

EXECUTIVE SUMMARY

ES.1 PURPOSE

This Recirculated Draft Environmental Impact Report is part of the ongoing environmental review process for the proposed Sphere of Influence (SOI) Amendment (SOIA) (proposed project) and was prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with the implementation of the project (LAFC #07-15, State Clearinghouse Number 2016032015). This document is prepared in conformance with CEQA (California Public Resources Code, Section 21000, et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000, et seq.).

Where an agency decides to recirculate a document, the agency can reissue only the revised part or parts of the EIR, rather than a whole new document. As noted in CEQA Guidelines, Section 15088.5(c), “If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified.” This document is a *partially* recirculated EIR because new information has been added or changed in portions of the Draft EIR after it was initially circulated for public comment in February 2017.

The environmental impacts of the proposed project are analyzed in the Recirculated Draft EIR to the degree of specificity appropriate, in accordance with CEQA Guidelines Section 15146. This document addresses the potentially significant adverse environmental impacts that may be directly or indirectly associated with the proposed SOIA expansion. There are no specific land use entitlements proposed at this time in conjunction with the proposed SOIA. No physical development is proposed in conjunction with the proposed application. However, this Recirculated Draft EIR acknowledges that future urbanization of the project area may occur as an indirect result of this SOIA; therefore, this Recirculated Draft EIR contains an analysis of indirect environmental impacts attributable to, or which could result from the proposed project. This Recirculated Draft EIR is intended to serve as an informational document for the public agency decision makers and the public regarding the proposed project.

Recirculation of an EIR requires notice pursuant to CEQA Guidelines Section 15087 and consultation pursuant to CEQA Guidelines Section 15086.

ES.2 PROJECT SUMMARY

ES.2.1 PROJECT SETTING

The proposed project site is located in the unincorporated area of Sacramento County, California. The affected territory includes a 1,156-acre area that abuts the southern portion of the City of Elk Grove’s existing jurisdictional boundary. Exhibit ES-1 depicts the SOIA Area’s regional location, which is to the southwest of the existing City of Elk Grove boundary. Exhibit ES-2 depicts the SOIA Area. The SOIA Area consists of approximately 1,156 acres west of State Route 99 (SR 99), south of Kammerer Road, and east of McMillan Road (future Big Horn Boulevard). The SOIA Area is depicted on the Bruceville U.S. Geologic Survey (USGS) 7.5-minute topographic map, Township 6 North, Range 5 East, Sections 13, 14, and portions of Sections 22 and 23 and Galt USGS 7.5-minute topographic map, Township 6 North, Range 6 East, Section 18 and a portion of Section 19.

The SOIA Area is currently within the jurisdiction of the County of Sacramento and is entirely outside of the County's General Plan Urban Services Boundary.

The SOIA Area is not impacted by any airport overflight restrictions, is naturally outside of both regional (Cosumnes River) and local 100-year floodplains. While it is outside the County's Urban Services Boundary, the boundary of the SOIA Area is adjacent to existing municipal urban services facilities for sanitary sewer, water, storm drainage, transportation, power, and communication utility systems.

The SOIA Area is primarily utilized for extensive dry farmed and irrigated croplands and vineyard operations. A cluster of buildings supporting the agricultural operations exists on the most easterly parcel.

The SOIA Area has been disturbed and leveled over decades to facilitate commercial farming operations. Drainage has been achieved via a series of highly maintained agricultural ditches which generally follow field boundaries. Irrigation to the eastern vineyards is achieved by an old SR 99 borrow pit modified as a storm/irrigation runoff holding facility that is fully maintained on the most easterly parcel.

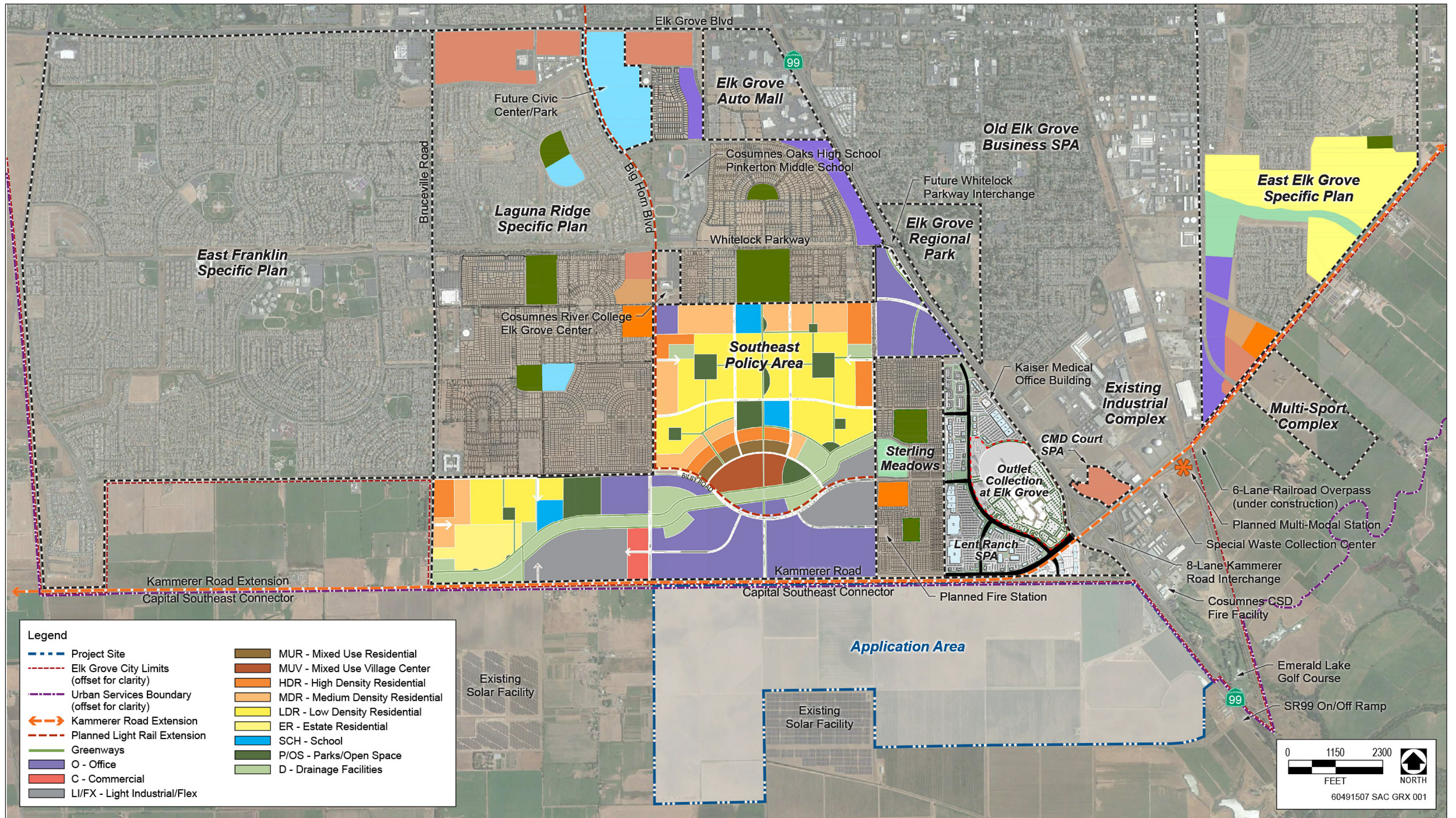
ES.2.2 PROJECT DESCRIPTION

The proposed project is a landowner initiated proposal to amend the City of Elk Grove SOI, the Sacramento Area Sewer District (SASD) SOI, and the Sacramento Regional County Sanitation District (SRCSD) SOI to add approximately 1,156 acres in an area just south of, and adjacent to the City of Elk Grove's current City limits. The current City boundaries encompass 27,032 acres. The proposed SOIA would expand the existing coterminous SOI, not City limits, by 1,156 acres, or 4.1 percent, to a total SOI area of 28,188 acres.

Sacramento LAFCo is the CEQA lead agency for the proposed SOIA. A SOI is defined by Government Code Section 56425 as a plan for the probable physical boundary and service area of a local governmental agency, including areas adjacent to the existing service area of a jurisdiction where services might reasonably be expected to be provided in the next 20 years.

As previously stated, the project does not include any development proposal and does not provide for any changes in land use. Any future City of Elk Grove development would first require an annexation request to Sacramento LAFCo. Annexation may occur in multiple phases or under a single application, depending on the timing and nature of future project applications. There are no changes in the existing land use proposed at this time; existing Sacramento County General Plan and zoning designations will remain in place even if LAFCo were to approve the requested SOIA. The City would use the amended SOI boundary in discussions with future applicants, Sacramento County, affected service providers, landowners, residents, and stakeholders.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH) includes provisions for amending spheres of influence. This SOIA would allow the City of Elk Grove and other service providers to plan for future urbanization, but it does not authorize changes in land use or governance. Lands within an amended SOI would not be under the City's jurisdiction until future pre-zoning and/or development applications are received and requests for annexation of those parcels are approved by Sacramento LAFCo. The proposed project does not include an annexation request. There will not be any change to the land use ~~or taxation~~ jurisdiction, in the event that LAFCo approves the proposed SOIA.

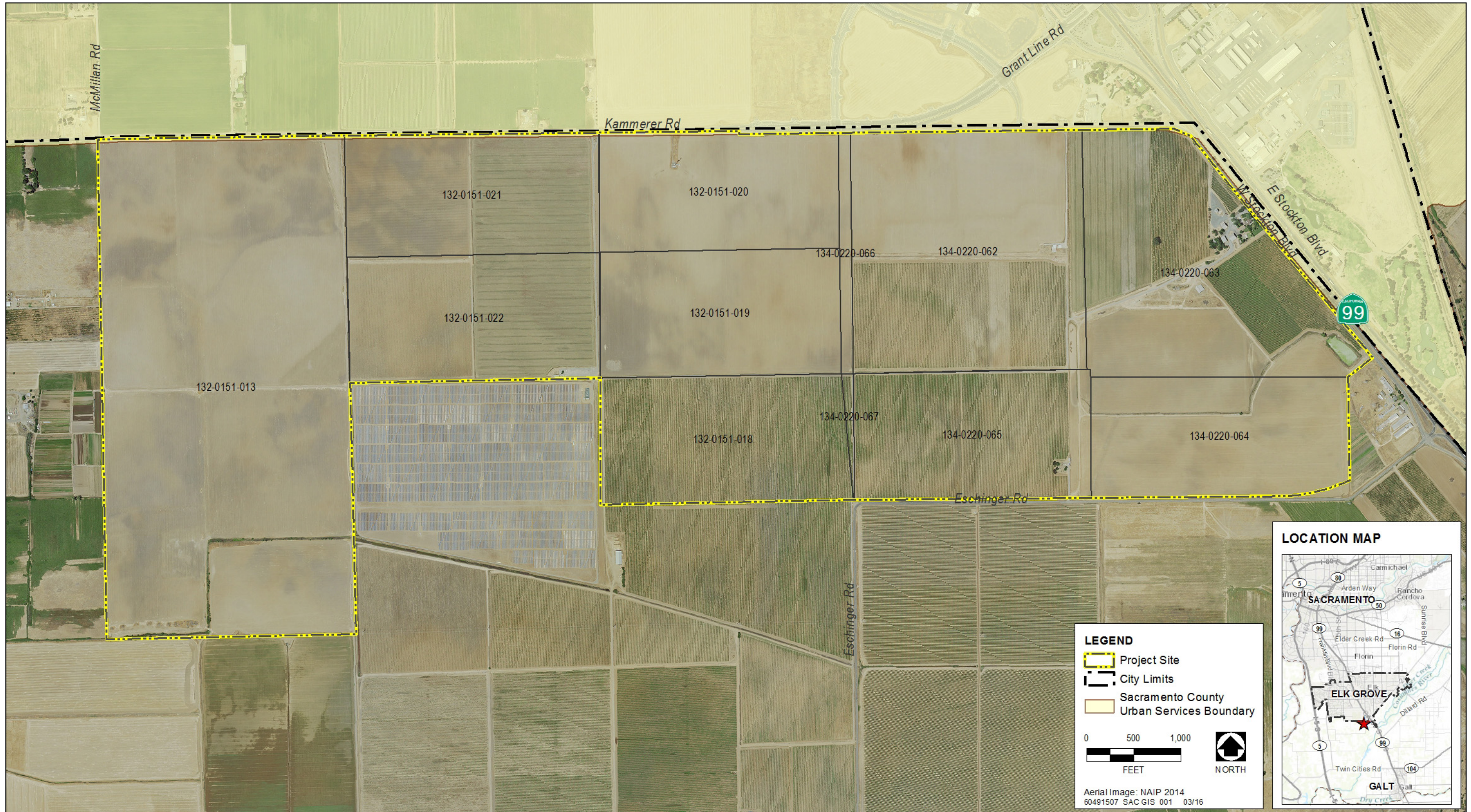


Source: Sacramento County 2014, adapted by AECOM in 2016

Exhibit ES-1

Regional Location Map

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Source: Sacramento County 2014, adapted by AECOM in 2016

Exhibit ES-2

Elk Grove Proposed Sphere of Influence Amendment Area

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LAND USE SCENARIO

While there are no changes to land uses proposed as part of this project, in order to facilitate environmental analysis for this SOIA request, the applicant has developed a conceptual land use scenario.

The applicant-proposed array of land uses has been derived from the recently approved Southeast Policy Area (SEPA) land use distribution adjacent to the north, in order to facilitate project analysis. The applicant estimates that the project site could accommodate development that could provide 18,000 to 20,000 jobs in office, industrial, and commercial settings. The SOIA application identifies a jobs-to-housing ratio ranging from 3.6:1 to 5.0:1. Development could include a significant employment component near the Grant Line Road/SR 99 interchange and along the Kammerer Road (future Capital Southeast Connector) corridor. Additionally, for the purposes of analysis, the applicant has identified that the project site could accommodate the development of a broad array of housing types, with a total of 4,000 to 5,000 dwelling units. For the purposes of analysis, the applicant notes that future proposed development would involve supportive infrastructure, public lands, and retail development that is oriented to future employment areas.

Since the project is a SOIA only, it does not include any land use plan or pre-zoning. LAFCo has no land use authority. If the SOIA is approved and annexation to the City of Elk Grove is subsequently proposed, land use planning would occur under the City's jurisdiction. Pre-zoning of the affected territory by the City would be required prior to any application for annexation.

The project also does not include any indication of any timeline of development or phasing for future development.

MUNICIPAL SERVICES REVIEW

The CKH requires completion and Commission acceptance of a Municipal Service Review (MSR) to assess the adequacy of required infrastructure and services capacity and availability of means of financing prior to any modification of an SOI boundary. The MSR is not a project subject to CEQA review. The MSR is being prepared concurrently with this EIR. This document will evaluate potential options for providing municipal services and the actions required to change the service boundaries of municipal service providers. While the MSR is not subject to CEQA review, it may serve to inform the environmental review process.

INFRASTRUCTURE AND SERVICES

The proposed SOIA application includes amendments to the Sacramento Area Sewer District (SASD) and Sacramento Regional County Sanitation District (SRCSD) SOIs. The review process affords the opportunity for potential service providers to provide input to LAFCo regarding future infrastructure and service demand for the proposal. Annexation of the affected territory would be required to enable service to be provided. If the proposed SOIA Area were annexed to the City of Elk Grove and proposed for development, this would require the full complement of municipal services, including water, wastewater collection and treatment, flood protection, solid waste and recycling, police, fire, library services, transportation facilities and maintenance, street lighting, electricity, natural gas, communications, and parks and recreation. Each of these items is to be examined more fully in the MSR.

ES.2.3 PROJECT OBJECTIVES

This Kammerer/99 SOIA requests Sacramento Local Agency Formation Commission's (Sacramento LAFCo) approval to amend the City's SOI, which is coterminous with its current City boundary, to include approximately 1,156 acres adjacent to the City's southern boundary.

A key policy benefit ~~The purpose~~ of a city SOI is to provide estimated holding capacity for a city to be able to plan for employment opportunities and an expanding population. The nature of this project – a SOIA request – has important implications for the project objectives, as does LAFCo's role as the lead agency for this project. As detailed in Chapter 2 of this EIR, "Project Description," the project is a landowner initiated proposal to amend the SOIs of the City of Elk Grove, SASD, and the SRCSD. The project does not propose land use change or development. Therefore, project objectives do not focus on outcomes that relate to land use, development type or scale, or spatially specific planning components within the proposed SOIA Area. Also, LAFCo has the authority to approve, modify and approve, or disapprove applications, and to impose mitigation measures and conditions of approval, but cannot impose any conditions that would directly regulate land use density or intensity, property development, or subdivision requirements. Consistent with LAFCo's role, the project objectives do not dictate outcomes related to future land use, density, development intensity, or related topics that are the purview of local land use entitlement authorities in California.

Specific, project-related objectives include the following:

- ▶ Amend the SOI boundary beyond the existing Elk Grove City limits to accommodate orderly and sustainable growth consistent with the City's General Plan.
- ▶ Implement the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 consistent with public service conditions present or reasonably foreseeable in the proposed SOIA Area.
- ▶ Establish a logical boundary within which future annexation requests into the City of Elk Grove may be considered.
- ▶ Consider providing land to accommodate a jobs-housing ratio for the City of Elk Grove that provides for sufficient residential and employment-generating lands uses to minimize the need for commuting to or from other jurisdictions.
- ▶ Establish an SOI for the City of Elk Grove that will facilitate the protection of important environmental, cultural, and agricultural resources.

ES.3 SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Table ES-1 summarizes the impacts, mitigation measures, and resulting level of significance after mitigation for the relevant environmental issue areas evaluated for the proposed project in this Recirculated Draft EIR (i.e., Agricultural Resources; Biological Resources; Energy; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use, Population, Housing, Employment, Environmental Justice, and Disadvantaged Unincorporated Communities; Public Services and Recreation; Transportation; and Utilities and Service Systems). The table is intended to provide an overview; narrative discussions for the issue areas are included in the corresponding section of this Recirculated Draft EIR. Table ES-1 is included in the Recirculated Draft EIR as required by CEQA Guidelines Section 15123(b)(1).

Table ES-1. Summary of Project Impacts and Mitigation Measures			
Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
3.2 Agricultural Resources			
<p>3.2-1: Direct loss of agricultural land, including Prime Farmland, Unique Farmland, or Farmland of Statewide Importance</p>	<p>S</p>	<p>3.2-1: Preserve Agricultural Land</p> <p>At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove shall require that applicants protect one (1) acre of existing farmland land of equal or higher quality for each acre of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance that would be developed as a result of the project. This protection may consist of the establishment of a farmland conservation easement, farmland deed restriction, or other appropriate farmland conservation mechanism to ensure the preservation of the land from conversion in perpetuity, but may also be utilized for compatible wildlife habitat conservation efforts (e.g., Swainson’s hawk foraging habitat mitigation) that substantially impairs or diminishes the agricultural productivity of the land. The farmland/wildlife habitat land to be preserved must have adequate water supply to support agricultural use. The City shall consider the benefits of preserving farmlands in proximity to other protected lands. <u>The preservation of farmland may be done at one time, or in increments with the buildout of the SOIA Area.</u></p> <p>The total acres of land conserved will be based on the total on-site agriculture acreage converted to urban uses. Conserved agriculture areas may include areas on the project site, lands secured for permanent habitat enhancement (e.g., giant garter snake habitat, Swainson’s hawk habitat), or additional land identified by the City. The City shall attempt to locate preserved farmland within 5 miles of the SOIA Area; however, the preserved farmland shall at a minimum be located inside Sacramento County. The City shall impose the conservation easement content standards to include, at a minimum: land encumbrance documentation; documentation that the easements are permanent, monitored, and appropriately endowed <u>for administration, monitoring, and enforcement of the easements</u>; prohibition of activity which substantially impairs or diminishes the agricultural productivity of the land; and protection of water rights.</p> <p>In addition, the City shall impose the following <u>or equally effective</u> minimum conservation easement content standards:</p> <ol style="list-style-type: none"> a) All owners of the agricultural/wildlife habitat mitigation land shall execute the document encumbering the land. b) The document shall be recordable and contain an accurate legal description of the agricultural/wildlife habitat mitigation land. c) The document shall prohibit any activity that substantially impairs or diminishes the agricultural productivity of the land. If the conservation easement is also proposed for wildlife habitat mitigation purposes, the document shall also prohibit any activity that substantially impairs or diminishes the wildlife habitat suitability of the land. d) The document shall protect any existing water rights necessary to maintain agricultural uses on the land covered by the document and retain such water rights for ongoing use on the 	<p>SU</p>

Table ES-1. Summary of Project Impacts and Mitigation Measures			
Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<p>agricultural/wildlife habitat mitigation land.</p> <p>e) Interests in agricultural/habitat mitigation land shall be held in trust by an entity acceptable to the City and/or by the City in perpetuity. The entity shall not sell, lease, or convey any interest in agricultural/wildlife habitat mitigation land that it acquires without the City's prior written approval.</p> <p>f) The applicant shall pay to the City an agricultural/wildlife habitat mitigation monitoring fee to cover the costs of administering, monitoring, and enforcing the document in an amount determined by the receiving entity, in an amount determined by the City.</p> <p>g) The City shall be named a beneficiary under any document conveying the interest in the agricultural/wildlife habitat mitigation land to an entity acceptable to the City.</p> <p>h) If any qualifying entity owning an interest in agricultural/wildlife habitat mitigation land ceases to exist, the duty to hold, administer, monitor, and enforce the interest shall be transferred to another entity acceptable to the City or transferred to the City.</p> <p>Before committing to the preservation of any particular farmland pursuant to this measure, the project proponent shall obtain the City's approval of the farmland proposed for preservation.</p>	
3.2-2: Indirect loss of adjacent agricultural land, including Prime Farmland, Unique Farmland, or Farmland of Local Importance or Lands Under Williamson Act Contract	S	<p>3.2-2: Prepare an Agricultural Land Use Compatibility Plan</p> <p>At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove shall prepare an agricultural land use compatibility plan for the SOIA Area. The plan shall include implementation of the City's Agricultural Activities ordinance (Municipal Code, Chapter 14.05, "Agricultural Activities"), as required under Elk Grove General Plan Policy CAQ-4-Action 1, site design, screening, fencing, landscaping, and setbacks. Prospective buyers of property adjacent to agricultural land shall be notified through the title report that they could be subject to inconvenience or discomfort resulting from accepted farming activities as per provisions of the City's Agricultural Activities ordinance (City of Elk Grove Municipal Code Chapter 14.05).</p>	SU
3.4 Biological Resources			
3.4-1: Special-status plants	PS	<p>3.4-1: Conduct Special-status Plant Surveys; Implement Compensatory Mitigation for Special-status Plants</p> <p>At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove shall require all discretionary projects to <u>that applicants</u> implement the following measures to mitigate the potential loss of special-status plant species:</p> <ul style="list-style-type: none"> • Retain a qualified botanist to conduct protocol-level preconstruction special-status plant surveys for potentially occurring species for each future proposed project <u>following the CDFW rare plant survey protocols (CDFG 2009) or the most recent CDFW rare plant survey protocols</u>. All plant species encountered on the project site shall be identified to the 	LTS

Table ES-1. Summary of Project Impacts and Mitigation Measures

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<p>taxonomic level necessary to determine species status. The surveys shall be conducted no more than 5 years prior and no later than the blooming period immediately preceding the approval of a grading or improvement plan or any ground disturbing activities, including grubbing or clearing.</p> <ul style="list-style-type: none"> • Notify CDFW, as required by the California Native Plant Protection Act, if any special-status plants are found on the project site. Notify the USFWS if any plant species listed under the Endangered Species Act are found. • Develop a mitigation and monitoring plan to compensate for the loss of special-status plant species found during preconstruction surveys, if any. The mitigation and monitoring plan shall be submitted to CDFW or USFWS, as appropriate depending on species status, for review and comment. The City shall consult <u>coordinate</u> with these entities, as appropriate depending on species status, before approval of the plan to determine the appropriate mitigation measures for impacts on any special-status plant population. Mitigation measures may include preserving and enhancing existing on-site populations, creation of off-site populations on project mitigation sites through seed collection or transplantation, and/or preserving occupied habitat off-site in sufficient quantities to offset loss of occupied habitat or individuals. • If transplantation is part of the mitigation plan, the plan shall include a description and map of mitigation sites, details on the methods to be used, including collection, storage, propagation, receptor site preparation, installation, long-term protection and management, monitoring and reporting requirements, remedial action responsibilities should the initial effort fail to meet long-term monitoring requirements, and sources of funding to purchase, manage, and preserve the sites. The following performance standards shall be applied: The extent of occupied area and the flower density in compensatory reestablished populations shall be equal to or greater than the affected occupied habitat and shall be self-producing. • Reestablished populations shall be considered self-producing when: <ul style="list-style-type: none"> – plants re-establish annually for a minimum of 5 years with no human intervention, such as supplemental seeding; and – re-established habitats contain an occupied area and flower density comparable to existing occupied habitat areas in similar habitat types. • If off-site mitigation includes dedication of conservation easements, purchase of mitigation credits, or other off-site conservation measures, the details of these measures shall be included in the mitigation plan, including information on responsible parties for long-term management, conservation easement holders, long-term management requirements, and other details, as appropriate to target the preservation of long term viable populations. 	

Table ES-1. Summary of Project Impacts and Mitigation Measures			
Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p>3.4-2: Special-status raptors and other nesting raptors</p>	<p>S</p>	<p>3.4-2a: Avoid Direct Loss of Swainson’s Hawk and Other Raptors</p> <p>At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove shall require all discretionary projects to <u>that applicants</u> implement the following measures to mitigate the potential loss of nesting Swainson’s hawks and other nesting raptors:</p> <ul style="list-style-type: none"> • Tree and vegetation removal shall be completed during the nonbreeding season for raptors (September 1–February 31<u>15</u>). • To avoid, minimize, and mitigate potential impacts on Swainson’s hawk and other raptors (not including burrowing owl) nesting on or adjacent to the SOIA Area or possible off-site improvement areas, retain a qualified biologist to conduct preconstruction surveys and identify active nests on and within 0.5 mile of the project site for construction activities conducted during the breeding season (March 1–August 31<u>September 15</u>). The surveys shall be conducted before the approval of grading and/or improvement plans (as applicable) and no less than 14 days and no more than 30 days before the beginning of construction. Guidelines provided in <i>Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys in the Central Valley</i> (Swainson’s Hawk Technical Advisory Committee 2000) shall be followed for surveys for Swainson’s hawk. If no nests are found, no further mitigation will be required. • Impacts on nesting Swainson’s hawks and other raptors shall be avoided by establishing appropriate buffers around active nest sites identified during preconstruction raptor surveys. No project activity shall commence within the buffer areas until a qualified biologist has determined, in coordination with CDFW, the young have fledged, the nest is no longer active, or reducing the buffer would not result in nest abandonment. CDFW guidelines recommend implementation of 0.25 – or 0.5 mile wide buffers for Swainson’s hawk nests, but the <u>The buffer distance for Swainson’s Hawk nests shall be determined by size of the buffer may be decreased if a qualified biologist and the City, in consultation coordination with CDFW, determine that such an adjustment would not be likely to adversely affect the nest based on the distance required to avoid adversely affecting the nest(s).</u> • The appropriate no-disturbance buffer for other raptor nests (i.e., species other than Swainson’s hawk) shall be determined by a qualified biologist based on site-specific conditions, the species of nesting bird, nature of the project activity, visibility of the disturbance from the nest site, and other relevant circumstances. • Monitoring of all active raptor nests by a qualified biologist during construction activities will be required if the activity has potential to adversely affect the nest. If construction activities cause the nesting bird to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the no-disturbance buffer shall be increased until the agitated behavior ceases. <u>The qualified biologist will have the authority to shut down construction activities within a portion or all of a construction site if necessary to avoid nest</u> 	<p>SU – Swainson’s Hawk</p> <p>LTS – all others</p>

Table ES-1. Summary of Project Impacts and Mitigation Measures			
Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<p>abandonment or take of individuals. The exclusionary buffer will remain in place until the chicks have fledged or as otherwise determined appropriate by a qualified biologist.</p> <p>3.4-2b: Avoid Loss of Burrowing Owl</p> <p>At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove shall require all discretionary projects to <u>that applicants</u> implement the following measures to mitigate the potential loss of burrowing owl:</p> <ul style="list-style-type: none"> • To avoid, minimize, and mitigate potential impacts on burrowing owl, applicants for each future project shall retain a qualified biologist to conduct focused breeding and nonbreeding season surveys for burrowing owls in areas of suitable habitat on and within 1,500 feet of the project site. Surveys will be conducted prior to the start of construction activities for each project and in accordance with Appendix D of CDFW’s Staff Report on Burrowing Owl Mitigation (2012) <u>or the most recent CDFW protocols.</u> • If no occupied burrows are found, a letter report documenting the survey methods and results will be submitted to the City and CDFW and no further mitigation will be required. • If an active burrow is found during the nonbreeding season (September 1 through January 31), owls will be relocated to suitable habitat outside of the project area using passive or active methodologies developed in consultation <u>coordination</u> with CDFW and may include active relocation to preserve areas if approved by CDFW and the preserve managers. No burrowing owls will be excluded from occupied burrows until a burrowing owl exclusion and relocation plan is developed by the project applicant and approved by CDFW. • If an active burrow is found during the breeding season (February 1 through August 31), occupied burrows will not be disturbed and will be provided with a 150- to 1,500-foot protective buffer unless a qualified biologist verifies through noninvasive means that either: (1) the birds have not begun egg laying, or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. The size of the buffer will depend on the time of year and level of disturbance, as outlined in the CDFW Staff Report (2012, pg 9) <u>or the most recent CDFW protocols.</u> Once the fledglings are capable of independent survival, the owls will be relocated to suitable habitat outside the project area in accordance with a burrowing owl exclusion and relocation plan developed in consultation <u>coordination</u> with CDFW and the burrow will be destroyed to prevent owls from reoccupying it. No burrowing owls will be excluded from occupied burrows until a burrowing owl exclusion and relocation plan is approved by CDFW. Following owl exclusion and burrow demolition, the site shall be monitored by a qualified biologist to ensure burrowing owls do not recolonize the site prior to construction. • If active burrowing owl nests are found on the project site and these nest sites are lost as a result of implementing the project, the project applicant shall mitigate the loss through <u>preservation of other known nest sites in Sacramento County, at a minimum ratio of 1:1. The</u> 	

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Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<p>applicant shall develop a mitigation and monitoring plan for the compensatory mitigation areas.</p> <ul style="list-style-type: none"> The mitigation and monitoring plan will include detailed information on the habitats present within the preservation areas, the long-term management and monitoring of these habitats, legal protection for the preservation areas (e.g., conservation easement, declaration of restrictions), and funding mechanism information (e.g., endowment). All burrowing owl mitigation lands shall be preserved in perpetuity and incompatible land uses shall be prohibited in habitat conservation areas. The project applicants shall transfer said burrowing owl mitigation land, through either conservation easement or fee title, to a third-party, nonprofit conservation organization (Conservation Operator), with the City and CDFW named as third-party beneficiaries. The Conservation Operator shall be a qualified conservation easement land manager that manages land as its primary function. Additionally, the Conservation Operator shall be a tax-exempt nonprofit conservation organization that meets the criteria of Civil Code Section 815.3(a) and shall be selected or approved by the City, after consultation <u>coordination</u> with CDFW. The City, after consultation <u>coordination</u> with CDFW and the Conservation Operator, shall approve the content and form of the conservation easement. The City, CDFW, and the Conservation Operator shall each have the power to enforce the terms of the conservation easement. The Conservation Operator shall monitor the easement in perpetuity to ensure compliance with the terms of the easement. <p>3.4-2c: Prepare and Implement a Swainson’s Hawk Foraging Habitat Mitigation Plan</p> <p>At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove shall require all discretionary projects to <u>that applicants</u> implement the following measures to mitigate the potential loss of Swainson’s hawk foraging habitat:</p> <ul style="list-style-type: none"> Before the approval of grading and improvement plans or before any ground-disturbing activities, whichever occurs first, preserve suitable Swainson’s hawk foraging habitat to ensure 1:1 mitigation for Swainson’s hawk foraging habitat value lost as a result of the project. Because the SOIA Area is currently zoned Ag 80, it is deemed to provide 100 percent foraging habitat value and the entire acreage must therefore be compensated at a 1:1 ratio. Loss of foraging habitat resulting from possible future off-site improvements shall be compensated by preserving suitable Swainson’s hawk foraging habitat to ensure 1:1 replacement of habitat value, based on zoning of the affected land, lost as a result of the project. The suitability of preservation habitat shall be determined by the City after consultation <u>coordination</u> with CDFW and a qualified biologist and shall be located within the geographical foraging area of the local nesting population as determined acceptable to CDFW. 	

Table ES-1. Summary of Project Impacts and Mitigation Measures

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<ul style="list-style-type: none"> • Before approval of such proposed mitigation, the City shall consult <u>coordinate</u> with CDFW regarding the appropriateness of the mitigation. If mitigation is accomplished through conservation easement, then such an easement shall ensure the continued management of the land to maintain Swainson’s hawk foraging values, including but not limited to ongoing agricultural uses and the maintenance of all existing water rights associated with the land. The conservation easement shall be recordable and shall prohibit any activity that substantially impairs or diminishes the land’s capacity as suitable Swainson’s hawk foraging habitat. • The project applicants shall transfer said Swainson’s hawk mitigation land, through either conservation easement or fee title, to a third-party, nonprofit conservation organization (Conservation Operator), with the City and CDFW named as third-party beneficiaries. The Conservation Operator shall be a qualified conservation easement land manager that manages land as its primary function. Additionally, the Conservation Operator shall be a tax-exempt nonprofit conservation organization that meets the criteria of Civil Code Section 815.3(a) and shall be selected or approved by the City, after consultation <u>coordination</u> with CDFW. The City, after consultation <u>coordination</u> with CDFW and the Conservation Operator, shall approve the content and form of the conservation easement. The City, CDFW, and the Conservation Operator shall each have the power to enforce the terms of the conservation easement. The Conservation Operator shall monitor the easement in perpetuity to assure compliance with the terms of the easement. • The project applicants, after consultation <u>coordination</u> with the City, CDFW, and the Conservation Operator, shall establish an endowment or some other financial mechanism that is sufficient to fund in perpetuity the operation, maintenance, management, and enforcement of the conservation easement. If an endowment is used, either the endowment funds shall be submitted to the City to be distributed to an appropriate third-party nonprofit conservation agency, or they shall be submitted directly to the third-party nonprofit conservation agency in exchange for an agreement to manage and maintain the lands in perpetuity. The Conservation Operator shall not sell, lease, or transfer any interest of any conservation easement or mitigation land it acquires without prior written approval of the City and CDFW. • If the Conservation Operator ceases to exist, the duty to hold, administer, manage, maintain, and enforce the interest shall be transferred to another entity acceptable to the City and CDFW. The City shall ensure that mitigation habitat is properly established and is functioning as habitat by conducting regular monitoring of the mitigation site(s) for the first 10 years after establishment of the easement. • For development projects of less than 40 acres, project proponents may mitigate for the loss of Swainson’s hawk foraging habitat through payment of an impact mitigation fee that will 	

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Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		provide funds to acquire available land with suitable Swainson’s hawk foraging habitat values as determined by the City in consultation <u>coordination</u> with CDFW.	
3.4.3a: Loggerhead shrike, Modesto song sparrow, <u>tricolored blackbird</u> , and common nesting birds	PS	<p>3.4-3a: Avoid Direct Loss of Loggerhead Shrike, Modesto Song Sparrow, and Protected Bird Nests</p> <p>At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove shall require future project that applicants to implement the following measures to mitigate the potential loss of protected bird nests:</p> <ul style="list-style-type: none"> • To the extent feasible, vegetation removal, grading, and other ground disturbing activities will be carried out during the nonbreeding season for protected bird species in this region (generally September 1–January 31). • For any project activity that would occur during the nesting season (February 1–August 31), the project applicant shall conduct a preconstruction survey. The preconstruction survey shall be conducted by a qualified biologist before any activity occurring within 500 feet of suitable nesting habitat for any protected bird species. The survey shall be conducted within 14 days before project activity begins. • If an active nest of loggerhead shrike, song sparrow, other special-status bird species, or common bird species protected by the Migratory Bird Treaty Act or California Fish and Game Code is found, the qualified biologist shall establish a buffer around the nest. No construction activity shall commence within the buffer area until a qualified biologist confirms that the nest is no longer active. The size of the buffer shall be determined in consultation <u>coordination</u> with CDFW. Buffer size is anticipated to range from 50 to 500 feet, depending on the species of bird, nature of the project activity, the extent of existing disturbance in the area, and other relevant circumstances, as determined by a qualified biologist in consultation <u>coordination</u> with CDFW. • Monitoring of all protected nests by a qualified biologist during construction activities will be required if the activity has potential to adversely affect the nest. If construction activities cause the nesting bird to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the no-disturbance buffer shall be increased until the agitated behavior ceases. The exclusionary buffer will remain in place until the chicks have fledged or as otherwise determined by a qualified biologist. 	LTS
3.4-3b: <u>Tricolored blackbirds</u>	PS	<p>3.4-3b: Avoid Impacts on Tricolored Blackbird Colonies</p> <p><u>At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove shall require that applicants implement the following measures to mitigate the potential impacts on nesting colonies of tricolored blackbirds:</u></p> <ul style="list-style-type: none"> • <u>A qualified biologist shall conduct pre-construction surveys to determine if active tricolored</u> 	LTS

Table ES-1. Summary of Project Impacts and Mitigation Measures			
Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<p><u>blackbird nests are present within a project footprint or within 500 feet of a project footprint. The biologist shall conduct pre-construction surveys within 30 days and within 3 days of ground-disturbing activities, and within the proposed project footprint and 500 feet of the proposed project footprint to determine the presence of nesting tricolored blackbird. Pre-construction surveys shall be conducted during the breeding season (March 1 through August 31). Surveys conducted in February (to meet pre-construction survey requirements for work starting in March) must be conducted within 14 days and 3 days in advance of ground-disturbing activities.</u></p> <ul style="list-style-type: none"> <u>If active nests are found within the project footprint or within 500 feet of any project-related activity, a 500-foot temporary buffer around the active nest shall be maintained until the young have fledged. A qualified biologist experienced with tricolored blackbird behavior shall monitor the nest throughout the nesting season and to determine when the young have fledged. The biologist will be on site daily while construction-related activities are taking place near the disturbance buffer. Work within the nest disturbance buffer will not be permitted. If the approved biologist determines that tricolored blackbirds are exhibiting agitated behavior, construction shall cease until the buffer size is increased to a distance necessary to result in no harm or harassment to the nesting tricolored blackbirds. If the biologist determines that the colonies are at risk, a meeting with CDFW will be held to determine the best course of action to avoid nest abandonment or take of individuals. The biologist will also train construction personnel on the required avoidance procedures, buffer zones, and protocols in the event that a tricolored blackbird flies into an active construction zone (i.e., outside the buffer zone).</u> 	
3.4-4: Sandhill crane winter foraging habitat	PS	<p>3.4-4: Prepare and Implement a Sandhill Crane Foraging Habitat Mitigation Plan</p> <p>At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove shall require future project that applicants to implement the following measures to mitigate the potential loss of greater sandhill crane foraging habitat:</p> <ul style="list-style-type: none"> Before the approval of grading and improvement plans or before any ground-disturbing activities, whichever occurs first, preserve suitable sandhill crane foraging habitat to ensure 1:1 mitigation for foraging habitat lost as a result of the project. The suitability of preservation habitat shall be determined by the City after consultation <u>consultation-coordination</u> with CDFW and a qualified biologist and shall be located within five miles of the Cosumnes River Floodplain wintering population site. Before approval of such proposed mitigation, the City shall consult <u>consult-coordinate</u> with CDFW regarding the appropriateness of the mitigation. If mitigation is accomplished through conservation easement, then such an easement shall ensure the continued management of the land to maintain sandhill crane foraging values, including but not limited to ongoing agricultural uses and the maintenance of all existing water rights associated with the land. 	LTS

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<p>The conservation easement shall be recordable and shall prohibit any activity that substantially impairs or diminishes the land’s capacity as suitable sandhill crane foraging habitat.</p> <ul style="list-style-type: none"> The project applicants shall transfer said sandhill crane mitigation land, through either conservation easement or fee title, to a third-party, nonprofit conservation organization (Conservation Operator), with the City and CDFW named as third-party beneficiaries. The Conservation Operator shall be a qualified conservation easement land manager that manages land as its primary function. Additionally, the Conservation Operator shall be a tax-exempt nonprofit conservation organization that meets the criteria of Civil Code Section 815.3(a) and shall be selected or approved by the City, after consultation <u>coordination</u> with CDFW. The City, after consultation <u>coordination</u> with CDFW and the Conservation Operator, shall approve the content and form of the conservation easement. The City, CDFW, and the Conservation Operator shall each have the power to enforce the terms of the conservation easement. The Conservation Operator shall monitor the easement in perpetuity to assure compliance with the terms of the easement. The project applicants, after consultation with the City, CDFW, and the Conservation Operator, shall establish an endowment or some other financial mechanism that is sufficient to fund in perpetuity the operation, maintenance, management, and enforcement of the conservation easement. If an endowment is used, either the endowment funds shall be submitted to the City to be distributed to an appropriate third-party nonprofit conservation agency, or they shall be submitted directly to the third-party nonprofit conservation agency in exchange for an agreement to manage and maintain the lands in perpetuity. The Conservation Operator shall not sell, lease, or transfer any interest of any conservation easement or mitigation land it acquires without prior written approval of the City and CDFW. If the Conservation Operator ceases to exist, the duty to hold, administer, manage, maintain, and enforce the interest shall be transferred to another entity acceptable to the City and CDFW. The City shall ensure that mitigation habitat is properly established and is functioning as habitat by conducting regular monitoring of the mitigation site(s) for the first 10 years after establishment of the easement. 	
<p>3.4-5: Western pond turtle</p>	<p>PS</p>	<p>3.4-5: Avoid Take of Western Pond Turtles</p> <p>At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove shall require future project <u>that</u> applicants to implement the following measures to avoid the potential loss of western pond turtles:</p> <ul style="list-style-type: none"> Off-site improvements shall be planned and designed to avoid aquatic habitats that could support western pond turtle to the extent that is technically feasible and appropriate. Avoidance shall be deemed technically feasible and appropriate if the habitat may be 	<p>LTS</p>

Table ES-1. Summary of Project Impacts and Mitigation Measures			
Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<p>preserved onsite while still obtaining the project purpose and objectives and if the preserved habitat features (i.e., aquatic habitats) could reasonably be expected to continue to function as suitable habitat for western pond turtle following project implementation.</p> <ul style="list-style-type: none"> • A preconstruction survey for western pond turtle shall be conducted by a qualified biologist prior to work in suitable aquatic habitat. If no pond turtles are observed, no further mitigation is necessary. • If pond turtles are observed, a qualified biologist, with approval from CDFW, shall relocate pond turtles from to the nearest area with suitable aquatic habitat that will not be disturbed by project-related construction activities. • Construction within 500 feet of aquatic habitat known to support western pond turtles shall be conducted outside of the nesting season (March-August) unless a nesting survey conducted by a qualified biologist determines there are no active nests or hatchlings present in the proposed construction area. 	
3.4-6: Giant garter snake	PS	<p>3.4-6: Implement Avoidance Measures, Secure Incidental Take Authorization for Federally Listed Giant Garter Snake and Implement all Conditions of the Take Authorization</p> <p>At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove shall require all discretionary projects that applicants to implement the following measures to mitigate impacts on giant garter snake:</p> <ul style="list-style-type: none"> • Off-site improvements shall be planned and designed to avoid aquatic habitats that could support giant garter snake to the maximum extent it is if technically feasible and appropriate. Avoidance shall be deemed technically feasible and appropriate if the habitat may be preserved onsite while still obtaining the project purpose and objectives and if the preserved habitat features (i.e., aquatic habitats) could reasonably be expected to continue to function as suitable habitat for giant garter snake following project implementation. • All construction activities within 200-300 feet of aquatic habitat suitable for giant garter snakes shall be conducted during the snake’s active season of May 1 to October 1 <u>September 15</u> so that snakes can move and avoid danger. For any construction outside of this period, USFWS will be consulted to determine whether additional measures are necessary to avoid or minimize potential impacts during the inactive season and avoid take. • In areas where irrigation ditches, or other potential giant garter snake habitats are being retained on the site: <ul style="list-style-type: none"> – A qualified biologist shall install temporary exclusion fencing around suitable upland habitat within 200-300 feet of aquatic habitat to prevent giant garter snakes from entering the work area during construction. The fencing shall be maintained for the duration of the construction activities; – Ground disturbance, spoils, and equipment storage and other project activities shall not be 	LTS

Table ES-1. Summary of Project Impacts and Mitigation Measures			
Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<p>allowed within the fenced area; and</p> <ul style="list-style-type: none"> – The water quality shall be maintained and construction runoff into wetland areas shall be limited through the use of hay bales, filter fences, vegetative buffer strips, or other accepted equivalents. However, no plastic, monofilament, jute, or similar matting to control erosion that could entangle snakes shall be placed in the project area. • If wetlands, irrigation ditches, or other potential giant garter snake <u>aquatic</u> habitat would be filled, the aquatic habitats shall be dewatered at least 15 days before fill. Dewatering of aquatic habitat for construction purposes shall not occur between October 1 and April 15, with the exception of any areas within a cofferdam, unless authorized by USFWS. Any dewatered habitat must remain dry for at least 15 consecutive days after April 15 and before excavation or filling of the dewatered habitat. • If the project involves any ground-disturbing activities in or within 200 feet of waterways that may support giant garter snake, <u>and take of giant garter snake may occur</u>, the project proponent/s shall obtain incidental take authorization from the USFWS and CDFW pursuant to ESA and CESA, and shall abide by all conditions in the take authorization, including conservation and minimization measures, intended to be completed before on-site construction. Conservation and minimization measures are expected to include requirements for preparing supporting documentation describing methods to protect existing habitat during and after project construction, methods for determining impact ratios, a detailed monitoring plan, and reporting requirements. CDFW may issue a Consistency Determination under Section 2080.1 of CESA if the applicant(s) obtains take authorization from USFWS and submits the federal opinion take statement to the Director of Fish and Game. CDFW must determine that conditions specified in the Federal take authorization are consistent with CESA. If a Consistency Determination is not obtained, the applicants shall obtain a separate incidental take permit under Section 2081(b) of CESA. 	
3.4-7: Federally protected waters of the US	PS	<p>3.4-7: Avoid, Minimize, or Compensate for Loss of Waters of the United States and Waters of the State</p> <p>At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove shall require all discretionary projects to <u>that applicants</u> implement the following measures to mitigate the potential loss of waters:</p> <ul style="list-style-type: none"> • Conduct a delineation of waters of the United States according to methods established in the USACE wetlands delineation manual (Environmental Laboratories 1987) and Arid West Supplement (Environmental Laboratories 2008). The delineation shall map and quantify the acreage of all aquatic habitats in the SOIA Area and associated off-site improvement areas, and shall be submitted to USACE for verification and jurisdictional determination. • Off-site improvements shall be planned and designed to avoid waters of the United States, 	LTS

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<p>including wetlands, and waters of the state to the maximum extent technically feasible and appropriate. Avoidance shall be deemed technically feasible and appropriate if the habitat may be preserved onsite while still obtaining the project purpose and objectives and if the preserved aquatic habitat could reasonably be expected to continue to provide the same habitat functions following project implementation.</p> <ul style="list-style-type: none"> • The project applicant for each project requiring fill of waters shall replace or restore on a “no-net-loss” basis the function of all wetlands and other waters that would be removed as a result of implementing the respective project. Wetland habitat will be restored or replaced at an acreage and location and by methods agreeable to USACE and the Central Valley RWQCB, depending on agency jurisdiction, and as determined during the Section 401 and Section 404 permitting processes. • Mitigation methods may consist of establishment of aquatic resources in upland habitats where they did not exist previously, reestablishment (restoration) of natural historic functions to a former aquatic resource, enhancement of an existing aquatic resource to heighten, intensify, or improve aquatic resource functions, or a combination thereof. The compensatory mitigation may be accomplished through purchase of credits from a USACE-approved mitigation bank, payment into a USACE-approved in-lieu fee fund, or through permittee-responsible on-site or off-site establishment, reestablishment, or enhancement, depending on availability of mitigation credits. • If applicable, project applicants shall obtain a USACE Section 404 Individual Permit and Central Valley RWQCB Section 401 water quality certification before any groundbreaking activity within 50 feet of waters <u>of the United States</u> or discharge of fill or dredge material into any water of the United States, <u>or meet waste discharge requirements for impacts to waters of the state.</u> • The project applicant shall have a qualified biologist prepare a wetland mitigation plan to describe how the loss of aquatic functions for each project will be replaced. The mitigation plan will describe compensation ratios for acres filled, and mitigation sites, a monitoring protocol, annual performance standards and final success criteria for created or restored habitats, and corrective measures to be applied if performance standards are not met. • Permittee-responsible mitigation habitat shall be monitored for a minimum of 5 years from completion of mitigation, or human intervention (including recontouring and grading), or until the success criteria identified in the approved mitigation plan have been met, whichever is longer. • Water quality certification pursuant to Section 401 of the CWA, or waste discharge requirements (for waters of the state), will be required before issuance of the record of decision and before issuance of a Section 404 permit. Before construction in any areas containing aquatic features <u>that are waters of the United States</u>, the project applicant(s) shall 	

Table ES-1. Summary of Project Impacts and Mitigation Measures			
Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		obtain water quality certification for the project. Any measures required as part of the issuance of water quality certification and/or waste discharge requirements (<u>for waters of the state</u>), shall be implemented. Project applicant(s) shall obtain a General Construction Stormwater Permit from the Central Valley RWQCB, prepare a stormwater pollution prevention plan (SWPPP), and implement best management practices (BMPs) to reduce water quality effects during construction.	
3.4-8: Conflicts with local policies and ordinances protecting biological resources	PS	<p>3.4-8a: Implement Mitigation Measures 3.4-2c, 3.4-4, 3.4-6, and 3.4-7</p> <p>3.4-8b: Avoid, Minimize, or Compensate for Loss of Protected Trees and Aquatic and Streamside Habitats</p> <p>At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove shall demonstrate that it will require all discretionary projects to that applicants avoid tree removal and removal or fill of waterways that provide important habitat to special-status species, if technically feasible and appropriate, through incorporation of these features into project design and planning. Avoidance shall be deemed technically feasible and appropriate if the features may be preserved onsite while still obtaining the project purpose and objectives and if the preserved habitat features (i.e., trees and aquatic habitats) could reasonably be expected to continue to function as suitable habitat following project implementation.</p> <p>All trees retained onsite shall be protected from construction-related impacts by placing exclusion fencing around the drip line of retained trees and maintaining said fencing through the duration of construction.</p> <p>If it is not technically feasible to retain trees on the project site, trees protected under City ordinance or General Plan policy shall be replaced at a 1:1 ratio (1 new inch dbh of tree for each inch dbh lost), unless alternative mitigation is approved by the City pursuant to Section 19.12.160 of the City code. Replacement trees may be planted onsite to areas that would not be developed or to nearby offsite open space areas. Alternatively, if approved by the City, trees to be removed may be transplanted to other open space areas in proximity to the SOIA Area. Payment of an in-lieu fee to a tree preservation fund may also be allowed to compensate for tree loss.</p>	LTS
3.4-9. Conflicts with the provisions of an adopted habitat conservation plan	<u>LTS</u>	<u>None required.</u>	
<p>Mitigation Measures for Possible Future Off-Site Improvements:</p> <p>3.4-10: Riparian habitat and sensitive natural communities</p>	PS	<p>3.4-10: Avoid, Minimize, or Compensate for Loss of Riparian Habitat and Sensitive Natural Communities</p> <p>At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove shall demonstrate that it will require all discretionary projects that require off-site improvements to retain a qualified botanist to identify, map, and quantify riparian habitat and other sensitive natural communities in proposed off-site improvement areas before final project design is completed. Off-site improvement projects shall be planned and designed to avoid loss</p>	LTS

Table ES-1. Summary of Project Impacts and Mitigation Measures			
Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<p>or substantial degradation of riparian habitat and other sensitive natural communities, if technically feasible and appropriate. Avoidance shall be deemed technically feasible and appropriate if the features may be preserved onsite while still obtaining the project purpose and objectives and if the preserved habitat/community could reasonably be expected to provide comparable habitat functions following project implementation. The avoidance measures shall include relocating off-site improvement components, as necessary and where practicable alternatives are available, to prevent direct loss of riparian habitats and other sensitive natural communities.</p> <p>If riparian habitat or other sensitive natural communities are present in off-site improvement areas and cannot feasibly be avoided, the project applicant shall consult <u>coordinate</u> with the City of Elk Grove and CDFW to determine appropriate mitigation for removal of riparian habitat and sensitive natural communities resulting from project implementation. Mitigation measures may include restoration of affected habitat onsite, habitat restoration offsite, or preservation and enhancement of existing habitat/natural community offsite. The compensation habitat shall be similar in composition and structure to the habitat/natural community to be removed and shall be at ratios adequate to offset the loss of habitat functions in the affected off-site improvement area. If required, the project applicants shall obtain a Section 1602 streambed alteration agreement from CDFW and comply with all conditions of the agreement.</p>	
3.4-11: Additional special-status wildlife	S	<p>3.4-11a: Implement Mitigation Measures 3.4-5, 3.4-6, 3.4-7, 3.4-8b, and 3.4-9</p> <p>3.4-11b: Identify Potential Species Habitat, Implement Avoidance Measures, Secure Incidental Take Authorization for Federally Listed Species and Implement all Conditions of the Take Authorization, Compensate for Loss of Habitat</p> <p>At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove shall demonstrate that it will require all discretionary projects to <u>that applicants</u> conduct biological review and analysis for off-site improvement projects to identify potential special-status species habitat. Off-site improvement projects shall be planned and designed to avoid adverse effects to special-status wildlife species, if technically feasible and appropriate. Avoidance shall be deemed technically feasible and appropriate if the species and its habitat may be preserved onsite while still obtaining the project purpose and objectives and if the preserved species habitat could reasonably be expected to continue to function as suitable habitat for the affected species following project implementation.</p> <p>If, after examining all feasible means to avoid impacts to potential special-status species habitat through project site planning and design, adverse effects cannot be avoided, then impacts shall be mitigated in accordance with guidance from the appropriate state or federal agency charged with the protection of the subject species, including surveys conducted according to applicable standards and protocols, where necessary, implementation of impact minimization measures based on accepted standards and guidelines and best available science, and compensatory</p>	LTS

Table ES-1. Summary of Project Impacts and Mitigation Measures			
Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<p>mitigation for unavoidable loss of special-status species habitats through preservation and enhancement of existing occupied habitat, relocating individuals or populations to other suitable habitat, and/or restoring or creating suitable replacement habitat in sufficient quantities to offset the loss of occupied habitat and individuals. Purchase of mitigation credits at an agency-approved mitigation bank (i.e., approved by the agency with jurisdiction over the affected species or habitat) in Sacramento County, will also be acceptable for compensatory mitigation.</p> <p>If the project would result in take of state or federally listed species, then the City will require project proponent/s to obtain take authorization from the U.S. Fish & Wildlife Service or the California Department of Fish and Wildlife, as appropriate, depending on species status, and comply with all conditions of the take authorization. The City will require project applicants to develop a mitigation and monitoring plan to compensate for the loss of special-status species and their habitats. The mitigation and monitoring plan will describe in detail how loss of special-status species and their habitats shall be avoided or offset, including details on restoration and creation of habitat, compensation for the temporal loss of habitat, success criteria ensuring habitat function goals and objectives are met, performance standards to ensure success, and remedial actions if performance standards are not met. The plan will include detailed information on the habitats present within the preservation and mitigation areas, the long-term management and monitoring of these habitats, legal protection for the preservation and mitigation areas (e.g., conservation easement, declaration of restrictions), and funding mechanism information (e.g., endowment).</p>	
3.4-12: Wildlife nursery sites or migratory routes	<u>LTS</u>	<u>None Required.</u>	<u>LTS</u>
3.6 Energy			
3.6-1: Energy efficiency	<u>S</u>	Mitigation Measure 3.6-1: Implement Mitigation Measures 3.3-2a and 3.3-2b	<u>SU</u>
3.6-2: New or expanded electrical and natural gas utilities	<u>S</u>	<p>Mitigation Measure 3.6-2: Prepare Utility Service Plans that Demonstrate Adequate Electrical and Natural Gas Supplies and Infrastructure are Available before the Annexation of Territory within the SOIA</p> <p>At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove shall prepare utility service plans that identify the projected electrical and natural gas demands and that note appropriate infrastructure sizing and locations to serve future development will be provided within the annexation territory. The utility service plans shall demonstrate that SMUD will have adequate electrical supplies and infrastructure. <u>Project applicants shall provide utility service plans to SMUD for any improvements that are proposed within the SMUD transmission line easement.</u> and <u>In addition, the utility service plans shall demonstrate that PG&E will have adequate natural gas supplies and infrastructure available for the amount of future development proposed within the annexation territory. If SMUD or PG&E must construct or</u></p>	<u>SU</u>

Table ES-1. Summary of Project Impacts and Mitigation Measures			
Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		expand facilities, environmental impacts associated with such construction or expansion should be avoided or reduced through the imposition of mitigation measures. Such measures should include those necessary to avoid or reduce environmental impacts associated with, but not limited to, air quality, noise, traffic, biological resources, cultural resources, GHG emissions, hydrology and water quality, and others that apply to specific construction or expansion of natural gas and electric facilities projects.	
3.9 Hazards and Hazardous Materials			
3.9-1: Routine transport, use, or disposal of hazardous materials	LTS	None Required.	LTS
3.9-2: Potential human health hazards from exposure to existing on-site hazardous materials	PS	3.9-2: Hazardous Materials Identification and Remediation At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove shall require an environmental analysis, including an updated review of environmental risk databases, for the presence of potential hazardous materials. This evaluation should consider the SOIA Area and any off-site improvement areas, and if this assessment indicates the presence or likely presence of contamination, Phase I environmental site assessments and/or Phase II soil/groundwater testing and remediation shall be required before development. The sampling program developed as a part of the Phase II EA shall be conducted to determine the degree and location of contamination, if any, exists. If contamination is determined to exist in the SOIA Area or any off-site improvements, it will be fully remediated, by qualified personnel, in accordance with federal, State, and local regulations and guideline established for the treatment of hazardous substances. The designation of encountered contamination will be based on the chemicals present and chemical concentrations detected through laboratory analysis. Based on the analytical results, appropriate disposal of the material in accordance with EPA, Department of Toxic Substances Control, and Regional Water Quality Control Board guidelines shall be implemented. Any land disturbance near potential hazardous sites should occur only after the remediation and clean-up of the existing site is complete.	LTS
3.9-3: Upset and accident conditions	LTS	None Required.	LTS
3.9-4: Interfere with emergency response or evacuation plan	S	3.9-4: Traffic Control Plans At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove shall impose a condition on all discretionary projects require applicants to prepare and implement traffic control plans for construction activities that may affect road rights-of-way during construction of future development and off-site improvements. The traffic control plans shall be designed to avoid traffic-related hazards and maintain emergency access during construction phases. The traffic control plan will illustrate the location of the proposed work area; provide a diagram showing the location of areas where the public right-of-way would be closed or obstructed and the placement of traffic control devices necessary to perform the work; show	LTS

Table ES-1. Summary of Project Impacts and Mitigation Measures			
Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		the proposed phases of traffic control; and identify the time periods when traffic control would be in effect and the time periods when work would prohibit access to private property from a public right-of-way. The plan may be modified in order to eliminate or avoid traffic conditions that are hazardous to the safety of the public. Traffic control plans should be submitted to the City of Elk Grove, Sacramento County, and/or the California Department of Transportation, as appropriate, for review and approval before approval of improvement plans, where future construction may cause impacts on traffic.	
3.9-5: Risks from wildfires	LTS	None Required.	LTS
3.9-6: Hazardous emissions or handling of hazardous materials, substances, or waste within one-quarter mile of a school	LTS	None Required.	LTS
3.10 Hydrology and Water Quality			
3.10-1: Degradation/violation of water quality standards	PS	3.10-1: Implement Mitigation Measure 3.9-2	LTS
3.10-2: Depletion of groundwater supplies	S	3.10-2a: Implement Mitigation Measure 3.15-1 3.10-2b: Assure Consistency with the Central Basin Groundwater Management Plan At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove shall require discretionary project to demonstrate consistency with the Central Basin Groundwater Management Plan.	SU
3.10-3: Erosion, siltation, downstream flooding, or increased stormwater runoff volumes.	PS	3.10-3: Prepare a Drainage Master Plan At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove shall require all discretionary projects <u>applicants to plan for drainage through preparation of a to prepare a Drainage Master Plan or update to an areawide or city drainage master plan.</u> The Drainage Master Plan shall disclose where stormwater is designed to be released into waterway crossings at State Route 99 facilities. The Drainage Master Plan shall include a review, analysis, and disclosure of locations where channel capacity inadequacies lie; identify the capacities of bridges crossing State Route 99; and identify the need for additional bridge capacity, if necessary. City shall develop measures to minimize, avoid, reduce, or compensate for potential impacts to roadway facilities in consultation with the California Department of Transportation. The City shall provide proof of consultation with the California Department of Transportation to LAFCo. In addition, the Master Drainage Plan shall identify areas of potential impacts due to encroachments on channels, measures to provide improvements or maintenance where development in the SOIA Area would affect channels. The Drainage Master Plan that demonstrates attainment of pre-project stormwater runoff rates and describe the volume reduction measures and treatment controls used to reach attainment. The	LTS

Table ES-1. Summary of Project Impacts and Mitigation Measures			
Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		Master Drainage Plan shall identify all expected flows from the project area and the location, size, and type of facilities used to retain and treat the runoff volumes and peak flows to meet pre-project conditions. The Master Drainage Plan shall also include the geotechnical report verifying groundwater elevation for the regional basins.	
3.10-4: Structures or housing within flood hazard area	LTS	None Required.	LTS
3.10-5: Loss, injury, or death from flooding	LTS	None Required.	LTS
3.11 Land Use, Population, Housing, Employment, Environmental Justice, and Unincorporated Disadvantaged Communities			
3.11-1: Consistency with Sacramento County zoning ordinances or City of Elk Grove zoning ordinances	LTS	None Required.	LTS
3.11-2: Consistency with adopted Sacramento County General Plan or Elk Grove General Plan policies and land use designations	<u>LTS</u>	None Required.	LTS
3.11-3: Consistency with LAFCo policies, standards, and procedures guidelines	NI	None Required.	NI
3.11-4: Consistency with the SACOG 2036 Metropolitan Transportation Plan/Sustainable Communities Strategy	S	None Feasible.	SU
3.11-5: Conversion of open space	S	3.11-5: Implement Mitigation Measure 3.2-1	SU
3.11-6: Induce population growth	S	None Feasible.	SU
3.11-7: Jobs-housing balance	LTS	None Required.	LTS
3.13 Public Services and Recreation			
3.13-1: Increased demand on fire protection and emergency medical services	S	3.13-1: Demonstrate Adequate Fire Protection Facilities are Available before the Annexation of Territory within the SIOA Area. At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove shall demonstrate that CCSD fire protection <u>and</u> life safety facilities will meet the service demands of development identified for the annexation territory, or that fair-share funding will be provided for the construction of new or expansion of existing fire protection facilities, as needed, to accommodate the increase in demand resulting from development of the annexation territory. The City of Elk Grove shall demonstrate future development has incorporated adequate	SU

Table ES-1. Summary of Project Impacts and Mitigation Measures			
Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		water supply and pressure, fire hydrants, and access to structures by firefighting equipment and personnel and where appropriate, identified on-site fire suppression systems for all new commercial and industrial development into design plans consistent with General Plan polices PF-7, PF-21, and SA-32 and Action SA-32-Action 1, SA-32-Action 2, and SA-32-Action 4. <u>Any expansion of service shall not adversely impact current service levels.</u>	
3.13-2: Increased demand for law enforcement services	S	3.13-2: Prepare a Plan for Service that Demonstrates Adequate Police Protection Facilities are Available before the Annexation of Territory within the SOIA Area. At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove shall demonstrate that EGPD police protection <u>and public safety</u> facilities will meet the service demands of development identified for the annexation territory, or that fair-share funding will be provided for the construction of new on-site or off-site police protection facilities or expansion of existing police protection facilities, as needed, to accommodate the increase in demand resulting from development of the annexation territory. <u>Any expansion of service shall not adversely impact current service levels.</u>	SU
3.13-3: Increased demand for schools	LTS	None Required.	LTS
3.13-4: Increased demand for park and recreation facilities	LTS	None Required.	LTS
3.14 Transportation			
3.14-1: Conflict with an applicable transportation plan, ordinance, policy, or congestion management program	S	3.14-1: Impacted Roadway and Freeway Segments Improvement At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove shall consult with <u>affected agencies Sacramento County and Caltrans</u> to establish transportation improvement plans and funding mechanisms to provide service levels consistent with the City's and County's General Plans. Future development within the SOIA Area will be responsible for constructing or contributing on a fair-share basis to roadway improvements necessary to serve development within the SOIA Area. In addition, a detailed traffic study will be completed after a more defined land use plan has been developed. Improvements needed as a result of development in the SOIA Area will be established by subsequent traffic studies and LOS standards of affected agencies. Annexation and development activity within the SOIA Area will require the preparation of traffic impact report/s to establish the fair share and costing of required improvements. 3.14-1b: Implement Mitigation Measure 3.3-2a 3.14-1c: Implement Mitigation Measure 3.3-2b 3.14-1d: Implement Mitigation Measure 3.8-1	SU

Table ES-1. Summary of Project Impacts and Mitigation Measures			
Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
3.14-2: Hazards due to a design feature.	LTS	None Required.	LTS
3.14-3: Inadequate emergency access	LTS	None required.	LTS
3.14-4: Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities	PS	3.14-4: Implement Mitigation Measure 3.3-2b	LTS
3.15 Utilities and Service Systems			
3.15-1: Increased demand for water supplies and water system facilities	S	<p>3.15-1: Prepare a Plan for Service that Demonstrates Adequate Water Supplies and On-Site and Off-Site Water System Facilities are Available Before the Annexation of Territory within the SOIA Area.</p> <p>At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove shall prepare a Plan for Services as required by Government Code Section 56430, or its successor. The Plan for Services shall demonstrate that SCWA water supplies are adequate to serve the amount of future development identified in the annexation territory in addition to existing and planned development under normal, single dry, and multiple dry years, <u>without adverse impacts to existing ratepayers</u>. The Plan for Services shall demonstrate that the SCWA is a signatory to the Water Forum Agreement, <u>that groundwater management would occur consistent with the Central Sacramento County Groundwater Management Plan</u>, and that groundwater will be provided in a manner that ensures no overdraft will occur. The Plan for Services shall depict the locations and appropriate sizes of all on-site water system facilities to accommodate the amount of development identified for the annexation territory, demonstrate SCWA has <u>modified its service area boundary to include the territory into within its Zone 40 and Zone 41 service areas boundaries</u>, and demonstrate adequate SCWA off-site water facilities are available to accommodate the amount of development identified in the annexation territory or that fair share funding will be provided for the construction of new or expansion and/or improvement of existing off-site water system facilities with no adverse impacts on existing ratepayers.</p>	SU

NI = No Impact CC = Cumulatively Considerable LTS = Less than Significant PS = Potentially Significant S = Significant SU = Significant and Unavoidable

Table ES-1. Summary of Project Impacts and Mitigation Measures			
Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
3.15-2: Increased demand for wastewater collection, conveyance, and treatment facilities	S	<p>3.15-2: Prepare a Plan for Service that Demonstrates Adequate On-Site and Off-Site Wastewater Collection and Conveyance Facilities and Wastewater Treatment Facilities are Available Before the Annexation of Territory within the SOIA Area.</p> <p>At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove shall provide a Plan for Services that depicts the locations and appropriate sizes of wastewater collection and conveyance facilities to accommodate the amount of development identified for the annexation territory. The Plan for Services shall demonstrate SCSD and SRCSD have annexed the territory into their respective service areas. The Plan for Services shall demonstrate that SCSD and SRCSD wastewater collection and conveyance facilities and that the SRWTP will have sufficient capacity to accommodate the amount of development identified for the annexation territory or that fair-share funding will be provided for the expansion and/or improvement of existing wastewater facilities, as needed, to accommodate the increase in demand resulting from development of the annexation territory with no adverse impact to existing ratepayers</p>	SU
3.15-3: Increased generation of solid waste and compliance with solid waste regulations	LTS	None Required.	LTS

ES.4 SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS

Section 15226.2(b) of the CEQA Guidelines requires EIRs to include a discussion of any significant environmental impacts that cannot be avoided if the proposed project is implemented.

Chapter 3 of this Recirculated Draft EIR provides a detailed analysis of significant and potentially significant environmental impacts related to approval of the SOIA and future development; identifies feasible mitigation measures, where available, that could avoid or reduce these significant and potentially significant impacts; and presents a determination whether these mitigation measures would reduce these impacts to less-than-significant levels.

Following is a listing of significant and unavoidable impacts associated with implementation of the SOIA were identified in this Recirculated Draft EIR. Cumulative impacts associated with the SOIA, including significant impacts, are summarized in Section 5.3.

Section 3.2, Agricultural Resources

- ▶ **Impact 3.2-1:** Direct loss of agricultural land, including Prime Farmland, Unique Farmland, or Farmland of Statewide Importance or Farmland under Williamson Act Contract
- ▶ **Impact 3.2-2:** Indirect loss of adjacent agricultural land, including Prime Farmland, Unique Farmland, or Farmland of Local Importance or Lands Under Williamson Act Contract

Section 3.4, Biological Resources

- ▶ **Impact 3.4-2:** Special-status raptors and other nesting raptors

Section 3.6, Energy

- ▶ **Impact 3.6-1:** Energy efficiency
- ▶ **Impact 3.6-2:** New or expanded electrical, alternative energy and natural gas utilities

Section 3.10, Hydrology and Water Quality

- ▶ **Impact 3.10-2:** Depletion of groundwater supplies

Section 3.11, Land Use, Population, Housing, Employment, Environmental Justice, and Unincorporated Disadvantaged Communities

- ▶ **Impact 3.11-4:** Consistency with the SACOG 2036 Metropolitan Transportation Plan/Sustainable Communities Strategy
- ▶ **Impact 3.11-5:** Conversion of open space
- ▶ **Impact 3.11-6:** Induce population growth

Section 3.13, Public Services and Recreation

- ▶ **Impact 3.13-1:** Increased demand on fire protection and emergency medical services
- ▶ **Impact 3.13-2:** Increased demand for law enforcement services

Section 3.14, Transportation

- ▶ **Impact 3.14-1:** Conflict with an applicable transportation plan, ordinance, policy, or congestion management program

Section 3.15, Utilities and Service Systems

- ▶ **Impact 3.15-1:** Increased demand for water supplies and water system facilities
- ▶ **Impact 3.15-2:** Increased demand for wastewater collection, conveyance, and treatment facilities.

There are also significant and unavoidable cumulative impacts to the following:

- ▶ Agricultural Resources
- ▶ Biological Resources
- ▶ Energy
- ▶ Hydrology and Water Quality
- ▶ Land Use and Planning / Population / Housing
- ▶ Public Services and Recreation
- ▶ Transportation and Traffic
- ▶ Utilities and Service Systems

ES.5 SUMMARY OF PROJECT ALTERNATIVES

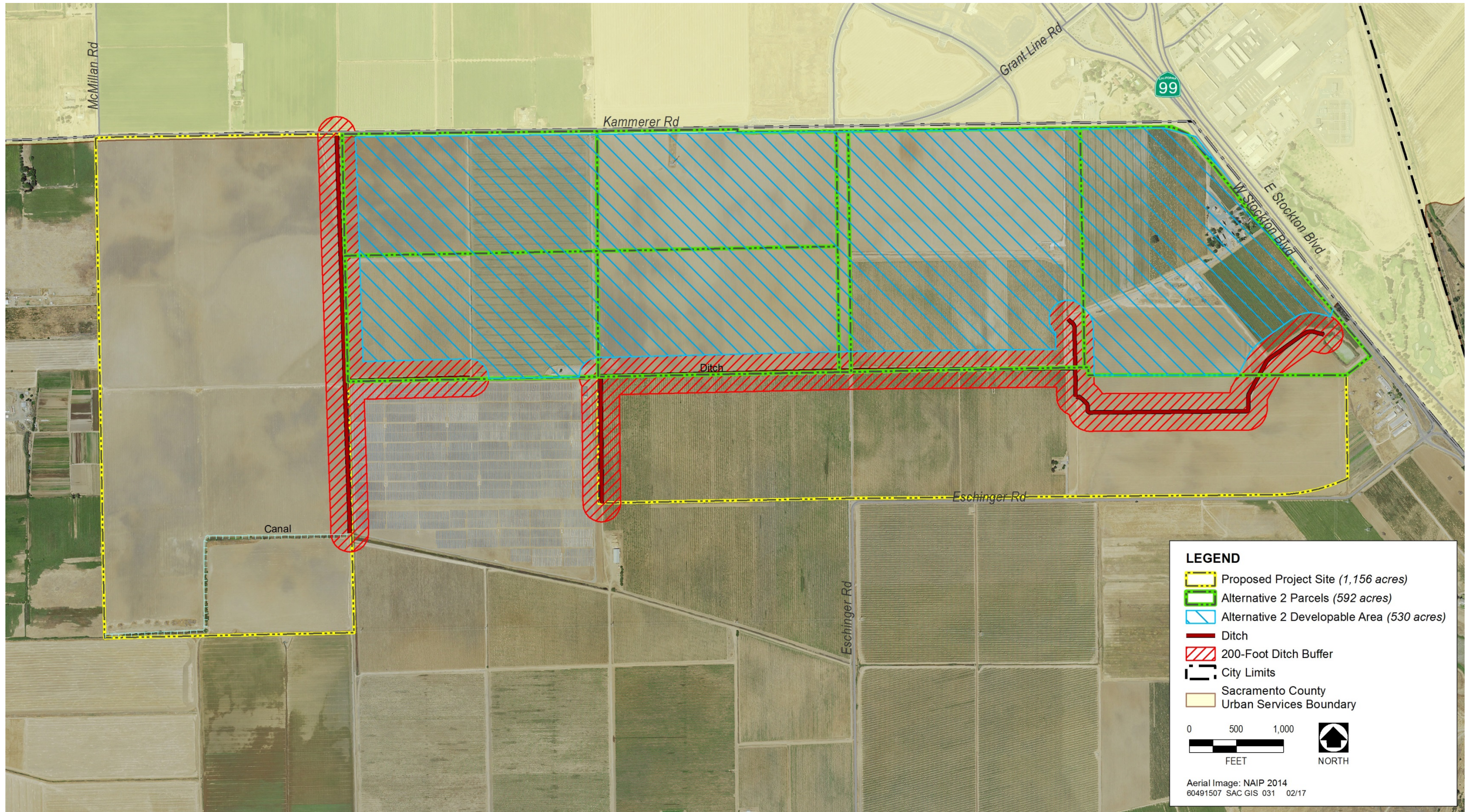
Below is a summary of the alternatives to the proposed project considered in Section 5, Alternatives to the Proposed Project.

ES.5.1 ALTERNATIVE 1: NO-PROJECT ALTERNATIVE

CEQA Guidelines Section 15126.6(e)(2) states that a discussion of the “No Project” alternative must consider “what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans.” The project site is zoned and designated by Sacramento County to be used for agriculture and the majority of the site is currently used for agriculture. Therefore, the No-Project Alternative for purposes of this analysis consists of continued agricultural use.

ES.5.2 ALTERNATIVE 2: REDUCED SIZE ALTERNATIVE

Instead of the 1,156-acre proposed SOIA Area, Alternative 2 is a reduced size alternative that would avoid the ditches as shown on Exhibit ES-3. The ditches may be sensitive for biological resources, including giant garter snake, Sanford’s arrowhead (and other special-status plants), and western pond turtle. In addition, the waters may be subject to federal protection under Section 404 of the CWA due to ultimate connectivity to the Sacramento-San Joaquin River Delta via South Stone Lake thence Snodgrass Slough; however, a jurisdictional determination has not been completed for the SOIA Area. Avoidance of the ditches would reduce the project site to 530 acres, less than half the size of the proposed project.



Source: AECOM 2016

Exhibit ES-3

Alternative 2 Reduced Size Alternative

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ES.6 AREAS OF CONTROVERSY

Pursuant to CEQA Guidelines Section 15123(b), a summary section must address areas of controversy known to the lead agency, including issues raised by agencies and the public, and it must also address issues to be resolved, including the choice among alternatives and whether or how to mitigate the significant effects. A Notice of Preparation (NOP) for the project was issued on March 7, 2016. The NOP describing the project and issues to be addressed in the EIR was distributed to the State Clearinghouse, responsible agencies, and other interested parties for a 30-day public review period, extending from March 7, 2016 through April 8, 2016. During the 30-day comment period, LAFCo held public scoping meetings on March 22, 2016 in Elk Grove and April 6, 2016 at the regularly scheduled Commission meeting in the County of Sacramento Board Chambers in the city of Sacramento. Based on the NOP responses and review by the Sacramento LAFCo, the lead agency has determined that there could be significant environmental impacts involving the following resource areas and they require further analysis in the Draft EIR:

- ▶ Aesthetics
- ▶ Agricultural Resources
- ▶ Air Quality
- ▶ Biological Resources
- ▶ Cultural Resources
- ▶ Energy
- ▶ Geology, Soils, Minerals, and Paleontological Resources
- ▶ Greenhouse Gas Emissions
- ▶ Hazards and Hazardous Materials
- ▶ Hydrology and Water Quality
- ▶ Land Use, Population, Housing, Employment, Environmental Justice, and Disadvantaged Unincorporated Communities
- ▶ Noise and Vibration
- ▶ Public Services and Recreation
- ▶ Transportation
- ▶ Utilities and Service Systems

The Draft EIR was received on February 15, 2017 by the State Clearinghouse. The Draft EIR was circulated for a 45-day public review period, which concluded on March 31, 2017. In addition to written comments, Sacramento LAFCo also accepted verbal comments related to the Draft EIR at an open house on March 10, 2017. Based on the Draft EIR responses and review by the Sacramento LAFCo, the lead agency has determined that there could be significant environmental impacts involving the following resource areas and they require further analysis in the Recirculated Draft EIR:

- ▶ Agricultural Resources
- ▶ Biological Resources
- ▶ Energy
- ▶ Hazards and Hazardous Materials
- ▶ Hydrology and Water Quality
- ▶ Land Use, Population, Housing, Employment, Environmental Justice, and Disadvantaged Unincorporated Communities
- ▶ Public Services and Recreation
- ▶ Transportation
- ▶ Utilities and Service Systems

ES.6.1 DISAGREEMENT AMONG EXPERTS

This Recirculated Draft EIR contains substantial evidence to support all the conclusions presented herein. It is possible that there will be disagreement among various parties regarding these conclusions, although Sacramento LAFCo is not aware of any disputed conclusions at the time of this writing. Both the CEQA Guidelines and case law clearly provide the standards for treating disagreement among experts. Where evidence and opinions conflict on an issue concerning the environment, and the lead agency knows of these controversies in advance, the EIR must acknowledge the controversies, summarize the conflicting opinions of the experts, and include sufficient information to allow the public and decision makers to make an informed judgment about the environmental consequences of the proposed project.

ES.6.2 SUBSTANTIAL EVIDENCE

As defined by CEQA Section 21080(e) and CEQA Guidelines Section 156044, substantial evidence includes fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact. Substantial evidence is not argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment. Evidence of economic and social impacts that do not contribute to or are not caused by physical changes in the environment is not substantial evidence that the project may have a significant effect on the environment.

ES.6.3 POTENTIALLY CONTROVERSIAL ISSUES

Based on the Draft EIR responses and review by the Sacramento LAFCo, the lead agency has determined that the following potentially controversial issues require further analysis in the Recirculated Draft EIR. For more detail, see Chapter 1.0, "Introduction."

- ▶ Farmland, including compatibility
- ▶ Biological impacts, including the South Sacramento Habitat Conservation Plan
- ▶ Public services, including school impacts
- ▶ Information related to Elk Grove's General Plan Update and annexation policies
- ▶ Hazards associated with the Suburban Propane facility
- ▶ Water supply and groundwater extraction
- ▶ Transportation and traffic concerns related to Senate Bill (SB) 743

It is also possible that evidence will be presented during the ~~45~~ 60-day Recirculated Draft EIR public review period that may create disagreement. Decision makers would consider this evidence during the public hearing process.

In rendering a decision on a project where there is disagreement among experts, the decision makers are not obligated to select the most environmentally preferable viewpoint. Decision makers are vested with the ability to choose whatever viewpoint is preferable and need not resolve a dispute among experts. In their proceedings, decision makers must consider comments received concerning the adequacy of the Draft EIR and address any objections raised in these comments. However, decision makers are not obligated to follow any directives, recommendations, or suggestions presented in comments on the Recirculated Draft EIR, and can certify the Final EIR without needing to resolve disagreements among experts.

ES.7 PUBLIC REVIEW OF THE RECIRCULATED DRAFT EIR

Upon completion of the Recirculated Draft EIR, the Sacramento LAFCo filed a notice of completion (NOC) with the Governor's Office of Planning and Research to begin the public review period (Public Resources Code Section 21161). Concurrent with the NOC, this Recirculated Draft EIR has been distributed to responsible and trustee agencies, other affected agencies, surrounding cities, and interested parties, as well as to all parties requesting a copy of the Recirculated Draft EIR, in accordance with Public Resources Code Section 21092(b)(3). During the public review period, the Recirculated Draft EIR, including the technical appendices, is available for review at the Sacramento LAFCo offices, located at the address provided below. Agencies, organizations, and interested parties not previously contacted or who provided comments on the NOP or draft EIR currently have the opportunity to comment on the Recirculated Draft EIR during the public review period on the Recirculated Draft EIR. Comments should be focused on the resource sections included in this Recirculated Draft (CEQA Guidelines Section 15088.5(f)(2)). Written comments on this Recirculated Draft EIR should be addressed to:

Don Lockhart, AICP, Executive Officer
Sacramento Local Agency Formation Commission
1112 I Street, Suite 100
Sacramento, CA 95814
Phone: (916) 874-2937
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Email: Don.Lockhart@SacLAFCo.org

Submittal of electronic comments in Microsoft Word or Adobe PDF format is encouraged. Upon completion of the public review period, written responses to comments will be prepared and made available for review by the commenting agencies at least 10 days before the public hearings before the Commission, at which the certification of the final EIR will be considered. The final EIR will incorporate responses to comments received on the sections of the Draft EIR that were not recirculated and the comments received on the sections in this Recirculated Draft EIR during the public review period for the Recirculated Draft EIR. The comments and responses will be included as part of the record for consideration by the Commission.

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