

**Department of Transportation**

Michael J. Penrose, Director



**Divisions**

Administration  
Maintenance & Operations  
Engineering & Planning

**County of Sacramento**

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March 10, 2016

Mr. Don Lockhart  
Sacramento Local Agency Formation Commission  
1112 I Street, Suite 100  
Sacramento, CA 95814



**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)**

Mr. Lockhart:

We have received a copy of the NOP for the Kammerer Road HWY 99 SOI Amendment to the City of Elk Grove (LAFC 07-15), dated March 7, 2016. We appreciate the opportunity to comment on this amendment. We would like to reiterate the general comments that we made in the letter we sent dated June 22, 2015. We also have added some specific comments that are new.

General Comments

Future urbanization of the proposed area will affect the many rural roadways adjacent to this urban growth. These roadways have narrow travel lanes with no shoulders and will not support the increases in travel demand and the existing roadway pavement will not support the additional traffic. Sacramento County is in the process of developing a roadway functionality standard for rural roadways such as these that are affected by urbanization. The result is lane widening and shoulder construction on roads that meet certain ADT criteria. We would ask that the City of Elk Grove participate in bringing any affected rural roadways in the vicinity up to this standard when future annexation of this SOI occurs.

We would ask the City of Elk Grove to enter into a maintenance and operations agreement for the responsibility of the public roadway infrastructure as well as for the shared public roadway facilities adjoining this SOI at the time future annexation occurs.

Frontage improvement responsibility for adjoining roadway facilities in this SOI should be 100% the responsibility of the future development projects at the time future annexation occurs. Sacramento County Department of Transportation does not anticipate making any financial contributions towards the widening of shared roadways that will be on the border of the City of Elk Grove limits and the County jurisdiction.

We would ask the City of Elk Grove to enter into a cross jurisdictional reciprocal funding agreement with the County of Sacramento to address each other's impacts and mitigation

**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)**

Page 2

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Specific Comments

The traffic study in the environmental document should analyze all impacted roadways and intersections in both the existing and cumulative conditions. It's anticipated that these will include Grant Line Road, Kammerer Road, West Stockton Boulevard, Bruceville Road, Bilby Road, Franklin Boulevard, Hood Franklin Road, etc. and associated intersections at a minimum.

Please coordinate and solicit comments from the Capital Southeast Connector JPA staff.

Should you have any questions, please feel free to contact me at (916) 874-6291.

Sincerely,

\_\_\_\_\_  
Matthew G. Darrow, PE, TE, PTOE.  
Senior Transportation Engineer  
Department of Transportation

MGD

Cc: Mike Penrose, DOT  
Dan Shoeman, DOT  
Reza Moghissi, DOT  
Dean Blank, DOT  
Ron Vicari, DOT  
Kamal Atwal, DOT  
Leighann Moffitt, PER  
Catherine Hack, PER  
Susan Goetz, Special Districts  
Tom Zlotkowski, Capital Southeast Connector JPA  
Derek Minnema, Capital Southeast Connector JPA



EDMUND G. BROWN JR.  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX  
DIRECTOR

Notice of Preparation

March 7, 2016



To: Reviewing Agencies

Re: Kammerer Road/Highway 99 Sphere of Influence Amendment Project  
SCH# 2016032015

Attached for your review and comment is the Notice of Preparation (NOP) for the Kammerer Road/Highway 99 Sphere of Influence Amendment Project draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

**Don Lockhart**  
**Sacramento County Local Agency Formation Commission (LAFCO)**  
**1112 I Street #100**  
**Sacramento, CA 95814**

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Attachments  
cc: Lead Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2016032015  
**Project Title** Kammerer Road/Highway 99 Sphere of Influence Amendment Project  
**Lead Agency** Sacramento County Local Agency Formation Commission

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**Type** NOP Notice of Preparation  
**Description** Sacramento LAFCo is the lead agency for a Sphere of Influence amendment and reorganization of special utility districts. The project is a landowner initiated proposal to amend the City of Elk Grove Sphere of Influence (SOI); the Sacramento Area Sewer District (SASD) SOI; and the Sacramento Regional County Sanitation District (SRCSD) SOI. The affected territory includes a 1,156-acre area that abuts the southern portion of the City's existing jurisdictional boundary. The proposed project would require LAFCo approval of a 1,156-acre SOIA.  
APN No. 132-0151-013;

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**Lead Agency Contact**

**Name** Don Lockhart  
**Agency** Sacramento County Local Agency Formation Commission (LAFCO)  
**Phone** 916-874-6458 **Fax**  
**email**  
**Address** 1112 I Street #100  
**City** Sacramento **State** CA **Zip** 95814

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**Project Location**

**County** Sacramento  
**City** Elk Grove  
**Region**  
**Cross Streets** Kammerer Road, McMillan Road, W. Stockton Blvd, Eschinger Road  
**Lat / Long** 38° 21' 05" N / 121° 22' 43" W  
**Parcel No.**  
**Township** 6 **Range** 6 **Section** below **Base**

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**Proximity to:**

**Highways** 99  
**Airports**  
**Railways** UPRR  
**Waterways** Deer Creek, Cosumnes River  
**Schools** Pinkerton, Cosum. Oaks  
**Land Use** Sacramento County General Plan designation: Ag Cropland Zoning: AG-80

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**Project Issues** Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Cumulative Effects

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**Reviewing Agencies** Resources Agency; Department of Conservation; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Wildlife, Region 2; Native American Heritage Commission; California Highway Patrol; Caltrans, District 3 S; Air Resources Board; State Water Resources Control Board, Division of Financial Assistance; Regional Water Quality Control Bd., Region 5 (Sacramento)

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**Date Received** 03/07/2016 **Start of Review** 03/07/2016 **End of Review** 04/05/2016

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

2 SCH 6032015

Project Title: Kammerer Road/Highway 99 Sphere of Influence Amendment Project

Lead Agency: Sacramento Local Agency Formation Commission Contact Person: Don Lockhart
Mailing Address: 1112 I Street, Suite 100 Phone: (916) 874-6458
City: Sacramento Zip: 95814 County: Sacramento

Project Location: County: Sacramento City/Nearest Community: Elk Grove
Cross Streets: Kammerer Road, McMillan Road, W. Stockton Blvd, Eschinger Road Zip Code: 95757
Longitude/Latitude (degrees, minutes and seconds): 38 ° 21 ' 05 " N / 121 ° 22 ' 43 " W Total Acres: 1,156
Assessor's Parcel No.: See attached Section: below Twp.: 6 Range: 6 Base:
Within 2 Miles: State Hwy #: 99 Waterways: Deer Creek, Cosumnes River
Airports: NA Railways: Union Pacific Schools: Pinkerton, Cosum. Oaks

Document Type:

CEQA: [X] NOP [ ] Draft EIR NEPA: [ ] NOI Other: [ ] Joint Document
[ ] Early Cons [ ] Supplement/Subsequent EIR [ ] Final Document
[ ] Neg Dec (Prior SCH No.) [ ] Draft EIS Other:
[ ] Mit Neg Dec Other: MAR 07 2015 [ ] FONSI

Local Action Type:

STATE CLEARINGHOUSE

[ ] General Plan Update [ ] Specific Plan [ ] Rezone [ ] Annexation
[ ] General Plan Amendment [ ] Master Plan [ ] Prezone [ ] Redevelopment
[ ] General Plan Element [ ] Planned Unit Development [ ] Use Permit [ ] Coastal Permit
[ ] Community Plan [ ] Site Plan [ ] Land Division (Subdivision, etc.) [ ] Other: SOI amdmt

Development Type:

[ ] Residential: Units Acres
[ ] Office: Sq.ft. Acres Employees Transportation: Type
[ ] Commercial: Sq.ft. Acres Employees Mining: Mineral
[ ] Industrial: Sq.ft. Acres Employees Power: Type MW
[ ] Educational: Waste Treatment: Type MGD
[ ] Recreational: Hazardous Waste: Type
[ ] Water Facilities: Type MGD [X] Other: SOI amendment only

Project Issues Discussed in Document:

[X] Aesthetic/Visual [ ] Fiscal [X] Recreation/Parks [X] Vegetation
[X] Agricultural Land [X] Flood Plain/Flooding [ ] Schools/Universities [X] Water Quality
[X] Air Quality [X] Forest Land/Fire Hazard [ ] Septic Systems [X] Water Supply/Groundwater
[X] Archeological/Historical [X] Geologic/Seismic [X] Sewer Capacity [X] Wetland/Riparian
[X] Biological Resources [X] Minerals [X] Soil Erosion/Compaction/Grading [X] Growth Inducement
[ ] Coastal Zone [X] Noise [X] Solid Waste [X] Land Use
[X] Drainage/Absorption [X] Population/Housing Balance [X] Toxic/Hazardous [X] Cumulative Effects
[ ] Economic/Jobs [X] Public Services/Facilities [X] Traffic/Circulation [ ] Other:

Present Land Use/Zoning/General Plan Designation:

Sacramento County General Plan designation: Ag Cropland Zoning: AG-80

Project Description: (please use a separate page if necessary)

Sacramento LAFCo is the lead agency for a Sphere of Influence amendment and reorganization of special utility districts.
The project is a landowner initiated proposal to amend the City of Elk Grove Sphere of Influence (SOI); the Sacramento Area Sewer District (SASD) SOI; and the Sacramento Regional County Sanitation District (SRCSD) SOI. The affected territory includes a 1,156-acre area that abuts the southern portion of the City's existing jurisdictional boundary. The proposed project would require LAFCo approval of a 1,156-acre SOIA.
Assessor's Parcel Nos. 132-0151-013; 132-0151-018 to 022; 134-0220-062 to 067





March 14, 2016



**Main Office**

10060 Goethe Road  
Sacramento, CA 95827-3553

Tel: 916.876.8000  
Fax: 916.876.6160

**Treatment Plant**

8521 Laguna Station Road  
Elk Grove, CA 95758-9550

Tel: 916.875.9000  
Fax: 916.875.9068

**Board of Directors**

Representing:

County of Sacramento

County of Yolo

City of Citrus Heights

City of Elk Grove

City of Folsom

City of Rancho Cordova

City of Sacramento

City of West Sacramento

Prabhakar Somavarapu  
*District Engineer*

Ruben Robles  
*Director of Operations*

Christoph Dobson  
*Director of Policy & Planning*

Karen Stoyanowski  
*Director of Internal Services*

Joseph Maestretti  
*Chief Financial Officer*

Claudia Goss  
*Public Affairs Manager*

[www.srcsd.com](http://www.srcsd.com)

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

**Subject: Notice of Preparation of a Draft Environmental Impact Report ("Draft EIR") for the Proposed Kammerer Road/Highway 99 Sphere of Influence Amendment and Notice of Environmental Impact Report Scoping Meeting (L AFC#07-15)**

Dear Mr. Lockhart:

Sacramento Area Sewer District (SASD) and the Sacramento Regional County Sanitation District (Regional San) have the following comments regarding the Notice of Preparation:

SASD will provide local sewer service for the proposed project area. Regional San provides conveyance from local trunk sewers to the Sacramento Regional Wastewater Treatment Plant (SRWTP) through large pipelines called interceptors.

The Regional San Board of Directors adopted the Interceptor Sequencing Study (ISS) in February 2013. The ISS updated the SRCSD Master Plan 2000 is located on the Regional San website at <http://www.regionalsan.com/ISS>. The SASD Board of Directors approved the most current SASD planning document, the 2010 System Capacity Plan Update (SCP) in January 2012. The SCP is on the SASD website at <http://www.sacsewer.com/devres-standards.html>.

According to the 2010 SCP, the project area lies adjacent to the Laguna Ridge expansion trunk shed. The developer typically constructs SASD trunk facilities located in expansion sheds. Developers can seek reimbursement for these facilities in accordance with the SASD ordinance.

Customers receiving service from Regional San and SASD are responsible for rates and fees outlined within the latest Regional San and SASD ordinances. Fees for connecting to the sewer system are set up to recover the capital investment of sewer and treatment facilities that serves new customers. The SASD ordinance is located on the SASD website at <http://www.sacsewer.com/ordinances.html>, and the Regional San ordinance is located on their website at <http://www.regionalsan.com/ordinance>.

Regional San and SASD are not land-use authorities. Regional San and SASD designs their sewer systems using predicted wastewater flows that are dependent on land use information provided by each land use authority. Regional San and SASD base the projects identified within their planning documents on growth projections provided by these land-use authorities

The developer must complete a Sewer study that includes connection points and phasing information to assess the capacity of the existing sewer system to accommodate additional flows generated by this project. Include any onsite and offsite impacts associated with constructing sanitary sewers facilities providing service to the subject in environmental impact reports.



Currently there are no SASD trunk facilities located in or planned to serve the project area. All existing connection points adjacent to the project area convey wastewater north. These pipelines are not designed to accommodate additional flows from this project. In order to receive sewer service from SASD, the developer will need to construct new facilities or upgrade the existing pipelines. The project proponents should work closely with SASD Development Services to ensure proper connection to any existing SASD facilities.

The SRWTP provides secondary treatment using an activated sludge process. Incoming wastewater flows through mechanical bar screens through a primary sedimentation process. This allows most of the heavy organic solids to settle to the bottom of the tanks. These solids are later delivered to the digesters. Next, oxygen is added to the wastewater to grow naturally occurring microscopic organisms, which consume the organic particles in the wastewater. These organisms eventually settle on the bottom of the secondary clarifiers. Clean water pours off the top of these clarifiers and is chlorinated, removing any pathogens or other harmful organisms that may still exist. Chlorine disinfection occurs while the wastewater travels through a two-mile "outfall" pipeline to the Sacramento River, near the town of Freeport, California.

Before entering the river, sulfur dioxide is added to neutralize the chlorine. The design of the SRWTP and collection system was balanced to have SRWTP facilities accommodate some of the wet weather flows while minimizing idle SRWTP facilities during dry weather. The SRWTP was designed to accommodate some wet weather flows while the storage basins and interceptors were designed to accommodate the remaining wet weather flows.

The Central Valley Regional Water Quality Control Board (CVRWQCB) issued a NPDES Discharge Permit to Regional San in December 2010, requiring Regional San to meet more restrictive discharge requirements. These requirements involve constructing new treatment facilities at the Sacramento Regional Wastewater Treatment Plant in Elk Grove. Regional San must meet new ammonia and nitrate requirements outlined in the permit by May 2021, and new pathogen requirements by May 2023.

On February 4, 2016, the CVRWQCB distributed a Tentative NPDES Discharge Permit for public review. The hearing is scheduled for April 2016.

Regional San currently owns and operates a 5-mgd Water Reclamation (WRF) that has been producing Title 22 tertiary recycled since 2003. The WRF is located within the SRWTP property in Elk Grove. Regional San uses a portion of the recycled water at the SRWTP and the rest is wholesaled to the Sacramento County Water Agency (SCWA). SCWA retails the recycled water, primarily for landscape irrigation use, to select customers in the City of Elk Grove. Regional San currently does not have any planned facilities that could provide recycled water to the proposed project or its vicinity. Additionally, Regional San is not a water purveyor and any potential use of recycled water in the project area must be coordinated between the key stakeholders, e.g. land use jurisdictions, water purveyors, users, and the recycled water producers.

If you have any questions regarding these comments, please contact me at 916-876-9994

Sincerely,

*Sarennna Moore*

Sarennna Moore  
Regional San/SASD  
Policy and Planning

Cc: Regional San Development Services, SASD Development Services, Michael Meyer, Dave Ocenosak, Christoph Dobson





County of Sacramento

March 10, 2016



Mr. Don Lockhart  
Sacramento Local Agency Formation Commission  
1112 I Street, Suite 100  
Sacramento, CA 95814

**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)**

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Page 2

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Matthew G. Darrow, PE, TE, PTOE.  
Senior Transportation Engineer  
Department of Transportation

MGD

Cc: Mike Penrose, DOT  
Dan Shoeman, DOT  
Reza Moghissi, DOT  
Dean Blank, DOT  
Ron Vicari, DOT  
Kamal Atwal, DOT  
Leighann Moffitt, PER  
Catherine Hack, PER  
Susan Goetz, Special Districts  
Tom Zlotkowski, Capital Southeast Connector JPA  
Derek Minnema, Capital Southeast Connector JPA

## NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Blvd., Suite 100  
West Sacramento, CA 95691  
Phone (916) 373-3710  
Fax (916) 373-5471  
Email: [nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
Website: <http://www.nahc.ca.gov>  
Twitter: @CA\_NAHC



March 21, 2016

Don Lockhart  
Sacramento County Local Agency Formation Commission  
1112 I Street #100  
Sacramento, CA 95814

RE: SCH#2016032015, Krammerer Road/Highway 99 Sphere of Influence Amendment Project, Sacramento County

Dear Mr. Lockhart:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

**CEQA was amended significantly in 2014.** Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

#### AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or

tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
- a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
- a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).
7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
  - a. Avoidance and preservation of the resources in place, including, but not limited to:
    - i. Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i. Protecting the cultural character and integrity of the resource.
    - ii. Protecting the traditional use of the resource.
    - iii. Protecting the confidentiality of the resource.
  - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
  - e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
  - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
  - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
  - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf)

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at:  
<http://nahc.ca.gov/resources/forms/>

#### NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have been already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.

- b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
- a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions, please contact me at my email address: [sharaya.souza@nahc.ca.gov](mailto:sharaya.souza@nahc.ca.gov).

Sincerely,



Sharaya Souza  
Staff Services Analyst  
cc: State Clearinghouse





**Central Valley Regional Water Quality Control Board**

30 March 2016

Don Lockhart  
Sacramento County Local Agency Formation  
Commission (LAFCO)  
1112 I Street, #100  
Sacramento, CA 95814

CERTIFIED MAIL  
91 7199 9991 7035 8364 4646

**COMMENTS TO REQUEST FOR REVIEW FOR THE NOTICE OF PREPARATION FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, KAMMERER ROAD/HIGHWAY 99 SPHERE OF INFLUENCE AMENDMENT PROJECT, SCH# 2016032015, SACRAMENTO COUNTY**

Pursuant to the State Clearinghouse's 7 March 2016 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Notice of Preparation for the Draft Environment Impact Report* for the Kammerer Road/Highway 99 Sphere of Influence Amendment Project, located in Sacramento County.

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

**I. Regulatory Setting**

**Basin Plan**

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

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

Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/).

### **Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:  
[http://www.waterboards.ca.gov/centralvalleywater\\_issues/basin\\_plans/sacsjr.pdf](http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf)

In part it states:

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

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

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

## **II. Permitting Requirements**

### **Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit

requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml).

### **Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/).

For more information on the Caltrans Phase I MS4 Permit, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/caltrans.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/caltrans.shtml).

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml).

### **Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml).

### **Clean Water Act Section 404 Permit**

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<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

**Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

**Waste Discharge Requirements – Discharges to Waters of the State**

If USACOE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit2.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml).

**Dewatering Permit**

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf)

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2013-0145\\_res.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf)

### **Regulatory Compliance for Commercially Irrigated Agriculture**

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_lands/for\\_growers/apply\\_coalition\\_group/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/for_growers/apply_coalition_group/index.shtml) or contact water board staff at (916) 464-4611 or via email at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).

### **Low or Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to*

*Surface Waters (Low Threat General Order) or the General Order for Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water (Limited Threat General Order).* A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0074.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf)

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0073.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf)

If you have questions regarding these comments, please contact me at (916) 464-4644 or [Stephanie.Tadlock@waterboards.ca.gov](mailto:Stephanie.Tadlock@waterboards.ca.gov).



Stephanie Tadlock  
Environmental Scientist

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

April 1, 2016



Don Lockhart  
Assistant Executive Officer, AICP  
Sacramento Local Agency Formation Commission  
1112 I Street, Suite 100  
Sacramento, CA 95814-2836  
Email: Don.Lockhart@SacLAFCo.org

**Subject: Notice of Preparation of a Draft EIR for the Proposed Kammerer Road/Highway 99 Sphere of Influence Amendment and Notice of Scoping Meeting (LAFC#07-15)**

Dear Mr. Lockhart,

Thank you for the opportunity to provide comments on the Notice of Preparation of a Draft Environmental Impact Report ("Draft EIR") for the Proposed Kammerer Road/Highway 99 Sphere of Influence Amendment on behalf of the Capital SouthEast Connector JPA ("Connector JPA").

The Capital SouthEast Connector Project ("Connector Project") is a 34-mile limited-access roadway spanning from the Interstate 5 / Hood-Franklin interchange, south of Elk Grove, to U.S. 50 at the Silva Valley Parkway interchange just east of El Dorado Hills. The alignment of the Connector consists of Kammerer, Grant Line, and White Rock Roads. As you know, the proposed SOI Amendment Area is immediately adjacent to the Kammerer Road segment of the Connector Project.

The Connector is managed by a Joint Powers Authority ("Connector JPA") that includes the cities of Folsom, Elk Grove and Rancho Cordova, and El Dorado and Sacramento counties. Since being formed in 2006, the Connector JPA has prepared a Program-level Environmental Impact Report (PEIR) for the Connector Project. The PEIR was certified by the JPA Board in March of 2012. In 2014, the Connector was adopted into the General Plan of Sacramento County. In 2015, the Connector was adopted into the General Plan of the City of Elk Grove.

The Capital SouthEast Connector Project, reflected on the City of Elk Grove's General Plan, currently contemplates that Kammerer Road will become a limited access, moderate speed thoroughfare between Bruceville Road and State Route 99. The approved access points on Kammerer Road, abutting the proposed Sphere of Influence ("SOI") Amendment Area, are reflected in Table 16-13 from the Connector JPA's PEIR, and the Connector JPA's Project Design Guidelines, last updated on February 13, 2015. Both of these documents are available on the Connector JPA's website.

The applicant has estimated that the SOI Amendment Area could accommodate development that would include between 18,000 and 20,000 jobs in office, industrial, and commercial settings along the Capital SouthEast Connector, as well as between 4,000 and 5,000 residential dwelling units.

**JPA BOARD OF DIRECTORS**

**DON NOTTOLI**  
Sacramento County

**JEFF STARSKY**  
City of Folsom

**JEFF STARSKY-CHAIR**  
City of Folsom

**RONALD MIKULACO-VICE CHAIR**  
El Dorado County

**DAVID SANDER**  
City of Rancho Cordova



It appears that the Connector Project may provide the primary access to the proposed SOI Amendment Area and therefore the planned uses could introduce significant additional trips on the Connector Project. Please note that the Connector was never intended to serve urban uses south of Kammerer Road. We understand that no land use plan has been proposed by the project applicants, and therefore it is difficult at the SOI level to estimate traffic generated within the proposed SOI Amendment Area along any particular transportation facility. However, given the potential for significant additional trips on the Connector Project, please ensure that the trip generation information provided by the traffic model is utilized to evaluate the traffic, air quality and noise impacts for the Connector Project for both daily and peak hours of travel, Level of Service and Vehicle Miles Travelled, to the extent possible.

Again, thank you for the opportunity to comment on the Notice of Preparation for the DEIR for the proposed Kammerer Road/Highway 99 Sphere of Influence Amendment. If any of the comments above are unclear or warrant further discussion please feel free to contact me or our Project Manager, Derek Minnema at (916) 876-9094.

Sincerely,



Tom Zlotkowski  
Executive Director

**DEPARTMENT OF TRANSPORTATION**  
DISTRICT 3—SACRAMENTO AREA OFFICE  
2379 GATEWAY OAKS DRIVE, SUITE 150  
SACRAMENTO, CA 95833  
PHONE (916) 274-0635  
FAX (916) 274-0602  
TTY 711  
www.dot.ca.gov



*Serious drought.  
Help save water!*

April 5, 2016

032016-SAC-0059  
03-SAC-99 / 8.96/9.75  
SCH#2016032015

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

**Notice of Preparation of a Draft Environmental Impact Report for the KAMMERER/HWY 99 SPHERE OF INFLUENCE AMENDMENT (LAFC 07-15) APPLICATION**

Dear Mr. Lockhart:

Thank you for including the California Department of Transportation (Caltrans) in the review process for the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Kammerer/Hwy 99 Sphere of Influence Amendment application. Caltrans' new mission, vision, and goals signal a modernization of our approach to California's transportation system. We review this local development for impacts to the State Highway System (SHS) in keeping with our mission, vision and goals for sustainability/livability/economy, and safety/health. We provide these comments consistent with the State's smart mobility goals that support a vibrant economy, and build communities, not sprawl.

The proposed amendment applies to the City of Elk Grove Sphere of Influence (SOI); the Sacramento Area Sewer (SASD) SOI; and the Sacramento Regional County Sanitation District (SRCSD) SOI. The affected territory includes approximately 1,156 acres of agricultural land west of State Route 99 (SR 99), south of Kammerer Road, and east of McMillan Road.

The project site is just south of, and adjacent to Kammerer Road, which is part of the alignment of the Capital SouthEast Connector, an on-going project to construct 35-mile multi-lane, limited access roadway that would ultimately connect Interstate 5 (I-5) in the Elk Grove area, with U.S. Highway 50 (US 50), in El Dorado County.

At this time, there are no changes to land uses proposed as part of this SOI Amendment application. However, for the purpose of facilitating environmental analysis for this SOI Amendment request, 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. 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. In addition, 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.

The following comments are based on the NOP.

### ***Multi-Modal Transportation Impact Analysis***

The Institute of Transportation Engineers (ITE) book indicates that total trips generated by this development are approximately 5,000 trips for the A.M. peak hour and 6,000 trips for the P.M. peak hour. This increase in total trips generated will increase congestion on SR 99 and I-5 during the peak periods. Due to the increase in trips generated from the SOI Amendment area, Caltrans has concerns regarding the Hood Franklin/I-5 interchange. It is anticipated that vehicles would use I-5 as an alternative route for Sacramento downtown commute since SR 99 is one of the most congested highway in the Sacramento region. However, the Hood Franklin/I-5 interchange was build decades ago and has only one lane in each direction. For safety and operational performance consideration, Caltrans requests the following tasks be covered by the scope of the traffic study.

1. On the Hood Franklin/I-5 interchange:
  - a. Any queue which creates a speed differential on freeway from off ramp
  - b. Any queue that over-fills its allocated storage
  - c. Any storage which blocks a driveway or intersection
  - d. Signal Warrants
  - e. Impacts for bicyclists and pedestrians
  
2. We recommend that the project applicant identify traffic impacts in terms of Vehicle Miles Traveled (VMT), including the following:
  - a. Peak hour zone to zone Origin-Destination (O-D) matrixes
  - b. Peak hour VMT Calculation based on O-D matrixes and trip generation
  - c. Weekday zone to zone O-D matrixes
  - d. Weekday VMT calculation based O-D matrixes and trip generation

Measures that would decrease VMT impacts on the State Highway System should be included in the analysis.

### ***I-5 Subregional Corridor Mitigation Program***

Any significant impacts to the SHS from the proposed project that creates conflicts with General Plan thresholds could be addressed by contributing to the I-5 Subregional Corridor Mitigation Program (SCMP). The SCMP, once adopted by participating jurisdictions, would be voluntary impact fee for new developments within the I-5 corridor between the Cities of Elk Grove,

Mr. Don Lockhart, Sacramento LAFCo

April 5, 2016

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Sacramento, and West Sacramento. The SCMP would be used to fund a set of transportation improvements that are identified in the Sacramento Area Council of Governments Metropolitan Transportation Plan/Sustainable Communities Strategy, including several projects that reduce VMT. Caltrans would like to know if the City plans on using a program like this for the SOI amendment.

Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to these documents.

If you have any questions regarding these comments or require additional information, please contact Alex Fong, Intergovernmental Review Coordinator at (916) 274-0616 or by email at: [alexander.fong@dot.ca.gov](mailto:alexander.fong@dot.ca.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Eric Fredericks".

ERIC FREDERICKS, Chief  
Office of Transportation Planning—South Branch

c: Scott Morgan, State Clearinghouse