CALIFORNIA Water Boards

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Central Valley Regional Water Quality Control Board

5 February 2024

Susanna Real
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COMMENTS TO REQUEST FOR REVIEW FOR THE JOINT DOCUMENT, AMERICAN RIVER COMMON FEATURES, 2016 FLOOD RISK MANAGEMENT PROJECT, SCH#2005072046, SACRAMENTO AND YOLO COUNTIES

Pursuant to the State Clearinghouse's 22 December 2023 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Joint Document* for the American River Common Features, 2016 Flood Risk Management Project, located in Sacramento and Yolo Counties.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal
1 regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by

the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website: http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at: https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201805.pdf

2 In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land
3 Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

4

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

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Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at:https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

6

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge. 7

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at: http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at: 8 https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/help/permit/ 9

If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov.

Peter Minkel

Peter Minkel
Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

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

JENNIFER LUCCHESI, *Executive Officer*
(916) 574-1800
TTY CA Relay Service: **711** *or Phone* **800.735.2922**
from Voice Phone **800.735.2929**
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Contact Phone: **(916) 574-1890**

January 30, 2024

File Ref: SCH #2005072046

Flood Projects Branch
Department of Water Resources
3464 El Camino Avenue Room 200
Sacramento, CA 95821

VIA ELECTRONIC MAIL ONLY: PublicCommentARCF16@water.ca.gov

Subject: Draft Subsequent Environmental Impact Statement/Environmental Impact Report for the American River Common Features, Water Resources Development Act of 2016

To whom it may concern:

The California State Lands Commission (Commission) staff has reviewed the Draft Subsequent Environmental Impact Statement/Environmental Impact Report (SEIS/EIR) for the American River Common Features (ARCF), Water Resources Development Act of 2016 (Project), which is being prepared by the Central Valley Flood Protection Board (CVFPB), as the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.), and the U.S. Army Corps of Engineers (USACE) as the lead agency under the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.). The Commission is a trustee agency for projects that could directly or indirectly affect State sovereign land and their accompanying Public Trust resources or uses. Additionally, because the Project involves work on State sovereign land, the Commission will act as a responsible agency.

Commission Jurisdiction and Public Trust Lands

The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6009, subd. (c); 6009.1; 6301; 6306). All tidelands and submerged lands granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust Doctrine.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line (MHTL), except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court.

1 The American and Sacramento Rivers, at several of the locations within the proposed Project, are tidal State sovereign land under the jurisdiction of the Commission. Based upon the information provided and a preliminary review of Commission records, Commission staff has determined that the Project will require submission of a lease application(s) for issuance of a lease(s). The application can be found at our website at www.slc.ca.gov. As the Project proceeds, please submit additional information, including but not limited to MHTL and boundary surveys, for a determination of the extent of the Commission's jurisdiction. Please contact Ninette Lee, Public Land Manager, for jurisdiction and leasing requirements for the Project (see contact information at end of letter). Additionally, please ensure that Ninette is included on any future distribution mailing list for the Project.

Proposed Project Description

The SEIS/EIR analyzes design refinements to the authorized ARCF 2016 Project, including engineering design modifications, footprint expansions, and compensatory habitat mitigation approaches. The design refinements include actions within eight major project components:

- American River Erosion Contracts 3B, 4A, and 4B
- Sacramento River Erosion Contract 3
- Magpie Creek Project (MCP)
- American River Mitigation Site (ARMS)
- Sacramento River Mitigation Site (SRMS)
- Installation of a Piezometer Network

2 It is staff's understanding that areas within the American River Erosion Contracts 3B, 4A, and 4B, Sacramento River Erosion Contract 3, and portions of the ARMS and SRMS are within the jurisdiction of the Commission.

3 The Proposed Action (Alternative 2) would have the fewest overall environmental impacts, as well as the least environmentally damaging impacts, and therefore would be the environmentally superior alternative under CEQA.

Comments

4 Thank you for the opportunity to review the SEIS/EIR for the Project. As a responsible and trustee agency, the Commission will need to rely on the certified SEIR for the issuance of any lease as specified above and, therefore, we request that you consider our comments prior to certification of the SEIR. Staff would also like to thank CVFPB and the USACE for the inclusion of the ordinary high-water mark on many of the SEIR maps, which assists Staff with our jurisdictional determination and assessment of project impacts that would occur on State lands.

5 Please send copies of future project-related documents, including electronic copies of the certified SEIS/EIR, an accessible version of the final Mitigation Monitoring and Reporting Program, Notice of Determination, Findings, Statement of Overriding Considerations (if applicable), and approving resolution when they become available. Please refer questions concerning environmental review to Cynthia Herzog, Senior Environmental Scientist, at (916) 574-1310 or cynthia.herzog@slc.ca.gov. For questions concerning Commission leasing jurisdiction, please contact Ninette Lee, Public Land Manager, at (916) 574-1869 or ninette.lee@slc.ca.gov.

Sincerely,

Nicole Dobroski, Chief
Division of Environmental Science, Planning, and Management

cc: Office of Planning and Research
C. Herzog, Commission
N. Lee, Commission
J. Fabel, Commission

CITY-1

City of SACRAMENTO
Department of Public Works

Transportation Division

City Hall
915 I Street, 2nd Floor
Sacramento, CA 95814-2604
(916) 808-5307

February 23, 2024

U.S. Army Corps of Engineers, Public Affairs Office
Attn: ARCF SEIS/SEIR
1325 J Street, Room 1513
Sacramento, CA 95814
Email: ARCF_SEIS@usace.army.mil, PublicCommentARCF16@water.ca.gov

SUBJECT: American River Common Features (ARCF) SEIS/SEIR

Thank you for including the City of Sacramento in the environmental review process for the project referenced above.

The City of Sacramento Department of Public Works has the following comments on the project:

1. Proposed Haul Routes should include the requirement that safe pedestrian and bicyclist access be maintained around construction areas. The proposed project should provide detours to maintain safe pedestrian and bicyclist access around the construction areas at all times. Access should be ensured for pedestrians and bicycle trails be maintained including:
    a. Provision of driveway access control between levees and City roadways so that pedestrian and bicycle movements are maintained.
    b. Clear rerouting of pedestrian and bicycle trails and installation of signage for traffic and alternative transportation routes.
    c. Early notification to affected neighborhoods.
    d. Early coordination with the City's Active Transportation Commission. Please contact Jennifer Donlon Wyant, Transportation Planning Manager, City of Sacramento, Department of Public Works, Transportation Division, JDonlonWyant@cityofsacramento.org

2. Haul routes are proposed on some smaller roads inside City of Sacramento limits. Documentation should include a pavement assessment before and after to document damages to pavement.

3. The construction Contractor must provide a construction traffic control plan per City Code 12.20.030 to the satisfaction of the City Traffic Engineer.

The plan shall ensure that acceptable operating conditions on local roadways and freeway facilities are maintained. At a minimum, the plan shall include:

- The number of truck trips, time, and day of street closures.
- Time of day of arrival and departure of trucks.
- Limitations on the size and type of trucks, provision of a staging area with a limitation on the number of trucks that can be waiting.
- Provision of a truck circulation pattern.
- Maintain safe and efficient access routes for emergency vehicles.
- Manual traffic control when necessary.
- Proper advance warning and posted signage concerning street closures.
- Provisions for pedestrian safety.

A copy of the construction traffic management plan shall be submitted to local emergency response agencies and these agencies shall be notified at least 14 days before the commencement of construction that would partially or fully obstruct roadways.

Please provide our office with copies of any further actions regarding this project.

If you have any questions regarding these comments, please contact me at (916) 808-8930 or by email at pclarke@cityofsacramento.org

Sincerely,

Pelle Clarke, PE
Senior Engineer
City of Sacramento
Department of Public Works, Traffic Engineering

Cordova
Recreation & Park District

11070 White Rock Road, Suite 130
Rancho Cordova, CA 95670
916-842-3300

February 22, 2024

U.S. Army Corps of Engineers
Public Affairs Office, Attn: ARCF SEIS
1325 J Street, Room 1513
Sacramento, CA 95814
email: arcf_seis@usace.army.mil

Department of Water Resources
Flood Projects Branch, Attn: ARCF SEIR
3464 El Camino Avenue, Room 200
Sacramento CA 95821
email: PublicCommentARCF16@water.ca.gov

Regarding: **American River Common Features Project (2016 ARCF)**
Notice of Availability (NOA)
Draft Supplemental Environmental Impact Statement (SEIS) and
Draft Subsequent Environmental Impact Report (SEIR)
Combined Report dated December 2023

Public Review Period: **December 22, 2023 – February 23, 2024**

Special Focus: **Contract 3B** along the South Side of the American River between River Mile 10 - 10.5 adjacent to Larchmont Community Park

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 or the District) is responding to a 'Notice of Availability' regarding additional environmental reports for the 2016 American River Common Features Project. This notification was provided by U.S. Army Corps of Engineers (USACE), the Central Valley Flood Protection Board and the Sacramento Area Flood Control Agency (SAFCA) also known collectively as the Project Partners. The available document (a combined Draft SEIS and SEIR) covers American River Erosion Contracts 3B, 4A and 4B in addition to the Magpie Creek Project, two mitigation sites and the installation of piezometers. CRPD has previously prepared comments in response to the 'Notice of Intent' (NOI) regarding the Draft SEIS and SEIR for the American River Common Features Project. That letter (dated December 22, 2022) and the response by the Project Partners have been attached to Appendix A of the supplemental/subsequent environmental report.

The current review by CRPD has been focused on the Proposed Action (project Alternative 2) and how the report has addressed the District's earlier concerns. CRPD has also considered how well the new Mitigation Measures meets the needs and goals of Cordova Park and Recreation District.

NEED FOR ACTION

It is the mission of the overall American River Common Features Project to address the risk of levee failure due to seepage or erosion along the American and Sacramento Rivers.

SCOPE OF WORK

The proposed project IS north of Larchmont Community Park (Larchmont CP) in the American River Parkway. It includes the installation of a launchable toe along water's edge and riverbank protection along the north slope and toe of the existing levee (see **Figure 3.5.2-9 on page 3-36** of the Draft SEIS/SEIR Report). The launchable toe and the riverbank protection will be on the river side of the levee, outside of the Larchmont CP Park boundaries and within parcels under the jurisdiction of Sacramento County Regional Parks. The northern boundary of the park is near the toe of the levee on the landside away from the river. The diagram below illustrates the approximate property line at the northern end of Larchmont Community Park.

The Project Partners anticipate using portion of Larchmont CP as one of the staging areas. **Figure 3.5.2-13 on page 3-28 and Figure 3.5.2-2 on page 3-40** provide graphics of 'Launchable Toe' and 'Riverbank Protection' designs. However, it is not clear how much clearing and grading will be involved with the two construction methods. The future location of piezometers has not been specified but they are expected to be installed along all segments of the erosion control project on the levee crown or near the levee toe on the landside opposite the river (see page 3-82). Without knowing proposed locations for the piezometers it is possible one or more could be proposed on Larchmont CP property at the landside toe of the levee. The piezometers have a minimal footprint as shown in Figure 3.5.7-2 "Typical Vibrating Wire Piezometer Section" on page 3-88.

LARCHMONT STAGING AREA

Detailed design documents are not yet available, but based on the project descriptions in Chapter 3, CRPD has the following information regarding the impact to Larchmont CP. As shown in **Figure 3.5.2-3 on page 3-30**, the staging area within Larchmont Park will be limited to the north end of the park site. The targeted area for staging includes two soccer fields. It avoids the park entrance from Stansberry Drive, the existing parking lot, tennis courts and playground. It also avoids the large multi-purpose sports fields in the south part of the community park.

As shown in **Figure 3.5.2-4 on page 3-31**, access to the staging area will be provided from Rogue River Drive. Even after the fencing of the staging area, pedestrian access appears to remain open to Rio Linda Drive (south of the park) and Rio Bravo Circle (east of the park). It is not yet clear how much of the park site will need to be reinforced with gravel in order to accommodate heavy vehicles and materials storage. The Draft SEIS/SEIR report anticipates that five existing trees will need to be removed from the park site (see page3-49). 1

In Sacramento County construction work is permitted 6:00 a.m. to 8:00 p.m. Monday through Friday. On Saturdays the permitted work hours are 7:00 a.m. to 8:00 p.m. Contract 3B is expected to start this year (2024) with tree clearing and site prep. The construction phase of the contract has been estimated to take two years (2025-2026) and revegetation of the American River Parkway should be completed during year 2027. However, maintenance of all new installations will need to continue until 2030. The draft SEIS/SEIR does not have any information regarding how long the staging area at Larchmont CP will be needed or the extent of restoration that will be required at the end of that time. (See information provided in the Draft SEIS/SEIR on page 3-43.). CRPD staff has been in contact with representatives of SAFCA and have discussed a Temporary Construction Easement (TCE) for the project's use of Larchmont CP as a staging area. Based on these discussions CRPD anticipates the erosion control work to be completed by October 31, 2026 and revegetation work in Larchmont CP to begin in November 2026. The establishment of the athletic turf grass is anticipated to take approximately one year will likely require fencing for approximately one year after planting.

PROPOSED PROJECT MODIFICATIONS

In CRPD's response to the NOI, issues were raised regarding the following topics: Recreation, Aesthetics and Visual Resources, Transportation and Circulation, Noise, Public Utilities and Services, and Funding. Many of the District's questions have been answered in the Draft SEIS/SEIR.

When the Draft SEIS/SEIR document became available, CRPD reviewed the Mitigation Measures that will be attached to the American River Erosion Control project. The Executive Summary of the Draft SEIS/SEIR document includes a table of all the environmental requirements (see Table ES-1 on page ES-4; '*Summary of Effects and Mitigation Measures for the Proposed Action*') and the full text of each Mitigation Measure can be found in *Appendix B, Detailed Analysis*.

FEEDBACK FROM THE PUBLIC

The District has received emails and phone calls from the public regarding the proposed erosion control project adjacent to Larchmont Community Park. Many concerns have been expressed about the loss of park services and the overall long-term impact of the construction project. However, the most common question that has been raised is whether the required level of erosion control could be achieved through less invasive bank protection measures in lieu of the proposed shoreline replacement with a launchable rock toe. CRPD noticed during review of the documents that the scope of work has been reduced from the original 2016 project. The original project 11 miles of erosion control. The current project has been reduced to 5 miles. 2

MITIGATION MEASURES

RECREATION

While the Draft SEIS/SEIR document has labeled short-term impacts to recreation "Significant and Unavoidable" the long-term impacts have been considered "Less than Significant" after mitigation. Mitigation Measure REC-1 will reduce some of the impacts.

REC-1: Implement Bicycle and Pedestrian Detours, Provide Construction Period Information on Facilities Closures, and Coordination to Repair Damage to Recreational Areas (see Appendix B page 2.2-19).

Summary of REC-1: Initially the Project Partners will be required to work with Park Departments and Park Districts to inform the public about the project impacts and fenced staging areas. Figure 3.5.2-3. "American River Erosion Contract 3B Project Footprint" on page 3-30 is at too small of a scale to determine the actual boundaries of a fenced staging area proposed for Larchmont CP. It is likely the yellow hatched polygon is conservatively larger than will actually be needed for the staging area. After the completion of levee improvements, the Project Partners will be required to repair any construction related damage to pre-project conditions.

The District's Recommended Addition to REC-1:

- The use of staging areas in public parks shall be kept as short as possible and the Park Districts shall have an opportunity to review and approve all plans and documents regarding restoration. 3

- The final staging area boundary should allow for two existing pedestrian connections through the park to remain open during construction. The project should ensure the park's paved walkway that provides a connection between the northwest corner of Rio Bravo Circle and the parking lot at the end of Stansberry Way remain open and an area remain open between the east ends of Rogue River Drive and Stansberry Way. This open area could provide a pedestrian connection (over existing turf) and a buffer between the residences adjacent to the park and the staging area boundary fencing.

3 cont'd

Financial issues are not discussed in CEQA documents, but the Draft SEIS document has addressed some cost related issues regarding the projects use of active parkland (see Appendix B, page 2.2-24). The document specifies that in order to gain access to the designated work sites, the Project Partners will complete a real estate process that includes financial considerations. Among the potential reasons for financial losses are lost revenues for park rentals by sports leagues or the general public. This requirement will provide mitigation for short-term significant unavoidable impacts under NEPA.

AESTHETICS AND VISUAL RESOURCES

The project's short-term impact on Aesthetics and Visual Resources has been considered 'Significant and Unavoidable'. After mitigation, the SEIS/SEIR report has concluded that the long-term impact will be 'Less than Significant'. Mitigation Measures VIS-1, VIS-2, VEG-1 and VEG-2 will reduce some of the impacts. The loss of mature trees on/near the levee and along the riverbanks will have debatably a significant impact to the Greater Sacramento Area for many years to come. The District is requesting that Figure 4.1-1; '*American River Erosion Contract 3B and 4B Land Cover Types*' be revised.

The District's Recommended Revision of Figure 4.1-1:

- Larchmont Park should be represented as: 'Developed Parkland' (not Ruderal Herb/Grassland).

  (All parks within the District are land that has been developed to provide a green area and recreational opportunities for the surrounding neighborhood as well as for the greater community.)

4

VEG-1: Compensate for Riparian Habitat Removal (See Appendix B, page 4.1-33)

Summary of VEG-1: The project is required to create replacement habitat within the American River Parkway.

VEG-2: Retain Protect and Plant Trees On-Site (see Appendix B, page 4.1-33)

Summary of VEG-2: Within the project site the Project Partners are required to preserve existing vegetation whenever possible and add plant materials to existing plant benches and new embankments. However, this mitigation requirement may not extend to adjacent properties that will be disturbed by access roads and staging areas.

The District's Recommended Addition to VEG-2:

- The Project Partners shall make every effort to limit the impacts of construction on Larchmont CP which is outside the American River Parkway. Whenever possible, the existing trees shall be preserved and all vegetation that require removal shall be replaced after consultation with CRPD. 5

VIS-1: Shielding Construction Lighting (see Appendix B, page 3.1-34)

Summary of VIS-1: Construction contractors are required to shield and direct all temporary lighting downward.

VIS-2: Minimize Disturbance of Wildlife from Nighttime Lighting (see Appendix B, page 3.1-24)

While this mitigation measure encourages the Project Partners to limit nighttime construction work, it does leave the door open for a 24-hour workday.

The District's Recommended Modification of VIS-2:

- In order to minimize the effect of the project on residential neighborhoods, public recreation areas and established wildlife corridors, construction work should be limited to the hours that have been permitted by the impacted jurisdictions (City of Sacramento and Sacramento County) 6

  (Because Larchmont Park is located in Sacramento County, the permitted construction hours would be limited to 14 hours Monday through Friday (6:00 a.m. to 8:00 p.m.) and 13 hours on Saturdays (7:00 p.m. to 8:00 p.m.). No construction work would be permitted on Sundays.

TRANSPORTATION AND CIRCULATION

The project's impact on Transportation has been considered 'Significant and Unavoidable' due to the large addition of truck traffic. However, mitigation can reduce the impact on bicycles and pedestrians to a 'Less than Significant' level.

After mitigation the project will exceed Sacramento Metropolitan Air Quality Management District's (SMAQMD) threshold of emissions and as a result USACE will be required to pay a mitigation fee.

TRANS-1: Prepare and Implement a Traffic Control and Road Maintenance Plan (see Appendix B, page 2.1.7)

Summary of TRANS-1: Encroachment permits and/or temporary construction easements (TCE) with conditions can be added to construction contracts. Provide parking for construction vehicles, equipment and workers within the designated staging areas. Minimize impact to public roads during peak hours and inform the public about road closures and detours. Secure work sites from bicyclists and pedestrians and provide detours for bicycle commuters. Document pre- and post-construction conditions and repair all project related damage.

In spite of these mitigated requirements, the Draft SEIS/SEIR states (on Page 2.1-9) that heavy truck traffic could at times exceed the recommended limit of 50 truck trips per hour (standard set by the Institute of Transportation Engineers).

The District's Recommended Addition to TRANS-1:

- Truck traffic in residential neighborhoods and along active parks should be minimized.

7

AIR QUALITY

Under both CEQA and NEPA, the project's impact on air quality is 'Significant and Unavoidable'. Several Mitigation Measures have been attached to the project to reduce these impacts.

AIR-1: Implement Sacramento Metropolitan Air Quality Management District and Bay Area Air Quality Management District Basic Construction Emission Control Practices (see Appendix B, page 3.5.21)

AIR-2: Implement the Sacramento Metropolitan Air Quality Management District's Enhanced Fugitive PM Dust Control Practices (see Appendix B, page 3.5-22)

AIR-3: Implement Sacramento Air Quality Management District's Enhanced Control Practices and Require Lower Exhaust Emissions for Construction Equipment (see Appendix B, page 3.5-22

Mitigation Measure VIS-4 requires that the Project Partners should contribute to SMAQMD's and/or BAAQMD's off-site mitigation fee program.

NOISE AND VIBRATION

The erosion project will cause 'Significant and Unavoidable' noise and vibration. A Mitigation Measure has been added to reduce this impact.

NOI-1: Implement Measures to Reduce Construction Noise and Vibration Effects (see Appendix B, page 3.7-11

Summary of NOI-1: Notify residents within 1,000 feet. Schedule the loudest work during daytime hours (7:00 a.m. to 7:00 p.m.). Use gas powered equipment with muffling devices for construction equipment. Apply vibration reducing construction practices.

The mitigation measure also states the following: *'Route heavily loaded trucks away from residential streets, if possible. If no alternatives are available, select streets with fewer homes.'*

The District's Recommended Addition to NOI-1:

- Large, heavily loaded trucks should not travel along Linda Rio Drive or Rogue River Drive.

8

PUBLIC UTILITIES AND SERVICES

The project's impact on Public Utilities and Services has been considered 'Less than Significant'. However, Mitigation Measure UTL-1 does address potential impacts to public facilities.

UTL-1: Verify Utility Locations, Coordinate with Affected Utility Owners/Providers, Prepare and Implement a Response Plan and Conduct Worker Training with Respect to Accidental Utility Damage (see page 4-122).

Summary of UTL-1: This mitigation measure covers any damage to CRPD's existing irrigation system during the use of the staging area. UTL-1 will also allow CRPD to ensure that existing trees designated to remain and new trees that will be added are properly irrigated.

GEOLOGIC RESOURCES

While Geological Resources were not considered in the Draft SEIS/SEIR, the previously approved GEO-1 may provide important protections during the construction phase of the project.

GEO-1: Acquire Appropriate Regulatory Permits and Prepare and Implement a Storm Water Pollution Prevention Plan, Spill Prevention Control and Countermeasures Plan and Associated Best Management Practices (see Appendix B, page 3.2-5)

Summary of GEO-1: The Project Partners are responsible for the containment of soil runoff in addition to the clean-up of any accidental release of hazardous materials. All disturbed areas will need to be restored after the project has been completed. This mitigation measure will apply to the project site and to all off-site staging areas (such as the one proposed for Larchmont CP).

THE CONTINUED ENVIRONMENTAL PROCESS

The Project Partners anticipate that the Record of Decision/CEQA Certification will be completed by late summer or fall of 2024. Shortly after, Contract 3B is expected to start with tree clearing and site prep.

Additional Request by the District:

- Provide a reasonable amount of time between the environmental certification and the start of the project to allow local jurisdictions to review all construction documents and agreements related to the staging areas and Temporary Construction Easements. 9

SUMMARY OF CRPD'S PROPOSED MODIFICATIONS TO MITIGATION MEASURES

Addition to REC-1:

The use of staging areas in public parks shall be kept as short as possible. The Park District or Park Department with jurisdiction over the staging area shall have an opportunity to review and approve all plans and documents regarding restoration of the staging area. 10

The final staging area boundary should allow for two existing pedestrian connections through the park to remain open during construction. The project should ensure the park's paved walkway that provides a

connection between the northwest corner of Rio Bravo Circle and the parking lot at the end of Stansberry Way remain open and an open area between the east ends of Rogue River Drive and Stansberry Way.

Revision of Figure 4.1-1:
Larchmont Community Park should be represented as: 'Developed Parkland' (not Ruderal Herb/Grassland).

Addition to VEG-2:
The Project Partners shall make every effort to limit the impacts of construction on Larchmont Community Park which is outside the American River Parkway. Whenever possible, the existing trees shall be preserved and all vegetation that require removal shall be replaced after consultation with CRPD.

Modification of VIS-2:
In order to minimize the effect of the project on residential neighborhoods, public recreation areas and established wildlife corridors, construction work should be limited to the hours that have been permitted by the impacted jurisdiction (City of Sacramento and Sacramento County)

Addition to TRANS-1:
Truck traffic in residential neighborhoods and along active parks should be minimized.

10 cont'd

Addition to NOI-1:
Large, heavily loaded trucks should not travel along Linda Rio Drive or Rogue River Drive.

Additional District Request:
Provide a reasonable amount of time between the environmental certification and the start of the project to allow local jurisdictions to review all construction documents and agreements related to the staging areas and Temporary Construction Easements.

THE CONTINUED ENVIRONMENTAL PROCESS
The Project Partners anticipate that the Record of Decision/CEQA Certification will be completed by late summer or fall of 2024. Shortly after, Contract 3B is expected to start with tree clearing and site prep.

Additional Request by the District:

- Provide a reasonable amount of time between the environmental certification and the start of the project to allow local jurisdictions to review all construction documents and agreements related to the staging areas and Temporary Construction Easements.

FINAL COMMENTS

The Project Partners have requested a TCE from CRPD for the purposes of using a portion of Larchmont CP for a staging area. CRPD staff is currently reviewing terms of the draft TCE that include details for implementation of the requirement for restoration of the staging area. The TCE is anticipated to be presented to CRPD's Board of Directors for consideration in mid-2024.

Please address any questions or comments regarding this letter to me.

Respectfully,

Laura L. Taylor

Laura L. Taylor, ASLA
Park Planning and Development Manager
Cordova Recreation and Park District
Phone: 916.842.3319
Email: 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

From: Sutton, Drew
Sent: Tuesday, February 27, 2024 9:10 AM
To: Dorff, Becky
Subject: FW: Oak Meadow Park

From: Tibbitts. Dan <TibbittsD@saccounty.gov>
Sent: Tuesday, February 13, 2024 12:42 PM
To: Sutton, Drew <dsutton@geiconsultants.com>
Subject: [EXT] FW: Oak Meadow Park

From: Daniel Barton <dbarton@morpd.com>
Sent: Tuesday, February 13, 2024 11:56 AM
To: William.Polk@usace.army.mil
Cc: Tibbitts. Dan <TibbittsD@saccounty.gov>; bgualco@gualco.com; Patricia Todd-Brown <Seat3@morpd.com>; Chair <Chair@morpd.com>
Subject: Oak Meadow Park

1 My name is Daniel Barton the District Administrator of Mission Oaks Recreation & Parks District. I would like to point out that permission is not granted to use Oak Meadow Park for staging area. Please remove all of Oak Meadow and any and all MORPD Parks from your ACOE project. We were contacted a few months ago by phone asking if we would want to participate and we declined. A few examples are:

American River Erosion Contract 3B North

Page 3-48 and 49

Site 3-1

2 *Staging for Site 3-1 would occur at University Park, within the American River Parkway just south of the University Park, and Oak Meadow Park (Figure 3.5.2.6). The staging area at Oak Meadow Park would also be used for stockpiling if necessary. Haul route access would go through University Park to the parking lot just north of University Park. Up to seven trees would likely need to be removed for access. In addition, trucks would access the work areas Oak Meadow Park from the Kadema River Access location to American River Drive. This access point would reduce the number of trips through the neighborhood. Both University Park and Oak Meadow Park would be closed during construction. Finally, Wilhaggin Drainage Pump Station could be used for Site 3-1 staging.*

See **Figure 3.5.2-3** showing all of Oak Meadow as staging.

See **Table 3.5.2-12**.

3 **Appendix B, p. 2.2-2, 12**

2.2-15

NEPA Impact Conclusion (Design Refinements): *Short-term to Medium-Term and Moderate to Major effects that are Less than Significant*

Portions of the American River Parkway would be closed for both American River Erosion Contract 3B North, 3B South and 4A. Several local parks near the American River Erosion Contract 3B North and South sites and American River Erosion Contract 4B would be closed during construction. Oak Meadow Park (5.5 acres) and Glenbrook Park River Access (3.5 acres) would have complete closures during construction. Larchmont Community Park and University Park would have partial closures during construction (Figure 2.2-1). Approximately 3 acres of University Park would be closed, and 7.5 acres of Larchmont Community Park would be closed (Figure 2.2-1).

2.2-22

Many staging areas for American River Erosion Contract 3B North and South and American River Erosion Contract 4B are public parks or recreational areas. Specifically, Oak Meadow Park, University Park, Waterton Way River Access, Larchmont Community Park and Glenbrook Park River Access would be used for staging. Some minor tree removal may be required for use of these parks as staging areas and for general access. As part of the real estate process to get access to use parks for the Proposed Action, consultation would occur with the City of Sacramento, Sacramento County, Cordova Recreation and Park District or Mission Oaks Recreation and Park District prior to removal of any tree. Any trees or vegetation that might

be removed in the parks would be replanted in consultation with City of Sacramento Department of Parks and Recreation, Sacramento County Department of Regional Parks, Cordova Recreation and Park District or Mission Oaks Recreation and Park District.

Best regards,

Daniel Barton
District Administrator
Mission Oaks Recreation & Park District
(916) 359-1600
MORPD.com

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

Mr. Josh Brown
Central Valley Flood Protection Board/California Department of Water Resources
3310 El Camino Avenue, Suite 170
Sacramento, CA 95281

Subject: Public Comment Period for the Draft Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report 2016 American River Watershed Common Features Project

Dear Mr. Romine,

The Sacramento County Department of Regional Parks (Regional Parks) received the notice of availability of the Draft Supplemental Environmental Impact Statement / Subsequent environmental Impact Report (SEIS/SEIR) indicating a 45-day public review period, which began on December 22, 2023, and is set to close on February 5, 2024.

1 Regional Parks is respectfully asking for an extension to the review period to account for the lost days associated with the traditional year-end holiday season when many people take vacations and to allow us the ability to thoroughly review the analyses that have gone into all the proposed work within the American River Parkway (i.e., Urrutia Mitigation Site, Contract 3B and Contract 4).

As we indicated in our comment letter dated December 30, 2022, on the Notice of Intent to prepare the SEIS/SEIR 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. All planning activities and projects in the Parkway must be consistent with the goals and policies of the Parkway Plan and Regional Parks is responsible for conducting consistency determinations.

In addition, for any physical change, which involves a modification to an existing Area Plan or Area Plan policy, is subject to a public hearing process and ultimately requires approval by the County Board of Supervisors and consideration of approval is contingent on adequate compliance with the California Environmental Quality Act (i.e., the subject SEIS/SEIR). There are several aspects of the proposed work within the American River Parkway that would be required to go through this process (e.g., Urrutia mitigation site and trail realignments). As such it is critical that Regional Parks is allowed an adequate amount of time to review the analysis provided in the SEIS/SEIR to ensure that the SEIR adequately addresses and analyzes the impacts as a Responsible Agency.

A 45-day review period, which includes weekends, would be difficult under normal circumstances with a SEIS/SEIR that is over 1,700 pages in length but the fact that these documents are supplemental and subsequent requires additional time to reference material provided in the original EIS/EIR for the project. Since the review period for the subject document was issued right at the start of the year-end

holiday season, we have already lost about 11-days of review time and with the weekends the total time lost is 21-days, giving us a total of 24 days to review. This is equivalent to about 74 pages per day or 2-3 hours per day on top of other obligations. We are respectfully asking that the public review period be extended to February 19th so that we can adequately review the SEIS/SEIR (equivalent to 52 pages per day or 1-2 hours per day).

Regional Parks understands the need to balance project timelines but as a Responsible Agency under CEQA, Regional Parks has an obligation to make informed and balanced decisions under our scope of jurisdiction. We look forward to more engagement, coordination, and collaboration for all efforts inside the American River Parkway.

Sincerely,

Liz Bellas
Director of Regional Parks

cc:
Josh Brown, California Department of Water Resources
Susan Rosebrough, National Parks Service
Pete Ghelfi, Sacramento Area Flood Control Agency

PARKS-2

Regional Parks Department
Liz Bellas
Director

County of Sacramento

Divisions
Administrative Services
Park Maintenance
Recreation Services
Rangers
Planning/Development

February 23, 2024

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

Mr. Josh Brown
Central Valley Flood Protection Board/California Department of Water Resources
3310 El Camino Avenue, Suite 170
Sacramento, CA 95281

Subject: Comments on the Draft Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report for the 2016 American River Watershed Common Features Project, Sacramento CA

Mr. Romine and Mr. Brown,

On December 22, 2023, the U.S Army Corps of Engineers (USACE) and the Central Valley Flood Protection Board (CVFPB) published the Draft Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report (SEIS/SEIR) for the 2016 American River Watershed Common Features Project (ARCF), Sacramento CA. The Sacramento County Department of Regional Parks (Regional Parks) appreciates that the USACE and CVFPB extended the public review period to February 23, 2024. As a Responsible Agency we also appreciate the opportunity to review the SEIS/SEIR particularly as it relates to the proposed actions within the American River Parkway. intro

1 As previously established in the letter that Regional Parks submitted on December 31, 2022, during the scoping period under the National Environmental Protection Act (NEPA), the American River Parkway (Parkway) from Nimbus Dam to the confluence with the Sacramento River is a designated Wild and Scenic River and the management and protection of the wild and scenic river values as outlined in the American River Parkway Plan (ARPP) is the principal responsibility of Regional Parks. Projects within the Parkway must be reviewed by Regional Parks for consistency with the ARPP as part of the approval process. As such our review of the SEIS/SEIR focuses on ensuring

that appropriate alternatives were considered and analyzed, that the environmental analysis is adequate, and that the significant direct and indirect impacts within the Parkway are avoided and/or minimized to the extent feasible in relation to the actions proposed at Contracts 3B North and South, 4B, and the American River Mitigation Site (which we will refer to as the Urrutia Site as it is identified in the ARPP). We begin with our comments related to the overall joint document and the associated process. 1

Overall Document Outline and Approach

The NEPA and California Environmental Quality Act (CEQA): Integrating Federal and State Environmental Reviews (OPR 2014) states that "At the scoping level, public involvement is encouraged to help identify impacts and alternatives regarding the proposed project as well as any existing studies or information that can be used during the NEPA review." The scoping for the SEIS/SEIR document was inadequate. The USACE failed to engage Regional Parks during the NEPA scoping process and the development of alternatives. The CVFPB failed to initiate a scoping process under CEQA and is apparently relying on the scoping that was done for the original 2015 ARCF General Reevaluation Report (GRR) EIR, nearly a decade ago. 2

The OPR 2014 handbook provides practical suggestions on preparing a joint document to facilitate interagency cooperation, to improve efficiency, and avoid redundancy that ultimately facilitates public review of a document that includes subtle differences between CEQA and NEPA. Unfortunately, the joint SEIS/SEIR as prepared by the project partners does not model the original 2016 ARCF GRR EIS/EIR or other joint documents that have been prepared in the past, which more closely followed the OPR 2014 guidelines. The current document suggests there was a lack of interagency cooperation particularly associated with the alternatives that are falsely rejected by the NEPA lead but carried forward under CEQA. Not only is this a truly disingenuous approach but it is also extremely confusing. Additionally, it is not clear in the document why there is a separate "detailed analysis" provided in Appendix B, which duplicates much of the same information provided in the main text. Nor is it clear why Appendix B immediately follows the main document instead of Appendix A or why Appendix B begins with section 2 instead of section 1. The fundamental outline of the document is extremely confusing, does not lend itself to a straightforward analysis or disclosure of the environmental impacts, and appears to be inadequate for a Lead or Responsible agency to make a truly informed decision. 3

Aside from the missteps associated with public scoping and the overall document outline the information provided in the document about the alternatives is like an easter egg hunt where some information is found within the text and other important details are only later discovered in various tables. Compounding this is the numbering system that is provided for the various alternatives, which not only overlap with project contract numbers (e.g., Contract 4A versus Alternative 4A for Urrutia) but are also different from the document text to the tables (e.g., Alternative 2 is identified as the "proposed action" in the text but the summary table lists it as Alternative 6). It is unreasonable to assume that decision makers or the public would be able to untangle these errors or to assume that anyone would be able to conclude that the analysis presented is adequate when the document is riddled with fundamental issues and errors. 4

American River Erosion Contracts 3B North, 3B South and 4B

Due to the addition of the proposed Contract 4B measures, which occur in the reaches of Contract 3B North and the Contract 3B South there needs to be a re-evaluation of all the erosion control measures being proposed to ensure that the impacts to the Parkway are being minimized and/or avoided per ARPP Policy 4.10. This issue and other issues or comments we identify for each of these contracts follow: 5

Section 3.3 – Alternatives Development and Screening

Overall, a reasonable range of alternatives has not been considered for Contract 3B North, 3B South, or Contract 4B. Additionally, there needs to be an alternative or two that addresses the issues holistically. Specifically, the overlap and piecemeal approach by adding Contract 4B to the areas addressed under Contracts 3B North and 3B South needs to be analyzed and addressed to ensure environmental and recreational impacts are not greater than necessary. Currently, Regional Parks understands that the trail impacts associated with Contract 3B North and 3B South is anticipated to occur over a two-year period but by going back to these same areas under Contract 4B these recreational impacts are actually greater. The SEIS/SIER does not address other short- and long-term impacts, nor provide less impactful alternatives, for other recreational activities, such as loss of fishing access, use of small watercraft, wading and swimming access, and aesthetics despite the Lower American River being given the designation of Wild and Scenic based on it's the extraordinary values of its recreation and anadromous fishery. Additionally, this topic needs to be brought to the Technical Resource Advisory Committee (TRAC) and the Bank Protection Working Group (BPWG). 6 7 8

Section 3.3.2 discusses Contract 3B North alternatives that were considered but rejected from further analysis. The alternatives discussed were inadequate and/or incomplete:

- The alternative to remove the island upstream of Howe Avenue to increase hydraulic capacity to allow for placement of bank protection fails to address the alternatives considered for bank protection and only speaks to the ability to place bank protection in the area downstream of the existing bank protection site (referred to as Site 5). The discussion provided only highlights a component of what was considered and does not provide detailed information about what the designs for bank protection would be along the entire 3B North reach in relation to Island removal and how it is different than other alternatives. 9
- The alternative discussed to place soil-filled revetment on the slope of existing Site 5 addresses a small portion of the Contract 3B North site and does not provide detailed information about what the designs for bank protection would be along the entire 3B North reach. The discussion provided is not a comprehensive alternative to the bank protection design refinements that are proposed upstream and downstream of Site 5. The text states "alternative erosion protection methods were selected to reduce impacts to heritage oaks" instead of placing the soil-filled revetment along the slope at Site 5 but no details are provided about the alternative methods to be employed or even the location of the oaks to be protected. There is no discussion of why the revetment on the back slope at Site 5 was not needed or if there is a correlation between this discussion and island removal or the proposed cutbank on the opposite side of the river. This alternative is not included in the summary table.

- The alternative discussed to grade the opposite riverbank to address hydraulic impacts and improve habitat was rejected for impacts to VELB. No details are provided about how this would affect the bank protection design on the opposite bank or how it may or may not be connected to island removal.
- The alternatives analyzed are incomplete and inadequate. It is critical that alternatives are developed in coordination with the TRAC that considers a comprehensive approach to addressing Contract 3B North with Contract 4B. The piecemeal approach is unacceptable as it likely results in greater environmental and recreational impacts.

9

Section 3.3.2 indicates that one alternative was considered but rejected for Contract 3B South. No information is provided about the alternative considered, so it is unknown if this alternative is more or less favorable than what is being proposed. It is critical that alternatives are developed in coordination with the TRAC that considers a comprehensive approach to addressing Contract 3B South with Contract 4B. The piecemeal approach is unacceptable as it likely results in greater environmental impacts.

Section 3.3.2 does not discuss or present any alternatives for Contract 4B. As noted previously, this needs to be considered in conjunction with Contracts 3B North and 3B South. The TRAC needs to be engaged in this process. The current piecemeal approach between Contracts 3B North, 3B South, and Contract 4B is unacceptable as it likely results in greater environmental and recreational impacts.

Section 3.5 – Alternative 2: Proposed Action

More information needs to be provided for agencies and the public to determine project impacts. Basic information for Contracts 3B North, 3B South, and 4B is not clearly shown or defined. 10

Contract 3B North and 3B South Proposed Actions:

- There are schematics shown for launchable trench and bank protection designs in Figure 3.5.2-2. The launchable rock toe protection and rock tiebacks should be shown in this figure as well for people to understand the design and the impacts it may have. The label "SWIF" on this figure is not defined, and it is unclear to the reader what activity would occur in this area.
- Section 3.5.2 does not provide the acreages or linear footage for each type of erosion control measure. The Figures in these sections (3.5.2-1, 3.5.2-3, 3.5.2-5, 3.5.2-6, 3.5.2-7, 3.5.2-8, 3.4.2-9, and 3.5.2-10) should explicitly show polygons with associated acreages and lines with associated linear footage for each erosion control type (soil-filled revetment, launchable toe rock, launchable trench, tiebacks, bank protection) and the planting bench areas to define the project actions and analyze impacts.

11

- Figures 3.5.2-3 and 3.5.2-6 show the project footprint, including the construction buffer, access, and staging areas. A description of the activities that would occur in each area is absent from the written project description and the features of the proposed action and construction details described in Section 3.5.2.1. The location of trees to be removed or that occur along the haul routes is needed to understand impacts to vegetation and wildlife habitat, and the potential for trees to suffer a slow decline due to long-term impacts from trunk and root damage and soil compaction. An ISA certified arborist should be involved in the planning, design, and

construction process to ensure that best management practices are implemented and impacts on trees retained post-project are minimized. The large areas shown for construction buffers and construction access are alarming without an understanding of what is occurring in these areas.

- Site 3-1 has a launchable rock toe with rock tiebacks and a launchable trench in the downstream reach. Site 4-2 has a launchable trench with a rocked levee slope (per Figure 3.5.2-2). Site 4-1 has a launchable trench with a rocked levee slope, rock toe, and rock tie backs. Areas where rock placement would occur on the slopes is not identified other than in the general schematic shown in Figure 3.5.2-2. Site-specific plans should be shown to identify the location and placement of each protection type for a proper impact analysis. No project alternatives were presented for Sites 3-1, 4-1, or 4-2, and when considered in conjunction with what is proposed for Contract 4B, this is unacceptable. There is an alarming amount of rock being placed at these sites which will result in long-term loss of shoreline and bank habitat and impose safety concerns for humans and wildlife accessing the river.
- "Launchable toe is typically designed with bank protection further up the riverbank slope". It is indicated that rock on the slope behind the toe protection is "typical," but this is not typical in this reach, such as at Site 5 where the backslope was not rocked (except for a small segment at the upstream end) and the woody vegetation has successfully stabilized the backslope. Site 5 was designed this way to minimize impacts to existing vegetation and has been successful. It is not identified in the document where or how much rock would be placed on slopes. This statement is presented as a topic sentence, but the discussion that follows is related to the vegetation free zone (VFZs) instead of supporting the topic sentence.
- The statement in Section 3.5.2 that "launchable rock would be filled with choke stone fill... to reduce the artificial appearance of launchable rock." This façade is not likely to soften the appearance of the rocked bank, nor make it safer or more accessible for recreational purposes. Choke stone (i.e., cobble) in rock would fill voids in the large angular rock but the final appearance will be a rock-in-rock slope that is devoid of vegetation and SRA habitat for aquatic and terrestrial species. This would permanently impact the habitat, aesthetics, and recreational access to and from the river by completely converting the vegetated shorelines to an unplantable rocked bank line. It is also not indicated how long this choke stone would persist based on anticipated velocities during high water events or if it would be replaced. 11
- Section 3.5.2 fails to disclose details about the layer of choke stone (i.e., cobble) that would be placed on top of the soil bench instead of the coir fabric which was successfully used to prevent loss of soil along Contract 1 and Contract 2. Lessons learned from past bank protection within the American River have shown that plants struggle to establish, have slower growth rates with a layer of cobble on the surface, and natural recruitment is limited over the long-term as a result of the cobble layer. Redevelopment of the riparian forest's structure is going to take decades. Until the vegetation reestablishes, the wildlife habitat and associated recreational values would be impacted since many species may not return to the area until the forest matures. Lining the soil surface with choke stone, or cobble, will slow growth and reduce or prevent recruitment, delaying and permanently impacting the natural ecosystem processes. This information was discussed in the TRAC and was also included in the "Evaluation of Bank Protection Sites on the Lower American and Sacramento Rivers: Recommendations for Design and Management" a report that was also presented and shared with the TRAC early in the process to help inform bank

protection designs. In addition, cobble is not easy to walk on and would affect recreational access and public safety. 11

- Contract 3B North and potentially 4B will cause temporary impacts to the Jedidiah Smith Memorial Bike Trail but the SEIS/SEIR does not discuss the formally designated horse trail, which would be permanently impacted by the proposed action. 12

- Instream Woody Material (IWM) would be included along the shoreline to create habitat for fish species. IWM is only a temporary habitat feature that will degrade and does not provide a sustainable habitat solution. A sustainable solution would include planting the shoreline (in and around the IWM) with cuttings or plantings of California buttonbush or willows would provide SRA habitat long-term after the IWM degrades. There is no discussion about the associated impact for replacing IWM as it degrades, is vandalized, or washed downstream, or the anchoring system that would be used for IWM or associated long-term management. Chains and cables used for anchoring pose a safety hazard and are often abandoned and left behind rather than being removed once the IWM system has degraded and monitoring is signed off. The anchoring of IWM installed for Contract 2 (Site 2-3) included the use of chains instead of the natural rope material that biodegrades in time that had originally been proposed and discussed in TRAC. This is an unacceptable anchoring system for the Parkway and should not be utilized for Contract 3B North or 3B South in order to protect wildlife; prevent entanglement of humans, wildlife, and domestic species; protect aesthetics; and reduce safety hazards. Preparation of a long-term management plan for the habitat features at each of the erosion sites, including details about IWM management, and these management plans need to be prepared in coordination with Regional Parks. 13
- "There would be no woody vegetation or trees planted in the vegetation free zone (VFZ), which, on the water side of the levee, extends approximately 15 feet from the levee toe. The VFZ would be reseeded with native grasses." *It is not explicitly stated why a VFZ would exist and its purpose since woody vegetation would be removed in this area, why wouldn't it be replaced? A plan view graphic showing where this is applicable along Site 3-1 needs to be provided and include an explanation as to why a VFZ would exist.*

- "Generally, trees would be removed prior to migratory bird nesting season (generally February 15 to August 31, depending on the species and environmental conditions for any given year) to avoid impacts under the Migratory Bird Treaty Act; however, trees may need to be removed during nesting season if there is a large snowpack season with high water surface elevations through spring and early summer that make the trees inaccessible through June." *The high-water surface elevations that could result through the spring and early summer would occur during the breeding season. During fall-early winter flows are typically low so woody vegetation removal would not be impacted by high water surface elevations. However, if there are conditions during the non-nesting season that would delay vegetation removal into the nesting season then experienced biologists, approved by USFWS and CDFW, should conduct nesting bird surveys within 24-hours of planned vegetation removal. If/when nests are found buffers should be established in coordination with USFWS and CDFW. Further it is critical to note that the mitigation measure should apply to all woody vegetation since nesting does not just occur in trees.* 14

- A launchable trench is proposed for Site 4-2, but the details associated with the trench are unclear. The SEIS/SEIR states that "the launchable trench would be buried to provide soil above the revetment to allow vegetation to reestablish. In addition, as described for Site 3-1, the bank protection would consist of soil filled revetment." *The document states the soil-filled revetment would be buried and covered with soil, but the dimensions and depth of soil cover are extremely important for establishing vegetation with robust growth. If inadequate soil volume is provided, vegetation will be stunted, unhealthy and will not be a true "replacement" to "mitigate" the loss of large, healthy, woody vegetation that the project would be removing. Furthermore, there is no mention of whether the "reestablishment of vegetation" includes woody species or grasses. This needs to be described and species need to be identified. It is also important that mitigation for woody species be "in-kind" to ensure mitigation is appropriate, for example replacing a large heritage oak tree with willow species would not truly mitigate the impact. It is important to understand if woody species are being planted onsite and if these trees/shrubs would be considered mitigation or a biotechnical feature similar to the woody thickets planted on rock trenches adjacent to the proposed actions. If woody vegetation is not being replanted an explanation is needed. The impacts to vegetation and habitat long-term cannot be appropriately evaluated without specific design details.*

15

- The document repeatedly uses the term "as with..." and refers to the other sites as if their designs are comparably similar, but they are not. A buried launchable trench and a launchable rock toe with planting trench can provide very different habitat quality and type depending on the design-specific construction details, which are not provided in this document. For example, the launchable rock toe design tends to produce sites with little to no SRA habitat value on the bank and shoreline unless it is constructed in a way to allow for emergent vegetation to establish on the shoreline and within the rock. The planting benches (depending on their dimensions and the relationship to the water surface elevation) tend to provide riparian habitat. This is possibly the opposite of what you would expect to see with a launchable trench design that has an intact (i.e., not rocked) shoreline. The differences in the design elements must be addressed as they affect the habitat differently and cannot be overlooked.

- Staging areas for Site 3-1 in Section 3.5 identifies Oak Meadow Park located between American River Drive and Kadema Drive as a potential staging area for stockpiling. This staging option has not been discussed with the Mission Oaks Recreation and Parks District and is currently not an option. The project partners need to reach out to this park district to discuss the proposal to stage in this park.

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Contract 4B Proposed Actions:

- The information provided regarding Contract 4B is inadequate for an impact analysis. The proposed project has not been developed enough for a CEQA or NEPA analysis. The potential impacts to irreplaceable heritage trees and other native vegetation cannot be evaluated based on a lack of information including the following: conceptual designs (at minimum); acreage of the site(s); an arborist tree inventory (species, diameter size, GPS location, and health, structure, and overall condition ratings for each tree within the project boundaries. Please refer to https://planning.saccounty.gov/LandUseRegulationDocuments/Documents/General-Plan/Arborist%20Report%20Submittal%20Requirements.pdf for additional information on Sacramento County Arborist Report Submittal Requirements and coordinate with Sacramento

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17 County Regional Parks). Locations of trees to be removed or that occur along the haul route are needed to understand potential long-term impacts on retained trees.

- Section 3.5.2.1.1 states "there are only conceptual designs in place for this work" but these designs are not provided in the document nor are they described in detail. Therefore, Contract 4B cannot be properly evaluated for impacts. 18

- Section 3.5.2.1.1 fails to thoroughly describe the velocity and scour issues and the specific area of concern, as well as what trees would be impacted. The figures to support this section (Figures 3.5.2-11 and 3.5.2-12) are missing from the document and the section states that placed revetment would be similar to Figure 3.5.2-2, except it is unclear which schematic in that figure the text is referring to because it is not explicitly stated. While the USACE posted Figures 3.5.2-11 and 3.5.2-12 to the Sacramento Levee Upgrades webpage in response to a public comment received, these figures were uploaded on February 16, 2024. However, there were problems accessing these files on both February 17 and February 18 as "403: Access Forbidden" error messages were encountered. It is unreasonable to include these Figures without noticing Responsible Agencies and members of the public. There is not adequate information to understand the impacts of Contract 4B in the current SEIS/SEIR, nor has the document provided sufficient detail and rather has stated that "Three different activities would be undertaken within the proposed footprint (Figure 3.5.2-11 and Figure 3.5.2-12)." It is unclear what "activities" are represented on Figure 3.5.2-11 and Figure 3.5.2-12 that were uploaded to the project website on February 16, 2024. Further, NEPA analyzes "actions" undertaken by Federal agencies and CEQA analyzes a "project." The use of the term activities should at least be clarified to be associated with "construction activities." It is not feasible to comment in a meaningful manner with the paucity of written descriptive information and the absence of Figure 3.5.2-11 and Figure 3.5.2-12 for 55 days. 19

Additionally, the section states that "smaller revetment gradations around tree trunks" would be placed.

- Placing stone around tree trunks is an unhealthy practice and has several negative impacts on vegetation: the grade change around existing trees should not exceed 4 to 6 inches; and fill or rock should remain far from the tree's trunk because it can reduce oxygen diffusion, increase compaction, cause rot, decay, and long-term decline or failure of the tree.

The document states that "About 2 feet of soil-filled revetment would be installed. This also may require about 5 feet of excavation below the surface of the ground [...]" and "Some trees may not survive the excavation." 20

- A complete tree inventory should be completed by an ISA certified arborist and used to inform designs to reduce tree impacts. Please note that the Sacramento County Arborist Report Submittal Requirements size threshold for inclusion is 4 inches in diameter. Regional Parks request that the USACE and project partners coordinate with Regional Parks staff in advance of the undertaking tree inventory field data collection. It is important to acknowledge that the California Department of Fish and Wildlife regulates trees 2-inches in diameter per Lake and

Streambed Alteration Agreement revised instructions dated September 1, 2021. While we recognize that as a Federal entity, USACE is exempt from obtaining a LSAA for this project, as a Responsible agency we are interested in obtaining a full inventory of trees removed from the project footprint so that we ensure that the functions and values being lost as a result of project implementation are fully mitigated.

- To minimize tree impacts to trees remaining on the landscape post-construction, a calculated tree protection zones\ (TPZ) should be established by an ISA certified arborist for all existing trees that in, and adjacent to, the project footprint and haul routes that would be retained post-construction. A calculated TPZ is a tree protection zone that is calculated using the trunk diameter and a multiplication factor based on the species' tolerance to construction and the age of the tree. A tree protection zone is an area within which certain activities are prohibited or restricted to present or minimize potential injury to trees, especially during construction. The TPZ, at minimum, should encompass the critical root zone (CRZ) which is the area of soil around the tree where the minimum amount of roots considered to be the health or structural stability of the tree are located. The CRZ, TPZ, and calculated TPZ should be established following the Managing Trees During Site Development and Construction (Matheny et al. 2023) best management practices. 20
- A tree preservation plan should be developed by an ISA certified arborist and submitted to Regional Parks for review and approval prior to the start of construction. The tree preservation plan should include best management practices for protecting trees as described in Managing Trees During Site Development and Construction (Matheny et al. 2023) and ANSI A300 standards for tree protection during construction, pruning, and root management (and others as applicable). Trees should be monitored during construction by an ISA certified arborist and Regional Parks should be provided with regular updates.

  Matheny, Nelda, ET Simley, R Gilpin, R Hauer. 2023. Managing Trees During Site Development and Construction. 3rd Edition. Best Management Practices. International Society of Arboriculture. Atlanta, GA.

Contract 4B project footprint overlaps with Site 3-1 and Site 4-1 of Contract 3B. The SEIS/SEIR indicates that the schedule is more important than combining Contract 4B efforts with the work to be done under Contract 3B North and 3B South).

- The project is being rushed to meet the USACE's schedule, which results in increased cost, increased permanent and temporary impacts to the outstanding and remarkable values of the Parkway through loss of vegetation and habitat, multi-year closure of Parkway trails, as well as impacts associated with increased greenhouse gas emissions, and increased noise disturbance, all of which negatively impacts aesthetics and recreational use. Revaluation of Contract 4B in conjunction with a reevaluation of 3B North and South is critical to ensure impacts are minimized. 21
  The piecemeal approach is unacceptable as it likely results in greater impacts within the Parkway. The TRAC needs to be reengaged to ensure that the proposed bank protection associated with Contracts 3B North and 3B South make sense in light of the concern that the project partners now have related to the tree issue that would be addressed in Contract 4B.

- Furthermore, the ARCF GRR (pages 4-7 and 4-8) describes the intent of the USACE coordinating with locals (i.e., the BPWG, Lower American River Task Force, etc.) to implement bank protection in an as environmentally friendly way as possible. This is particularly important because the velocity and tree scour issues associated with Contract 4B were never discussed as an issue in the TRAC which was established by the BPWG. The BPWG was formed in 1998 particularly for this purpose. Furthermore, the concepts for Contract 3B North and South, which were preferred by the TRAC, and carried forward as the proposed design, were chosen as a result of considering all of the resources within each reach and protection of resources to the greatest extent feasible. Discussions in the TRAC did include a discussion of these trees and are a factor in the reason the TRAC preferred a version of the current designs for Contract 3B North and South. The Contract 4B work cannot be carried forward without reconsidering the Contract 3B North and South designs to ensure the bank protection work is appropriately and reasonably designed to reduce impacts and protect resources in each reach (which was a goal of the TRAC). 22

- Contract 3B and Contract 4B would not be constructed in the same construction season. The SEIS/SEIR notes that the design for Contract 3B was "already far along, it was too late to add the additional work" (p.3-41) of Contract 4B into Contract 3B. Since both contracts are associated with erosion and are located in the same physical footprint, a holistic engineering solution should be applied in an effort to reduce impacts to trees, wildlife, and recreation. The recreational impacts could span several years but also could be lessened if the projects were better planned with each other in a consolidated way rather than piecemealing. 23

Appendix B

For the American River Erosion Contract 3B (North and South) and Contract 4B the document states "The Proposed Action will result in substantial tree removal to construct levee improvements. To limit the number of trees removed, each tree will be inspected and kept in place when feasible."

- A qualified ISA certified arborist should be involved with this process as they can assist in the planning, construction, and post-construction monitoring of trees. "When feasible" should be defined to the Responsible Agencies with decision-making authority and to members of the public. An ISA certified arborist is essential for establishing the calculated TPZ and developing the tree protection plan. Incorporating an ISA certified arborist into the project planning, design, construction, and post-construction phases is feasible and reasonable. 24

American River Mitigation Site (Urrutia Mitigation Site)

The use of the American River Mitigation Site acronym "ARMS" obscures the fact that the proposed action is at the Urrutia Site, also known as the former Gardenland Sand and Gravel Mine, as it has been known or referred to by the project partners, the County, and stakeholders for decades. While the SEIS/SEIR does include several references for these common names for the property, the invention and implementation of the term "ARMS" is a misnomer. The use of this term serves to confuse and obscure the location is the Urrutia property. Furthermore, the Urrutia family is a long-standing member of the Sacramento community and contributes to our history. The acronym is deceptive and insensitive and functions as an attempt at the erasure of local history. We will continue to refer to this site as the Urrutia Site and will refer to it as the Urrutia Mitigation Site (UMS) in our comments that follow. 25

Executive Summary

The Executive Summary indicates that the Proposed Action and Alternatives (CEQA) consists of design refinements to the authorized ARCF 2016 project including ARP erosion contracts, [Urrutia Mitigation Site], and SRMS.

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- The Urrutia Mitigation Site was not authorized in the 2016 document (p. ES-1).
- There are also multiple inconsistencies between the Avoidance, Minimization and Management Measures identified in Table ES.1 and the mitigation measures presented in Table 4.4.1-5.

Community Outreach, Agency Coordination, and Areas of Known Controversy

Section 2.3 identifies that the Urrutia Mitigation Site was an area of controversy and that the scoping process led to further coordination with Regional Parks.

- The USACE did not coordinate with Regional Parks to discuss or seek guidance on suitable alternatives for habitat mitigation within the Parkway that would be suitable for providing juvenile salmonid rearing, riparian, and/or VELB habitat. Although several meetings were held with Regional Parks over the last year these meetings are best described as briefings on design progress and a consistent reiteration of a "lack of authorization" to preserve any of the existing resource values Regional Parks asked the project partners to consider. The "lack of authorization" as stated was based on the idea that because the property had been acquired to satisfy mitigation this meant every part of the property had to be utilized to satisfy mitigation. However, Regional Parks refuted this position as it would be at odds with the agency mission or mandate to use their authorization to protect the environment, and because of the pre-decisional nature of this position, it would be at odds with CEQA and NEPA compliance. The messaging in the SEIS/SEIR indicates that "USACE authorization limits the development of recreational and interpretive facilities in association with the project." We have maintained that our concern is related to the unique habitat values that pond offers, especially when there is a scarcity of deep open -water habitat. Regardless, property acquisition should have been undertaken with consideration of environmental impacts and an understanding of the property constraints. While the CEQA lead agency determined that they had to consider a pond-retention alternative based on our request, there is no pond-retention alternative considered under NEPA. It is not clear that an alternative evaluated under CEQA to retain a portion of the existing 58.8-acre pond could be implemented since all pond retention alternatives were eliminated from consideration under NEPA. This approach has been insincere and demonstrates that the project partners were pre-decisional when they acquired the property in relation to implementing the proposed project, or some other similar scenario, before it had properly been analyzed under NEPA and CEQA.

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- Further true coordination during scoping would likely have yielded refinements of mitigation alternatives, based on the emerging constraints, which would have been in better alignment with providing appropriate and reasonable mitigation without impacting valued Parkway resources and would have demonstrated a balanced management approach within the Parkway.

The SEIS/SEIR notes that areas on the property are being protected because of biological (i.e., nesting bald eagles) and cultural resources based on consultation with tribes and USFWS.

- Coordination with Regional Parks related to management of resources within the Parkway per the ARPP has not occurred. Protection of existing values provided at the Urrutia Site, above and beyond, the ones identified by the tribes and USFWS have not been seriously considered. The coordination with the tribes and USFWS indicates that existing resources at the site can be protected. Protection of the natural resources within the Parkway is required by the state approved American River Parkway Plan (ARPP). Since the SEIS/SEIR recognizes that the Parkway is a state and federally designated Wild and Scenic River, which is managed by Regional Parks in accordance with the goals and policies of the ARPP it is unacceptable that the resources we have identified are so easily dismissed.
  The lack of genuine coordination and consideration of the concerns we have identified related to the protection of Parkway resources is unacceptable. Regardless, proposed projects are still subject to the approval process outlined in the ARPP where it is suggested that project proponents are encouraged to coordinate with Regional Parks early to help ensure consistency with the goals and policies of the ARPP.

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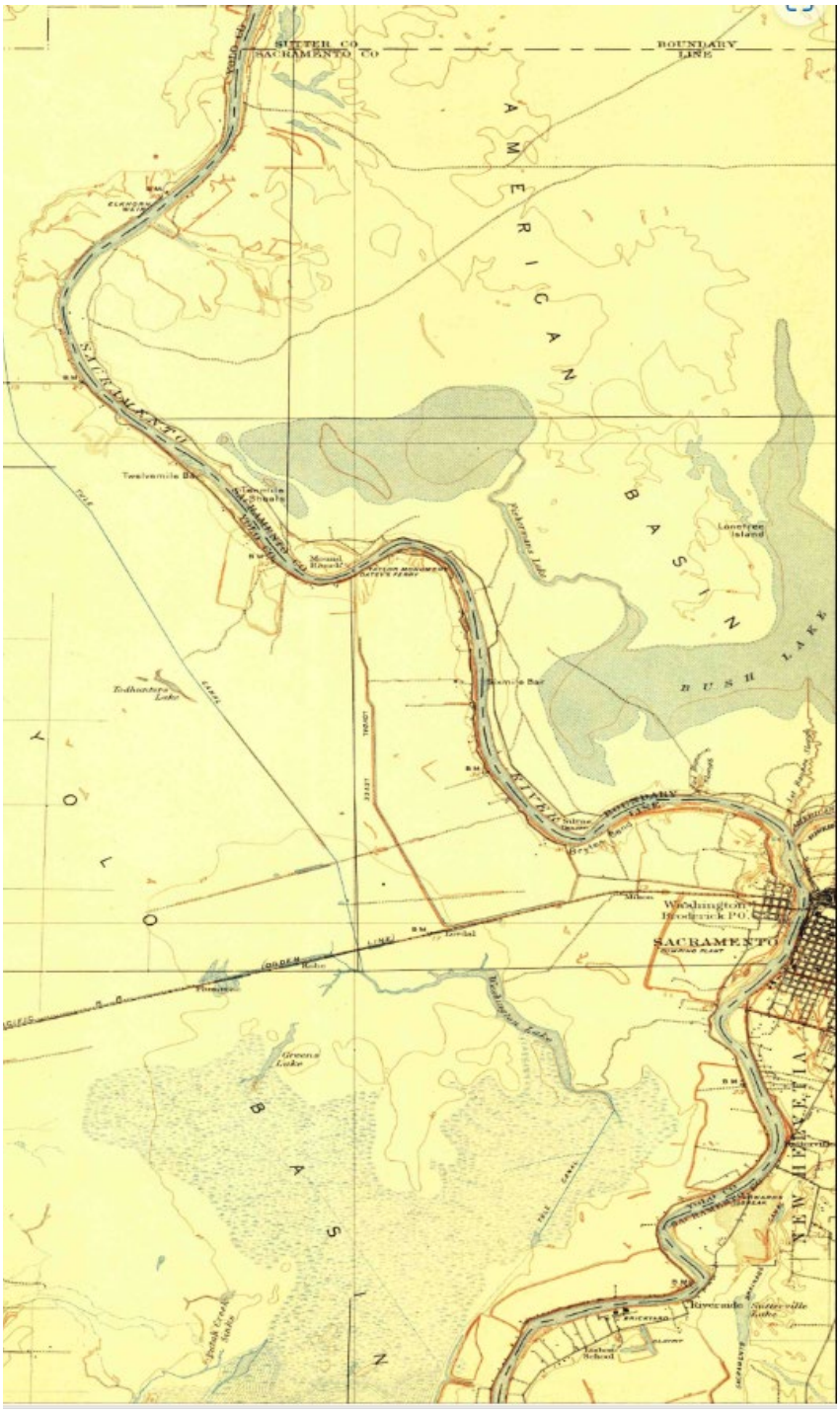
Section 3.3 Alternative Development and Screening

Section 3.3.1 indicates that more than one alternative to retain a portion of pond was considered but only for CEQA.

- There is no discussion of the alternatives considered under NEPA until reaching the section that discusses the alternatives that were rejected. The proposed alternative to convert and eliminate the existing open water and grassland habitat types to primarily inundated riparian scrub or upland elderberry scrub habitat types is apparently the only alternative analyzed under NEPA other than no action alternative. *This is unacceptable as there are other opportunities that were not considered that could provide the needed habitat mitigation without eliminating habitat with existing values that are important for the Parkway and the Sacramento Region.*

Historically, the confluence region had several open water ponds and lake habitat surrounding the area that were obliterated as a result of the levees and development. It is irrelevant that this pond is manmade. It should be thought of as a mitigation for the loss of the historical water bodies that were in the area and has become a critical landscape feature for so many species. A map from 1907 (below) shows a very large Bushy Lake connected to Fisherman's Lake in Natomas. Bannan's Slough was connected to Bush Lake and the Sacramento River. This was just north of the Urrutia property. It appears the channelization and levee building (NEMDC) destroyed this connection and associated aquatic habitats. Retaining the Urrutia pond is barely a drop in the bucket for waterbirds along the flyway, turtles, snakes, beavers, and other species that have seen so much habitat conversion and loss.



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A map from 1906 (below) shows three additional lakes in the landscape that no longer exist. This map also illustrates the historical condition of the Urrutia property, which shows a creek flowing across the lands associated with the Urrutia Site and joining the American River at the downstream side of the site. Along the creek channel there appear to be two areas where water ponded, and it seems likely these features were important areas for the indigenous people that historically inhabited the area. The creek and its confluence with the American River were ultimately severed

and channelized into what is now the Natomas East Main Drainage Channel and Bannon Slough, which destroyed the associated aquatic habitats. However, the landscape still seems to provide some evidence of these historical conditions at the Urrutia Site. The document fails to recognize the limited amount of off-channel open water habitat that is present in the Parkway and regionally and that this is important habitat for migrating waterbirds.

The American River habitat mitigation alternatives discussed in the SEIS/SEIR that were rejected from consideration include a cohort of eight (8) side channel sites and the so called "incomplete pond-retention" alternative, which Regional Parks provided during scoping as an example for our request that consideration be given to "[preserving] a substantial portion of the isolated pond." This alternative has been labeled alternative 4a (not to be confused with contract 4A). In addition, another pond-retention alternative was developed, which is called alternative 4b (not to be confused with Contract 4B) that includes retention of a smaller size pond that is about 20 acres. Note that it was not clear that another alternative was being considered until a reference is made in the text about rejecting alternative 4b and it was not until reading through Table 3.3.4-1 where you learn that the alternative represents preserving a portion of a pond. Ultimately the USACE decided that none of these alternatives were worthy of analysis under NEPA. The non-federal project partners decided to only reject analysis of the 8 side channel sites under CEQA. The discrepancy between the NEPA and CEQA analysis seems to suggest that the project partners were not in alignment related to the American River habitat mitigation approach. However, there may have been alignment between the partners since the results of the CEQA analysis would not really matter because ultimately the only habitat mitigation that could or would be implemented by the project partners would either be the proposed project or no project at all. *This approach is completely disingenuous and needs to be reconciled and when paired with the acquisition of the property appears to be pre-decisional.*

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Table 3.3.4.1 also includes two other sites for juvenile salmonid habitat mitigation, Rossmoor Bar and Sailor Bar, as well as an alternative to plant at the construction/project sites, which were

supposedly considered but rejected from analysis under both NEPA and CEQA but there is no discussion of these sites in the text. The lack of discussion related to these sites in the text either suggests that they were accidentally omitted or that these were accidentally included in the table but are not actually alternatives that were considered. It is also quite alarming to think that planting at the construction/project sites has been rejected as an alternative. While this is likely an error it does suggest that planting at the construction/project sites would not occur even though discussions in the text indicate planting would occur at the construction/project sites. A description and discussion of the alternatives that were rejected as identified in Table 3.3.4.1 but not discussed in the text needs to be provided.

- One of the justifications provided for rejecting the alternatives that preserve a portion of the pond that is cited in Section 3.3.2 is based upon a supposed NMFS requirement that a large mitigation site is required and must be constructed concurrent with construction. The 2021 Biological Opinion (BO) is cited to support this claim but upon review of this BO the large mitigation site discussed is specifically related to Sacramento River mitigation. Reasonable and Prudent Measure (RPM) 5.e. is explicitly stated as being the reason why suitable salmonid habitat mitigation sites are limited along the American River. *However, RPM 5.e is related to a requirement to provide 65% plans to NMFS for review and approval and has nothing to do with a requirement to provide a large mitigation site.*
- Furthermore, the 2021 BO analyzes the previously proposed Arden Pond site and indicates that this site was not expected to satisfy all the mitigation requirements for the bank protection along the American River and that *if sites along the American River are unavailable then sites along the Sacramento River mainstem may be used to satisfy American River mitigation requirements.* 27
- Since there is not currently a BO associated with the Urrutia Site and because the construction of the proposed project is expected to have effects on listed fish it is likely that the USACE is expected to reinitiate consultation with NMFS. Since the project partners are responsible for providing a Biological Assessment associated with the project impacts, it will no doubt include a discussion of why Arden Pond was not implemented, and how the new approach that is being proposed can be incorporated into the reinitiated BO. *It is imperative that the proposed approach in the Biological Assessment for reinitiation is inclusive of the constraints that Regional Parks and local stakeholders have, and will continue to highlight, that could halt or delay the proposed approach.*
- Additionally, during one Urrutia meeting we recall NMFS indicating that they had no desire to engage in another project like Arden Pond project that would ultimately not be carried forward due to the concerns stakeholders raised related to the loss of deep open water habitat. If Urrutia was on the same course, it would be preferred to incorporate the concerns at the beginning of the design process. While NMFS was not necessarily excited about preserving any portion of the pond, they recognized that other habitat values exist and should be incorporated early in the design process to help guarantee that the project could move forward and ultimately ensure a high-quality juvenile rearing habitat mitigation would be implemented as part of the design. In other words, it was indicated that they would consider habitat mitigation at the Urrutia Site even if that meant a portion of the pond was retained. It should be noted that NMFS' attitude related to a collaborative approach has remained consistent from the initiation of this project with their requirement to engage with the Bank Protection Working Group related to bank protection

designs. To claim that NMFS is a contributing factor for rejecting the alternatives discussed is not factual. NMFS will consider project proposals provided to them and while they may reject them and/or indicate there are additional requirements during consultation this has yet to occur after the consultation in which Arden Pond was analyzed. *Therefore, we do not find the rejection of the two pond preservation alternatives based on the supposed requirements imposed by NMFS as valid or factually accurate.*

- The SEIS/SEIR also attempts to suggest that somehow the USACE requirement to consult and acquired a consistency determination from the National Park Service is a reason that "sites for creating suitable salmonid habitat mitigation are limited along the American River." It is unclear why this process imposes a limitation to habitat mitigation. Furthermore, since the ARPP is the management plan for both the state and federal Wild and Scenic River designation, and Regional Parks is responsible for administering the ARPP, it is not clear to us how a consistency determination under the National Wild and Scenic River Act and/or the ARPP would result in a condition that limited creation of valuable salmonid habitat to a single large site. Particularly when there are many locations that could be proposed for enhancement or creation along the Parkway that would be closer to the impact sites and would be less impactful. *We do not believe the state or federal Wild and Scenic designation is a valid reason for rejecting alternatives that preserve a significant portion of the pond, in fact this designation is the reason to call for more alternatives.*

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- Section 3.3.2 takes another tactic to justify rejection of alternatives to preserve a pond by indicating the pond is "considered a recreational feature with no value because it does not meet species habitat mitigation criteria." And that the "[USACE is not authorized] to spend appropriations on recreation improvements or the long-term management of a non-life and safety features."
- First, Regional Parks would remind the project partners that the previously proposed Arden Pond site that would satisfy some of the project mitigation requirements did preserve a portion of that pond principally as a recreational feature. The design included elements in and around that pond to enhance the adjacent mitigation area to reduce fish stranding and additional grading to prevent aquatic invasive weeds in the portion of the pond that was being preserved. We cannot reconcile why preservation of a pond would have been acceptable at Arden Pond but not at Urrutia. The only real difference between these two proposed projects is size and location. Though from a land use perspective Arden Pond does legitimately provide for recreation use (e.g., boating and fish are not restricted), whereas the ARPP limits use of the Urrutia pond to director approved interpretive use (i.e., the pond is not meant to be a recreational feature). *An explanation is required for the different interpretations of "authorization" and how this is related to an ability to meet or not meet "species habitat mitigation criteria" for two virtually identical projects (i.e., Arden Pond versus Urrutia Pond).*
- Second, to decide that the Urrutia pond is only a recreational feature if it does not meet the project mitigation criteria is completely absurd. The pond does provide existing values for a host of regional wildlife species year-round for both foraging and resting and also supports avian species far and wide as it is a prominent large open water feature on the landscape along the Pacific Flyway. The hyperfocus on meeting all of the mitigation requirements for juvenile fish, cuckoo, and VELB needs for the project in this one area is not a viable conservation strategy

particularly when the complete conversion of habitat will eliminate critically important scarce open water habitat and grasslands. A holistic and balanced management strategy is needed to support listed species, as well as species that could be negatively impacted by the continued loss of important scarce habitat (i.e., large bodies of open water habitat), whether through complete habitat conversion for "restoration/mitigation" or through development. It also must be recognized that the Bald Eagles selected this site for nesting, and they have been successful. The availability of both riverine and lacustrine (i.e., the Urrutia pond) are likely factors as to why the eagles have selected this location on the American River to nest (Airola et al., 2023) and have been successful. To convert the existing habitat could potentially affect the continued success of the Bald eagles at this site and would impact many other species that rely on the off-channel deep open water habitat and the adjacent grasslands. *The document does not adequately consider the habitat elements present in the landscape that are important to the selection of the nest tree by the eagle pair nor the factors at the site that have led to breeding success. Additional details need to be provided to support the claim that a pond would be classified as "recreational" due to the inability to fully mitigate project impacts.*

- Third, the statement that the "[USACE is not authorized] to spend appropriations […] on the long-term management of a non-life and safety features" needs further clarification as this appears to be in direct conflict with the BO requirement that mitigation needs to be protected and maintained in perpetuity. An explanation is needed for how any of the existing or proposed mitigation sites will be maintained for the long-term is required. This is not a valid reason to reject an alternative that preserves a portion of the pond.

- Section 3.3.2 also indicates that the existing Bald Eagle nesting is a contributing factor to rejecting an alternative that includes pond preservation. The project partners cite requirements under state and federal laws to provide a buffer around the nest tree, which would exclude construction activities from occurring to preserve a pond. The same conditions exist for the site regardless of whether the design preserves a portion of the pond or does not. Aside from the regulations to protect the eagles during nesting, if the project partners or resource agencies were concerned about protecting the nest the preferred alternative would be to preserve a portion of the pond and protect adjacent grasslands. It is assumed that there will be construction within the eagle buffer as a result of contouring in the pond and or to conduct the hazardous materials cleanup on the site (of which the associated action and analysis has not been provided). *The reliance on the construction buffers required to protect the Bald Eagle nest does not support the rejection of a pond preservation alternative because this condition exists for any construction at the site.*

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- There is also a statement in Section 3.3.2 that indicates the "there [would] be additional costs related to building a berm to separate a pond from mitigation." A comparison of the costs to construct the proposed project to the alternatives that retain a portion of a pond should be provided to support this claim. It should include a comparison of volumes of fill for each alternative and the progression of constructability. *Additionally, an explanation of how constructing a berm at Urrutia is much different in cost than constructing a berm at Arden Pond should be provided. Details about the monetary costs of constructing the proposed action vs constructing the alternatives should also be provided to provide the differences/similarities between required fill volumes and constructability between various alternatives.*

- Section 3.3.2 also indicates that eight side-channel fish habitat sites were considered but they conflicted with work being implemented by the USACE and Bureau of Reclamation. It is indicated that these 8 side channel fish habitat sites were previously discussed in the original EIS/EIR and in the Contract 2 SIES/SIER, but this does not appear to be correct. These sites were discussed with Regional Parks years ago and we recall that NMFS ultimately rejected the proposal due to the conflicting authorizations of two different projects. We do not understand why the previously proposed Rossmoor site would be captured in this fish mitigation discussion since that site provides upland habitat for VELB. Nor is it understood why the previously proposed Arden Pond is included in the discussion since it was previously approved under NEPA and CEQA.
- Since Arden Pond is mentioned in this SIES/SEIR, we want to remind the project partners that Regional Parks sent a letter to the project manager for mitigation on May 19, 2021 (Attachment 1). In this letter, Regional Parks [again] expressed concern over the loss of open water habitat [at Arden Pond] and asked for a comprehensive mitigation alternatives analysis. Additionally, this letter indicated the importance of stakeholder engagement during the project design phase prior to project approval for mitigation projects within the Parkway and requested that the USACE utilize the Lower American River Task Force (LARTF) and working groups as a venue for planning and evaluation for proposed mitigation sites. *Though this letter was centered primarily around Arden Pond the statements made in this letter included the approach for mitigation planning within the Parkway and remain valid for the current discussions related to planning at the Urrutia Site.*
- Section 3.3.2 also indicates that Regional Parks was asked to identify potential sites for salmonid habitat mitigation but apparently the result of that coordination still led to the need for additional off-site mitigation and/or bank credits. We do not recall this coordination to identify fish mitigation, either multiple sites or a single large site. Coordination with Regional Parks has primarily centered on minimizing and/or avoiding impacts related to bank protection and providing guidance for VELB mitigation in the Parkway. *However, Regional Parks would be a proactive partner in identifying reasonable mitigation alternatives for suitable fish habitat in the Parkway that could be pursued if the proposed project alternative is not approved or needs to be modified with respect to protecting other valued natural resources.*

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Regional Parks was notified that the Urrutia Site was included in the September 2020 American River Common Features Mitigation Site Concept Development and Evaluation Report, prepared by GEI Consultants in collaboration with cbec. In addition to the Urrutia Site and Arden Pond, this report identified six (6) other sites along the American River that could provide juvenile rearing habitat along the American River. We do not understand why these sites were dismissed from consideration and were not included in an alternatives analysis. The 6 other sites along with Arden Pond and Urrutia provide opportunities to ensure the impacts along a 5.5-mile stretch could be better offset with a strategy that considered the needs along the entirety of the American River corridor for fish instead of a single site with a shoreline opening of about 0.2 miles along the river that is approximately 4.5 miles away from the location of construction impacts.

- The SEIS/SIER makes many unsupported statements and claims to reject an alternative that retains a portion of a pond for analysis under NEPA. This, in conjunction with the lack of

coordination and discrepancy in the approach between NEPA and CEQA, leads us to conclude that the foundational environmental analysis in the SEIS/SEIR is inadequate for making an informed decision that would lead to project approval.

27 It should be noted that there is a lack of discussion related to VELB mitigation and alternative locations. Regional Parks has previously indicated to the USACE on multiple occasions that we can identify additional mitigation areas for VELB habitat within the Parkway. However, we also understand that there may be other options being discussed with USFWS. Additional details should be provided related to new mitigation strategies being considered in relation to m for VELB impacts withing the Parkway.

Section 3.5 Alternative 2: Proposed Action

Section 3.5 states that the "Analysis of the [Urrutia Mitigation Site] is presented at a conceptual (program) level since the USACE design process is in such an early phase." It is understood that this means an additional analysis will be conducted at the project level under NEPA and CEQA. *However, the environmental baseline is inadequate even for the program level analysis provided in the SIES/SIER.*

Section 3.5 states "Table 3.5.5-1 presents the mitigation needs for all the ARCF 2016 Project contracts, not only the American River Contracts, to be met at the [Urrutia Mitigation Site]."

- Regional Parks sent an email sent on June 2, 2021 (Attachment 2) to the USACE project managers for erosion and mitigation efforts making it clear that "Restoration and mitigation completed on the American River Parkway will only be for bank protection work on the American River, not including any projects from the Sacramento River." This was reiterated again in the letter we submitted during the scoping period on December 29, 2022. *It is unacceptable to mitigate for impacts within the American River Parkway for Sacramento River impacts. This is in alignment with the goals of the ARPP. The table needs to be revised to indicate the required mitigation needs tied specifically to each contract number for each of the mitigation habitat types. Additionally, all alternatives need to be revised in response to this comment. Utilizing Urrutia for Sacramento River mitigation is not acceptable.* 28
- Section 3.5 states "Habitat mitigation is consistent with the Wild and Scenic Rivers corridor by providing riparian wildlife habitat. (Parks 2022)."
- This is not accurate. The December 29, 2 letter submitted during scoping conveyed the following: "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." The letter also goes on to state "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."

In Section 3.5.5.1, the document states "The [Urrutia Mitigation Site] would be constructed to provide mitigation habitat for Federally listed species, as identified in the USFWS and NMFS BOs. The [Urrutia Mitigation Site] would also be mitigation for regional habitats that are defined in the ARCF Fish and Wildlife Coordination Act (FWCA) Report (USFWS 2015) such as riparian forest and riparian scrub-shrub, elderberry savannah and seasonal floodplain wetlands."

- The FWCA Report (issued October 5, 2015) does not identify "pond" or "lacustrine" habitat specifically because the Urrutia Mitigation Site had not yet been identified for potential mitigation. The 58-acre pond is a deep-water habitat that is presently used by populations of diving ducks and other waterbirds. The impacts of habitat conversion need to be clearly identified, analyzed, and included in the FWCA. The FCWA recognizes "Herons and egrets were selected because of the Service's responsibilities for their management under the Migratory Bird Treaty Act, their relatively high value for non-consumptive human uses, such as bird watching, and their value as indicator species for the many birds which use SRA cover." It is important to recognize that prior to the bald eagles nesting in the western sycamore tree, this tree was used as a rookery tree by great blue herons (Airola et al., 2023). *This tree was not previously recognized as a constraint as evidenced by the statement on page 3-7 of the document, but the existing bald eagle (Haliaeetus leucocephalus) nest was identified as a new constraint after Alternative 4a was developed".*

In Section 3.5.5.1, the document states "The riparian vegetation would provide resting, foraging, roosting, and nesting habitat for numerous avian species, as well as the local terrestrial fauna."

- The statement above is in reference to the habitat that would be created as a result of implementation, but the document contains no analysis of the species that presently use the Urrutia Site. Conversion of open deep-water habitat and open grassland (that is unhindered by overhead powerlines) to riparian scrub shrub will alter the composition of species that use the site. Two of the goals of the ARPP are balanced management (policy 1.1) and resource protection (policy 1.3), but complete conversion and elimination of the pond and upland grassland is not balanced management or resource protection. 28

In Section 3.5.5.1, the document states "Since there is only one residence near the project site, and this residence is expected to be vacated prior to construction of the [Urrutia Mitigation Site] improvements, night work could be considered."

- Regional Parks owns this home, and it has the potential to be occupied by a caretaker. Working at night could have a significant impact on wildlife species and additional information is required to analyze this impact.

In Section 3.5.5.1, the document states "Performance and success criteria have not yet been defined and would be included in a Habitat Enhancement and Restoration Plan that is drafted in coordination with the project partners."

- Without retention of the pond, or a portion of the pond, Regional Parks views this as a habitat conversion for in-kind mitigation and not truly a habitat enhancement or restoration project. The

Plan should actually be called a long-term management plan. Despite this view, Regional Parks needs to be engaged in this process as the manager of the Parkway. 28

Section 4.2.1 Human Environment

29 In Section 4.2.1, the document states "The [Urrutia Mitigation Site] is privately owned, and the design features would not include developing additional recreational resources". *This statement is not accurate. The Urrutia Site is now owned by SAFCA, a public agency.*

In Section 4.2.1, the document states "The area is used for wildlife and bird watching from adjacent parcels. During construction, wildlife and birds would likely be scared away from the site but once the mitigation site is established, it is anticipated that restoring a more natural habitat would provide benefits to a wider range of native and migratory birds." *This statement is false. There is currently a wide range of species that utilize the existing habitat that will likely not return because their preferred habitat types will no longer exist as a result of the proposed conversion of habitat types. Some species may still utilize the new habitat at the site but maybe to a lesser extent than they do now. The conversion and elimination of the isolated deep-water pond and the grasslands to frequently inundated riparian scrub floodplain habitat and elderberry scrub uplands will no longer be suitable for a host of species that aquatic habitats or grasslands. Retaining a portion of the pond would create a site with riverine, floodplain, and lacustrine habitat. This would provide for the greatest habitat complexity and diversity of species using the site. It should be noted that pond turtles rely on both aquatic habitat and upland habitat for nesting.* 30

31 In Section 4.2.1, it is indicated that access to the site during construction might be needed through Camp Pollock and Discovery Park, and if this were to occur there would be a short-term significant and unavoidable impact on recreational use. Haul trucks would disrupt the noise, air pollution, odors, and visual resources for those wanting to recreate in these areas; but flaggers would be present when there is high construction traffic. The impact would be less-than-significant with implementation of previously adopted Mitigation Measure REC-1, Implement Bicycle and Pedestrian Detours, Provide Construction Period Information on Facility Closures, and Coordination to Repair Damage to Recreational Areas (See Appendix B 2.2, Section 2.2.3.4), to those using the Jedediah Smith Memorial Trail. However, the Proposed Action would result in a long-term less-than-significant impact on recreation after construction activities are complete." *The impacts of using Discovery Park and Camp Pollock have not been analyzed. Noise, pollution, and odors cannot be mitigated with a flagger alone. It is not clear if the haul routes that are proposed would utilize bike trails or utility corridors. Regardless, Regional Parks expects that the ingress/egress point for any construction at Urrutia would occur from Northgate Blvd and that there would be no impacts to the bike trail and horse trail. Impacts from hauling could lead to soil compaction and impacts vegetation. Generally, the impacts have not been defined or analyzed, it cannot be blanketly stated that the actions would be less-than-significant. Realizing that many major events occur within the Parkway, particularly at Discovery Park and Camp Pollock, the statement " there would be a short-term significant and unavoidable impact to the recreational use" requires a clear identification of what types of impacts. Any impact to the major events planned within the Parkway is unacceptable. Additionally, the "long-term" impact on recreation is not clearly defined. The conclusion of a "long-term less-than-significant impact on recreation after construction activities are complete" warrants re-evaluation since the ARPP clearly states goals of*

non-motorized boating and fishing (Policies 10.6.3 and 10.6.4). Implementation of the Proposed Action as presently described in the SEIS/SEIR would permanently remove the opportunity for fishing and boating and interpretive use by indigenous peoples within the Urrutia pond.

31

Section 4.3 Recreation

In Section 4.3.3, the document states "The [NRMP] identifies the area around the man-made pond in the 'naturalization' resource management category, which includes areas that were substantially altered in the past and should be modified in order to improve existing natural resource conditions." *The NRMP defines areas designated for naturalization as those that "were substantially altered in the past and should be modified in order to improve existing natural resource conditions or otherwise modify to meet the management objectives of the ARPP and NRMP. The statement above does not recognize the latter half of the statement and the importance of the ARPP goals and policies. The NRMP identifies that that a conceptual naturalization plan for Urrutia should be developed if it is brought into public ownership and the plan "should include the removal of rubble and restoration of the bank line in consideration of current and future conditions" and refers the reader to the ARPP. The NRMP also indicates that the Urrutia pond is an incredibly important habitat for waterbirds since there is a scarcity of deep open water habitat. The proposed project does not recognize the existing values, does not include removal of rubble from the bank line, and the conversion of the limited habitat types in the area does not speak to a balanced management approach or natural resource protection as called for in the goals and policies of the ARPP.*

32

In Section 4.3.3, the document states "The types of activities that will be implemented to create the mitigation sites align with the types of activities listed under the naturalization category of the natural resource management activities listed in the [NRMP]. The activities associated with the [Urrutia Mitigation Site] would be consistent with the policies of the [NRMP] that are intended to avoid or mitigate environmental effects (Please refer to Appendix B, Section 2.4, "Land Use and Prime and Unique Farmlands," for a detailed comparison), leading to an avoidance of significant impact with planned mitigation." *The NRMP was developed to be consistent with the ARPP. Specifically, the ARPP does not recognize a change of vegetation communities or habitat types in this area and outlines the requirement for resource protection and balanced management.*

Section 4.4 Physical Resources

In Section 4.4.1.2.2, the document states "Ground disturbance and vegetation removal conducted for the [Urrutia Mitigation Site] project would disrupt the scenic views of the American River area. As vegetation matures and returns visual quality to the site, the short-term significant unavoidable impact to the scenic views would reduce to a less than significant impact. In addition, the views and tranquility of the Jedediah Smith Memorial Trail, Camp Pollock, and Discovery Park would also have short-term significant unavoidable impacts from implementing the Proposed Action. *The visual aesthetic of the proposed project will appear to be a pond that was drained with short statured riparian scrub plants.* The habitat area will always appear artificial and will be an oddity in the landscape.

33

In Section 4.4.7.2, the document states "The closest sensitive receptors to the [Urrutia Mitigation Site] are residential properties located approximately 400 feet north of the project site". *Camp*

Pollock should be identified as a sensitive receptor as this facility regularly hosts K-12 education programs.

33 In Section 4.4.8, the document states "SAFCA is currently conducting additional Phase II ESA activities to scope a Corrective Action Plan (CAP) for the site. The CAP will determine actions that must be taken to remove the potential for surface or groundwater impairments or risk to future sensitive receptors. Additional site investigations include soil borings, test pits, surface samples, and groundwater samples in locations that have showed elevated concentrations of constituents of concern. SAFCA will be required to achieve closure of the listing prior to use of the site for habitat restoration." *The Corrective Action Plan should be described in this document. All soil borings or test pits should be conducted with a tribal monitor present. The constituents of concern need to be defined in this document and if left submerged under the pond would not be a concern. Furthermore, the potential impact associated with SAFCA's work needs to be disclosed and potential impacts analyzed.*

Section 4.5 Ecological and Biological Resources–

In Section 4.5.1.1, the document states "The man-made pond is perennially filled with water due to groundwater connection with the LAR. The land surrounding the pond is characterized mainly by riparian forest/scrub, with some ruderal herbaceous/grassland vegetation". *The environmental baseline described above is not consistent with the vegetation map included in the NRMP nor with aerial image interpretation. Table 4.4.4-1 on page 4-185 more accurately identifies that ruderal herbaceous/grassland as the dominate vegetation community. This community is also key for foraging raptors and is much more suitable since the grassland is unimpeded by power lines.* 34

35 Section 4.5.1.2.1 states: "[Urrutia Mitigation Site] will remain a man-made pond in private ownership." This is inaccurate. The correct environmental baseline for the property is that it is owned by *SAFCA, a public agency.*

Section 4.5.1.2.2 states: "In addition, all construction activities for the Proposed Action could interfere with local movement of native resident or migratory wildlife species." *The construction activities will likely temporarily and permanently impact the migratory and local species.*

Section 4.5.1.2.2 states: "Equipment and personnel movement and vegetation removal during construction could interfere with the movement of terrestrial wildlife species; however, these activities are not expected to result in substantial effects on the movement of these species because they are mobile and can move away from construction activities to unaffected areas." *The wildlife corridor in the area is narrow and geographically limited. It is not accurate to conclude that major construction activities will not result in substantial effects on the movement of species. The SIES/SIER needs to consider the wildlife species that cannot just "move away" for example brumating turtles, snakes, and turtles. The Parkway in the Urrutia area is in a highly urbanized environment and wildlife don't have a lot of options in the area.* 36

37 Section 4.5.1.2.2 states: "The [ARPP] states, in Policy 4.12, that 'Vegetation in the Parkway should be appropriately managed to maintain the structural integrity and conveyance capacity of the flood

control system, consistent with the need to provide a high level of flood protection to the heavily urbanized floodplain along the lower American River and in a manner that preserves the environmental, aesthetic, and recreational quality of the Parkway. The Sacramento County Tree Preservation Ordinance requires 'A Tree Pruning or Tree Removal Permit…to prune or remove any public tree and certain private trees.' Project Partners would include Sacramento County tree removal work to ensure compliance with county ordinance". The Director of Regional Parks *has authority over tree removal within the Parkway. Converting the upland grassland into a riparian scrub community increases roughness within the floodway and removes existing important habitat for terrestrial wildlife and avian species that rely on it.* 37

Table 4.4.1-3 fails to identify the CEQA or NEPA significance identified for the Urrutia Mitigation Site associated with impacts 4.1-a nor 4.1-b

- *Section 4.5.1.2.2 states: "[Urrutia Mitigation Site] would emphasize restoration to native floodplain wetland and riparian habitats, consideration of river dynamics, and adaptive management of the features as described in the Parkway Plan and NRMP (HDR 2023)." It is not clear how this action would contribute to adaptive management of the Parkway nor what specific features this sentence is referring to. To be consistent with the ARPP the action should propose a balanced approach to ecosystem management. Historically, Urrutia property has primarily been upland associated with the American River with a drainage and associated small ponds. The proposed project at the Urrutia Site would convert the "man-made pond" into frequently inundated floodplain and is not restoring the site to historical conditions. This language is vague and dismissive and does not identify specific impacts, actions, wildlife habitat values, or ecosystem services that would be altered or augmented by the proposed action.*

Section 4.5.1.2.2 states: "In the post-project condition, it is anticipated that there will be a net increase in freshwater emergent/seasonal wetland habitat, riparian woodland, and riverine habitats, while a reduction in grassland/upland and pond habitats would occur (HDR 2023)." *The loss of the pond and grassland habitat has not been evaluated in the document. The pond has been on the landscape for decades and has existing wildlife habitat values that must be acknowledged and evaluated in the document. To convert the existing 58-acre off-channel pond to freshwater emergent/seasonal wetland habitat, riparian woodland, and riverine habitats requires additional analysis. These are very different habitat types which support different wildlife species. The existing resource values of the off-channel pond need to be identified and disclosed in this document. The grassland is a large open area with no power lines for raptors to hunt and the pond is significant for waterbirds. These habitats as now far and few between for these species.* 38

Section 4.5.1.2.2 states: "This would convert existing upland and open water habitat on the land side of a natural levee to low-flow channels with a wetland fringe and connected floodplain. Approximate habitat acres are estimated at the 35% design level are: 16.2 ac of freshwater emergent, 0.0 acres pond, 55.4 acres riparian forest, and 28.2 acres of valley-foothill grasslands. These estimates will be refined by the final draft." While it is stated that habitat is being converted it should be noted that this would eliminate important open water and grassland habitat. *The text does not clearly identify the present vegetation types and acreage that would be converted to the*

vegetation types post-project, although post-project acreage is provided. What is described as valley-foothill grasslands is incredibly important to understand how this would be changed.

In 4.5.1.2.2, it is recognized that "Any trees planted onsite would take many years to mature to provide the same value as those removed; therefore, this impact is significant in the short term, but no effect in the long-term because these sites mitigate for project-wide impacts". *The document should define the terms "short-term" and "long-term" because when we discuss tree removal and habitat conversion it is very long-term for the ecosystem to recover. The document also does not define the term "value" that is associated with trees, and it should acknowledge that different tree species perform different ecosystem services. Trees provide valuable ecosystem services including carbon sequestration, oxygen production, absorbing pollutants (e.g., ozone, nitrogen dioxide, sulphur dioxide), intercepting articulates (e.g., dust, ash, smoke), and lowering air temperature. The size (i.e., diameter standard height [DSH]) of a tree also influences a tree's ecosystem services value. There are quantifiable ways to calculate tree benefits by species and size (iTree, National Tree Benefit Calculator, etc.). The document should identify the species, size, canopy area as measured by tree dripline and values (expressed in dollars as evaluated by ecosystem services) for each tree removed. Similarly, planting sapling trees will take many years to mature, and the ecosystem services will be absent or significantly reduced until the trees planted as mitigation are the same size as when they were cut. The value of sapling trees can also be calculated with these aforementioned tools. This calculus does not account for the greater benefit that existing mature trees would add to the environment had they been preserved or retained on the landscape. This is an important consideration since mature trees provide greater ecosystem services as they sequester more carbon than younger trees and filter more pollutants. The habitat value of trees extends far beyond the replacement of nesting sites and the document should quantify the loss of tree values numerically. As presently written, the document does not contain a clear qualitative nor quantitative accounting of the tree values that would be lost in the unspecified timelines defined as "short-term" and "long-term".* 38

39 Section 4.5.1.2.2 states: Table 4.4.1-4 should sum the vegetation impacts from each location. There are at least 82 acres of impact to valley foothill riparian vegetation.

Section 4.5.1.2.3 states "If an Impact Number is not listed in the table below there is no change in impact for that alternative." *It would be helpful to have the ARCF GRR Final EIS/EIR impact table and it should have been provided. The presentation of the impact tables in the current document are not in the same format as the ARCF GRR 2015 Final EIS/EIR. The presentation of the effect, significance, and mitigation in the 2015 Final EIS/EIR is more understandable and succinct than the current document offers. All impact tables in the document should be recognized.*

- The discussion of Impact 4.1-a, associated with Table 4.4.1-5, states "All alternatives would have similar construction and operations impacts on wildlife movement, with the greatest impact being from potential nighttime construction at the erosion sites." *The Central Valley has lost over 95 percent of native grasslands, riparian habitat, wetlands, and vernal pools greatly reducing populations of birds and wintering waterbirds (Eric Ross 2024). The document has not identified the species nor discussed the impacts on wildlife movements that could be impacted by nighttime work. Nighttime work with artificial lighting would negatively impact Parkway resources and should be avoided in accordance with the ARPP* 40

and the NRMP. The analysis 1) only considers the impact of nighttime construction on wildlife movement, 2) does not consider the impact of daytime construction in a narrow urban greenbelt that also serves as a wildlife movement corridor, and 3) does not analyze how the loss/conversion of the pond at the proposed Urrutia Mitigation Site location would interfere with the diurnal movements of wildlife, specifically waterbirds. 40

Appendix B

4.1.1 Existing Conditions/Affected Environment

"The existing conditions at the American River […] sites are described in Section 3.6, "Vegetation and Wildlife" (pages 109–115), of the ARCF GRR FEIS/EIR." Where it states on Page 114: "Levee slopes along the American River are primarily covered with grasses and a few scattered trees within the levee structure. Several areas within the Parkway have been used as mitigation sites for Corps and other agency projects for endangered species. There are also some areas within the Parkway that have been used to compensate for loss of riparian habitat or oak woodlands from other projects." 41

- The current document relies upon the environmental baseline presented in the ARCF GRR Final EIS/EIR (Dec 2015). The established baseline is therefore 9 or more years old. Please clarify if additional field studies were performed to support the analysis presented in this document as conditions certainly have changed in some areas.

"The river is bordered by commercial and residential neighborhoods on the landside of the levees and the American River Parkway between the levees. American River Erosion Contract 3B illustrated in Figure 4.1-1 includes the portion of the Lower American River, both above and below the ordinary high-water mark (OHWM)." 42

- The document should state the corresponding elevation of the OWHM and the associated flows.

"The existing conditions described in Section 3.6, "Vegetation and Wildlife", of the ARCF GRR FEIS/EIR is applicable to the resources found within the project site. The ARCF GRR FEIS/EIR used a slightly modified version of the California Wildlife Habitat Relationship System (CWHR) (Mayer and Laudenslayer, Jr. 1988) and includes descriptions of the following habitats: valley foothill riparian forest, oak woodland, ruderal herbaceous, wetland, and SRA habitat. Riverine/open water and agricultural habitat descriptions have been added and all habitats are described below. Table 4.1-1 provides a crosswalk between CWHR and Manual of California Vegetation Alliance natural community types." 43

- Table 4.1-1 does not identify the vegetation communities that are considered California Sensitive Natural Communities as listed by CDFW.

"The [Urrutia Mitigation Site] is a former sand and gravel mine, thus the most prominent feature of the site is approximately 55 acres of open water located approximately 400 feet from the river's 44

edge. This area is perennially filled with water due to groundwater connection with the American River. The proposed work would occur both above and below the OHWM of the American River."

- The 55-acre pond has a subsurface hydrological connection to the American River, which is a tidally influenced water of the United States and is also a water of the state per the State Policy for Water Quality Control: State Wetland Definition and Procedures for Discharges of Dredged and Fill Material to the Waters of the State (SWRCB 2019). This area meets the definition of an "artificial wetland" per 3.d. The area is not presently subject to active surface mining and therefore is subject to Section 401 of the Clean Water Act. The document should clearly state the elevation of the OHWM along the American River at this location and provide more information of the groundwater connection. Connection to groundwater and depth to groundwater in relation to the proposed design is extremely important for determining efficacy of the project since it is proposed to drain the pond, which provides a buffering surface feature, and convert the Urrutia property to an excavated swale that would exist well below the historical grade. 44

"The site is between Discovery Park to the west, Camp Pollock to the east, and the river to the south. North of the site is Steelhead Creek, the levee, and commercial and residential development. Wildlife present along the American River Parkway includes deer, coyote, turkeys, racoons, reptiles, and many species of native and migratory birds." 45

- The site also supports a high diversity of waterbirds (resident and migratory) as described in The Importance of Off-Channel Ponds to Wintering Waterbirds along the American River in Sacramento: California An Initial Assessment (Airola et. al 2023).

Figure 4.1-3 American River Mitigation Site Land Cover Types

- This figure does not have the same vegetation/land cover types as presented in Table 4.4.1-1 which includes wetlands as a habitat. 46

"The acreage of existing habitats at each project site are summarized in Table 4.1-2."

- Table 4.1-2 presents the acreages of habitat types as described by CWHR. The current standard is to complete vegetation mapping using standards established by CDFW VegCAMP. The presentation of the land cover types based on CWHR is inconsistent with current standards and practices. Further, the CWHR types aggregate landcovers/vegetation types that would otherwise be unique if the Manual of California Vegetation was used as the classification standard.
- Table 4.1-2 indicates that 2.5 acres of wetlands are present at the Urrutia Mitigation Site, but Figure 4.1-3 American River Mitigation Site Land Cover Types does not depict this habitat/land cover type. The acreage presented for the Urrutia Mitigation Site in this table is 99.74 acres and is inconsistent with the acreage presented earlier on in the document. 47
- Table 4.1-2 footnote "[Urrutia Mitigation Site] - Riparian Forest/Scrub and Oak Woodland is composed of native and nonnative scrub and woodland". The table does not indicate that there is Oak Woodland habitat/landcover at the Urrutia Mitigation Site although the footnote states otherwise. It is not appropriate to combine riparian forest and riparian scrub habitats to

describe the environmental baseline as different wildlife species are associated with forest habitats and scrub habitats. The table overgeneralizes and oversimplifies the vegetation communities at the project sites.

"In the vegetation maps (Figures 4.1-1 to 4.1-6), riparian habitat is referred to as hardwood, native and non-native woodland, native and non-native scrub, and riparian forest, depending on the vegetation classifications used by the vegetation field survey team." 47

- Vegetation classifications should be conducted in accordance with the standardized protocol Survey of California Vegetation Classification and Mapping Standards, which is available on the CDFW VegCAMP website. If the vegetation maps are not standardized, how is the environmental baseline established and the impacts of the proposed action/project properly evaluated and analyzed to determine the level of impact, impact conclusion, and development of suitable mitigation?

"Several species of raptors, including Swainson's hawk (*Buteo swainsoni*), red-tailed hawk (*Buteo jamaicensis*), red-shouldered hawk (*Buteo lineatus*), Cooper's hawk (*Accipiter cooperii*), and great horned owl (*Bubo virginianus*), build their nests in the crowns of cottonwood, valley oak, and other large trees that currently exist on both the landside and waterside of the Sacramento and American River levees within the project area."

- Section 4.1 as stated on page 4.1-1, "focuses on analysis of vegetation and non-sensitive wildlife." The text above identifies raptors and owls, which are protected under the California Fish and Game Code and Swainson's hawk is listed as threatened under CESA. It is unclear why bald eagles are therefore also not included in this list as the species was documented to nest at the Urrutia Mitigation Site in 2023. Although the bald eagle was delisted from the federal ESA in 2007, the species is still afforded protection under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. 48

"Due to the urban development adjacent to the levees in the project area, wildlife is limited primarily to small mammals and various avian species, especially those species that are adapted to human disturbance."

- The statement that "wildlife is limited primarily to small mammals and various avian species, especially those species that are adapted to human disturbance" is not accurate. Large mammals that visit the site include black-tailed deer and coyote. Bobcat has been identified in the LAR by the camera traps established at Bushy Lake, and Regional Parks issued an advisory notice to the public in January 2018 regarding a mountain lion reported in the Parkway. The document text is dismissive about the types of wildlife present in the project area and therefore a proper environmental baseline was not well established in the document. While the Parkway is surrounded by urban development it is also an important movement corridor for wildlife and there is not another contiguous greenbelt in the Sacramento region of the same size or magnitude. 49

"Riparian scrub in a sub-category of valley foothill riparian in this analysis." 50

- It is not appropriate to combine riparian forest and riparian scrub habitats to describe the environmental baseline as different wildlife species are associated with forest habitats and scrub habitats.

"SRA habitat was a distinct habitat type described in section 3.6 'Vegetation and Wildlife' in the 2016 ARCF GRR FEIS/EIR. SRA is included as a sub-category of valley foothill riparian in this analysis because it includes features from both the riverine and riparian zones."

- The organization and discussion of SRA in this location of the document is unclear and confusing. SRA is a primary constituent element (PCE) that should be described and analyzed in the Aquatic and Fisheries sections of this document.

"Valley oak woodland is dominated by valley oak, interior live oak (Quercus wislizeni), box elder, white alder, Oregon ash, and black walnut. Shrubs in this habitat type include California grape, Himalayan blackberry, coyote brush, and blue elderberry. Oak woodlands are typically found on higher or upland portions of the study area than the riparian habitat discussed above."

- California grape is referenced as a shrub, but it is actually considered a vine. It is unclear if "oak woodland" described in this section would be considered "Valley oak woodland and forest" or "Valley oak riparian forest and woodland" based on MCV classification. Valley oak riparian forest and woodland is absent from Table 4.1-1 and should be added or a rational provided as to why it as not included. The MCV recognizes two distinct alliances: 1) Valley oak riparian forest and woodland, and 2) Valley oak woodland and forest (i.e., non-riparian). The alliances have different dominant and co-dominant species. If the former, then it must be noted that box elder, white alder, and Oregon ash are not dominant in the Valley oak woodland and forest vegetation alliance as these species are more closely associated with riparian habitats and would be found closer to the edge of the river or at lower topographic elevations. 50

"Within the study area, this habitat type is typically found on and around the levee slopes and anticipated staging areas, borrow sites, and disposal sites."

- Please clarify if or how the term "study area" differs from the term "project area." Terms are inconsistent throughout the document.

"Grasses commonly observed in the study area are foxtail barley (*Hordeum murinum* ssp. *leporinum*), ripgut brome (*Bromus diandrus*), Italian ryegrass (*Lolium multiflorum*), and soft chess (*Bromus hordeaceus*). Other grasses observed include wild oats (*Avena* spp.), Bermuda grass (*Cynodon dactylon*), and rattail fescue (*Vulpia myuros* var. *myuros*)."

- *Lolium multiflorum* is no longer the currently accepted botanical nomenclature, while this is considered a synonym, current nomenclature per Jepson eFlora, the foremost authority on the native and naturalized vascular plants of California is Festuca perennis. Botanical nomenclature for this species was revised with the second edition of the Jepson Manual (Baldwin, 2012). Also, the current accepted name of *Vulpia myuros var. myuros is Festuca myuros.* In the subsequent

text it must also be noted that *Conyza canadensis* is now *Erigeron canadensis*. It is important to use current accepted botanical nomenclature.

"For purposes of this classification wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes; (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is non-soil and is saturated with water or covered by *shallow water at some time during the growing season of each year (Cowardin et al. 1979)."* 50

- It is unclear why the definition of wetland would follow Cowardin and not the standard USACE or SWRCB definitions.

"Wetlands provide habitat for crustaceans such as fairy shrimp (*Anostraca*) and seasonal water sources for ducks, and geese. Unlike the ducks, the fairy shrimp spend their entire life cycle relying on the seasonal waters, unable to relocate if the local environment becomes disturbed or eliminated. Many migratory waterfowl use seasonal wetlands as a place to find food and rest before continuing their migrations."

- Anostraca refers to the Order level of the scientific classification system. This is a very high level of classification and is not specific to the type of arthropods *(e.g., Branchinecta lynchi, Linderiella occidentalis,* etc.) that are locally present. The life histories of aquatic arthropods cannot be compared to duck and geese. These species should have a differentiated impact analysis.

51 "Many bird species use riverine and open waters for resting, foraging, and escape cover. Common species include gulls, waterfowl, and osprey (*Pandion haliaetus*). Shorelines provide hunting grounds for wading birds such as herons and egrets, and for kingfisher, waterfowl, and shorebirds. Flycatchers, swallows, and other insectivorous birds catch their prey over water."

- This statement reinforces the need to retain a pond for this variety of species. Please incorporate the information contained in The Importance of Off-Channel Ponds to Wintering Waterbirds along the American River in Sacramento: California An Initial Assessment (Airola et. al 2023) as part of the environmental baseline.

"Agricultural fields provide similar habitat to that of grasslands for wildlife but typically support lower species diversity."

- Agricultural fields do provide habitat for similar species, but the Urrutia property provides a habitat hotspot for a wide variety of species given its unique ensemble of naturalized lacustrine, riverine, and unimpeded grassland habitats.

For invasive species the document states: "Areas dominated by non-native vegetation include abandoned, fallow, and active agricultural fields; borrow and staging areas; dredger mine tailings; levee slopes; previous construction sites; and areas subject to fire, frequent flood inundation, or scour. Invasive plants have also naturalized in nearby riparian, woodland, grassland, and 52

agricultural plant communities. The California Invasive Plant Council inventory is updated to identify nonnative, invasive and noxious plant species of concern."

- The above text indicates that past construction sites are dominated by invasive non-native plant species. Several past construction sites are present in the Parkway, and this is a disturbance and maintenance issue. This highlights the fact that these constructed sites are typically not well established, which in the past has only been for a period of 3 years and are not maintained by the project proponents over the long-term though commitments were made. Introducing more of these ill-maintained sites will lead to the expansion of invasives and noxious weeds within the Parkway.

For the Wildlife Coordination Act report, the document states: "Page 113 of the ARCF GRR FEIS/EIR states: 'These invasive species typically outcompete native plant species and must be controlled aggressively including mitigation and restoration areas. Since 2001, Sacramento County and SAFCA have collaborated on invasive plant management planning efforts, which have guided local efforts towards eradication of all populations of giant reed (*Arundo donax*), tamarisk (*Tamarix spp*.), French broom (*Genista monspessulana*), Scotch broom (*Cytisus scoparius*), Pampas grass (*Cortaderia selloana*), red sesbania (*Sesbania punicea*), Chinese tallow tree (*Triadica sebifera*), oleander (*Nerium oleander*), and pyracantha (*Pyracantha spp*.).'"

52

- The species listed in the reference are associated with the IPMP and on-going weed management activities that are implemented through Regional Parks with an MOU with American River Parkway Foundation. These weeds have not been eradicated.

For the Federal Wild and Scenic Rivers Act the documents states: "The Wild and Scenic Rivers Act applies to the parts of the Proposed Action along the American River, specifically all construction work and some staging associated with American River scour and erosion work and Contract 3B, Contract 4A, and the [Urrutia Mitigation Site]".

- The Wild and Scenic Rivers Act is also applicable to Contract 4B. The statement above omits this fact.

53

"The American River Parkway Plan is the management plan for the Wild and Scenic Rivers Act. The policies of the American River Parkway Plan require that flood management agencies maintain and improve the existing flood control system and manage vegetation in the Parkway to maintain the structural integrity and conveyance capacity of the flood control system, consistent with the need to provide a high level of flood risk reduction."

- This is a high-level summary, and it misses the policy that indicates flood control projects need to be designed to avoid and/or minimize adverse impact on the Parkway. Impacts that are unavoidable shall be appropriate, feasible, and shall be close to the site of impact unless such mitigation creates other undesirable impacts (Policy 4.10). The mitigation proposed at the Urrutia Site is not necessarily close and may be creating undesirable impacts. Additionally, in relation to bank protection Policy 4.16 calls for designs that minimize damage to riparian vegetation and wildlife habitat and the design must include revegetation that screens the project from public view, provides for a naturalist appearance and restores affected habitat. Currently,

the erosion work proposed is impacting a significant amount of vegetation and wildlife. While the designs may include vegetation, this does not necessarily screen the project from view to disguise the unnatural appearance of the revetment and may not be restoring the affected habitat values. It is critical that designs are evaluated to ensure they are the least impactful alternative specifically for Contract 3B North and 3B South in relation to the Contract 4B addition as noted in sections above. Additionally, the initial establishment and long-term maintenance and management of these sites is critical.

53

For the Migratory Bird Treaty Act, the document states: "Mitigation Measures VEG-1, VEG-2, and BIRD-1 would ensure the Proposed Action is in compliance with the MBTA. Generally, all survey-detected, nesting birds would be avoided with the species-appropriate buffer during construction."

- The MBTA prohibits the direct loss of birds, nests, or eggs, regardless of if the nest was detected or not.

54

As for the Clean Water Act of 1972: "The CVRWQCB administers Section 401 of the CWA in California, and either issues or denies water quality certifications."

- The above is incorrect and misleading as written. More accurately, the State Water Resources Control Board and the Regional Water Quality Control Boards have the authority to regulate these discharges under section 401 of the CWA and the Porter-Cologne Water Quality Control Act (Porter-Cologne). There are nine regional water quality control boards that exercise rulemaking and regulatory activities by basins. The project falls under the jurisdiction of the Central Valley RWQCB. The regulatory setting contains basic errors.

"USACE obtained a Programmatic CWA 401 water quality certification (Order No. 5A34CR00819) on July 13, 2021, for the ARCF project. Each individual project will request coverage under this overall permit and this permit will expire July 12, 2026."

55

- It would be helpful if this Programmatic permit were attached. Will this permit cover the activities at the Urrutia Mitigation Site? Will it need to be amended? Or are the activities at this site worthy of a stand along permit?

"The Proposed Action would require discharge of fill material into waters of the United States, therefore a Section 404(b)(1) analysis will be conducted on the project's alternatives and included in the Final SEIS/SEIR. The discharge of fill material would comply with the 404(b)(1) guidelines with the inclusion of appropriate measures to minimize pollution or adverse effects on the aquatic ecosystem."

- Filling the wetland would most certainly impose an adverse effect on aquatic ecosystem in all regards from the bottom-up food web to the avian and terrestrial species that rely on it for habitat when this deep-water habitat is so scarce within American River Parkway and the region. What is the proposed mitigation for the loss of 55-60 acres of open water? This SEIS/SEIR indicates varying acreages for the pond. What will be used for the 404(b)(1) analysis? How will the lack of alternatives be handled?

"O&M will include strategies for invasive species management. Efforts require continuous collaboration across USACE and with Federal, Tribal, State, and local governments, non-government organizations, and partners."

- To date, USACE has not coordinated with Regional Parks in regard to this policy, nor have they discussed or coordinated long-term maintenance with Regional Parks. There have been a lot of assumptions made throughout this document when it comes to long-term maintenance and management.

56

"These resources provide a comprehensive overview of the vegetation that exists within the project area and were used to evaluate the impacts of the Proposed Action and project alternatives,"

57

- Only field-based, project-specific vegetation mapping can provide comprehensive detail of the resources present. The preceding text does not indicate that site-specific recent surveys were completed for the areas evaluated in this document and therefore the environmental baseline is incomplete.

"Table 4.1-3 presents habitat impact acreages of the CEQA Proposed Action in comparison to what is stated in the ARCF GRR FEIS/EIR and Table 4.1-4 presents habitat impact acreages of the NEPA Design Refinements in comparison to what is stated in the ARCF GRR FEIS/EIR."

- Specific references to the ARCF GRR FEIS/EIR should be included in this document to facilitate review by the public and Responsible and Trustee Agencies.

58

Table 4.1-3 identifies 125.13 acres of habitats at [Urrutia Mitigation Site] (page 781). The acreage of the site is reported elsewhere in the document as 99.74 (Table 4.1-2) (page 771).

- Please identify the correct total acreage of the Urrutia Site and the habitats present. It is unclear from the document what the environmental baseline is given the discrepancies and inconsistencies throughout the document.

Table 4.1-3: "Note: [Urrutia Mitigation Site] and SRMS would emphasize restoration to native floodplain wetland and riparian habitats. It is anticipated that there would be a large net increase in freshwater emergent/seasonal wetland habitat, riparian woodland, and riverine habitats, while a reduction in grassland/upland and pond habitats would occur (HDR 2023), resulting in a gain in aquatic resource area and functions."

59

- The note does not acknowledge the existing habitat value nor aquatic resources values that the open water or upland grassland presently provides. The statement presumes that the open water is of lesser value yet provides no basis for this conclusion that the loss of 55-60 acres of open water would result in aquatic resource values. Further, it must be acknowledged that riparian woodland habitat will take many years to establish and provide ecological value. The aquatic resource functions of the existing pond and the proposed mitigation habitats should be described, disclosed, and evaluated in this document. Also note that the reference HDR 2023 was not made

available to the public. The same comment above applies to the Note at the bottom of Table 4.1-4. The HDR 2023 document should be provided.

For the No Action Alternative, the document states "However, this measure would also incorporate mitigative features through the installation of plantings on the surface of the trench. Once the vegetative features reach full growth, the rock trenches would provide a natural appearance to the site and the affected habitat values would be fully restored."

- The document should identify the time required for the "vegetative features" to "reach full growth" and be "fully restored." Further, if the launchable rock trenches are triggered, all plantings would also fail, and the area would again be absent vegetation and be an unplantable slope of rock. How is this considered appropriate mitigation? 59

"However, because the project sites are located within larger corridors of similar habitat, this would not result in a substantial overall habitat reduction."

- This statement does not acknowledge that pond/lacustrine off-channel habitat present in the Parkway is an uncommon habitat present on the landscape and therefore the conclusion of Less than Significant with Mitigation Incorporated is unfounded. It should also be recognized that the corridor these sites would adjoin with has already undergone extensive bank protection and habitat loss that has left it denuded of vegetation.

For the Proposed Action 4.1-a and 4.1-b (CEQA Impact Conclusion 4.1-a and 4.1-b: Less Than Significant with Mitigation Incorporated): "Following project completion, a vegetation management plan consistent with the Habitat Mitigation, Monitoring, and Adaptive Management Plan developed for the ARCF GRR FEIS/EIR and internal guidance would be developed and implemented in coordination with USFWS and NMFS. In addition, the Proposed Action would follow updated 2023 USACE Invasive Species Policy Guidance in fulfillment of Section 501 of WRDA 2020. Invasive plant species incursions would be controlled as early as possible to prevent wide-scale establishment and minimize control efforts such as pesticide usage. Implementing the vegetation management plan, which would be consistent with the Habitat Mitigation, Monitoring, and Adaptive Management Plan developed for the 2016 ARCF GRR FEIS/EIR, would ensure that native riparian plantings installed within the planting benches are protected, managed, monitored, and maintained for a period of 3-5 years following installation and ensure that they are on an ecologically sustainable trajectory." 60

- Regional Parks should be consulted during this process as this document covers several proposed projects/actions that occur in the Parkway, which is managed by Regional Parks. The establishment should be a minimum of 5 years, especially for replanted bank protection sites as we have seen an enormous difference between sites that were abandoned after 3 years and sites that were maintained and monitored for a minimum of 5 years. Three years of monitoring is also insufficient and should occur for an extended period of time. There should also be a long-term management plan for the site which is prepared in collaboration with Regional Parks.

"None of the bank protection sites are anticipated to support wildlife nursery sites, but the onsite plantings would provide suitable habitat for nesting by a variety of native and migratory bird species."

61

- The bank protection sites should be surveyed by a qualified ornithologist for rookery sites as several are known to exist in proximity of bank protection sites.

"Disturbance distance from the bald eagle at the [Urrutia Mitigation Site] would be enforced during nesting season with a biological monitor onsite if work is occurring within the 660-foot buffer. The nest tree would not be removed as part of the project. [Urrutia Mitigation Site], once mature, would provide rearing habitat for juvenile salmonid and steelhead in the first 2 miles of the American River as well as multistory vegetation that could be used as nesting or stop over habitat for birds."

- The logic above does not consider the site factors present at Urrutia that have allowed for the eagles to select the Urrutia location as a (successful) nesting site. Site selection factors for nesting is likely to include proximity to the American River and an off-channel pond that supports hunting opportunities for the eagles as both fish and waterbirds are prey items for eagles. Given that there are no other eagle nests in the Parkway, other than near Nimbus, additional analysis should be provided for the justification that the removal of the pond and replacement of open water habitat with riparian scrub and trees would not adversely impact the nesting location of the eagle pair. The analysis presented does not consider the types of birds that presently use the deep open-water pond, such as diving ducks and other waterbirds, and that conversion to riparian scrub/woodland habitats would not be suitable habitat for these species. A qualified ornithologist with demonstrated experience monitoring bald eagles and approved by both USFWS and CDFW should monitor the nest and construction activities if work occurs during the nesting season, regardless of the 660-buffer. The nesting season for eagles should be stated since the adults return to the nests in late fall, and it should be indicated when monitoring would begin. Animals have different tolerances for disturbance and the activity at Urrutia is significant in terms of habitat type conversion. Having a bald eagle nest in the Parkway is and is an indicator of ecosystem health and heterogeneity. To impact their ability to continue to be successful either by causing them to flee from construction activities or changing habitat conditions in a way that no longer supports their security or provides opportunities for foraging would be unacceptable. It should be noted again that numerous waterbirds utilize the pond to feed on the fish in the pond. Regional Parks staff personally observed a feeding frenzy associated with hundreds of cormorants and other waterbirds feeding in the pond in winter of 2023. While the proposed mitigation habitat could support nesting and stop over habitat for species that prefer riparian vegetation this will not replace the existing values that would be eliminated.

62

"Tree removal and trimming, minor grading, paving, and adding aggregate base could occur at staging areas and along haul routes. Staging areas and haul routes would be restored to pre-project conditions. This may include reseeding with native grasses and forbs, planting with native vegetation, or working with recreational agencies to determine which trees would be removed and replanted."

63

- Tree trimming should be conducted by or overseen by an ISA certified arborist or a qualified tree pruning specialist who agrees in writing to perform pruning in accordance with ANSI A300 Tree Care Standards for pruning. Tree removal is an important issue in the Parkway. Regional Parks requests that all trees proposed for removal be identified in the environmental document along with identification to species and size reported as diameter at standard height (DSH = 4.5 ft above grade). Additionally, tree roots should be properly protected by putting down mulch in areas where vehicles would be driven to reduce soil compactions and removing the mulch when construction is complete. 63

"Grading, other ground-disturbing activities and temporary fencing for public safety could temporarily disrupt wildlife movement but would not completely block movement pathways or migratory corridors. Most wildlife species are anticipated to continue to move to and through adjacent unaffected habitat away from active construction activities during construction. Effects of the project on access of these species to the affected habitat areas would be temporary and these species would be expected to return to areas affected by construction once such work is completed. Noise from construction of the Proposed Action could temporarily alter the foraging patterns of resident wildlife species but is not anticipated to substantially interfere with foraging." 64

- The Proposed Action would permanently interfere with foraging for species that rely on the unimpeded grassland and deep-water pond at Urrutia. It would also permanently impact the nesting, foraging, and basking habitat that supports the turtle population at Urrutia. Additionally, the proposed mitigation at the Urrutia may impact the nesting bald eagles at the site since the habitat will be converted to other habitat types that may not be a suitable for supporting the requirements that originally led them to select the site.

"Night work has the greatest potential to disrupt wildlife movement, because many species are most active at night when disturbance levels are lowest. Consecutive nights of construction activities with high levels of noise, lighting, and visual disturbance could have a substantial but temporary adverse effect on the movement of some wildlife. Implementing Mitigation Measure VIS-2: "Minimize Disturbance to Wildlife from Nighttime Lighting", which was previously adopted for the ARCF 2016 Project, would reduce Impact 4.1-a to less than significant".

- The Central Valley has lost over 95 percent of native grasslands, riparian habitat, wetlands, and vernal pools greatly reducing populations of birds and wintering waterbirds (Eric Ross 2024). The document has not identified the species nor discussed the impacts on wildlife movements that could be impacted by nighttime work. Nighttime work with artificial lighting would negatively impact Parkway resources and should be avoided in accordance with the ARPP and the NRMP. The analysis 1) only considers the impact of nighttime construction on wildlife movement, 2) does not consider the impact of daytime construction in a narrow urban greenbelt that also serves as a wildlife movement corridor, and 3) does not analyze how the loss/conversion of the pond at the proposed [Urrutia Mitigation Site] location would interfere with the diurnal movements of wildlife, specifically waterbirds. 65

"The mitigation sites would disturb existing vegetation in the short term with construction activities, noise, human presence, vegetation removal, grubbing and grading of the landscape. However, once 66

completed they would provide more habitat for migratory birds and higher functioning habitat for fisheries. Mature mitigation sites would connect habitat fragments, encourage additional food production, and overall add valuable habitat to a highly impacted migratory corridor. [Urrutia Mitigation Site] is currently operated as a sand and gravel business, so post project conditions would have less disturbance than the current use."

- The assertion that there would be "more habitat for migratory birds" is false since the habitat would be different and the species would be different. The statement does not consider the limited resource of deep, open-water habitat in the Parkway and the bird species that presently use the pond as habitat. If the goal were to create more habitat for more species of migratory birds, then the project proponents would legitimately consider preservation of a substantial pond. The Parkway is a Wild and Scenic River and the assertion that the Parkway is a "highly impacted migratory corridor" is not an accurate assessment of the baseline condition. It is becoming a 'highly impacted migratory corridor' due to the overwhelming amount of construction and habitat removal that has occurred. The value of the Parkway resources is not recognized, and the analysis is brief and lacking and the conclusions that follow are non sequitur. Furthermore, Urrutia has not been operated as a sand and gravel mine for years, but the previous owner did operate a business associated with selling topsoil and sand after mining ceased. 66

Tables 4.1-3 and 4.1-4 identify impacts of 14.53 acres of valley foothill riparian habitat at [Urrutia Mitigation Site] site.

Table 4.1-2 identifies that the Riparian Forest/Scrub habitat is composed of "composed of Native and nonnative scrub and woodland."

- It is unclear what MCV vegetation assemblage these generalized vegetation communities represent. It is unclear if these are CDFW Sensitive Natural Communities. 67

Page 4.1-17 identifies the reference for CDFW Sensitive Natural Communities as CDFW 2022.

- This reference is outdated. The most current list is dated June 1, 2023. The analysis should be based on the most current regulatory information and standards and the best available current science.

  Please revise to clarify that the impact discussion for this site follows on 4.1-38, as presently laid out, it is unclear if the Urrutia Site was considered or that an impact discussion was prepared for this site. This analysis should clearly present the number of trees, species, size (i.e., diameter) and acreage of canopy to be removed. Instead, the text associated with Impact 4.1-c contains statements, such as "Some waterside trees would be removed due to the topography and location of the erosion protection features." Elsewhere the document notes that up to 65 acres would be removed along the American River under the ARCF GRR FEIS/EIR and states that "to date 33.14 acres has been removed under American River Erosion Contracts 1, 2, and 3A" (p.4.1-32) Using basic math, the reader has to conclude that 39.82 acres of riparian habitat would be removed by bank protection projects implemented under the current SEIS/SEIR. The document does not clearly disclose the amount of tree removal/riparian habitat removal and should be revised. These acreages are limited to erosion contracts and do not consider that Tables 4.1-3 68

and 4.1-4 also identify 14.53 acres of additional impact to valley foothill riparian habitat at the Urrutia Site.

The document states on page 4-192: "American River Erosion Contracts 1, 2, and 3A have already impacted 33.14 acres of riparian habitat; thus, the total impact for American River Erosion contracts of 73 acres is above the 65 acres of impact that was estimated in the ARCF GRR Final EIS/EIR."

- As described above, the erosion protection proposed action impacts to Valley Foothill Riparian would total 39.82. The above text suggests 73 acres would be removed and this is above the impact analyzed in the ARCF GRR EIS/EIR (2016). However, the document does not account for the vegetation impacts of 14.53 acres at the Urrutia Site as enumerated in Tables 4.1-3 and 4.1-4. The total removal of riparian forest/scrub) is therefore calculated to be 87.49 acres. The document lacks a clear presentation of impacts to riparian habitat.

68

As presently noted in the footnote of Table 4.1-2 Riparian Forest/Scrub is an amalgamation of "native and non-native scrub and woodland."

- Riparian Forest/Scrub is not an alliance, group, nor other tier of the National Vegetation Classification hierarchy that the MCV is based upon. The SEIS/SEIR uses the term "Riparian Forest/Scrub" in impact tables, grouping the habitats in an unknown manner described on pages 4.1-14 through 4.1-15.
  The term used in the SEIS/SEIR of "Riparian Forest/Scrub" appears to be loosely based on the "Preliminary Descriptions of The Terrestrial Natural Communities of California" but is not consistent with the aforementioned text either as there is no element named riparian forest/scrub. Further, while this document is available on-line, it is noted as being superseded by MCV under Section 1940 of the Fish and Game Code. The superseded version of the "Preliminary Descriptions of The Terrestrial Natural Communities of California" clearly states that the MCV "should be used when describing existing conditions in environmental documents, assessing impacts, and mapping vegetation." The SEIS/SEIR did not complete vegetation mapping to the state standard in electing to use a vegetation classification system that appears to be unique and not consistent with the hierarchical classification established by the MCV. For reference, please see: *https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=75893*
- It is critical that the vegetation be classified based on the MCV so that mitigation can be appropriately implemented. Valley oak riparian forest and woodland as defined by MCV is a distinct vegetation assemblage. It would be inappropriate to mitigate the loss of this habitat type with a sandbar willow thicket, for example. This would be considered out-of-kind and is not an acceptable mitigation strategy.

69

"The analysis in the ARCF GRR FEIS/EIR determined that even with waterside planting benches and retaining IWM to the extent practical, effects on sensitive natural communities would remain because of the lag time between planting vegetation and maturing to a functionally equivalent point. Once the plantings become established, they would provide riparian habitat that is expected to be of higher quality than existing habitat. Habitat features that benefit native species would be included in the design, and the sites would be managed for the establishment and persistence of native trees,

70

shrubs, and herbaceous plants. Over the long-term, the Proposed Action would not substantially reduce the quality or quantity of riparian habitat, despite the temporary habitat loss." (p. 4.1-33)

- It should be explained how and why mitigation plantings would offer higher quality habitat than the existing habitat on site at Contract 3B North, 3B South, and Contract 4B. An explanation for this conclusion is not presented in the document. The document does not clearly state what the vegetation composition of the existing vegetation community is, what the age structure of the forest is, nor the size classes of the trees in the forest. These are important elements of describing the existing conditions. Asserting that the mitigation would be "higher" or better quality is unsubstantiated in the text of the SEIS/SEIR and in direct opposition to scientific research. Scientific research has been conducted to understand the restoration trajectory of anthropogenically planted forests. Little (2007) surveyed trees and shrubs in restored and reference forests in 2006 to understand if the stem size and species composition differed 10 to15 years after forests were planted. She found that since both early and late successional species were planted in Sacramento River restoration sites, the sites did not reflect any particular natural plant community and essentially comprised a novel ecosystem. Additionally, restored forests had similar biomass to reference forests, but had higher stem density of smaller trees and shrubs (Little, 2007; Matzek et al., 2016). References are offered below. This is not an exhaustive list of references. Claims that areas replanted as mitigation are "higher" in quality compared to the existing intact forest are unsubstantiated in this document. 70

  Little, C. (2007). Vegetation and Environment Relationships in Restored and Remnant Riparian Forests on the Middle Sacramento River, California. California State University, Chico.

  Matzek, V., Warren, S., & Fisher, C. (2016). Incomplete recovery of ecosystem processes after two decades of riparian forest restoration. Restoration Ecology, 24(5), 637–645. https://doi.org/10.1111/rec.12361

"Therefore, the long-term impact of the Proposed Action on riparian habitat would be less than significant with mitigation".

- The SEIS/SEIR states "Overall, the Proposed Action would cause significant and unavoidable short-term adverse impacts to riparian habitat" (p. 4.1-33), *yet the conclusion is "less than significant with mitigation." While the document does acknowledge a "lag time" it does not define the time that would be required for a forest planted for mitigation purposes to be of "higher" quality than the existing forest. Nor does the document attempt to quantitatively nor qualitatively describe the value of the existing forest yet makes the assertion that the replacement mitigation forest is somehow of "higher" quality. There are tools, such as iTree, that can be used to calculate the functions and value of both of trees in terms of carbon storage, avoided runoff, pollution removal, and calculates the replacement value. This can be completed for individual trees and populations of trees. This is a powerful tool for analysis. Regional Parks requests that data be provided to substantiate the claim that mitigation forests are of "higher" quality and* Mitigation Measure VEG-2: "Project designs will be refined to reduce impacts on vegetation and wildlife to the extent practicable. Refinements implemented to reduce the loss of riparian habitat will include reducing the impact footprint, constructing bank protection rather than launchable 71

rock trench whenever feasible, and designing planting benches. Where practicable, trees will be retained in locations where the bank protection and planting benches are constructed. Trees will be protected in place along the natural channel during rock placement."

- Engaging an ISA certified arborist could help reduce tree impacts as an arborist can help develop appropriate mitigation to reduce the impacts to trees and evaluate the risk a tree poses. Arborists were actively engaged in early work along the Sacramento River, and it is not clear that the same expertise was engaged in the current planning efforts. It is unclear what is intended by "Trees will be protected in place along the natural channel during rock placement" but tree roots require oxygen, and the impact of this action should be evaluated by a qualified ISA certified arborist. Compaction of soils, reduced oxygen diffusion into the soil from rock armoring, changing grade, and burial of the root crown are all factors that lead to long-term decline in trees. "The short-term significant impacts of riparian habitat loss would be minimized by retaining and protecting trees where possible, but the impact would remain significant and unavoidable because of the extent of required riparian vegetation removal." The extent of tree removal should be quantified in terms of the number of trees removed and the amount of canopy acreage. Trees identified for removal should be identified to species and size (DSH) and this should be disclosed to the public. Better coordination of the projects, using coir fabric to stabilize slopes until vegetation has established and reducing the amount of rock/cobble lining at bank protection sites would reduce the impacts and promote more favorable conditions for revegetation. Trees to be retained should not have their root systems armed with rock, but rather coir fabric would be much less impactful in the short and long term.

71

"The habitat restoration at [Urrutia Mitigation Site] would be designed to consider historical site conditions and adapt existing conditions to restore, enhance, and maximize habitat for three focal species: salmonids, yellow-billed cuckoo, and VELB."

- The historical site conditions are a small flowing creek with associated ponds and upland grassland. This is not what is proposed at Urrutia. Furthermore, complete loss of the grassland and pond is not "adapting existing conditions" it is full-scale habitat conversion. The statement above does not acknowledge the existing resources at Urrutia or the unique habitat values that the pond provides to wildlife, specifically waterbirds in the Parkway. Deep-open water habitat is not a common habitat type on the landscape and this area provides unique habitat and opportunities for education and interpretation that are not available elsewhere in the Parkway. The statement above focuses on three species to the exclusion of the wildlife species that presently utilize the site. The project partners are advised to consider the bird data and counts that have been conducted for years by the Audubon Society.

72

"Neither mitigation site has other sensitive natural communities identified in local or regional plans policies, regulation. The American River Parkway Plan and Natural Resource Management Plan both recommend naturalizing the area around the [Urrutia Mitigation Site], which the project would achieve".

73

- The NRMP identifies that that a conceptual naturalization plan for Urrutia should be developed if it is brought into public ownership and the plan "should include the removal of rubble and restoration of the bank line in consideration of current and future conditions" and refers the reader to the ARPP. The NRMP also indicates that the Urrutia pond is an incredibly important

habitat for waterbirds. The proposed project does not recognize the existing values, does not include removal of rubble from the bank line, and the conversion of the limited habitat types in the area does not speak to a balanced management approach or natural resource protection as called for in the goals and policies of the ARPP. The proposed mitigation goes above and beyond what has been contemplated or envisioned for this site as identified by the Area Plan specific policies associated with a maintained pond. 73

"[Urrutia Mitigation Site] would emphasize restoration to native floodplain wetland and riparian habitats, consideration of river dynamics, and adaptive management of the features as described in the Parkway Plan and NRMP. In the post-project condition, it is anticipated that there would be a large net increase in freshwater emergent/seasonal wetland habitat, riparian woodland, and riverine habitats, while a reduction in grassland/upland and pond habitats would occur (HDR 2023). This would be considered the re-establishment of a former aquatic resource, resulting in a gain in aquatic resource area and functions, which does not require mitigation. With implementation of Mitigation Measure WATERS-1, which was previously adopted for the ARCF 2016 Project, the long-term impact would be less than significant."

- Development of the Urrutia Mitigation Site would directly impact 2.5 acres of wetlands and 55.4 acres of open water as shown in Table 4.1-3. The analysis for a less than significant with mitigation statement is not substantiated by the above text. The ecological functions and values of the Urrutia pond have not been identified in the document and have therefore have not been evaluated. The absence of an appropriate environmental baseline coupled with fallible logic invalidates the conclusion.
- If developed as a mitigation site, there would be a loss of deep, open water pond habitat– a habitat type that is uncommon in the Parkway and that offers unique habitat values for waterbirds and recreational opportunities not found elsewhere in the Parkway. Arden Pond and Bushy Lake are also open water habitats in the Parkway, however the depth of the Urrutia Pond and the numbers and diversity of waterbirds documented at the Urrutia Pond should be evaluated and disclosed in the document. 74
- It must also be noted that under the Proposed Action the pond would not be "reduced" as the text indicates, but rather eliminated. The text should plainly state that if the Proposed action is implemented there would be zero pond acreage at the Urrutia Mitigation Site. Although perennial riverine habitat would be created, the document does not acknowledge the habitat and ecological functions and values that the pond presently provides nor the wildlife that the pond presently supports–nor the ponds value as off-channel night roosting habitat for waterbirds. This is a critical habitat type for migrating birds and if lost, does indeed also invalidate the CEQA and NEPA conclusions for Impact 4.1-a.
- Although the pond is the result of man-made activities (i.e., mining), a lake previously existed on the landscape and is evident on the hand drawn topographic maps in the California State Lands Commission on-line map collection (Fresno State 2024). Therefore, it is not appropriate to conclude that the restoration as proposed under the Proposed Action would restore the area in a manner more consistent with the pre-development landscape of the Sacramento region.

- It is not clear how this action would contribute to adaptive management of the Parkway nor what specific features this sentence is referring to. To be consistent with the ARPP the action should propose a balanced approach to ecosystem management. Historically, Urrutia property has primarily been upland associated with the American River with a drainage and associated small ponds. The proposed project at the Urrutia Site would convert the "man-made pond" into frequently inundated floodplain and is not restoring the site to historical conditions. This language is vague and dismissive and does not identify specific impacts, actions, wildlife habitat values, or ecosystem services that would be altered or augmented by the proposed action.

The following text is repeated on numerous occasions in the document: "In the post-project condition, it is anticipated that there would be a large net increase in freshwater emergent/seasonal wetland habitat, riparian woodland, and riverine habitats, while a reduction in grassland/upland and pond habitats would occur (HDR 2023)." 74

- This statement extracted from the source document and repeated multiple times and the HDR 2023 document should be included as an appendix to the document since the SEIS/SEIR document relies heavily on this document to substantiate the conclusion statements in the SEIS/SEIR.

"With implementation of Mitigation Measure WATERS-1, which was previously adopted for the 2016 ARCF Project, this impact would be less than significant."

75

- Although USACE does not issue Section 404 CWA permits to themselves for actions undertaken in waters of the United States for USACE-projects, the agency must conduct a 404(b)(1) analysis. The document indicated that that the 404(b)(1) analysis would be provided as part of the FSEIS/SEIR. Please describe how the conversion of scarce deep, open-water pond habitat in the Parkway will be established as the LEDPA.

"The American River Parkway Plan states, in Policy 4.12, that "Vegetation in the Parkway should be appropriately managed to maintain the structural integrity and conveyance capacity of the flood control system, consistent with the need to provide a high level of flood protection to the heavily urbanized floodplain along the lower American River and in a manner that preserves the environmental, aesthetic, and recreational quality of the Parkway." 76

- The Sacramento County Tree Preservation Ordinance requires "A Tree Pruning or Tree Removal Permit…to prune or remove any public tree and certain private trees." Project Partners would include Sacramento County tree removal work to ensure compliance with county ordinance." However, the Director of Regional Parks has authority over tree removal in the Parkway, but the text does not acknowledge this fact.

77

"With the on-site replacement of riparian habitat, the Proposed Action would ensure that there would be no net impacts on lands designated by the American River Parkway Plan as Protected Areas or Nature Study Areas. Although an initial loss of riparian habitat within the Parkway would occur, this impact would be minimized by implementing Mitigation Measure VEG-2, which was previously adopted for the ARCF 2016 Project, and eventually the Parkway would experience a net

increase in the extent of riparian habitat. This long-term increase in riparian vegetation is consistent with Terrestrial Resource Policy 3.2 of the Parkway Plan, which calls for the protection, enhancement, and expansion of the Parkway's native willow, cottonwood, and valley oak–dominated riparian and upland woodlands that provide important SRA, seasonal floodplain, and riparian habitats. Consequently, the impact of the CEQA Proposed Action and NEPA Design Refinements on local conservation plans, such as the Parkway Plan, would be less than significant."

- It is unclear how VEG-2 is applicable to Urrutia Mitigation Site as this is a mitigation site and the impacts to riparian vegetation would be 14.53 acres.
- Although pond retention alternatives were carried forward under CEQA, the document does not identify the impact or consequence of eliminating these alternatives for consideration under NEPA. This should be placed in clear language for the public.

77

- Per OPR (2014), the "Analysis of an agency's alternatives, including the proposed action, are 'the heart of the environmental impact statement' (40 C.F.R. § 1502.14). NEPA regulations require an agency to 'rigorously explore and objectively evaluate all reasonable alternatives' (40 C.F.R. § 1502.14(a)), to devote substantial treatment to each alternative (40 C.F.R. § 1502.14(b)), to identify the preferred alternative where one or more exists (40 C.F.R. § 1502.14(e)), and to present the environmental impacts of the proposed action and the alternatives in comparative form to sharply define the issues and provide a clear basis for a choice among alternatives by the decision maker and the public. Other requirements include:
    - Providing a "no action" alternative (40 C.F.R. § 1502.14(d));
    - Explaining why any alternatives were eliminated from detailed analysis (40 C.F.R. § 1502.14(a));
    - Identifying the environmentally preferred alternative (40 C.F.R. § 1502.14(e))."
- Based on the above, the heart of the environmental impact statement is weak and the standard to "rigorously explore and objectively evaluate all reasonable alternatives" has not been fulfilled based on the false rejection of alternatives for the NEPA analysis captured above. Also, it is noted that having the analysis done for the alternatives under CEQA is meaningless if the only projects that will ultimately be considered are the two alternatives captured under NEPA (proposed action and no action).

"Alternative 4a would result in impacts to the bald eagle nest onsite."

- The configuration of the perennial channels could be modified in Figure 3.7.1.-1 to avoid the eagle tree and retain a pond that is of sufficient size and with the appropriate distance from the edge to preserve deep, open water habitat for night roosting waterbirds. Alternative 4b would retain a portion of the pond but the size is no longer suitable for night roosting by waterbirds and therefore would also result in the loss of an uncommon habitat type (deep, open water pond) in the Parkway. It is assumed that the proposed action construction activities within the buffer would occur outside of the nesting season. Likewise, construction of a berm within or near the buffer could also occur outside of the nesting season. The impacts to the eagle nest are no different between alternatives and as indicated above a genuine attempt to consider a pond would have resulted in refinements to the 4a alternative since the project partners actually had this alternative in January 2022. The analysis is inadequate and flawed.

78

"Relying on Alternative 4a or 4b would require additional mitigation be constructed elsewhere in the parkway, or that credits be purchased from an approved mitigation bank."

- It is unclear why these reasons would eliminate Alternative 4a and 4b from consideration under NEPA since the rational of eliminating these from detailed analysis (40 C.F.R. § 1502.14(a)) is not documented in the SEIS/SEIR. Further, the original EIS/EIR discusses the ability to purchase bank credit in the event there was not sufficient lands int he Parkway, so this option is still available. There are numerous reasons provided for rejecting these alternatives under NEPA but as established above they are not viable reasons. This includes the false mandate that you must satisfy all of the project mitigation needs at a single large site within the Parkway. The general approach related to the mitigation proposed at the above mitigation should not cause undesirable impacts within the Parkway.

79

"CEQA: Impacts to fish and wildlife migration and movement would be minimal and are not anticipated to affect use of migratory corridors or nursery sites."

- Additional evaluation of conclusion of LTS is required based on minimal discussion provided. Stating that the impacts are minimal does not make it so. A true analysis is required. There is plenty of evidence to suggest that the conclusion is incorrect.

"CEQA: Impacts on plant and wildlife habitats and populations would be minor in the short term and no effect for most species in the long term."

- Additional evaluation of conclusion of LTS is required based on minimal discussion provided.

"CEQA: Similar to the Proposed Action, these alternatives would include the restoration of riparian habitat but would also retain freshwater habitat."

- Additional evaluation of conclusion of LTS required based on minimal discussion provided.

"CEQA: Similar to the Proposed Action, these alternatives would include the restoration of riparian habitat but would also retain freshwater habitat."

- Additional evaluation of conclusion of Less than significant short-term, no effect long-term required based on minimal discussion provided.

80

"CEQA: Similar to the Proposed Action, these alternatives would include the restoration of floodplain channel habitat but would also retain freshwater habitat."

- Implementation of WATER-1 for the Proposed Action and the Alternatives should be evaluated further as it is unclear that there would be no net loss of waters of the United States/waters of the State. The document fails to identify and disclose that historically a lake existed in the landscape as document in the State Lands Commission Map Collection (Fresno State 2024).
- The document should clearly identify how the elimination of 2.5 acre of wetland and 55.4 acre of open water habitat that has a subsurface connection to the American River, which is a tidally-influenced and navigable water of the United States subject to Section 404 of the CWA and

81

Section 10 of the Rivers and Harbors Act of 1899 does not require mitigation for the loss of these features.

"CEQA: Similar to the Proposed Action, Alternative 4a and 4b would impact riparian habitat prioritized for protection in the American River Parkway Plan but would result in an overall increase in riparian and other high-priority habitats."

81

- It is unclear how Mitigation Measure VEG-2 reduces impacts to a less than significant level for the Urrutia Mitigation Site (Proposed Action and Alternatives 4a and 4b). VEG-2 in part reads, "Project designs will be refined to reduce impacts on vegetation and wildlife to the extent practicable." Impact reduction should be considered as part of the planning, design, and engineering process and should not be deferred as mitigation. This demonstrates that the planning, design, and engineering process is incomplete and that the mitigation.
- The document should clearly identify the habitats that are considered "other high-priority habitats."

"Waters of the state include all surface water and groundwater, including saline waters, within the State's boundaries. The RWQCBs have discretion to take jurisdiction over areas not Federally regulated under Section 401, provided they meet the definition of waters of the State. Mitigation requiring no net loss of wetlands functions and values of waters of the State is typically required by the RWQCB."

82

- The pond on the Urrutia property is likely to be considered waters of the State.

"While monitoring may be conducted by others, it is the responsibility of SCRP to coordinate and integrate any monitoring efforts into the monitoring and reporting associated with the NRMP (SCRP et al 2023). Because the [Urrutia Mitigation Site] fall under the umbrella of the NRMP and its goals, SCRP is an appropriate entity to plan, manage, delegate, and/or coordinate the monitoring of the onsite [Urrutia Mitigation Site] success as per requirements for other standard conservation or mitigation bank easements. Appendix D of the NRMP includes a comprehensive monitoring plan that may be used for this purpose (SCRP et al 2023)."

83

- Regional Parks is happy to consider taking on long-term management at the site as the mitigation site land manager. This will obviously require coordination and collaboration and after the appropriate mitigation design is approved, we would need to begin developing a specific long-term management plan for the site. This will outline the management activities, establish goals and success criteria, outline the monitoring and reporting requirements, etc., which are all necessary for starting to determine the funding needed for an endowment to manage the site. And of course, all of this would need to be done in tight coordination with USFWS and NMFS to ensure alignment and development of any additional agreements. The best way to ensure success is to ensure that the design is appropriate for the site.

"USACE will coordinate with NMFS during pre-construction engineering and design as future flood risk reduction actions are designed to ensure that conservation measures are incorporated to the extent practicable and feasible, and projects are designed to maximize ecological benefits."

- The document should provide an update on this consultation process and state if there has been agency coordination in this document. This measure was developed as part of the ARCF GRR EIS/EIR 2016 document. It is unclear if agency coordination has occurred.

84

"Monitoring for the establishment of riparian tree and shrub species within shaded riparian aquatic habitat is expected to last approximately 5 to 8 years, not to exceed 10 years. Establishment success will be based on criteria determined on a site-by-site basis with NMFS. Once the monitoring period is complete, all vegetation maintenance and monitoring will transfer and be the responsibility of then on-Federal sponsor and local maintaining agency. USACE will continue to coordinate with NMFS during all phases of construction, implementation, and monitoring by hosting meetings and issuing annual reports throughout the construction period."

85

- It is critical that long-term management plans are developed for all sites and that monitoring reports are submitted to Regional Parks and that final sign-off letters or emails are provided to Regional Parks. The past bank protection sites had at least one annual site tour with the resource agencies, project proponents, and Regional Parks. Establishing this in the long-term management plan will help ensure that all parties are in alignment about management and monitoring of the site. It will be important to continue to periodically monitor these sites even after the formal establishment monitoring period is complete. Often "success" at these sites begins to decline at these sites and statements have been made in the SEIS/SEIR to indicate the habitat at the bank protection will ultimately mitigate for the impacts (anticipated to actually be decades in the future).

"Although alteration of the riverbank and habitat creation could result in loss of SRA habitat and salmonid habitat, the restorative components of this portion of the Proposed Action would result in a net gain of SRA and salmonid habitat. Current programmatic level designs for [Urrutia Mitigation Site] have not been enumerated to provide quantitative data demonstrating this net gain. Detailed comparison of pre- and post-project fisheries conditions will be disclosed in the Final SEIS/SEIR."

- It is unclear how the analysis supports a conclusion of Less than Significant with Mitigation when the text acknowledges that the design does not allow for "provide quantitative data demonstrating this net gain." It is not appropriate to simply defer analysis to the FSEIS/SEIR. The detailed conditions and analysis need to be provided to the public and Responsible agencies prior to the final.

86

"The [Urrutia Mitigation Site] would connect an existing inactive mining pit to the American River during all flow conditions. The [Urrutia Mitigation Site] would therefore reduce the future potential for fish stranding. Fisheries"

- Fish standing is not previously discussed. This should be disclosed in the document. The document should describe how and when fish become stranded in the existing on-site pond and the conditions that have to occur for this to happen.

It is unclear how the CEQA (Less than Significant with Mitigation Incorporated) and NEPA (Short-term and Moderate and Long-term and Minor Effects that are Less than Significant with Mitigation Incorporated) conclusions are reduced to Less than Significant with Mitigation Incorporated with the implementation of WATERS-1.

87

- WATERS-1 (p. 4.1-41/799) states, "Mitigation may be accomplished through habitat replacement, enhancement of degraded habitat, off-site mitigation at an established mitigation bank, contribution of in-lieu fees, or other methods acceptable to the regulatory agencies, ensuring there is no net loss of waters of the United States."
- How is the loss of the 55-acre pond mitigated? Is the presumption that the pond is "degraded habitat"? The SEIS/SEIR has not described the environmental baseline at the Urrutia Mitigation Site, and it does not appear to mitigate for the loss of the 55-acre pond. The existing pond is a deep open water habitat. This type of habitat is uncommon and scarce in the Parkway and offers unique recreational values, as well as wildlife viewing opportunities. The document has not acknowledged that the pond serves as an important habitat for migratory waterbirds.

As noted previously, it is unclear why Alternatives 4a and 4b were advanced under CEQA only. These alternatives need to be evaluated under NEPA.
"Unlike the [Urrutia Mitigation Site], Alternatives 4a and 4b would not remove the existing stranding hazard posed by the man-made pond, and the existing risk of stranding fish in the retained portion of the pond as water recedes across the floodplain following high-water events would remain. Consequently, the presence of the pond at the completed restoration site reduces the overall habitat mitigation value of the project in regard to salmonids, as the potential stranding of fish in the pond as water recedes creates a population "sink" (recurring loss of individuals in a population due to a single cause)."

88

- The pond does represent an existing but infrequent stranding risk for fish. Both of the pond alternatives would reduce the stranding risk by reducing the size of the pond. There is also currently no fish habitat available at the site so there is currently no value for fish. The creation of fish habitat at the site will be an instant boost for fish by whatever acreage is created. The conclusion that the newly created fish habitat, where there was not before, somehow having a lower value appears to be "a glass half-empty" or an "all or nothing" perspective.

"See the end of this appendix for the complete species lists."

89

- This reference is confusing and arbitrary. The species lists are not at the end of Appendix B. The species lists are provided in Appendix D of the file ARCF_Draft-SEIS-SEIR_Appendices_Dec2023. The document should contain clear and accurate references to facilitate public and agency review.

"USACE has reinitiated consultation on the ARCF project under ESA Section 7."

90

- Impacts are not clearly disclosed in the document, please explain if USFWS and NMFS have information on species impacts that are not provided in the SEIS/SEIR.

Table 4.3-1. Special-status Species with the Potential to Occur in the Project Area

- Monarch Butterfly listing status is incorrect. Species is a federal Candidate. Species is lacking a status under CESA.
- Table should acknowledge northwestern pond turtle is known to occur (present) along the Contract 3B Sites.

91

- Table should acknowledge Swainson's hawk known occurrences along the American River project sites. The table should be consistent with the text on page 4.3-14 which discusses SWHA nest locations along the American River.
- Footnote indicates that CNPS data was run on January 12, 2021, and USFWS IPac List generated March 8, 2023. New database queries should be included in the document to support the environmental baseline and conclusions of the document. The CNPS data is over 3 years old at this time and the USFWS database was queried months ago.

"The full CNDDB and CNPS records are available at the end of this appendix."

- The species lists are provided in Appendix D of the file ARCF_Draft-SEIS-SEIR_Appendices_Dec2023. The document should contain clear and accurate references to facilitate public and agency review.

Both Table 4.3-2. ESA Species Impacts – CEQA Proposed Action and Table 4.3-3. ESA Species Effects – NEPA Design Refinements contain the following note: "Current programmatic level designs for [Urrutia Mitigation Site] and SRMS cannot provide quantitative data for species impacts. Detailed impacts to habitat will be disclosed in the Final SEIS/SEIR."

- This is unacceptable. The draft should provide these details for full disclosure.
- "In the post-project condition, it is anticipated that there would be a large net increase in freshwater emergent/seasonal wetland habitat, riparian woodland, and riverine habitats, while a reduction in grassland/upland and pond habitats would occur (HDR 2023). This would be considered the re-establishment of a former aquatic resource, resulting in a gain in aquatic resource area and functions, which does not require mitigation."

92

- It is not clear how the aquatic resource functions would be higher post-project implementation. The reference asserts that aquatic resource values would be higher but does not describe the existing functions and values associated with the existing pond. If implemented, the Proposed Action at Urrutia Mitigation Site would convert deep open water habitat that is scarce and uncommon in the Parkway to riparian forest/scrub habitats that are prevalent and very common.

93

"[Urrutia Mitigation Site] wetland and riparian habitats would increase, thus expanding available habitat for northwestern pond turtles, the only special-status reptile determined to have the potential to occur onsite. In the existing condition, the site provides marginal habitat value for northwestern pond turtle (HDR 2023)."

- If high rates of mortality of the northwestern pond turtle occur during construction and O&M activities, the special status species will not have the ability to repopulate at the Urrutia Mitigation Site. Turtles must be protected throughout the process of construction, and simply working around observed turtles or nests will not be adequate to ensure they can recover from possibly high mortality rates. Further conservation efforts, such as covering nest sites with nest cages and adding woody debris for basking sites, should be required for mitigation efforts.
- The document should clearly explain why the onsite habitat is considered marginal for the species and acknowledge the importance of grassland habitat for species nesting. The reduction of the grassland habitats and conversion to riparian scrub/forest habitat would reduce the number of nesting sites available. This would have a significant impact and it is unclear, from the description of the Proposed Action, what the mitigation is for the loss of nesting sites that would reduce the impact to less than significant. The CEQA conclusion of Less than Significant with Mitigation Incorporated and the NEPA conclusion of Short-term Significant, unavoidable; Long-term, Minor effects that are Less than Significant with Mitigation Incorporated are not supported.

"A qualified biologist would conduct a pre-construction survey within 7 days before the start of project activities. If no northwestern Pond turtles or nests are observed, USACE would document that information for the file, and no additional measures would be required."

93

- One survey is not representative of the entire mitigation site and the population of northwestern pond turtles that may reside there. Nest surveys are also not standardized or proven to be a reliable indicator of turtle populations. "The cryptic nature of pond turtle nests makes them extremely difficult to locate, even for highly skilled biologists. Until more thorough, and consistently comparable research can be conducted, we recommend that all upland areas, irrespective of slope aspect, slope incline, soil type, vegetation type, etc., be protected if it lay within 50 m of occupied or presumed occupied aquatic habitat" (Davidson & Alvarez 2020).
- Nest survey results, in addition to their lack of representation of an area, are not a dependable indicator of the reproduction rates of the northwestern pond turtle. Nest surveys are an acceptable preliminary study to explore the possible presence of turtles in the area and often require further research. "However, observations of nests—even direct observation of nesting females, with no indication of nest-site predation at the surface—cannot be correlated with emergence of neonate turtles. Despite indications in the field of nesting, determination of "successful" nesting of Northwestern Pond Turtles should be confined to observations of post-emergent hatchlings" (Alvarez 2018).
- To truly understand the extent of the northwestern pond turtle population at the Urrutia Mitigation Site and potential impacts, more extensive field studies should be performed before construction ensues.

While the man-made pond does benefit diving birds, reconnecting the floodplain to the river and restoring natural floodplain processes would provide a mosaic of functionally diverse backwater and riparian habitats that would benefit multiple species (Anderson et al. 1996, Serra-Llobet et al. 2022). The permanent floodplain habitat created would provide habitat at different times of the year that an open water feature may not. This floodplain habitat would be important to [provide] cover to

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waterfowl in mid- to late summer when local ducks are molting their flight feathers (California Department of Fish and Game 1995).

- This is the first time in the document and the only reference to the type of waterbirds that the Urrutia Mitigation Site supports, but this statement does not acknowledge the scarcity of deep-open water habitat that support wildlife not elsewhere found in the Parkway. 94
- The above statement is an acknowledgement that the conversion of a deep open water pond habitat to permanent floodplain habitat would provide a different habitat than what is on-site presently.

95 "Retain a portion of or the full extent of the existing pond would reduce the amount of floodplain mitigation, however, it would have the same effect as the Proposed Action." (page 4.3-57)

- It is unclear how the document can assert that Alternatives 4a and 4b to retain a portion of the pond at Urrutia Mitigation Site is dismissed under NEPA in light of the above statement.

Conclusion

Over the last several weeks we have heard from well over 150 Parkway stakeholders that are rightfully concerned with the adequacy of the SEIS/SEIR. Our intensive review of the draft SEIS/SEIR has identified serious flaws that must be addressed to meet the legal and procedural requirements of NEPA and CEQA. The process for involving the public and responsible agencies, including us, was inadequate for meaningful involvement in the planning process. The SEIS/SEIR is organized and presented in a way that is nearly impossible for all but the most experienced reviewers to navigate and understand.

The document also is replete with errors and inconsistencies among various sections in describing the project and its impacts. The range of alternatives considered is artificially narrow, inadequate, and/or incomplete, with no meaningful alternative presented or evaluated for bank protection methods or mitigation site locations. The environmental analyses, including impact assessment for noise, air quality, bicycle transportation, recreation, and biological resources, are inconsistent in conclusion various sections of the document and misrepresent and omit numerous environmental impacts, including some that were identified in public scoping. In particular, the impacts of bank protection to existing oak woodland and riparian habitat and recreation, as well as the effects of converting/eliminating scarce open water habitat at the Urrutia Pond are either mischaracterized or ignored.

In short, the extensive deficiencies we and others have documented demonstrate that the document is inadequate to meet the legal requirements for public review under NEPA and CEQA and prior to approval significant new information must be considered. We request that the USACE, CVFPB/DWR, and SAFCA reconsider the actions at Contract 3B North and 3B South in relation to the Contract 4B, and in coordination with the TRAC and BPWG per the original EIS/EIR, to ensure that the impacts to the Parkway are minimized and/or avoided. Additionally, we request that the remaining mitigation needs for the project be coordinated with Regional Parks and the NRMP Technical Advisory Committee. Due to multiple deficiencies that have been identified by Regional

conclusion

Parks and others we expect that significant revisions of the SEIS/SEIR are required and a recirculated document will also be required in accordance with Section 15088.5 of the CEQA Guidelines. This is necessary to not only ensure that responsible agencies and the public can have meaningful input to the process, as is legally required but also to ensure that the approval bodies can make a fully informed decision of the full extent of impacts for a range of alternatives.

It is critical that the proposed project considers a range of reasonable alternatives and provides an adequate analysis to demonstrate that project impacts to the Parkway are minimized and/or avoided to the extent feasible for both the flood control effort and the mitigation effort. Regional Parks, as the administrator of the is the state and federal Wild and Scenic management plan, is responsible for ensuring that the proposed project actions are consistent with that plan. Our conclusion is that the project within the American River Parkway, as proposed, does not meet this standard.

Cordially,

Liz Bellas,
Director of Regional Parks

cc:
Susan Rosebrough, National Parks Service
Lyla Perkola, National Marine Fisheries
Jennifer Hobbs, US Fish and Wildlife Service

SACRAMENTO METROPOLITAN
AIR QUALITY
MANAGEMENT DISTRICT

February 21, 2024

US Army Corps of Engineers
Public Affairs Office
ATTN: ARCF SEIS
1325 J Street Room 1513
Sacramento, CA 95814
Email: arcf_seis@usace.army.mil

RE: ACRF SEIS/SEIR

Dear Public Affairs Office,

Thank you for providing the proposed design refinements to the 2016 American River Watershed Common Features General Reevaluation Report, Final EIS/EIR (2016 ARCF GRR EIS/EIR), involving Magpie Creek Project (MCP); American River Erosion Contracts 3B, 4A, and 4B; Sacramento River Erosion Contract 3; American River Mitigation Site (ARMS); Sacramento River Mitigation Site (SRMS); and installation of a Piezometer Network. This Draft SEIS/SEIR supplements the 2016 ARCF GRR EIS/EIR, which authorized the overall ARCF Project, to address seepage, slope stability, erosion, and height concerns on the levees along the Sacramento and American Rivers for the purposes of flood risk management for the Sacramento Metropolitan area. Our comments are provided below.

Project Overview

1 The active (and inactive) projects shown in Figure 2.1.1-1 (pg. 54) should be updated to be consistent with the timelines and projects discussed in the report. If future emissions are projected for a project, the project should be listed as active (colored in orange), and if emissions are not forecasted, it should be listed as inactive (in yellow). For example, Tables 3.5-3 and 3.5-4 have emissions forecasted for Sacramento River Erosion Contract 2 and Lower American River Contract 3A but these projects are listed in yellow in Figure 2.1.1-1. It would also be helpful if the projects in orange had the approximate future years when construction would continue.

> Recommendation: Please update Figure 2.1.1-1 to be consistent with the projects that have been completed and our ongoing and put the future years underneath the projects that will be completed in the future.

Air Quality - Chapter 5.1.11

Section 3.5.1 Existing Conditions/Affected Environment

The Proposed Action is broken down into two air basins: Sacramento Valley Air Basin (SVAB) and San Francisco Bay Area Air Basin (SFBAAB). Although the SFBAAB corresponds to the Bay Area Air Quality

Management District boundaries, the SVAB corresponds to multiple air district boundaries and not just one. The SVAB consists of Butte, Colusa, Glenn, Placer, Sacramento, Shasta, Feather River (Yuba and Sutter), Tehama, and Yolo-Solano Air Districts.[1] However, the SEIS Report and analysis (see impact discussion) does not recognize that there are multiple air districts in the SVAB and that each air district does not have the same criteria pollutant designation and classification. Table 3.5-1 and the air quality boundary discussion makes it appear that the attainment status for all the Districts and all the pollutants in the SVAB is identical, which is not the case.

Within the SVAB, each air district has jurisdictional authority over their own boundary and is designated and classified based on its air quality status. Out of the eleven Air Districts mentioned in the SVAB, the ozone nonattainment area for Sac Metro Air District which includes Sacramento County, Yolo Solano Air Quality Management District (YSAQMD) which includes Yolo and Solano Counties, Feather River Air District (FRAQMD) which includes Sutter County, and Placer County Air District (PCAPCD) which includes Placer County are all classified as severe for the 2008 NAAQS and serious for the 2015 NAAQS. Each of these four air districts, along with El Dorado County Air Quality Management District (EDCAQMD) form the Sacramento Federal Nonattainment Area (SFNA).[2, 3] Each of the other counties in the SVAB correspond to their own unique air district and are classified for ozone as marginal or attainment.[4]

2

Recommendation: Clarify in Table 3.5-1 and the corresponding text in the report that the nonattainment boundaries and their corresponding classification are not the same for all the air district's in the SVAB and that a nonattainment/attainment area can be composed of individual or multiple air districts.[5] Clarify which districts in the SVAB are severe in attainment for ozone and that de minims thresholds are based on the classification of the nonattainment area (i.e. the de minimis thresholds for a severe-15 area are different than a moderate or serious area). Also, please clarify that the PM_{10} boundaries only include Sacramento County and not any Districts that border Sacramento County.

Also, there is no map showing the boundaries of the air basins and/or the Air Districts.

3

Recommendation: Include a map showing the boundaries for the Air Districts that are included and will be impacted as part of this study. This map should also clarify that non-attainment/attainment classification boundaries are different for each pollutant (i.e., the nonattainment boundaries for ozone, $PM_{2.5}$ and PM_{10} are all different).

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1 Air Districts in California - https://ww2.arb.ca.gov/california-air-districts

2 The Sacramento Federal Nonattainment Area (SFNA) consists of five air districts - SMAQMD, YSAQMD, EDCAQMD, PCAPCD and FRAQMD.

3 These boundaries are unique for ozone - both $PM_{2.5}$ and PM_{10} (particulate matter of 2.5 microns or less and 10 microns or less) have different boundaries.

4 https://archive.epa.gov/ozonedesignations/web/html/region9f.html

5 Nonattainment and Attainment boundaries: https://www3.epa.gov/airquality/greenbook/hbcty.html and https://archive.epa.gov/ozonedesignations/web/html/region9f.html

Section 3.5.2 Applicable Laws, Regulations, and Plans

4 Under discussion of Sacramento Metropolitan Air Quality Management District (pg. 3.5-5), it should be clarified in footnote 1 that although the Sacramento Region was designated as "serious" nonattainment for the 2015 NAAQS, the nonattainment area air districts have submitted a voluntary reclassification request to "severe". This letter is available under the air district website[6] (see footnote under 2015 NAAQS). The adopted 2015 Ozone NAAQS State Implementation Plan was based on the "Severe" classification.

Recommendation: Update Footnote 1 to reflect that a letter was sent by SFNA air districts requesting a reclassification from "serious" to "severe-15."

Section 3.5.3 Analysis of Environmental Effects

5 The Analysis Methodology states that "for the Sacramento River Erosion Contract 3 component, modeling conducted by Dutra Group for Contract 2 was relied upon." There is no footnote or explanation why modeling for Contract 2 was used for Contract 3. The modeling assumptions and information used to determine emissions for Contract 3 would be different than Contract 2. In Appendix C there are also CalEEMod Results for Sacramento River Erosion Contract 3 but no results for Contract 2 (and Contract 2 is listed as inactive in Figure 2.1.1-1 (see previous comment)).

Recommendation: Explain why Contract 2 was used as a proxy for Contract 3. Please provide substantial evidence backing up why data and information for Contract 2 was used for Contract 3. Include CalEEMod Results for Sacramento River Erosion Contract 2 in Appendix C.

Section 3.5.3 - Tables 3.5-3 and 3.5-4

The following comments clarify corrections and inconsistencies in Tables 3.5-3 and 3.5-4.

Tables 3.5.3

6 1) The Sacramento Weir and Bypass will take place in Yolo County (see Section 5.0.0.1, pg. 5-2) and therefore PM_{10} emissions from the Sacramento Weir should be separated out since it is not part of the Sacramento County PM_{10} Planning Boundaries (a similar comment was also noted under Table 3.5-4).
Recommendation: Please provide a footnote and also separate out emissions for the Sacramento Weir Project

7 2) The CEQA Threshold for $PM_{2.5}$ is 82 lbs/day not 80 lbs/day.
Recommendation: Please correct threshold for $PM_{2.5}$

Table 3.5-4

1) Incorrectly states that the General Conformity de minimis thresholds are 25 tons per year (tpy) for both PM_{10} and $PM_{2.5}$, respectively and 100 tpy for ROG and NO_X, respectively. The thresholds are reversed and should be 25 tpy for ROG (Sacramento Federal Ozone Nonattainment Area for O_3), 25 tpy for NO_X (SFNA-O_3), 100 tpy for PM_{10} (Sacramento County

6 See: https://www.airquality.org/Businesses/Air-Quality-Plans

8 only) and 100 tpy for $PM_{2.5}$ (Sacramento Federal Nonattainment Area for $PM_{2.5}$). This also affects the subsequent determination for meeting General Conformity requirements.
Recommendation: Correct de minimis threshold levels

9 2) The mitigated ARCF Project NO_X emissions for 2024 are shown as 29.56 tpy which is above the general conformity de minims threshold. It is the District's understanding that the Corps plans on purchasing Emissions Reduction Credits (ERCs)to offset the mitigation needed for NO_X in 2024.[7] Please also clarify how NOx emissions will be offset in 2025 and 2026.
Recommendation: Please indicate that ERCs will probably be purchased from Sac Metro Air District for NO_X.

3) After fixing the thresholds errors stated in (1), the mitigated NO_X emissions for 2025 and 2026 exceeded the general conformity de minims levels and fails to meet the General Conformity Requirements.
Recommendation: Please discuss how this project will meet the general conformity requirements and offset the NO_X emissions to zero.

10 4) The unmitigated ROG emissions for 2026 are lower than mitigated ROG emissions.
Recommendation: Please check the numbers.

11 5) PM_{10} has different air quality planning boundaries than $PM_{2.5}$ and ozone (see previous comment regarding air district boundaries).[8] Changes need to reflect that the PM_{10} boundaries just include Sacramento County. Certain Corps projects (such as the Sacramento Weir) are in Yolo County and therefore should be separated out and these emissions should not be included in determining general conformity. The ARCF Project PM_{10} Emissions for Sacramento County should be adjusted to reflect this change.
Recommendation: Include a separate emissions table for PM_{10} emissions from Yolo County and include a footnote. Emissions from the Weir should also be subtracted out from the total for each of the years.[9]

Section 3.5.3, Effect Analysis (No Action Alternative)(pg. 3.5-18)

12 The second paragraph states that implementing enhanced exhaust control practices will reduce annual construction emissions below the de minims threshold for NO_X. Table 3.5-4 and previous text support the conclusion that even with those measures that emissions will still exceed the de minimis thresholds and ERCs will need to be purchased for NO_X.

Recommendation: Clarify that the reason emissions are below the de minims thresholds is because the Corps will be purchasing ERCs.

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7 The ACOE is also above the general conformity thresholds for NO_X in 2025 (52.36 tpy) and 2026 (45.83 tpy) so ERCs or additional mitigation will be required. NOx emissions for 2027 (5.85 tpy) was below the threshold.

8 The boundaries of theses pollutants can be found at https://www.airquality.org/Businesses/Air-Quality-Plans.

9 In 2025, Mitigated PM_{10} emissions were 106.66 tpy[9] which is just above the threshold of 100 tpy. However, when PM_{10} mitigated emissions from the Sacramento Wier (44.41 tpy) are subtracted the ACOE will be below the threshold of 100 tpy.

Mitigation Measure AIR-4 (pg. 3.5-24)

13 The report states that the USACE anticipates purchasing ERCs for NO_X emissions in 2024 through 2027 because the projects will exceed the de minims threshold. However, NO_X emissions based on Table 3.5-4 are not expected to exceed the de minims threshold in 2027, just 2024 through 2026.

Recommendation: Clarify that NO_X emissions will not exceed the de minimis threshold in 2027.

Mitigation Measure AIR-5 (pg. 3.5-24)

14 The CalEEMod Results (see Appendix C) show a M2 engine was used in Phase 1 through 5 which resulted in high NO_X emissions (this comment is also noted in the Appendix C evaluation section of this letter). Renewable diesel should be required to be used for tier 2 (or lower) marine engines to reduce emissions from the project. This could potentially be added as an additional mitigation measure.

Recommendation: Clarify if renewable diesel was assumed as part of the mitigation and if not recommend that there is used for Tier 2 engines.

CEQA Thresholds Exceedances for Particulate Matter

15 Although it appears that Particulate Matter ($PM_{2.5}$ or PM_{10}) emissions will not exceed the de minimis thresholds, both $PM_{2.5}$ and PM_{10} will exceed the construction thresholds which the District has in place for PM_{10} of 80 pounds/day and 14.6 tons/year and for $PM_{2.5}$ of 82 pounds/day and 15 tons/year. It is not clear if mitigation measures AIR-1, AIR-2 and AIR-3 will reduce PM emissions (see pages 3.5-21 through 3.5-23) will be sufficient to reduce PM emissions below the thresholds. If not, the Corps will be required to pay mitigation fees for PM emissions that exceed the CEQA thresholds. Currently the mitigation fee rate is $30,000/ton.[10]

Recommendation: Address how mitigation will address exceedances of Particulate Matter thresholds.

Health Risk Screening

16 Health risk screening was not completed for this project although sensitive receptors may potentially be impacted by many of these projects (see page 3-5.1, Sensitive Receptors). An initial screening would show if these sensitive receptors would be impacted and if additional analysis is warranted. Sac Metro Air District's guidance adopted in October 2020 can be used to determine the health effects.[11]

Recommendation: Conduct an initial health risk screening and additional analysis is warranted.

Greenhouse Gas (GHG) Emissions, Climate Change and Energy Consumption - Chapter 5.1.11

Section 3.6.2.3 (pg. 3.6-6)

The discussion of Sac Metro Air District should include the GHG emissions thresholds that were established for project construction[12] and Chapter 6 in Sac Metro Air District's Guide to Air Quality

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10 See emissions fees: https://www.airquality.org/businesses/ceqa-land-use-planning/mitigation

11 Guidance to Address the Friant Ranch Ruling for CEQA Projects in the Sac Metro Air District. See: https://www.airquality.org/LandUseTransportation/Documents/SMAQMDFriantRanchFinalOct2020.pdf.

12 See: https://www.airquality.org/LandUseTransportation/Documents/CH2ThresholdsTable4-2020.pdf

Assessment in Sacramento County (CEQA Guide).[13] Section 6.2, Analysis Expectations, discusses recommendations that the CEQA analysis use in discussing the potential impacts of project generated GHG emissions. 17

Discussion of Mitigation Measure GHG-1 (pg.701)

Please look at other sources for GHG mitigation measures to implement. This includes CARB's Final 2022 Scoping Plan[14] for Achieving Carbon Neutrality (2022 Scoping Plan). This Plan lays out a path to achieve targets for carbon neutrality and reduce anthropogenic greenhouse gas (GHG) emissions by 85 percent below 1990 levels no later than 2045, as directed by Assembly Bill 1279. Other resources include CAPCOA's greenhouse gas handbook.[15] 18

ARCF Comprehensive Appendices

Appendix C: Air Quality Data

Appendix C presented the CalEE Mod data reports for the Corps projects discussed in the ACOE Supplemental Report. Appendix C provided the following CalEE Mod Runs:

- Magpie Creek (Analysis Years: 2027) (pgs. 59 – 180)
- American River Contract 3B, Site 3-1 (Analysis Years: 2024 and 2025) (pgs. 181 – 252)
- American River Contract 3B, Site 4-2 (Analysis Years: 2025 and 2026) (pgs. 253 - 306)
- American River Contract 4A (Analysis Years: 2025) (pgs. 307 - 378)
- Sacramento River Erosion Contract 3 (Analysis Years: 2025 and 2026) (pgs. 379 - 439)
- Barge Emissions (Phases 1 through 5) (pgs. 440 - 446)
- American River Mitigated Emissions (Analysis Years: 2024 and 2025) (pgs. 447 - 528)
- Sacramento River Mitigated Emissions (Analysis Years: 2024 and 2025) (pgs. 529 - 597)

Issues

There are discrepancies between the emissions, analysis years, and project names for the projects listed above (included in Appendix C - CalEEMod runs) and Tables 3.5-3 and 3.5-4. Below are some examples of these discrepancies.

1) For example, it is not clear how the emissions shown on Table Tables 3.5-3 and 3.5-4 for American River Contract Site 3B Erosion Improvements corresponds to the emissions shown in the CalEEMod Project Results. If this is a combination of emissions from Contract 3, Sites 3-1 and 4-2 it should be clarified, and the combination of emissions should add up to what is shown in Tables 3.5-3 and Recommendation: Make sure the names and emissions in CalEEMod are consistent with emissions show on Table 3.5-3 and 3.5-4. 19
2) There did not appear to be any detailed emissions analysis for the Sacramento Weir. Recommendation: Clarify where the emissions estimates are for Sacramento Weir. 20
3) There was no CalEEMod Run for the emissions shown in Tables 3.5-3 and 3.5-4 for Sacramento River Erosion Contract 2. It should also be clarified the rationale/justification behind using Contract 3 as a proxy for Contract 2 (see previous comment). 21

[13] See: https://www.airquality.org/LandUseTransportation/Documents/Ch6GHG2-26-2021.pdf
[14] Scoping Plan: https://ww2.arb.ca.gov/sites/default/files/2022-12/2022-sp.pdf
[15] CAPCOA Handbook: https://caleemod.com/handbook/index.html

Recommendation: Include CalEEMod Run for Contract 2

4) CalEE Mod has results for an American River Contract 4A for 2025 but there are no results for this project shown in Tables 3.5-3 and 3.5-4. Conversely, there are emissions for Sacramento River Erosion Contract 4 for 2024 but no CalEEMod Runs are shown for this project. 22
Recommendation: Make sure CalEEMod Results are consistent with Table 3.5-3 and 3.5-4.

5) CalEEMod Runs for American River and Sacramento River Mitigation projects only show CalEEMod results for 2024 and 2025 but Tables 3.5-3 and 3.5-4 show emissions for both projects for 2026 and American River for 2027. 23
Recommendation: Make sure CalEE Mod Results are consistent with Table 3.5-3 and 3.5-4.

Master Sheet Data

Off Road Equipment (Appendix C pg. 440 of 839 - Phase 1)

The Master Sheet Data shows several pieces of equipment as Tier 2 or lower. The NO_X emissions rates (see 11th column) from this equipment is extremely high[16] and emissions can be reduced by using Tier 3 or 4 equipment instead: 24

- Line 1 has a Tier 0 crane and line 4 has Tier 2 crane
- Line 21 has a Tier 1 grader

This is also inconsistent with mitigation measure AIR-3 (see pg. 3.5-22 of Report) which states that Tier 0 and uncontrolled engines are prohibited from use in the project. Also, AIR 3 requires a project-wide fleet average of 90 percent Tier 4 emissions vehicles.[17] CARBs off road regulations also bans adding Tier 0, Tier 1 or Tier 2 vehicles to a fleet so it should be confirmed that any equipment that is Tier 2 or lower is part of the existing fleet .[18]

Recommendation: Evaluate compliance of off-road construction equipment vehicles which are Tier 2 or lower with regulatory requirements.

Marine equipment pgs. 440 – 445 – Phases 1 through 5

A tugboat is included in Phases 1 through 5 which is listed as M2. The high NO_X emissions from the tugboat might be reduced through the use of renewable diesel or by using a M3 (or M4) tugboat (10% for NO_X and CO; 30% for PM_{10} and $PM_{2.5}$).[19] 25

Recommendation: Use renewable diesel or an M3 tugboat.

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16 A single Tier 0 offroad engine has up to 80 times higher emissions per hour compared to a new Tier 4 Final engine (https://ww2.arb.ca.gov/resources/fact-sheets/fact-sheet-added-vehicle-restrictions-and-tier-phase-out-requirements)

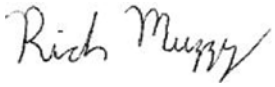
17 To determine compliance with this requirement for each piece of equipment multiply the engine horsepower by the hours used. Ninety percent (90%) of the total horsepower hours should be from Tier 4 equipment.

18 See: https://ww2.arb.ca.gov/sites/default/files/offroadzone/pdfs/offroad_booklet.pdf

19 See: California Environmental Protection Agency. 2015. *Staff Report Multimedia Evaluation of Renewable Diesel*. May. Prepared by the Multimedia Working Group. Sacramento, CA (see pg. 7)

Please contact me at rmuzzy@airquality.org if you have any questions regarding these comments.

Sincerely,



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