, on a regular basis via the LAR BPWG and TRAC meetings.</p>
21-1	Matt Carr	None	<p>When would those materials [detailed drawings/plans] be made available online for public examination?</p>	<p>The requested designs would be made available to the public during the public review period when the Draft Reports are circulated.</p>
22-1	None	None	<p>There has been damage in recent years to existing ACOE mitigation sites within the Parkway. The ACOE needs to address these mitigation site impacts including how future sites will be preserved. Existing VELB status in the Parkway needs to be addressed in any proposals for additional mitigation for the species there. The Urrutia parcel being considered for mitigation has existing wildlife habitat values that need to be considered and preserved and/or enhanced.</p>	<p>Comment acknowledged. Habitat Management Plans are currently being developed as a part of the Draft SEIS/SEIR. Any lands used for project purposes are surveyed for wildlife and their habitat so that any temporary or permanent loss can be correctly mitigated for with the resource agencies.</p>