

Errata Sheet

No. 1

American River Watershed Common Features, Water Resources Development Act of 2016 American River Contract 2, Supplemental Environmental impact Statement/Supplemental Environmental Impact Report (SEIS/SEIR) (Proposed Action)

March 2022

The United States Army Corps of Engineers (USACE) completed a Final SEIS/SEIR in September 2021, and a Record of Decision (ROD) was issued on January 16, 2022 for the Proposed Action. Due to administrative oversight at USACE, the project delivery team did not receive a public comment letter from Save the American River Association (SARA) during the normal public comment period resulting in the need for this Errata Sheet to be added to the Final SEIS/SEIR addressing the SARA comment Letter. The following comment letter (1) and response (2) to these comments is hereby included in the Final SEIS/SEIR.

NOTE: Responses below are keyed to comments in SARA's letter (1) by the identifiers shown adjacent to each entry. SARA's letter is designated as Letter O4, since it was the fourth comment letter received from an organization. Reference numbers added to the right margin of SARA's letter link SARA's comments to responses showing the corresponding number.

1. SARA Letter Bracketed

Letter O4



Save the American River Association

8836 Greenback Lane, Suite C • Orangevale, CA 95662

916-936-4555 • E-mail: info@SARAriverwatch.org • www.SARAriverwatch.org

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July 16, 2021

Public Affairs Office

U.S. Army Corps of Engineers

1325 J Street, Room 1513

Sacramento, CA 95814

By email: spk-pao@usace.army.mil

Flood Projects Office

Department of Water Resources

3464 El Camino Avenue, Room 200

Sacramento, CA 95821

By email: PublicCommentARCF16@water.ca.gov

Subject: American River Contract 2: Draft Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report

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To Whom It May Concern:

These are the comments of the Save the American River Association (SARA) on the Draft American River Watershed Common Features, Water Resource Development Act of 2016, American River Contract 2: Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report (DSEIS/SEIR) dated June 2021.

On the whole we are pleased with the design of the flood protection portions of the project being proposed. We compliment the U.S. Army Corps of Engineers (USACE), the Lower American River Task Force Bank Protection Working Group (BPWG), and the various agencies, non-governmental organizations, and interested individuals in the BPWG for an outstanding job. The incorporation of various vegetation and fisheries elements into the designs is most impressive.

However, we are surprised at the extent to which these designs have apparently resulted in requirements for off site mitigation. Also, we are disturbed by the radical reworking of the Arden Pond area, and also have concerns about the impact of the Rossmoor Bar East and West proposals on grasslands, as elaborated below.

American River stakeholders strongly value the existing Arden Pond as an important and unusual habitat in the Parkway. Pond habitat with calm

O4-2

O4-3

water is unusual in the Parkway. It provides opportunities to birds for nesting, resting, and foraging. It also provides an unusual opportunity for

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recreational and educational experiences. According to the public review draft of the American River Parkway Natural Resources Management Plan (DNRMP) (Sacramento County 2021), p. 8-75, the area is a “birding” hotspot with 189 species recorded in *eBird* over the last 5 years.

In regard to the proposed changes to the Arden Pond area, we find it difficult to follow what the proposals actually entail. The main diagram of the area (Figure 2-20, p. 2-37) has so many elements as to make the details largely unintelligible. While the artists conception of the channel to be created (Figure 2-21, p. 2-41) helps a bit, it is too much of a cartoon and too little of engineering details. In order to better present the proposal, we think that the following figures should be added:

1. Cross section of the proposed bass pond and channel in comparison to the existing Arden Pond area land and water surface elevations.
2. Cross section of the inlet to proposed bass pond in relation to water elevations in the River (minimum for flows, typical summer flows, and typical winter/spring flows)
3. Cross section of the existing inlet to Arden Pond in relation to water elevations in the River (minimum for flows, typical summer/fall flows, and typical winter/spring flows)
4. Cross section of the Arden Pond East mitigation site in comparison to existing ground levels and to water elevations in the River (typical summer flows and typical winter/spring flows)
5. Cross section of the Arden Pond West mitigation site in comparison to existing ground levels and to water elevations in the River (typical summer flows and typical winter/spring flows)

The foregoing additional figures would bring the proposal for the Arden Pond site up to the same level as the proposals for the flood protection works at sites 2-2 and 2-3, and are essential to fully understanding the proposal.

It would also be useful to have a full accounting in one table of the Shaded Riverine Aquatic (SRA) habitat, both existing and to be created, at sites 2-2 and 2-3 and the Arden Pond. Possibly this could be added to Mitigation measure SRA-1 (p. 3-99).

Notwithstanding the above limitations, we have some specific concerns that are apparent from the limited information provided. One concern is in regard to the nesting of waterbirds on the existing islands in the pond (DNRMP p. 8-75, Sacramento County 2021; D. Airola personal communication). These islands provide an area where Mallards, Wood Ducks, Canada Geese, and other species are isolated from disturbance by predators and humans by virtue of being in the middle of the pond. It appears unlikely to us that the berm separating the proposed Bass pond and the channel would function as a similar island, as it is much larger and separated only by a smaller inlet and outlet to the Bass pond. We also note



O4-4

O4-5

that Figure 2-21 shows people on the berm. Thus, a loss of nesting habitat for waterfowl is to be expected.

Another concern is regarding the effect of reducing the size of the remaining portion of Arden Pond, and the resulting reduction in the security that it provides for resting water birds, as outlined in the discussion from the Central Valley Bird Club (Airola 2021).

Another concern is in regard to a well-known mixed Heron and Egret rookery which is immediately upstream of the existing Arden Pond. According to the DNRMP (Sacramento County, 2021), p. 8-75 this rookery had 16 nests in 2020, and an incomplete survey documented 24 nest structures in 2021 (Airola, 2021). Given its proximity, we are concerned that construction work during the nesting season would disturb this colony.

O4-6

Would construction work on the project occur during the nesting season? Would the required buffer distance for nesting birds of 200 feet under Mitigation Measure BIRD-1 (DSEIS/SEIR Table 3-7, p. 3-94) be able to be maintained?

We also bring to your attention that in the Special Status Species sections of the DSEIS/SEIR contain descriptions of known sites for Egret and Heron rookeries in the Parkway. It states that there is a Heron rookery within 5 miles downstream of the project area (Table 3-4, p. 3-55 and text p. 3-70). It also states that there is an Egret rookery 5 miles upstream of the project area (Table 3-4, p. 3-54 and text p. 3-70). However, it completely ignores the mixed Heron and Egret rookery at Arden Pond. If the document could overlook such a well-known site, it makes one wonder what else has been overlooked.

O4-7

Another facet of the Arden Pond mitigation proposal that gives us pause is the predictable future rearrangement of the river's course due to high flow events. It has been brought to our attention that the river is unstable in this area, and it seems likely that changes in the river's paths will impact the functioning of the proposed mitigation site.

O4-8

Additionally, there is a question: the artist's conception of the Bass Pond and channel (Figure 2-21) shows the channel lined with rocks. In order for the SRA to be useful for rearing of immature salmon and steelhead, they must have food as well as shelter. We understand this to be various aquatic invertebrates, which in turn depend upon aquatic vegetation. Have there been studies done on how well this ecosystem of aquatic vegetation and invertebrates does on rocks? If so, please reference.

O4-9

Finally, in addition to the above information, one or more alternatives that accomplish the same mitigation objectives as the proposed Arden Pond project need to be presented.

All of the above information should be provided to the public so that we can form an informed opinion on how best to go forward. Preferably this would be in a revised and recirculated DSEIS/SEIR. If the above concerns and issues are not addressed, we (SARA) would have to oppose the Arden Pond mitigation part of the project.

Another area of concern for us is the proposed Rossmoor Bar East and West mitigation sites. It appears from the site figures 2-22 and 2-23 that the areas are currently grasslands. This is confirmed by Figure 8-42(3) in the DNRMP (Sacramento County 2021). As we have expressed in our comments on the American River Contract 1 environmental document (United States Army Corps of Engineers et al. 2021), the loss of grassland is an important adverse impact. Particularly now, with the Contract 2 DSEIS/SEIR, we see that some 26 acres of grassland are to be turned into Elderberry plantation.

O4-10

Grasslands are an important but underappreciated component of the Parkway. Somewhat paradoxically, their importance stems mainly from the broad-leaved flowering plants that

grow in the full sunlight there. These plants provide nectar and pollen for pollinators (*e.g.* bees and butterflies). It is widely accepted that pollinators are in decline in California. In the Central Valley, this is mainly due to the loss of grasslands and climate change (Raven & Wagner 2021). The DNRMP also states that the Rossmoor Bar area is the site of a 40+ year butterfly monitoring study by U.C. Davis wherein some 15 species of butterflies have been identified in the area, all of which are in decline (p. 8-97, Sacramento County 2021). Grassland flowering plants also produce seeds that small mammals and birds use for food. Finally, several birds of prey (*e.g.* Swainson's Hawk and other special status species) hunt in the grasslands. Thus, there is an important ecosystem in the grasslands. This is true for both native and non-native grasslands.

It should be pointed out that, according to the DNRMP, there are about 525 acres of grassland in the Parkway (Figure 8-9). Although numbers for the upper, middle and lower thirds of the Parkway are not broken out, examination of Figures 8-10, 8-11, and 8-12 indicates that about half are in the lower third, a small amount are in the middle third, and about half are in the upper third. The Rossmoor Bar mitigation areas are in the upper third. Thus, the 26 acres in those areas amount to a bit over 10% of the likely less than 250 acres in the upper third. This is itself a significant impact which needs to be disclosed by the environmental document. Moreover, mitigation for this impact needs to be part of the total project.

In regards to mitigation for loss of grasslands, we reference the response to our comment on grasslands loss in the final environmental document for American River Contract 1, Appendix H, p. H-13 and H-14 (United States Army Corps of Engineers et al. 2021). In this response, it is indicated that a certain amount of non-native grassland is to be converted to native grassland, which is asserted to be of greater value than the non-native grassland lost, although no acreages are given. This would be a reassuring assertion, but we are troubled by the lack of supporting data. So, we raise the question: are there studies conducted in the American River Parkway or comparable Central Valley river systems that show increased use of native grassland compared to non-native grassland by pollinators or birds of prey? If so, please cite and summarize such references.

References:

Airola, D (2021) Avian Impacts of Arden Pond Proposal 6-11-2021

Raven, PH & Wagner, DL (2021) Agricultural Intensification and Climate Change are Rapidly Decreasing Insect Biodiversity. Proc Natl Acad Sci: Vol. 118 No. 2 e2002548117

Sacramento County (2021) Draft American River Parkway Natural Resources Management Plan.

United States Army Corps of Engineers, Central Valley Flood Protection Board, & Sacramento Area Flood Control Agency (2021) Final American River Watershed Common Features, Water Resource Development Act of 2016, American River Contract 1: Supplemental Environmental Assessment/Supplemental Environmental Impact Report

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04-10

Thank you for your attention to the above comments.



Stephen Green
President, SARA



James Morgan
Board Member, SARA

cc: SARA Board of Directors
Dan Airola, Central Valley Bird Club

2. U.S. Army Corps of Engineers, Sacramento District responses to comments

O4-1

Thank you for your letter dated January 19, 2022, bringing attention to the comment letter submitted by the Save the American River Association on July 16, 2021 pertaining to the American River Common Features, California, Project, Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report (SEIS/SEIR) for Contract 2. Our detailed responses to comments will be included in Appendix I of the Final SEIS/EIR and are included as Enclosure A to our letter dated February 8, 2022, responding to your January 19 letter. Most of SARA's comments are similar to comments made by other organizations, which the Government addressed as part of the Final SEIS/EIR. One of SARA's comments concerning native grasses (keyed as comment O4-10) pertains more directly to State law. We coordinated with the project's non-Federal sponsors in preparing our response to Comment O4-10. Revisions based on your comments did not result in substantive changes to the SEIS/SEIR.

O4-2

Although the ARCF Contract 2 designs incorporate habitat features that support native fish and wildlife species, the area of habitat we were able to create onsite with these features is insufficient to meet the mitigation requirements of the ARCF GRR FEIS/EIR and the USFWS and NMFS Biological Opinions (BOs) for the ARCF. Therefore, off-site mitigation to create additional habitat acreage became necessary.

O4-3

See Final SEIS/SEIR Appendix I responses to Comments A6-8 and A6-9.

The USACE will conduct a mitigation sites alternatives analysis for sites that could provide mitigation for impacts of Alternative 2 of the ARCF GRR EIS/EIR on salmonid habitat in the American River Parkway consistent with the process outlined in the *Draft Natural Resource Management Plan for the American River Parkway*. The analysis will consider the salmonid habitat values of various alternative mitigation sites in the American River Parkway and will also assess impacts of implementing the mitigation alternatives on habitats of native wildlife species (including birds) and recreation. The Arden Pond Mitigation Site construction has been placed on hold pending the outcome of the mitigation sites alternatives analysis and further coordination with Sacramento

County Regional Parks and the formal name Bank Protection Working Group. If the alternatives analysis leads to substantive changes to the design of the Arden Pond Mitigation Site, additional analysis for NEPA and/or CEQA compliance may be needed in a supplemental environmental document.

O4-4

If, based on the mitigation sites alternatives analysis described above, the Arden Pond Mitigation Site is retained and further developed, draft design drawings will be prepared that may be similar to those described in the comment. These draft drawings would be shared with the American River Bank Protection Working Group's Technical and Resource Advisory Committee.

The ARCF Project will need to mitigate for all aquatic habitat (habitat below the Ordinary High- Water Mark [OHWM]) used by listed fish species according to the 2021 NMFS BO for the project. The riparian habitat below the OHWM impacted and created by Contract 2 can be considered an indicator for the shaded component of the aquatic habitat affected and created. The riparian habitat acreage affected and created below the OHWM is presented in Tables 3-3a and 3-3b in Section 3.4, Vegetation and Wildlife section of the SEIS/SEIR. The Standard Assessment Methodology (SAM), which evaluates parameters along the average winter-spring and summer-fall shoreline to quantify SRA habitat, is currently not used by NMFS to calculate impacts or mitigation requirements, however the SAM parameters have been used to develop the project design features that benefit listed fish species. The parameter values that would be used in a SAM evaluation are tabulated in Appendix D of the SEIS/SEIR.

O4-5

See Final SEIS/SEIR Appendix I responses to Comments O1-3 and O3-4.

Numerous islands exist within the American River Parkway that are of various sizes and support a range of vegetation types. The USACE is conducting a mitigation site alternatives analysis for salmonid habitat mitigation sites (including Arden Pond) that includes an assessment of impacts of the potential mitigation sites on habitats other than those for

salmonids, including island habitat (see response to Comment A6-8). The USACE will continue to work with the USFWS and NMFS on the designs of those sites. If selected, those sites will be subject to additional NEPA/CEQA analysis. As mentioned above, the Arden Pond Mitigation Site construction contract has been placed on hold pending the outcome of the mitigation sites alternatives analysis.

It is noted that Arden Pond provides resting habitat for water birds, which could be affected by a reduction in the open water area of the pond. Water bird resting habitat will remain at the site, and other areas with open water habitat are also available in the American River Parkway. Recreational and educational opportunities will remain in the reconfigured pond, and other opportunities for recreation (such as bird watching) and education will be created by the restoration of a natural channel and native riparian habitat that will benefit special-status salmonid species and other native wildlife within the American River Parkway. Also see Response to Comment O4-3 regarding USACE's commitment to conduct a mitigation site alternatives analysis.

O4-6

See Final SEIS/SEIR Appendix I response to Comment O2-7.

The heron and egret rookery is at least 200 feet from any area which may be disturbed by implementation of the Arden Pond Mitigation Site (including haul routes). The heron and egret rookery referenced in your comment would not be impacted by construction. Impacts from disturbances related to construction would be avoided or minimized by implementation of Mitigation Measure BIRD-1. For construction activities that cannot be avoided during the nesting season for heron and egret rookeries (see Table 3-6 in Section 3.6, *Special Status Species*), a buffer distance of at least 200 feet would be observed (see Table 3-7 in Section 3.6, *Special Status Species*).

O4-7

The Arden Pond Mitigation Site was designed to provide habitat values even with potential geomorphic changes in the channel and overbank in that part of the American River. The existing pond is an anthropogenic feature that could create a cut-off over the existing bend, while the proposed mitigation site design would return the inside of the channel bend to more natural elevations helping to stabilize the conditions of this bend.

O4-8

As is stated on Page 2-39 of the SEIS/SEIR, the designed erosion protection along the channel requires a 1.5- to 2.1-foot-thick rock layer along the channel bottom along the entire width and length of the channel. The erosion protection material would consist of a cobblestone rock mix ranging between 0.5 to 4 inches in diameter. The sizing of the rock was based on discussions with USFWS and NMFS to meet salmonid spawning protection requirements. Substrates within the size range of 0.5 to 4 inches are common in the American River, where these size cobbles are typically overgrown with algae that are a food source for invertebrates, one of the primary food sources for salmonids. The SAM model relationship

between substrate size and habitat suitability shows maximum habitat suitability for larval-, fry- and juvenile rearing and smolt outmigration at bank substrate sizes of 0 to 8 inches in diameter.¹

O4-9

See the response to Comment O4-3.

O4-10

The proposed action includes the conversion of approximately 26.6 acres of nonnative annual grassland to native mixed riparian scrub for mitigation of impacts to valley elderberry longhorn beetle (VELB) at the Rossmore East and West Mitigation Sites. These sites would be adjacent to existing VELB mitigation sites, to provide connectivity for beetle habitat as is required by the USFWS BO. The sites will be developed according to the 2017 USFWS guidance² which requires¹ that elderberry shrubs are planted together with other riparian associated species. These stands are therefore mixed riparian scrub, rather than monocultures (as is implied by the term “plantation” in the comment). Although the sites would be relatively open when they receive elderberry shrub transplants, over time they would grow to form riparian scrub cover.

The conversion of 26.6 acres of nonnative annual grassland to native riparian scrub would provide minor environmental benefits. Only about 5% of the original riparian habitat in the Sacramento Valley remains, which has led to the decline of species that depend on this habitat such as VELB. Riparian habitat is also considered a sensitive natural community under CEQA (CEQA Guidelines Appendix G.IV.b). Nonnative annual grassland is relatively abundant in the Parkway and the conversion of 5% of this nonnative grassland to a sensitive natural community would be considered beneficial to the Parkway ecosystem. The USACE, CVFPB, and SAFCA worked with County Parks and the USFWS to select the mitigation sites at Rossmore East and West consistent with the Parkway Plan. Large areas of grassland (over 500 acres) remain in the Parkway. Much of this area (e.g., at the Woodlake and Cal Expo areas) cannot be restored to riparian habitat because it is located within the right-of-way of powerlines. Areas temporarily disturbed for access would also be restored to native grassland as part of Contract 2, as described in the *Draft American River Parkway Natural Resources Management Plan*, County of Sacramento (County) 2021.

¹ USACE. 2014. *Standard Assessment Methodology for the Sacramento River Bank Protection Project. Final*. Prepared by Stillwater Sciences and Dean Ryan Consultants. Sacramento, CA. Available: <http://s3-us-west-2.amazonaws.com/uclid-nuxeo-ref-media/f5884368-1ea2-4bc2-a441-f0788beb41b5>).

² USFWS. 2017. *Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle (Desmocerus californicus dimorphus)*. Sacramento, CA. Available: https://www.fws.gov/sacramento/documents/VELB_Framework.pdf