



August 18, 2010

VIA ELECTRONIC MAIL

Michael S. Jewell
U.S. Army Corps of Engineers
Sacramento District
1325 J Street, Room 1480
Sacramento, CA 95814-2922
Michael.S.Jewell@usace.army.mil

Re: Comments with Respect to Draft Environmental Impact Statement for the Sunridge
Specific Plan Area
PN 2009 00511

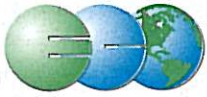
Dear Mr. Jewell:

As you know, the North State Building Industry Association has been actively involved in the ongoing effort to develop and implement the South Sacramento Habitat Conservation Plan. A major component of that effort has been the long-term desire of the building industry to effect a plan that incorporates provisions that allow for streamlining of the permit process with respect to habitat conservation and Army Corps permitting.

In conjunction with this effort, we have been provided with a copy of a memorandum prepared by ECORP Consulting, Inc. that sets forth its comments after reviewing Chapter 4 and the cumulative effects analyzed in the Draft Environmental Impact Statement. A copy of ECORP's August 17, 2010 memorandum outlining its concerns is attached. Please include this letter and the accompanying memorandum as part of your Record of Public Comments with respect to the Draft Environmental Impact Statement for the Sunridge properties.

Very truly yours,

Dennis M Rogers
Senior Vice President
Governmental and Public Affairs



MEMORANDUM

DATE: 17 August 2010

FROM: Peter Balfour, ECORP Consulting, Inc. *13*

RE: ***Draft Environmental Impact Statement – Sunridge Properties, Rancho Cordova, California. (SPK-2009-00511).***

We have reviewed selected portions of the Draft Environmental Impact Statement (DEIS) for Sunridge Properties, Rancho Cordova, California (ID SPK-2009-00511). Our review was limited to pgs. 4-1 through 4-21 of *Chapter 4-Cumulative Effects and Other NEPA Analyses*. We provide the following observations.

This section of the DEIS addresses past actions that have affected vernal pool landscapes and associated special status species in the region. The section also discusses present habitat loss trends, primary goals of the U.S. Fish and Wildlife Service's (USFWS) Vernal Pool Recovery Plan (USFWS 2005), and both present and future actions that are relevant to the region's natural resources. Section 4.3.2.1 of the DEIS's Cumulative Effects Analysis addresses the magnitude and significance of cumulative effects to biological resources on pages 4-25 through 4-28. In reviewing the cumulative impacts section, it is apparent that there are both discrepancies with prior conclusions in sections of the DEIS (specifically regarding mitigation) and subsequent unsubstantiated conclusions regarding the efficacy of vernal pool creation and cumulative impacts.

Impact 3.2-1 (*-An adverse effect on a population of threatened, endangered, or candidate species*), pg. 4-27, discusses perceived inadequacies of vernal pool mitigation in a cumulative scenario. Impact 3.2-1 states that "*implementation of mitigation measures would reduce direct and indirect impacts on the threatened vernal pool fairy shrimp and the endangered vernal pool tadpole shrimp, the federally-listed species that occur within the project area*" and that "*The impact was reduced to less than significant based on mitigation that replaced the existing vernal pool habitat with off-site constructed vernal pools.*" However, this section then cites "*concerns*" regarding habitat fragmentation and the efficacy of vernal pool creation/mitigation (i.e., questions regarding habitat replacement and long-term viability) which are briefly discussed in Section 4.2.3.3 (Off-site Constructed Vernal Pools). Based on these concerns, the DEIS concludes that significant losses would occur "*even with the implementation of the proposed mitigation.*"

Restoration and creation are both recognized as mitigation strategies in the Recovery Plan. We are aware that, with respect to mitigation, the USFWS Recovery Plan establishes an order of preference of preservation, then restoration, and lastly creation, as necessary. However, a fundamental point that is overlooked in Section 4.2.3.3 is the "*no net loss*" requirement under

Section 404 of the Clean Water Act. Vernal pool restoration and/or creation have typically been a required mitigation component to meet this requirement. In recent years, the USFWS has considered vernal pool restoration as the preferred compensatory strategy (vs. creation) since it increases the likelihood of proper site selection.

Section 4.2.3.3 (Off-site Constructed Vernal Pools) does not provide an adequate overview of vernal pool construction in the context of mitigation to support the conclusion that significant losses would occur *"even with the implementation of the proposed mitigation."* The section is also somewhat misleading since some of the supporting studies provided are not directly relevant to vernal pool restoration/creation. For example, Ambrose 1999 is cited as a supporting study, but it is not clear whether this investigation, which evaluated 40 mitigation sites nationwide, specifically evaluated vernal pool systems. Since a reference for this study is not provided in the DEIS, it could not be determined if the study evaluated vernal pools. However, the cited failures in this study were due to a lack of stream channel overbank flooding. This statement and a reference to *"lower perennial riverine habitat"* suggest that other wetland systems were included in the study. Section 4.2.3.3 also cites a recent study of Central Valley vernal pools conducted by the Placer Land Trust. This study focused on a series of small preserves and an evaluation of edge effects and land management challenges, but did not investigate the efficacy of vernal pool creation.

Section 4.2.3.3 presents findings of a study by DeWeese 1998 which evaluated several vernal pool mitigation sites and documented mixed successes at the time of the study. As stated in the DEIS, *"the study found that constructed wetlands often did not follow the USFWS Vernal Pool Mitigation and Monitoring Guidelines (USFWS 1994) with respect to site selection, construction techniques, reference pools, hydrology staff gauges, vegetation, wildlife, listed invertebrate measurements, water quality, site maintenance inspections, and performance standards."* Several of the wetland areas evaluated in the study were constructed prior to development of these Guidelines. It should be noted that, since the time of DeWeese's study, both the USFWS and U.S. Army Corps of Engineers have required increased attention to compliance standards with respect to both vernal pool restoration methods (including detailed site analyses) and long term management. Mitigation banks and project specific mitigation proposals require review by the Interagency Review Team (IRT) and through focused Section 7 Consultations. This may explain the cited observation by Noss et al. (2002) that *"most apparently successful projects are less than 10 years old."*

Section 4.2.3.3 correctly points out that past studies of created pools have indicated mixed results which contribute to controversies on this subject. For example, Ferren and Hubbard 1996 reported successful enhancement, restoration, and re-creation of inoculated vernal pools at Del Sol Reserve. The document cites *"Numerous studies by different individuals or groups using different approaches have demonstrated that enhanced, restored, re-created, and created-inoculated vernal pools are self-sustaining and provide a broad array of ecosystem functions similar to those of naturally occurring vernal pools. These functions include, for example, the establishment of wetland hydrology, habitat for native plants and animals, habitat for sensitive species, food chain support, and the roles of vernal pools in grassland ecosystems."* Similarly, ECORP Consulting, Inc. has monitored several constructed and restored vernal pool wetland mitigation sites in both Placer and Sacramento Counties over the last two decades and has documented the persistence of vernal pool vegetation and presence of listed

vernal pool branchiopods at some sites after more than 15 years of monitoring (Egan 2008, Egan 2009).

REFERENCES

- De Weese, June M. 1998. Vernal Pool Construction Monitoring Methods and Habitat Replacement Evaluation. Ecology, Conservation, and Management of Vernal Pool Ecosystems-Proceedings from a 1996 Conference. California Native Plant Society, pp 217-223. Sacramento, California.
- Egan, S. 2008, "Vernal Pool Restoration and Creation: Yesterday, Today, and Tomorrow", *California Wetlands SuperConference Conference*, CLE International, Sacramento, California
- Egan, S. 2009, "Vernal Pool Restoration: Yesterday, Today, and Tomorrow", *California Native Plant Society 2009 Conservation Conference: Strategies and Solutions*, Sacramento, California
- Ferren Wayne R.Jr. and David M. Hubbard. *Review of Ten Years of Vernal Pool Restoration and Creation in Santa Barbara*. ,pages 206-216 in: C.W. Whitham, E.T. Bauder, D. Belk, W.R. Ferren Jr, and R. Ornduff (Editors). Ecology. Conservation, and Management of Vernal Pool Ecosystems - Proceedings from a 1996 Conference. California Native Plant Society, Sacramento, CA. 1998
- Noss, R., R. Amundson, M. Barbour, R. Bugg, B. Cypher, R. Grosberg, T. Hanes, R. Hansen, B. Pavlik, K. Rice, P. Trenham, B. Shaffer and B. Weir. 2002. Report of Science Advisors for the Eastern Merced County Natural Community Conservation Plan Habitat Conservation Plan. Part I: General Review of Approach, Methods, and Planning Principles, and Responses to Initial Questions. 104 pages As referenced in U.S. Fish and Wildlife Service, Region 1. 2005. Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon

California Native Plant Society

August 18, 2010

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VIA EMAIL

**Subject: Sunridge Specific Plan DEIS
Public Notice Number SPK-2009-00551**

Dear Mr. Jewell,

The California Native Plant Society (CNPS) submitted comments on the Notice of Intent for the above referenced project on August 31, 2009. The background of our long-standing interest in projects that impact vernal pools, and specifically with respect to the Sunrise Douglas area, is contained in that letter and is not repeated here.

CNPS provides the following comments on the Sunridge Specific Plan Draft Environmental Impact Statement published as available on July 2, 2010 and open for a 45 day public comment period ending on August 15, 2010. That deadline was later extended to August 18, 2010.

General Comments

A. Inadequate Project Description & Scope of Environmental Review

The DEIS describes the project as the five permits issued and the one permit pending that are subject to the Preliminary Injunction issued by the federal district court. However, certain specified mitigation measures – such as, but not limited to, Mitigation Measure 3.2-1a, Mitigation Measure 3.2-2a and Mitigation Measure 3.2-2b – will have environmental impact in addition to the project description and outside of the project area. You just cannot create 20.4-34.2 acres of wetlands without having some environmental impact. Even if a portion of these impacts might be tiered off of other NEPA documents related to the mitigation banks, this DEIS cannot simply ignore them. Essentially, these additional impacts are not disclosed within the DEIS and any additional mitigation measures related to them are put off to some future date and document which will not be subject to public disclosure and comment.

Whether or not these mitigation measures are actually feasible and will result in the desired goals is not discussed within the DEIS. Therefore it is impossible for a layperson to judge whether the mitigation measures are adequate and appropriate. Simply requiring the implementation of a “Compensatory Mitigation Plan” does constitute mitigation unless measurable goals, objectives and outcomes (success criteria) are specified as part of the mitigation measure. Again, many key aspects of implementing the project will be put off to some future date and document and not be subject to public disclosure and comment.



Dedicated to the preservation of California native flora

As a whole, the DEIS fails to fully disclose the scope of the project and the entirety of its potential environmental impacts. It also appears to defer details of mitigation to a later date, and simply assumes that they will be adequate without stipulating measurable criteria that might assure the public that the measures will do the job and/or give them an opportunity to challenge the as-yet-to-be-created mitigation documents. We are disinclined to just trust that these future plans will work as the DEIS seems to suggest we should.

B. Missing Documents & Document Discrepancies

We were unable to locate the amended Biological Opinion (1-1-06-F-0232, dated August 30, 2006) for Permit 200100230 in the appendices.

Pages 2, 4 and 6 are missing from Permit 200200568 for the Douglas Road 98 project.

The table below compares preservation acreages specified in the U.S. Army Corps of Engineers permit and the U.S. Fish and Wildlife Service’s Biological Opinion for each of the projects. The discrepancies between the documents may constitute changed circumstances requiring re-initiation with the U.S. Fish and Wildlife Service under Section 7 Consultation. This is discussed in more detail in the following sections of this comment letter.

Preservation Acreage Comparison	U.S. Army Corps of Engineers		U.S. Fish and Wildlife Service	
	Permit (File) Number	Preservation Acreage	Biological Opinion	Preservation Acreage
Anatolia IV	199400210	2.72*	1-1-04-F-0339 (Dec 9, 2004)	2.72 ^a –5.44 ^b
Sunridge Village J	200100230	9.18 ^c	Amendment 1-1-06-F-0232 (Aug 30, 2006)	unk
Grantline 208	199400365	6.90*	1-1-05-F-0305 (May 18, 2006)	6.90 ^d –13.80 ^c
Douglas Road 98	200200568	7.82†	1-1-04-F-0314 (Jan 12, 2005)	7.82 ^a –15.64 ^b
Douglas Road 103	199700006	5.89†	1-1-06-F-0041 (Mar 16, 2006)	6.19 ^e –12.38 ^f
Arista del Sol	200400458	unk	1-1-06-F-0138 (Jun 28, 2006)	20.18‡

Location Specified as:
* Vernal pool habitat at a Corps and U.S. Fish and Wildlife Service approved location.
† Vernal pool habitat at a Corps approved location.
‡ Vernal pool crustacean habitat at a Service-approved site.
^a Anatolia Conservation Bank (within SDCPA and the Mather Core Recovery Area).
^b Borden Ranch or at another Service-approved site (outside SDCPA and outside Mather Core Recovery Area).
^c Bryte Ranch Conservation Bank (outside SDCPA, but within Mather Core Recovery Area).
^d Anatolia or Town Center (within or adjacent to SDCPA and within the Mather Core Recovery Area).
^e Within the Sunrise Douglas Community Plan Area.
^f Outside the Sunrise Douglas Community Plan Area.

Specific Comments

1. Impact 3.2-1 and Mitigation Measure 3.2-1a (pages 3.2-13 through 3.2-15)

The DEIS states: "*The implementation of **Mitigation Measure 3.2-1a** would be anticipated to reduce impacts at the population level such that impacts related to loss of vernal pool [threatened, endangered or candidate] species would be **less than significant**.*" This conclusion is not supported by evidence in the DEIS or supporting documents. For example, the following contradict this conclusion:

- Page 3.2-8 states: "[T]he Mather Core Area contains approximately 74% of all of the vernal pool tadpole shrimp occurrences in the southeastern Sacramento Valley." From this statement attributed to the USFWS, one might conclude that areas outside the Mather Core Recovery area are only one-third as likely to support this species and/or would support only one-third of the number of occurrences.
- The Biological Opinion for each of the projects state: "*There are 31 known occurrences of vernal pool tadpole shrimp inside the USB and 17 occurrences outside the USB... The data from the CNDDDB do not reflect additional reported records in the Sunrise-Douglas area, where 137 occurrences of vernal pool tadpole shrimp... are reported.*" From these statements, one might conclude that areas outside the USB (and outside the Mather Core Recovery Area) are, at best, about one-half as likely to support this species.
- The Biological Opinions, with the exception of Arista del Sol, require a 2:1 ratio for preservation in the immediate vicinity of Sunrise Douglas (inside the Mather Core Recovery Area) but increase that ratio to 4:1 for areas further removed (on the edge of and outside the Mather Core Recovery Area. This additional mitigation appears to compensate for the reduced likelihood of areas outside the vicinity having occurrences of vernal pool tadpole shrimp.

Permits issued to date and the DEIS only require the minimum preservation ratio (2:1), discounting the opinion of the Fish and Wildlife Service that Gill Ranch, Borden Ranch and other areas removed from Sunrise Douglas area would require a higher ratio (4:1) in order to reach a no jeopardy conclusion. The Service's judgment that the Gill Ranch is inappropriate for mitigating impacts to vernal pool tadpole shrimp within the Sunrise Douglas area is further illustrated by the service area for that conservation bank. Please note that the attached service area map specifically excludes the Mather Core Recovery Area.

The DEIS also states that: "*Preservation credits will be purchased at the Bryte Ranch conservation bank. The off-site mitigation would occur at Gill Ranch in eastern Sacramento County, or other appropriate site, that consists of annual grassland with vernal pool complexes throughout.*" This would seem to mean that preservation would occur within the USB and Mather Core Recovery Unit and creation/restoration would occur at the Gill Ranch. However, the Anatolia IV project was allowed to purchase preservation credits at Gill Ranch and at the minimum ratio (2:1) instead of the higher ratio (4:1) stated in the BO for the nearby Borden Ranch.

We do not conclude from the above information that implementation of minimum preservation ratios, regardless of the geographic location and density of vernal pool tadpole occurrences, will result in reducing the impacts to threatened, endangered and candidate vernal pool species to

less than significant levels. The DEIS does not provide the reasoning that the USACE followed to reach that conclusion. Additionally since insufficient information has been provided on *species-level* goals, objectives and success criteria for the vernal pool creation component, it is impossible to evaluate how or if this component might mitigate for species loss.

2. Impact 3.2-2 and Mitigation Measures 3.2-2a & 3.2-2b (pages 3.2-15 through 3.2-16)

We disagree with the statement in the DEIS that implementation of a no-net-loss Compensatory Mitigation Plan for impacts to waters was the sole reason that *"the USFWS determined the five projects were not likely to jeopardize the continued existence of the vernal pool fairy shrimp and the vernal pool tadpole shrimp."* Each of the BOs discuss the no jeopardy determination based on the *"project, as proposed."* From that we infer that the determinations considered both the compensatory mitigation and the preservation components (including a range of ratios depending upon geographic location of preservation) of the proposed projects.

3. Impact 3.2-3 and Mitigation Measure 3.2-3a (pages 3.2-16 through 3.2-17)

Insufficient information has been provided in the DEIS on the details and implementation of the Compensatory Mitigation Plan and how the preservation lands will be chosen, configured and managed to benefit the unimpeded movement of wildlife species. Additional information that clarifies this issue would be appropriate and should also discuss temporal loss associated with time lag between project impact and the mitigation measure meeting an as-yet-to-be identified success threshold.

4. Impact 3.2-4 and Mitigation Measures 3.2-4a (pages 3.2-17 through 3.2-18)

Again, insufficient information has been provided in the DEIS on the details and implementation of the Compensatory Mitigation Plan and how the any preservation lands will be chosen, configured and managed to mitigate for substantial population loss of any native wildlife. And once again, additional information that clarifies this issue would be appropriate. Measurable goals for the preservation lands and their management should be provided.

5. 4.2.3.2 USFWS Vernal Pool Recovery Plan and Table 4-3 (pages 4-9, 4-13 though 4-14)

Table 4-3 should be modified to show how much vernal pool preservation is occurring within the Mather Core Recovery Unit and how much is occurring outside of it. Returning to the table of discrepancies on page two of this letter and our first specific comment, the USFWS considers preservation within the Mather Core Recovery Area to be approximately twice as biologically valuable for impacts in the Sunridge Projects area. Please disclose the extent to which preservation is occurring within or outside the Core.

6. 4.2.3.3 Off-site Constructed Vernal Pools (pages 4-10 through 4-11)

The entire text of this section outlines why "no-net-loss" mitigation does not adequately replace wetland function and values. It goes on to discuss the Recovery Plan's habitat protection priorities as "first, preservation of existing natural vernal pool habitat, followed by restoration of former or degraded habitat, and lastly, creation of vernal pools if necessary to maintain the range of vernal pool habitat." Yet the permits issued for the six projects essentially ignore the USFWS's opinion on what constitutes appropriate preservation, in terms of both ratio and location, in order to make a no jeopardy determination.

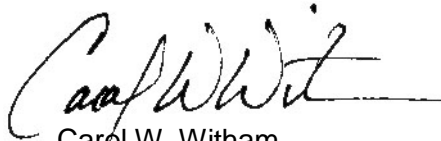
Summary & Recommendations

The California Native Plant Society requests that the Draft Environmental Impact Statement for Sunridge Properties (SPK-2009-00511) be revised to provide a more complete project description, includes analysis of the environmental effects of the mitigation measures, and provides a more thorough explanation of discrepancies between the opinions of USFWS personnel and the permit documents. The Revised Draft Environmental Impact Statement must be recirculated for public comment.

Should the USACE chose to approve the Proposed Project Alternative and (re-)issue the permits, they should include the preservation requirements indicated in the USFWS Biological Opinions and not just the minimum wetted acreage. If the permits are (re-)issued as currently written, we believe the USACE must reinstate consultation with the USFWS under Section 7 because the minimum wetted acres for preservation, regardless of geographic location, constitutes changed circumstances.

Finally, on behalf of CNPS, I appreciate the opportunity to comment on this Draft Environmental Impact Statement. Please keep me informed of activities related to projects in this area that might impact vernal pool grasslands and endangered species habitat.

Sincerely,



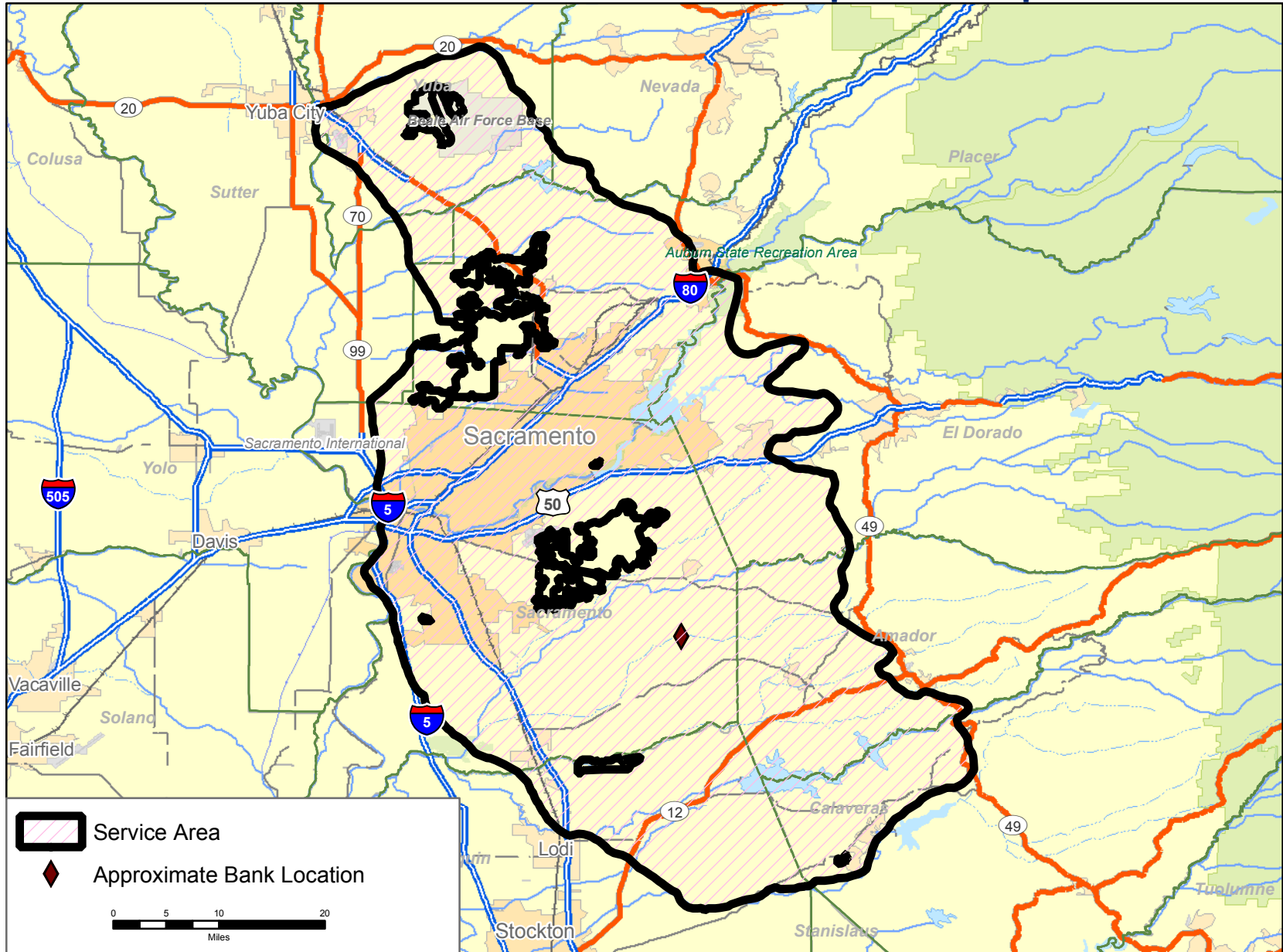
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Attachment (1):

Gill Ranch Conservation Bank Vernal Pool Tadpole Shrimp Service Area

Cc: Interested parties

Gill Ranch Conservation Bank Vernal Pool Tadpole Shrimp Service Area





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August 18, 2010

File No. 56585

VIA E-MAIL AND OVERNIGHT DELIVERY

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Re: Comments on Sunridge Properties Draft Environmental Impact Statement (ID SPK-2009-00511)

Dear Mr. Jewell:

On behalf of Cresleigh Homes (“Cresleigh”), thank you for the opportunity to comment on the Draft Environmental Impact Statement for the Sunridge Properties (ID SPK-2009-00511) (“Draft EIS”). Cresleigh Homes is the project proponent for the Sunridge Village J project (“Lot J”) located within the Sunridge Specific Plan Area in Rancho Cordova, California. As noted in the Draft EIS, Lot J and eight other projects in the Plan Area are the subject of pending litigation in the U.S. District Court for the Northern District of California (*California Native Plant Society, et al. v. U.S. Environmental Protection Agency, et al.*).

Cresleigh supports the U.S. Army Corps of Engineers’ (the “Corps”) adoption of the Proposed Project Alternative, which is the implementation of the projects as specified in the Section 404 permits for the permitted projects, and the reinstatement of those permits with the permit requirements as currently stipulated. We believe the Draft EIS further confirms the Corps’ prior decisions to issue permits for the Sunridge Specific Plan Area projects.

The Draft EIS also raises some questions and concerns for Lot J. More specifically, these questions relate to references to the need to “supplement” the existing Environmental Assessments for the projects, the relationship between the alternatives in the Draft EIS and the Corps’ ultimate permit decisions, identification and allocation of any project obligations related to the possible mitigation of cumulative effects, and the accuracy of the current site conditions on Lot J. We discuss each of these items in more detail below.

1. References to “Supplementing” the Existing Environmental Assessments Based on the Draft EIS Are Vague and Raise a Number of Questions.

The Draft EIS is described as a “programmatic” document that will be used to “supplement” the project-specific Environmental Assessment/Findings of No Significant Impacts

("EA/FONSI") for each of the projects evaluated in the Draft EIS. For example, the Executive Summary states that "[i]nformation presented in this document will be used to supplement project specific Environmental Assessments previously prepared for five permits." (p. ES-1.) Elsewhere the Draft EIS states: "As a programmatic document, this EIS is intended to validate the existing EAs for DA permits as tiered documents. The EAs will need to be supplemented to reflect this EIS." (p. 1-8.)

While we agree that the EA/FONSIs should each reflect the comprehensive evaluation presented in the EIS, we question whether anything more than an express tiering from the EIS is required. The EIS has essentially validated the analysis in the EA/FONSIs, particularly with respect to the mitigation required. Thus, with the issuance of the final EIS and record of decision, we believe the permits can and should be reissued on the express acknowledgement that the EA/FONSIs are revised to tier from and adopt the analysis of the EIS.

We question whether any additional environmental review beyond this comprehensive EIS is necessary under the District Court's July 10, 2007 preliminary injunction order, the National Environmental Policy Act ("NEPA"), or the Corps' regulations for implementing NEPA and the Clean Water Act. Assuming this additional analysis is warranted, the Draft EIS does not explain the Corps' expected process for supplementing the project's EA/FONSIs. For example, the Draft EIS is silent as to the form and scope of that supplementation (e.g., a separate stand-alone attachment to each EA/FONSI, a wholly revised "Supplemental EA/FONSI", etc.), the timing associated with that additional work, or whether the project proponents will have the opportunity to participate in the preparation of this supplemental material. The issuance of the final EIS and Record of Decision should be the culmination of the environmental review process and if the Corps intends to deviate from that process, the Corps should elaborate on this process, establish time frames for the completion of the process, and describe the extent to which the project proponents will have the opportunity to review and comment on drafts of this material.

2. The Draft EIS Does Not Clarify How the Alternatives Align with the Corps' Ultimate Permit Decisions.

The Draft EIS sets forth three alternatives addressed in detail in the Draft EIS: (1) a No Action (No DA Permit) Alternative; (2) the Proposed Project Alternatives; and (3) the Reduced Footprint Alternative. (pp. 2-12 to 2-21.) The Draft EIS also indicates that for the five permitted projects, which include Lot J, the Corps may decide based on the Draft EIS to (1) reinstate one or more of the permits with the permit requirements as currently stipulated; (2) modify the terms or conditions of one or more of the permits; or (3) initiate revocation procedures for one or more of the permits. (See, e.g., p. ES-2.)

The Draft EIS does not clarify how these alternatives align with the Corps' ultimate permit decisions. Presumably, if the Corps adopts the Proposed Project Alternative, then it will reinstate the permits as currently stipulated. If the Corps decides to adopt the No Action Alternative, then it will initiate procedures to revoke all of the permits. The Draft EIS does not explain, however, which alternative the Corps would use to support a decision to reinstate some but not all of the permits, or to modify the terms or conditions of the permit to reflect an overall project

footprint that is different from the Proposed Project Alternative but not identical to the Reduced Footprint Alternative. In such a situation, the Corps would not have a corresponding project alternative to rely upon for its decision to modify the terms or conditions of the permit. The Draft EIS does not contemplate such a scenario.

3. Project Obligations for Mitigation Related to Cumulative Effects Are Unclear.

The Draft EIS evaluates the cumulative effects of the proposed action combined with the impacts of other past, present, and reasonably foreseeable future projects producing related impacts. (pp. 4-1 to 4-43.) With respect to biological resources and the placement of fill material into waters of the United States, the Draft EIS concludes that even with implementation of proposed mitigation, the cumulative impacts from the proposed action and past, present, and reasonably foreseeable future projects would have a substantial adverse effect on these resources. (pp. 4-27 to 4-28.) In addition to these cumulative effects related to biological resources, the Draft EIS concludes that the proposed action would result in a number of other significant and unavoidable cumulative effects to water supplies, air quality, traffic, noise, aesthetics, and greenhouse gas emissions. The Draft EIS provides no mitigation for these impacts, stating that “neither planned nor potential mitigation cannot [sic] avoid or substantially reduce these specific effects.” (p. 4-44.)

Because the Corps has concluded that the identified cumulative effects cannot feasibly be mitigated, the Corps should not require additional mitigation for the projects related to these cumulative effects – including cumulative effects to biological resources and waters of the United States. With respect to Cresleigh in particular, no additional mitigation should be imposed upon the Lot J project because Cresleigh has fully complied with the mitigation requirements of its Section 404 permit and the Section 7 Biological Opinion issued by the U.S. Fish and Wildlife Service to the Corps on December 22, 2004. Moreover, the imposition of mitigation obligations above and beyond those specified in Cresleigh’s Section 404 permit would require modification of the terms and conditions of the permit in accordance with the Corps’ regulations. (33 C.F.R. § 325.7(b).) If despite these facts, the Corps nonetheless considers imposing additional mitigation obligations on Cresleigh, we would expect the Corps to adhere to these regulations by first consulting with Cresleigh and acknowledging the fact that, while only six projects are evaluated in the Draft EIS, a total of nine projects comprise the Sunridge Specific Plan Area. Furthermore, if the Corps were to reach back and modify the Sunridge Properties’ permits to impose any additional mitigation obligations, those obligations should be allocated on a *pro rata* basis that includes all nine of the projects within the Sunridge Specific Plan Area, and not just the six projects evaluated in the Draft EIS. As such, this *pro rata* calculation should be based on each of the nine project’s overall impact to waters of the United States.¹

¹ We note that although this comment focuses on mitigation related to the Draft EIS’s discussion of cumulative effects, Cresleigh also has concerns regarding the imposition of additional mitigation related to project specific, rather than cumulative, impacts. In connection with those concerns, we are currently reviewing the other state and federal environmental review documents prepared for the Sunridge Specific Plan Area and the Project site in particular to

4. **The Project Description of Sunridge Village J Is Still Not Accurate or Complete.**

We note that the Corps included in Appendix E of the Draft EIS our August 28, 2009 letter commenting on the Notice of Intent. Although the Corps made an effort to revise its description of Lot J in response to that letter, the description is still not accurate, particularly in terms of the work that has already taken place on the Lot J site. For example, the Draft EIS only obliquely refers to Cresleigh's work on the Lot J site prior to the District Court's issuance of its preliminary injunction order. The Draft EIS states, "Prior to the suspension of the DA permits, some of the site's vernal pools were disturbed in anticipation of development." (p. 2-19.) Later, though, the Draft EIS describes the biological setting for the Lot J site as including wet swales and vernal pools on the site (p. 3.2-2) and indicates that "no grading is apparent" on the site. (p. 3.2-4.) Similarly, the Draft EIS states that the federally-threatened vernal pool fairy shrimp and the federally-endangered vernal pool tadpole shrimp are assumed to occur on the site because they occur in the vicinity of Lot J and "habitat on site is suitable for the species." (p. 3.2-6.)

This is inaccurate. As described in the Declaration of Deana Ellis in Opposition to Motion to Stay, filed on October 29, 2008 in the *California Native Plant Society* litigation, the vernal pools and other jurisdictional features on the project site were disked and filled. Inoculum from these features was removed. In addition, a substantial amount of infrastructure was installed at the site prior to the injunction. In coordination with the Sunridge Sub-owners group,² Cresleigh "installed a large diameter sewer line running underground at approximately 15 feet of depth from east to west across the full length of the project site." The attached drawings depict the placement of this infrastructure. As a result of this work, the hard pan soil layer in this area was penetrated and any overlying wetland features no longer exist. Notably, as stated in the 2008 declaration, the "sewer line is closely aligned with locations on site that used to contain vernal pools and other jurisdictional features on the project site."

In light of this work on Lot J, the Draft EIS is incorrect when it refers to the status of Lot J on Table 4-3 ("Development Projects in the Mather Core Area") as "Permit Issued, Not Constructed." (p. 4-13.) Although the Lot J site is not fully "constructed," in the sense that no homes have yet been constructed, a significant amount of construction has taken place on Lot J. Other projects listed on Table 4-3 as "Permit Issued, Not Constructed" truly have not had any construction on their sites. The construction status of these projects is significantly different from the construction status of the Lot J project. Therefore, we request that the Corps change the status of the Lot J project on Table 4-3 from "Permit Issued, Not Constructed" to "Permit Issued, Partially Constructed" to better reflect the fact that at least some construction has taken place on the Lot J site and, most importantly, the functions and values of the jurisdictional features have largely been removed.

evaluate whether the mitigation set forth in those documents is consistent with the mitigation set forth in the Draft EIS.

² The Sub-owners group is comprised of three Sunridge property owners responsible for carrying the burden of constructing the major utility infrastructure for the Sunrise Douglas area. (See Ellis Declaration at p. 1.)

Michael Jewell
August 18, 2010
Page 5

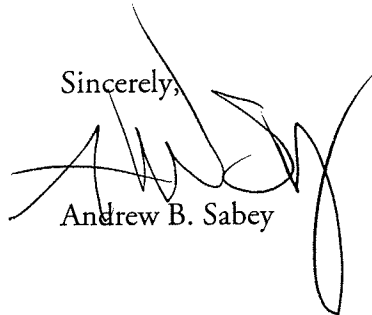
Because of the work completed on Lot J, we question the accuracy of the photographs identified as Viewpoint 7 and Viewpoint 9 in the Draft EIS. (pp. 3.13-5 to 3.13-6.) Although the captions for these photographs ambiguously refer to views "within" or "toward" the Lot J site, they seem to suggest that vernal pools are currently located on the site. The photograph for Viewpoint 7, though, does not appear to show the existence of any vernal pools, and the photograph for Viewpoint 9 does not make clear whether the vernal pool shown is actually located on Lot J.

We also note that the Draft EIS inconsistently refers to the status of a stock pond in its description of Lot J. In the first paragraph of this discussion, the Draft EIS indicates that a stock pond "was no longer apparent on the visual survey constructed on March 24, 2010," but then states in the third paragraph that "the stock pond supports a mix of vernal pool and seasonal wetland vegetation." (p. 3.2-2.) As a result of construction on the site prior to the injunction, this stock pond was removed and thus the first paragraph accurately describes the stock pond as no longer existing on site. This should be clarified in the Final EIS.

* * *

Thank you for the opportunity to provide these comments on the Draft EIS for the Sunridge Properties. We look forward to working with the Corps to complete this process and to proceed with the Sunridge Village J project. Please feel free to contact me should you have questions regarding any of the above.

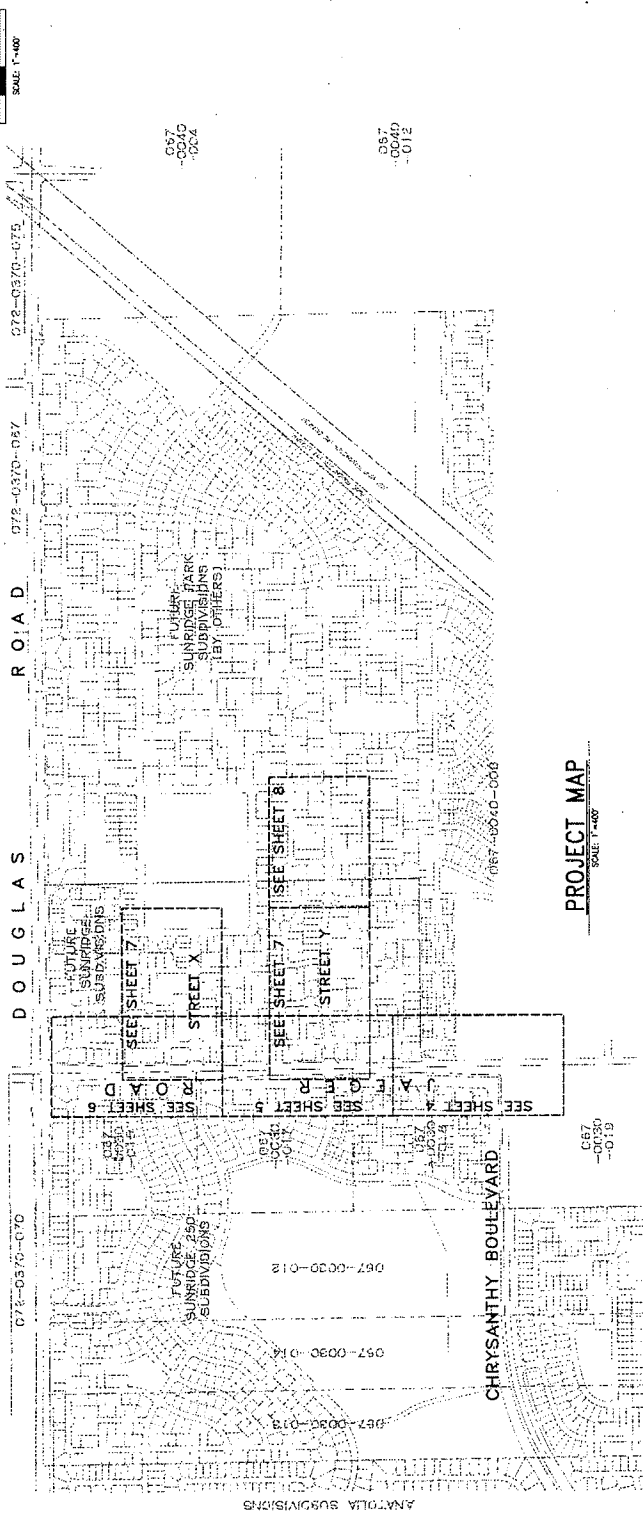
Sincerely,

A handwritten signature in black ink, appearing to read "Andrew B. Sabey". The signature is stylized and somewhat cursive, with a large loop at the end.

Andrew B. Sabey

Enclosure

IMPROVEMENT PLANS FOR: JAEGER ROAD - SEWER ONLY CITY OF RANCHO CORDOVA, CALIFORNIA



- SHEET INDEX**
- 1. COVER SHEET - OVERALL
 - 2. COVER SHEET - 100' SCALE
 - 3. JAEGER ROAD S&W 20' EASEMENT
 - 4. JAEGER ROAD S&W 18'-18.77' to S&W 200'+00
 - 5. JAEGER ROAD S&W 200'+00 to S&W 211'+00
 - 6. JAEGER ROAD S&W 211'+00 to S&W 218'+58.81
 - 7. STREET X, STREET Y & 15' TRUNK SEWER
 - 8. 15' TRUNK SEWER
- PROJECT MAP**
- ECL EROSION CONTROL PLAN
 - EC2 EROSION CONTROL PLAN
 - EC3 EROSION & SEDIMENT CONTROL PLAN DETAILS

ACCEPTANCE NOTES:

- THE SPOTS INDICATED SHOWN HERE WITHIN THE SUBJECT PLANS WILL BE APPROVED AND MAINTAINED BY COUNTY SANITARY DISTRICT NO. 1. ALL OTHER SPOTS WILL BE APPROVED AND MAINTAINED BY THE CITY OF RANCHO CORDOVA.
- THE SPOTS INDICATED SHOWN HERE WITHIN THE SUBJECT PLANS WILL NOT BE APPROVED UNLESS THE SPOTS ARE MAINTAINED BY THE CITY OF RANCHO CORDOVA.

RECORD DRAWINGS

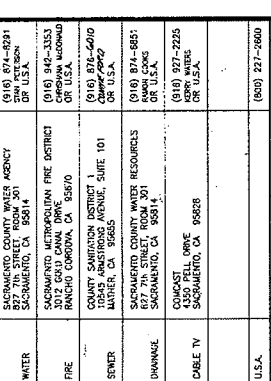
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4.4.14	REC. NO.	
4.4.14	4.4.14	

REVISIONS

NO.	DATE	DESCRIPTION
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2	12-15-06	ISSUED FOR PERMITS
3	12-15-06	ISSUED FOR PERMITS
4	12-15-06	ISSUED FOR PERMITS
5	12-15-06	ISSUED FOR PERMITS

UTILITY REPRESENTATIVES

UTILITY	REPRESENTATIVE	PHONE
GAS	PACIFIC GAS & ELECTRIC COMPANY SACRAMENTO, CA 95827	(916) 398-5013 OR U.S.A.
ELECTRICITY	SACRAMENTO MUNICIPAL UTILITY DISTRICT 1708 9TH STREET SACRAMENTO, CA 95817	(916) 712-3772 OR U.S.A.
TELEPHONE	FRONTIER A CITIZENS COMMUNICATIONS CO. 9174 WEST STOCKTON BOULEVARD SACRAMENTO, CA 95817	(916) 681-5625 OR U.S.A.
WATER	SACRAMENTO COUNTY WATER AGENCY 3012 6TH CANAL DRIVE SACRAMENTO, CA 95814	(916) 874-8231 OR U.S.A.
FIRE	SACRAMENTO METROPOLITAN FIRE DISTRICT RANCHO CORDOVA, CA 95810	(916) 942-1151 OR U.S.A.
SEWER	COUNTY SANITARY DISTRICT NO. 1 3012 6TH CANAL DRIVE SACRAMENTO, CA 95814	(916) 874-8821 OR U.S.A.
DRAINAGE	SACRAMENTO COUNTY WATER RESOURCES 3012 6TH CANAL DRIVE SACRAMENTO, CA 95814	(916) 927-2225 OR U.S.A.
CABLE TV	COMCAST 4359 FELL DRIVE SACRAMENTO, CA 95828	(916) 927-2225 OR U.S.A.
U.S.A.		(800) 271-5800



CITY OF RANCHO CORDOVA PUBLIC WORKS AGENCY

JAEGER ROAD - SEWER ONLY

APPROVED BY: *[Signature]* DATE: 12-15-06

CITY OF RANCHO CORDOVA CITY ENGINEER

CHECKED BY: *[Signature]* DATE: 12-15-06

COUNTY OF SACRAMENTO COUNTY ENGINEER

CHECKED BY: *[Signature]* DATE: 12-15-06

PARCEL NUMBER: 087-0070-008, 012, 013, 014, 015, 017, 01

MAP COORDINATES: WORK ORDER NO. 907925

DATE: 12-15-06

DATE: 12-15-06

APPROVED BY: *[Signature]* DATE: 12-15-06

REGISTERED PROFESSIONAL ENGINEER

NO. 44748

EXPIRES 3-31-08

REGISTERED PROFESSIONAL ENGINEER

STATE OF CALIFORNIA

APPROVED BY: *[Signature]* DATE: 12-15-06

SACRAMENTO METROPOLITAN FIRE DISTRICT

APPROVED BY: *[Signature]* DATE: 12-15-06

SACRAMENTO COUNTY WATER AGENCY

APPROVED BY: *[Signature]* DATE: 12-15-06

COUNTY SANITARY DISTRICT NO. 1

RECORD DRAWING

NO. 44748

EXPIRES 3-31-08

REGISTERED PROFESSIONAL ENGINEER

STATE OF CALIFORNIA

APPROVED BY: *[Signature]* DATE: 12-15-06

SACRAMENTO METROPOLITAN FIRE DISTRICT

APPROVED BY: *[Signature]* DATE: 12-15-06

SACRAMENTO COUNTY WATER AGENCY

APPROVED BY: *[Signature]* DATE: 12-15-06

COUNTY SANITARY DISTRICT NO. 1

REVISIONS

NO.	DATE	DESCRIPTION
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2	12-15-06	ISSUED FOR PERMITS
3	12-15-06	ISSUED FOR PERMITS
4	12-15-06	ISSUED FOR PERMITS
5	12-15-06	ISSUED FOR PERMITS



RECORD DRAWING

PROJECT NO.	04-043
DATE	NOV 2008
SCALE	1"=100'
DRAWN BY	SP/BJ
CHECKED BY	CKD
DATE	
SHEET	2
OF	9

JAEGER ROAD - SEWER ONLY

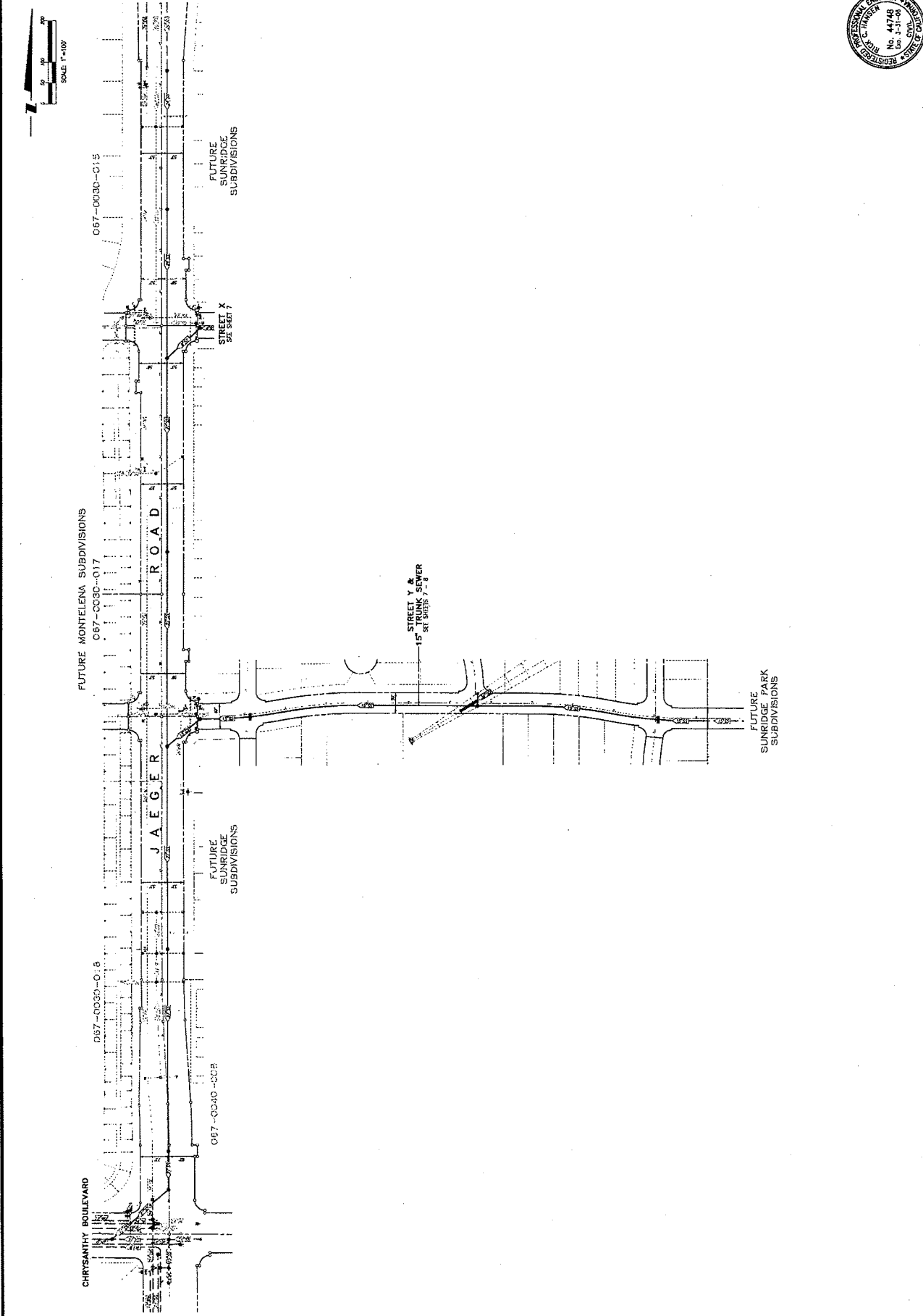
CONSTRUCTION PLANS
CITY OF RANCHO CORDON, CALIFORNIA

BENCH MARK
SEE SHEET 1



REVISIONS

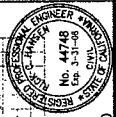
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JAEGER ROAD - SEWER ONLY

CITY OF RANCHO CERROSA, CALIFORNIA
CONSTRUCTION PLANS

PROJECT NO. 04-043	JAEGER ROAD STA 180+18.77 TO STA 200+00
DATE: MAY 2006	SCALE: 1" = 40'
DRAWN: S/V/D C/K/S	NO. 4718
DATE: 11/10/06	DATE: 11/10/06
SHEET: 4	OF 9



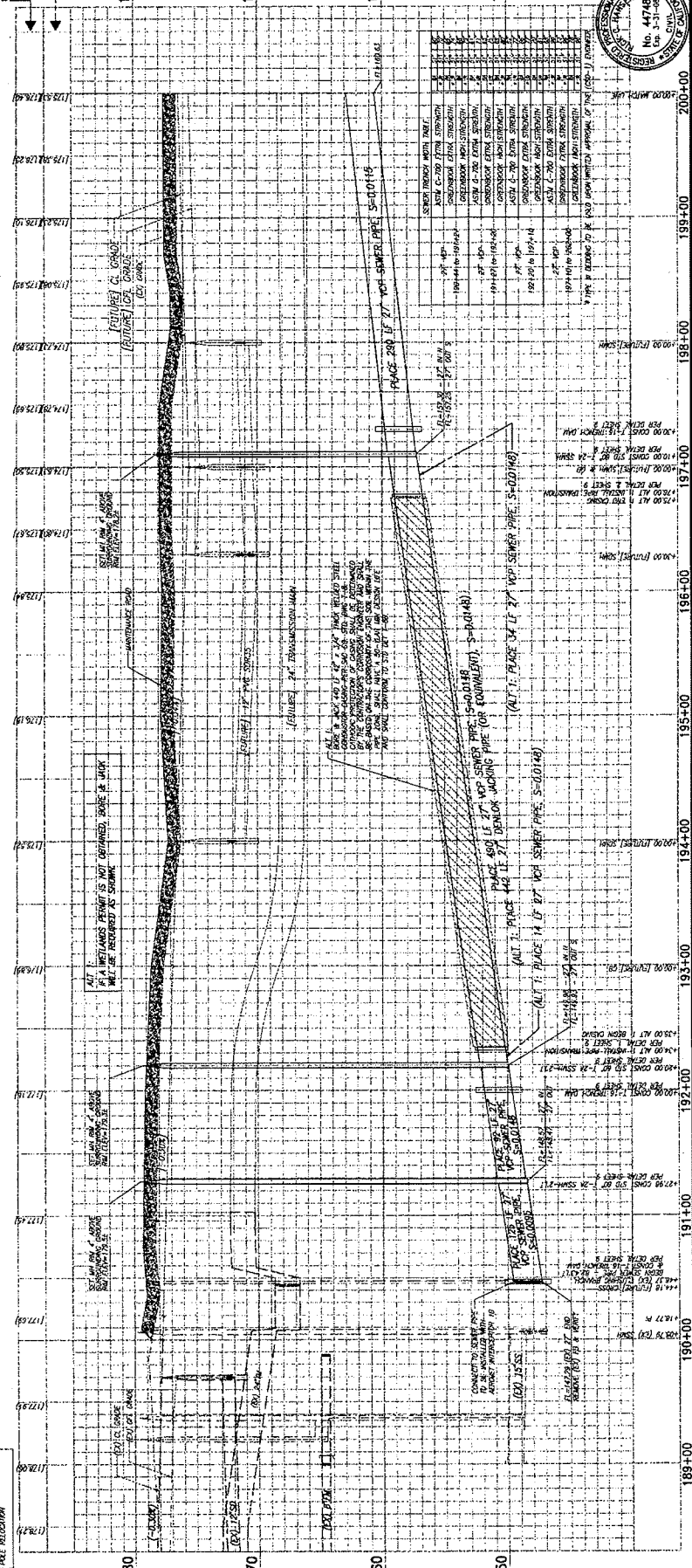
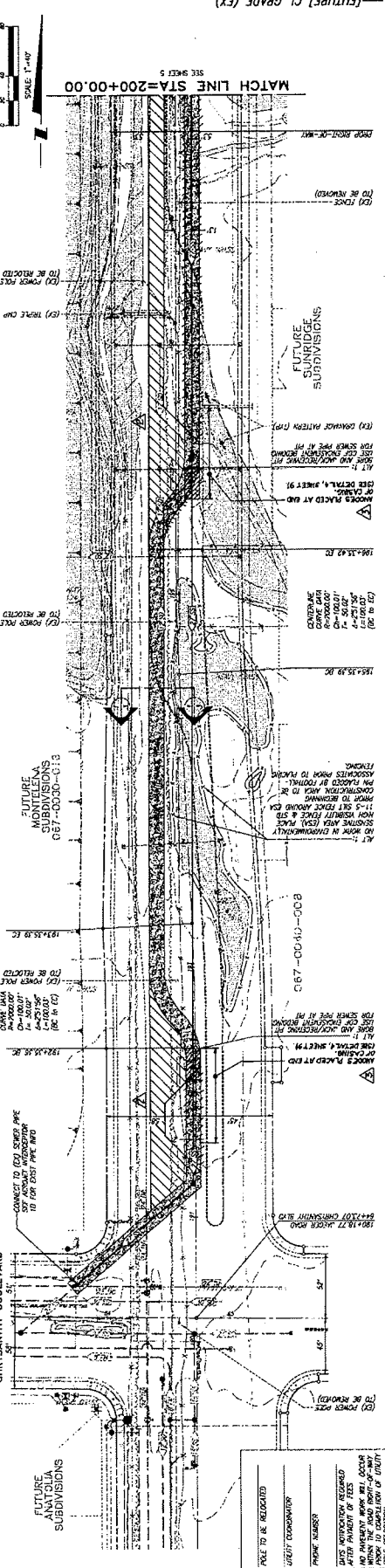
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3	11/10/06	ISSUED FOR PERMITS
4	11/10/06	ISSUED FOR PERMITS

JAEGER ROAD

NOTE: FOR EROSION & SEDIMENT CONTROL, SEE SHEETS E01-E02

CONTRACT TO OLD SEWER PIPE TO NEW 24" PIPE (SEE SHEET 04-043-013)

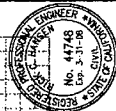
CONTRACT TO NEW 24" PIPE TO NEW 30" PIPE (SEE SHEET 04-043-014)



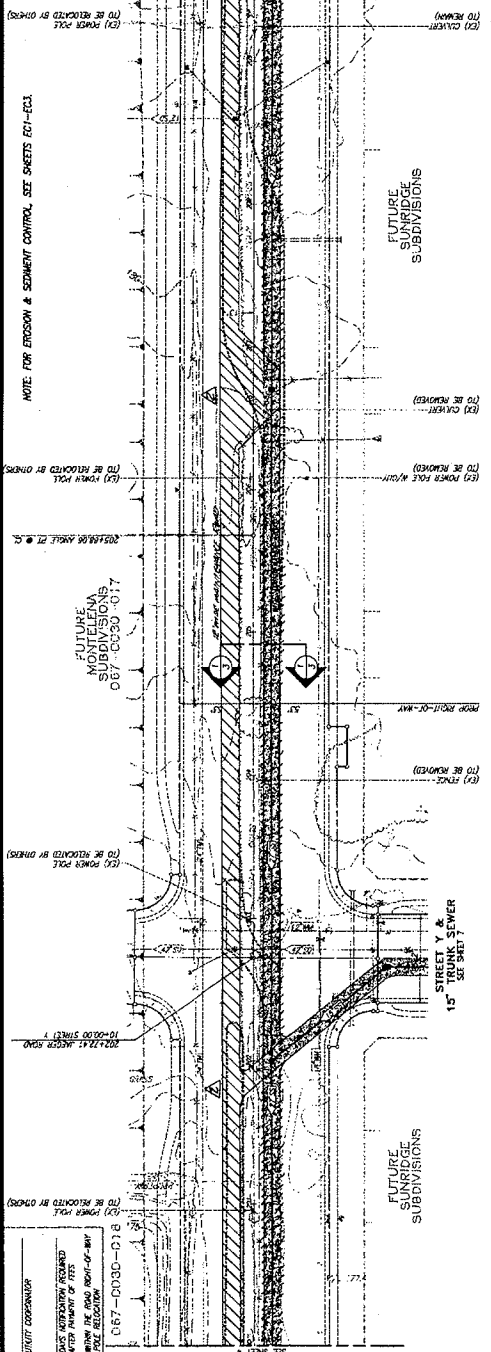
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3	27" VCP SEWER PIPE (S-00149)	14	LF		
4	MANHOLE (M-00146)	1	EA		
5	MANHOLE (M-00148)	1	EA		
6	MANHOLE (M-00149)	1	EA		
7	CONCRETE CURB				
8	CONCRETE WALKWAY				
9	CONCRETE SIDEWALK				
10	CONCRETE DRIVEWAY				
11	CONCRETE DRIVEWAY				
12	CONCRETE DRIVEWAY				
13	CONCRETE DRIVEWAY				
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16	CONCRETE DRIVEWAY				
17	CONCRETE DRIVEWAY				
18	CONCRETE DRIVEWAY				
19	CONCRETE DRIVEWAY				
20	CONCRETE DRIVEWAY				

RECORD DRAWING

PROJECT NO. 04-043 DATE: MAY 2008 SCALE: 1"=40' SHEET: 5 OF 9	JAEGER ROAD STA 200+00 TO STA 211+00 CITY OF RANCHO CORDOVA, CALIFORNIA CONSTRUCTION PLANS JAEGER ROAD - SEWER ONLY	SET SHEET 1 BENCH MARK SURVEYED BY: MSA ENGINEERING R.C.E. NO. 44748 DATE: 11-14-04	REVISIONS NO. DESCRIPTION 1. CHANGE FROM 18" TO 24" VCP SEWER PIPE



JAEGER ROAD



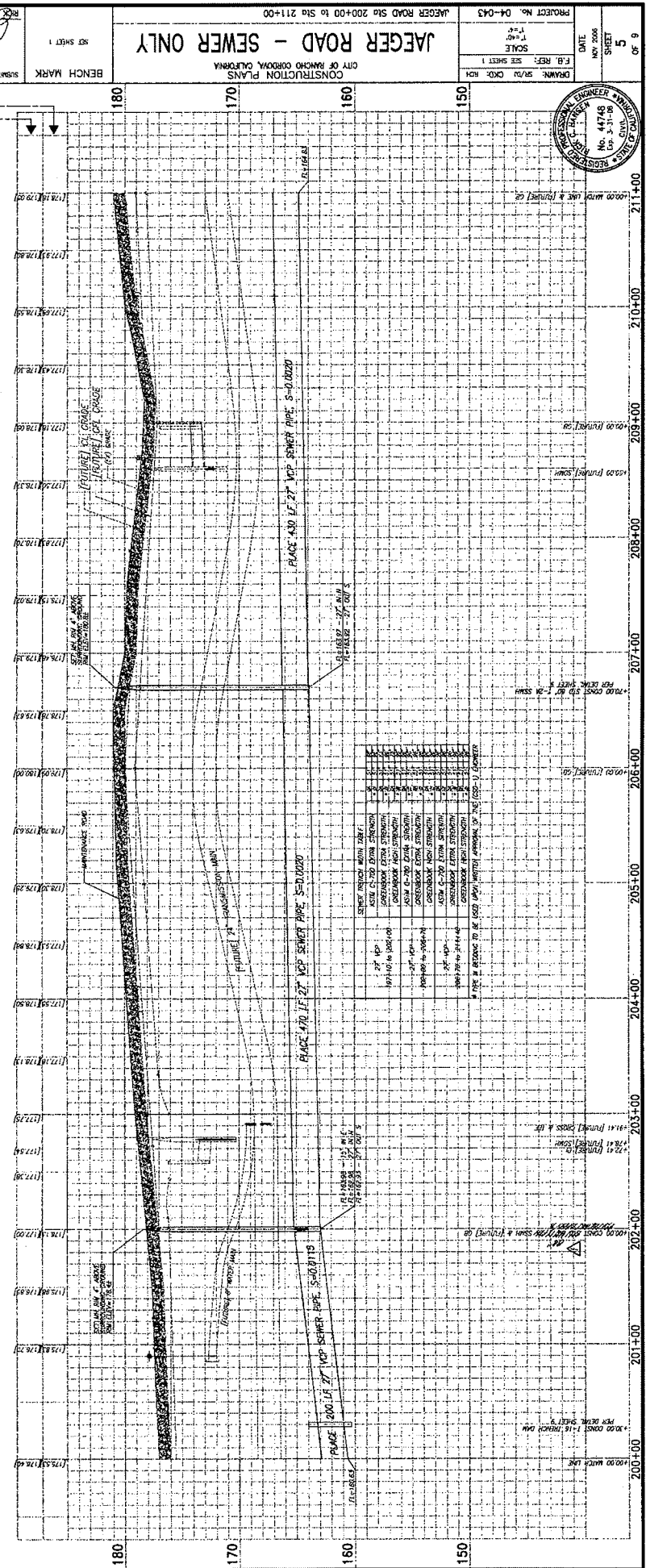
NOTE FOR EROSION & SEDIMENT CONTROL, SEE SHEETS EC1-EC3

FUTURE SUNDRIDGE SUBDIVISIONS
 087-0030-017

STREET Y & 15" TRUNK SEWER
 SEE SHEET 4

MATCH LINE STA=211+00.00

MATCH LINE STA=200+00.00



RECORD DRAWING

200+00 201+00 202+00 203+00 204+00 205+00 206+00 207+00 208+00 209+00 210+00 211+00

JAEGER ROAD - SEWER ONLY

CONSTRUCTION PLANS
CITY OF RANCHO CORDOVA, CALIFORNIA

BENCH MARK
SEC SHEET 1

SUBMITTED BY:
M.S.A.
ENGINEERING

R.C.E. NO. 44748
DATE: 11-11-06

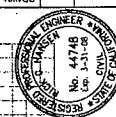
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NO. DESCRIPTION

DATE

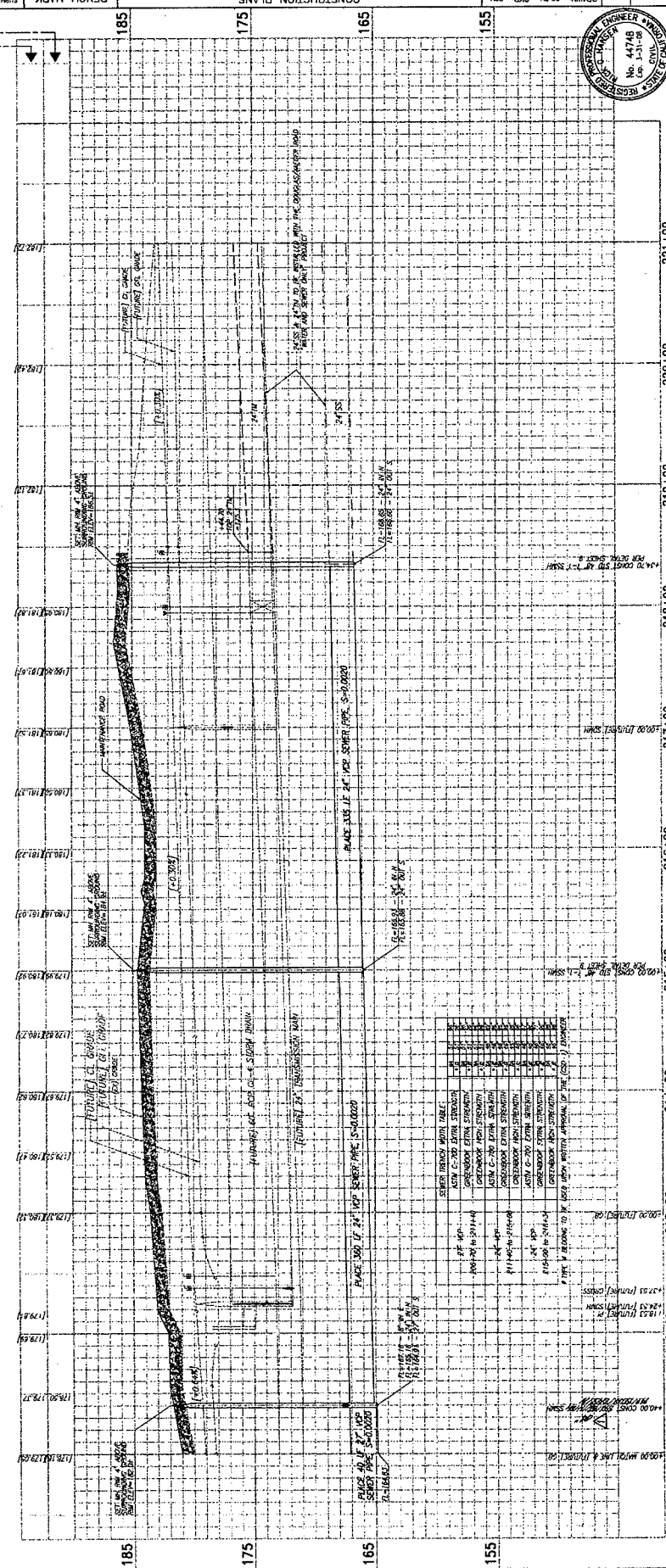
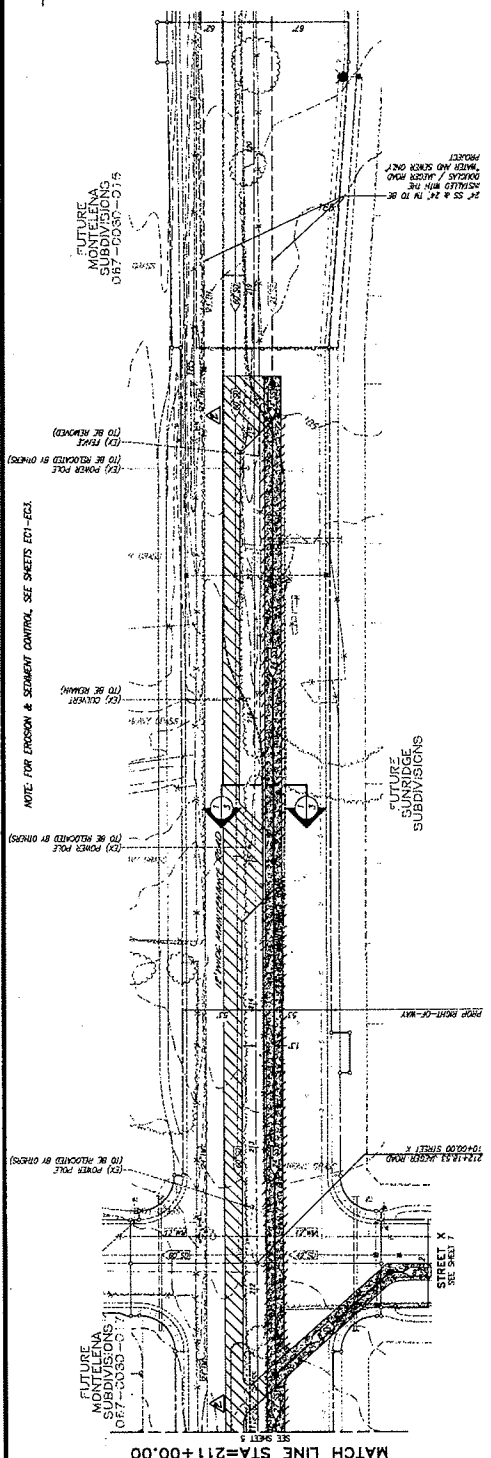
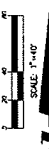
PROJECT NO. 04-043
JAEGER ROAD STA 211+00 TO STA 218+58.81

DATE: MAY 2006
SHEET: 6 OF 9



RECORD DRAWING

JAEGER ROAD



STATION	VERTICAL CURVE DATA
211+00.00	155.00
212+00.00	155.00
213+00.00	155.00
214+00.00	155.00
215+00.00	155.00
216+00.00	155.00
217+00.00	155.00
218+00.00	155.00
219+00.00	155.00
220+00.00	155.00
221+00.00	155.00

211+00 212+00 213+00 214+00 215+00 216+00 217+00 218+00 219+00 220+00 221+00

JAEGER ROAD - SEWER ONLY

PROJECT NO. 04-043
DATE MAY 2008
SHEET 7 OF 9

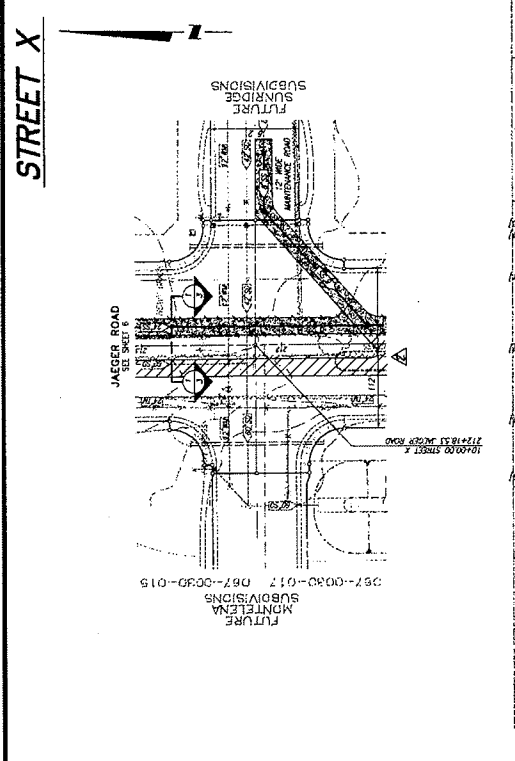
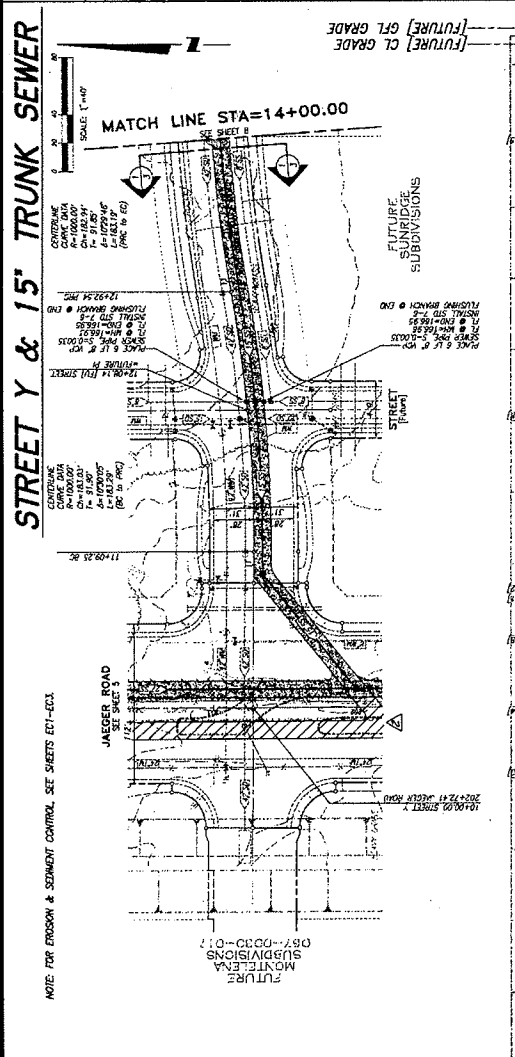
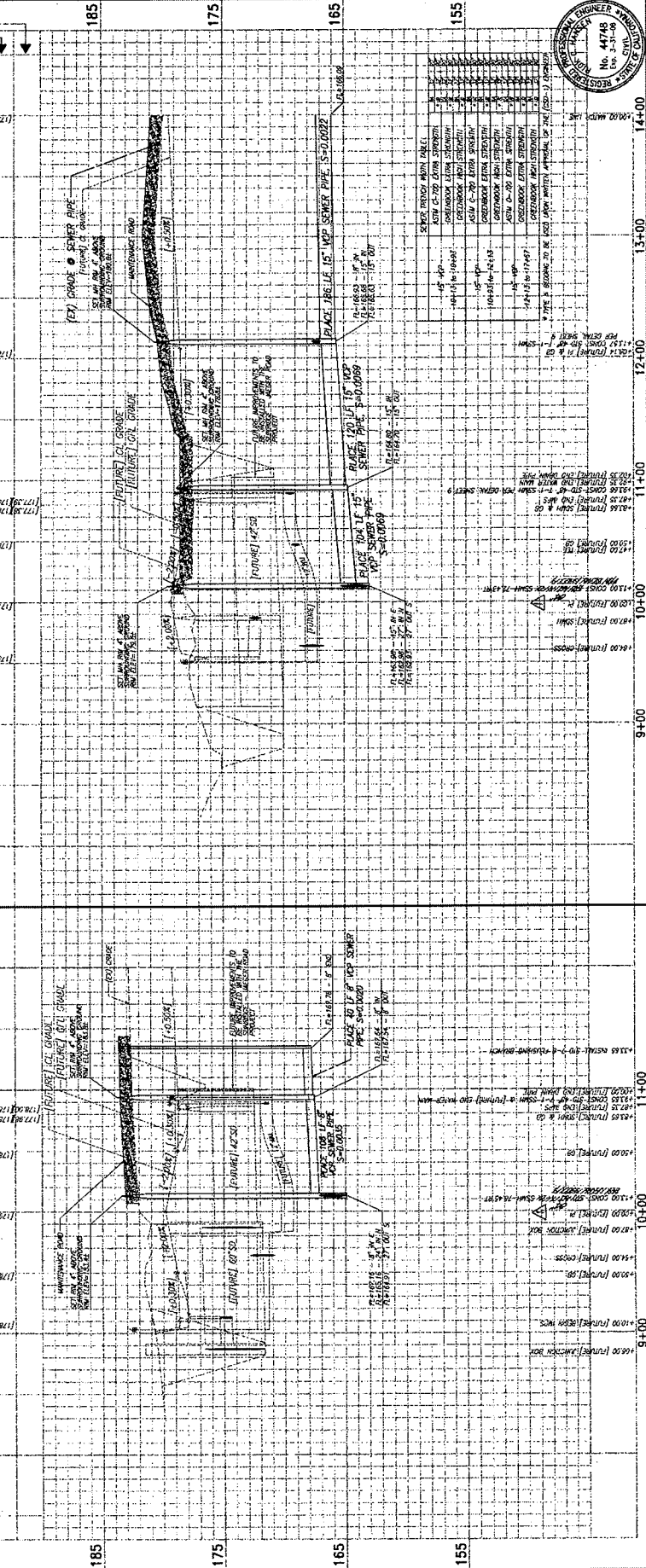
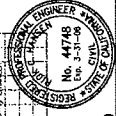
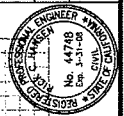


Table with columns for REVISIONS, DATE, and DESCRIPTION. Includes MSA ENGINEERING logo and project information.

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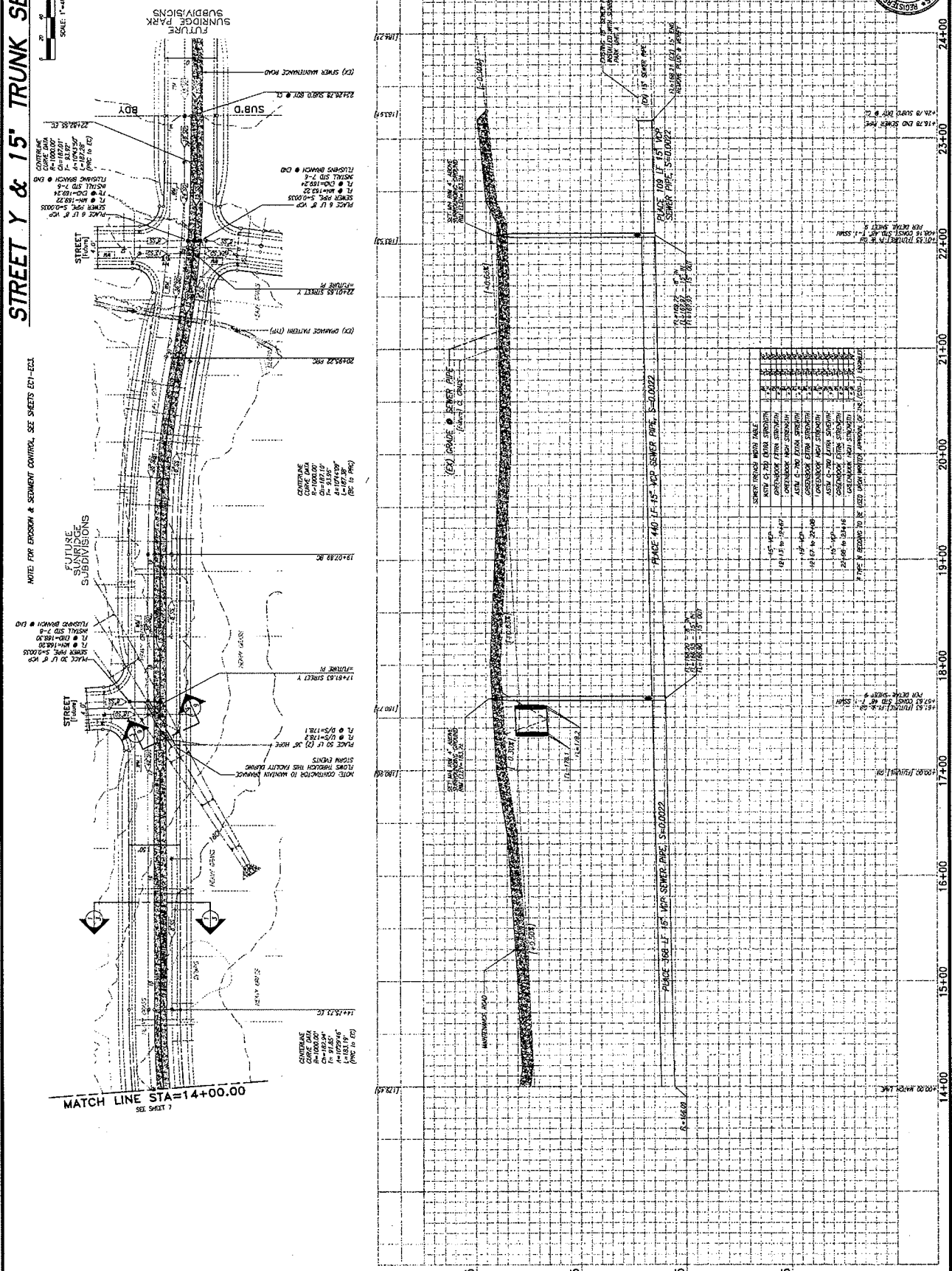
NOTE FOR EROSION & SEDIMENT CONTROL SEE SHEETS E01-E03

PROJECT NO. 04-043
 STREET Y & 15' TRUNK SEWER
 DRAWING 58/00 CDD: RCH
 DATE NOV 2008
 SHEET 8 OF 9



BENCH MARK
 SEE SHEET 1
 SUBMITTED BY: MSA ENGINEERING
 PROJECT NO. 04-043
 DATE NOV 2008

JAEGER ROAD - SEWER ONLY



MATCH LINE STA=14+00.00 SEE SHEET 7
 MATCH LINE STA=24+00.00 SEE SHEET 9

STREET Y & 15' TRUNK SEWER

NOTE FOR EROSION & SEDIMENT CONTROL, SEE SHEETS ED1-ED3

FUTURE SUNRIDGE SUBDIVISIONS
 FUTURE SUNRIDGE PARK SUBDIVISIONS

CONCRETE
 15' DIA. MANHOLE WITH 4' DIA. OPENING
 15' DIA. TRUNK SEWER WITH 4' DIA. OPENING

RECORD DRAWING

JAEGER ROAD - SEWER ONLY

CONSTRUCTION PLANS
CITY OF RANCHO CORDOVA, CALIFORNIA



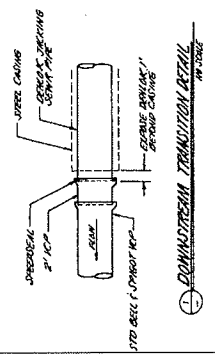
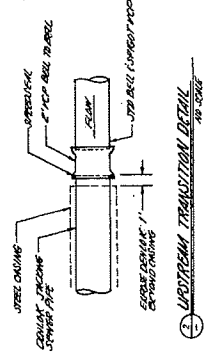
DATE: MAY 2006
SHEET: 9 OF 9

PROJECT NO. 04-043
AS SHOWN
SCALE: SEE SHEET 1
F.B. REF. SEE SHEET 1

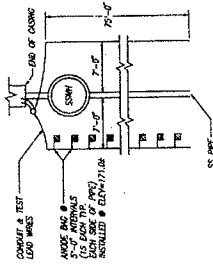
BENCH MARK
SEE SHEET 1

REVISIONS
DATE
DESCRIPTION

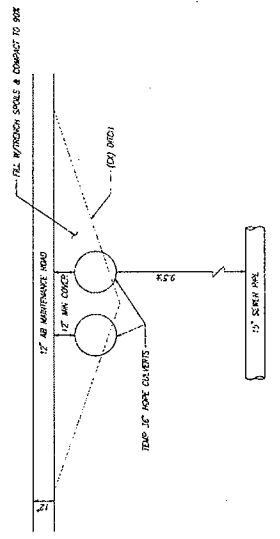
NO.	DATE	DESCRIPTION



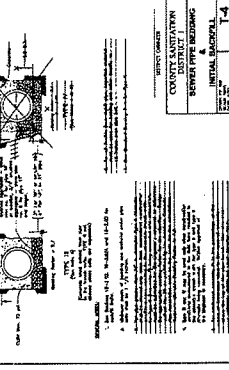
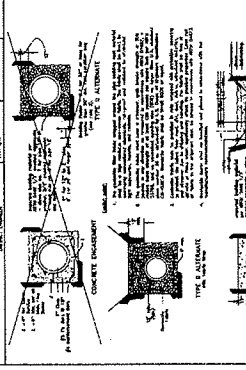
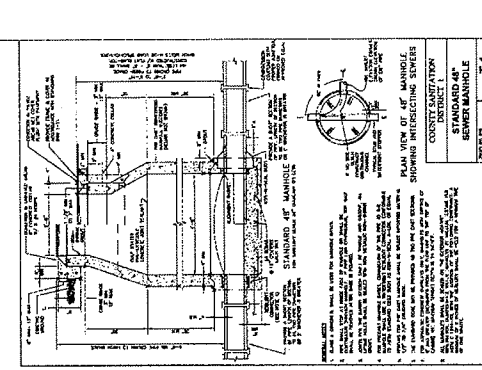
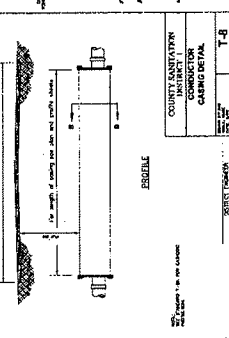
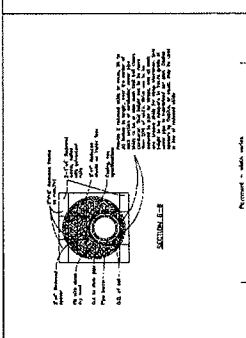
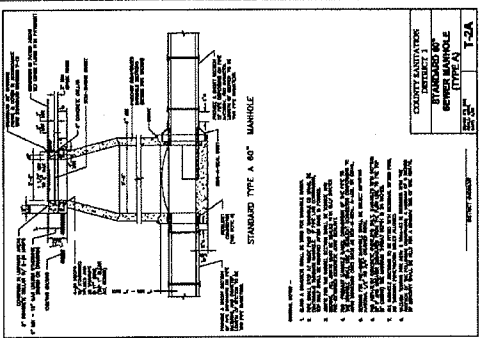
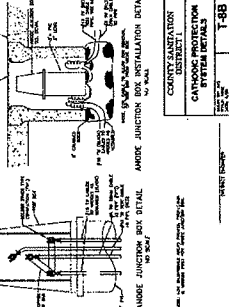
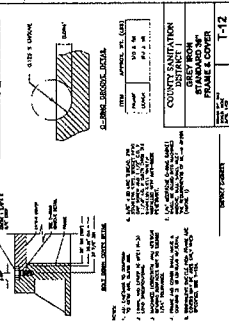
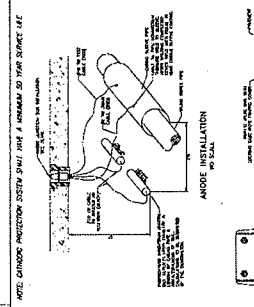
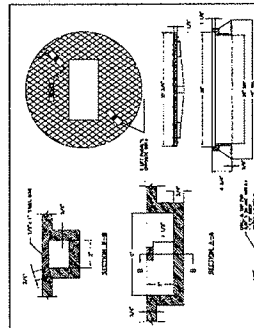
NOTE: TRANSITION DETAIL FOR USE AT BENT & JACK LOCATIONS ONLY. SEE PLAN SHEET 4 FOR LOCATION.



2 LOCATIONS NORTH & SOUTH END OF CASINGS
60 ANODES TOTAL (30 EACH END NORTH & SOUTH)
15 EACH SIDE EAST & WEST OF CL OF PIPE



CULVERT CROSSING SECTION



RECORD DRAWING



California Office

1303 J Street, Suite 270 | Sacramento, CA 95814 | tel 916.313.5800 | fax 916.313.5812
www.defenders.org

August 18, 2010

Via Electronic Mail

Michael Jewell, Chief, Regulatory Division
U.S. Army Corps of Engineers
Sacramento District
1325 J Street, Room 1480
Sacramento, CA, 95814-2922
michael.s.jewell@usace.army.mil

Re: Sunridge Specific Plan DEIS
Public Notice Number SPK-2009-00551

Dear Mr. Jewell:

On behalf of Defenders of Wildlife and our more than 200,000 members and supporters in California, I am writing to comment on the Sunridge Specific Plan Draft Environmental Impact Statement (DEIS). We incorporate by reference the comments submitted by the California Native Plant Society on August 18, 2010.

A review of the DEIS reveals that the document fails to disclose the full scope of the project and the entirety of its potential environmental impacts. It also appears to defer details of mitigation to a later date, and simply assumes that they will be adequate without stipulating measurable criteria that might assure the public that the measures will do the job and/or give them an opportunity to challenge the as-yet-to-be-created mitigation documents.

We join CNPS in their request for the U.S. Army Corps of Engineers (Corps) to revise the Sunridge Specific Plan DEIS (SPK-2009-00511) to provide a more complete project description, includes analysis of the environmental effects of the mitigation measures, and provide a more thorough explanation of discrepancies between the opinions of U.S. Fish and Wildlife Service (USFWS) personnel and the permit documents. Given the extent of request changes, we believe the revised DEIS must be recirculated for public comment.

We also join CNPS in their request for the Corps to include the preservation requirements indicated in the USFWS Biological Opinions and not just the minimum wetted acreage should the Corps chose to approve the Proposed Project Alternative and (re-)issue the permits.

National Headquarters

1130 17th Street, N.W.
Washington, D.C. 20036-4604
tel 202.682.9400 | fax 202.682.1331

However, if the permits are re-issued as currently written, we believe the Corps must reinitiate consultation with the USFWS under Section 7 of the Endangered Species Act because the minimum wetted acres for preservation, regardless of geographic location, constitute changed circumstances.

Thank you for the opportunity to comment on this DEIS.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Delfino". The signature is written in a cursive, flowing style.

Kim Delfino
California Program Director



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Pacific Southwest Region
1111 Jackson Street, Suite 520
Oakland, California 94607

IN REPLY REFER TO:
ER# 10/561

Electronically Filed

09 August 2010

Michael Jewell
Chief of the Regulatory Division
U.S. Army Corps of Engineers, Sacramento District
1325 J Street, Room 1480
Sacramento, CA 95814-2922

Subject: Review of the Draft Environmental Impact Statement for the Sunridge Properties
in the Sunridge Specific Plan Area, Rancho Cordova, Sacramento County, CA.

Dear Mr. Jewell,

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

Thank you for the opportunity to review this project.

Sincerely,

Patricia Sanderson Port
Regional Environmental Officer



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

AUG 18 2010

Mr. Mike Jewell
Chief of Regulatory Division
U.S. Army Corps of Engineers
Sacramento District
1325 J. Street, Room 1480
Sacramento, CA 95814-2922

Subject: Draft Environmental Impact Statement (DEIS) for Sunridge Properties in the Sunridge Specific Plan (Project), City of Rancho Cordova, and Sacramento County, California. (CEQ# 20100241)

Dear Mr. Jewell:

The U.S. Environmental Protection Agency (EPA) has reviewed the DEIS for Sunridge Properties pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

Based on our review, we have rated the DEIS as *Environmental Concerns – Insufficient Information* (EC-2) (see enclosed “*Summary of Rating Definitions*”), due primarily to our concerns regarding the possible adverse impacts of construction related emissions on air quality. In addition, we recommend that the project incorporate green building design and low impact development principles and practices. With regard to protection of aquatic resources, EPA supports the framework developed in the Conceptual Strategy as a tool to evaluate alternatives in project-specific assessments. We look forward to working with the Corps and all of the stakeholders in using that tool to achieve sustainable resource protection in the project area in compliance with Federal regulations.

EPA appreciates the United States Army Corps of Engineers’ (USACE) coordination to date, and the opportunity to provide input on this DEIS. When the FEIS is released, please send one hard copy and two CDs to the address above (mail code: CED-2). If you have any questions, please contact me at (415) 972-3521, or contact James Munson, the lead reviewer for this project. James can be reached at (415) 972-3800 or munson.james@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathleen M. Goforth".

Kathleen M. Goforth, Manager
Environmental Review Office

Enclosures: EPA Summary of Rating Definitions
EPA Detailed Comments

ENVIRONMENTAL PROTECTION AGENCY'S DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE SUNRIDGE PROPERTIES IN THE SUNRIDGE SPECIFIC PLAN, AUGUST 18, 2010

Air Quality

The Project area is located within the jurisdiction of the Sacramento Metropolitan Air Quality Management District (SMAQMD) and is designated as a moderate nonattainment area for particulate matter of 10 micrometers (PM-10), and a severe 8-hour ozone nonattainment area, pursuant to National Ambient Air Quality Standards (NAAQS).

The FEIS should clarify whether or not the project is in conformance with applicable state air quality implementation plans (SIPs). EPA's General Conformity rule [40 CFR part 93, subpart B, and 40 CFR Part 51, Subpart W, approved into the California State Implementation Plans (SIPs) on April 23, 1999 (see 64 FR 19916), hereafter cited as 40 CFR Part 93] establishes an applicability test for determining which Federal actions are subject to the conformity requirement. If a proposed action would result in emissions increases less than identified de minimis thresholds, then no conformity determination need be made. If emissions from a proposed action would exceed the de minimis threshold for any given maintenance or nonattainment pollutant (or precursor), then the Federal Agency must make a positive conformity determination for that pollutant(s) on the basis of one of the criteria listed in 40 CFR 93.158.

The DEIS does not identify the total air emissions related to the preferred alternative or the other alternatives. Although the DEIS discusses project emissions being over SMAQMD's significance thresholds, and applying the District's mitigation measures, the DEIS does not identify the resulting total emissions. As a federal entity, the Corps is subject to requirements of U.S. EPA's General Conformity Rule (GCR). Although that rule is not required to be implemented in the context of a DEIS/FEIS, we nonetheless believe that it would serve the Corps' purpose to explain whether the Corps believes that the emissions from the preferred alternative are below the GCR de minimis level. If the project emissions are over the de minimis level, the requirements of the rule could have a substantial effect on the project's emissions levels and those effects should be discussed in the FEIS.

EPA supports incorporating mitigation strategies to reduce or minimize fugitive dust emissions, as well as emission controls for PM and ozone precursors for construction-related activity. All applicable State and local requirements and the additional and/or revised measures listed below should be included in the FEIS in order to reduce impacts associated with ozone precursors, PM, and toxic emissions from construction-related activities.

Recommendations:

The FEIS should clarify what effect the SMAQMD's required mitigation measures, *California Environmental Quality Act (CEQA)*, and the federal General Conformity Rule have on the

project, in particular what the total amount of emissions are projected to be under the preferred alternative.

The federal General Conformity regulations underwent major revisions that are currently in effect. The revisions removed the 10% regionally significant applicability threshold; therefore, we recommend removing that part of the applicability discussion on page 3.4-4. Note that the citation at the bottom of that page should include a period to read “40 CFR 93.153”.

We recommend that the conformity discussion in section 3.4 include a list of the de minimis thresholds that apply to Sacramento County, and an analysis of the project’s preferred alternative with respect to those thresholds.

Due to the serious nature of the PM₁₀ and 8-hour ozone conditions in the Sacramento Valley Air Basin, EPA recommends that the best available control measures (BACM), all applicable requirements under local rules, and the following additional measures be implemented at all times and incorporated into the FEIS, a Construction Emissions Mitigation Plan, and the Record of Decision:

Fugitive Dust Source Controls:

- Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate. This applies to both inactive and active sites, during workdays, weekends, holidays, and windy conditions.
- Install wind fencing, and phase grading operations, where appropriate, and operate water trucks for stabilization of surfaces under windy conditions.
- When hauling material and operating non-earthmoving equipment, prevent spillage, and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.

Mobile and Stationary Source Controls:

- Reduce use, trips, and unnecessary idling of heavy equipment.
- Maintain and tune engines per manufacturer’s specifications to perform at California Air Resources Board (CARB) and/or EPA certification levels, where applicable, and to perform at verified standards applicable to retrofit technologies. Employ periodic, unscheduled inspections to limit unnecessary idling and to ensure that construction equipment is properly maintained, tuned, and modified consistent with established specifications. CARB has a number of mobile source anti-idling requirements. See their website at:
<http://www.arb.ca.gov/msprog/truck-idling/truck-idling.htm>
- Prohibit any tampering with engines and require continuing adherence to manufacturer’s recommendations
- If practicable, lease new, clean equipment meeting the most stringent of applicable Federal or State Standards.

- Utilize EPA-registered particulate traps and other appropriate controls where suitable, to reduce emissions of diesel particulate matter and other pollutants at the construction site.

Administrative controls:

- Identify all commitments to reduce construction emissions and incorporate these reductions into the air quality analysis to reflect additional air quality improvements that would result from adopting specific air quality measures. Identify where mitigation measures are deemed to be not implementable due to economic infeasibility, and provide comparable determinations for similar projects as justification for this decision.
- Prepare an inventory of all equipment prior to construction, and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking. (Suitability of control devices is based on: whether there is reduced normal availability of the construction equipment due to increased downtime and/or power output, whether there may be significant damage caused to the construction equipment engine, or whether there may be a significant risk to nearby workers or the public.) Meet CARB diesel fuel requirement for off-road and on-highway (i.e., 15 ppm), and, where appropriate, use alternative fuels such as natural gas and electric.
- Develop a construction traffic and parking management plan that minimizes Identify sensitive receptors in the project area, such as children, elderly, and infirm, and specify the means by which you will minimize impacts to these populations. For example, locate construction equipment and staging zones away from sensitive receptors and fresh air intakes to buildings and air conditioners.

Page 3.4-2 of the DEIS contains errors which should be corrected in the FEIS, as follows:

- In Table 3.4-1, replace: “Non-Attainment, Classification = Serious (8-hour Standard)”, with “Non-Attainment, Classification = Severe (8-hour Standard)”. Note that the area’s 8-hour ozone classification changed from serious to severe, effective June 4, 2010.
- Also in Table 3.4-1, regarding ozone, you may wish to add: “The County is a federal severe 1-hour ozone nonattainment area.” Note that although the County is nonattainment for the 1-hour ozone NAAQS, that NAAQS has been revoked and does not apply to the area for General Conformity purposes.
- On Page 3.4-2, in the paragraph preceding Table 3.4-1, the text states that the air district “must” request an attainment designation. This is incorrect. If the intent here is to indicate that, although the area has clean data, it remains designated as nonattainment until it requests redesignation and meets several other Clean Air Act redesignation criteria, including submittal of a maintenance plan, EPA supports that distinction and recommends that “The District must request redesignation to attainment and submit a maintenance plan” be replaced with: “Although monitoring data show the area is attaining the PM-10 NAAQS, the

District remains nonattainment for PM-10 until EPA approves a redesignation to attainment request from the State.” Please note that, regardless of the above statement, as a nonattainment area, Sacramento County is subject to general conformity for PM-10. This would still be the case as a PM-10 attainment maintenance area.

- We also recommend that the text of the sentence preceding the above be amended to indicate the PM-10 air quality beyond 2003, up to the present, or perhaps to refer the reader to the subsequent air monitoring discussion in the document.
- Revise the same paragraph to indicate that the state’s reclassification (“bump-up”) request of the area to severe has been acted upon by EPA. The area (including Sacramento County) is severe nonattainment for the 1997 ozone NAAQS, effective June 4, 2010.
- Finally in that paragraph, the last sentence describes a boundary for the federal PM2.5 NAAQS. We have already acted on that boundary recommendation and designated all areas of the nation as meeting or not meeting the 2006 PM2.5 NAAQS. We recommend revising the sentence to read, “Sacramento County is also part of a larger area that has been designated by EPA as nonattainment for the 2006 PM2.5 NAAQS”, or something to that effect.

Green Building

EPA commends the applicant’s commitment to ensure that all residential, commercial, and public buildings meet the minimum “15% reduction in operational related (long-term) emissions, consistent with General Plan,” (page 3.4-17); however we have concerns regarding the timeline for meeting these standards in light of the changes that may occur over the long lifespan of this project. In addition, although the DEIS describes mitigation measures as “including a provision for mixed uses, transit accessibility, bicycle and pedestrian improvement and participation in a Transportation Management Association”(page 3.4-17), very little is included regarding policies and actions such as green building design to reduce impacts to Air Quality.

Recommendations:

If there is likely to be a long delay between permit application submittal and approval, EPA recommends the FEIS commit to building designs that operate at 15% or better than standards at the time of *permit approval* rather than when the project permit applications are filed.

The FEIS should include commitments to maximize the use of green building design and to obtain Leadership in Energy and Environmental Design (LEED) certification. For information on green building, please contact USEPA Residential Green Building Coordinator Leif Magnuson, EPA at (415) 972-3286 or by email at magnuson.leif@epa.gov. EPA also recommends that the Corps and project proponent work with the Sacramento Municipal Utility District (SMUD) to ensure that the latest

technology available is incorporated into the structures built as part of the Sunridge Properties Project. For more information on SMUD's move towards Leadership in Energy and Environmental Design Platinum Certified construction ideas go to: <http://www.smud.org/en/residential/homeofthefuture/Pages/projects-rjwalter.aspx>

Protection of Aquatic Resources

The area encompassed by the Proposed Project is rich in vernal pools and related aquatic resources. These vernal pool habitats contain a wide array of plants and animals, many of which have some level of protection under the federal and/or state endangered species acts.

Since at least 2002, EPA has worked collaboratively with USACE, the U.S. Fish and Wildlife Service (FWS), the California Department of Fish and Game (DFG), local governments, and landowners and potential developers to identify the most effective way to protect aquatic resources in the Proposed Project area, while also allowing for appropriate development. That effort led to development of the Conceptual Strategy, a large landscape framework for identifying and protecting resources of concern in the general Proposed Project area.

Consistent with the framework outlined in the Conceptual Strategy, and with the additional site-specific information developed in conjunction with the proposed Clean Water Act section 404 permits, the Proposed Project (Alternative 2) would construct 3,258 residential units, while preserving 153.6 acres of undeveloped wetlands. This would result in fill of 29.9 acres of waters of the U.S. (WUS). Alternative 2 would include compensatory mitigation in the form of 34 acres of created vernal pools and 53 acres of offsite preserved wetland area (DEIS: p.ES-2).

Recommendation:

- The FEIS should document progress in securing mitigation commitments and achieving the ecosystem goals in the created vernal pools.
- The FEIS should describe the safeguards that will be employed to assure that protected vernal pools are not adversely affected during the construction process.
- To compensate for unavoidable impacts to waters of the United States, mitigation must be in compliance with *Compensatory Mitigation for Losses of Aquatic Resources; Final Rule* dated April 10, 2008 (40 CFR Part 230).

For further assistance with issues pertaining to waters of the U.S., please continue to coordinate with Paul Jones, EPA Wetlands Office. Paul can be reached at (415) 972-3470, or by email at jones.paul@epa.gov.

Stormwater Management

The DEIS states that the project area is "dominated by seasonal stormwater run-off, (page 3.3-3)." Although the DEIS states that drainage and detention improvements would bring the project's impacts down to less than significant, EPA is concerned with potential impacts to water

resources due to substantial increases in impervious surfaces that could increase pollutant loading to surface waters and reduce infiltration rates, thereby resulting in diminished recharge of the local aquifer. EPA encourages stormwater management measures which infiltrate, evapotranspire, or harvest and reuse urban stormwater to reduce pollutant loads in the stormwater discharges and minimize changes in stream hydrology associated with urbanization. Such techniques are often referred to as Low Impact Development (LID) or green infrastructure. In addition to the water quality improvement and benefits for stream hydrology, numerous other benefits have been identified from LID, including increased groundwater recharge, air quality improvement, and reduced energy use.

Recommendation:

The FEIS should describe the benefits of LID, and include a commitment to maximize the use of LID throughout the project. For more information go to State Water Resources Control Board website:

http://www.waterboards.ca.gov/water_issues/programs/low_impact_development/.

Water Supply

The DEIS states that the water supply source is “uncertain and under litigation” (page ES-11). The FEIS should describe existing and/or proposed sources of water supply for the Project, anticipated water demand from the Project, and direct, indirect, and cumulative impacts to water resources that may occur. Because the proposed Project could result in significant increases in water demands for an indefinite period of time, EPA strongly encourages including a discussion in the FEIS of all water conservation measures that will be implemented to reduce water demands for the proposed Project. The Project design should maximize conservation measures such as appropriate use of recycled water for landscaping and industry, xeric landscaping, a water pricing structure that accurately reflects the economic and environmental costs of water use, and water conservation education. An estimate of the water resource benefits that result from each mitigation and conservation measure proposed should be included in the FEIS. Water saving strategies can be found in the EPA’s publications *Protecting Water Resources with Smart Growth* at www.epa.gov/piedpage/pdf/waterresources_with_sg.pdf, and *USEPA Water Conservation Guidelines* at www.epa.gov/watersense/docs/app_a508.pdf.

Climate Change

EPA commends the USACE for the attention given to the issue of climate change (page 3.16-2); however the FEIS should include measures to avoid, minimize, or mitigate the effects of climate change on the proposed project. The FEIS should also explore the extent to which climate change may alter the impacts of the proposed project on the environment. Scientific evidence supports the concern that continued increases in greenhouse gas emissions resulting from human activities will contribute to climate change. Effects on weather patterns, sea level, ocean acidification, chemical reaction rates, and precipitation rates can be expected. Such changes may affect the scope and intensity of impacts resulting from the proposed project.

Recommendations:

- Consider how climate change could affect the proposed project and the affected environment, specifically within sensitive areas, and assess how the impacts of the proposed project could be exacerbated by climate change.

SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) 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 Environmental Impact Statement (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 should 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 Council on Environmental Quality (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 analyzed 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 analyzed in the draft EIS, which should be analyzed 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.



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August 18, 2010

Our File Number: 10EK-119903
03YK-120778
03YK-156252

BY E-MAIL AND U.S. MAIL

Michael S. Jewell
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Re: Sunridge Properties Draft Environmental Impact Statement
SPK 2009-00511

Dear Mr. Jewell:

We submit this comment addressing the Sunridge Properties Draft Environmental Impact Statement (dated July 20, 2010) ("DEIS") on behalf of Sunridge-Anatolia, LLC (Anatolia IV), ARI 208, LLC (Grantline 208) and Arista Del Sol, L.P. (Arista del Sol) projects. The Army Corps of Engineers ("Corps") has issued Section 404 permits to Anatolia IV and to Grantline 208; it has not yet acted on the Arista del Sol application.

Very truly yours,


Robert J. Uram

for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

W02-WEST:FRU402875821.1

Enclosures

cc: Thad Johnson
Mark Enes
Ron Bertolina

SUNRIDGE-ANATOLIA, LLC
ARMY CORPS OF ENGINEERS PERMIT SPK-1994-00210 (ANATOLIA IV)

ARI 208, LLC
ARMY CORPS OF ENGINEERS PERMIT SPK-1994-00-365 (GRANTLINE 208)

ARISTA DEL SOL, L.P.
ARMY CORPS OF ENGINEERS PERMIT APPLICATION SPK-2004-00458
(ARISTA DEL SOL)

COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT
SUNRIDGE PROPERTIES
RANCHO CORDOVA, CALIFORNIA
SPK-2009-00511 (JULY 2010)

Prepared with Assistance of:

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August 18, 2010

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Attachment 1 – Page by Page Comments

Sunridge-Anatolia, LLC, Army Corps Of Engineers Permit SPK-1994-00210 ("Anatolia IV"), Ari 208, LLC, Army Corps Of Engineers Permit SPK-1994-00-365 ("Grantline 208") and Arista Del Sol, L.P., Army Corps Of Engineers Permit Application SPK-2004-00458 ("Arista Del Sol") submit this comment addressing the Sunridge Properties Draft Environmental Impact Statement SPK-2009-00511 (dated July 20, 2010) ("DEIS"). The Army Corps of Engineers ("Corps") has issued Section 404 permits to Anatolia IV and to Grantline 208; it has not yet acted on the Arista Del Sol application.

I. Background: CNPS v. EPA

In 2006, the California Native Plant Society ("CNPS"), the Defenders of Wildlife, and the Butte Environmental Council ("Plaintiffs") filed an action in federal District Court, *California Native Plant Society v. United States Environmental Protection Agency*, Civil No. 06-3604 PGH (JCS) (N.D. Cal.), challenging, among other things, the Corps issuance of DA permits for the nine projects in the Sunridge Specific Plan Area based on alleged violations of the Clean Water Act, the Endangered Species ("ESA") and the National Environmental Policy ("NEPA"). The Court issued a Preliminary Injunction based on its finding that Plaintiffs had raised a serious question about whether the Corps had taken a hard look at cumulative impacts under NEPA. In response to Court's order, the Corps suspended the Anatolia IV and Grantline 208 permits (and three other permits) and agreed to provide notice to the Plaintiffs before it issued a Section 404 permit to Arista Del Sol.

We believed that the Corps had taken a hard look at this issue and urged the Corps to supplement the record. Instead, the Corps volunteered to prepare an Environmental Impact Statement ("EIS"). The Corps requested and the Court granted a stay of the litigation to allow

the Corps to prepare this EIS. In addition to addressing the three projects described above, the DEIS also covers the Sunridge Village J, Douglas 98 and Douglas 103 projects. (As does the DEIS, we refer to these collectively as the "Sunridge Properties".)

Our position in that litigation is that the Corps acted properly in issuing Section 404 permits for the Anatolia IV and Grantline 208 projects, that the Corps' actions complied with NEPA, and that the Biological Opinions issued by the U.S. Fish and Wildlife Service ("Service") for those Corps actions are valid. We believe that the Corps action on Arista Del Sol has been unreasonably delayed, that the Corps can comply with NEPA by issuing an environmental analysis, that the Service's Biological Opinion for Arista Del Sol project is valid and that the Corps should issue a Section 404 permit for Arista Del Sol. We reserve all rights with respect to the litigation. Our comments on the DEIS follow. Detailed page by page comments are in Attachment 1.

II. General Comments

A. Programmatic EIS Versus Project Level EIS.

The DEIS states it is intended to be a programmatic EIS, a form of environmental review typically performed for broad agency action, such as the development of programs or setting of national policy. We are unclear what programmatic action the Corps is proposing.

The DEIS properly acknowledges that the Corps issued permits for five projects between 2005 and 2007 for the Sunridge Properties and that a permit decision is pending for the sixth. The DEIS includes project-level information on each of the projects. It shows the location of each project, fully describes the resources, purpose, planned development, impacts, minimization measures and mitigation for loss of waters of the United States and for species protected under

the ESA. The administrative record contains extensive information previously reviewed by the Corps and the Service including regional assessments, project specific biological assessments, mitigation plans, Section 404(b)(1) alternatives analysis and information previously compiled under the California Environmental Quality Act.

There were years of coordination and study of the Sunridge Properties. Each of the projects follow the Corps, Service and Environmental Protection Agency's ("EPA") recommendations that the projects mitigate for impacts at a minimum ratio of 1 to 1 creation and 2:1 preservation at Corps and Service approved locations and to minimize impacts to avoided wetlands and endangered species habitat as set out in a Conceptual Strategy issued by the three agencies. The administrative record for each of the issued permits contains a Service issued no-jeopardy biological opinion and a Corps' record of decision ("ROD") concluding that the issuance of the permit would have no significant effect on the environment and making determinations under the Section 404(b)(1) Guidelines. The Arista Del Sol application has similar information except that a ROD has not been issued. In other words, the individual actions under consideration are well defined.

There are many statements in the DEIS that the proposed action is to develop the six properties. Section 1.6, says that the intended use of the EIS is either to reissue (lift the suspension of) one or more of the five DA permits, or to modify the conditions of one or more of the five DA permits issued or to initiate revocation procedures for one or more of the DA permits, not allowing for discharge of fill material into waters of the U.S., and to make a DA permit decision for the Arista Del Sol project, either granting or denying that application.

These actions are project specific. As a project-level EIS, we would have anticipated that the Corps would issue a series of records of decision ("ROD") after the completion of the Final EIS, each of which would address the projects individually. There would be no need for any further NEPA analysis or preparation of any subsequent environmental documents for those RODs as the EIS would provide the necessary NEPA coverage for them.

The final EIS should be a project level EIS, should clarify that no further NEPA analysis will be necessary for the projects and should undertake any further analysis that may be needed. As an aside, we could better understand that the Corps action would be programmatic if the focus of the EIS was a proposal to formally adopt the Conceptual Strategy or an alternative to the Conceptual Strategy as a binding program. However, the DEIS expressly states that it does not cover the Conceptual Strategy, that the Conceptual Strategy is not a "federal action", that it has been and remains a nonbinding general guidance document and that the issuance of the Conceptual Strategy was not subject to NEPA. As we have stated during the litigation, we agree with this characterization of the Conceptual Strategy.

B. Project Specific Comments.

Regardless of whether the Corps treats the FEIS as a programmatic EIS or a project-level EIS, we offer the following project specific comments.

1. **Anatolia IV**. As stated in the DEIS, the Anatolia IV project involves filling approximately 1.4 acres of waters of the United States to construct approximately 134 homes. As compensation for the loss of the waters, the Anatolia IV project has purchased 1.4 acres of vernal pool creation credits at the Laguna Terrace Mitigation Bank, purchased 2.7 acres of preservation credits from the Anatolia Preserve and 2.7 acres of preservation credits at Gill

Ranch. All of the jurisdictional features were disturbed and at least partially filled before the Court issued the Preliminary Injunction. The biological resources on the Anatolia project are isolated from other waters of the United States and surrounded by houses and other developments to the south and the fully graded sites to the west and north. The eastern boundary of the Anatolia project is an improved road. Thus, the habitat on the Anatolia IV site has minimal, if any, future value as endangered species habitat.

The vernal pool creation credits at the Laguna Terrace Mitigation Bank replaced the acreage and functions of the waters of the United States on the site. The purchase of 5.4 acres of preservation credits provides preservation at an approximately 3.9 to 1 ratio. The preservation provides substantial benefits as these areas are set aside in perpetuity for conservation purposes and managed for the protection of waters of the United States and endangered species. In contrast to the baseline conditions for the lands protected by these preservation credits, the threats to the site from off-road vehicles, changes in hydrology and other uses are effectively eliminated and appropriate grazing regimes will ensure that the lands will maintain or increase their current functional values. The Anatolia IV project mitigation more than offsets the loss of waters of the United States and endangered species habitat.

The Sunridge DEIS only considers two alternatives for Anatolia IV: a no action alternative which revokes the permit and leaves the site in a degraded condition and the proposed project alternative that reinstates the permit. The Corps' prior determination that the no fill alternative is not a practicable alternative under the Section 404(b)(1) Guidelines is fully supported by the administrative record. Since the mitigation for the Anatolia IV permit is in

place and since it more than offsets impacts waters of the United States and endangered species, the final EIS should identify reinstating the Anatolia IV permit as the Corps preferred action.

2. **Grantline 208.** As stated in the DEIS, the Grantline 208 project will fill approximately 5.7 acres of waters of the United States to construct approximately 855 houses and other infrastructure. We note that the DEIS states that the permit applicant proposes to preserve 68.1 acres of wetlands within its property. This is incorrect. The Grant Line 208 project would have a 68-acre wetland reserve with on site preservation of 4.65 acres of vernal pool habitat within the 68-acre preserve. Grantline 208 will mitigate for the impacts by preserving 4.65 acres of vernal pools onsite and purchasing 6 acres of creation credits and 13.80 preservation credits at Bryte Ranch. The onsite preservation will have long term value as it is part of a large preserve formed with the Sunridge projects.

The vernal pool creation credits replace the acreage and functions for the loss of waters of the United States on the site. The preservation is at an approximately 3.3 to 1 ratio. The preservation provides substantial benefits as these areas are set aside in perpetuity for conservation purposes and managed for the protection of waters of the United States and endangered species. In contrast to the baseline conditions for the lands included in these preservation credits, the threats to the site from off-road vehicles, changes in hydrology and other uses are effectively eliminated and appropriate grazing regimes will ensure that the lands will maintain or increase their current functional values.

The Grantline 208 project mitigation more than offsets the loss of waters of the United States and endangered species habitat on site. The Sunridge DEIS only considers three alternatives for Grantline 208: a no action alternative which revokes the permit, a reduced

footprint alternative and the proposed project alternative which would effectively reinstates the permit. As previously determined by the Corps and fully supported by the administrative record, the no fill alternative and an alternative similar to the Reduced Footprint Alternative are not practicable alternatives under the Section 404(b)(1) Guidelines. Since the mitigation for Grantline 208 more than offsets impacts waters of the United States and endangered species, the final EIS should identify reinstating the Grantline 208 permit as the Corps preferred action.

3. **Arista Del Sol**. As stated in the DEIS, the Arista Del Sol project is located on a 215-acre site south of Douglas Road and adjacent to the west side of Grant Line Road. The amount of proposed fill is 13.9 acres of waters of the U.S., of which only 10.52 acres is classified as vernal pool habitat, to construct 906 houses, roadways, and other infrastructure. Historically, the site was used for many years for farming and grazing operations. The jurisdictional features onsite have been affected by these operations. The proposed project will establish a 42 acre onsite preserve with 3.43 acres of vernal pools that will connect to the large Sunridge vernal pool Preserve. The onsite preservation will have long term value as it is part of a large preserve formed with the other Sunridge Properties. According to the Biological Opinion issued for the project, approximately 12 acres of vernal pool habitat would be created and 22.5 acres of vernal pool habitat preservation would occur off-site at a Service approved mitigation bank. The location for the mitigation has not been finally determined, but must be approved by the Corps and Service. In addition, the project would provide additional 1:1 mitigation for the approximately 3.38 acres of waters of the United States that do not provide vernal pool habitat.

The planned mitigation will offset any loss of in acreage and functions from the loss of waters of the United States on the site. The preservation will provide substantial benefits as

these areas are set aside in perpetuity for conservation purposes and managed for the protection of endangered species. In contrast to the baseline conditions for the lands included in these preservation credits, the threats to the site from off-road vehicles, changes in hydrology and other uses are effectively eliminated and appropriate grazing regimes will ensure that the lands will maintain or increase their current functional values. The Arista Del Sol project mitigation will more than offset the loss of waters of the United States and endangered species habitat on site.

The Sunridge DEIS only considers three alternatives for Arista Del Sol: a no action alternative not to issue a permit, a reduced footprint and the proposed project alternatives which would result in the issuance of a permit. The administrative record contains a Section 404(b)(1) Alternatives Analysis which evaluated a no fill alternative and an alternative similar to the Reduced Footprint Alternative and found that neither was a practicable alternative under the Section 404(b)(1) Guidelines. Since the mitigation proposed for Arista Del Sol more than offsets impacts waters of the United States and endangered species, the final EIS should identify issuing the Arista Del Sol permit as the Corps preferred action.

C. Project Purpose and the Sunridge Specific Plan.

The extensive study and planning that the County and City of Rancho Cordova engaged in to produce the Sunridge Specific Plan should be further discussed and taken into consideration in defining the project purpose under NEPA and the overall project purpose under the 404(b)(1) Guidelines. Information on the Sunridge Specific Plan can be found at www.cityofranhocordova.org/index.aspx?page=129. The layout of the approved tentative maps for the Sunridge Specific Plan are shown at Sunridge_Specific_Plan_Map[1].pdf. The California Supreme Court has noted that "[u]nder the police powers granted by the [California]

Constitution, counties and cities have plenary authority to govern, subject only to the limitation that they exercise this power within their territorial limits and subordinate to state law." (*Candid Enters., Inc. v. Grossmont Union High Sch. Dist.*, 39 Cal. 3d 878, 885 (1985).) State law further establishes a comprehensive framework which, among other things, establishes local planning agencies, commissions and departments (Cal. Gov. Code § 65100 et seq.); sets standards for preparing general plans and specific plans (Cal. Gov. Code § 65300 et seq.); sets standards for zoning (Cal. Gov. Code § 65800 et seq.); governs development of subdivisions (Cal. Gov. Code § 66410 et seq.); and establishes rules for development agreements (Cal. Gov. Code § 65864 et seq.). In addition, each local jurisdiction separately adopts planning and zoning laws and policies. Each city and county regulates every aspect of the scale, intensity, timing and scope of development, including all direct, indirect and cumulative impacts. All development must be done in a manner that is consistent with these requirements and the provisions in a general plan.

Other applicable laws include, among others, the Porter Cologne Act (Cal. Water Code § 13000 et seq.), which regulates water rights and water quality; and California Fish and Game Code sections, which regulate activities that alter lakes, rivers and streams or that affect threatened and endangered plants and wildlife. Every detail of a proposed development and its environmental consequences is examined under these and other laws, including CEQA (Cal. Pub. Resources Code § 21000 et seq.). CEQA provides comprehensive review of environmental impacts. CEQA requires a lead agency to consider significant environmental impacts, alternatives to the proposed project, and feasible mitigation measures. (Cal. Pub. Resources Code §§ 21001, 21002, 21002.1, 21081.) Mitigation measures must be accompanied by a monitoring program that ensures their implementation. (Cal. Pub. Resources Code § 21081.6.).

Given the extent of local government authority, it is reasonable for the Corps to take into account the years of planning and study that produced the Specific Plan when defining the project purpose. (*Friends of the Earth v. Hintz*, 800 F.2d at 833; *Louisiana Wildlife Federation v. York*, 761 F.2d at 1048.).

Taking the Specific Plan into account is consistent with the Corps' regulations, which state that state and local governments have primary responsibility for land use decisions and that the Corps normally accepts those decisions. (33 C.F.R. § 320.4, (j)(2)). Neither the Non-Action Alternative nor the Reduced Footprint Alternative meets the objectives of the Specific Plan.

D. Consideration of Alternatives.

1. Offsite Alternatives.

The Corps relied on, among other things, information previously in the Administrative Record, to conclude that there were no offsite alternatives that needed to be considered in detail in the DEIS. The Corps also reviewed additional information on potential offsite alternatives. The DEIS documents the Corps' independent review of this issue. We agree with the DEIS conclusion that there are no offsite alternatives that need to be considered. We note that the Corps ROD for Anatolia IV and Grantline 208 also concluded that there were no available offsite alternatives for either project. The Arista Del Sol 404(b)(1) Alternatives Analysis reached the same conclusion.

2. Onsite Alternatives.

The DEIS carries forward for consideration a No-Action Alternative which it describes as revoking the issued permits and denying the Arista Del Sol application, a Reduced footprint Alternative, which adds additional avoidance adjacent to Grantline Road for Douglas 98,

Grantline 208 and Arista Del Sol, and the Proposed Project alternative, which the DEIS describes as reinstating the issued permits and issuing the Arista Del Sol permit. We do not necessarily disagree with the Corps selection of onsite alternatives, but we do have concern about the criteria the Corps used to evaluate these alternatives and the factual accuracy of the description the No-Action and Reduced Fill Alternatives.

The DEIS states on page 2-2, that "The range of alternatives carried forward for detailed analysis in the EIS are those that meet the need and overall project purpose, and are considered reasonable under NEPA and practicable under the USEPA [Section 404(b)(1)] Guidelines." The DEIS provides no analysis to support the conclusions that the No-Action and Reduced Footprint Alternatives meet the overall project purpose or are practicable under the Section 404(b)(1) Guidelines. Further, this determination is pre-decisional.

A determination of practicability is not needed to allow an alternative to be considered under NEPA. The Final EIS should delete the discussion of Section 404(b)(1) practicability as a criteria for selection of onsite alternatives and should revise the discussion of whether these alternatives would meet the project purpose after consideration of our comments.

The DEIS states that as compared to the Proposed Project Alternative, the No Action Alternative development area would be reduced by 19% for Anatolia IV, 45% for Grantline 208, and 50% for Arista Del Sol. Even assuming these number are correct, (and, as described below, we believe the DEIS overstates the amount of land available for development), these reductions are not consistent with the overall project purpose for these projects which is to comply with the Sunridge Specific Plan. As compared to the Proposed Project Alternative, the Reduced Footprint Alternative reduces the development area by 35% for Grantline 208, and 41% for Arista Del Sol.

Reductions of this scale are not consistent with the project purpose. The DEIS is silent about whether these alternatives are practicable from a cost perspective. From information already in the administrative record, we anticipate that these projects would be substantially more expensive to develop due to the need for bridges, less efficient land plans and reduced area over which to spread infrastructure costs.

In the ROD for both Anatolia IV and Grantline 208, the Corps concluded that alternatives similar to the No Action Alternative and the Reduced Footprint Alternatives were not practicable based on both inconsistency with project purpose and excessive cost. The Arista Del Sol Alternatives Analysis concluded that a no fill alternative (using a fifty foot buffer) and a reduced fill alternative was not practicable for these reasons. The final EIS should retain the No Action and Reduced Footprint Alternatives but should delete the description of them as practicable.

Further, the final EIS should revise the amount of developable acreage associated with these alternatives as they appear to overstate significantly the amount land available for development. The Corps needs to provide additional site plan detail to substantiate its assertions of developable acreage. Further analysis will likely show that the 25 foot buffer from areas of Corps jurisdiction is not sufficient to allow movement of construction equipment and still provide for development acreage shown on these alternatives, that the 47,000 square foot standard as an area that can be developed is too small and the inability to use land efficiently will further reduce developable acreage. Areas affected by roads need to be shown and bridge locations noted. For example, see Figure 2-7 which uses black slashes to indicate roads in the eastern preserve areas instead of showing a road footprint as Figure 2-7 does for the road in

Douglas 103. The Corps should use Figure 1-2 as a template for the onsite alternatives to ensure that plans for each alternative are at an equal level of detail.

The record contains the Regional Alternatives Information document, an analysis of various onsite alternatives configured for the group of Sunridge Properties under consideration and three other projects. The Corps requested preparation of this document during the administrative process discussed in its RODs. The DEIS does not address these alternatives and it does not explain why they have not received further consideration. The Final EIS should address the Regional Alternatives Information document as part of the onsite alternatives discussion.

E. **Biological Impacts.**

We are concerned about the quality and consistency of the analysis of impacts to waters of the United States and to federally listed endangered species. The Service has issued no-jeopardy biological opinions for each of these projects. For Anatolia IV and Grantline 208 (and the other Sunridge property permits), the Corps previously determined that the permitted fill will not have significant effects on endangered or threatened species as mitigated. The Corps also concluded that the mitigation will more than replace any lost wetlands functions and values. The Final EIS should be consistent with the prior findings as they are consistent with the factual information in the record.

1. **Section 3.2.1.**

As summarized Table ES-1, the DEIS finds, in Section 3.2.1, that the Proposed Project and Reduced Footprint Alternative will have a less than significant effect with mitigation and will not adversely affect a population or cause loss of important habitat of endangered threatened

or candidate species. We agree with this conclusion. However, the DEIS discussion in section 3.2.1 needs to be revised. First, each project should be assessed individually. Second, the Mitigation Measure 3.2.1a should be clearer about what the measure requires: each project has a minimum of 1:1 creation and 2:1 preservation at either an approved mitigation bank or permittee sponsored mitigation with provisions for Corps and Service review and approval of plans, success criteria, bonding for construction, a conservation easement, a long-term management plan and funding for long-term management and management measures to minimize adverse effects to preserved areas both onsite and offsite including storm water management. These are key requirements that provide the assurance the mitigation will achieve the desired result.

Third, the DEIS concludes that the Proposed Project will result in a net overall loss of waters of the United States while the Reduced Footprint Alternative will not. The data in the DEIS shows that the Proposed Project will result in an increase in waters of the United States of nearly 5 acres (from 29.9 to 34.2). By contrast, the Reduced Fill Alternative will only result in a 0.1 acre increase in waters of the United States (from 20.3 to 20.4). The conclusion for the Proposed Project Alternative should be changed in the Final EIS to state there will be no net overall loss of waters of the United States for the Proposed Project. For completeness Section 3.2.1 should also reflect the acres of waters of the United States preserved onsite and should explain the benefits of the onsite preserve in maintaining the distribution of the listed species in this part of their range. It should note that under the No Action Alternative, the areas covered by the permit are subject to potential degradation from ORV use, discing, improper grazing or lack of grazing, trash accumulation and other incompatible uses.

2. **Section 3.2.2.**

Section 3.2.2 of the DEIS addresses similar impacts to those addressed in Section 3.2.1. In contrast to that Section 3.2.1, which makes a finding of less than significant with mitigation, Section 3.2.2 defers analysis of this issue stating a more focused site analysis is needed. The Corps has the specific information it needs to make this analysis. It did so in Section 3.2.1 and in the ROD's for Anatolia IV and Grantline 208, the Corps previously found that the mitigation reduced impacts to less than significant. The Final EIS should make a finding of less than significant after mitigation for Section 3.2.2 based in the avoidance, minimization and mitigation for Anatolia IV, Grantline 208, Arista Del Sol (and the other Sunridge projects).

3. **Cumulative Impacts.**

The DEIS analysis of cumulative impacts does not fully, clearly or consistently address the cumulative impacts to biological resources. The Final EIS should be revised to conclude that the Proposed Action Alternative will not cause significant cumulative effects.

a. **Scope of Cumulative Analysis.** The DEIS states that the scope of analysis for cumulative impacts to biological resources is the Mather Core Recovery area, as well as vernal pool regions in Sacramento County and the Central Valley. The DEIS does not contain a figure or map showing this overall area and the area under consideration is not clear. There is a map for the Southeast Sacramento Vernal Pool Region and the Mather Core Recovery unit, but the full cumulative impact area is not otherwise demarcated or described. Even assuming that this area being studied was clearly identified, the analysis does not consistently use this area for its impact analysis. The cumulative impacts discussion analyzes areas that are clearly outside its boundary (like the Central Coast). The DEIS provides fairly detailed information on impacts in

the Rancho Cordova area/ Mather Core, see Table 4-3, but not for other areas being studied. It does not include any discussion of the restoration activities in the Cosumnes Core Area even though the Corps has approved this area as mitigation for the Sunridge Properties and mitigation banks in the Cosumnes Core Area have a service area that includes the Sunridge Properties.

EPA, which reviews EISs for adequacy, has published a guidance document¹ that explains that the an appropriate spatial scope for cumulative impact analysis should considering how the resources are being affected. The guidance provides that, "This determination involves two basic steps: (1) identifying a geographic area that includes resources potentially affected by the proposed project and (2) extending that area, when necessary, to include the same and other resources affected by the combined impacts of the project and other actions."

The proposed project is the issuance of six individual permits. The scope for cumulative impact analysis needs to include these permits plus those other areas that affect common resources. The cumulative impact area should include the Sunridge Douglas Community Plan area as this would include projects that all affect common resources. The upper parts of the subwatersheds that include the community plan area should be included. The projects in Table 4-3 appear to be located in these areas. A clear figure is needed to show that area.

The cumulative impacts analysis should include the areas that are benefitting by being the sites where mitigation is being performed. This would allow a comparison of gains and losses so as to understand net cumulative effects. The South Sacramento Habitat Conservation Plan ("SSHCP") should also be considered in the cumulative impact analysis as it is reasonably

¹ <http://www.epa.gov/compliance/resources/policies/nepa/cumulative.pdf>

foreseeable it will be completed. The SSHCP is a regional approach to addressing issues related to urban development, habitat conservation and agricultural protection. The SSHCP will consolidate environmental efforts to protect and enhance wetlands (primarily vernal pools) and upland habitats to provide ecologically viable conservation areas. Extensive data is available for this area. This approach is more focused than the approach in the DEIS which covers vast areas not affected by the individual permit actions.

Section 4.3.2, Table 4-6 concludes that the "historic local, regional and statewide loss of vernal pool habitat has result[ed] in an adverse impact to vernal pool habitat and species." The area addressed in this conclusion is not consistent with the scope of the cumulative impact analysis as it includes statewide impacts beyond the stated cumulative analysis area. The Final EIS should revisit this conclusion after revising the scope of the cumulative impact analysis.

The DEIS discusses a number of actions that are contributing to continuing loss of vernal pool resources since the 1970's. The primary source of this loss is activities that are not effectively regulated such as a land conversion for farming. The DEIS relies heavily on Holland (2009) for its conclusions on recent losses. Holland estimates that approximately 1,030,000 acres of vernal pool habitat were documented in the study area during initial mapping efforts based on aerial photographs from 1976 to 1995. Of these 1,030,000 acres, Holland estimates that about 893,000 acres of habitat have not been "disturbed". Holland defines "disturbed" as including modified topography, hydrology, adjacent land use and other modifications. It is not clear from the Holland report what percentage of the disturbed areas continue to function as vernal pool habitat and the extent to which functions have been reduced versus eliminated.

The Final EIS should review this issue to ensure that the degree of disturbance is taken in consideration.

At face value, Holland shows a reduction of about 137,000 acres, or 214 square miles. He attributes eighty-one percent (110,000 acres) of the total habitat affected between the initial mapping period and 2005 to agricultural land conversions. Whether these are permanent losses or only temporary losses is not clear. We note that many extant vernal pools today can be found on lands that had previously been farmed or irrigated. Only 12,000 acres vernal pool grassland were lost in Sacramento County during this period of which less than 4,000 acres were lost due to urban development.

The FEIS should acknowledge that the Holland identifies only losses in habitat. Holland does not provide any information on vernal pool restoration or conservation. If a project eliminates a vernal pool grass land on one parcel and immediately restores it on an adjacent parcel, the restored parcel is not accounted for in Holland's calculations. Consequently, Holland understates the amount of extent of extant habitat and the extent to which there has been a net loss of habitat during the reporting period.

In order to assess cumulative losses, the Final EIS needs to account for gains in vernal pool resources that have taken place during this period. The Resources Agency's draft report, State of the State's Wetlands (October 2009) (the "Draft Report")² provides reliable information that the state's 1993 State Wetland Conservation Policy has resulted in dramatic gains in wetland acquisition, restoration and enhancement from voluntary efforts. The effects of these efforts

² http://www.resources.ca.gov/ocean/docs/Public_Review_Draft_SOSW_Report.pdf

dwarf the effects of the federal and state regulatory programs by orders of magnitude. Data included in the Draft Report show that joint ventures restored more than 400,000 acres of the state's wetlands between 1998 and 2008, while accounting for the acquisition or enhancement of hundreds of thousands of additional acres. These public/private partnerships have been supported by state bond measures and the State Wetland Conservation Policy." The Final DEIS should identify the extent to which these activities have benefitted vernal pool species and factor those gains into its assessment of recent vernal pool cumulative impacts.

The Final EIS should compare the vernal pool habitat that Holland identifies as disturbed due to urban development with the information on projects impacts and mitigation identified in Chapter 4 of the DEIS. Our review of the projects in Table 4-3 shows that the past, present and reasonably foreseeable projects will result in at least a 35 acre increase in vernal pool acreage (assuming that Cordova Hills will mitigate in a similar manner to other projects with at least 1:1 creation and 2:1 preservation) and 2.4:1 times as much land dedicated to perpetual conservation and management as have been or will be impacted. These mitigation obligations are legally enforceable. They are or will be supported by no-jeopardy biological opinion. The mitigation ensures that projects the Corps has permitted have not resulted and will not result in a loss or waters of the United States and or significant adverse effects to listed species.

Further, to ensure that the cumulative impact analysis takes into account is comprehensive, the Final EIS should identify all approved and pending mitigation banks in the area covered by its cumulative impact analysis. It would be helpful for the Final EIS to provide additional graphics and maps to illustrate these areas.

The Final EIS analysis in Chapter 4 on the biological impacts should be consistent with the discussion in Chapter 3. Currently, the same project impacts are described in one way in Chapter 3 and another in Chapter 4. Table 4.3.2 says its relies on the analysis in Sections 3.2.1, 3.2.2, 3.2.3 and 3.2.4 to conclude that "Implementation of the project would have cumulatively considerable contribution" to historic losses. However, as shown in Table ES-1 and as discussed in Chapter 3, the Proposed Project impacts analyzed in Section 3.2.1 are less than significant with mitigation, the Proposed Project impacts analyzed in Section 3.2.3 are less than significant and the Proposed Project impacts analyzed in Section 3.2.4 are less than significant with mitigation. We have previously commented on the erroneous conclusion for Section 3.2.2 which should be revised in the Final EIS to be less than significant with mitigation. The Final EIS must use these findings in the cumulative impacts analysis. The Final EIS should conclude that there will be no cumulatively significant effect because avoidance, mitigation and minimization measures the Corps and Service have required will offset any adverse impacts from development. This would be consistent with the Corps' prior determination in the Sunridge Properties RODs.

We also ask that the Final EIS revisit and better calibrate its description of the various studies that take the position that some mitigation efforts have not been successful. These studies cover a wide variety of mitigation efforts over a broad geographic area using many different evaluation standards. These studies are helpful in identifying what actions need to be taken to ensure that mitigation accomplishes its intended goals in any particular instance. As explained in our detailed comments on Chapter 3 and 4, the studies support the view that vernal pool creation and restoration can be successful if done at the right site and in the right way and

that well-managed preservation lands have much greater value than unmanaged lands. However, the Draft EIS does not evaluate the extent to which the Corps permit actions have effectively responded to the issues presented. The principles identified in the Conceptual Strategy and adopted by Sunridge Properties as part of their proposed projects, address the concerns on site selection, success criteria, establishment of large blocks of contiguous preserved habitat to minimize edge effects, avoidance of indirect impacts to avoided areas by land buffer, management of hydrology, a long term management plan and funding for that management. Overall, we believe that there a no considerable cumulative impacts attributed to the Proposed Project Alternative and the Final EIS should reflect that conclusion.

F. Vernal Pool Recovery Plan.

The DEIS contains numerous, repetitive recitals of information from the Recovery Plan. We recommend that the Final EIS consolidate the discussion of the Recovery Plan in a single section. The Final EIS should provide an accurate summary of the Recovery Plan that says the Recovery Plan is not a regulatory document, that the recommendations in the Recovery Plan are preliminary due to the lack of information on many issues, that there are alternative ways to achieve the goals of the recovery plan apart from meeting the targets suggested for various core areas, that the Recovery Plan can be adjusted and revised and that creation and restoration are accepted conservation measures. Further, the Final EIS should be revised to state that neither the Corps nor the private parties it regulates under the Section 404 program, has an obligation to affirmatively achieve the Service's recovery goals which the Service has estimated would cost approximately two billion dollars.

The Final EIS should also state that that conforming to the core area goals in the Recovery Plan could cause inefficient patterns of development, push jobs and housing further away from existing urban areas, increase the carbon footprint of development and contribute to climate change. The Service's adoption of the Recovery Plan was not subject to NEPA, it did not consider alternatives ways to achieve recovery, lacks technical support for its core area goals and did not consider the environmental effects of implementing the Recovery Plan.

G. Mitigation Measures Related to Non Biological Resource Impacts.

The DEIS discussion on Non-Biological Resource Impacts appears to rely heavily on prior documentation prepared under CEQA and identifies various mitigation measures for matters that are already covered by City Rancho Cordova, Sacramento County or other state and local agencies. The Final EIS should confirm that the Corps does not intend to incorporate these measures into the Corps permit and that Corps will not seek to enforce measures related impacts such as traffic, building codes etc.

III. Conclusion

Thank you for the opportunity to comment. After publication of the Final EIS, the Corps should proceed to lift the suspensions for the Anatolia and Grantline 208 permits and issue a Section 404 permit to Arista Del Sol.

Attachment 1

**ADDITIONAL COMMENTS ON THE
 SUNRIDGE PROPERTIES ENVIRONMENTAL IMPACT STATEMENT
 Submitted on Behalf of Anatolia IV, Grantline 208 and Arista del Sol
 August 18, 2010**

PAGE	CHAPTER/SECTION & COMMENT
Executive Summary	
ES-2	Explain how 2,511 single-family homes was estimated to be the correct total for the Reduced Footprint Alternative and how the compensatory mitigation of 34 acres of creation and 53 acres of preservation for the proposed project and 20.4 acres of creation and 40.8 acres of preservation for the reduced footprint alternative were determined.
ES-4 to ES-9	<p>Table ES-1: Comparative Analysis of the Alternatives</p> <p>Alternative 2/Proposed Project Alternative and Alternative 3/Reduced Footprint Alternative show the same levels of significance for all categories. However, Alternative 3/Reduced Footprint Alternative is identified as the preferred alternative even though it provides less development and does not meet project purpose. The Proposed Project should be the preferred alternative and there is no valid basis to revoke the issued permits.</p> <p>"Potentially Significant" is not an appropriate category for analysis of the alternatives. All the impacts are potentially significant prior to review. After review of the effects, there should be a conclusion as to whether there are No Impacts, Less-than-Significant impacts, Less-than-Significant-with-Mitigation impacts, or Significant and Unavoidable impacts.</p> <p>Items 3.14-3 and 3.15-3 both show potentially significant impacts of the former two prehistoric sites are Native American burials and potential damages to structure from construction. Both should be changed to Less-than-Significant-with-Mitigation for Alternative 2/PPA and Alternative 3/RFA.</p>
ES-4	<p>Table ES-1: Comparative Analysis of the Alternatives</p> <p>Not all categories correspond to the conclusions in the text. For example, the conclusion in the Biological Resource section differs from that in this Table on p. ES-10. The conclusions should be consistent throughout the text.</p>
ES-9	<p>Table ES-1: Comparative Analysis of the Alternatives</p> <p>Why is transit service evaluated separately in Utilities and Public Services rather than in Traffic and Transportation? Are Traffic and Transportation impacts Significant and Unavoidable if transit is taken into account?</p>
ES-9	<p>Table ES-1: Comparative Analysis of the Alternatives</p> <p>Climate Change is missing from the list of Environmental Consequences.</p>
ES-10	<p>Biological Resources</p> <p>Fourth paragraph, 5th line, change from "significant impacts to threaten vernal pool fairy shrimp and endangered vernal pool tadpole shrimp would occur under the proposed alternative" to "less than significant impacts to the threatened vernal pool fairy shrimp and endangered vernal pool tadpole shrimp would occur under the proposed alternative with mitigation."</p>

	<p>Paragraph 5 states that 742 acres (including the preserve acreage) will be developed, whereas on page ES-2 the total for the developed acreage is 585.5 acres (without the preserve) and page 2-13 presents the total of 589 acres (without the preserve). The document must be consistent on the acreage totals, and preserve acreage should not be included in calculations of developed areas.</p> <p>Paragraph 5 states that 23.03 acres of vernal pools would be filled. (This is also the total cited on page 3.2-15 at par. 5.) However, at page 3.2-13, it is stated that 19.9 acres of vernal pools would be filled, and in Table 2.3 the total impact to vernal pools is shown as 17.53 acres. What is the correct total? Confirm and use consistently.</p> <p>The EIS should not assume that all off-site mitigation would occur at Gill Ranch. Similar statements are made throughout the EIS, and the same statements are made about Bryte Ranch. Therefore mitigating at these specific mitigation banks might be phrased as an option for mitigating impacts, but must not be a requirement.</p>
ES-11	<p>Paragraph 1: Change: "...as with the proposed project alternative, significant impacts to the threatened vernal pool fairy shrimp and endangered vernal pool tadpole shrimp would occur under the reduced project alternative" to "as with the proposed project, with mitigation, less than significant impacts to threatened vernal pool fairy shrimp and endangered vernal pool tadpole shrimp would occur under the reduced footprint alternative."</p> <p>Paragraph 1: Determine basis for numbers used for compensatory mitigation and to delete the sentences which read: "depending on the outcome of mitigation, specifically whether the replacement of habitat is of equal value, the impacts to threatened, endangered or candidate species are potentially significant. The value of replacement habitat also determines the potential for loss of habitat value."</p> <p>Paragraph 5: Take out the following sentences: "Water supply for the projects, which may be a combination of surface water sources and groundwater, is uncertain and under litigation. There is potential for significant adverse effects to water supply under all three alternatives." This is not an accurate characterization of the water supply situation.</p>
ES-13	<p>Paragraph 2: Consult with the City of Rancho Cordova to determine whether it agrees with the conclusions about whether the proposed alternatives would comply with general plan and specific plan goals. Verify statement that: "The Reduced Footprint Alternative would most likely partially meet the development plans for the City of Rancho Cordova while the No Action Alternative would comply with the plan goals the least." Please clarify what is meant by "would most likely partially meet." Either the alternative meets the plan or it does not.</p>
ES-14	<p>Throughout the EIS, it is unclear what project area and project vicinity mean. Please define these terms.</p>
ES-17	<p>Revise the statement that says "approximately 76% of the vernal pool compensatory mitigation has or would occur outside the Mather core area, a permanent loss of vernal pool function in services would occur in the Mather core area and affecting the habitat preservation goals outlined in the USFWS Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon." to read, "the amount of vernal pool compensatory mitigation that has or would occur outside the Mather core area cannot be determined at this time, but increasing function and services in the Cosumnes Core area will offset , losses in the Mather core area.</p> <p>Surface Water Quality</p> <p>Change "the Sunridge Properties, in combination with proposed and ongoing projects within the major core area, would have a cumulatively considerable contribution to decreased water quality within Morrison and Laguna Creeks." to the statement that "Sunridge Properties, in combination with the proposed and ongoing projects within the major core area, would have a less than significant effect with</p>

	mitigation to water quality within Morrison and Laguna Creeks."
ES-18	<p>Section ES.4 Cumulative Effects/Cultural Resources</p> <p>Change paragraph to: "...impacts to very cultural artifacts or Native American remains would be less than significant with mitigation." There is no evidence to suggest that impacts have "the potential for cumulatively considerable damage."</p>
ES-19	<p>Table ES-2: Compliance with Applicable Laws, Policies, Plans and Permit Requirements</p> <p>Change Method of Compliance with the Endangered Species Act to "Consultation with USFWS"</p> <p>Remove the <i>Vernal Pool Recovery Plan</i> and <i>South Sacramento Habitat Conservation Plan</i> from the list. The <i>Vernal Pool Recovery Plan</i> is not a regulatory document, and compliance is not necessary. The <i>South Sacramento Habitat Conservation Plan</i> has not been adopted and is not a regulatory requirement; therefore compliance is not necessary.</p>
ES-20	<p>Table ES-2: Compliance with Applicable Laws, Policies, Plans and Permit Requirements</p> <p>Change the method of compliance for California Endangered Species Act from "Unknown" to "Addressed in the EIS" or "No protected species identified."</p>
1 Introduction and Statement of Purpose and Need	
1-4	<p>Section 1.2 Background</p> <p>Paragraph 3: Add a new sentence at the end which reads: "A Recovery Plan is not a regulatory document. Neither the Corps nor an applicant for a section 404 is required to comply with or implement the Recovery Plan."</p>
1-5	<p>Section 1.3 Conceptual Strategy</p> <p>The text states that "The Conceptual Strategy is not part of the Proposed Action being evaluated in this EIS." However, the text should make it clear that the Sunridge projects incorporated the mitigation and minimization measures into their proposed projects to minimize and avoid potentially significant effects to waters of the United States and endangered species.</p> <p>The text should state the preservation and creation/restoration ratios provided for under the principles and strategies of the Conceptual Strategy.</p>
1-7	<p>1.4.3 Grantline 208</p> <p>Change: "the USFWS instructed to preserve 11.55 acres of vernal pool habitat at either the Town Center Property or Anatolia Conservation Bank, and to create 6.0 acres of vernal pool crustacean habitat." to "the Biological Opinion states that 4.85 acres of vernal pool habitat and 0.26 acres of riverine seasonal wetland will be preserved in the 68-acre preserve. It requires off-site preservation as well: either (1) 6.9 acres of vernal pool habitat must be preserved at either the Town Center Property or the Anatolia Conservation Bank, or (2) 13.8 acres at Bryte Ranch. Another 6.0 acres of vernal pool crustacean habitat must be restored or created."</p>
1-8	<p>Section 1.5 National Environmental Policy Act and Environmental Impact Statement Process</p> <p>The text states that 42 acres of "wetlands" will be preserved on site. In contrast, at page 2-20, the total</p>

	<p>given is 44 acres. The acreage total should be consistent. In addition, these acreages are preserve acres not wetland acres.</p> <p>The description of the process is not clear. The EIS says it is a programmatic rather than a project level document but it is not clear what the programmatic action to be taken is. The Final EIS should clarify that this is a project level EIS and no further NEPA review is required.</p>
1-9	<p>Section 1.6 Intended Use of This Document</p> <p>The first paragraph which states "to reissue one or more of the five DA permits" should be changed to "reinstate one or more of the five DA permits."</p>
1-11	<p>Section 1.9 Significant Issues</p> <p>Delete the sentence that begins: "Although mitigation is now required for the loss of wetlands..." and substitute it with the following: "The proposed action provides for mitigation for the loss of wetlands and vernal pools consisting of a combination of creation or restoration of vernal pools and wetlands and preservation of existing wetlands. The mitigation plans associated with the project are reviewed by the Army Corps of Engineers to assure the likelihood of success for the project. With the implementation of the mitigation and proposed action, the effects on vernal pool and wetlands species will be less than significant."</p>
<p>2 Proposed Action and Alternatives</p>	
2-2	<p>Section 2.2 USEPA Section 404(b)(1) Guidelines</p> <p>Where is the evidence that the alternatives are practicable under the USEPA Guidelines. We disagree with the statement that: "The range of alternatives carried forward for details in the EIS are practicable under the USEPA Guidelines." Neither the No Action Alternative nor the Reduced Footprint Alternative meets any potential standards for practicability, and no information is presented in the EIS to support that statement. Further it is not clear whether the practicability analysis described here refers to the six projects as a whole or to each of the individual permit applications which the Corps has previously stated have independent utility. See our general comments in the cover letter.</p> <p>For example for Arista del Sol, the applicant's alternatives analysis discusses the cost and practical infeasibility of the no-project alternative and also analyzes an alternative that would have swapped the preserve on the west side for one on the east side. That alternative would have decreased unit count by less than 15% and increased fixed costs per net developable acre by \$52,000 (30%) plus per acre. The Reduced Footprint Alternative is a much more severe alternative that will decrease unit count by over 40% (probably more because of the inefficient lotting pattern caused by the meandering boundary proposed for the eastern preserve, the unusable acreage shown between the east preserve and Grantline, and other setback requirements), development costs will be much greater because of the constraints, possible new bridging requirements, and having to spread fixed costs over 40+% fewer units. The project goals will not be achieved and the project will in all likelihood be rendered infeasible.</p> <p>Section 2.3 Development and Screening of Alternatives</p> <p>Paragraph 1: (1) Change the proposed action to develop six properties in the Sunridge Specific Plan Area (Sunridge Properties), (2) the proposed action is to decide whether to reinstate five permits that the Army Corps of Engineers previously issued and to issue the permit for the Arista del Sol project.</p>
2-12	<p>Section 2.4.2.1 No Action Alternative</p> <p>Paragraph 2: Note that Arista del Sol also has an existing Biological Opinion from the Fish and Wildlife</p>

	Service.
2-13	<p>Section 2.4.2.1 No Action Alternative</p> <p>Change the sentence "BO's issued for five of the six projects allowed for filling up multiple acres of vernal pools" to "the BO's issued for all six of the projects allow the filling of multiple acres of vernal pools."</p> <p>The EIS states that "under the No Action Alternative of approximately 2,060 homes over 303 acres are estimated to be developed." The EIS does not contain any supporting information for this statement.</p> <p>Section 2.4.2.2 Propose Project Alternative</p> <p>The proposed project alternative here differs from that previously described in that the only 15.9 acres of vernal pool habitat is compensatory mitigation and 25.6 acres of offsite preservation are listed. Elsewhere (at ES-2, Table 2.2 and 3.2-14) the EIS states that the proposed alternative would create 34 acres of vernal pool habitat and 52 acres would be preserved at an offsite location. Onsite preserve areas should also be included.</p>
2-16	<p>Table 2-3 Wetlands and Waters of the U.S. Impacts of the Proposed Project Alternative</p> <p>Note for Arista del Sol, the acres of total impacts is different from the vernal pool impacts which consist of a total of 10.52 acres of waters of the United States impacted, 5.37 acres of vernal pools, 0.36 acres of depressional season wetlands, 0 of riverine seasonal wetlands, 0.2 for ephemeral drainage and 4.77 for a pond.</p>
2-19 to 2-20	All project descriptions should be reviewed for accuracy and consistency with acreages throughout the DEIS.
3 Affected Environment, Environmental Consequences, and Mitigation	
General	<p>Section 3.2 Biological Resources</p> <p>Wetland acreage is listed for Anatolia IV but not for other projects. This should be consistent throughout the section.</p>

3.2-1	<p>Section 3.2.1. Area of Analysis</p> <p>The area of analysis is described as the Specific Plan Area and adjacent vernal pool and upland areas, with Figure 1-1 cited as encompassing this area. This figure is inappropriately scaled, since it covers an area from Rocklin in the north to Galt in the south, the Sacramento River in the west to Cameron Park in the east. While the properties considered are included, the “adjacent vernal pool and upland areas” should be identified.</p> <p>Section 3.2.2.1 Vegetation</p> <p>Revise the statement that: “These plants require fine-textured clay soils, [sic] that become wet during the winter, but remain very dry during the summer and fall seasons” to note that many of the non-native grasses that occur in Central Valley grasslands do not require dry conditions. Indeed, they thrive as lawn grasses under continual summer irrigation (e.g. Italian ryegrass).</p> <p>Revise the statement that: “As increased spring temperatures increase evaporation from pools, concentric rings of varying vegetation remain. Soils specific to this habitat prevent water from rapidly permeating through the water table such that water primarily escapes the pool through evaporation, allowing specialized plants to survive in the rings of tiered levels of available water” to note that the “concentric rings” represent a phenological phase of a typical vernal pool flowering cycle. These rings reflect progressive maturation of flowering plant species in response to pool dry down. For single observations of vernal pools, the differential flowering in pools may appear ring-like. In fact the floristic ring pattern can be highly variable. The statement quoted above implies some structural (i.e. “tiered levels of available water”) factor when, in fact, the appearance is dependent on rainfall abundance, period or frequency of observation, microtopography, etc.</p>
3.2-5	<p>Section 3.2.2.3 Threatened and Endangered Species and Critical Habitat</p> <p>This section is mistitled. This section includes a discussion of special-status species, including threatened and endangered species and critical habitat.</p> <p>Table 3.2-1 Special-Status Species with Potential to Occur within the Project Site</p> <p>California Tiger Salamander is an amphibian, not a reptile.</p>
3.2.6	<p>Section 3.2.2.3 Threatened and Endangered Species and Critical Habitat/ Anatolia IV</p> <p>Delete sentence that states: “While the threatened California tiger salamander is known to occur in the vicinity of the project site, the species was not observed.” The California tiger salamander does not occur in the vicinity of the project. If desired, provide the actual location of the nearest extant CTS population.</p>
3.2.6 –	<p>Section 3.2.2.3 Threatened and Endangered Species and Critical Habitat/</p>

3.2.7	Delete the sentence beginning: "The presence of other special-status species noted in Table 3.2-1..." It isn't relevant whether the species were evaluated in specific documents. The Biological Assessments that appear to form the basis of this EIS section were prepared specifically for use in ESA Section 7 consultations and were not intended to be an analysis of special-status species in general. Such species were fully analyzed in the Sunrise Douglas Community Plan/Sunridge Specific Plan. Consult this and other sources to provide the relevant facts for analysis.
3.2.8	<p>Section 3.2.2.4 Vernal Pools</p> <p>Revise the statement in Paragraph 3: that "...the Mather Core Area contains approximately 74% of all the vernal pool tadpole shrimp occurrences in the southeastern Sacramento Valley..." should be revised to state that it "contains approximately 74% of the <u>known</u> occurrences...". There has been no systematic sampling of this species to allow estimates of populations, densities, etc. The Sunrise-Douglas area has been the subject of numerous sampling efforts for vernal pool invertebrates, more so than any other portion of the range of the species. Further, it is not clear whether these numbers include vernal pool tadpole shrimp located at Clay Station and other mitigation areas.</p> <p>Revise the discussion of hydrological connectivity which on the basis of two personal communications, says that: "High rainfall leads to surface flooding, which connects old terrace vernal pools into large, shallow, slow-flowing, temporary lakes." to state that the high rainfall, sufficient to cause some vernal pools to spill into downstream pools would not result in "shallow, slow-flowing, temporary lakes." to say that this has not been documented as a significant dispersal mechanism, that high flows can also result in transport to ecological sinks such as Mather Lake, Blodgett Reservoir, various mine pits, and that this mechanism would operate in the Sunridge Preserve area and in mitigations sites like Gill Ranch.</p> <p>Revise the discussion that "Vernal pools in the area exist in a "sub-watershed" matrix, roughly delineated by Highway 50 to the north and the Cosumnes River to the south." to note that from the Sacramento/El Dorado County Boundary on the east to Mather Field on west (paralleling Douglas Road) this "sub-watershed" matrix is further divided by the following major roads, highways, and infrastructure: Scott Road, Grantline Road, Sunrise Boulevard, Folsom South Canal, Eagles Nest Road, Excelsior Road, and Mather Field. This "sub-watershed" matrix is already subdivided by roads, canals, etc. And it effectively terminates at the perennial aquatic habitats mentioned above (i.e. Mather Lake, Anatolia detention basins, Blodgett Reservoir).</p> <p>Revise that statement that "This hydrologic connectivity during high flows would facilitate metapopulation recolonization of vernal pools that were subject to localized extirpation during drought years." to state that extirpation, in this context, should refer to local populations, not vernal pools (i.e., vernal pool habitat does not become extirpated during drought, but populations of species might). Second, the theory of flow-mediated dispersal of vernal pool invertebrates as a major dispersal factor raises the question of how invertebrates recolonize upstream habitat? We are unaware of any data that shows that populations of vernal pool plants and animals in upgradient pools are less persistent than down gradient pools. The distribution of vernal pool habitat in the eastern Central Valley ranges along a more-or-less north to south axis, while the drainage patterns in this area trend largely east to west. If hydrologic dispersal of vernal pool invertebrates was driving the pattern of distribution, one would expect to see east-to-west distribution of populations and a strong north-to-south differentiation of genetic variability. In fact, exactly the opposite is the case for vernal pool tadpole shrimp.</p> <p>King's (1996) allozyme analysis of vernal pool tadpole shrimp investigated 9 populations in the eastern</p>

	<p>Central Valley. Two populations, the Grantline Population and the Mather Population, are about six miles apart. The Grantline population is located northeast of the Mather Population. The Grantline Population is located in the upper watershed of Morrison Creek, while the Mather population is located downstream in the same watershed. If the “high flow” model of distribution holds, then we would expect the Mather and Grantline populations to be similar. In fact, the Grantline Population is more closely related to the Borden Population (located 20 miles south of Grantline and south of the Cosumnes River) than it is to the Mather Population, located just six miles to the southwest. Further, the Grantline Population is even more closely related to the Hickman Population, which is located about 75 miles southeast of the Grantline Population.</p> <p>The Final EIS should reflect that the distribution of vernal pool tadpole shrimp populations in the eastern Central Valley suggests that “high flows” are not an important factor in the distribution of this species. Rather, tadpole shrimp eggs carried on migratory birds along the pacific flyway better fit the available data.</p>
3.2-10	<p>Section 3.2.3 Regulatory Framework/ Executive Order 11990 - Protection of Wetlands</p> <p>This Executive Order has no relevance to the subjects of this EIS. Section 1(b) of this order states: “This Order does not apply to the issuance by Federal agencies of permits, licenses, or allocations to private parties for activities involving wetlands on non-Federal property.”</p> <p>USFWS Recovery Plan The discussion on 3.2-10 of the Recovery Plan should also be revised, as described above and in our cover letter.</p>
3.2-11	<p>Section 3.2.3.3 Regional and Local Plans, Policies, Regulations, and Laws/ South Sacramento Habitat Conservation Plan</p> <p>The discussion of the South Sacramento Habitat Conservation Plan should note the plan is not in effect and has no regulatory requirements associated with it. It is a reasonably foreseeable future activity and should be considered in the cumulative impacts discussion.</p> <p>Most of the covered species in the SSHCP are not listed species and therefore the HCP does not permit incidental take of those species. No incidental take permit is needed for non-listed species. Change the sentence that states: “The SSHCP ... will allow participants to engage in the “incidental take” of 40 listed plant and wildlife species...” to “The SSHCP will allow the County and cities to extend incidental take coverage to third parties.”</p>
3.2-12	<p>Section 3.2.4 Environmental Consequences and Mitigation Measures</p> <p>Paragraph 2: The statement that the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, and the U.S. Fish and Wildlife Service developed the Conceptual Strategy Preserve Areas “...based on ... a limited amount of information regarding regional and site-specific biology and hydro-geomorphology...” should be revised to acknowledge that the Conceptual Strategy was the culmination of over four years of meetings with regulatory agencies, city and county staff, stakeholders, and consultants and that there was considerable data available including planned actions, extent of waters of the United States, potential location of listed species, potential mitigation areas and potential mitigation and minimization measures.</p>

3.2-14	<p>The statement that preservation credits “would” be purchased at Bryte Ranch should be changed to could be purchased. Same comment as for ES-10 comment on Gill.</p> <p>Paragraph 2: Douglas Road 98 would lose 11% of developable acreage in the Reduced Impact Alternative, not Douglas Road 103. Douglas Road 103 is unchanged in this alternative.</p> <p>Bottom of page, no basis is provided for the assertion that under the Proposed Project Alternative there would be an “overall net loss of waters of the U.S.” but that that would not be the case for the Reduced Footprint Alternative. In accordance with prior Corps ROD, change both to less than significant with mitigation.</p> <p>The statement under mitigation measure 3.2-1a is incorrect in stating that, with proposed mitigation, there would be an overall net loss of waters of the United States under the proposed project alternative but there would be no overall net loss of waters under the reduced project alternative. In fact the proposed project alternative would impact 29.9 acres of waters of the United States and would create 34.2 acres of vernal pool habitat offsite and preserve 52 acres offsite.</p> <p>Section 3.2.4.3 Impact Analysis/Impact 3.2-1 An adverse effect on a population of threatened, endangered, or candidate species./Reduced Footprint Alternative</p> <p>“...the Reduced Footprint Alternative reduces impacts to wetlands by approximately one-third of the Proposed Project Alternative. Therefore, impacts to vernal pools would be expected to be reduced by one-third.” Note that the description of the Reduced Footprint Alternative should be revised to account for impacts associated with the roads to be built through the avoided area and the planned expansion of Grantline Road.</p> <p>Mitigation Measure 3.2-1a Compensatory Vernal Pool Habitat Creation and Preservation</p> <p>This measure should be modified to allow flexibility of mitigation site/method.</p>
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3.2-15	<p>Impact 3.2-2 A net loss in the habitat value of sensitive biological habitat./ Proposed Project Alternative and Reduced Footprint Alternative</p> <p>The analysis of impact for the Proposed Project Alternative states that "...long-term indirect effects could include introduction of invasive plants, feral cats and other non-native predators to sensitive species, and introduction of hazardous and non-hazardous waste and materials." The analysis should consider the minimization measures required in the permits to minimize and eliminate these potential adverse impacts. This issue is also applicable to the the Reduced Footprint Alternative.</p> <p>Impact 3.2-2 A net loss in the habitat value of sensitive biological habitat</p> <p>The DEIS states: "Biodiversity used to result from the periodic flooding of the Central Valley as water would flow between vernal pools and vernal pool complexes. The widespread alteration and confinement of flood flows in the Central Valley has drastically decreased these occurrences, resulting in avian species becoming the primary dispersal agents."</p> <p>The DEIS has offered no citation of scientific literature to support a "Central Valley flooding" model for dispersal of vernal pool organisms that would affect the Sunridge Properties or that this was the primary dispersal mechanism generally. Such a mechanism would result in the wholesale relocation of vernal pool organisms into inhospitable aquatic habitats downstream. The DEIS does cite Bauder (1987) who described the peril faced by vernal pool crustaceans when they arrive in such habitats. The Final EIS should be revised to address this and to account for dispersal by grazing animals and migratory birds.</p> <p>The DEIS states: "Loss of vernal pool habitat from implementation of the project in combination with projected losses from past, present and reasonably foreseeable future projects constitute a cumulatively substantial reduction in vernal pool habitat in the region. Along with direct impacts, indirect impacts of the project would also result from fragmentation of the habitat, degradation of water quality, hydrologic alterations, and reduction of habitat functions of on-site downstream and wetlands in the project vicinity."</p> <p>Revise to account for the proposed on-site preservation, management, and connectivity incorporated in the proposed project. As mentioned previously, the "indirect" impacts anticipated by the DEIS are resolved with preserve management, project design elements, etc. resulting in an effective long-term proection of the onsite preserve areas. The Proposed ActionAlternative will not result in a net loss of vernal pool habitat.</p>
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3.2-16	<p>Paragraph 1: It's unclear as to the where the "More analysis..." sentence is going.</p> <p>Change the text from stating that off-site mitigation "would" occur at Gill Ranch to "could" occur at Gill or other Corps and Service approved locations.</p> <p>Mitigation Measure 3.2-2a Implement a Compensatory Mitigation Plan for Impacts to Waters of the U.S., including wetlands</p> <p>Delete the statement that "More analysis might be needed to determine if direct and indirect impacts to these species would be reduced to less than significant with the proposed Mitigation Measure 3.2-2. Therefore, direct and indirect impacts to threatened, endangered, or candidate species under the Proposed Project Alternative and the Reduced Footprint Alternative would still be potentially significant with the proposed Mitigation Measure 3.2-2." Substitute an analysis of the effects in accordance with the Corps prior determination of no significant effect and the Service's no-jeopardy Biological Opinions.</p> <p>The Anatolia project's onsite preserve contains one of the oldest sets of constructed vernal pools (built circa 1989) in the region. These pools support populations of vernal pool tadpole shrimp, Bogg's Lake hedge-hyssop, have continued to demonstrate vernal pool hydrology, and support native vernal pool plant species.</p> <p>Numerous vernal pool construction sites, some of them decades old, continue to support populations of listed and/or special-status species (e.g Egan, 2009). Further, the Corps' Engineer Research and Development Center (ERDC) has provided occasional review and oversight of compensatory vernal pool mitigation plans and results of mitigation over the years.</p> <p>This analysis should be specific to the mitigation for each project. For Anatolia IV, for example, the creation is in an existing mitigation bank and the Corps and Service have approved use of the bank for mitigation.</p>
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3.3-6	Safe Drinking Water Act: What is the relevance of this act? How is it used in this EIS to analyze the environmental conditions pursuant to NEPA?
3.3-10	3.3.3.3 Regional and Local Laws, Regulations, Policies, and Plans/Rancho Cordova General Plan: What document or study does this text update? Please identify it here.
3.9-23	The assertion that these projects are under-parked is not correct. The dwelling total used for these projects is 3,258, with a population factor of 2.6 per dwelling unit, that totals 8470.8 people. A parkland obligation of 5 acres per 1,000 people would result in an obligation of 42.5 acres of the parkland. Per their NOD, the four Sunridge East projects alone provide 57 acres of neighborhood parks plus the 11.2 acres Table 2-2 shows for Anatolia IV and Sunridge Village J. That totals more than 66 acres of neighborhood parks, 20 acres more than what is required.
4 Cumulative Effects and Other NEPA Analyses	
4-5	<p>Section 4.2 - Past, Present, and Reasonably Foreseeable Actions</p> <p>The large losses of vernal pool habitat documented by Holland and others were largely losses of "young terrace" pools (i.e., those in San Joaquin soils, etc.). These are agriculturally productive soils when leveled, and they were leveled on a grand scale in Sacramento County. The old terrace soils (e.g., Redding and Corning, etc.) are generally not suitable for agricultural production (they were dry-land farmed for wheat, etc. back in the day) so most of the vernal pool landscape on these old-terrace soils remains intact.</p>
4-10	<p>Section 4.2.3.3 Off-Site Constructed Vernal Pool</p> <p>Accurate scientific analysis is an essential component for the implementation of NEPA. 40 C.F.R. § 1500.1(b). Therefore, the analysis in this DEIS should be an analytical in its approach to interpreting science and evaluating the proposed federal action. We provide these comments on the scientific research discussed in the DEIS and the Final EIS should be revised accordingly.</p> <p>In her 1998 study, de Weese summarized her previous 1994 paper by stating that "...the performance standards for vernal pools were insufficient to assure successful habitat replacement. However, we had not gathered enough information to substantiate our concerns." This differs from the DEIS conclusion that such wetlands "...did not fully replace the habitat values lost." De Weese concluded that the methodology used to monitor constructed wetlands was not satisfactory, not that the results of wetland construction were unsatisfactory.</p> <p>This is further elaborated by de Weese (1998). In a review of 25 vernal pool mitigation sites, she found that a rather high number of pools met hydrologic performance standards (96%), almost 70% met floristic performance standards, and where they were monitored, 75% of the vernal pool construction projects reported listed vernal pool invertebrates in constructed vernal pools. The main conclusion of her paper was a call to standardize monitoring and performance standards for constructed vernal pools. In fact, de Weese commented that: "The art and science of constructing vernal pools have greatly improved over the past eight years."</p> <p>The relevance of Ambrose's 1999 paper (for which there is no citation in the References section) focusing on perennial riverine systems, which concluded that wetland creation is "experimental," is not clear. From the vernal pool perspective, federal regulation of vernal pool fills only began in 1987, so in the intervening 20 plus years the need to meet the no-net loss policy resulted in methods for constructing vernal pool habitat being developed and refined. There seems to be no argument that wetlands can be</p>

constructed that support native vernal pool plant species, fairy shrimp, tadpole shrimp, spadefoot toads, California tiger salamanders, etc. The question is, will these populations persist? The answer to date is, yes (e.g. Egan, 2009).

The Ambrose 2007 paper presents a comprehensive review of wetland mitigation projects in California, including some vernal pool projects. Ambrose's opinion, quoted in the DEIS that certain functions may not be replaced was: "...at least partly due to regulatory agencies approving mitigation projects with conditions or criteria that are too heavily focused on the vegetation component of wetland function..." His methodology also heavily weighted the surrounding conditions of the mitigation area. He downgraded mitigation if it was near development. The lower scores reflect, in part, not a failure of the mitigation to perform as intended, but the agency requirement that the mitigation be on site and often in small reserves a situation not found for the Proposed Action Alternative.

There are several important considerations regarding vernal pools related to this statement.

- Ambrose was summarizing a study that included only a few vernal pool sites. Indeed, most of the sites evaluated by Ambrose (82%) were low-gradient riverine systems depositional systems. Only about 5% were vernal pool sites.
- Vernal pools are defined by floristic characteristics, and only secondarily by hydrology or invertebrate communities. An emphasis on vegetation in vernal pool mitigation is entirely appropriate.
- In terms of wetland functions, the prime functions of vernal pools are the support of characteristic plant and animal communities. Other wetland functions (e.g. storm water storage and flow attenuation, nutrient and sediment retention, etc.) are relatively minor, compared to other wetland types.

The DEIS further summarizes Ambrose by stating that "...the ecological conditions at the sites had not replaced the wetland functions lost to development." Ambrose, however, did not conclude this. Ambrose carefully stated:

"...it seems likely that many mitigation projects did not replace the functions lost when wetlands were impacted...but this study cannot provide a definitive conclusion on this issue. To understand the net loss (or gain) in wetland function resulting from mitigation, functional assessments would be needed at the impact site before and after the impact occurred to determine the loss of functions, and at the mitigation site before and after the mitigation project was completed to determine the gain in functions. Linking gains to losses is difficult in a retrospective study such as this, and we have not attempted to do so. However, the low CRAM scores [which take into consideration the landscape context as noted above] for most mitigation projects indicates that many of these projects are not functioning well as wetlands, and in the context of the likely condition of the original wetlands before they were impacted, it seems probable that a net loss of wetland function did occur for the wetlands included in this study."

It is worth noting that the Ambrose (2007) study found the following regarding the California Rapid Assessment Method (CRAM) analysis performed for the 204 sites they investigated:

"For hydrology, vernal pool and high gradient riverine mitigation sites scored remarkably well, with medians of 90% and 88% respectively (Table 8-3). In fact, all vernal pool sites were assigned optimal scores for hydrology."

	<p>“Vernal pool sites had relatively high biotic structure scores, with 86% of these sites scoring optimally.”</p> <p>“In particular, lacustrine and vernal pool sites scored well for this attribute [buffer and landscape context] with median scores greater than 85%.”</p> <p>And finally:</p> <p>“The scores for vernal pool mitigation sites varied the least and had the highest overall median score (75%).”</p> <p>The DEIS cites the Small Vernal Pool Preserve study by Placer Land Trust (2009) that found that small-sized vernal pool preserves had certain problems -- “...trespass, vandalism, trash dumping, domestic animal use, and similar activities...” These are management problems related to the size and location of the preserve. And the size and location of the preserves were directly related to permit conditions and the mitigation primacy of on-site avoidance. The terms and conditions of the Sunridge Properties Section 404 permits (and the anticipated conditions for Arista del Sol) address these potential management problems and will ensure that the adverse affects described do not occur.</p> <p>The DEIS paraphrases the following statement made by Showers (2005) that is cited in the Service's Vernal Pool Recovery Plan. That statement cited the Recovery Plan is: “Vernal pool creation is considered an experimental science because the extent to which entire vernal pool plant and invertebrate communities can be successfully recreated is still unknown (M. Showers, CDFG, in litt, 2005).”</p> <p>However, the Recovery Plan also states:</p> <p>“Still, preliminary results indicate that some vernal pool creation and restoration efforts have resulted in pools occupied by vernal pool fairy shrimp and vernal pool tadpole shrimp (De Weese 1998), and restoration and creation of habitat may be more useful as recovery tools for some species than others.”</p> <p>As stated elsewhere in our comments, the Corps has very specific mitigation plans for the Sunridge Properties and the Service has concluded that the mitigation will assure that the action will not jeopardize the continued existence of any listed species and the Corps has concluded the mitigation will ensure that the issuance of the permits will not cause significant adverse environmental effects.</p>						
4-13	<p>Table 4-3 The acreages for Grantline 208 are incorrect. They should be as follows:</p> <table border="1" data-bbox="292 1528 1443 1659"> <thead> <tr> <th data-bbox="292 1528 592 1591">Total VP</th> <th data-bbox="592 1528 909 1591">Total OW</th> <th data-bbox="909 1528 1443 1591">Impacts Direct OW</th> </tr> </thead> <tbody> <tr> <td data-bbox="292 1591 592 1659">10.07</td> <td data-bbox="592 1591 909 1659">0.04</td> <td data-bbox="909 1591 1443 1659">0.48</td> </tr> </tbody> </table>	Total VP	Total OW	Impacts Direct OW	10.07	0.04	0.48
Total VP	Total OW	Impacts Direct OW					
10.07	0.04	0.48					
8 References							
	<p>For multiple citations of the same author in the same year, use a year-plus-letter notation (2004a, 2004b, etc.) in the text. This notation is not used in Section 8 - References, making it very difficult to locate the appropriate citation. Carry this convention throughout the text.</p>						

Attachment to August 18, 2010 Letter to Michael S. Jewell
Comments of Sunridge-Anatolia, LLC, ARI 208, LLC and
Arista Del Sol, L.P. to DEIS, Sunridge Properties

	The U.S. Fish and Wildlife Service's 2007 5-Year Review should be given a full citation in the References section, as should the Vernal Pool Recovery Plan.
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August 18, 2010

Michael S. Jewell
Chief, Central California/Nevada Section
Regulatory Branch
United States Army Corps of Engineers
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Re: Sunridge Properties Draft Environmental Impact Statement; SPK2009-00511

Dear Mr. Jewell:

Thank you for allowing us the opportunity to submit comments addressing the Sunridge Properties Draft Environmental Impact Statement dated July 20, 2010. We offer the following comments, which relate to the scope of the cumulative impacts analysis:

1. The Geographic Area Included in the Cumulative Impacts Is Unclear

It is not clear from the DEIS what geographic scope was used to conduct the cumulative effects analysis. It appears that the cumulative impacts analysis extends beyond the Mather Core Recovery area to include vernal pools in "Sacramento County" and "the Central Valley," but the DEIS does not state what portions of these areas were included in the cumulative impacts analysis. While the DEIS includes a map depicting the Southeast Sacramento Vernal Pool Region and the Mather Core Recovery unit, it is not clear whether this represents the area included in the cumulative impacts analysis. The confusion is compounded by the references in the cumulative impacts analysis to areas that are well outside the boundaries of the Central Valley, such as the Central Coast region.

Absent a clear definition of the area being included in the analysis, it is impossible to evaluate the DEIS' conclusions regarding cumulative impacts. For example, the conclusion that appears in Section 4.3.2, Table 4-6 – the "historic local, regional and statewide loss of vernal pool habitat has result[ed] in an adverse impact to vernal pool habitat and species" – cannot be evaluated if the local and regional areas are not defined. Since the DEIS lacks this specificity, its conclusions about cumulative impacts are not supported.

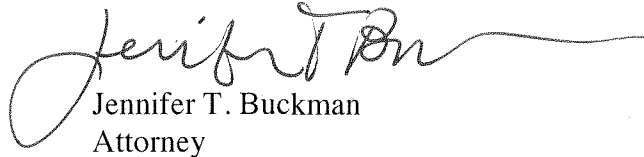
Michael S. Jewell
Chief, Central California/Nevada Section
Regulatory Branch
United States Army Corps of Engineers
Re: Sunridge Properties Draft Environmental Impact Statement; SPK2009-00511
August 18, 2010
Page 2

2. The Cumulative Impacts Analysis Should Include the South Sacramento Habitat Conservation Plan as Reasonably Foreseeable Project

The South Sacramento Habitat Conservation Plan proposes a regional approach to addressing issues related to urban development, habitat conservation and agricultural protection. A revised draft of the SSHCP was released to the public on August 13, 2010. The SSHCP is nearing completion, and it is a reasonably foreseeable future project. As such, it should be considered in the cumulative impacts analysis.

Should you have any questions about the issues raised in this letter, please do not hesitate to contact me. Thank you again for the opportunity to submit comments on this EIS. We look forward to your response.

Very truly yours,



Jennifer T. Buckman
Attorney

JTB:aw
Enc.

TAYLOR & WILEY

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Via Electronic Mail

August 18, 2010

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Michael.S.Jewell@usace.army.mil

Re: Comments on Sunridge Properties EIS (SPK-2009-00511)

Dear Mr. Jewell:

Taylor & Wiley represents Teichert Aggregates with respect to various land use matters, including its Grantline processing facility. We have reviewed the referenced EIS for Sunridge Properties and offer the following comments:

Table 4-3: The wetland acreages specified in this table for the "Teichert Grantline Plant" site are not correct. Teichert has not prepared a formal wetland delineation for this property. However, the following wetland acreages for Teichert's Grantline property are taken from mapping completed by the County of Sacramento as part of the South Sacramento Habitat Conservation Plan (SSHCP):

Total vernal pool = ± 17.5 acres

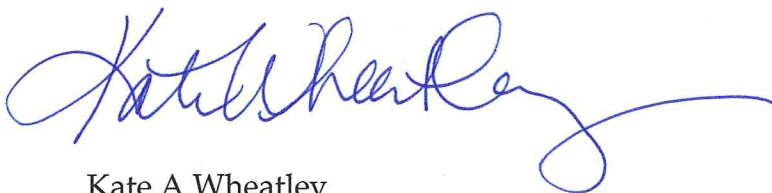
Total "other waters" = ± 39.64 acres (± 10.03 acres seasonal wetland, ± 26.45 acres seasonal impoundment, ± 2.3 acres swale, and ± 0.86 acres stream/creek.)

Michael Jewell
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Teichert has no plans to develop this property at this time. As such, all references to any proposed wetland impacts or preserves should be removed. In addition, the notation in the final column that development of this project is "reasonably foreseeable" is incorrect and should be removed.

Thank you for the opportunity to comment on this document. Please feel free to call me if you have any questions.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Kate A. Wheatley", with a long, sweeping flourish extending to the right.

Kate A Wheatley

cc: Michael Smith
John Lane
Barry Baba

TAYLOR & WILEY

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Via Electronic Mail

August 18, 2010

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Re: Comments on Sunridge Properties EIS (SPK-2009-00511)

Dear Mr. Jewell:

Taylor & Wiley represents Tsakopoulos Investments with respect to its proposed Excelsior Estates development. We have reviewed the referenced EIS for Sunridge Properties and offer the following comments:

Section 3.2.4.3 Impact Analysis: The Corps and FWS must ensure that any approved wetland creation or preservation for the Sunridge Properties complies with federal law and fully compensates for the impacts of those projects. Future development projects within the Mather Core Area should not be required to mitigate at higher ratios in order to correct deficiencies in the mitigation approved by the agencies for these projects.

Table 4-3: The acreages specified in this table for the Excelsior Estates project are not correct. It is unclear whether this table includes only vernal pools and other waters which are considered "waters of the United States" (WOUS) or if it also includes vernal pools and other waters which are not considered WOUS and which, therefore, are not jurisdictional under the Clean Water Act.

Assuming that the table includes only WOUS, the following are the correct acreages for the Excelsior Estates project, taken from Tsakopoulos Investment's Clean Water Act Section 404 application (submitted May 19, 2010):

Total vernal pools = 21.99 acres

Total "other waters" = 17.82 acres

Direct impacts to vernal pools = 12.78 acres

Direct impacts to "other waters" = 15.99 acres

Indirect impacts = 0

Vernal pools preserved onsite = 9.21 acres

Other waters preserved onsite = 1.83 acres

Vernal pools preserved offsite = 22.01 acres

Vernal pools restored offsite (out of core) = 12.78 acres at agency-approved bank or 16.61 acres at approved off-site location

Other waters created offsite (out of core) = 15.99 acres at agency-approved bank or 20.79 acres at approved off-site location

If the table includes both WOUS and non-jurisdictional waters, the correct acreages are as follows:

Total vernal pools = 27.79 acres

Total "other waters" = 25.63 acres

Direct impacts to vernal pools = 18.58 acres

Direct impacts to "other waters" = 23.80 acres

Indirect impacts = 0

Vernal pools preserved onsite = 9.21 acres

Other waters preserved onsite = 1.83 acres

Vernal pools preserved offsite = 22.01 acres

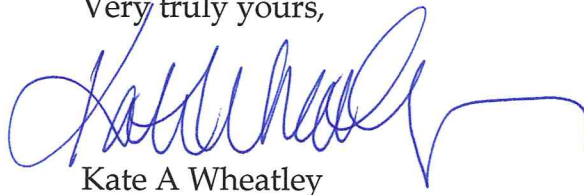
Vernal pools restored offsite (out of core) = 18.58 acres at agency-approved bank or 24.15 acres at approved off-site location

Other waters created offsite (out of core) = 23.80 acres at agency-approved bank or 30.94 acres at approved off-site location

Section 3.5 Land Use: The EIS does not mention the County of Sacramento's General Plan Update which is currently underway. The Update discusses future urbanization within the unincorporated area of the County, including portions of the Mather Core Area. The Corps should consider this information in its EIS.

Thank you for the opportunity to comment on this document. Please feel free to call me if you have any questions.

Very truly yours,



Kate A Wheatley

cc: Angelo G. Tsakopoulos
Kenneth Whitney, Foothill Assoc.

From: k.willoughby
To: [Imamura, Eileen R SPK](mailto:Imamura.Eileen.R.SPK)
Subject: please confirm receipt on this final day for comment
Date: Wednesday, August 18, 2010 9:11:06 AM

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August 18, 2010

Eileen Imamura
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RE: Subject: Sunridge Properties Draft EIS: Comment Period Extended Until August 18, 2010 (PN SPK-2009-00511. Response to Final EIR –

Dear Ms. Imamura,

Upon reviewing the document, my colleagues and associates have the following concerns:

Published in the federal register was the ACE advertisement to permit an arboretum? Deep within the same ad, the tree museum idea grows enough wings to permit thousands of residential housing units. The document's conclusion is that the project garners no significant environmental impact and suggests a negative declaration. Are you permitting an Arboretum, navigable waterways, major and minor traffic arteries, or residential housing permits?

The COE as a Federal Agency is not authorized to expend taxpayer dollars to benefit private entities such as the developers of Rio Del Oro, and Sunridge which are the subject of this EIS/R. Is the intent to approve 28 acres classified as Waters of the US or is this approval for the entire project to move forward? Is only 28 acres included in the project description?

Is Rio Del Oro, Sunridge plan residential developments legally tied to local and developer funding? Is this ACE review advertising an Arboretum that includes 500 housing units a vehicle to avoid public scrutiny? Is not Rancho Cordova the proper entity to perform the environmental review because of the enormous acreage size in question compared to the small acreage size involved in the ACE domain jurisdiction over bridges and US waters? Is there a navigable river for commuters in Sunridge, Rio Del Oro?

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United States economic recessions and depressions are cyclical and predictable, but not acknowledged in this NEPA / FEIR or within the SACOG and other local data upon which conclusions are drawn. What are funding options for the project in a depression or double dip recession? Does this document consider infrastructure funding from Federal stimulus or TARP resources? Notwithstanding that after eighteen months, two thirds of the Feb. 2009, 240 billion dollar Federal stimulus funds have not been spent. But a shortage of identified local money/grants may provide extraordinary funding control to the federal government and disregard opposition from local residents, within or outside of the boundary of Rancho Cordova.

Unique in the world, The United States is not a nation based on men but on laws. Is this ambiguous document intended to deceive opponents or circumvent existing law in favor of Rancho Cordova's agenda to expand their boundaries?

This document creates a moving target regarding jurisdictional control of the wetlands.

Rio Del Oro/Sunridge plan includes vast wetlands, and few acres of US waterways under ACE watchfulness. Where will the arboretum be located, near a river or a dam? Upon build-out, what entity will control the 28 acres under ACE jurisdiction, as well as the 500 plus acres of wetlands, a homeowner assn., a community assn., a local planning council, the county, the state, the federal government?

This is a lawyer's document, silent on the formation of Common Interest Development a quasi government with taxing authority that violates numerous fundamental individual constitutional rights and responsibilities of American home owners. As a federal agency, the ACE should expressly prohibit rather than maintain silence on the formation of CID. Where is the discussion /evaluation of the Lawful requirements to establishment of [CID] Common Interest Development?

This study fails to include mention or evaluation the significant roadway artery with an active JPA, The Capital South East Connector that will provide connectivity for the six neighborhoods evaluated for permitting in this study. This study does not adequately address the impact of the proposed Hazel Avenue South Extension, nor does it adequately address the diminished need for a proposed Rancho Cordova Parkway Interchange, euphemistically referred herein as Sunrise reliever. Hazel Ave south extension impact is mentioned but expressly eliminated; on the other hand the sunrise reliever aka Rancho Cordova Parkway Interchange and connectors are included and their need exaggerated.

This study should but does not address the aspect of the RCPI, aka, Sunrise Reliever; the federal government prohibits CAL-TRANS construction sans roadway connections that currently are not possible from not owning land.

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The documents ignore significant existing shuttered infrastructure, the Citrus Road under crossing of US Highway 50, and one unlawfully shuttered public roadway attached to it, the 2300 and 2400 blocks of Citrus Road, as well as a misidentified a private roadway, Club House Drive, labeled Zinfandel Drive. It is negligent to not evaluate the potential offered by this existing piece of public infrastructure; the under crossing is just one mile from the site of the proposed Rancho Cordova Parkway Interchange, RCPI, aka Sunrise Reliever. Citrus Road should be addressed within the context of overall connectivity especially from its potential to alleviate severe traffic impacts and air quality impacts on Sunrise Blvd.

The impact and evaluation of the RCPI, aka, Sunrise Reliever is severely distorted from improperly eliminating mention and impact of a significant infrastructure left over from an abandoned heavy rail under crossing as well as an attached public roadway unlawfully shut and barricaded, and a private roadway labeled and interpreted as a public roadway. It was easy for me to do a records request on these infrastructures; therefore a reasonable inference is that public officials desire to continue the unlawful closures/usages since they are not addressed in this document. In an email to me, Caltrans District Three Director recently granted a waiver on the Citrus Road under crossing for the local government to pursue and evaluate and even to improve and open to vehicle traffic.

Unreasonable conclusions from data cited within this report suggest that a worker should not drive to a job in rancho from nearby communities within the SACOG area or even from nearby Sac County, and large jobs numbers create absolute need for added large numbers of housing units. If Rancho Cordova provides numbers of jobs that exceed equivalent housing units, it does not reasonably suggest that urban sprawl is the solution. Commuting is acceptable; California is the West!

Dual court decisions in summer of 2007 reduced the numbers of permitted houses in this Sunridge/Del Oro study area; are these numbers evaluated and decisions implemented?

Respectfully,

Kathleen Willoughby

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