

**Lockhart. Don**

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**SACRAMENTO LOCAL AGENCY  
FORMATION COMMISSION**

**From:** Sheya, Tanya@Wildlife <Tanya.Sheya@wildlife.ca.gov>  
**Sent:** Tuesday, April 05, 2016 1:48 PM  
**To:** Lockhart. Don  
**Cc:** Wildlife R2 CEQA  
**Subject:** Comments on the Kammerer Road/Highway 99 Sphere of Influence Amendment Project (SCH#2016032015)  
**Attachments:** SOI City of Elk Grove\_5-20-13.pdf

Dear Mr. Lockhart:

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation of an Environmental Impact Report for the Kammerer Road/Highway 99 Sphere of Influence Amendment Project (SCH#2016032015).

As a trustee for California's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Fish & G. Code, § 1802). CDFW may also act as a Responsible Agency (Cal. Code Regs., § 21069) for a project where it has discretionary approval power under the California Endangered Species Act (Fish & G. Code, § 2050 et seq.) and the Lake and Streambed Alteration Program (Fish & G. Code, § 1600 et seq.). CDFW also administers the Native Plant Protection Act, Natural Community Conservation Program, and other provisions of the Fish and Game Code that afford protection to California's fish and wildlife resources.

CDFW offers the following comments and recommendations for this project in our role as a trustee and responsible agency pursuant to the California Environmental Quality Act (CEQA).

#### PROJECT DESCRIPTION AND ALTERNATIVE ANALYSIS

The City has proposed to amend its current Sphere of Influence (SOI) boundary to be able to, once approved, comprehensively plan for the logical future growth of the City. The area consists of approximately 1,156 acres of agricultural land west of State Route 99, south of Kammerer Road, and east of McMillan Road. The proposed SOIA for the City is an important policy instrument used in implementing the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH). SOI is defined by Government Code Section 56425 as "a plan for the probable physical boundary and service area of local governmental agency, as determined by LAFCo...." The SOIA area represents territory adjacent to the service area of jurisdiction where services might reasonably be expected to be provided in the next 20 years. Although the proposed SOIA would amend the City's Sphere of Influence boundaries, property within the amended SOI would not be within the City's jurisdiction until future requests for annexation of property are approved by LAFCo. If and when future requests for annexation are approved, the newly annexed property would be within the City's jurisdiction and subject to applicable City General Plan policies and regulations. Approval of the SOIA project does not commit the City to development of any particular uses or the maximum amount of development. If the SOIA project is approved, future development will be driven by market conditions and future planning decisions by the City, in terms of timing and type and intensity of development.

The project description should include the whole action as defined in the California Code of Regulations, title 14, section 15000 et seq. (CEQA Guidelines) section 15378 and should include appropriate detailed exhibits disclosing the project area.

As required by section 15126.6 of the CEQA Guidelines, the EIR should include appropriate range of reasonable and feasible alternatives that would attain most of the basic project objectives and avoid or minimize significant impacts to resources under CDFW's jurisdiction.

## CONFLICT WITH THE SOUTH SACRAMENTO HABITAT CONSERVATION PLAN

Although the South Sacramento Habitat Conservation Plan (SSHCP) is not yet finalized, any growth not currently identified within the SSHCP planning area, including the proposed project, will make it unlikely that the SSHCP will be able to meet the mitigation standards required by Fish & G. Code § 2080 et seq., rendering the SSHCP impossible to implement. Please review the attached comment letter that CDFW sent on May 20, 2013, in response to the previously proposed amendment to the City of Elk Grove's SOI.

## ENVIRONMENTAL SETTING

CDFW recommends that the EIR includes a complete assessment of the existing biological conditions within the project area including but not limited to the type, quantity and locations of the habitats, flora and fauna. Adequate mapping and information regarding the survey efforts should be included within the CEQA document. All surveys as well as the environmental analysis should be completed by qualified personnel with sufficient experience in the work performed for the project.

To identify a correct environmental baseline, the EIR should include a complete and current analysis of endangered, threatened, candidate, and locally unique species. CEQA guidelines section 15125, subdivision (c) requires lead agencies to provide special emphasis to sensitive habitats and any biological resources that are rare or unique to the area. This includes, but is not limited to vernal pools, streambeds, riparian habitats, and open grasslands that are known to be present within the project boundaries or its vicinity.

CDFW recommends that the California Natural Diversity Database (CNDDDB), as well as previous studies performed in the area, be consulted to assess the potential presence of sensitive species and habitats. Recent surveys for the different species that have the potential to be present within the project limits and its vicinity shall be included within the CEQA document. Additional information regarding survey protocols can be obtained by contacting CDFW.

Species-specific surveys should be conducted in order to ascertain the presence of species with the potential to be present within the project vicinity. CDFW recommends that the lead agency use survey protocols previously approved by CDFW and that an assessment for rare plants and rare natural communities follow CDFW's 2009 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. The guidance document is available here: [http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/protocols\\_for\\_surveying\\_and\\_evaluating\\_impacts.pdf](http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/protocols_for_surveying_and_evaluating_impacts.pdf).

## IMPACT ANALYSIS AND MITIGATION MEASURES

The EIR should clearly identify and describe all short-term, long-term, permanent, or temporary impacts to biological resources under CDFW's jurisdiction, including all direct and foreseeable indirect impacts caused by the proposed project.

The EIR should define the threshold of significance for each impact and describe the criteria used to determine each threshold (CEQA Guidelines, § 15064, subd. (f).) The EIR must demonstrate that the significant environmental impacts of the project were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the full environmental context.

CDFW recommends the use of survey and monitoring protocols and guidelines available at:

[http://www.dfg.ca.gov/wildlife/nongame/survey\\_monitor.html](http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html). CDFW also recommends that the environmental documentation provide scientifically supported discussion and adequate avoidance, minimization, and/or mitigation measures to address the project's impact upon fish and wildlife and their habitat. CDFW recommends that the environmental documentation identify natural habitats and provide a discussion of how the proposed project will affect their function and value.

The EIR should incorporate mitigation performance standards that would ensure that significant impacts are reduced as expected. Mitigation measures proposed in the EIR should be made a condition of approval of the project. Please note that obtaining a permit from CDFW by itself with no other mitigation proposal may constitute mitigation deferral.

### *Threatened, Endangered, Candidate Species*

The proposed project area contains mostly agricultural lands, and these lands mostly contain suitable foraging habitat for the Swainson's hawk (SWHA; *Buteo swainsoni*). CDFW considers these mixed agricultural lands to be of the highest quality of foraging habitat. The potential impact to the SWHA as a result of the increase of the City's SOI is significant. Avoidance, minimization and mitigation measures should be included in the EIR to reduce the level of impact to less than significant.

If during the environmental analysis for the project, if it is determined that the project may have the potential to result in "take", as defined in the Fish and Game Code, section 86, of a State-listed species, the EIR shall disclose an Incidental Take Permit (ITP) or a consistency determination (Fish & G. Code, §§ 2080.1 & 2081) may be required prior to starting construction activities. The EIR must include all avoidance and minimization to reduce the impacts to a less than significant level. If impacts to listed species are expected to occur even with the implementation of these measures, mitigation measures shall be proposed to fully mitigate the impacts to State-listed species (Cal. Code Regs., tit. 14, § 783.2, subd.(a)(8)).

### *Jurisdictional Delineation and Wetlands*

The EIR should identify all the areas under CDFW's jurisdiction per section 1602 of the Fish and Game Code. These areas include all perennial, intermittent, and ephemeral rivers, streams, and lakes in the State and any habitats supported by these features such as wetlands and riparian habitats. If these jurisdictional features are found within the project limits or its vicinity, the EIR should identify any potential impacts to these resources. The EIR should include a delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project including an estimate of impact to each habitat type. Please note that the CDFW definition of wetlands as well as extent of the jurisdictional areas differ from other agencies such as the U.S. Army Corps of Engineers or the Regional Water Quality Control Board. The EIR should identify the different jurisdictional areas present within the project limits under each agency.

If it is determined that the project would impact areas under CDFW's jurisdiction the EIR must propose mitigation measures to avoid, minimize, and mitigate impacts to these resources.

### *Migratory Birds and Birds of Prey*

Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) (16 U.S.C., §§ 703-712). CDFW implemented the MBTA by adopting the Fish and Game Code section 3513. Fish and Game Code sections 3503, 3503.5 and 3800 provide additional protection to nongame birds, birds of prey, their nests and eggs. Potential habitat for nesting birds and birds of prey is present within the project area. The proposed project should disclose all potential activities that may incur a direct or indirect take to nongame nesting birds within the project footprint and its close vicinity. Appropriate avoidance, minimization, and/or mitigation measures to avoid take must be included in the CEQA document. Measures to avoid the impacts should include species specific work windows, biological monitoring, installation of noise attenuation barriers, etc.

### GENERAL

The proposed project may have an impact to fish and/or wildlife habitat and should be evaluated in such a manner to reduce its impacts to biological resources. Assessment of fees under Public Resources Code §21089 and as defined by FGC §711.4 is necessary. Fees are payable by the project applicant upon filing of the Notice of Determination by the lead agency.

Pursuant to Public Resources Code §21092 and §21092.2, the Department requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of Fish and Wildlife Region 2, 1701 Nimbus Road, Rancho Cordova, CA 95670.

Thank you for considering our concerns for the proposed project and providing the opportunity to comment. I am available for consultation regarding biological resources and strategies to minimize impacts. If you have questions please contact me by e-mail at [Tanya.Sheya@wildlife.ca.gov](mailto:Tanya.Sheya@wildlife.ca.gov) or by phone at (916) 358-2953.

Sincerely,

**Tanya Sheya**  
Environmental Scientist

**CALIFORNIA DEPARTMENT OF**  
**FISH and WILDLIFE** 

North Central Region | Habitat Conservation  
1701 Nimbus Road | Rancho Cordova, CA 95670  
Phone 916.358.2953 | Fax 916.358.2912  
[Tanya.Sheya@wildlife.ca.gov](mailto:Tanya.Sheya@wildlife.ca.gov)

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State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
North Central Region/Region 2  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670  
[www.cdfw.ca.gov](http://www.cdfw.ca.gov)

EDMUND G. BROWN JR., Governor  
CHARLTON H. BONHAM, Director



May 20, 2013

Don Lockhart AICP, Assistant Executive Officer  
Sacramento Local Agency Formation Commission  
1112 I Street, Suite 100  
Sacramento, CA 95814



Dear Mr. Lockhart:

The California Department of Fish and Wildlife (DFW) has reviewed the Recirculated Draft Environmental Impact Report (RDEIR) for the City of Elk Grove (City) Proposed Sphere of Influence Amendment Project (proposed project; State Clearinghouse No. 2010092076). The Sacramento Local Agency Formation Commission's (LAFCo) RDEIR analyzes the potential environmental effects of the proposed City of Elk Grove Sphere of Influence Amendment (SOIA) project (LAFC # 09-10), immediately south-southwest of the City of Elk Grove, California. The City has proposed to amend its current Sphere of Influence (SOI) boundary to be able to, once approved, comprehensively plan for the logical future growth of the City.

The proposed SOIA for the City is an important policy instrument used in implementing the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH). 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, as determined by LAFCo...." The SOIA area represents territory adjacent to the service area of a jurisdiction where services might reasonably be expected to be provided in the next 20 years. Although the proposed SOIA would amend the City's Sphere of Influence boundaries, property within the amended SOI would not be within the City's jurisdiction until future requests for annexation of property are approved by LAFCo. If and when future requests for annexation are approved, the newly annexed property would be within the City's jurisdiction and subject to applicable City General Plan policies and regulations. Approval of the SOIA project does not commit the City to development of any particular uses or the maximum amount of development described for this Recirculated Draft EIR. If the SOIA project is approved, future development will be driven by market conditions and future planning decisions by the City, in terms of timing and type and intensity of development.

As trustee for the State's fish and wildlife resources, the DFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of such species. As a responsible agency, the DFW administers the California Endangered Species Act (CESA), the Native Plant Protection Act (NPPA), and other provisions of the California Fish and Game Code that affords protection to the State's fish and wildlife trust resources. The DFW also considers issues as related to the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. 703-712) (MBTA). As such, the DFW offers the following comments:

#### **Biological Resources**

The RDEIR identifies the proposed project area to contain mostly agricultural lands, and describes that these lands mostly contain suitable foraging habitat for the Swainson's hawk (SWHA; *Buteo swainsoni*). The DFW agrees with this assertion and considers these mixed agricultural lands to be of the highest quality of foraging habitat. The RDEIR further depicts

numerous nests to occur within a 5 mile distance of the proposed project area. The nests depicted in chapter 3.4 of the RDEIR are simply nests that are known to occur and likely only represent a portion of population within the vicinity of the project has not been conducted. An inventory of all nests within the vicinity of the project, and the database used to portray these nests (the California Natural Diversity Database; CNDDDB) is not an exhaustive and comprehensive inventory of all rare species and natural communities statewide. The DFW recently conducted a study to estimate the SWHA nesting population for a portion of northern California, including the proposed project area. As a result of this study, we found the proposed project area to contain a high population of nesting SWHA (Gifford et al., 2012).

The RDEIR acknowledges that approval of the SOIA area could result in urbanization of the SOIA area at an undetermined future time, and furthermore describes the potential impact to the SWHA as potentially significant. The RDEIR describes several mitigation measures to lessen this impact, including MM Bio-1a through 1c.

MM Bio-1a requires that: a) a reconnaissance level survey for special-status species be conducted prior to land being annexed, b) avoidance of special-status species and their habitats shall be addressed during project design, and if avoidance is infeasible, mitigation of special-status species shall occur pursuant to Measure C, and c) the City of Elk Grove shall participate in the South Sacramento County Habitat Conservation Plan (SSHCP) or shall require the preparation and implementation of a Habitat Conservation Management Plan (HCMP) for all affected special status species and habitats. Item c further requires that the HCMP be developed in consultation with the DFW, and the U.S. Fish and Wildlife Service (USFWS) for listed species under the Federal Endangered Species Act (FESA) and the California Endangered Species Act (CESA). We agree that these measures are necessary to lessen impacts to special status species, and in addition recommend that the RDEIR be revised to state that the HCMP shall require approval by the DFW and USFWS rather than simply consulting with these agencies, since a consultation in itself does not necessarily: 1) result in effective mitigation measures to protect these species and their habitats, or 2) result in achieving the standards necessary under Fish and Game Code (FGC) § 2080 et seq.

MM Bio1-b requires that prior to the submittal of any application to annex all or part of the SOIA (and as a means to provide protection for the SWHA and other nesting raptors), a pre-construction survey to identify active nests shall be conducted, and if active nests are discovered, impacts to nesting raptors shall be avoided by establishing protective buffers around such nests. The DFW believes that the language in the three bulleted items of MM Bio-1-b are possibly too vague and could be interpreted as a suggestion, and therefore recommends that the RDEIR be revised to include the following language to provide protection for nesting raptors:

"In order to avoid take (FGC § 86) of protected raptors (FGC § 3503.5), a pre-construction raptor nest survey shall be conducted within a quarter-mile (1320 feet) of the project site, and within 15 days prior to the beginning of construction activities by a California Department of Fish and Wildlife approved biologist in order to identify active nests in the project site vicinity. The results of the survey shall be submitted to the city of Elk Grove and the DFW. If active nests are found, a quarter-mile initial temporary nest disturbance buffer shall be established. If project related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then an on-site biologist/monitor experienced with raptor behavior shall be retained by the project proponent to monitor the nest, and shall along with the project proponent, consult with the DFW to determine the best course of action necessary to avoid nest

Mr. Lockhart  
May 20, 2013  
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with the ERA selected would then be much closer to the 15% acquisition rate experienced with the SJHCP.

### **General**

This project may have an impact to fish and/or wildlife habitat. Assessment of fees under Public Resources Code Section 21089 and as defined by Fish and Game Code Section 711.4 may be necessary. Fees are payable by the project applicant upon filing of the Notice of Determination by the lead agency.

Pursuant to Public Resources Code Sections 21092 and 21092.2, the DFW requests written notification of proposed actions and pending decisions regarding this project. Written notifications should be directed to this office.

Thank you for the opportunity to review this project. If the DFW can be of further assistance, please contact Todd Gardner, Staff Environmental Scientist, at (209) 745-1968 or e-mail at [todd.gardner@wildlife.ca.gov](mailto:todd.gardner@wildlife.ca.gov).

Sincerely,



Tina Bartlett  
Regional Manager

cc: Mike Thomas  
Terry Adelsbach  
U.S. Fish and Wildlife Service

Jeff Drongesen  
Jenifer Navicky  
Todd Gardner  
Department of Fish and Wildlife

### **Literature Cited**

Gifford, D. L., P. S. Hofmann, A. A. Truex and D. H. Wright. Monitoring distribution and abundance of nesting Swainson's hawks in the Sacramento Valley and Sacramento River Delta, California. California Fish and Game 98(1):7-18. California Department of Fish and Game; 2012.

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abandonment or take of individuals. Work may only be allowed to proceed within the temporary nest disturbance buffer if raptors are not exhibiting agitated behavior such as defensive flights at intruders, getting up from a brooding position, or flying off the nest, and only with the agreement of the DFW. The designated on-site biologist/monitor shall be on-site daily while construction related activities are taking place within the quarter-mile buffer and shall have the authority to stop work if raptors are exhibiting agitated behavior."

### **Alternatives to the Proposed Project**

The RDEIR describes the proposed project (which will result in approximately 7,900 acres of impacts to habitat), and three alternatives to the proposed project, including: 1) the No Project Alternative (which represents no additional impacts to habitat), 2) the Alternative SOI Boundary Alternative (which would entail the expansion of the City's SOI to the northeast of the existing City limits and would encompass an area that is larger than the currently proposed SOI area), and 3) the Enhanced Regional Alternative (which would entail the expansion of the City's SOI over 2,775 acres immediately to the south of the current City limits, and approximately 1,575 acres in the area east of SR 99 that is currently within the County General Plan Urban Services Boundary, for a total of 4,350 gross acres).

As our comment for MM Bio-1a describes above, the RDEIR requires that the City shall participate in the SSHCP or shall require the preparation and implementation of a HCMP for all affected special status species and habitats. It is important to note that currently the draft SSHCP requires that mitigation for mixed agricultural croplands in the western portion of the planning area must occur within the western portion of the planning area. In order to accommodate the level of impacts to habitat that the plan currently depicts (which includes the RDEIR's proposed project of the full urbanization of 7,900 acres in the proposed SOIA area), approximately 40% of all farmlands in the western portion of the planning area must be acquired. The DFW does not believe that the acquisition of 40% of all farm lands in this region is possible considering that the acquisition of these lands would be based on a "willing-seller" basis. The DFW has experienced willing seller acquisition rates to be closer to 15% for the ongoing San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJHCP), which has been implemented for approximately 12 years. In an effort to reduce the needed acquisition rate to the current approximately 40% rate associated with the SSHCP, the County of Sacramento (Sacramento Regional County Sanitation District), and City of Galt recently made significant contributions to reduce their impacts to habitat. As we describe above, the DFW does not believe that the acquisition of 40% of all farm lands in this region is possible, and therefore believes that with the current level of impacts to habitat (including the full urbanization of 7,800 acres associated with the proposed project), the SSHCP likely will not be able to meet the mitigation standards required by FGC § 2080 et. seq. rendering the SSHCP impossible to implement.

The DFW believes that the SSHCP, if revised to reduce the level of impacts to habitat in the mixed agricultural croplands in the western portion of the planning area, will be cumulatively and regionally the best biological scenario for achieving the standards required by FGC § 2080 et. seq. Therefore, we do not recommend selection of the proposed project for reasons described above. We do support the RDEIR's no project alternative, which we believe would best allow for successful implementation of the SSHCP. We also believe that with the current draft of the SSHCP, it may be possible to implement the SSHCP successfully if the RDEIR's Enhanced Regional Alternative (ERA) were selected, since the ERA is limited to 4,350 acres, and assuming that the acquisition of farm lands in the western portion of the SSHCP planning area



Department of  
Community Development  
Michael J. Penrose, Interim Director



**Divisions**  
Administrative Services  
Building Permits & Inspection  
Code Enforcement  
County Engineering  
Economic Development & Marketing  
Planning & Environmental Review

April 8, 2016

Mr. Don Lockhart, AICP  
Assistant Executive Officer  
Sacramento Local Agency Formation Commission  
1112 I Street, Suite 100  
Sacramento, CA 95814-2836



**SUBJECT: COMMENTS ON THE NOTICE OF PREPARATION (NOP) OF A DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) AND NOTICE OF PUBLIC SCOPING MEETING FOR THE PROPOSED KAMMERER ROAD/HIGHWAY 99 SPHERE OF INFLUENCE (SOI) AMENDMENT TO THE CITY OF ELK GROVE (LAFC 07-15)**

Dear Mr. Lockhart:

Thank you for the opportunity to review the Notice of Preparation for the proposed Kammerer Road/Highway 99 Sphere of Influence Amendment to the City of Elk Grove (Project). The proposed Project would facilitate future urbanization on the approximately 1,156-acre project area that is outside the County's Urban Services Boundary and currently in agricultural use. Sacramento County's interests in the proposed Project relate to the ongoing South Sacramento Habitat Conservation Plan (SSHCP) process and a recent application to the County (Control Number PLNP2015-00266) for what is known as the South of Grant Line (SoGL) land use visioning process for approximately 1,070 acres on the east side of Highway 99. We are providing these comments from both perspectives.

#### SSHCP

The majority of the SSHCP Covered Activities will be implemented within the region of the Plan Area designated as the Urban Development Area (UDA), the boundary of which is coterminous with the location of the County's Urban Services Boundary (USB) in the vicinity of the Project. The SSHCP effects analysis assumes that all undeveloped parcels located within the UDA boundary will be developed during the 50-year SSHCP Permit Term, with some exceptions that are not applicable to the Project. Outside the UDA boundary, the draft SSHCP contemplates a Conservation Strategy that includes provisions for habitat preservation as well as restoration activities for the benefit of covered species habitats and individuals. The EIR for the Project should include analysis of potential impacts on the proposed SSHCP. County staff are available to assist with any information needs related to the SSHCP as it continues to move forward.

As described in the NOP, the SOIA Project area is estimated to accommodate 18,000 to 20,000 jobs in office, industrial, and commercial settings as well as a broad array of housing types, with a total of 4,000 to 5,000 dwelling units. The proposed project area is located immediately south of the Urban Services Boundary (USB). If the Project is approved, an amendment to the Sacramento County General Plan will be necessary to move the USB to incorporate the project

area. As stated in the Sacramento County General Plan, the USB is a growth boundary intended to protect the County's natural resources from urban encroachment. Given the SSHCP and General Plan policy goals, the EIR should include an alternative that provides a buffer between urban development and the potential future USB location. This buffer could be used for habitat restoration or agricultural activities.

#### South of Grant Line (SoGL) Visioning

The County has begun a land use visioning process with property owners of approximately 1,070 acres inside the USB northeast of Highway 99 and the City of Elk Grove's proposed Multi-Sport Park Complex. This planning effort is intended to permanently define the relationship of urban uses within the USB with adjacent agriculture and open space outside the USB and will attempt to ensure compatibility of land uses with the proposed Multi-Sport Park Complex and other surrounding land uses.

The Project will result in development pressure on surrounding properties, not just on the site itself. Such impacts may be considered growth-inducing impacts, and must be addressed in the EIR. Please refer to CEQA Guidelines Section 15126.2 for more information.

CEQA requires that an EIR discuss cumulative impacts when they are significant and the project's incremental contribution is "cumulatively considerable" (CEQA Guidelines Section 15130(a)). A project's incremental contribution is cumulatively considerable if the incremental effects of the project are significant "when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects" (CEQA Guidelines Section 15065(a)(3)). The SoGL land use visioning process area clearly falls within the definition of "probable future projects," and must be considered in the EIR's analysis of cumulative impacts.

Thank you for the opportunity to submit these comments. We look forward to further dialogue on the proposed Project. County staff are available to meet and discuss these comments and our interests should the need arise. Please contact Todd Smith, Principal Planner, at [smithtodd@saccounty.net](mailto:smithtodd@saccounty.net) or (916) 874-6918 if you have any questions.

Sincerely,



Leighann Moffitt, AICP  
Planning Director

cc: Rich Radmacher



**ADMINISTRATIVE SERVICES DEPARTMENT**

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April 6, 2016

Sacramento Local Agency Formation Commission  
1112 I Street, Suite 100  
Sacramento, CA 95814  
Attn. Don Lockhart, AICP, Assistant Executive Officer

Re: Notice of Preparation of a Draft Environmental Impact Report for the Kammerer/HWY 99 Sphere of Influence Amendment

Dear Mr. Lockhart:

Thank you for the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report (EIR) for the Kammerer/HWY 99 Sphere of Influence Amendment.

The Cosumnes Community Services District (CCSD) currently provides all parks, recreation, fire protection and emergency medical services within Elk Grove's current city limits as well as the proposed Sphere of Influence expansion area. As outlined in your notice under Project Description, there are no proposed changes to current land uses as part of the Sphere of Influence Amendment application; therefore, there would be no impact on the services provided by the CCSD. However also as noted in your notice under Land Use Scenario, there are preliminary estimates of future commercial, office, industrial and residential development that this area could accommodate. This future potential development will have an impact on parks, recreation and fire services provided by the Cosumnes Community Services District.

The CCSD requests that these potential development impacts be considered within your Draft EIR. In addition, to assist in your development of the Draft EIR, I have attached our recommended changes to the language from the City of Elk Grove's previous SOI application that reference Fire Protection services within the SOI area.

Thank you for the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report for the Kammerer/HWY 99 Sphere of Influence Amendment.

Sincerely,

Jeff Ramos  
General Manager

Attachment



#### 4.6 Fire Protection and Emergency Medical Response

The proposed SOIA Area is within the service boundary of the Cosumnes Community Service District. Any future annexations by the City are not anticipated to change the fire protection service provider. Figure 4.6-1 shows the current boundaries of the nearby fire protection service providers.

##### EXISTING LEVELS OF SERVICE AND INFRASTRUCTURE

###### Cosumnes Community Service District, Fire Department

The Cosumnes Community Service District (CCSD) provides fire protection, emergency medical, and rescue services to the cities of Elk Grove and Galt, as well as unincorporated areas in the region covering over 157 square miles. In the Elk Grove area, CCSD currently operates six fire stations, with two additional stations in the City of Galt, and a state-of-the-art fire training facility. The fire stations are currently located in Elk Grove, East Franklin, East Elk Grove, Laguna Creek, Lakeside, and Elk Grove - West Vineyard area. There are three additional stations planned in the Elk Grove Area, two of which would directly serve the SOI area.

###### Service Response

The Fire Department responds to various emergencies dispatched throughout the community including fires, vehicle collisions, hazardous materials spills, and medical and public assistance calls. The Department has approximately 150 personnel in the Operations Division, which has units devoted to Fire Suppression, Training, and Emergency Medical Services. The Department currently staffs ~~six-eight~~ engine companies, one ladder truck company, ~~four ambulances~~ six ambulances, and a command vehicle each day on a 24 hour basis. Also in the Elk Grove area, six grass engines and other specialty apparatus are also staffed using these personnel as seasons and emergency circumstances dictate their use. Specialty apparatus includes one heavy foam unit, a Heavy Rescue, a mass decontamination trailer, a mass casualty incident trailer, a swift water rescue boat, and four flood boats.

The Department provides ambulance transportation and pre-hospital care for the cities of Elk Grove, Galt, and portions of the unincorporated area. The Department employs over 80 paramedics and an additional 60+ emergency medical technicians (EMTs). Four medic units operate around the clock and are based in East Elk Grove, Laguna, East Franklin, Central Elk Grove, and two medic units in Galt.

###### Service Standards

CCSD is currently handling more emergency response calls than the state average, due to substantial growth and increases in traffic volumes and traffic congestion. The District has established a response time goal of arriving on scene in six minutes or less 90 percent of the time in the urbanized portions of the City. Additionally, the District has adopted a standard response time of 12 minutes or less 90 percent of the time in the rural areas. A majority of the proposed SOIA Area is considered rural.

The Cosumnes Community Service District has been given an Insurance Services Office (ISO) rating of 23 in "watered" areas and 2Y9 in "unwatered" areas, such as the proposed SOIA Area. The ISO rating is the



recognized classification for a fire department or district's ability to defend against major fires. According to the ISO, newly developing urban areas should have a fire station opened within 1½ miles of all commercial development and 2 ½ miles from all residential development when “build-out” exceeds 20 percent of the planned area. A rating of 10 generally indicates no protection, whereas an ISO rating of 1 indicates high firefighting capability. A majority of the proposed SOIA Area is considered “unwatered”.

~~In response to current economic difficulties, the CCSD has implemented a temporary “Brownout” practice of closure of one Engine Company per day in the City of Elk Grove. This will enable the District to cut costs and help to reduce the CCSD’s annual structural budget. The Brownout policy is anticipated to remain in place through FY 2013/14, however it may be reviewed with the mid-year budget revise. The Brownout policy is not being implemented in the City of Galt.~~

#### 4.0 SERVICES, INFRASTRUCTURE, AND FACILITIES

City of Elk Grove Sphere of Influence Amendment Area

May 2008 Final Municipal Service Review

(Rev. March 2012 & July 2013)

August, 2013

4.0-29

~~While the CCSD acknowledges the current policy as cited, it should be noted that this is only a near-term policy that is not intended to become a service standard going forward. The MSR is a long-term planning document that addresses both the current service providers within the City of Elk Grove and what agency is the preferred service provider within the proposed SOIA Area. The CCSD is currently providing fire protection and emergency medical and rescue services within the City boundary, and throughout the entire District, including the City of Galt. The CCSD adopted service goal, as noted above, is to arrive on scene in six minutes or less 90 percent of the time. The CCSD has not recorded any consistent deviation for the response standard, even with the current temporary brownout policy. The CCSD remains committed to continue to meet the response time goal throughout the entire service area.~~

The CCSD is the primary fire protection and emergency medical response service within the area of the proposed Sphere of Influence (SOI) amendment. Sacramento Metro Fire District (SMFD), [City of Sacramento Fire Department \(SFD\)](#) and the CCSD share common jurisdictional boundaries and participate in a regional mutual aid agreement. If the proposed SOIA is approved, the area may develop over time. As the recognized primary service provider for fire protection and emergency medical and rescue services, the CCSD and the City will be encouraged to work together closely to identify fire station locations, equipment and personnel needs to support any increased demands on the CCSD. The development review process should minimize service impacts to joint responder agencies, such as SMFD and SFD.

Map could be updated to address planned station location for 77, 78, and 79. I am not sure who prepared the map. If necessary, we can ask that dispatch plot the stations on the map.



## Aid from Other Agencies

Fire and emergency services in Sacramento County have developed a Joint Powers Authority (JPA) for a unified dispatch system. Under the JPA, the closest unit available is dispatched to an incident and fire district boundaries are not an issue when an incident occurs.

The Sacramento Regional Fire/EMS Communications Center, a Joint Powers Authority, is comprised of the following:

- Sacramento Fire Department ISO Class 2 Rating
- Sacramento Metropolitan Fire District ISO Class 3 Rating
- Cosumnes Community Service District, Fire Department ISO Class 2 ~~3~~ Rating
- Folsom Fire Department ISO Class 3 Rating

The ISO Class Ratings listed above are for their respective service areas with established water distribution systems and hydrants.

## PLANS AND REGULATIONS AFFECTING SERVICE PROVISION

### State

#### California Occupational Safety and Health Administration

In accordance with California Code of Regulations, Title 8 Sections 1270 "Fire Prevention" and 6773 "Fire Protection and Fire Equipment", the California Occupational Safety and Health Administration (Cal OSHA) has established minimum standards for fire suppression and emergency medical services. The standards include, but are not limited to, guidelines on the handling of highly combustible materials, fire hosing sizing requirements, restrictions on the use of compressed air, access roads, and the testing, maintenance and use of all firefighting and emergency medical equipment.

#### California Fire Code ~~Uniform Fire Code~~

The ~~Uniform Fire Code~~ California Fire Code (CFCUFC) contains regulations relating to construction, maintenance, and use of buildings. Topics addressed in the code include fire department access, fire hydrants, automatic sprinkler systems, fire alarm systems, fire and explosion hazards safety, hazardous materials storage and use, provisions intended to protect and assist fire responders, industrial processes, and many other general and specialized fire-safety requirements for new and existing buildings and the surrounding premises. The CFCUFC contains specialized technical regulations related to fire and life safety.

#### California Health and Safety Code

State fire regulations are set forth in Sections 13000 et seq. of the California Health and Safety Code, which includes regulations for building standards (as set forth in the California Building Code), fire

protection and notification systems, fire protection devices such as extinguishers, smoke alarms, high-rise building, childcare facility standards, and fire suppression training.

#### Local

##### Sacramento LAFCo Policies, Standards, and Procedures

Sacramento Local Agency Formation Commission (LAFCo) Policies, Standards and Procedures require that proposed annexations are consistent with applicable service elements of the Sphere of Influence of the City or affected agency, and that adequate services be provided within the time frame needed for the inhabitants of the annexation area (Section I, Standard Number 4).

##### City of Elk Grove General Plan

The following City of Elk Grove General Plan fire protection policies are applicable.

PF-1: Except when prohibited by state law, the City shall require that sufficient capacity in all public services and facilities will be available on time to maintain desired service levels and avoid capacity shortages, traffic congestion, or other negative effects on safety and quality of life.

PF-2: The City shall coordinate with outside service agencies—including water and sewer providers, the [Cosumnes Elk Grove](#) Community Services District, and the Elk Grove Unified School District--during the review of plans and development projects.

SA-32: Cooperate with the [Elk Grove Cosumnes](#) Community Services District ([EGCCSD](#)) Fire Department to reduce fire hazards, assists in fire suppression, and promotes fire safety in Elk Grove.

PF-7: The City shall require that water flow and pressure be provided at sufficient levels to meet domestic, commercial, industrial, and firefighting needs.

#### SPHERE OF INFLUENCE AMENDMENT AREA PLANNED LEVEL OF SERVICE AND IMPROVEMENTS

The proposed SOIA Area currently requires minimal fire protection and emergency medical response services, as the area remains primarily agricultural. As no specific land use plan has been defined, existing uses are expected to remain the same. Existing service providers are expected to continue the current service level. If approved, the proposed SOIA would cause no additional immediate demand for fire protection and emergency medical service.

Growth of the area will require adequate planning for long term growth. If approved, the proposed SOIA will provide direction to fire protection service providers about the location and extent of the City's growth. This will allow the provider to conduct long term planning to ensure adequate services and infrastructure are available.

CCSD has [purchased land for three new growth fire stations in the Elk Grove area. Station 77 is located on Poppyridge Road. Station 78 is off of Lotz Parkway near the planned mall, and Station 79 is located near Bradshaw and Grantline Roads.](#) ~~not estimated the need for additional facilities, equipment, or~~

~~staff, as future land uses are unknown.~~ Urbanization of the proposed SOIA Area would require an enhanced level of fire protection and emergency medical services. Possible improvements ~~could~~ will include a fair share contribution towards the construction of additional fire stations, purchase of additional fire engines and equipment, hiring of additional firefighters and EMTs, and the installation of appropriate fire hydrants as a part of development consistent with development agreements, CCSD fee programs and property tax revenues collected. CCSD would remain the most appropriate fire protection and emergency medical response service provider for the SOIA Area when growth occurs.

**Lockhart. Don**

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**From:** CHARLENE McGHEE <CMcGHEE@airquality.org>  
**Sent:** Tuesday, April 05, 2016 11:06 AM  
**To:** Lockhart. Don  
**Cc:** Paul Philley  
**Subject:** NOP for Kammerer Road/Hwy 99 SOI (LAF#07-15)

Hello Don

The NOP for the Kammerer Road/Hwy 99 SOI appears to be complete in its scope, as it pertains to air quality. However, SMAQMD staff looks forward to the opportunity to review and comment on the Draft EIR when it is released.

Regards,

*Charlene McGhee*

**Sacramento Metropolitan AQMD**

desk: 916.874.4883

reception: 916.874.4800



Unified School District

**Members of the Board:**

Beth Albiani  
Nancy Chaires Espinoza  
Carmine S. Forcina  
Chet Madison, Sr.  
Dr. Crystal Martinez-Alire  
Anthony "Tony" Perez  
Bobbie Singh-Allen

Robert L. Trigg Education Center  
9510 Elk Grove-Florin Road, Elk Grove, CA 95624

**Robert Pierce**  
Associate Superintendent  
Facilities and Planning

(916) 686-7711  
FAX: (916) 686-7754

April 7, 2016



Don Lockhart, Assistant Executive Officer, AICP  
Sacramento Local Agency Formation Commission  
1112 I Street, Suite 100  
Sacramento, CA 95814-2836

**Re: Notice of Preparation of a Draft Environmental Impact Report for the  
Kammerer/Hwy 99 Sphere of Influence Amendment\_(LAFCO 07-15)(SOIA)**

Dear Mister Lockhart:

The Elk Grove Unified School District (EGUSD) appreciates the opportunity to review the Notice of Preparation (NOP) for the Draft Environmental Impact Report (DEIR) for the Kammerer/Hwy 99 Sphere of Influence Amendment\_(LAFCO 07-15).

While approval of the SOIA would not change EGUSD boundaries, mission or obligations it is clear that any future intensification of land use within the proposed SOIA would have an impact on the EGUSD. Though the SOIA does not include any land use plans other than the applicant's estimates, it is critical to note that any future residential development in the subject area has not yet been considered in EGUSD long-range facilities master planning. The applicant's estimate of development of 4,000 to 5,000 dwelling units would have the most direct impact on the EGUSD. Therefore, it is imperative that the EGUSD be included in the preparation of the DEIR, in particular the analysis of the increased demand on public services, specifically schools. Additionally, we strongly recommend that transportation and traffic analysis in the DEIR include impacts related to school siting and supporting infrastructure. This will ensure that proper school sites, facilities, and education are provided to future families that may reside in the area.

EGUSD appreciates LAFCO's consideration of these comments, and looks forward to contributing to the DEIR process.

Sincerely,

Robert Pierce  
Associate Superintendent



April 5, 2016

Don Lockhart, Assistant Executive Officer  
Sacramento Local Agency Formation Commission  
1112 I Street, Suite 100  
Sacramento, CA 95814



SUBJECT: Notice of Preparation (NOP) For an Environmental Impact Report (EIR) on the Proposed Kammerer Road/ Highway 99 Sphere of Influence Extension Project

Dear Mr. Lockhart,

The Sacramento Municipal Utility District (SMUD) appreciates the opportunity to provide comments on the NOP for the proposed Kammerer Road/ Highway 99 Sphere of Influence Extension Project EIR. SMUD is the primary energy provider for Sacramento County and the proposed project location. As a Responsible Agency, SMUD aims to limit the project's potential for significant environmental effects on SMUD facilities, employee and customers.

As you know, it is the responsibility of the project proponent to evaluate and analyze the environmental impacts associated with any new or relocated electrical service needs that may require SMUD to construct facilities; including but not limited to substations, distribution lines and the possible effect on current or future transmission line routing. SMUD has reviewed the Kammerer Road/ Highway 99 Sphere of Influence NOP and has the following comments:

1. The proposed Kammerer Road/ Highway 99 Sphere of Influence Project will have a significant impact on SMUD's electrical system. This increase in the load could require a new substation site in the vicinity.
2. The following specific electrical requirements should be considered for the Kammerer Road/Highway 99 Sphere of Influence Amendment Project NOP and project design:
  - Maintain existing PUE on Kammerer Road for existing and future 12/69KV overhead electrical facilities.
  - Provide new PUE if SMUD facilities are relocated.
3. SMUD has 230kV overhead transmission lines and structures located inside and within the immediate vicinity of the proposed project. Please see the approximate locations of SMUD transmission lines and structures in the areas outlined in red on the following map.





4. Any proposed SMUD transmission facilities modifications/relocations by the project owner shall be performed under an executed cost recovery agreement. Project owner shall provide 18 months' timeframe to allow for design and construction of identified facilities.
5. Project owner shall provide detailed engineering drawings for any improvements that are proposed within the SMUD transmission line easement. SMUD engineering will review the plans and provide comments as required.
6. Under no circumstance shall any grading or construction activities be permitted within SMUD's transmission line easements without the conveyance of rights from SMUD's real estate department. Should applicant be found performing unapproved improvements, the applicant will be responsible for returning the property to its original condition at their expense.
7. Project owner or contractor shall comply with the clearance requirements between the proposed rail tracks and SMUD overhead transmission lines per G.O 95. Project owner or contractor shall abide the clearance requirements from all CAL-OSHA Title 8 approach distance as stated in Subchapter 5, Group 2, Article 37, during project construction.
8. SMUD reserves the right to construct new or move existing facilities as necessary within its legal easement. Any developments installed by owner or assignees within this easement may need to be removed or modified as a result of the new or existing installed facilities.





9. SMUD reserves the right to use any portion of its easement and shall not be responsible for any damages to the developed property within said easement.

Please ensure that the information included in this response is conveyed to the project planners and the appropriate project proponents. Environmental leadership is a core value of SMUD and we look forward to collaborating with you on this project.

Again, we appreciate the opportunity to provide input on the NOP. If you have any questions regarding this letter, please contact Kim Crawford, SMUD Environmental Specialist at (916) 732-5063 or at [kim.crawford@smud.org](mailto:kim.crawford@smud.org).

Sincerely,



Rob Ferrera  
Environmental Specialist  
Environmental Management  
Sacramento Municipal Utility District

Cc: Kim Crawford  
Tina Tran  
Wenjie Chen  
Joseph Schofield  
Steve Johns