

## 2.0 COMMENTS ON THE DRAFT EIS AND RESPONSES TO COMMENTS

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### 2.1 INDEX TO COMMENTS

As described in **Section 1.0, Introduction**, all comments on the Draft Environmental Statement (Draft EIS) received from the public and agencies has been numbered, and the numbers assigned to each comment are indicated on the written communications that follow. All agencies, organizations, and individuals who commented on the Draft EIS are listed in **Table 2.0-1, Index to Comments**, below.

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**Table 2.0-1  
Index to Comments**

| Comment Letter          | Letter Date       | Agency/Individuals   |
|-------------------------|-------------------|--|
| <b>Federal Agencies</b> |                   |  |
| A                       | August 20, 2012   | U.S. Department of the Interior,<br>Office of Environmental Policy and Compliance,<br>Patricia Port, REO |
| B                       | September 4, 2012 | U.S. Environmental Protection Agency,<br>Enrique Manzanilla, Director                                    |
| <b>Local Agencies</b>   |                   |  |
| C                       | August 17, 2012   | City of Roseville,<br>Kathy Pease, AICP  |
| <b>Organizations</b>    |                   |  |
| D                       | August 17, 2012   | Pacific Gas and Electric Company,<br>Chris Ellis   |
| E                       | August 20, 2012   | Sierra Vista Owners Group,<br>Jeff Jones   |
| <b>Individuals</b>      |                   |  |
| F                       | August 20, 2012   | Janet Laurain  |

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### 2.2 RESPONSES TO INDIVIDUAL COMMENTS

This chapter contains the comment letters received on the July 2012 Draft EIS for the Sierra Vista Specific Plan project. Following each comment letter are responses to individual comments. It is recommended that reviewers use the index to comments presented above to locate comments from specific agencies or persons and the responses to those comments.



United States Department of the Interior

OFFICE OF THE SECRETARY  
Office of Environmental Policy and Compliance  
Pacific Southwest Region  
333 Bush Street, Suite 515  
San Francisco, CA 94104

IN REPLY REFER TO:  
(ER 12/490)

*Filed Electronically*

20 August 2012

Mr. James T. Robb  
U.S. Army Corps of Engineers  
Sacramento District  
Regulatory Division  
1325 J Street, Room 1350  
Sacramento, California 95814

Subject: Draft Environmental Impact Statement for the Sierra Vista Specific Plan Project,  
Placer County, CA

Dear Mr. Robb:

The Department of the Interior has received and reviewed the subject document and has no  
comments to offer.

1

Thank you for the opportunity to review this project.

Sincerely,

Patricia Sanderson Port  
Regional Environmental Officer

cc:  
Director, OEPC



United States Department of the Interior  
OFFICE OF THE SECRETARY  
Office of Environmental Policy and Compliance  
1849 C Street, NW – MS2462-MIB  
Washington, D.C. 20240



9043.1  
PEP/NRM  
July 6, 2012

**ELECTRONIC MAIL MEMO**

To: Assistant Secretary, Indian Affairs  
Director, Fish and Wildlife Service  
Director, Geological Survey  
Director, National Park Service  
Director, Bureau of Land Management  
Commissioner, Bureau of Reclamation

From: Team Leader, Natural Resources Management  
Office of Environmental Policy and Compliance

Subject: Draft Environmental Impact Statement for the Sierra Vista Specific Plan Project,  
Placer County, CA

**(ER12/0490) Agency Due Date: August 20, 2012**

The US Army Corps of Engineers has published a draft environmental impact statement (DEIS) that analyzes the potential effects of implementing the proposed action and alternatives for development of a large-scale, mixed-use, mixed-density master-planned community on the approximately 1,612-acre Sierra Vista Specific Plan area, located in the City of Roseville, Placer County, California. The *Federal Register* notice of availability may be viewed at <http://www.gpo.gov/fdsys/pkg/FR-2012-07-06/pdf/2012-16545.pdf>. The document is available from a menu at <http://www.spk.usace.army.mil/Missions/Regulatory/Overview/EnvironmentalImpactStatements.aspx>.

Please have your appropriate field-level office review the document from its particular jurisdiction or special expertise and provide its comments **or indicate “no comment”** to the Office of Environmental Policy and Compliance, Regional Environmental Officer (REO), San Francisco, CA by **August 14, 2012**.

Related review: ER08/344 (NOI)

/s/07/06/12  
Dave Sire

cc: REO/San Francisco

OEPC Staff Contact: Loretta B. Sutton, 202-208-7565; [Loretta\\_Sutton@ios.doi.gov](mailto:Loretta_Sutton@ios.doi.gov)

## ENVIRONMENTAL REVIEW CLOSEOUT WORKSHEET

Date: 8/20/2012

ER # 12/490

| <b>BUREAU</b> | <b>PERSON RESPONDING</b> | <b>DATE OF RESPONSE</b> |             | <b>COMMENTS PROVIDED</b> |
|---------------|--------------------------|-------------------------|-------------|--------------------------|
|               |                          | <b>WRITTEN</b>          | <b>ORAL</b> |                          |
| <b>BLM</b>    |                          |                         |             |                          |
| <b>BIA</b>    |                          |                         |             |                          |
| <b>BOR</b>    | Theresa Taylor           | 08/07/2012              |             | No Comment               |
| <b>FWS</b>    |                          |                         |             |                          |
| <b>USGS</b>   | Brenda Johnson           | 08/09/2012              |             | No Comment               |
| <b>NPS</b>    | Alan Schmierer           | 08/07/2012              |             | No Comment               |
| <b>OSM</b>    |                          |                         |             |                          |

Date received from lead Bureau: 07/06/2012

REO signature date: 08/20/2012

Agency comment due date: 08/14/2012

\*\* Key to comment abbreviations:

E = Editorial

S = Substantive comment (additional information/analysis)

M = Recommend additional mitigation, project modification, and/or different alternative



**Letter A:** U.S. Department of the Interior, Office of Environmental Policy and Compliance, Patricia Port, REO, dated August 20, 2012

**Response A-1**

The comment is noted.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

September 4, 2012

James Robb  
U.S. Army Corps of Engineers, Sacramento District  
1325 J Street, Room 1480  
Sacramento, California 95814-2922

Subject: Sierra Vista Specific Plan Draft Environmental Impact Statement (EIS), Placer County, California [CEQ #20120230]

Dear Mr. Robb:

The U.S. Environmental Protection Agency (EPA) has reviewed the above referenced document. Our review and comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's (CEQ) NEPA Implementation Regulations at 40 CFR 1500 - 1508, and our review authority under Section 309 of the Clean Air Act.

EPA supports and appreciates the efforts of the U.S. Army Corps of Engineers (Corps) and partners involved in this project area to produce a unified approach in a single EIS. We have rated this Draft EIS as EO-2 – Environmental Objections-Insufficient Information (see Enclosure 1: “Summary of Rating Definitions and Follow-Up Action”), however, because the Proposed Action in the Draft EIS does not appear to be the least environmentally damaging practicable alternative (LEDPA), and does not propose appropriate compensatory mitigation for aquatic resource impacts.

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The Proposed Action would adversely affect 24.81 acres of waters of the U.S., including 7.9 acres of vernal pools. In 2008, EPA identified the vernal pools on the project site as an Aquatic Resource of National Importance (ARNI), and determined that the project, as proposed at that time, would have significant and unacceptable impacts to ARNI. The Draft EIS does not demonstrate compliance with the Clean Water Act Section 404(b)(1) Guidelines, which require the Corps to permit only the LEDPA, based on an alternative’s avoidance and minimization of impacts to waters. Tens of thousands of acres of land supporting vernal pools and related ecosystems are threatened by numerous proposed developments in western Placer County and adjacent Sacramento County. The Sierra Vista Specific Plan and other proposed development projects could potentially adversely affect 50 percent of the remaining vernal pool complexes in western Placer County. EPA would like to work with the Corps during the development and identification of the LEDPA and compensatory mitigation plan for this project. The Final EIS should identify the Environmentally Preferable Alternative and the LEDPA and explain the basis for these designations. Please see enclosures 2 and 3 for our detailed comments.

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The proposed project is located in an area that is federally designated as non-attainment for ozone and PM2.5 (particulate matter smaller than 2.5 microns), and EPA has serious concerns regarding the significant cumulative impacts to air quality within the Sierra Vista cumulative effects study area. Research has shown that these air pollutants can trigger a variety of health problems and may exacerbate conditions such as asthma. The Final EIS should include additional information regarding cumulative impacts to air quality; provide air emissions dispersion modeling results; and demonstrate that the project's emissions would conform to the State Implementation Plan and not cause or contribute to violations of the National Ambient Air Quality Standards. Please see enclosure 2 for our detailed comments regarding air quality.


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We appreciate the opportunity to review this Draft EIS. Please note that starting October 1, 2012, EPA Headquarters will not accept paper copies or CDs of EISs for official filing purposes. Submissions on or after October 1, 2012 must be made through EPA's new electronic EIS submittal tool: *e-NEPA*. To begin using *e-NEPA*, you must first register with EPA's electronic reporting site - [https://cdx.epa.gov/epa\\_home.asp](https://cdx.epa.gov/epa_home.asp). Electronic submission does not change requirements for distribution of EISs for public review and comment, and lead agencies should still provide one hard copy of each Draft and Final EIS released for public circulation to the EPA Region 9 office in San Francisco (mailcode CED-2).

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If you have any questions, please call me at (415) 972-3843 or contact Jeanne Geselbracht, our lead NEPA reviewer for this project, at [geselbracht.jeanne@epa.gov](mailto:geselbracht.jeanne@epa.gov) or (415) 972-3853.

Sincerely,



Enrique Manzanilla, Director  
Communities and Ecosystems Division

Enclosures:

- (1) Summary of Rating Definitions and Follow-Up Action
- (2) EPA's detailed comments on the Sierra Vista Specific Plan Draft EIS
- (3) EPA letter to Corps regarding Sierra Vista Specific Plan (PN 200601050), April 28, 2008

Cc: Placer County Air Pollution Control District  
Kelly Berrie, U.S. Fish and Wildlife Service

## SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

### ENVIRONMENTAL IMPACT OF THE ACTION

#### *"LO" (Lack of Objections)*

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

#### *"EC" (Environmental Concerns)*

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

#### *"EO" (Environmental Objections)*

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

#### *"EU" (Environmentally Unsatisfactory)*

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

### ADEQUACY OF THE IMPACT STATEMENT

#### *Category 1" (Adequate)*

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

#### *"Category 2" (Insufficient Information)*

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

#### *"Category 3" (Inadequate)*

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

**Sierra Vista Specific Plan Draft EIS  
EPA Detailed Comments - September 2012**

**Project Alternatives**

EPA continues to object to Clean Water Act Section 404 authorization for the Sierra Vista Specific Plan project as proposed because the Proposed Action does not appear to be the least environmentally damaging practicable alternative (LEDPA). Based on information in the Draft EIS, it appears that, among the action alternatives assessed, Alternative 1– Reduced Footprint/Increased Density would result in the lowest level of environmental impacts for the majority of the resource categories assessed, and has not been demonstrated impracticable under the Clean Water Act Section 404(b)(1) Guidelines (Guidelines). As described in the Draft EIS, Alternative 1 would slightly increase the number of residential units, but would also increase designated open space in areas with the greatest concentrations of sensitive habitat (vernal pools and/or drainages). Under this alternative, total acres developed would be 1,027 acres (vs. 1,370 acres under the Proposed Action); open space would be 599 acres (vs. 257 acres); and the residential footprint would be 593 acres (vs. 820 acres), maintaining the number of units through higher densities. Alternative 1 represents a 65% reduction of impacts to aquatic resources overall (from 24.81 acres to 8.66 acres), including a two-thirds reduction of impacts to vernal pools (from 7.9 acres to 2.6 acres).

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**Aquatic Resources of National Importance and Compliance with the Guidelines**

By letter dated April 28, 2008, EPA identified the vernal pools on the project site as an Aquatic Resource of National Importance (ARNI), and determined that the project, as proposed, would have significant and unacceptable impacts to ARNI. Consistent with the 1992 Memorandum of Agreement between EPA and the Corps regarding Section 404(q) of the CWA, this permit action remains a candidate for review by EPA and Corps Headquarters. Our 2008 letter provides detailed comments regarding our concerns with the project's impacts to ARNI and is incorporated into these comments by reference (Enclosure 3).

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Based on information currently available, the Sierra Vista Applicants Group (applicants) have not demonstrated compliance with the Guidelines, which require the Corps to permit only the LEDPA, based on an alternative's avoidance and minimization of impacts to waters. In addition, the Guidelines require compensatory mitigation of unavoidable impacts to waters. EPA believes that the Proposed Action is not the LEDPA and that further avoidance of waters is practicable and necessary. While the proposed project generally avoids impacts to the two main drainages on the site (Curry and Federico Creeks), it would eliminate 68 percent of the site's waters, overall. The majority of these impacts (21.12 acres) will occur to depressional wetlands, including vernal pools, seasonal wetlands and seasonal swales. These wetlands are habitat to several special-status plant and wildlife species that are protected under the federal Endangered Species Act (ESA) and the California Endangered Species Act (CESA), including Dwarf downingia (*Downingia pusilla*) and Conservancy fairy shrimp (*Branchinecta conservatio*). Furthermore, the project is located within the Western Placer County core recovery area of the Southeast Sacramento Valley vernal pool region. Core recovery areas are identified by the Fish and Wildlife Service to focus recovery actions for 20 species of animals and plants that are listed as either Endangered or

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Threatened.<sup>1</sup> Statewide losses of vernal pools currently exceed 85 percent of historic distribution, and tens of thousands of acres of land supporting vernal pools and related ecosystems are threatened by numerous proposed developments in western Placer County and adjacent Sacramento County.

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Mitigation Measure BIO-1a describes the conceptual mitigation plan to compensate for the loss of 24.81 acres of wetlands and other waters of the U.S. associated with the proposed project. The plan states that the applicants will purchase 7.88 acres of vernal pool credits from an off-site mitigation bank, and that 28.86 acres of riverine/seasonal wetlands will be constructed on the project site within the 257 acres of open space along the two drainage corridors. Consistent with the 2008 Federal Mitigation Rule (40 CFR Part 230, Subpart J), EPA supports the portion of the proposal that utilizes existing mitigation bank credits. However, the conceptual plan does not provide enough information to justify the out-of-kind, permittee-responsible portion of the mitigation proposed. As it appears multiple banks have service areas that include this project site, with available vernal pool and seasonal wetland credits, EPA believes this should be the Corps' preferred approach to approved mitigation for this project. We would also welcome the opportunity to provide input to the Corps' analysis of before/after mitigation implementation (BAMI) procedures under the mitigation ratio Standard Operating Procedures (SOP).

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We note that an off-site permittee-responsible project could be appropriate, if it would support a watershed approach to aquatic resource management (such as contributing to existing regional conservation plans), and "will restore an outstanding resource based on a rigorous scientific and technical analysis" (40 CFR 230.93(b)(2)). The conceptual plan lacks any such analysis, but clearly does not propose to restore an outstanding resource. According to the plan, 28.86 acres of constructed wetlands will be located on terraces adjacent to existing stream channels. These wetlands "are designed to be inundated during frequent storm events" and will accommodate post-development flows from the surrounding developments. We do not support replacing naturally occurring wetlands with constructed stormwater treatment wetlands. While we agree that these riverine wetlands can improve water quality and may support wildlife, we do not believe they are appropriate compensation for the loss of depressional wetlands such as vernal pools, seasonal wetlands and seasonal swales.

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**Recommendations:**

- The Corps should not permit the project as proposed and should work with the EPA during development and identification of the LEDPA and mitigation planning.
- The Final EIS should identify the Environmentally Preferable Alternative as well as the LEDPA, and explain the basis for these designations.
- The Final EIS should include a revised mitigation plan that requires purchase of seasonal wetland and vernal pool credits from approved mitigation banks rather than giving compensatory mitigation credit for the on-site, out-of-kind constructed stormwater treatment wetlands proposed for this project.
  - If sufficient bank credits are not available, EPA recommends that the Corps only approve off-site permittee-responsible mitigation at sites selected using a watershed approach to restoration of ecosystem functions and services, and where activities are likely to be successful and naturally self-sustaining.

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<sup>1</sup> Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon" (US Fish and Wildlife Service 2005).

- To the extent practicable, the form of all off-site mitigation should be in-kind rehabilitation and re-establishment rather than creation or preservation.
- EPA is available to provide technical assistance in scaling appropriate mitigation needs pursuant to the Corps SOPs. Please contact Eric Raffini, EPA Wetlands Office, at (415) 972-3544 or raffini.eric@epa.gov, to continue discussion of the LEDPA and mitigation plan.

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**Cumulative Impacts**

EPA has serious concerns regarding the significant cumulative impacts to water quality and habitat (see Enclosure 3) and air quality (see Air Quality comments below) within the Sierra Vista cumulative effects study area. Tens of thousands of acres of land supporting vernal pools and related ecosystems are threatened by numerous proposed developments in western Placer County and adjacent Sacramento County. The Sierra Vista Specific Plan and other proposed development projects could potentially adversely affect 50 percent of the remaining vernal pool complexes in western Placer County. The project site is also located in an area that is federally designated non-attainment for ozone and PM2.5 (particulate matter smaller than 2.5 microns). These air pollutants can lead to a number of health problems. Children, in particular, have greater sensitivities to various environmental contaminants, including air pollutants. Construction and operation emissions could exacerbate existing conditions, such as asthma, for children, the elderly, and those with existing respiratory or cardiac disease.

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While Chapter 4 of the Draft EIS identifies numerous planned development, transportation, and infrastructure improvement projects in the Sierra Vista cumulative effects study area, EPA is aware of many additional federal projects in which the Corps is involved and which are planned in the study area for the same general time period as the proposed Sierra Vista project. These projects, however, have not been identified in the Draft EIS (section 4.2.4). They include the Sun Creek Specific Plan, Sunridge Specific Plan, Mather Specific Plan, Folsom South of US Highway 50 Specific Plan, Rio Del Oro Project, Arboretum Project, Southport Sacramento River Early Implementation Project, Cordova Hills Project, Jackson Township Project, Folsom Dam Modification Project Approach Channel, and the Natomas Levee Improvement projects. It is unclear whether these projects have been considered in the Sierra Vista Specific Plan cumulative impacts analyses.

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**Recommendation:** Additional efforts should be made by the Corps to coordinate with appropriate agencies and applicants on the multiple projects in the area so that the cumulative effects of past, current, and foreseeable future projects can be more accurately identified, and minimized and/or effectively mitigated for each resource.

**Air Quality**

Table 3.3-12 (Draft EIS, p. 3.3-37) refers to the State Implementation Plan (SIP) emissions budget for volatile organic compounds (VOC), which are ozone precursors. EPA, however, has only partially approved the 2008 Sacramento Regional 8-Hour Ozone Attainment and Reasonable Further Progress Plan (2008 Ozone Plan), specifically the motor vehicle emissions budget for use in traffic conformity determinations. Therefore, it is not the applicable SIP for general conformity, and a general conformity determination for the Sierra Vista project cannot be

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made based on this plan at this time. Based on the proposed project's potential construction emissions estimates in the Draft EIS, it appears that a conformity determination will be needed.

**Recommendation:** The Final EIS should demonstrate that the direct and indirect emissions of the project conform to the SIP and do not cause or contribute to violations of the National Ambient Air Quality Standards (NAAQS). We recommend that the Corps work closely with the Placer County Air Pollution Control District on its conformity determination. We also recommend that the Draft General Conformity Determination be included in the Final EIS, either as a detailed summary or as an appendix.

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The Draft EIS provides construction and operational emissions estimates in pounds per day for purposes of comparing them with emissions budgets and general conformity de minimis thresholds. It appears that, with the exception of carbon monoxide, the proposed project's direct and indirect contaminant emissions have not been modeled to show their estimated *concentrations* in the project area. Additional dispersion modeling should be conducted to determine air pollutant concentrations of criteria pollutants from direct, indirect, and cumulative emissions for an accurate comparison with the NAAQS, using comparable units (e.g. micrograms per cubic meter, parts per billion, or parts per million).

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**Recommendation:** The Final EIS should include this additional information.

EPA is concerned that the proposed action would result in a significant cumulative impact due to operational emissions (Draft EIS, p. 4.0-27). According to the Draft EIS (p. 4.0-4), the study area for cumulative air quality impacts is the Sacramento Valley Air Basin. As stated above, EPA is aware of multiple federal projects, in which the Corps is involved, and which are planned in the Sacramento Valley Air Basin for the same general time period as the proposed Sierra Vista project. Because many of these projects are not identified in the discussion in section 4.2.4 of the Draft EIS, however, it is unclear whether they have been considered in the cumulative air quality impacts analysis.

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**Recommendation:** Cumulative emissions should be evaluated for potential contributions to violations of the NAAQS. The air quality cumulative impacts analysis should account for all reasonably foreseeable future actions in the Sacramento Valley Air Basin. The Final EIS should provide a table that includes the criteria pollutant emissions estimates and totals from all of these sources for both the construction and operational phases of the projects.

The Draft EIS (p. 3.3-35) cites the general conformity rule incorrectly. The general conformity rule was revised April 5, 2010 (75 FR 17257). The EPA deleted the provision in 40 CFR 93.153 that required Federal agencies to conduct a conformity determination for regionally significant actions where the direct and indirect emissions of any pollutant represent 10 percent or more of a nonattainment or maintenance area's emissions inventory for that pollutant.

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**Recommendation:** This language should be deleted from the EIS.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

APR 28 2008

Colonel Thomas C. Chapman  
District Engineer, Sacramento District  
U.S. Army Corps of Engineers  
1325 J Street, 14<sup>th</sup> floor  
Sacramento CA, 95814-2922

Subject: Sierra Vista Specific Plan (PN 200601050), Placer County, California

Dear Colonel Chapman:

We have reviewed the public notice (PN 200601050) of March 28, 2008, regarding an application for a Department of the Army permit and Notice of Intent to prepare an Environmental Impact Statement (EIS) for the proposed Sierra Vista Specific Plan (SVSP) in Placer County, California. EPA supports the efforts of the partners involved in this project area to produce a unified approach through this single PN and the subsequent EIS. We believe this approach will facilitate consideration of cumulative effects and identification of appropriate avoidance and mitigation needs. We are providing the attached comments under the authority of, and in accordance with, the provisions of the Federal Guidelines promulgated under Section 404(b)(1) of the Clean Water Act (CWA) at 40 CFR 230 (the Guidelines).

According to the PN, the proposed SVSP is a mixed-use master planned community with residential, commercial, open space, and recreational land uses. The proposed 2,138 acre project site is located within the sphere of influence and directly adjacent to the urban boundary of the City of Roseville in an unincorporated portion of south western Placer County. At full build-out, the SVSP is expected to provide approximately 10,000 residential units in a "mixed-use, mixed-density master planned community with residential, commercial, office, public/quasi-public parks, and open space land uses, including two regional community centers."

There are approximately 51.87 acres of waters of the US within the project site, including portions of Curry Creek, wetlands, and vernal pools. The applicants propose to fill approximately 37.74 acres of these interconnected waters. Figure 4 of the PN illustrates varying degrees of avoidance of aquatic resources, but provides insufficient information to inform a detailed analysis of each individual site.

Vernal pool complexes, comprised of interconnected pools, wetlands and other waters are high value aquatic resources that provide habitat for federally threatened and endangered species. Some of the species that vernal pool complexes support occur only in California. High rates of biodiversity and endemism within vernal pool ecosystems and the large-scale destruction and

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degradation of these ecosystems have increased the importance of the vernal pools and interconnected aquatic resources that remain. Statewide, as much as 85% of the original distribution of vernal pool complexes has been lost to development, and up to 33% of the crustacean species that are endemic to vernal pool habitat (e.g., fairy shrimp) may have already become extinct due to habitat destruction.<sup>1</sup> Between 1994 and 1997 Placer County lost approximately 500 acres of vernal pools per year,<sup>2</sup> and the County's continuing high rate of development threatens remaining vernal pool complexes. Due to the high ecological value and increasing rarity of these systems, EPA considers these vernal pool complexes to be aquatic resources of national importance (ARNI).

Based on information provided in the PN, it does not appear that the proposed project complies with the Guidelines' requirements for avoidance and minimization (40 CFR 230.10). Generally, the Guidelines limit issuing permits to only those projects that avoid waters to the maximum extent practicable. Regulated waters cover approximately 2.4% of the project site; however, the applicants' propose to permanently impact over 72% of the aquatic resources in the project area. Given the low percentage of waters on-site and the high percentage of proposed fill to these waters, it seems likely that more can be done to avoid direct discharges of fill material to waters. EPA believes that project alternatives having fewer impacts to aquatic resources are available and viable and should be examined in the EIS. The PN indicates that the applicants' propose to place four parcels into open space, largely along Carson Creek and its tributaries and under a power line right of way. Although aquatic resources are distributed widely across the site, it seems reasonable that a practicable project alternative can be developed to avoid considerably more than 14.13 acres of the 51.87 acres of onsite waters of the US.

Staff from EPA and the Army Corps of Engineers met monthly with the City of Roseville, staff from natural resource agencies, and individuals representing the project since March 2007 to discuss the SVSP's potential impacts and conflicts. EPA supports the efforts of the Army Corps of Engineers and applicants to consolidate the analysis of projects having the same infrastructure needs into one Environmental Impact Statement for purposes of fulfilling NEPA requirements and providing a base of information to support a CWA Individual Permit action. We communicated our concern regarding a lack of avoidance and compliance with the Guidelines early in the process. The value of on-site aquatic resources and the potential for further avoidance of impacts to these resources support the use of CWA regulatory tools to ensure compliance with the Guidelines. We also recommend that the applicants' coordinate closely with Placer County officials to bring their project into alignment with ongoing development of the Placer County Conservation Plan. We look forward to working collaboratively with the applicants' and the Corps through the NEPA and CWA process to reduce project impacts to a level that would make the project comply with these two acts. There will be additional comments regarding the Scope of the EIS following this letter.

At this time, however, the EPA finds that this project, as currently proposed, **may have** substantial and unacceptable impacts to aquatic resources of national importance. Direct project

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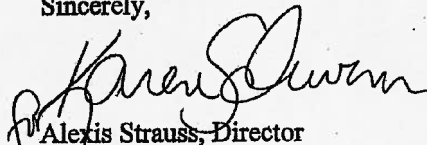
<sup>1</sup> King, J. L. (1996). Loss of Diversity as a Consequence of Habitat Destruction in California Vernal Pools. Ecology, Conservation, and Management of Vernal Pool Ecosystems, Sacramento, California Native Plant Society.

<sup>2</sup> CDFG (1998) Changes in Great Valley Vernal Pool Distribution from 1989 to 1997. Report to CDFG, Author Robert F. Holland. [http://www.dfg.ca.gov/whdab/wetlands/vp\\_holland/report\\_index.htm](http://www.dfg.ca.gov/whdab/wetlands/vp_holland/report_index.htm).

impacts to vernal pools and interconnected aquatic resources would reduce the site's abundance and diversity of native habitat, terrestrial wildlife, and aquatic species and would contribute to the cumulative losses of vernal pools which currently exceed 85% of historic distribution. The magnitude of proposed fill to these valuable resources is unacceptable considering that jurisdictional waters cover such a small percentage of the project site. Therefore, we recommend denial of the project, as currently proposed. This letter follows the field level procedures outlined in the August 1992 Memorandum of Agreement (MOA) between the Environmental Protection Agency and the Department of the Army, Part IV, paragraph 3(a) regarding Section 404(q) of the Clean Water Act.

We look forward to working with your staff and the applicant to resolve the important environmental issues surrounding the proposed project. If you wish to discuss this matter further, please call me at (415) 972-3572 or David Smith, supervisor of the Wetlands Regulatory Office, at (415) 972-3464.

Sincerely,



Alexis Strauss, Director  
Water Division

cc: Ms. Nancy Haley  
U.S. Army Corps of Engineers  
Sacramento District  
1325 J Street, 14th floor  
Sacramento, California 95814-2922

Mr. Patrick Gillum  
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**Detailed EPA Comments  
PN 200601050 for the proposed Sierra Vista Project**

**I. Project Site**

The PN 200601050 describes SVSP as a mixed-use master planned community with residential, commercial, open space, and recreational land uses. Participating landowners make up the vast majority of the 2,138-acre SVSP site. The proposed project is located in the southwest portion of unincorporated Placer County, directly adjacent to the City of Roseville and within the Roseville sphere of influence. Currently, SVSP plans to provide approximately 10,000 residential units.

**II. Elevation of Individual Permit Decisions under CWA 404(q) MOA**

Pursuant to the 1992 Memorandum of Agreement between the Environmental Protection Agency (EPA) and the Department of the Army per Clean Water Act ("CWA") Section 404(q), it appears that authorization of the proposed project may result in unacceptable adverse effects to aquatic resources of national importance (ARNIs). The wetlands in question are considered special aquatic sites under the Guidelines, and the vernal pool complexes on the project site support a diversity of unique plants and animals.

***Aquatic Resources of National Importance***

Placer County lies within the California Floristic Province, a "biodiversity hotspot"<sup>3</sup> recognized internationally for its high levels of species' endemism, in part due to the presence of vernal pools and associated aquatic resources. Statewide, as much as 85% of vernal pools have been lost to development, and up to 33% of the original crustacean species that depend upon vernal pool habitat (e.g., fairy shrimp) may have already become extinct due to habitat destruction<sup>4</sup>. The mosaic of aquatic and terrestrial habitats on the project site are potential habitat for State and federally-listed species such as vernal pool fairy shrimp, vernal pool tadpole shrimp, northwestern pond turtle, Swainson's hawk, burrowing owl, prairie falcon, golden eagle, and tri-colored blackbird.<sup>5</sup> The high rates of endemism within vernal pool ecosystems and the large-scale destruction and degradation of these ecosystems have increased the importance of the landscapes that remain. Between 1994 and 1997 Placer County lost approximately 500 acres of vernal pools per year,<sup>6</sup> and it appears this vigorous pattern of loss has continued as Placer is one of California's fastest growing counties.

<sup>3</sup> [http://www.biodiversityhotspots.org/xp/Hotspots/hotspotsScience/hotspots\\_defined.xml](http://www.biodiversityhotspots.org/xp/Hotspots/hotspotsScience/hotspots_defined.xml) and [http://www.biodiversityhotspots.org/xp/Hotspots/california\\_floristic/](http://www.biodiversityhotspots.org/xp/Hotspots/california_floristic/)

<sup>4</sup> King, J. L. (1996). Loss of Diversity as a Consequence of Habitat Destruction in California Vernal Pools. Ecology, Conservation, and Management of Vernal Pool Ecosystems, Sacramento, California Native Plant Society.

<sup>5</sup> Placer Vineyards Specific Plan Revised Draft Environmental Impact Report. March 2006. Section 4, pages 4.4-11 through 4.4-14. <http://www.placer.ca.gov/CommunityDevelopment/EnvCoordSvcs/PVineyards.aspx>

<sup>6</sup> CDFG (1998) Changes in Great Valley Vernal Pool Distribution from 1989 to 1997. Report to CDFG, Author Robert F. Holland. [http://www.dfg.ca.gov/whdab/wetlands/vp\\_holland/report\\_index.htm](http://www.dfg.ca.gov/whdab/wetlands/vp_holland/report_index.htm).

The SVSP site is a relatively large and intact mosaic of vernal pool and grassland habitat. According to the PN, the site is characterized by integrated waters and wetlands including approximately 11.64 acres of vernal pools, 9.19 acres of seasonal wetlands, 19.65 acres of wetland swale, 2.63 acres of pond, 2.36 acres of perennial streams, 6.02 acres of intermittent streams, and 0.38 acres of ephemeral streams. The primary aquatic features that comprise vernal pool complexes (vernal pools, seasonal wetlands, and seasonal wetland swales) account for approximately 78% of the on-site waters, while linear features, associated wetlands, and ponds make up the remainder.

The US Fish and Wildlife Service (FWS) designated all of the land on the SVSP site as core recovery habitat for vernal pool fairy shrimp<sup>7</sup>, which is a strong indication of the importance of this site to the maintenance of listed vernal pool species. Core areas are the specific sites the FWS considers necessary to recover endangered or threatened species and should be the initial focus of protection measures such as preservation. The vernal pool habitat on the SVSP site is occupied by vernal pool fairy shrimp. Preservation of habitat occupied by vernal pool fairy shrimp is a primary element of the FWS recovery strategy because vernal pool species are primarily threatened with extinction due to habitat loss and fragmentation. The vernal pools complexes on the SVSP site appear to serve an important role in the recovery of the endangered vernal pool fairy shrimp for US FWS.

This area of Placer County has a limited supply of opportunities for vernal pool compensatory mitigation and is considered an important part of a large-scale conservation plan for Placer County's aquatic and natural resources. If current efforts focused on protecting aquatic resources at the regional level are to succeed, avoidance of aquatic resources in a conservation strategy that provides for the long-term viability of aquatic resources is vital.

#### ***Substantial and Unacceptable Impacts***

The proposed project impacts to vernal pools and integrated aquatic features are substantial and unacceptable based on the magnitude of fill, lack of sufficient avoidance, historical losses of these wetland types in the area, habitat fragmentation, and inadequate compensation opportunities. Project construction will result in the permanent loss of approximately 37.74 acres of waters and wetlands. The current proposal includes filling approximately 72.8% of all on-site waters including a high percentage of the vernal pools on the property. Similar to other types of wetlands and streams, vernal pools are dependent on interconnected water sources and immediately adjacent upland areas to function as wetlands and retain value as aquatic habitat. The filling of these aquatic resources:

- permanently destroys habitat for aquatic species and wildlife including endangered and special status species,
- causes a potentially irreversible loss of biodiversity, ecosystem stability, and valuable aquatic resources (see section on Significant Degradation), and
- may lead to decreased floodwater retention, increased sediment transport and runoff.

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<sup>7</sup> US Fish and Wildlife Service (2005) Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon.

In addition, many of the seasonal wetlands and streams proposed for direct fill may impact avoided pools by altering the sediment and water supply through increasing impervious surfaces and burying streams into pipe culverts. The proposal to forego avoidance and fill almost 73% of on-site aquatic resources is unacceptable given that all or nearly all the waters could be avoided by realigning the planned open space.

Perhaps the most compelling reason the proposed impacts are both substantial and unacceptable, is the importance of the habitat on the SVSP site to the recovery of aquatic endangered species. The Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon lists habitat fragmentation as the single largest threat to the survival and recovery of listed species addressed in the Recovery Plan. The SVSP proposes to destroy most of the 11.64 acres of vernal pools and fragment an approximately 2000-acre landscape of vernal pool complexes. Figure 1 shows proposed development in western Placer County and the distribution of vernal pool core Recovery Areas identified by FWS. FWS recommends preserving 85% of the core areas identified in western Placer County, and the applicants have been unable to propose offsetting project impacts to aquatic habitat for endangered species by compensating within the core area. EPA has identified two other projects shown in Figure 1, Placer Vineyards and Lincoln 270, as candidates for elevation through the 404(q) process for similar reasons.

### **III. Clean Water Act Compliance**

The purpose of the Section 404(b)(1) Guidelines is to restore and maintain the chemical, physical, and biological integrity of waters of the United States. These goals are achieved, in part, by prohibiting discharges of dredged or fill material that would result in avoidable or significant adverse impacts on the aquatic environment. The burden to demonstrate compliance with the guidelines rests with the permit applicant. The Guidelines contain four main requirements each of which must be complied with to obtain a Section 404 permit:

1. Section 230.10(a) prohibits a discharge if there is a less environmentally damaging practicable alternative to the proposed project. These alternatives are presumed for non-water dependent activities in special aquatic sites.
2. Section 230.10(b) prohibits discharges that will result in a violation of the water quality standards or toxic effluent standards, jeopardize a threatened or endangered species, or violate requirements imposed to protect a marine sanctuary.
3. Section 230.10(c) prohibits discharges that will cause or contribute to significant degradation of the waters of the United States. Significant degradation may include individual or cumulative impacts to human health and welfare; fish and wildlife; ecosystem diversity, productivity and stability; and recreational, aesthetic or economic values.



4. Section 230.10(d) prohibits discharges unless all appropriate and practicable steps have been taken to minimize potential adverse impacts of the discharge on the aquatic ecosystem.

The applicant proposes to fill wetlands and vernal pools, aquatic resources considered special aquatic sites which are afforded a higher level of protection by CWA regulations. The Guidelines consider the degradation or destruction of special aquatic sites to be among the most severe environmental impacts that cause a potentially irreversible loss of valuable aquatic resources (40 CFR 230.1(d)).

#### **Alternatives Analysis– 40 CFR 230.10(a)**

Compliance with the Guidelines requires the applicant to clearly demonstrate that the “preferred” alternative is the Least Environmentally Damaging Practicable Alternative (LEDPA) that achieves the overall project purpose. In addition, the Guidelines presume the existence of project alternatives that do not include discharges of fill material to special aquatic sites when the project is not water dependent (40CFR230.10(a)(3)).

#### ***Alternatives***

The applicants have been evaluating alternatives with input from natural resource agencies. Information describing these alternatives will be provided to the Corps in order to complete the CWA and NEPA processes. We provide the following guidance to support the evaluation of on-site and off-site alternatives. Identification of the LEDPA is achieved by performing an alternatives analysis that estimates the direct, secondary, and cumulative impacts to jurisdictional waters resulting from a set of on- and off-site project alternatives. As the project purpose (“large-scale, mixed-use, mixed-density master planned community”) is not water-dependent, the applicant bears the burden of proof to rebut the Guidelines presumption that alternatives are available and capable of being done that do not include discharging dredged or fill material to special aquatic sites. The alternatives analysis should evaluate alternatives that fully avoid fill, avoid placement of fill in the vernal pool complexes on the western portion of the site, and provide for conservation consistent with the conservation footprint options being considered in the PCCP process. An evaluation of the long-term viability of avoided resources in onsite preserve designs for various alternatives can inform the LEDPA determination.

The analysis of project impacts should be commensurate with the magnitude of impacts to aquatic resources. Fewer impacts to aquatic resources require a less comprehensive alternatives analysis. Greater consideration should be given to onsite alternatives that optimize avoidance of aquatic resources. This project clearly rises to the threshold of significant impacts; therefore, the applicants need to perform, and the Corps should analyze carefully, an exhaustive alternatives analysis.



### ***Impact Assessment***

The alternatives analysis must evaluate direct, secondary<sup>8</sup>, and cumulative<sup>9</sup> impacts for onsite and offsite alternatives for the proposed project. Secondary effects include: (1) changes in the hydrology and sediment transport capacity of Curry Creek and associated tributaries resulting from filling tributaries and wetlands; (2) increases in impervious surfaces and the corresponding increases in the volume and velocity of polluted stormwater; (3) decreases in water quality from the impairment of ecosystem services such as water filtration, groundwater recharge, and the attenuation of floods; (4) disruption of hydrological and ecological connectivity between aquatic resources filled, altered, or degraded on-site and off-site wetlands and vernal pools; and (5) decreases in biodiversity and ecosystem stability.

Cumulative impacts include past, present, and reasonably foreseeable direct and secondary impacts to the aquatic environment. Historical impacts on aquatic ecosystems include California's rapid population growth and resulting losses of approximately 95% of the State's wetlands<sup>10</sup> and up to 85% of the vernal pools. Tens of thousands of acres of land supporting vernal pools and related ecosystems are threatened by numerous proposed developments in western Placer County. SVSP and other proposed development areas potentially impact 50% of the remaining vernal pool complexes in western Placer County.<sup>11</sup> Pending and reasonably foreseeable projects include, but are not limited to, the Placer Parkway, Creekview Specific Plan, Placer Vineyards Specific Plan, Placer Ranch Specific Plan, Brookfield Property, Regional University, Curry Creek Community Plan, and any development associated with the City of Roseville Retention Basin. Figure 1 illustrates the intense development pressure in western Placer County and indicates a strong potential for cumulative adverse impacts to intact vernal pool landscapes.

### ***LEDPA***

As stated in the cover letter, the proposed project does not appear to be the LEDPA due to the lack of avoidance of aquatic resources and the magnitude of proposed fill.

### **Significant Degradation – 40 CFR 230.10(e)**

The Guidelines prohibit granting a permit for a project that causes or contributes to significant degradation of aquatic resources. Effects contributing to significant degradation include significantly adverse effects resulting from the discharge of fill material into regulated waters such as: (1) loss of fish and wildlife habitat (40 CFR 230.10(c)(3)), (2) reduction of biological productivity caused by smothering wetland habitat (40 CFR 230.41), and (3) impairment or destruction of endangered species habitat (40 CFR 230.30(2)).

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<sup>8</sup> Secondary effects are defined by the Guidelines as effects on an aquatic ecosystem that are associated with a discharge of dredge or fill materials but do not result from the actual placement of the dredged or fill material (40 CFR 230.11(h)).

<sup>9</sup> Cumulative effects are defined by the Guidelines as changes in an aquatic ecosystem that are attributable to the collective effect of a number of individual discharges of dredged or fill material (40 CFR 230.11(g)).

<sup>10</sup> Dahl, T.E. 1990. Wetland losses in the United States 1780's to 1980's. U.S. Fish and Wildlife Service, Washington, D.C.

<sup>11</sup> GIS data collected by Placer County.

SVSP may cause or contribute to significant degradation of on site aquatic resources because discharging fill material into approximately 38 acres<sup>12</sup> of special aquatic sites will smother and kill aquatic life, permanently destroy habitat for wildlife dependent on these aquatic features, and subsequently reduce onsite ecosystem diversity, productivity, and stability. The proposed fill will destroy habitat for wildlife dependent on the onsite aquatic resources. Vernal pool complexes in the SVSP area are considered important concentration areas for waterfowl and shorebirds using the Pacific Flyway.

Vernal pools and their associated aquatic features support some of the most biologically diverse aquatic ecosystems in California and the United States.<sup>13</sup> The vernal pools on the SVSP site are located within the core recovery area for the vernal pool fairy shrimp (*Branchinecta lynchi*) and considered to be critical habitat for preservation by FWS. Destroying vernal pools, integrated aquatic resources, and associated upland habitat represents a potentially irreversible loss of core area preservation, biodiversity and valuable aquatic resources (40 CFR 230.1(d)), is considered a significant adverse effect by the Guidelines (40 CFR 230.41), and therefore may cause or contribute to significant degradation. Similarly, the mosaic of aquatic and terrestrial habitats on the project site are potential habitat for state special status species such as Northwestern pond turtle, Swainson's Hawk, burrowing owl, prairie falcon, golden eagle, and tri-colored blackbird.<sup>14</sup> Destruction of these habitat resources for endangered and threatened species would be considered significantly adverse by the Guidelines and therefore may cause or contribute to significant degradation.

#### **Minimization-- 40 CFR 230.10(d)**

Failure to adequately offset project impacts is grounds for denial of the permit application, and it is not clear the applicants are able to compensate for proposed project impacts. The applicants have not been able to identify lands within the vernal pool core recovery area for compensation even though the entire project and impact site is within the core recovery area. CWA regulations and guidance require all appropriate and practicable steps be taken to avoid and minimize direct impacts to aquatic resources and to compensate for unavoidable discharges of dredged or fill material into waters (40 CFR 230.10(d)).

Specifically, it is important to: (1) increase the proposed avoidance and minimization; (2) document that the remaining proposed impacts are unavoidable; and (3) provide a compensatory mitigation plan for review consistent with the recently issued rule on Compensatory Mitigation for Losses of Aquatic Resources<sup>15</sup>. There are numerous challenges to compensating for impacts to the functions and values provided by vernal pools in western Placer County. For example, CALTRANS and private developers have reported a shortage of available compensatory mitigation opportunities in Placer County to compensate for the unavoidable impacts of pending

<sup>12</sup> Estimated from information provided in the CWA 404 permit application.

<sup>13</sup> [http://www.biodiversityhotspots.org/xp/Hotspots/hotspotsScience/hotspots\\_defined.xml](http://www.biodiversityhotspots.org/xp/Hotspots/hotspotsScience/hotspots_defined.xml) and [http://www.biodiversityhotspots.org/xp/Hotspots/california\\_floristic/](http://www.biodiversityhotspots.org/xp/Hotspots/california_floristic/)

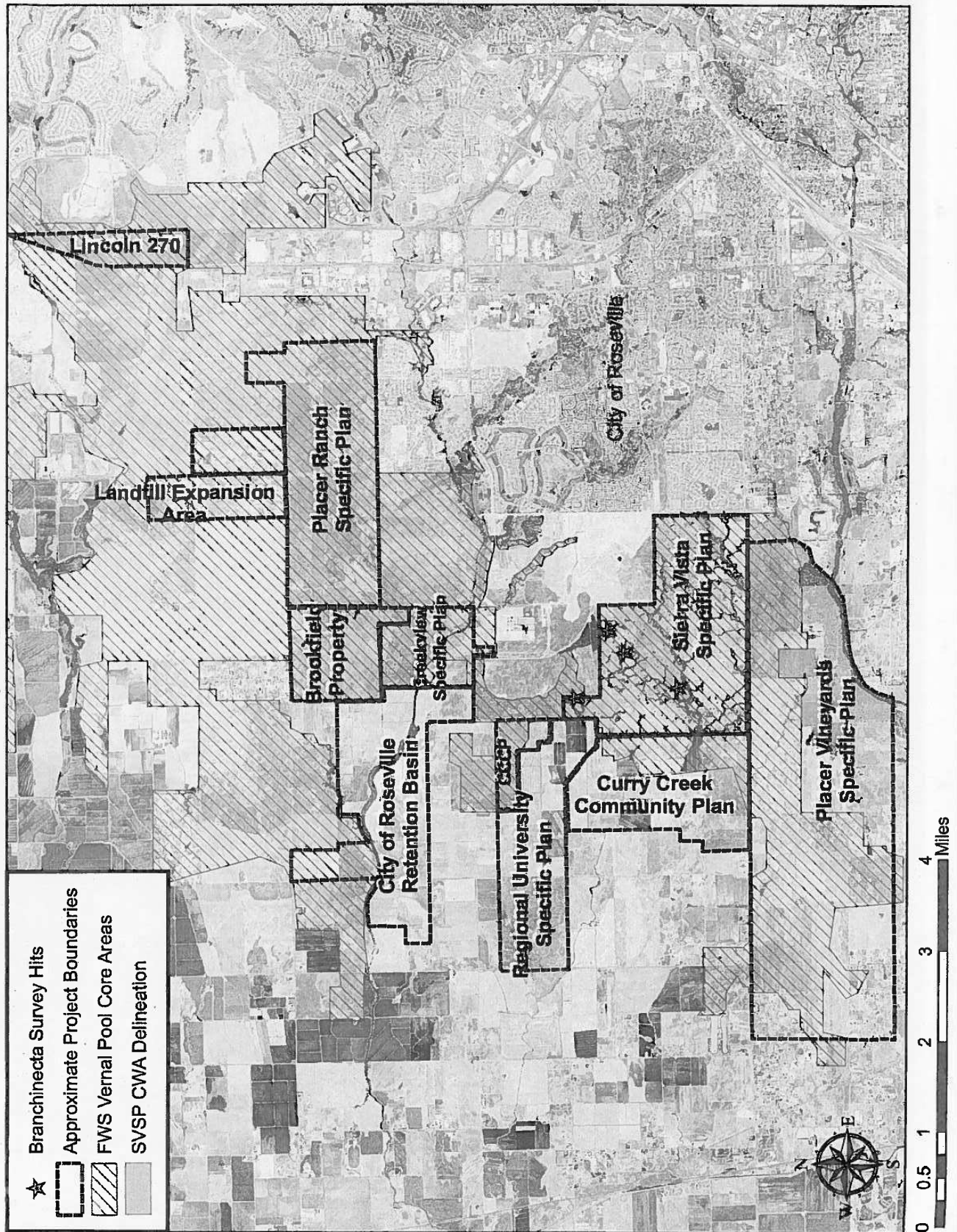
<sup>14</sup> Placer Vineyards Specific Plan Revised Draft Environmental Impact Report. March 2006. Section 4, pages 4.4-11 - 4.4-14. <http://www.placer.ca.gov/CommunityDevelopment/EnvCoordSvcs/PVineyards.aspx>

<sup>15</sup> [http://www.epa.gov/owow/wetlands/pdf/wetlands\\_mitigation\\_final\\_rule\\_4\\_10\\_08.pdf](http://www.epa.gov/owow/wetlands/pdf/wetlands_mitigation_final_rule_4_10_08.pdf)

projects. Mitigation opportunities in nearby counties are also constrained. Mitigation sequencing is now to be performed according the new rules, which stipulate the use of approved mitigation banks or in-lieu fee programs, or citing mitigation according to approved watershed plans. Should those prove to be not practicable, then permittee-responsible mitigation could be used to address unavoidable project impacts. In any case, permit applicants must take all appropriate and practicable steps to avoid and minimize impacts to special aquatic sites and other jurisdictional waters to reduce the need for compensatory mitigation.

As the applicants make progress avoiding and minimizing impacts, the need for specific information about proposed compensatory mitigation sites becomes increasingly important. Specific information includes delineations of waters of the US, proposed long-term management plans, proposed third-party management entity with documented capability, estimated endowment, and proposed easement language for protection of the resources in perpetuity. For example, we would not consider lands proposed for 1:1 open space mitigation as compensation for impacts to aquatic resources without first knowing the amount and type of delineated waters onsite and any proposed plans for creation, restoration, or enhancement. Uplands contained within the proposed open space mitigation site are not appropriate compensation for impacts to waters. Indeed all of these details will need to be analyzed through the development of the EIS for this project and associated alternatives analysis and compensatory mitigation plans.





**Letter B:** U.S. Environmental Protection Agency, Enrique Manzanilla, Director, dated September 4, 2012

**Response B-1**

The U.S. Environmental Protection Agency's (USEPA's) comment that the Proposed Action does not appear to be the least environmentally damaging practical alternative (LEDPA) and concern about the adequacy of the mitigation put forth by the Applicants is noted. The Draft EIS presents the environmental impacts of the Proposed Action and a range of reasonable alternatives but does not identify the LEDPA as the identification of the LEDPA is not required in the National Environmental Policy Act (NEPA) document. The Applicants have prepared and submitted a Section 404(b)(1) Alternatives Analysis, **Appendix A**, to meet their obligation of proving that the Proposed Action is the LEDPA. The U.S. Army Corps of Engineers (USACE) will review the Applicants' Section 404(b) alternatives analysis as well as conduct its own analysis of the Proposed Action and the EIS alternatives using the criteria for practicability under CWA Section 404, and will identify the LEDPA in the USACE's 404(b)(1) analysis and its Record of Decision (ROD).

**Response B-2**

Please see **Response B-1** above which explains why the Draft EIS or the Final EIS does not identify the LEDPA. Under NEPA, the environmentally preferable alternative does not need to be identified until the ROD is issued; therefore, it is not identified in this Final EIS. The ROD will address the decision, alternatives considered, the environmentally preferable alternative, relevant factors considered in the decision, and mitigation and monitoring.

Concerning the USEPA's request to coordinate on identification of the LEDPA, the USACE is committed to meeting its obligations under the 1992 MOA between USEPA and USACE including coordination on the LEDPA determination.

**Response B-3**

USEPA expresses concern about the Proposed Action's cumulative effects on air quality, given the fact that the area is non-attainment for ozone and fine particulate matter (PM<sub>2.5</sub>) and a substantial amount of new development is anticipated in the air basin. The Draft EIS and the Final EIS evaluate and disclose both the project-level and the cumulative air quality impacts of the Proposed Action and alternatives. Additional information has been added to the analysis of cumulative air quality impacts. The revised text is shown in **Chapter 3.0, Errata**. Responses to the USEPA's specific comments related to air quality that are in Enclosure 2 are presented below.

**Response B-4**

The comment is noted.

**Response B-5**

As stated above in **Response B-1**, the Draft EIS and Final EIS do not identify the LEDPA as it is not required in a NEPA document. USEPA's support of Alternative 1 on account of its reduced impacts is noted.

**Response B-6**

USEPA's comment that the project would have significant impacts on a site that is identified as an Aquatic Resource of National Importance (ARNI) is noted.

**Response B-7**

The USACE will comply with the Section 404 guidelines and will issue a permit only for a project that is determined to be the LEDPA. As noted above, the USACE has not completed its analysis of the proposed Action and alternatives relative to the practicability criteria.

**Response B-8**

USEPA's comment asserts that the majority of impacts will occur to depression wetlands and implies that the proposed on-site mitigation would not mitigate for these impacts. In citing the types of wetlands impacted that are depression wetlands, USEPA includes vernal pools, seasonal wetlands, and seasonal swales (swale wetlands). As noted in the Draft EIS, the vernal pool and seasonal wetland categories are depression wetlands but as sloping wetlands, swales are not considered depression wetlands.

As noted in Section 3.4, Biological Resources, in the Draft EIS, no federal or state listed plant species occur on the project site. Although dwarf downingia is known to occur on the site, the species is neither federally or state listed as a Threatened or Endangered species.

Conservancy fairy shrimp has not been observed on-site or on adjacent properties. Conservancy fairy shrimp has been found on only one occasion in only one location in western Placer County located approximately 9.6 miles away at the Mariner Conservation bank. Additionally, the type of vernal pools and depression seasonal wetlands located within the project area are not consistent with the type of vernal pools associated with known locations of Conservancy fairy shrimp.

The Draft EIS acknowledges that the project site is located in the Placer County core area (Zone 2) identified by the U.S. Fish and Wildlife Service (USFWS) for the recovery of vernal pool crustaceans and the Proposed Action will result in the removal of 7.51 acres of aquatic habitat that is known to support listed crustaceans and about 13 acres of aquatic habitat that is suitable for the species but where the species were not observed. The Proposed Action's contribution to the cumulative impact on vernal pools and related ecosystems is analyzed in Chapter 4.0, Cumulative Impacts, of the Draft EIS.

**Response B-9**

As stated in the Preamble (Transition to the New Rule) to the 2008 Mitigation Rule:

“This final rule will apply to permit applications received after the effective date of these new rules, unless the District Engineer has made a written determination that applying these new rules to a particular project would result in a substantial hardship to a permit applicant.”

“Permit applications received prior to the effective date will be processed in accordance with the previous compensatory mitigation guidance.”

The applications for the Sierra Vista Specific Plan project were submitted to the USACE in September, 2006. The effective date for the 2008 Mitigation Rule was June 9, 2008. As such, the Sierra Vista Specific Plan applications are clearly not subject to the 2008 Mitigation Rule. The rules that apply to Sierra Vista Specific Plan project are those that existed prior to issuance of the mitigation rule. Those rules set forth a clear preference for on-site mitigation over off-site mitigation and do not state any clear preference for mitigation banks over permittee-responsible mitigation.

The proposed conceptual mitigation plan is generally consistent with the mitigation guidelines that existed prior to the 2008 Mitigation Rule. USEPA’s comment asserts that the on-site mitigation proposed by the Applicants is “out of kind” and implies that purchase of constructed seasonal wetland credits from an approved mitigation bank would constitute “in-kind” mitigation. In-kind mitigation is defined to mean “a resource of similar structural and functional type to the impacted resource.” Out-of-kind mitigation is defined to mean “a resource of different structural and functional type from the impacted resource.” The Applicants propose to mitigate for all direct impacts to vernal pools, both within and outside watersheds where listed branchiopods have been detected, through the purchase of constructed vernal pool mitigation credits. Impacts to depressional seasonal wetlands located in watersheds where listed branchiopod occurrence was detected would also be mitigated through the purchase of constructed vernal pool mitigation credits. USACE finds this, conceptually, to be in-kind mitigation, but reserves the final determination to the evaluation of a final mitigation plan.

The Applicants propose to mitigate for impacts to depressional seasonal wetlands within watersheds where listed branchiopods were not detected with on-site establishment of depressional seasonal wetlands. Conceptually, the USACE finds that this is in-kind mitigation, but reserves its final determination to the evaluation of a final mitigation plan. The Applicants propose to mitigate for other waters (streams and ponds) through the on-site establishment of wetlands and enhancement of streams corridors. The USACE finds that this component is not in-kind mitigation.

**Response B-10**

USEPA refers to “off-site permittee-responsible” mitigation and the factors to be considered when evaluating such a proposal under 33 CFR 332.3, which as discussed above, does not apply in this case.

The USACE sees no reason to suspect that the wetlands proposed to be established on-site are for the purpose of treating or holding stormwater. The Applicants propose that all Low Impact Development



(LID) and stormwater treatment Best Management Practices (BMPs) (e.g., bio-swales, water quality treatment basins, etc.) will be located up-gradient of the constructed wetlands. While the bioswales and water quality treatment basins may develop wetland characteristics over time, they are not included in the acreage of wetlands that will be constructed on-site under the permittee-responsible mitigation.

**Response B-11**

USEPA recommends that the USACE work with the USEPA during development and identification of the LEDPA and mitigation planning. USACE agrees and will comply with its commitments under the 404(q) MOA.

**Response B-12**

As discussed above, under **Response B-3**, the Final EIS is not required to identify the LEDPA.

**Response B-13**

USEPA recommends that the Final EIS include a revised mitigation plan that requires purchase of seasonal wetland and vernal pool credits. This recommendation appears to be based on the 2008 Mitigation Rule, which as discussed above is not applicable in this case. Out of kind mitigation and stormwater treatment wetlands are discussed under **Responses B-9** and **B-10**, above.

**Response B-14**

The comment is noted.

**Response B-15**

USEPA's concern regarding the cumulative impact on water quality and habitat is noted. The cumulative effect of the Proposed Action in conjunction with the effects of other past, present and reasonably foreseeable future actions on vernal pool complexes in western Placer County were evaluated and reported in Chapter 4.0, Cumulative Effects, of the Draft EIS. The Draft EIS analysis presents graphics showing the losses of vernal pool grasslands that have occurred in the study area since the 1970s and also shows the projected losses that would occur through 2060 if the currently projected urban development occurs. It also reports the cumulative filling of wetlands that occurred in the study area between 1990 and 2010 and the projected future losses that would result if the reasonably foreseeable projects subject to the USACE regulatory program are approved as proposed. Furthermore, all of the USEPA comments in response to the Public Notice for the Sierra Vista Project (Enclosure 3) were considered by the USACE during the preparation of the Draft EIS. Comments that relate to CWA Section 404(b)(1) will be considered during the permit process.

**Response B-16**

The USEPA's concern regarding the cumulative impact of the Proposed Action on air quality is noted. The Draft EIS acknowledges that the Proposed Action would result in increased emissions of pollutants for which the local air basin has been designated a non-attainment area. The Draft EIS finds both the individual and cumulative air quality effects of the Proposed Action significant.



### Response B-17

Draft EIS page 4.0-3 presents the approach used to define the study area for cumulative impacts on biological resources. As explained there, the study area was delineated to encompass all of western Placer County, the adjoining northerly portion of Sacramento County, and the westerly portion of Sutter County. The local jurisdictions within the delineated study area were contacted to develop a list of foreseeable future projects. All of the projects that were identified are listed in the Draft EIS. As two projects in Lincoln were inadvertently left out, the cumulative project list has been expanded to include the Lincoln 270 Project and the Village 7 Specific Plan Project. This revision has been incorporated into Chapter 4.0 Cumulative Impacts in the Draft EIS and is detailed in **Chapter 3.0, Errata**, in this Final EIS. The remaining projects that are named by the USEPA in its comment fall outside of the study area for biological resources and therefore were not considered in the cumulative impact assessment for biological resource impacts.

Draft EIS pages 4.0-3 and 4.0-4 present the manner in which the cumulative study area was defined for each of other resource topics, including visual resources, farmland, air quality, cultural resources, hydrology, noise, and utilities. As noted on page 4.0-4, the study area for cumulative air quality impacts is the Sacramento Valley Air Basin (SVAB) which encompasses nine counties in full and portions of Placer and Solano counties. The projects named by the USEPA in this comment fall within the SVAB and are therefore considered in the cumulative air quality impact assessment. Also see **Response B-20**, below.

### Response B-18

In response to the USEPA's comment concerning the status of the current SIP, the USACE reexamined the conformity analysis in the Draft EIS and determined, based on the General Conformity Rule, that conformity analysis only applies to activities that are directly associated with the need for NEPA review.<sup>1</sup> Where the federal action is a permit, license, or other approval for some aspect of a nonfederal undertaking, the relevant activity is the part, portion, or phase of the nonfederal undertaking that requires the federal permit, license, or approval. The USACE permit action is limited to filling of the waters of the U.S. on the project site, and does not extend to other construction activities, nor will the USACE maintain control over those elements of the Proposed Action or alternatives that are associated with operation of facilities constructed under the Sierra Vista Specific Plan. Accordingly, the conformity

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<sup>1</sup> As stated in 40 CFR Parts 6, 51, and 93 (FRL-4805-1), Determining Conformity of General Federal Actions to State or Federal Implementation Plans, the definition of "federal action" is revised by adding the following sentence to the end of the definition in the proposal: Where the federal action is a permit, license, or other approval for some aspect of a nonfederal undertaking, the relevant activity is the part, portion, or phase of the nonfederal undertaking that requires the federal permit, license, or approval. The following examples illustrate the meaning of the revised definition. Assume, for example, that the COE issues a permit and that permitted fill activity represents one phase of a larger nonfederal undertaking; i.e., the construction of an office building by a nonfederal entity. Under the conformity rule, the COE would be responsible for addressing all emissions from that one phase of the overall office development undertaking that the COE permits; i.e., the fill activity at the wetland site. However, the COE is not responsible for evaluating all emissions from later phases of the overall office development (the construction, operation, and use of the office building itself), because later phases generally are not within the COE's continuing program responsibility and generally cannot be practicably controlled by the COE.

evaluation does not need to consider the operational emissions from the development of the Proposed Action. With respect to construction emissions, the scope of the conformity analysis would be appropriately limited to the emissions associated with grading activities that would result in the filling of jurisdictional wetlands, any associated access roads, and any staging areas necessary to conduct the filling activity.

The USACE has re-estimated the construction emissions of the Proposed Action and the revised analysis is presented in **Appendix B** of the Final EIS. As the table in **Appendix B** shows, all emission values are less than the *de minimis* threshold for each of the nonattainment or maintenance pollutant. Given the results of the preliminary analysis, a detailed conformity analysis by the USACE is not required (40 CFR § 51.858).

### **Response B-19**

The USEPA requests that instead of evaluating the Proposed Action's impact on regional air quality on the basis of estimated emissions, the impact should be evaluated by estimating the concentrations of pollutants that would result from the Proposed Action and comparing the estimated concentrations to the National Ambient Air Quality Standards (NAAQS). The air quality impact assessment presented in the Draft EIS is based on and consistent with the approach to air quality impact assessment that is recommended by the local air district. The Placer County Air Pollution Control District (PCAPCD) has developed the approach to the assessment of air quality impacts which is based on mass emissions of pollutants and does not require the estimation of pollutant concentrations. The air district (like all other air districts in the state) has developed thresholds of significance that are in pounds per day (or tons per year) that can be used to measure a project's impact on regional air quality. Significance thresholds produced by the air districts are designed to ensure compliance with both NAAQS and California Ambient Air Quality Standards (CAAQS).

There are essentially two reasons why the air districts throughout the state support and advocate the use of mass emissions to evaluate a project's impact on air quality and do not require projects to estimate and report pollutant concentrations for all criteria pollutants except carbon monoxide.

First, criteria pollutants are generally considered to have impacts on a regional basis, throughout an air basin, rather than on a local level. Pollutants released at one point may be transported throughout the air basin, or even into neighboring air basins. Consequently, the focus for air districts in attaining ambient air standards is on overall basin-wide emissions. The most efficient way to protect regional air quality is to restrict emissions on a mass basis, and therefore guidelines developed by the air districts include significance thresholds using pounds per day as the preferred measure. This is discussed in the PCAPCD California Environmental Quality Act (CEQA) guidelines (PCAPCD 2012).

Second, the majority of emissions associated with projects such as the Sierra Vista Specific Plan development occur off-site. For instance, in the case of the Proposed Action, mobile emissions are by far the largest portion of emissions, ranging from 69 percent for reactive organic gas (ROG) emissions to essentially 100 percent of Sulfur Oxide (SO<sub>x</sub>) and particulate matter (PM) emissions. Mobile sources generally disperse emissions over a wide area, potentially hundreds of square miles, making a regional

approach the most suitable for assessing their impact. On-site area sources represent a small fraction of the total emissions, and are also dispersed over the entire 1,600-acre project site. Therefore dispersion modeling is not a suitable method for assessing impacts from area or mobile sources associated with development projects such as the Proposed Action.

**Response B-20**

USEPA recommends that cumulative air quality impacts should be evaluated based on a list of projects and requests that the Final EIS include a table listing all the reasonably foreseeable future actions in the Sacramento Valley Air Basin and emission estimates from all these sources. A list-based approach is generally useful only when considering localized cumulative impacts on sensitive receptors from concurrent construction on two or more nearby projects. However for evaluating cumulative air quality impacts within an air basin that covers a very large area encompassing 11 counties,<sup>2</sup> a list-based approach is not reasonable because no matter how well the list is assembled, it will fail to capture all potential future sources of emissions in the air basin. It is for this reason that the local air districts do not advocate a list-based analysis of a project's cumulative air quality impacts. Instead, the air districts recommend a mass emissions-based analysis of each project's contribution to the cumulative air quality in the air basin.

Additionally, the local air districts in the air basin have used population growth trends, vehicle travel data, and other information to forecast future air quality conditions assuming construction of proposed projects. This information is used by the air districts to develop their air quality planning documents and guidance, as well as pollution control tools such as permit conditions, significance thresholds to be used to evaluate and control emissions of individual projects, and new regulations. The analysis completed by the air districts in support of their regional air quality planning is the most comprehensive and rigorous examination of regional growth and its impact on air quality available. An incomplete list of a few known projects, while possibly locally significant, cannot compare with the general analysis of the air basin as a whole in terms of a project's cumulative impact. That is, while the specific impacts of certain projects could be developed, the impacts would be incomplete and of little use in understanding the cumulative impacts of all foreseeable actions in the entire air basin.

Based on its obligations under the Clean Air Act, each air district, including the PCAPCD, has developed thresholds that the air district recommends be used to evaluate a project's contribution to the cumulative impact on the air quality in the air basin. If the emissions of a particular pollutant associated with a project are above the air district-recommended thresholds, the project is judged to have a significant impact on air quality, which essentially means that the project's contribution to the air basin's cumulative load of that pollutant is substantial and that the project's emissions, in conjunction with emissions from other existing and future sources, are likely to further exacerbate air quality. The Draft EIS therefore uses the air district-recommended thresholds to evaluate the Proposed Action's contribution to the cumulative impact on air quality in the air basin. As the analysis in the Draft EIS shows, the Proposed Action's construction emissions of ROG and respirable particulate matter (PM10) would exceed the district-recommended thresholds. Similarly, the operational emissions of ROG, oxides of nitrogen (NOx), carbon

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<sup>2</sup> The SVAB is approximately 216 miles north to south and about 95 miles east to west at its widest point.

monoxide (CO), and PM10 would also exceed the district-recommended thresholds and would not be mitigated to levels below the thresholds with the available mitigation. The Draft EIS finds that the cumulative impact of the Proposed Action on air quality within the SVAB would be significant.

**Response B-21**

Text related to the provision in 40 CFR 93.153 that was deleted has been removed from the EIS. The deletion is shown in **Chapter 3.0, Errata**, in this Final EIS.



Department of Planning
311 Vernon Street
Roseville, California 95678-2649

August 17, 2012

Mr. James Robb
Senior Project Manager
Department of the Army
US Army Engineer District, Sacramento
1325 J Street
Sacramento CA 95814-2922

RE: COMMENTS ON THE DEIS- Sierra Vista Specific Plan- USACE Action ID SPK-2006-01050

Thank you for the opportunity to review the Draft Environmental Impact Statement (DEIS) for the Sierra Vista Specific Plan project.

The City of Roseville supports the proposed action. The proposed action is within the City of Roseville's corporate boundaries, is consistent with the Sacramento Area Council of Governments Preferred Blueprint Scenario and the Metropolitan Transportation Plan Sustainable Communities Strategy. It also is adjacent to development and services such as roadways, sewer, recycled water, potable water facilities, and electric and natural gas lines. It is consistent with the City's General Plan goals and policies, and zoning ordinance.

As part of the City's review process and consistent with the Memorandum of Understanding (MOU) with the U.S. Fish and Wildlife Service (USFWS), the City participated with the Army Corps, USFWS, and U.S. Environmental Protection Agency (EPA) in meetings over a year and a half through an early consultation process. The purpose of the meetings was to provide the Agencies an early opportunity to review the proposed project, and for a sharing of information with the City, to better inform land use decisions. Agency staff were instrumental in providing feedback that ultimately led to changes to the land use plan that resulted in approximately 50 additional open space acres. The City appreciates the Agencies participation in the process.

1

The following provides minor comments on the document:

Page 2.0-10, Third Sentence: Please revise the sentence as follows:

2

Primary open space areas are those portions of the site where minimal grading or land disturbance would occur.

Please note, consistent with the bullets on page 2.0-10, improvements are planned within the Curry Creek corridor, Federico Creek corridor and WAPA corridor to provide wetland creation and stormwater detention areas (see Figure 2.0-3a). It is anticipated that this project would be

3

appended to the City's Overarching Management Plan. Consistent with the Plan, it is likely that occasional maintenance activities will also occur.

3

**Alternative 4**

The City of Roseville questions the feasibility of Alternative 4. It is outside the area identified in the Sacramento Area Council of Governments (SACOG) Preferred Blueprint Scenario and is far from existing infrastructure including roadways, water facilities, sewer facilities, recycled water and public services.

4

**Alternative 4 Water Supply**

On page 3.15-30 the EIS indicates that treated water would be delivered through Placer County Water Agency's (PCWA) existing transmission pipeline system in the vicinity of Industrial Avenue.

Please note that a substantial increase in water demand would likely need to be supplied through PCWA's proposed Ophir Water Treatment Plant. While environmental review has occurred for the construction of the water treatment plant, there are no near-term plans by PCWA to construct the Ophir Treatment Plant. Further, environmental review only covered an extension of the water pipeline infrastructure to the vicinity of Sierra College Boulevard. The DEIS should provide information regarding the extension of facilities approximately 9 miles to the west side of Roseville, that would be needed to convey water from the Ophir facility to the Alternative 4 site, on the western boundary of Placer County.

5

I appreciate the opportunity to comment. If you have questions or need additional information, please feel free to call me at (916) 774-5434.

Sincerely,



Kathy Pease, AICP  
Senior Planner

**Letter C:** City of Roseville, Kathy Pease, AICP, dated August 17, 2012

**Response C-1**

The comment is noted.

**Response C-2**

The revision has been incorporated into Chapter 2.0, Project Description of the Draft EIS, and is detailed in **Chapter 3.0, Errata**.

**Response C-3**

The comment is noted.

**Response C-4**

The City's comment is noted. As stated in the Draft EIS, alternate sites that could be reasonably obtained or managed to fulfill project purpose were considered. Eleven alternative sites were screened using five screening criteria. The Southwest site survived the screening and was therefore evaluated in detail in the EIS. The site contains an adequate amount of undeveloped land that could accommodate a project similar to the Proposed Action and therefore meets the project purpose.

**Response C-5**

The City is correct in noting that potable water to serve Alternative 4 would require an extension of the water conveyance system. Based on further consultation with the Placer County Water Agency staff, the USACE has determined that the current combined capacity of the Foothill/Sunset water treatment system is 66 million gallons per day (mgd) with the Foothill plant providing 58 mgd of capacity and the Sunset plant providing 8 mgd of capacity. As discussed in Section 3.15, Utilities, of the Draft EIS, the historic peak day demand on this system is 55 mgd, resulting in 11 mgd of unused capacity. Currently half of this unused capacity is committed to future development in western Placer County, leaving about 5.5 mgd to be utilized by other projects, including Alternative 4, on a first come-first serve basis. Based on a rate of 1,150 gallons per dwelling unit, this excess capacity could serve approximately 4,780 additional dwelling units. Given that Alternative 4 would provide 5,595 units, not enough capacity is available in the Foothill/Sunset system to serve Alternative 4, and the initial supply would need to be augmented with treated water from a new treatment source.

To meet future demand in western Placer County, the Placer County Water Agency (PCWA) is planning on constructing a new water treatment facility referred to as the Ophir Water Treatment Plant. This plant would add an additional 30 mgd to the system, and would serve the alternative site. In order to serve planned and future development west of the City of Roseville, a pipeline would be constructed from the Ophir plant through the City of Rocklin and north of the City of Roseville where it would then turn south down Watt Avenue along the western boundary of Roseville to Baseline Road. A pipeline would then be extended west from this point to the alternative site.

The pipeline project described above would be proposed by PCWA and constructed upon completion of appropriate environmental review by that agency. As it would not be constructed by the Applicants, the pipeline is not a part of Alternative 4. However, because it is required in order to develop Alternative 4, the environmental effects from the construction of this water supply improvement are analyzed and reported in the Final EIS as potential indirect effects of Alternative 4. **Appendix C** presents the indirect environmental impacts from the construction and operation of the pipeline project.





Pacific Gas and  
Electric Company

Land and Environmental  
Management

Mailing Address  
2730 Gateway Oaks, Suite 220  
Sacramento, CA 95833

August 20, 2012

Mr. James Robb  
U.S. Army Corps of Engineers, Regulatory Division  
1325 J Street, Room 1350  
Sacramento, California 95814

Re: Sierra Vista Specific Plan Draft Environmental Impact Statement (SPK-2006-01050)

Dear Mr. Robb:

Thank you for the opportunity to review the Draft Environmental Impact Statement (DEIS) for the Sierra Vista Specific Plan. Pacific Gas and Electric Company (PG&E) would like to highlight our plans for constructing and operating a natural gas pipeline parallel to Baseline Road to ensure that these plans are adequately taken into consideration. Line 407 will be a 30 inch diameter natural gas pipeline to be installed within a 50-foot wide permanent easement along the north side of Baseline Road, beginning in Yolo County and terminating at Fiddymont Road, where it will connect to an existing PG&E natural gas pipeline. An additional 50 feet of temporary easement will be required on the north side of the permanent easement to allow for a 100-foot wide workspace during pipeline construction. In addition, a Pressure Limiting Station will be constructed and operated approximately 1,000 feet west of Fiddymont Road. The Revised Final Environmental Impact Report for the L406/407 project was certified by the California State Lands Commission (CSLC) on November 18, 2009, and can be found on the CSLC website at the following link:

[http://www.slc.ca.gov/Division\\_Pages/DEPM/DEPM\\_Programs\\_and\\_Reports/PG\\_E\\_Line\\_406\\_407\\_Pipeline\\_Project/PG\\_E\\_Line\\_406\\_407\\_Pipeline\\_Project.html](http://www.slc.ca.gov/Division_Pages/DEPM/DEPM_Programs_and_Reports/PG_E_Line_406_407_Pipeline_Project/PG_E_Line_406_407_Pipeline_Project.html)

Line 407 is described in Chapter 3.9 of the Sierra Vista Specific Plan DEIS. Proposed land use designations for open space are described in Chapter 2 of the DEIS states the following:

“Primary open space areas are those portions of the site where no grading or land disturbance would occur. The primary open space areas will be put under conservation easements prior to commencement of construction on a property that contains the primary open space. With respect to the secondary open space, this includes open space that is immediately adjacent to the areas to be developed and therefore could be subject to some development related grading and filling. Once these grading and filling activities are completed, the secondary open space areas would be placed under conservation easements”.

1

Mr. James Robb  
August 20, 2012  
Page 2

It is important for PG&E to ensure that land use designation restrictions for proposed open space parcels, or any land use designation, and mitigation plans will not restrict PG&E's ability to construct, operate, and maintain this pipeline or any other natural gas or electric utility facility.

1

PG&E's Line 407 construction, operation, and maintenance descriptions are provided in Section 2 of the Line 407 Draft EIR. Modifications to this project description can be found beginning on page 4-38 of the Revised Final EIR.

Thank you very much for your consideration of these comments. If you have any questions please contact me.

Sincerely,



Chris Ellis  
Land and Environmental Management  
Pacific Gas and Electric Company

**Letter D: Pacific Gas and Electric Company, Chris Ellis, dated August 17, 2012**

**Response D-1**

The City of Roseville and the Applicants have taken the PG&E Line 407 project into account in developing the land use plan for the proposed Sierra Vista Specific Plan (SVSP). The plan provides the 50-foot permanent and an additional 50-foot temporary easement along the north side of Baseline Road for the construction of the pipeline and a site on the project site for the pressure limiting station. PG&E's comments on the Draft EIS have also been provided to the City and the Applicants so that they can follow up on these issues with PG&E and ensure that the Proposed Action does not interfere with the pipeline project.

**Sierra Vista Owners Group**  
 1700 Eureka Road, Suite 140  
 Roseville, CA 95661

SENT VIA E-MAIL & US MAIL

August 20, 2012

Mr. James Robb  
 Regulatory Division  
 US Army Corps of Engineers  
 Sacramento District  
 1325 J Street  
 Sacramento, CA 95814

RE: Comments on the Sierra Vista Specific Plan Draft Environmental Impact Statement,  
 SPK-2006-01050

Dear Mr. Robb:

On behalf of the landowners within the Sierra Vista Specific Plan thank you for the opportunity to review the Sierra Vista Specific Plan Draft Environmental Impact Statement (DEIS). We offer the following comments for your consideration.

Page 3.4-58, Mitigation Measure BIO-2b. This mitigation contains standard language that has often been included as special conditions in DA permits and NWP approvals involving establishment of open space preserves, however, it is not consistent with what the applicants have proposed for the Sierra Vista project. The first bullet item of the mitigation measure requires that the preserves be established by permanent legal protection prior to initiation of construction activities within waters of the U.S., following Sacramento District approval of the legal instrument. While the applicants acknowledge the need to place Deed Restrictions on the primary open space areas (via legal descriptions) prior to initiating construction within each phase, the Deed Restrictions for the secondary open space areas will need to be placed on these areas after any allowed improvements have taken place. The precise boundaries of the primary open space can be legally specified (via legal description) prior to grading but the precise legal boundaries of the secondary open space cannot be determined until that grading has been completed. Because of this we recommend that the wording of BIO-2b be revised as follows.

*“Prior to initiation of any work in waters of the U.S. for any particular phase of a project pursuant to its corresponding Department of the Army Permit, the primary open space within that phase shall be preserved with a Deed Restriction with permanent legal protection. Within 3 months following completion of grading of the secondary open space bordering the primary open space, the secondary open space will be established as separate legal parcel(s) with permanent legal protection.”*

1

The second bullet item of BIO-2b requires that the permittee(s) prepare a specific and detailed preserve management plan for on-site and off-site mitigation, preservation, and avoidance areas. The second bullet item further requires that the plan must be submitted to and specifically approved by the Corps prior to initiation of construction activities in waters of the U.S.

With respect to the long-term management of the on-site open space preserves, the applicants are proposing to offer the open space lands to the City of Roseville via an Irrevocable Offer of Dedications (IODs), whereupon the City will own and manage the open space pursuant to the approved City of Roseville Open Space Preserve Overarching Management Plan. This management plan was developed in consultation with, and approved by, the Corps of Engineers and U.S. Fish and Wildlife Service. The permittees will be responsible for the short-term management of the open space preserves, consistent with the Final Mitigation Plan and the City of Roseville Open Space Preserve Overarching Management Plan, until the adjacent lands are developed and the constructed wetlands have been monitored for success for the prescribed time period. After the constructed wetlands have been successfully constructed and monitored, the land will be accepted by the City of Roseville via the IODs and the long-term monitoring of the preserved open space will commence. We recommend that the second bullet item of Bio-2b be revised to read as follows.

2

*“After each phase of the on-site mitigation has been constructed, monitored for the required time period and been determined to be successful the parcel(s) comprising that mitigation will be accepted by the City of Roseville who will then be solely responsible for its long-term maintenance consistent with the provisions of the City of Roseville Open Space Preserve Overarching Management Plan.”*

With respect to off-site preservation and creation/restoration of wetlands, the applicants are currently proposing purchase of credits from approved mitigation banks. The long-term maintenance of mitigation banks is provided for in the bank enabling documents. Therefore, there is no need to specify the preparation and approval of a long-term management plan for purchase of credits from a mitigation bank. The applicants have stated that they also wish to reserve the option of developing a permittee-sponsored off-site mitigation plan to accomplish their individual off-site preservation and/or restoration/creation requirements. Depending on the location of the mitigation area, it may or may not be within the City of Roseville and therefore may or may not be subject to the City of Roseville Open Space Preserve Overarching Management Plan. To cover this potential situation we recommend that the following mitigation measure be added.

3

*“In the event that a permittee elects to develop an off-site permittee-sponsored mitigation plan in lieu of purchase of wetland preservation and/or creation credits from an approved mitigation bank, that plan will be prepared and submitted to the Corps of Engineers for approval prior to initiation of work in waters of the U.S. under the corresponding Department of the Army Permit. That plan must provide for the long-term management of the mitigation area and include a long-term funding mechanism.”*



Page 3.6-23, Mitigation Measure CR-1b. Mitigation Measure CR-1b requires that a qualified archaeologist monitor essentially all excavation occurring within the open space corridors. CR-1b defines these corridors as the “protected corridor that extends about 1,300 feet from each side of Curry and Federico Creeks.” This wording could be interpreted as meaning that all excavation within 1,300 feet corridor of Curry and Federico Creeks must be monitored. If this mitigation measure is to be maintained (see following comment on appropriateness of CR-1b), we recommend that the reference to 1,300 feet be deleted to clarify the intent.

4

We believe that the need for a qualified archaeologist to monitor all excavation within the preserved open space is onerous and unwarranted given the documented relatively low likelihood of encountering buried archaeological resources. The DEIS notes that that project-specific investigations failed to encounter any buried cultural materials of deposits. The DEIS further states:

*“While this tends to confirm that alluvial soils on the site of an age that potentially could contain or cover archaeological deposits are shallow, and that the potential to encounter substantial buried archaeological deposits during construction likely is low, it is nonetheless possible that shallow cultural deposits might be present in the alluvium that overlies the hardpan.”*

5

We believe that this same conclusion could be made regarding any site in the Central Valley of California because of similar geology and soil formation processes. To our knowledge, the Corps does not typically require that all excavation be monitored as a standard special condition for all permits issued within the Central Valley of California. As such, we believe that Mitigation Measure MM-1a is adequate and that Mitigation Measure MM-1b is unwarranted.

In addition, please find attached a pdf of some minor clean up items related to acreages within the DEIS.

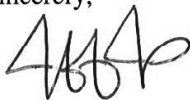
6

As we discussed with you last week, we are also preparing detailed comments on the practicability of the various alternatives and their ability to satisfy the overall project purpose. Because of the amount of preparation required for this analysis we anticipate submitting this information within the next 2 weeks.

7

We appreciate the opportunity to comment. If you have any questions or need additional information please contact me at 916-774-3400.

Sincerely,



Jeff Jones  
Sierra Vista Project Manager

### Open Space

The Proposed Action would preserve approximately 234 acres (95 hectares) of open space in perpetuity as open space (Figure 2.0-3a, Open Space Areas). This open space comprises approximately 197 acres of primary open space and about 37 acres of secondary open space. Primary open space areas are those portions of the site where no grading or land disturbance would occur. The primary open space areas will be put under conservation easements prior to commencement of construction on a property that contains the primary open space. With respect to the secondary open space, this includes open space that is immediately adjacent to the areas to be developed and therefore could be subject to some development-related grading and filling. Once these grading and filling activities are completed, the secondary open space areas would be placed under conservation easements. Figure 2.0-3b, Primary and Secondary Open Space, shows the relationship between primary open space, secondary open space and the development area.

The open space system would consist of three components.

- **Curry Creek Corridor** – Curry Creek crosses the southern portion of the project site in an east-west direction. The Curry Creek corridor would be preserved as permanent open space to protect its sensitive riparian and wetland resources. The Proposed Action also provides for wetland creation and related improvements in Curry Creek corridor.
- **Federico Creek Corridor** – Federico Creek is a tributary to Curry Creek that originates in the north-central portion of the project site and flows southwest to join Curry Creek west of the SVSP area. Like Curry Creek, the Federico Creek corridor would also be preserved as permanent open space to protect its sensitive riparian and wetland resources, and wetland creation and other related improvements are also proposed for the Federico Creek corridor.
- **WAPA Corridor** – A linear open space corridor would be preserved within the WAPA transmission line easement that runs east-west across the project site. Limited development—including limited commercial uses and parking—would be permitted on a few acres within the easement. Preserving most of the easement as open space would offer the opportunity for development of storm water detention, low-impact development features, bikeways, natural open space, and recreation features.

A total of about 28 acres (11 hectares) of wetland habitat would be constructed within the Curry and Federico Creek corridors; a typical design is shown in Figure 2.0-4, Wetlands Creation in Curry Creek Corridor Conceptual Plan.

Preserved open space would be managed for conservation. Open space preservation under the Proposed Action is intended to complement regional conservation strategies such as the proposed Placer County Conservation Plan, and coordination with other agencies and conservation efforts would be a guiding principle of the Sierra Vista Specific Plan's (SVSP's) resource management approach. The resource management approach would also be designed for consistency with the Memorandum of Understanding (MOU) between the City and US Fish and Wildlife Service (USFWS) with respect to the operation and expansion of the Pleasant Grove Wastewater Treatment Plan (PGWWTP), and, if the USACE issues DA permits, with the terms and conditions of those permits.

of time to support vernal pool branchiopods. Branchiopods may rely on swales for transport between pools and are frequently found in swales during high water.

### **Seasonal Wetlands**

The term seasonal wetland is used within the context of this EIS to describe depressions that fill naturally during the winter through direct precipitation and are dry during most of the year. Although their hydrology may be similar to that of vernal pools, they do not support typical vernal pool vegetation diversity and abundance. They support mostly a non-native, "wetland generalist" flora and are not dominated by vernal pool endemics.

There are about 6.17 acres of seasonal wetlands on the project site (Gibson & Skordal 2012). Within the project site, these depressions collect rainwater or receive water from base flow and/or overbank flooding from adjacent stream during high flows. Depths of these seasonal wetlands range from a few inches up to 2 feet. These depressional seasonal wetlands have been degraded as a result of disturbance from past farming and/or disking for fire suppression. These seasonal wetlands are essentially vernal pools that have been disturbed to the extent that they no longer support a vernal pool plant community (Gibson & Skordal 2011). Common vegetation within the seasonal wetlands includes curly dock (*Rumex crispus*), perennial rye, spiny-fruit buttercup (*Ranunculus muricatus*), tall flatsedge (*Cyperus eragrostis*), Vasey's coyote thistle, and European mannagrass (*Glyceria declinata*) (North Fork Associates 2009).

### **Perennial Marsh**

One 0.86-acre perennial marsh is located on the project site. At the time of field surveys conducted by North Fork Associates in 2007, this marsh received irrigation from adjacent agricultural fields, so was inundated year-round and had the characteristics of a perennial marsh (North Fork Associates 2009; Gibson & Skordal 2012). Since that time, the agricultural practices on adjacent lands have changed and the wetland no longer receives enough irrigation runoff to support the perennial marsh. The marsh functions more like a seasonal marsh now since it inundates seasonally and supports a plant community more characteristic of seasonal wetlands and wetland swales described above (Gibson & Skordal 2012).

Subsequent to the delineation, the upstream reach of Curry Creek has been receiving more irrigation runoff from developed lands and has experienced beaver activity. This reach of Curry Creek now supports a perennial marsh that is inundated or saturated throughout the growing season. The dominant plant in this marsh is cattail.

### **Stock Ponds**

There are five large stock ponds (totaling 2.07 acres) in the far western portion of the project site (North Fork Associates 2009). One of the ponds located on the western boundary of the project area is inundated year round while the other four ponds are inundated seasonally and dry up in the late summer and fall (Gibson & Skordal 2012). They are associated with farmsteads, with trees and patches of emergent vegetation (cattails, water plantain, and creeping spikerush) around the perimeter (North Fork Associates 2009).



### 3.4 Biological Resources

These species occur within a range of specific environmental conditions that include soil type, vegetation characteristics, water depth, water temperature, inundation duration, and water quality (North Fork Associates 2009). The US Fish and Wildlife Service (USFWS) requires two-year protocol surveys to assume absence (North Fork Associates 2009; USFWS 1995).

Based on protocol surveys for listed invertebrates in the 2005–2006 and 2006–2007 wet seasons, the Applicants' consultant reports that two watersheds were occupied by listed invertebrates, while the rest of the watersheds on the project site were not occupied (**Figure 3.4-2, Project Site Jurisdictional Wetlands and Watersheds**) (ECORP 2006a and ECORP 2007c). Vernal pool fairy shrimp were detected during these surveys, but not vernal pool tadpole shrimp or Conservancy fairy shrimp. Both of these species have a very restricted known distribution in western Placer County compared with the vernal pool fairy shrimp making them unlikely to occur on the project site. The Applicants survey methods were somewhat unusual in that instead of sampling throughout the site or sampling until presence is confirmed and then assuming presence in suitable habitat throughout the site, they divided the site into watersheds and sampled each watershed. If a listed branchiopod was detected the Applicants stopped further sampling in that watershed and assumed that all suitable habitat within that watershed was occupied. In watersheds where no listed invertebrates were detected in the first wet season, the Applicants continued sampling for two full wet seasons (Gibson & Skordal 2010).

Within the two watersheds where listed invertebrates were detected, there are a total of 2.95 acres of vernal pools, 0.89 acre of seasonal wetlands, and 3.62 acres of seasonal wetland swales; this amounts to 7.42 acres of wetlands in these watersheds. Of the 3.62 acres of seasonal wetland swales within the two watersheds where listed invertebrates were detected, 0.49 acre is swale depressional habitat that could support listed branchiopods (Gibson & Skordal 2010).

Swale depressional habitat was not specifically delineated in the watersheds where listed invertebrates were not detected. That acreage was estimated for this EIS by applying the ratio of swale depressional to total swale habitat in the watersheds where listed invertebrates were detected to the total swale habitat in the watersheds where listed invertebrates were not detected.

The off-site areas to the north and west of the project site that would be graded in conjunction with on-site improvements or off-site infrastructure were also surveyed concurrent with on-site surveys for listed invertebrates. Areas south of Baseline Road were surveyed in conjunction with the Placer Vineyards Specific Plan project. These surveys provided data with respect to the presence of habitat for listed invertebrates in the off-site impact area.

**Table 3.4-5, Listed Invertebrates Potential Habitat on Project Site and Off-Site Impact Area**, below presents the potential habitat for listed invertebrates present on the project site, organized in terms of potential habitat within watersheds where invertebrates were detected and potential habitat within watersheds where the species were not detected, as well as the total potential habitat on the project site.

**Alt. 3 (On Site)** Under Alternative 3, in addition to the areas preserved as open space under the Proposed Action, an additional 219 acres, located primarily in the central and western portions of the project site, would be preserved. This would reduce the development footprint to 1,150 acres. As a result, as shown in **Table 3.4-8c Alternative 3 Impacts to Waters of the US**, this alternative would involve filling of 12.35 acres of wetlands on the project site and 2.41 acres of wetlands off site for a total of 14.76 acres. **Figure 3.4-7, Alternative 3 – Waters of the US On-Site Impacts**, shows the affected wetlands. The loss of these wetlands would be a **significant** effect of this alternative.

**Mitigation Measure BIO-1b** would require preparation and implementation of a wetland avoidance and mitigation plan. Implementation of this mitigation measure would reduce effects to wetlands under Alternative 3 such that there would be no net loss of wetland area and functions. With mitigation, the effect would be **less than significant**.

**Table 3.4-8c  
Alternative 3 Impacts to Waters of the US**

| Wetland Type        | Waters of the US<br>within 250 feet of |                          |                    |                     |
|---------------------|--|--------------------------|--------------------|---------------------|
|                     | Waters of US on<br>Project Site        | Project Site<br>Boundary | On-Site<br>Impacts | Off-Site<br>Impacts |
| Ephemeral Stream    | 0.02                                   | 0.55                     | 0.05               | 0.28                |
| Intermittent Stream | 3.26                                   | 0                        | 0.18               | 0                   |
| Perennial Stream    | 3.94                                   | 0.21                     | 0.15               | 0.08                |
| Perennial Marsh     | 0.86                                   | 0.80                     | 0.85               | 0.04                |
| Pond                | 2.07                                   | 0                        | 0                  | 0                   |
| Seasonal Wetland    | 6.10                                   | 2.18                     | 2.36               | 0.36                |
| Vernal Pool         | 9.31                                   | 2.68                     | 2.52               | 0.78                |
| Wetland Swale       | 10.52                                  | 2.56                     | 6.24               | 0.82                |
| <b>Total</b>        | <b>36.07</b>                           | <b>8.98</b>              | <b>12.35</b>       | <b>2.41</b>         |

Source: Gibson & Skordal 2012

**Alt. 4 (Off Site)** Under Alternative 4, the proposed mixed-use community would be built on the alternative site. As shown in **Table 3.4-8d, Alternative 4 Impacts to Waters of the US**, this alternative would involve filling of approximately 24 acres of wetlands.<sup>2</sup> Construction of off-site improvements associated with this alternative would result in additional discharge of dredged or fill materials into Waters of the US along the alignments of the water and wastewater pipelines. However, the exact acreage that would be filled cannot be determined at this time because infrastructure alignments are approximate and access was not available

<sup>2</sup> This number does not include active rice fields and fallow contour rice fields on the site; the USACE has not conducted a detailed evaluation of these areas; further evaluation could potentially find that some of these areas contain jurisdiction wetlands.



**Table 3.4-11b**  
**Alternatives 1 and 2 Impacts to Listed Vernal Pool Invertebrate Habitat – Off Site**

| Type               | Total Acres Off Site | Occurrence Detected Watersheds |                  |                      | Occurrence Not Detected Watersheds |                            |                         |
|--------------------|----------------------|--------------------------------|------------------|----------------------|------------------------------------|----------------------------|-------------------------|
|                    |                      | Direct Impacts                 | Indirect Impacts | Total Impacts within | Estimated Direct Impacts           | Estimated Indirect Impacts | Estimated Total Impacts |
| Vernal Pools       | 2.68                 | 0.69                           | 1.47             | 2.16                 | 0.05                               | 0.27                       | 0.32                    |
| Seasonal Wetlands  | 2.18                 | 0.18                           | 0.88             | 1.06                 | 0.06                               | 0.82                       | 0.88                    |
| Wetland Swales     | 2.56                 | 0.43                           | 0.83             | 1.26                 | 0.35                               | 0.85                       | 1.20                    |
| Swale Depressional | 0.09                 | 0.02                           | 0.04             | 0.06                 | 0.00                               | 0.00                       | 0.00                    |
| <b>Total*</b>      | 4.95                 | 0.89                           | 2.39             | <b>3.60</b>          | 0.11                               | 1.09                       | 1.20                    |

Source: Gibson & Skordal 2012

\* Total includes vernal pools, seasonal wetlands, and swale depressional habitat.

**Alt. 3 (On Site)** Alternative 3 would focus the area of disturbance on the project site such that there would be contiguity within the preserved areas. As shown in **Table 3.4-12a, Alternative 3 Impacts to Listed Vernal Pool Invertebrate Habitat – On Site**, and **Table 3.4-12b, Alternative 3 Impacts to Listed Vernal Pool Invertebrate Habitat – Off Site**, the alternative would directly impact 2.5 acres of listed species' habitat on the project site and 3.4 acres off the project site for a total of about 6 acres within watersheds where the species were detected and about 11 acres in watersheds where the species were not detected. The loss of listed vernal pool invertebrates or their habitat as a result of grading, filling, or indirect degradation would be a **significant** effect of the alternative.

**Mitigation Measure BIO-1b** and **Mitigation Measure BIO-2a** would reduce impacts on listed vernal pool invertebrate habitat by providing replacement habitat and preserving wetlands similar to those removed by the alternative. **Mitigation Measure BIO-2b** would also be implemented to avoid or reduce potential construction-phase indirect impacts on vernal pool species habitat within the preserved areas on the project site. The effect would be **less than significant** with mitigation.

**Letter E: Sierra Vista Owners Group, Jeff Jones, dated August 20, 2012**

**Response E-1**

The USACE has reviewed the Applicants' suggested changes to Mitigation Measure BIO-2b and agrees that the reworded mitigation measure will satisfy the intent of the original mitigation measure which is the preservation of open space parcels on the project site as early as possible.

The revisions have been incorporated into Section 3.4, Biological Resources, of the Draft EIS, and are detailed in **Chapter 3.0 Errata** in this Final EIS.

**Response E-2**

The USACE agrees with the rewording of the second bullet under Mitigation Measure BIO-2b which clarifies that the long-term maintenance of the preserved open space parcels will be the responsibility of the City of Roseville.

The revisions have been incorporated into Section 3.4, Biological Resources, of the Draft EIS, and are detailed in **Chapter 3.0 Errata** in this Final EIS.

**Response E-3**

Should the Applicants propose an off-site permittee-responsible mitigation site, the USACE will review that proposal and the specific provisions for long-term management. The USACE may determine that inclusion of the mitigation sites within the Roseville Preserve network is suitable, depending upon a number of factors including the past performance and adequacy of management practices at that point in time. The revision has been incorporated into Section 3.4, Biological Resources, of the Draft EIS, and is detailed in **Chapter 3.0 Errata** in this Final EIS.

**Response E-4**

The USACE has reviewed the Applicants' comments and suggestion regarding Mitigation Measure CUL-1b. The USACE has also reviewed other materials in its files and agrees Mitigation Measure CUL-1b can be deleted. The revision has been incorporated into Section 3.6, Cultural Resources, of the Draft EIS, and is detailed in **Chapter 3.0 Errata** in this Final EIS.

**Response E-5**

The USACE agrees with the Applicants that Mitigation Measure CUL-1a is adequate. As stated above in **Response E-4**, Mitigation Measure CUL-1b has been deleted.

**Response E-6**

All indicated revisions have been incorporated into Chapter 2.0, Project Description, and Section 3.4, Biological Resources, of the Draft EIS, and are detailed in **Chapter 3.0 Errata** in this Final EIS.

**Response E-7**

The comment is noted.

-----Original Message-----

From: Janet M. Laurain [<mailto:jlaurain@adamsbroadwell.com>]

Sent: Monday, August 20, 2012 2:03 PM

To: DLL-CESPK-RD-EIS-Comments

Subject: Sierra Vista Specific Plan Roseville DEIS

Dear Mr. Robb,

Can you please tell me if an EIR was previously prepared for this project or is this the first environmental review of the Project.

1

Also, can you tell me who the developer is?

2

Thank you.

Janet

Janet M. Laurain  
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South San Francisco, CA 94080  
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**Letter F:** Janet Laurain, dated August 20, 2012

**Response F-1**

In May 2010, the City of Roseville certified an Environmental Impact Report (EIR) for the specific plan area and approved the Sierra Vista Specific Plan (SVSP).

**Response F-2**

The SVSP project site is made up of 10 properties controlled by the following six entities: CGB Investments; D.F. Properties, Inc.; Mourier Investment, LLC (MILLC); Baseline P&R, LLC; Baybrook LP.; and Westpark Associates.