APPENDIX D

Response to Comments on the Draft General Conformity Determination American River Common Features (ARCF) 2016

RESPONSE TO COMMENTS ON THE DRAFT GENERAL CONFORMITY DETERMINATION for AMERICAN RIVER WATERSHED COMMON FEATURES 2016 PROJECT

June 8, 2020

On March 23, 2020 the USACE Sacramento District made public a Draft General Conformity Determination for American River Watershed Common Features, Water Resources Development Act of 2016 Project (ARCF 2016 Project) through a notice of availability printed in the Sacramento Bee newspaper. This public notice initiated a 30-day public review and comment period in accordance with 40 CFR 156. The Draft General Conformity Determination and notice of availability were posted publicly on the USACE Sacramento District ARCF 2016 Project website. Due to COVID-19 pandemic business operations, the public comment period was extended until May 1, 2020. The USACE received the following comment letters (included after the responses):

Comment No.	Commenter	Received
Letter 1	Sacramento Metropolitan Air Quality Management District (SMAQMD)	April 16, 2020
Letter 2	Wilton Rancheria	April 23, 2020
Letter 3	U.S. EPA (Environmental Protection Agency), Region IX, Air Planning	April 23, 2020

Comment Letter 1 – Sacramento Metropolitan Air Quality Management District

Response to Comment

The Commenter stated their commitment to assist the USACE in reducing ARCF 2016 project emissions to below General Conformity *de minimis* thresholds "by providing a nitrogen oxide (NOx) emission reduction credit loan to mitigate emissions occurring in Sacramento County during calendar years 2022 and 2023." The Commenter affirmed that the emissions estimates, emission reduction credit loan process, and milestones are reflected in the Draft GCD. Measures intended to mitigate the air quality impacts are identified on pages 10-11. Mitigation measures discuss the SMAQMD Emission Reduction Credit implementation process and timeframes for the ARCF 2016 Project.

The USACE thanks the Commenter for cooperatively supporting mitigation measures for air quality impacts.

Comment Letter 2 – Wilton Rancheria

Response to Comment

The Commenter requested a copy of the Draft GCD and a phone call to discuss the Determination. The USACE provided an electronic copy of the Draft GCD to the Commenter. The USACE also left a voicemail for the Commenter, identifying the USACE technical staff contact to discuss the Draft GCD and answer questions. The USACE did not receive a return phone call or subsequent email from the Commenter.

Comment Letter 3 – U.S. EPA, Region IX, Air Planning Office

Response to Comment

The Commenter recommended revision clarifying that NOx emissions offsets would occur within the SFONA (regardless of which Air Quality Management District provides the offsets). The Final GCD has been revised to clarify the geographic requirement – that emissions offsets occur within the relevant nonattainment area (p. 11 and Appendix A, A-1).

SACRAMENTO METROPOLITAN
AIR QUALITY
MANAGEMENT DISTRICT

Alberto Ayala, Ph.D., M.S.E.
AIR POLLUTION CONTROL OFFICER

April 16, 2020

General Conformity Determination ARCF 2016 - Planning Team
U.S. Army Corps of Engineers, Sacramento District
1325 J Street
Sacramento, CA 95814

RE: American River Watershed Common Features 2016 Project, Draft General Conformity Determination (SAC201301442)

To Whom It May Concern:

Thank you for providing the Sacramento Metropolitan Air Quality Management District (Sac Metro Air District) with the Draft General Conformity Determination (GCD) for the American River Watershed Common Features 2016 Project (ARCF). The Sac Metro Air District is mandated by California Health and Safety Code §40961 to represent the citizens of Sacramento in influencing the decisions of other agencies whose actions may have an adverse impact on air quality. Consequently, Sac Metro Air District staff has worked closely with U.S. Army Corps of Engineers staff to ensure the ARCF Project will not inhibit air quality attainment efforts in the Sacramento region.

Sac Metro Air District is committed to assist the U.S. Army Corps of Engineers by providing a nitrogen oxide (NOx) emission reduction credit loan to mitigate emissions occurring in Sacramento County during calendar years 2022 and 2023. The loan is necessary since on-site mitigation measures are not enough to reduce project emissions below the General Conformity de minimis NOx threshold. The emissions estimates, loan process, and milestones are reflected in the Draft GCD.

We look forward to continuing to work with the U.S. Army Corps of Engineers on this important flood protection project.

Sincerely,

Alberto Ayala, Ph.D., M.S.E.
Executive Director/Air Pollution Control Officer

cc: Mr. Mark Loutzenhiser, Sac Metro Air District, Planning and Coordination Division Manager
Kevin Williams, Ph.D., Sac Metro Air District, Rules/Emissions Credit/Inventory Program Supervisor
Mr. Jaime Lemus, Sac Metro Air District, Transportation and Climate Change Division Manager
Mr. Paul Philley, Sac Metro Air District, CEQA and Land Use Program Supervisor
Ms. Karen Huss, Sac Metro Air District Associate Planner/Analyst

From: [redacted] USARMY CESPK (USA)
To: [redacted] USARMY CESPK (USA)
Subject: FW: ARCF 2016 Draft General Conformity Determination comment period extended until May 1, 2020
Date: Thursday, April 23, 2020 2:13:34 PM
Attachments: image001.png

Wilton Rancheria is requesting a copy of the General Conformity document and a phone call to discuss. See below.

-----Original Message-----
From: SPK-PAO SPK
Sent: Thursday, April 23, 2020 2:04 PM
To: [redacted] USARMY CESPK (USA) [redacted]>
Subject: FW: ARCF 2016 Draft General Conformity Determination comment period extended until May 1, 2020

[redacted]
Public Affairs Specialist
U.S. Army Corps of Engineers - Sacramento District
1325 J St. - Sacramento, CA 95814
[redacted]
Phone: [redacted]

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Watch us on YouTube - www.youtube.com/sacramentodistrict
Follow us on Twitter - www.twitter.com/USACESacramento

-----Original Message-----
From: [redacted] [mailto:[redacted]@wiltonrancheria-nsn.gov]
Sent: Thursday, April 23, 2020 11:30 AM
To: SPK-PAO SPK <SPK-PAO@usace.army.mil>
Subject: [Non-DoD Source] RE: ARCF 2016 Draft General Conformity Determination comment period extended until May 1, 2020

Good morning [redacted],

Is there any way I can request the draft document from you and we can set up a call to discuss this?

Thank you

[redacted]

Wilton Rancheria

Tel: [redacted] | Fax: [redacted]

9728 Kent Street | Elk Grove | CA | 95624

[redacted]@wiltonrancheria-nsn.gov <mailto[redacted]@wiltonrancheria-nsn.gov>

wiltonrancheria-nsn.gov <Blockedhttp://wiltonrancheria-nsn.gov/>

From: [redacted] USARMY CESPK (USA) <[redacted]> On Behalf Of SPK-PAOSPK
Sent: Thursday, April 23, 2020 8:22 AM
Subject: ARCF 2016 Draft General Conformity Determination comment period extended until May 1, 2020

USACE Sacramento District will consider public review comments on the Draft General Conformity Determination for American River Watershed Common Features Project (ARCF 2016) received by May 1, 2020. Please see the attached updated notice for more details.

Download the Draft General Conformity Determination for ARCF 2016 at: Blockedwww.sacleveeupgrades.com <Blockedhttp://www.sacleveeupgrades.com>

A public comments legal notice for the Draft General Conformity Determination appeared last month in the Sacramento Bee.

From: [redacted] CIV USARMY CESPK (USA)
To: [redacted]@wiltonrancheria-nsn.gov
Bcc: USARMY CESPK [redacted])
Subject: Draft General Conformity Determination - ARCF 2016 (UNCLASSIFIED)
Date: Monday, April 27, 2020 12:08:00 PM
Attachments: GenConformDeterm_DRAFT_and_AppdxA_2020Mar.pdf
AppdxC_EmissxnsTablesUpdated.pdf

CLASSIFICATION: UNCLASSIFIED

Good Day [redacted],

I just left you voicemail at your office extension with this info about copies of the Draft General Conformity Determination for American River Common Features (2016) levee upgrades. For your convenience, I'm attaching the Draft Determination and updated emissions tables.

These Draft General Conformity Determination files and the modeling data are all available to download on the project website:
| https://www.spk.usace.army.mil/Missions/Civil-Works/Sacramento-Levee-Upgrades/

- Scroll down to: "Current Common Features Report"

Please give me a call if you would like to discuss any technical questions or review comments.

Thank you.

[redacted]

—
[redacted]
Environmental Manager
U.S. Army Corps of Engineers
Sacramento District - Planning Division
Environmental Analysis Section
1325 J St.
Sacramento, CA 95814
[redacted]

CLASSIFICATION: UNCLASSIFIED

From: [redacted] USARMY CESPK (USA)
To: [redacted] USARMY CESPK (USA)
Subject: RE: ARCF 2016 Draft General Conformity Determination comment period extended until May 1, 2020 (UNCLASSIFIED)
Date: Friday, April 24, 2020 6:52:00 PM
Attachments: GenConformDeterm_DRAFT_and_ApdxA_2020Mar.pdf
AppdxC_EmissxnsTablesUpdated.pdf

CLASSIFICATION: UNCLASSIFIED

Draft General Conformity Determination can be downloaded:
https://www.spk.usace.army.mil/Missions/Civil-Works/Sacramento-Levee-Upgrades/
(Scroll down to: "Current Common Features Report")

Attached: Draft General Conformity Determination w/ Appendices A and C.
Appendix B is simply too large to email, but it can be downloaded from the website.
For USACE, it's on ProjectWise (pw://COE-SPKPWS01SAC.spk.ds.usace.army.mil:coe-spkpws01sac.spk.ds.usace.army.mil/Documents/D{dbbbe44f3-4c08-4f88-be89-fa5172d60b42}

**REMINDER: Please delete the red banner on sacleveeupgrades.com that says:
"Public comment period for Sacramento Weir scoping closes on May 1, 2020."

Thank you.

[redacted]

[redacted]
Environmental Manager
U.S. Army Corps of Engineers
Sacramento District - Planning Division
Environmental Analysis Section
1325 J St.
Sacramento, CA 95814
[redacted]

-----Original Message-----
From: [redacted] CIV USARMY CESPK (USA)
Sent: Thursday, April 23, 2020 2:14 PM
To: [redacted] CIV USARMY CESPK (USA) [redacted]
Subject: FW: ARCF 2016 Draft General Conformity Determination comment period extended until May 1, 2020

Wilton Rancheria is requesting a copy of the General Conformity document and a phone call to discuss. See below.

-----Original Message-----
From: SPK-PAO SPK
Sent: Thursday, April 23, 2020 2:04 PM
To: [redacted] CIV USARMY CESPK (USA) [redacted]@usace.army.mil>
Subject: FW: ARCF 2016 Draft General Conformity Determination comment period extended until May 1, 2020

[redacted]
Public Affairs Specialist
U.S. Army Corps of Engineers - Sacramento District

1325 J St. - Sacramento, CA 95814
[redacted]
Phone: [redacted]

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Watch us on YouTube - www.youtube.com/sacramentodistrict
Follow us on Twitter - www.twitter.com/USACESacramento

-----Original Message-----
From: Mariah Mayberry [mailto[redacted]@wiltonrancheria-nsn.gov]
Sent: Thursday, April 23, 2020 11:30 AM
To: SPK-PAO SPK <SPK-PAO@usace.army.mil>
Subject: [Non-DoD Source] RE: ARCF 2016 Draft General Conformity Determination comment period extended until May 1, 2020

Good morning Tyler,

Is there any way I can request the draft document from you and we can set up a call to discuss this?

Thank you

[redacted]

Wilton Rancheria

Tel: [redacted] | Fax: [redacted]

[redacted]

[redacted]@wiltonrancheria-nsn.gov <mailto[redacted]@wiltonrancheria-nsn.gov>

wiltonrancheria-nsn.gov <Blockedhttp://wiltonrancheria-nsn.gov/>

From: [redacted]) <[redacted]> On Behalf Of SPK-PAO SPK
Sent: Thursday, April 23, 2020 8:22 AM
Subject: ARCF 2016 Draft General Conformity Determination comment period extended until May 1, 2020

USACE Sacramento District will consider public review comments on the Draft General Conformity Determination

for American River Watershed Common Features Project (ARCF 2016) received by May 1, 2020. Please see the attached updated notice for more details.

Download the Draft General Conformity Determination for ARCF 2016 at: Blockedwww.sacleveeupgrades.com <Blockedhttp://www.sacleveeupgrades.com>

A public comments legal notice for the Draft General Conformity Determination appeared last month in the Sacramento Bee.

CLASSIFICATION: UNCLASSIFIED

From: Kelly, ThomasP
To: [redacted]
Cc: [redacted] USARMY CESPK (USA)
Subject: [Non-DoD Source] RE: Pre-public release: Draft General Conformity Determination -- ARCF 2016
Date: Monday, March 23, 2020 12:35:12 PM
Attachments: image003.png

I have two comments, the second of which is more of an informational and does not need to result in a change to the conformity determination.

Appendix A, the Offset Agreement with Yolo Solano Air Quality Management District (Appendix A calls it a Maintenance District) states:

> NOX emissions generated by the ARCF 2016 Project within the YSAQMD jurisdiction will be offset within the District's boundary.

While NOX emissions may be offset within the YSAQMD boundary, they must also be offset within the Sacramento Federal Ozone Nonattainment Area (SFONA), where the project is occurring. While all of Yolo County is part of the SFONA, only part of Solano County is part of SFONA. Therefore, Appendix A should state that all emissions will be offset within the District's boundary and also within the SFONA. If your schedule does not allow the draft agreement to be revised prior to public notice, keep the current language in the draft conformity determination; however, this change should be incorporated into the final conformity determination.

The conformity also determination states, "a mitigation offset agreement will be maintained with YSAQMD to offset NOX emissions occurring within the YSAQMD boundary" (page 10). Presumably emissions within SMAQMD will also be mitigated within that District. This is acceptable to EPA, but not a requirement of the general conformity regulations. Emissions occurring within the nonattainment area may be offset with emission reductions anywhere within the nonattainment area. Appendix A implies as much by noting, "NOX emissions generated outside of the YSAQMD jurisdictional boundary may also be offset within the YSAQMD boundary with agreement from another local air quality agency with jurisdiction over the emissions and within the SFONA."

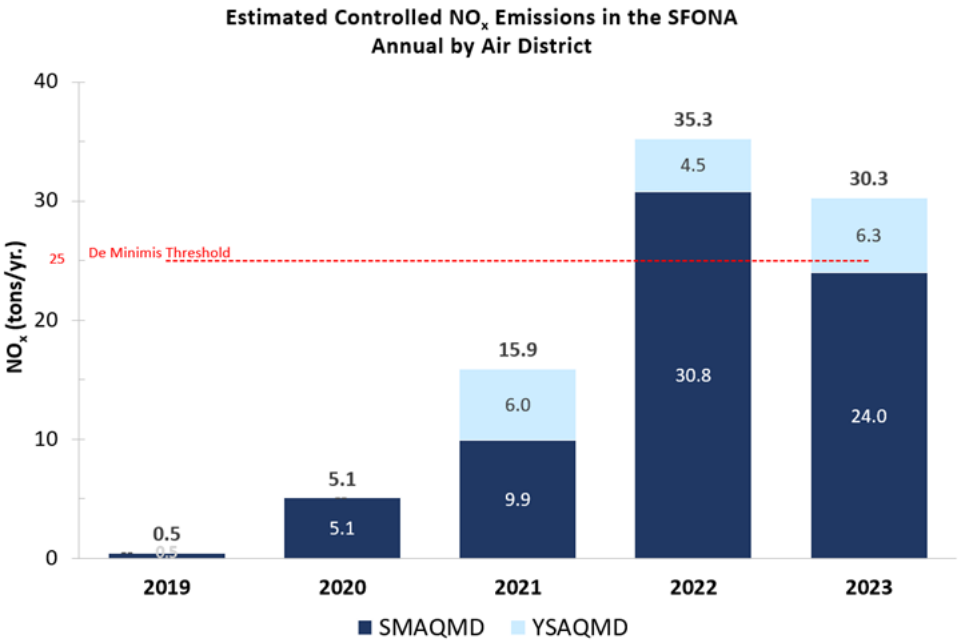
Please follow up with me if you have questions and thanks for the opportunity to review the determination prior to its release to the public.

Tom Kelly | U.S. EPA Region IX | Air Planning Office (AIR-2) | 75 Hawthorne Street, San Francisco, CA 94105 | (415) 972-3856

From: [redacted]
Sent: Thursday, March 19, 2020 3:27 PM
To: Kelly, ThomasP <Kelly.ThomasP@epa.gov>
Cc: [redacted]usace.army.mil>
Subject: Pre-public release: Draft General Conformity Determination -- ARCF 2016

Good Afternoon Mr. Kelly,

Thank you for answering my questions this afternoon about NOx offsets and GC Determination timing. Please find the attached pre-public release Draft GC Determination for the ARCF 2016 Project by the USACE Sacramento District, which we discussed. Appendix C includes the relevant emissions estimates referenced in the document and shown in this graphic below. I'm omitting the lengthy technical Appendix B (detailed emissions modelling). I appreciate your feedback on the Draft GC Determination document.



At this point, the project aims to begin the public review comment period by the end of March. As I mentioned, our office and local business operations are affected by current County public health guidance. And my normal office email server is not accessible. Please reply all.
Thank you.

V/R,

[redacted]

[redacted]
Environmental Manager
USACE - Sacramento District
Planning Division, Environmental Analysis Section
[redacted]