



SAN JOAQUIN
REGIONAL
RAIL COMMISSION



San Joaquin
Joint Powers Authority

SCH #2019090306

Valley Rail Sacramento Extension Project

Appendix I

Responses to Comments
on the Draft Environmental
Impact Report

September 2020



Final Environmental Impact Report San Joaquin Regional Rail Commission Valley Rail Sacramento Extension Project

STATE CLEARINGHOUSE #2019090306

Appendix I Responses to Comments on the Draft EIR

September 2020

Prepared for:



SAN JOAQUIN
REGIONAL
RAIL COMMISSION



San Joaquin
Joint Powers Authority

San Joaquin Regional Rail Commission

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List of Acronyms

A/G	General Agriculture
AB	Assembly Bill
ACE	Altamont Corridor Express
ACEC	American Council of Engineering Companies
ADA	Americans with Disabilities Act
ARB	California Air Resources Board
BLM	Bureau of Land Management
BMPs	Best Management Practices
C.F.R	Code of Federal Regulations
Caltrans	California Department of Transportation
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CCR	California Code of Regulations
CCTC	Central California Traction Company
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CNDDB	California Natural Diversity Database
CNG	compressed natural gas
CNPS	California Native Plant Society
CPUC	California Public Utilities Commission
CUPAs	Certified Unified Program Agencies
CVRWQCB	Central Valley Regional Water Quality Control Board
DPR	California Department of Pesticide Regulation
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
EMFAC	CARB Emission FACTor
EPA	U.S. Environmental Protection Agency
FEMA	Federal Emergency Management Agency
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
HRA	health risk assessment
HSR	high-speed rail
I-5	Interstate 5
LRT	light rail transit

	Mount Lewis Field Office.
MMRP	Mitigation and Monitoring Reporting Plan
NO _x	nitrogen oxide
NPDES	National Pollutant Discharge and Elimination System
O&M	operations and maintenance
OEHA	Office of Environmental Health Hazard Assessment
RailPAC	Rail Passenger Association of Californian and Nevada
RCRA	Resource Conservation and Recovery Act
RD	Reclamation District
Regional San	Sacramento Regional County Sanitation District
ROW	right-of-way
RTA	Rail Transit Agencies
SacRT	Sacramento Regional Transit
SAFCA	Sacramento Area Flood Control Agency
SAFE	Safer Affordable Fuel-Efficient
SB	Senate Bill
SCWA	Sacramento County Water Agency
SJJPA	San Joaquin Joint Powers Authority
SJRRC	San Joaquin Regional Rail Commission
SMAQMD	Sacramento Metropolitan Air Quality Management District
SMART	Sacramento Metro Advocates for Rail and Transit
SMUD	Sacramento Municipal Utility District
SR	State Route
SSCHP	South Sacramento Habitat Conservation Plan
SSPP	System Safety Program Plan
TACs	toxic air contaminants
TNC	transportation network company
UAIC	United Auburn Indian Community's
ULOP	Urban Level of Flood Protection
UPRR	Union Pacific Railroad
USACE	U.S. Army Corps of Engineers
VMT	vehicle miles travelled
VRM	Visual Resource Management

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Appendix I Introduction

This appendix includes copies of all comment letters and emails received during the public review period for the Draft EIR for the Valley Rail Sacramento Extension Project. A list of the public agencies, organizations, private companies, and individuals who commented on the Draft EIR is shown in Table 1. Within this appendix, all comment letters and emails have been numbered as shown in Table 1 for identification. Individual comments within each letter and email have been numbered in the margins of the letters and emails. A response to each of these numbered comments is provided in the appropriate section of this appendix. The location of the responses for each letter is indicated in Table 1.

Table 1 Comments to Responses Letters

Letter #	Commenter	Location of Responses
Agencies		
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3	California Department of Transportation (Caltrans)	I.1-99
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7	U.S. Environmental Protection Agency (EPA)	I.1-126
8	Freeport Regional Water Authority	I.1-129
9	Reclamation District 1000 (RD1000)	I.1-164
10	Sacramento Area Flood Control Agency (SAFCA)	I.1-170
11	City of Sacramento Community Development	I.1-176
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20	Sacramento Municipal Utility District (SMUD)	I.1-216
21	Sacramento Regional County Sanitation District (Regional San)	I.1-225
22	Stanislaus County Environmental Review Committee	I.1-252
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24	Not Used	I.1-259
Organizations		
25	Central Valley Bird Club	I.2-3
26	The Nature Conservancy	I.2-11
27	North Natomas Community Coalition	I.2-23

Letter #	Commenter	Location of Responses
28	Rail Passenger Association of Californian and Nevada (RailPAC)	I.2-26
29	Sacramento Metro Advocates for Rail and Transit (SMART)	I.2-28
30	United Auburn Indian Community	I.2-31
Individuals and Businesses		
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32	Burke, Kevin	I.3-8
33	ccbadger	I.3-10
34	Cecilia C	I.3-14
35	Kris Carley	I.3-19
36	Michelle Chester	I.3-22
37	Steve Dennison	I.3-25
38	Donna Farris	I.3-27
39	Ramon Flores	I.3-34
40	George Reed, Inc.	I.3-36
41	Larane Investments	I.3-39
42	Ansel Lundberg	I.3-45
43	Julia Mee	I.3-47
44	Mike Mee	I.3-53
45	Mike Mee	I.3-58
46	Darrel Ng	I.3-61
47	G.M. Pucilowski	I.3-68
48	Derek Sagehorn	I.3-78
49	David Sindel	I.3-80
50	Evan Siroky	I.3-88
51	Mauricio Torres	I.3-90
52	Alfred Twu	I.3-92
53	Wilbur-Ellis Company	I.3-94
54	Mark Williams	I.3-136
55	ADESA Brasher	I.3-139

I.1 Agency Comments and Responses

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I.1.1 Letter 1. BLM



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Mother Lode Field Office
5152 Hillside Circle
El Dorado Hills, CA 95762
www.blm.gov/office/mother-lode-field-office



In Reply Refer To:
Valley Rail Sacramento Extension Project
Draft Environmental Impact Report
SCH #2019090306

Filed electronically

June 5, 2020

San Joaquin Regional Rail Commission
Attn: Valley Rail Sacramento Extension Project
949 East Channel Street
Stockton, CA 95202
Email: ace.sacramentoextension@gmail.com

Subject: Department of the Interior Bureau of Land Management COMMENTS
on the Valley Rail Sacramento Extension Project Draft Environmental Impact
Report; Stanislaus and Tuolumne Counties, California

Dear San Joaquin Regional Rail Commission:

The U.S. Department of the Interior Bureau of Land Management (BLM), has reviewed the Draft Environmental Impact Report (DEIR) for the Valley Rail Sacramento Extension Project (proposed project) that the San Joaquin Joint Powers Authority (SJPA) and the San Joaquin Regional Rail Commission (SJRRRC), which manage the Amtrak San Joaquins and the Altamont Corridor Express (ACE), respectively, are jointly undertaking on a proposed passenger rail service between Stockton and Sacramento. We appreciate the opportunity to comment during this stage of the process for the project and provide comments from the BLM below.

BLM Comments on Valley Rail Sacramento Extension Project

- (1) The BLM is one of seven land-owning partners at the Cosumnes River Preserve (Preserve). The BLM serves as the lead Federal agency at the Preserve through a BLM-funded Preserve Manager's position. The BLM's Preserve Manager is responsible for providing assistance and oversight to Preserve partners as they relate to fish, wildlife, plants, and other natural resource values at the Preserve. The SJPA, nor the SJRRRC contacted the BLM to notify or confer with the BLM Mother Lode Field Office (MLFO) regarding the planned curve improvement/upgrade that passes through BLM-owned or managed property at the Preserve. In addition, the description of the project, and

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CALIFORNIA*, NEVADA*, OREGON*
* PARTIAL

therefore the DEIR analysis, is incomplete because it does not adequately include a description of the operational phase of the project, nor does it adequately address the cumulative and long-term impacts associated with increased frequency of train traffic, at higher rates of speed.

1-1
Cont

- (2) The DEIR states in Vol.I, Table ES-6. Summary of Phase I Impacts and Mitigation Measures, Section 3.11, Land Use and Planning, LU-2: *"Phase I improvements would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect."* The SJJPA and SJRRC did not address the BLM's MLFO Sierra Resource Management Plan (RMP) in the DEIR. The RMP is the guiding document for the BLM's management activities at the Cosumnes River Preserve and formally establishes the 2035-acre Cosumnes River Preserve Area of Critical Environmental Concern (ACEC). The DEIR does not address, and therefore ignores the goals and objectives of the RMP and associated Record of Decision and does not fully address the goals and objectives in the Cosumnes River Preserve Management Plan. The oversight of the RMP is repeated in Table ES-6., item BIO-6 (Page ES-23) that states *"Phase I improvements would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan."*

1-2

- (3) The DEIR states in Volume I, ES.3: Project Description, Section ES 3.2.1 (Page ES-9), track curve improvements *"would increase the allowable speed of the curves from 60 miles per hour (mph) to 90 mph to accommodate the typical 79 mph operation of San Joaquins and ACE trains along the corridor."* The DEIR further states in Section 3.14 of Volume II (Page 3.14-14) that *"Phase I improvements would increase service between proposed and existing stations in Stockton and Sacramento by seven additional round trips (two San Joaquins and five ACE trains)."* The DEIR does not adequately address the short-term, cumulative, and long-term impacts of increased frequency of train traffic, at higher rates of speed to the objectives of the Cosumnes River Preserve ACEC. The RMP Record of Decision, in designating the 2035-acre ACEC, states that *"The relevant and important values include the existence or potential for restoration of: (1) valley oak (Quercus lobata) riparian forest; (2) seasonal wetlands; (3) vernal pools; (4) oak (Quercus spp.) savannah; and (5) agricultural lands such as irrigated pasture and crops that provide habitat for sandhill cranes (Grus Canadensis) and a buffer for the Preserve."* Additionally, the RMP Record of Decision, designates the ACEC under Class II of the BLM's Visual Resource Management (VRM) objectives. Within this framework, areas are assigned to one of four classes based on the scenic quality, visual sensitivity, and distance zones. The Class II Objective states that areas under this designation are to *"retain the existing character of the landscape (no disruption of basic elements, changes should not be evident)."* The addition of seven daily round trips through the ACEC is in direct contradiction to the goals of the Class II VRM Objective.

1-3

- (4) The Draft Environmental Impact Report (DEIR) does not adequately address impacts to recreational activities at the Preserve. The DEIR does not address long term direct, indirect, and cumulative impacts to visual resources, noise, wildlife disturbance and

1-4

wildlife viewing opportunities caused by 14 additional operational events (7 roundtrips) daily and future maintenance activities.	1-4 Cont
(5) The DEIR does not adequately address potential short-term construction impacts to federal trust species (migratory waterfowl), greater sandhill cranes, Swainson’s hawks, western pond turtles, among others that exist, or may exist and/or depend on Preserve resources during their lifecycle. Additionally, the DEIR does not adequately address potential cumulative and long-term impacts caused by increased frequency of traffic at higher rates of speed.	1-5
(6) The DEIR does not adequately address the potential for increased wildlife collisions and disturbance (e.g., noise) in an Ecological Reserve caused by increased train traffic at higher speeds. Although the DEIR does address formal consultation with the USFWS and the CDFW for special status species, it does not address BLM special status plant and wildlife species.	1-6 1-7
(7) The DEIR does not adequately address issues or mitigation measures regarding impacts to habitat, wildlife, special-status plant and animal species, and recreation resulting from the additional track maintenance that would be required as a result the proposed project.	1-8
(8) The DEIR did not recognize pesticide use restrictions and reporting requirements on BLM owned or managed land as mandated by Federal laws, regulations, and policies that guide BLM management activities on public lands. Additionally, the DEIR does not adequately address the spread or control of noxious and invasive weeds, or potential cumulative and long-term impacts caused by increased frequency of operations and maintenance and/or potential access through Preserve properties.	1-9 1-10
(9) The DEIR does not contain an adequate discussion of the authorization used to conduct the proposed project on BLM managed lands. The DEIR should either include a discussion detailing how construction and the changed operations and maintenance are within the railroad’s existing right-of-way, or SJJPA or the SJRRC should contact the BLM as soon as possible to determine the appropriate authorization needed for the work.	1-11

DEIR Specific Comments

(1) DEIR Vol. I page 3.4-107

The DEIR states on page 3.4-107:

“No impacts on greater sandhill crane habitat would result from the Track Curve Reconstruction South of Desmond Road, because all work would be on existing track. No known roosts or roost habitats are mapped in the project footprint; therefore, no suitable roost sites would be impacted (i.e., removed) by the proposed project. Construction of the proposed project could result in direct loss of sandhill crane foraging habitat that would be potentially significant.”

The BLM does not agree that, *“No known roosts or roost habitats are mapped in the project footprint...”*. The Cosumnes River Preserve conducts monthly roosting sandhill crane surveys. 1-12

Contrary to the above statement from page 3.4-107 in the DEIR, data from the 2019-2020 survey season shows roosting sandhill cranes in 3 seasonal wetland ponds within the 500 ft. Buffer of Environmental Footprint and within two additional wetland ponds adjacent to the 500 ft. Buffer of Environmental Footprint (Attachment I). During project construction mitigation measures may lessen impacts to sandhill crane roosting habitat, however, the DEIR does not address the cumulative or long-term impacts to roosting habitat resulting from increased frequency of train traffic, at higher rates of speed during the Operational phase of the proposed project.

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(2) DEIR Vol I, Page 3.4-100

The DEIR states on page 3.4-100, *Operation*

“Potential impacts on Swainson’s hawk and white-tailed kite from long-term project operation would be similar to those described for Special-Status Plants, above. Additional noise, vibration, and/or lights along the Sacramento Subdivision from seven new roundtrip passenger trains daily could displace individuals from limited areas of marginal upland habitat along the Sacramento Subdivision; however, passenger trains would pass through these areas briefly, and are much smaller and less noisy than existing freight train service currently operation along the Sacramento Subdivision. Impacts related to project operation would be less than significant.”

The BLM does not agree that *“Potential impacts on Swainson’s hawk and white-tailed kite from long-term project operation would be similar to those described for Special-Status Plants, above.”* and does not agree that, *“Impacts related to project operation would be less than significant.”*. The Preserve conducts twice-monthly roadside raptor surveys annually, from March through September, on designated survey routes that cover both Preserve lands and surrounding lands. The Preserve has an extensive seven-year data set from the 2013 through 2019 survey seasons. Attachment II provides summary data for areas adjacent to, or crossing, portions of proposed Phase I project described in the DEIR. Additionally, the Preserve conducted a pre-season raptor nest survey in January 2020. Attachment III contains GPS mapped locations of potential raptor nests along areas of the designated survey routes adjacent to, or crossing, portions of proposed Phase I project described in the DEIR. Based on the available data, the level of analysis presented in the DEIR does not adequately account for long-term, or cumulative impacts to nesting and foraging habitat for Swainson’s hawk or other raptor species in the vicinity of the Cosumnes River Preserve and associated BLM-owned and managed lands. In addition, impacts to wildlife species are not comparable to impacts on Special-Status plants. The oversight of potential cumulative and long-term impacts related to the Operational phase of the project is repeated throughout the Biological Resources (Section 3.14) analysis in the DEIR.

1-13

(3) DEIR VOL I, Page 3.4-109

The DEIR includes a heading titled *“Other Special-Status Birds, Migratory Birds, and Other Raptors”* yet no analysis of impacts to federal trust species (migratory waterfowl) or waterbirds is included in the section.

1-14

The Preserve conducts twice-monthly waterfowl and waterbird surveys and manages a database that is updated after each survey. Attachment IV provides summary waterfowl and waterbird

data from the past six surveys seasons for seasonal wetland ponds within the 500 ft. Buffer of Environmental Footprint and additional seasonal wetland ponds adjacent to the 500 ft. Buffer of Environmental Footprint. During project construction, mitigation measures may lessen impacts to waterfowl habitat, however, the DEIR does not address the cumulative or long-term impacts to migratory waterfowl resulting from increased frequency of train traffic, at higher rates of speed during the Operational phase of the proposed project.

1-14
Cont

(4) DEIR VOL I, Page 3.4-115

Volume I of the DEIR states on page 3.4-115

"Potential impacts on riparian habitat from long-term project operation would be similar to those described for Special-Status Plants, such as trampling or crushing of native vegetation by vehicles or foot traffic if maintenance personnel leave access roads; erosion and sedimentation; accidental leaks/spills of hazardous materials; and the introduction of nonnative, invasive plants as a result of increased human presence (see Impact BIO-1). However, use of herbicides, potential accidental leaks/spills, and introduction of invasive plants along the tracks would not likely contribute to any substantial additional habitat degradation beyond existing conditions in the UPRR ROW that are already degraded and subject to these effects."

1-15

The BLM does not agree that "...use of herbicides, potential accidental leaks/spills, and introduction of invasive plants along the tracks would not likely contribute to any substantial additional habitat degradation beyond existing conditions in the UPRR ROW that are already degraded and subject to these effects." The spread of weed seed by wind and wildlife vectors would most likely spread noxious and invasive weed colonies to BLM-owned and managed lands outside of the project footprint. In addition, herbicides and hazardous materials are likely to leach through the soil profile, runoff, or drift during application onto lands adjacent to the UPRR ROW.

(5) DEIR VOL II, Page 3.10-8

Volume II of the DEIR states on page 3.10-8

"Pesticides (including herbicides) are used as a part of current operations and maintenance to maintain and clear vegetation from the UPRR ROW. The current and future use of pesticides for vegetation removal near the track alignment and other facilities as part of operation and maintenance activities must comply with DPR regulations."

1-16

The BLM has no issue with this statement. However, the DEIR does not address BLM policies and regulations regarding the use of pesticides to control or manage noxious or invasive weeds on BLM-owned or managed lands. The *Federal Land Policy and Management Act of 1976 (FLPMA)* directs the BLM to manage public lands "in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resources, and archeological values." The *Carlson-Foley Act of 1968* and the *Plant Protection Act of 2000* authorize and direct the BLM to manage noxious weeds and to coordinate with other Federal and

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state agencies in activities to eradicate, suppress, control, prevent, or retard the spread of any noxious weeds on Federal lands. The *Federal Noxious Weed Act of 1974* established and funded an undesirable plant management program, implemented cooperative agreements with state agencies, and established integrated management systems to control undesirable plant species. The *Noxious Weed Control Act of 2004* established a program to provide assistance through states to eligible weed management entities to control or eradicate harmful and non-native weeds on public and private lands. **Executive Order 13112, *Invasive Species***, directs Federal agencies to prevent the introduction of invasive species and provide for their control, and to minimize the economic, ecological, and human health impacts that invasive species cause (BLM 2007a). The BLM has also produced national-level strategies for invasive species prevention and management. These include *Partners Against Weeds* (BLM 1996), which outlines the actions BLM will take to develop and implement a comprehensive integrated weed management program; and *Pulling Together: National Strategy for Invasive Plant Management* (BLM 1998), which illustrates the goals and objectives of a National invasive plant management plan (prevention, control, and eradication). The Federal Interagency Committee for the Management of Noxious and Exotic Weeds is leading a national effort to develop and implement a *National Early Detection and Rapid Response System for Invasive Plants in the United States* (FICMNEW 2003). The primary long-term goals of the proposed system are to detect, report, and identify suspected new species of invasive plants in the United States. The EPA regulates pesticides (including herbicides) under the *Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) of 1972* as amended in 1988. This Act establishes procedures for the registration, classification, and regulation of all pesticides. BLM Staff at the Preserve prepare an Integrated Vegetation Management (IVM) EA every three years in compliance with Department of Interior (DOI) and BLM policy and manual direction. The SJJPA and SJRRC have not adequately addressed the control of invasive and noxious weeds that may spread onto adjacent BLM-owned or managed lands and have not addressed BLM restrictions or reporting requirements.

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(6) DEIR Vol. II page 3.15-11

The DEIR Vol.II page 3.15-11 states

Construction

“The proposed Track Curve Reconstruction South of Desmond Road would occur in the Cosumnes River Preserve. However, all rail construction would occur in the existing UPRR ROW and the area of the Cosumnes River Preserve adjacent to the track curve reconstruction site is not used for recreation. However, the Lost Slough Wetlands Walk is immediately adjacent to the footprint of proposed curve reconstruction improvements and is used for walking/hiking and nature watching. Track Curve Reconstruction South of Desmond Road may result in visual setting degradation, wildlife displacement, and increased noise and dust along this trail, potentially temporarily displacing some users from the Lost Slough Wetlands Walk to other trails farther from the construction area. However, due to the likely low use of the trail on weekdays (when construction would occur), visitor displacement from this trail to a different trail would be minimal. Therefore, temporary displacement of some users would not increase the use of other

1-17

recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. "

Operation

"Upon completion of construction, any potentially displaced users of the recreational facilities would be expected to return to their original recreation facility. As discussed in Section 3.13, Population and Housing, there is growth anticipated and planned along the project corridor. The presence of the stations and additional rail trips along the extended route would support current local and regional land use development plans and would not induce new unplanned growth along the project corridor or at station sites. Therefore, the proposed project would not lead to increased use of neighborhood and regional parks or other recreational facilities. Thus, operational impacts on recreational resources would be less than significant."

Recreation activities and programs at the Preserve provide the public with a wide range of compatible-use opportunities while adhering to the Preserve Partners' primary mission to protect, restore, enhance, and manage native habitats and species. The 4,000-square-foot visitor's center is the focal point for providing visitor services to the public. The building has administrative offices, a display room with interpretive exhibits, restrooms, outside deck, and is fully accessible to mobility-impaired visitors. Based on weekend tallies in the Visitor's Center, the Preserve estimates that approximately 25,000 visitors come into the Visitor's Center annually. However, many more visitors come to the Preserve without ever entering the Visitor's Center, so it is difficult to get an absolute estimate of total annual visitation. Based on our best available information, we estimate that our current visitation may average around 50,000 or more visitors annually. Due to the Preserve's proximity to ever-expanding urban areas and easy vehicular access from Interstate 5 and Highway 99, the Preserve Partners anticipate an increase in visitors and desire for outdoor recreational opportunities, and demands for recreational access to Preserve lands and waterways in the future.

1-17
Cont

While the BLM agrees with SJRRC that during project construction, mitigation measures may lessen short-term impacts to recreational activities at the Preserve, the DEIR does not adequately address construction activities along the approximately 0.8 mile section of trail directly adjacent to the UPRR ROW. In addition, the DEIR does not address the cumulative or long-term impacts to recreational opportunities and safety concerns resulting from increased frequency of train traffic, at higher rates of speed, during the Operational phase of the proposed project.

1-18

BLM Recommended Mitigation Measures. Based on the above comments, and anticipated impacts to the Cosumnes River Preserve, the BLM recommends the following measures to avoid, reduce, or mitigate impacts to the resources managed by the BLM.

- 1) **Mitigation Measure 1:** If the SJJPA and SJRRC proposes ground-disturbing activities on or directly adjacent to BLM lands that were not specifically addressed in the Commission's DEIR/NEPA processes, consult with BLM to assess the potential for project-related effects to all Special-Status species including, but not limited to, roosting sandhill cranes, nesting and foraging habitat for Swainson's hawks and white-tailed kites, and whether additional information is required to proceed with the planned activity.

1-19

- 2) **Mitigation Measure 2:** The SJJPA and SJRRC must carry out thorough analysis of the impacts to other Special-Status birds, migratory birds, and other raptors, regarding the proposed activities on, or directly adjacent to, BLM lands and include them in the EIR processes. In addition, the SJJPA and SSJRC must consult with BLM to assess the potential for project-related effects to other Special-Status birds, migratory birds, and other wildlife, and based on those results, determine whether additional measures are needed to avoid or reduce impacts to these species. 1-20
- 3) **Mitigation Measure 3:** Establish annual consultation with the BLM to review lists of CDFW, USFWS, and BLM special-status plant and wildlife species. Because the status of special-status species changes on a recurrent basis, this Condition allows the BLM to annually evaluate the potential project effects to new species in context with their most recent state and federal designation, to have an opportunity to conduct any additional studies that may be needed to inform the BLM regarding Project effects, to conduct appropriate consultation with the U.S. Fish and Wildlife Service for newly-listed species, and to incorporate any additional requirements into other Measures, as needed. An annual meeting is an important way to ensure that the Project complies with current laws, policy, and regulations throughout the life of the project, and does not duplicate other actions. 1-21
- 4) **Mitigation Measure 4:** Require annual employee awareness training to familiarize the operations and maintenance staff with special status species, migratory birds (waterfowl), raptors, non-native invasive plants, and sensitive areas known to occur within or adjacent to the project boundary. The purpose of this measure is to minimize the possibility that continued Project O&M would adversely affect special-status species, sensitive areas and invasive plant introduction and spread. 1-22
- 5) **Mitigation Measure 5:** Based on the updated analysis based on the comments above, if cumulative and long-term impacts from the increased frequency of train traffic at higher speeds cannot be minimized or avoided, consider mitigation through the enhancement or restoration of habitat. This would include, but not be limited to, impacts to nesting and foraging habitat for special status raptor species (e.g., Swainson's hawk, northern harrier, etc.), roosting sandhill crane habitat, and the habitat of other federal trust species of migratory waterfowl and waterbirds. Any enhancement or restoration project taking place within the Preserve would require coordination with, and authorization from the BLM, and if applicable, the land-owning partner. 1-23
- 6) **Mitigation Measure 6:** The SJJPA and SJRRC will consult with the BLM and submit a comprehensive plan that addresses the control of invasive and noxious weeds that may spread onto adjacent BLM-owned or managed lands. In addition, an herbicide spill plan consistent with BLM spill plans outlined in BLM manuals, DOI Manual 517 (*Integrated Pest Management*) and BLM Manual Section 9015 (*Integrated Weed Management*) will be provided for review. 1-24
- 7) **Mitigation Measure 7:** Mitigation Measure 7 is an administrative measure that requires prior written approval by the BLM prior to application of herbicides on BLM-managed land and that during annual consultation meetings the SJRRC or appropriate agency will 1-25

submit a request for approval of herbicide use for the upcoming year. Pesticide use restrictions on BLM lands require BLM to comply with law and policy. BLM policy requires that, prior to herbicide application on BLM lands, a Pesticide Use Permit must be prepared and submitted to BLM for analysis and review. Following application, a Pesticide Application Report must be completed within 24 hours and submitted to the BLM according to the *Vegetation Treatments Using Herbicides on BLM Lands in 17 Western States Final Programmatic Environmental Impact Statement (2007)*. BLM policy also restricts the type of herbicides and adjuvants that can be applied on BLM land. BLM maintains an approved list of herbicides and adjuvants, and only those approved formulations can be applied to BLM land.

1-25
Cont

- 8) **Mitigation Measure 8:** Based on the updated analysis based on the comments above, if cumulative and long-term impacts from the increased frequency of train traffic at higher speeds cannot be avoided or minimized, develop a plan to mitigate for those impacts to recreational activities, by providing for increased recreational opportunities in areas of the Preserve unaffected by the Project.

1-26

Conclusion

The BLM is one of seven land-owning partners at the Preserve, each of which may be providing comments on the proposed project. The BLM requests a meeting including the Preserve partners, SJRRC and SJPA Staff, and the resource agencies mentioned above to discuss and resolve differences between the SJRRC Proposed alternative recommendations for the protection of fish and wildlife resources as described in the DEIR.

1-27

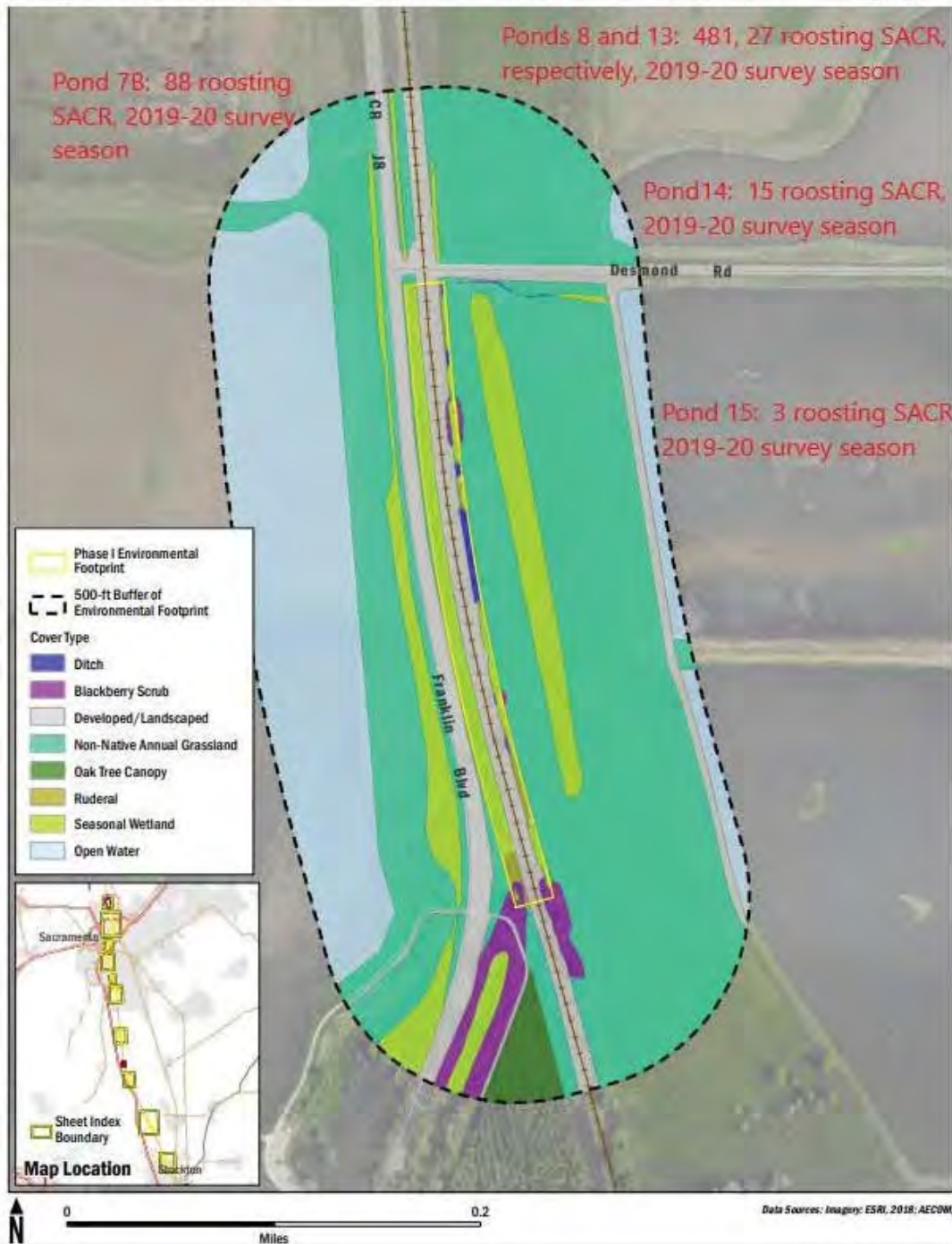
Thank you for the opportunity to provide comments at this stage of the review process. Please address any questions or concerns regarding BLM's comments to Mark Ackerman at (916) 202-2066 or at mackerma@blm.gov.

Sincerely,

Elizabeth Meyer-Shields
Field Manager

Attachment I:

Roosting sandhill crane data from the 2019-20 survey season at the Cosumnes River Preserve in wetland ponds within/adjacent to the Phase I Desmond Road track improvement project site



AECOM
 San Joaquin Regional Rail Commission

FIGURE 3.4-4D
*Track Curve Reconstruction South of Desmond Road
 Land Cover and Aquatic Features*

Attachment II: Summary raptor survey data from 2013 through 2019, by total birds, on routes/locations adjacent or crossing to the Phase I rail project

Route 2

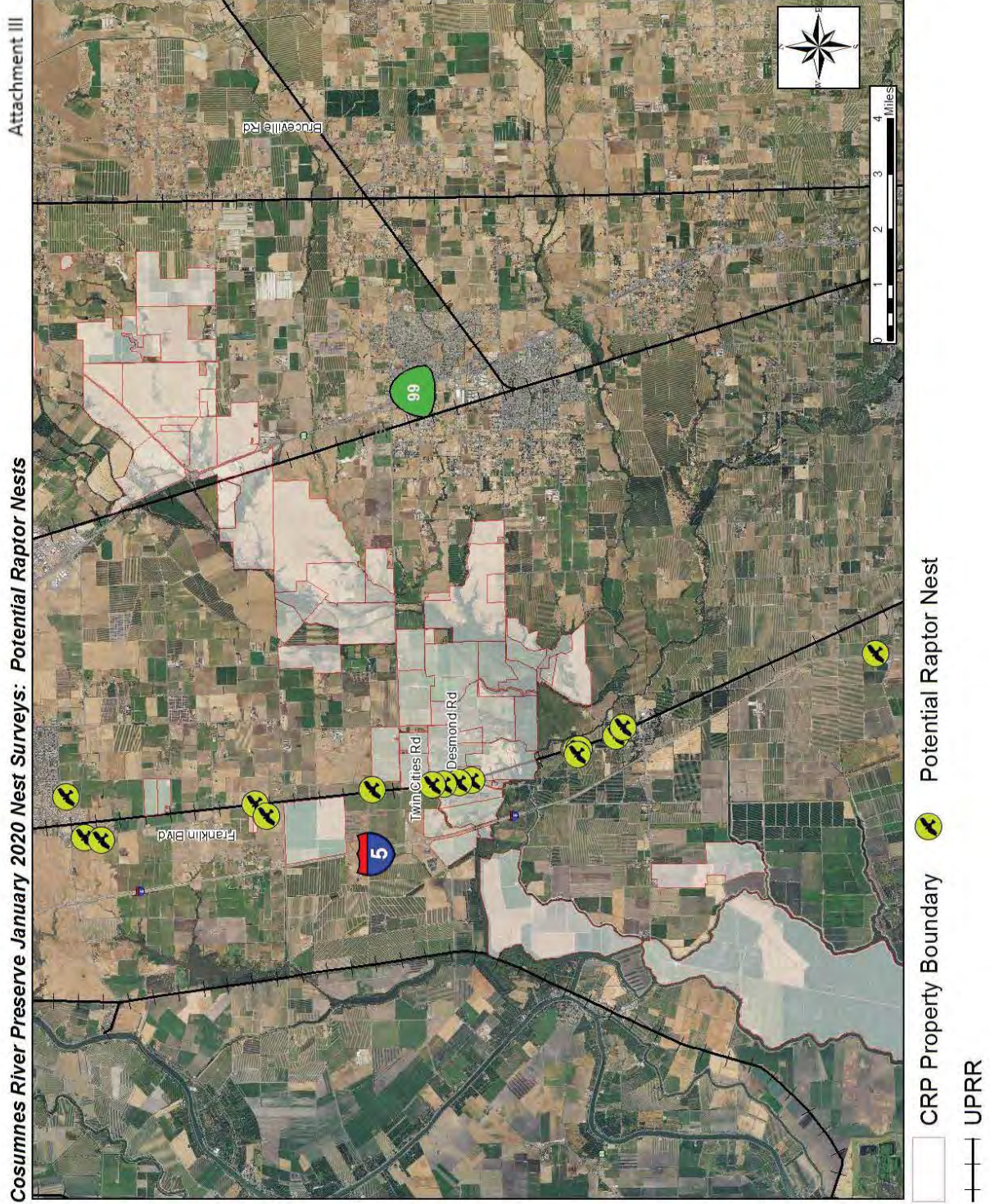
Species	Totals
American kestrel	128
Barn owl	1
Coopers hawk	2
Ferruginous hawk	3
Loggerhead shrike	3
Northern harrier	29
Opsrey	1
Red-shouldered hawk	38
Red-tailed hawk	476
Swainson's hawk	1330
White-tailed kite	33

Route 3

Species	Totals
American kestrel	19
Coopers hawk	5
Northern harrier	16
Red-shouldered hawk	10
Red-tailed hawk	97
Swainson's hawk	231
White-tailed kite	15

Route 5

Species	Totals
American kestrel	16
Barn owl	1
Coopers hawk	10
Northern harrier	4
Red-shouldered hawk	19
Red-tailed hawk	407
Swainson's hawk	212
White-tailed kite	3



**Attachment IV: Cosumnes River Preserve Waterfowl and Waterbird Summary Data,
2014-15 through 2019-20 Survey Seasons**

The Desmond Road track improvement project site and associated rail intersect the seasonal wetland ponds at the Cosumnes River Preserve. This attachment summarizes 6 years of data for the 12 seasonal wetland ponds that are directly adjacent (*i.e.*, east and west) to the existing rail line and proposed section of track improvement. These ponds include Ponds 5, 6, 7B in the Lost Slough Unit, Ponds 8, 13, 14, 15, 16, and 19 in the Lost Slough East/Barn Ponds, and ponds 28, 29, 30 in the Willow Slough Unit. Over the past six survey seasons (2014-15 through 2019-20) those ponds averaged 8,193 birds per survey during the peak waterfowl season from the beginning of November through the end of February (Figure 1). The low count was 969 birds in November 2016 and the high count was 29,776 birds in February of 2018.

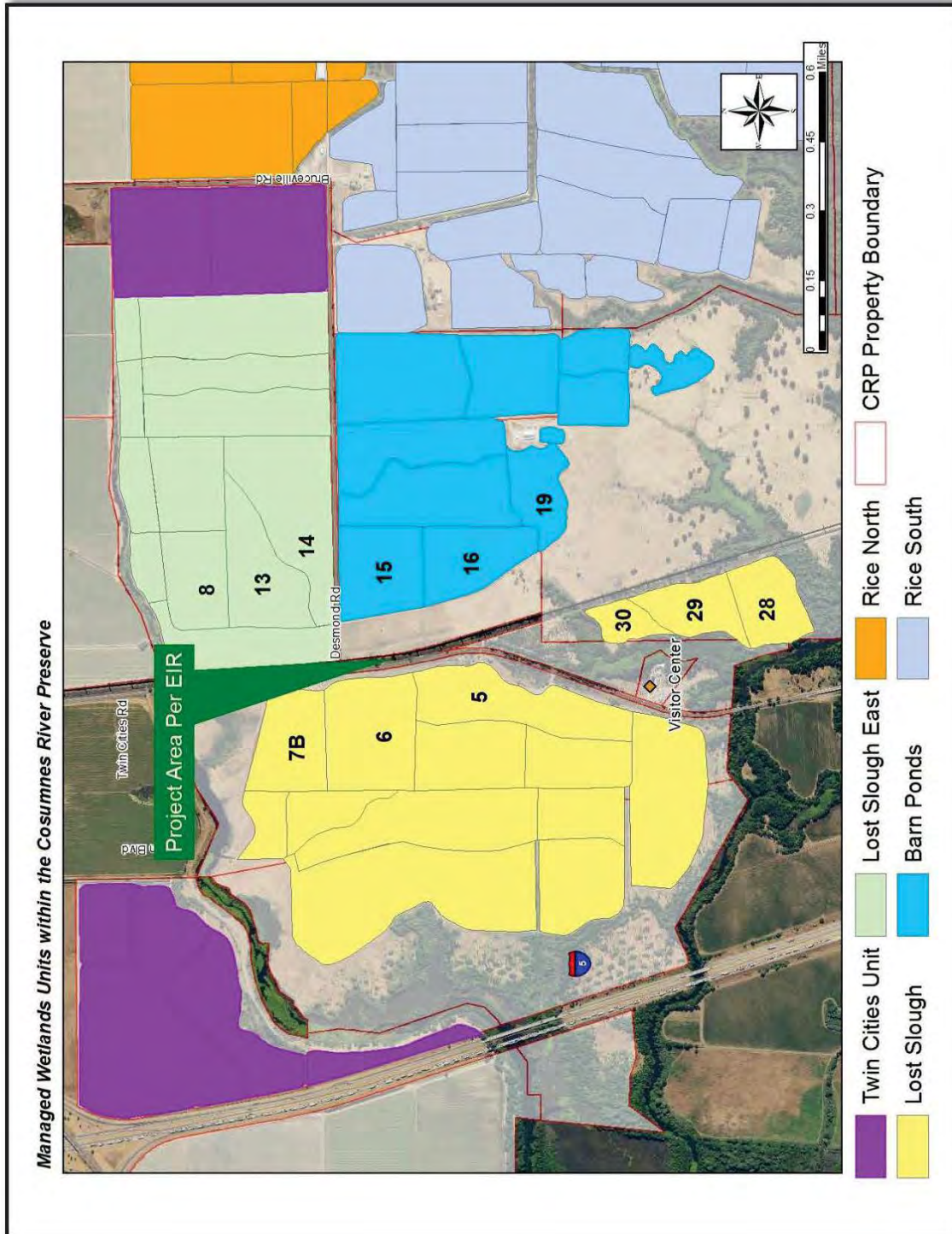


Figure 1. Wetland Units and seasonal wetland ponds adjacent to the Desmond Road Track improvement site and associated railroad line.

I.1.1.1 Response to Comment Letter 1

Response to Comment 1-1

The Valley Rail Sacramento Extension Draft EIR was prepared in accordance with CEQA and state CEQA guidelines. The Draft EIR responds to each of the comprehensive list of issues and topics provided in Appendix G of the CEQA Guidelines related to both construction and operational impacts. The Appendix G statements are evaluated in relation to specific thresholds and criteria resulting in a robust, accurate, and adequate analysis of the potential environmental consequences of the proposed project, including cumulative impacts.

Under CEQA Guidelines Section 15378, Project:

“(a) “Project” means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following:

- (1) An activity directly undertaken by any public agency including but not limited to public works construction and related activities clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100–65700.”

Furthermore, under Article 10, Considerations in Preparing EIRs and Negative Declarations, Section 15143, Emphasis:

“The EIR shall focus on the significant effects on the environment. The significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence.”

Train operational conditions along the Union Pacific Railroad (UPRR) Sacramento Subdivision between the Natomas/Sacramento Airport Station and the Stockton Downtown/ACE station with implementation of the proposed project are not expected to be significantly different from existing conditions. UPRR is may operate a specific number of trains (including both freight and passenger trains) on its railroad subdivisions up to the capacity of the specific subdivision. The addition of project-related passenger trains operating along the Sacramento Subdivision would be dispatched by UPRR and would reduce the potential number of freight trains operating along the subdivision, given that the absolute number of potential trains that can operate is fixed. The addition of seven roundtrip passenger trains per day included in the proposed project is within the existing operational capacity of the subdivision.

It should also be noted that passenger trains are lighter, quieter, and shorter than typical freight trains. Therefore, by potentially reducing the number of freight trains operating along the corridor, adverse indirect and direct effects of freight trains operating along the corridor (as well as maintenance requirements) would also be reduced. As such, the analysis in the EIR focuses mainly on those areas along the corridor where permanent physical changes could occur due to ground disturbance activities.

As described in EIR Chapter 2, *Project Description*, the project footprint is limited to areas along the Sacramento Subdivision where the construction of track improvements and stations would occur. All track improvements would be constructed within existing UPRR right-of-way (ROW), no temporary construction easements or permanent acquisition of new ROW is required for the track improvements. However, as described in EIR Chapter 3, *Environmental Impact Analysis*, the study areas for the environmental resources evaluated in the EIR included a buffer area beyond permanent and temporary impact areas (as necessary) to fully evaluate potential project impacts.

Regarding the potential for increased train speed along the corridor, while the track curve corrections included as part of the proposed project (Chapter 2) would enable speeds of up to 90 mph along the curves, neither passenger nor freight trains would travel at 90 mph due to the fact that the design speed along the Sacramento Subdivision is 79 mph south of Sacramento with slower speeds going through the city. In addition, a speed of 79 mph would only occur along certain stretches of track in isolated areas with minimal at-grade crossings. Other speed limiting factors include the existing condition of track, freight operations, local conditions, and passenger rail operations.

In addition, increased passenger rail service along the UPRR corridor would only occur with operational agreements with UPRR and would be statutorily exempt from CEQA per Section 15275, Specified Mass Transit Projects:

“CEQA does not apply to the following mass transit projects:

- (a) The institution or increase of passenger or commuter service on rail lines or high-occupancy vehicle lanes already in use, including the modernization of existing stations and parking facilities.”

Response to Comment 1-2

As described in EIR Chapter 2, *Project Description*, the proposed track improvements would be located within the existing UPRR ROW; no temporary construction easements or permanent acquisition of new ROW is required. Therefore, the proposed project would not adversely affect the values or objectives of the BLM’s MLFO Sierra Resource Management Plan because it would not permanently affect the existence of or potential for restoration of sensitive habitats such as valley oak riparian forest, seasonal wetlands and vernal pools, oak savannah, or agricultural lands that provide habitat for greater sandhill cranes. All potential temporary and permanent impacts on these sensitive habitats would be associated with the construction phase of the proposed project. As described in EIR Section 3.4, Biological Resources, all impacts would be reduced to a less than significant level with the implementation of the mitigation measures described in Section 3.4. Therefore, no revisions to the EIR are necessary pursuant to this comment.

Please also see response to Comment 1-1.

Response to Comment 1-3

The long-term, cumulative impacts of the proposed project operation on biological resources are evaluated in EIR Section 4.2, *Cumulative Impacts*. As discussed in response to Comment 1-1, since the proposed track improvements within the Cosumnes River Preserve would be located

within the existing UPRR ROW, operational conditions are not expected to be significantly different from existing conditions with respect to special-status wildlife species. UPRR may operate a specific number of trains (including both freight and passenger trains) on its railroad subdivisions up to the capacity of the specific subdivision. The addition of seven roundtrip passenger trains per day included in the proposed project is within the existing operational capacity of the subdivision. The addition of project-related passenger trains operating along the Sacramento Subdivision would be dispatched by UPRR and would reduce the potential number of freight trains operating along the subdivision, given that the absolute number of potential trains that can operate is fixed. Furthermore, passenger trains would be much less noisy than the existing freight trains, and the minor increased noise level would not exceed recommended Federal Transit Administration or local screening threshold levels. Finally, the addition of project-level mitigation measures would reduce the proposed project's cumulative contribution to biological resources. Therefore, the proposed project would not result in significant and unavoidable cumulative impacts to biological resources.

The proposed project would not adversely affect the values or objectives of the Cosumnes River Preserve ACEC because it would not permanently affect the existence of or potential for restoration of sensitive habitats such as valley oak riparian forest, seasonal wetlands and vernal pools, oak savannah, or agricultural lands that provide habitat for greater sandhill cranes. All temporary and permanent impacts on these sensitive habitats would be associated with construction would be mitigated. Please see response to Comment 2-15 for a discussion of mitigation for temporary and permanent impacts on these habitats (Mitigation Measures BIO 1-1.4, BIO 1-1.11, BIO-2.2, BIO-3.2, AG1.-1, AG-1.2).

SJRRC and SJJPA appreciate the information provided by the commenter regarding the BLM's definition of Class II Visual Resource Management (VRM) objectives for the Cosumnes River Preserve Area of Critical Environmental Concern. However, SJRRC and SJJPA note that all project-related construction and operation in the Cosumnes River Preserve would occur within the existing UPRR ROW.

Please also see also response to Comment 1-1.

Response to Comment 1-4

As described in response to Comment 1-1, all project-related work within the Cosumnes River Preserve would occur within the existing UPRR ROW. Impacts to recreation from project construction within the Cosumnes River Preserve are evaluated in EIR Section 3.15, *Recreation*. As discussed in Impact REC-1, the area of the Cosumnes River Preserve adjacent to the track curve reconstruction site is not used for recreation. The Lost Slough Wetlands Walk is immediately adjacent to the footprint of proposed curve reconstruction improvements and is used for walking/hiking and nature watching. While construction activities related to track curve reconstruction south of Desmond Road would occur completely within existing UPRR ROW, construction may result in short-term and temporary displacement of some users from the Lost Slough Wetlands Walk to other trails farther from the construction area. However, due to the likely low use of the trail on weekdays (when construction would likely occur), indirect visitor displacement from this trail to a different trail would be minimal. Therefore, temporary displacement of some users would not increase the use of other recreational facilities such that

substantial physical deterioration of other facilities would occur or be accelerated, and this impact is considered less than significant.

The noise impacts of the proposed project are evaluated in EIR Section 3.12, *Noise and Vibration*. As described in Impact NOI-1, SJRRC and SJJPA would implement Mitigation Measure NOI-1.1 to reduce short-term, temporary construction noise to the maximum extent feasible. Even with implementation of this mitigation measure, construction noise may still exceed the relevant thresholds in some locations, and therefore this impact is considered significant and unavoidable. As discussed in Impact NOI-2, the addition of new passenger service would result in increases in noise levels for sensitive receptors along the existing UPRR corridor. However, the increased noise level would not exceed recommended FTA or local screening threshold levels. Therefore, the long-term operational noise impact would be less than significant.

The biological resources impacts of the proposed project are evaluated in EIR Section 3.4, *Biological Resources*. As described in Section 3.4, the State CEQA Guidelines Appendix G (14 California Code of Regulations 15000 et seq.) has identified significance criteria to be considered for determining whether a project could have significant impacts on biological resources, and those criteria were used for this project. As noted previously, all project-related work within the Cosumnes River Preserve would occur within the existing UPRR ROW. As described in Section 3.4, Impact BIO-4, with the limited extent of new infrastructure, a lack of new barriers to wildlife movement corridors that impede wildlife movement that would be created, and the availability of large expanses of suitable habitat elsewhere, construction impacts on land-based migration corridors would be less than significant. Additional noise, vibration, and/or lights from seven new roundtrip passenger trains daily could deter some individuals from using limited areas of habitat along the UPRR corridor; however, passenger trains would pass through these areas briefly, and are much smaller and less noisy than existing freight train service currently operation. Therefore, impacts related to operation would be less than significant. Furthermore, a suite of 19 different mitigation measures specifically designed to protect wildlife and associated habitat would be implemented as part of the proposed project (see Section 3.4).

The long-term direct and indirect impacts related to visual resources are evaluated in EIR Section 3.1, *Aesthetics*. As discussed in Impact AE-1 there are no designated scenic vistas in the vicinity of the proposed project. Although project-related construction and operation would occur in a small portion of the Cosumnes River Preserve where the scenic quality is high, the viewshed in this area includes the existing UPRR embankment, tracks, and associated equipment such as signals and signage. Furthermore, although the visual quality is high in the surrounding area, the existing visual character is typical of rural agricultural land in the Central Valley, and does not represent examples of an outstanding scenic vista that would qualify for official designation. Therefore, long-term operation of the proposed track improvements would not substantially degrade an existing scenic vista, and track improvement impacts are considered less than significant.

Impact AE-3 discusses the potential for degradation of existing visual character from proposed track improvements, which includes the work proposed in the Cosumnes River Preserve. As noted therein, “The track improvements would also be visible to recreationists from several trails in natural areas such as the Cosumnes River Preserve...”. EIR Section 3.1 goes on to state that the railway embankment, tracks, and associated equipment, such as train signals, would have a visual appearance that is substantially similar to, or the same as, the existing UPRR facilities, and

therefore would blend into the existing landscape. Furthermore, seven additional roundtrips within the existing UPRR ROW represents a very small increase in the amount of rail traffic. Maintenance activities along the track through the Cosumnes River Preserve would be of the same type and occur with the same frequency as maintenance activities that occur now. Therefore, long-term operation of the proposed track improvements would not substantially degrade the existing visual character or quality, and operational track improvement impacts are considered less than significant.

Cumulative impacts are evaluated in EIR Section 4.2, *Cumulative Impacts* (see Section 4.2.7 for Biological Resources, Section 4.2.15 for Noise and Vibration, Section 4.2.18 for Recreation, and Section 4.2.4 for Aesthetics). As discussed therein, since the proposed track improvements within the Cosumnes River Preserve would be located within the existing UPRR ROW, operational conditions are not expected to be significantly different from existing conditions with respect to recreation, special-status wildlife species, or visual resources. UPRR may operate a specific number of trains (including both freight and passenger trains) on its railroad subdivisions up to the capacity of the specific subdivision. The addition of seven roundtrip passenger trains per day included in the proposed project is within the existing operational capacity of the subdivision. The addition of project-related passenger trains operating along the Sacramento Subdivision would be dispatched by UPRR and would reduce the potential number of freight trains operating along the subdivision, given that the absolute number of potential trains that can operate is fixed. Furthermore, passenger trains would be much less noisy than the existing freight trains, and the minor increased noise level would not exceed recommended Federal Transit Administration or local screening threshold levels. Finally, the addition of project-level mitigation measures would reduce the proposed project's cumulative contribution to biological resources, noise, recreation, and visual impacts. Therefore, the proposed project would not result in significant and unavoidable cumulative impacts in these resource areas.

Please also see response to Comment 1-1.

Response to Comment 1-5

EIR Section 3.4, *Biological Resources*, provides a thorough analysis of short-term construction impacts on special-status wildlife and nesting birds and raptors inhabiting the Preserve and provides avoidance, minimization, and mitigation measures for all potentially significant impacts. Section 3.4 analyzes the potential temporary construction impacts of the proposed project on greater sandhill crane. These impacts include disturbance from noise and activity related to the use of construction equipment and the presence of construction personnel. Section 3.4 concluded that because these would be potentially significant and required implementation of Mitigation Measure BIO-1.13 to avoid and minimize potential impacts on greater sandhill cranes through project design and construction BMPs. The mitigation measure is consistent with the South Sacramento Habitat Conservation Plan's avoidance and minimization measures for greater sandhill crane, and would reduce construction impacts on greater sandhill cranes inhabiting the Preserve to less than significant.

The temporary construction impacts of the proposed project on Swainson's hawks and white-tailed kites are discussed in Section 3.4, which concluded that the potential direct and indirect impacts of project construction on nesting Swainson's hawks would be potentially significant, and required implementation of Mitigation Measures BIO-1.1, BIO-1.2, BIO-1.4, BIO-1-9, and BIO-

1.11 to avoid and minimize potential project-related impacts on Swainson's hawk and white-tailed kite through preconstruction surveys and avoidance measures that are consistent with regional conservation plans. These mitigation measures would reduce impacts to on Swainson's hawks and white-tailed kites inhabiting the Preserve to less than significant levels.

Section 3.4 also describes potential construction impacts on western pond turtles and giant garter snakes and characterizes the impacts (potential injury or mortality) as potentially significant. Implementation of Mitigation Measures BIO-1.1, BIO-1.2, BIO-1.4, BIO-1.9, and BIO-1.10 would avoid impacts on western pond turtle and giant garter snake by requiring avoidance and minimization of impacts on aquatic habitats, and requiring preconstruction surveys and avoidance measures for individuals of the species. In addition, implementation of water quality BMPs (Mitigation Measures HYD-1.1, HYD-1.2, and HAZ-2.3) and implementation of fugitive dust control measures (Mitigation Measure AQ-2.3) would further reduce construction-related habitat degradation for these western pond turtles, giant garter snake, and other aquatic species in the Preserve.

Please see Response to Comment 1-13 for a discussion of the long-term cumulative effects of the proposed project operation on wildlife.

Please also see response to Comment 1-1.

Response to Comment 1-6

Please see response to Comment 1-1.

Response to Comment 1-7

The proposed track improvements, including future track maintenance activities, adjacent to BLM managed lands would occur entirely within the existing UPRR ROW. U.S. Department of the Interior Bureau of Land Management (BLM) species deemed as sensitive are addressed in Table C-1 *Potential Occurrence of Special-Status Plants in the Project Footprint*, and Table C-2 *Potential Occurrence of Special-Status Wildlife in the Project Footprint*, both in EIR Appendix C, *Supporting Biological Resources Information*. The following BLM sensitive species are addressed in the tables mentioned above: foothill yellow-legged frog (*Rana boylei*), western spadefoot toad (*Spea hammondi*), tricolored blackbird (*Agelaius tricolor*), golden eagle (*Aquila crysaetos*), burrowing owl (*Athene cunicularia*), Swainson's hawk (*Buteo swainsoni*), western yellow-billed cuckoo (*Coccyzus americanus occidentalis*), white-tailed kite (*Elanus leucurus*), California black rail (*Laterallus jamaicensis coturniculus*), bank swallow (*Riparia riparia*), western pond turtle (*Emys marmorata*), Ferris' milk-vetch (*Astragalus tener* var. *ferrisiae*), heartscale (*Atriplex cordulata* var. *cordulata*), big-scale balsamroot (*Balsamorhiza macrolepis*), pappose tarplant (*Centromadia parryi* ssp. *parryi*), hispid salty bird's-beak (*Chloropyron mole* ssp. *hispidum*), recurved larkspur (*Delphinium recurvatum*), San Joaquin spearscale (*Extriplex joaquinana*), Boggs Lake hedge-hyssop (*Gratiola heterosepala*), legenere (*Legenere limosa*), Red Bluff dwarf rush (*Juncus leiospermus* var. *leiospermus*), and Sanford's arrowhead (*Sagittaria sanfordii*).

Response to Comment 1-8

EIR Section 3.4, *Biological Resources*, provides a thorough analysis of short-term construction impacts on special-status wildlife and nesting birds and raptors and provides avoidance, minimization, and mitigation measures for all potentially significant impacts.

Please see response to Comment 1-5 for additional information about mitigation measures for greater sandhill crane, Swainson's hawks and white-tailed kite, and aquatic species such as western pond turtle and giant garter snake and other special status wildlife species.

With regards to construction activities and recreational impacts, please see Response to Comment 1-4.

Please also see response to Comment 1-1.

Response to Comment 1-9

The proposed track improvements, including future track maintenance activities, within the Cosumnes River Preserve would occur entirely within the existing UPRR ROW. As described in EIR Section 3.9, *Hazards and Hazardous Materials*, pesticides are routinely applied within the UPRR ROW as part of the railroad's ongoing maintenance program. Pesticide use for vegetation removal near the tracks is required to comply with California Department of Pesticide Regulation (DPR) regulations, which are intended to protect human health and the environment. The U.S. Environmental Protection Agency (EPA) has granted to DPR the authority to enforce federal laws pertaining to the proper and safe use of pesticides (CCR Title 3). DPR can also designate pesticides as "restricted material" based on potential effects on public health, applicators, farm workers, domestic animals, honeybees, the environment, wildlife, or crops other than those being treated.

Hazardous materials must be transported in accordance with EPA, federal Resource Conservation and Recovery Act (RCRA), U.S. Department of Transportation, and DPR regulations; managed, stored, and used in accordance with the Unified Program enforced by local Certified Unified Program Agencies (CUPAs); and disposed of in accordance with RCRA and the California Code of Regulations (CCR) at a facility permitted to accept the waste. All track maintenance activities, including the routine application of herbicides to control weeds, would continue to be performed by UPRR. Therefore, the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, including the routine use, transport, and disposal of pesticides for routine track maintenance activities, and this impact was found to be less than significant.

Response to Comment 1-10

The proposed track improvements, including future track maintenance activities within the Cosumnes River Preserve would occur entirely within the existing UPRR ROW. Given the UPRR's ongoing maintenance program that involves the application of herbicides to control weeds within its right-of-way, and the fact that passenger trains would be local rather than interstate, the proposed project would not increase the spread of noxious weeds. EIR Section 3.4, *Biological Resources*, includes Mitigation Measure BIO-1.4 (Develop and implement a revegetation and weed control plan) requires avoidance and minimization of the spread or

introduction of invasive plant species related to project construction, including reclamation of temporary disturbance areas to pre-project conditions and follow-up monitoring visits to ensure no new occurrences of invasive plant species have become established in these areas. All track maintenance activities, including the routine application of herbicides to control weeds, would continue to be performed by UPRR.

Please also see response to Comment 1-1.

Response to Comment 1-11

Please see response to Comment 1-1.

Response to Comment 1-12

In response to the comment, greater sandhill crane data in EIR Section 3.4, *Biological Resources*, has been updated to clarify impacts. This revision does not change the findings, conclusions or recommendations of the EIR.

Please also see response to Comment 1-1.

Response to Comment 1-13

SJRRC and SJJPA appreciate the additional raptor survey and nest location information provided in the commenter's attachments. EIR Section 3.4, *Biological Resources*, addresses impacts such as increased noise, vibration, and lights resulting from seven new roundtrip passenger trains daily on special-status raptors, including Swainson's hawk, white-tailed kite, and western burrowing owls. EIR Section 4.2, *Cumulative Impacts*, includes cumulative impacts of operation on special-status species, including impacts of increase noise and wildlife collisions with trains, is addressed in EIR Section 3.4 This section of the EIR provide an adequate assessment of operational and cumulative impacts of the proposed project on special-status raptors.

Please also see response to Comment 1-1.

Response to Comment 1-14

In response to the comment, impacts to federal trust species such as migratory waterfowl and/or waterbirds would be similar to those described in EIR Section 3.4, *Biological Resources*, and has been updated to clarify impacts. This revision does not change the findings, conclusions or recommendations of the EIR.

Please also see response to Comment 1-1.

Response to Comment 1-15

Please see Responses to Comments 1-1, 1-9, and 1-10.

Response to Comment 1-16

All project-related activities, including future operational track management activities, would occur within the existing UPRR ROW, and therefore are subject to rules and regulations enforced by the U.S. Department of Transportation – Federal Railroad Administration, as well as the U.S.

EPA. Since freight trains sometimes travel across state lines, they could increase the spread of noxious weeds. However, the proposed project involves the operation of passenger trains that are local to the Central Valley and the Bay Area and would not be interstate. Given the UPRR's ongoing maintenance program that involves the application of herbicides to control weeds, and the fact that the passenger trains would be local rather than interstate, the proposed project would not increase the spread of noxious weeds.

Please see also Responses to Comments 1-10 and 1-15.

Response to Comment 1-17

This comment provides information related to the Visitor Center at the Consumes River Preserve. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

Response to Comment 1-18

With regards to construction activities and recreational impacts, please see response to Comment 1-4.

With regards to safety concerns, both the Federal Railroad Administration and the California Public Utilities Commission (CPUC) are responsible for the oversight of safety issues related to train operations. As stated on EIR Section 3.9, *Hazards and Hazardous Materials*, the Federal Railroad Administration (FRA) is responsible for enforcing safety rules and standards under Code of Federal Regulations Title 49, Sections 200–272, which address a comprehensive range of railroad safety topics, including: track safety, roadway workplace safety, railroad operation rules, communications, locomotive safety standards, inspections and maintenance, signal systems, grade crossing safety, bridge safety standards, emergency preparedness, passenger safety, safety training, dispatching, and qualification/certification of conductors. As also stated Section 3.9, the CPUC Rules of Practice and Procedure, and CPUC General Orders, set protocols for railroad safety that would apply to the proposed project. The CPUC is responsible for inspection, surveillance, and investigation of the rights-of-way, facilities, equipment, and operations of railroads and public mass transit guideways, and enforcing federal and state laws. Furthermore, all Rail Transit Agencies (RTA), including the SJRRC, are required to submit an initial System Safety Program Plan (SSPP)—a document adopted by an RTA detailing its safety policies, objectives, responsibilities, and procedures—to CPUC for approval. The Commission would implement all safety protocols as required by the Federal Railroad Administration and the CPUC.

Please also see response to Comment 1-1.

Response to Comment 1-19

With respect to the commenter's request to carry out a thorough analysis of project impacts on special-status species, please see responses to Comments 1-1, 1-3, 1-5, and 1-13. SJRRC and SJJPA will coordinate with BLM during final design and construction on the implementation of the mitigation measures included in the EIR.

Response to Comment 1-20

With respect to the commenter's request to carry out a thorough analysis of project impacts on special-status birds, migratory birds, and raptors, please see responses to Comment 1-1, 1-3, 1-5, and 1-13. SJRRC and SJJPA will coordinate with BLM during final design and construction on the implementation of the mitigation measures included in the EIR.

Response to Comment 1-21

All future operational and maintenance activities would occur within the existing UPRR ROW by UPRR and not by SJJPA and SJRRC, and therefore are subject to rules and regulations enforced by the U.S. Department of Transportation – Federal Railroad Administration, as well as the U.S. EPA. No annual employee awareness training is required. SJRRC and SJJPA will coordinate with BLM during final design and construction on the implementation of the mitigation measures included in the EIR, including long-term monitoring.

Response to Comment 1-22

All future operational and maintenance activities would occur within the existing UPRR ROW by UPRR and not by SJJPA and SJRRC, and therefore are subject to rules and regulations enforced by the U.S. Department of Transportation – Federal Railroad Administration, as well as the U.S. EPA. No annual employee awareness training is required.

Response to Comment 1-23

With respect to the commenter's request to carry out a thorough analysis of project impacts on special-status birds, migratory birds, and raptors, please see responses to Comment 1-1, 1-3, 1-5, and 1-13. SJRRC and SJJPA will coordinate with BLM during final design and construction on the implementation of the mitigation measures included in the EIR.

Response to Comment 1-24

Please see responses to Comments 1-1, 1-9, and 1-16. SJRRC and SJJPA will coordinate with BLM during final design and construction on the implementation of the mitigation measures included in the EIR.

Response to Comment 1-25

Please see responses to Comments 1-1, 1-9, and 1-16. SJRRC and SJJPA will coordinate with BLM during final design and construction on the implementation of the mitigation measures included in the EIR.

Response to Comment 1-26

Please see responses to Comments 1-1 and 1-4.

Response to Comment 1-27

In addition to BLM, SJRRC and SJJPA received comments on the Draft EIR from land-owning partners of the preserve from The Nature Conservancy (see Comment Letter 26), Sacramento County Regional Parks (see Comment Letter 14), and the California Department of Fish and

Wildlife (see Comment Letter 2). All substantive comments received from these agencies are responded to in the this Final EIR. Per CEQA Guidelines Section 15088(b), these responses have been shared with these agencies 10 day prior to certification of the Final EIR. SJRRC and SJJPA are committed to continued collaboration with all interested parties and permitting agencies through the final design, permitting, and construction phases and implementation of all mitigation measures described in the EIR.

I.1.2 Letter 2. CDFW

Gmail - Request for Extension of Review Period for the Valley Rail Sacramento Extensio... Page 1 of 1

Letter 2

 San Joaquin Regional Rail Commission <ace.sacramentoextension@gmail.com>

Request for Extension of Review Period for the Valley Rail Sacramento Extension Project DEIR (SCH: 2019090306)

2 messages

Wood, Dylan@Wildlife <Dylan.A.Wood@wildlife.ca.gov> Mon, May 11, 2020 at 9:46 AM
To: "ace.sacramentoextension@gmail.com" <ace.sacramentoextension@gmail.com>

Good morning,

My name is Dylan Wood, an Environmental Scientist with the California Department of Fish and Wildlife (CDFW), Region 2 and staff lead for the above project. We are working diligently to review and draft comments on the draft Environmental Impact Report (DEIR), but CDFW would like to request an extension of the review of the period in order to finish compiling comments on the DEIR. Due to COVID-19, coordination amongst the appropriate CDFW has been challenging since the project crosses several land use jurisdictions (including 2 Counties and several Cities) and also includes portions of the Cosumnes River Preserve (of which CDFW is both a land owner and partner agency).

2-1

Thank you in advance for your consideration.

Best,

Dylan Wood

California Department of Fish and Wildlife

Environmental Scientist

(916) 358-2384



Valley Rail Sacramento Extension <ace.sacramentoextension@gmail.com> Mon, May 11, 2020 at 11:54 AM
To: melissa.gjerde@aecom.com

[Quoted text hidden]

<https://mail.google.com/mail/u/1?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f...> 6/9/2020

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Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670-4599
916-358-2900
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



June 5, 2020

San Joaquin Regional Rail Commission
Attn: Valley Rail Sacramento Extension Project, Kevin Sheridan
949 East Channel Street Stockton, CA 95202
ace.sacramentoextension@gmail.com

Dear Mr. Sheridan:

RE: VALLEY RAIL SACRAMENTO EXTENSION PROJECT (PROJECT)
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) SCH# 2019090306

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a DEIR from the San Joaquin Joint Powers Authority (SJJPA) San Joaquin Regional Rail Commission (SJRR) and San Joaquin Joint Powers Authority (SSJPA) for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The SSJPA and SJRR is proposing to implement Altamont Corridor Express and San Joaquin passenger rail service between Stockton and Sacramento with further connections to San Jose, Ceres, and Bakersfield. The proposed Project spans San Joaquin and Sacramento Counties. The SSJPA and SJRR proposes to upgrade tracks within the existing Union Pacific Railroad Sacramento Subdivision right-of-way and construct six new stations along the alignment.

It is noted that the proposed Project overlaps with three regional conservation plans including the South Sacramento Habitat Conservation Plan (SSHCP), San Joaquin Multi Species Conservation Plan (SJMSCP), and Natomas Basin Habitat Conservation Plan

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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(NBHCP). It is also noted that Project activities would only overlap with the NBHCP in Phase II.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the SJRRC in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document or facilitate an effective environmental review process. Where CDFW recommends specific revisions to the DEIR, deletions are marked with a strikethrough (~~example~~) while additions are marked as underlined (example).

Comment 1: Additional coordination needed between stakeholders.

The Cosumnes River Preserve (CRP) consists of over 50,000 acres of wildlife habitat and agricultural lands owned by seven land-owning Partners. The CRP Partners include The Nature Conservancy, Bureau of Land Management, CDFW, Sacramento County Regional Parks, Department of Water Resources, Ducks Unlimited, and the California State Lands Commission. The CRP is centered along the Cosumnes River, its floodplains and riparian habitat. This habitat is buffered by a variety of agricultural operations. The CRP provides numerous social, economic, and recreational benefits to local communities and to people residing in the larger Sacramento and San Joaquin areas. The habitat supports wildlife, including birds that migrate throughout the Pacific Flyway.

While CDFW recognizes that the majority of new construction and track upgrades described in the DEIR are outside the CRP boundaries, the proposed Project will bring substantially more train traffic along the existing Union Pacific Right-of-Way which borders or bisects large sections of the CRP. CDFW requests additional coordination between the SJRRC and the SJJPA with the CRP Partners to discuss future planning, access, and consistency with the Partners' management plan for the CRP.

2-2

Section 15125 (d) of the CEQA Guidelines states that EIRs must discuss any inconsistencies between projects and applicable regional plans. The DEIR should include a discussion of the Project's consistency with the CRP Management Plan and how the SJRRC and the SJJPA will ensure that implementation of the Project does not impede the CRP Partner's ability to meet the management goals and objectives.

2-3

Comment 2: Deferred Mitigation.

Section 15126.4, subdivision (a)(1)(B) of the CEQA Guidelines states that formulation of mitigation measures should not be deferred until some future time. The DEIR includes mitigation measures for biological resources that rely on future approvals/agreements or processes that are not specific as a means of bringing identified significant environmental effects to a level of less than significant. CEQA requires that any activity resulting in loss of habitat, decreased reproductive success, or other negative effects on population levels of special-status species should be addressed in the DEIR. There should be a clear impact assessment that outlines the temporary and permanent effects of the Project on all biological resources within and surrounding the Project site. If it is not possible to avoid impacts to special-status species, the DEIR must identify feasible mitigation that reduces project impacts to a level of less than significant. CDFW recommends the DEIR include measures that are enforceable and do not defer the details of the mitigation to the future.

2-4

Comment 3: CDFW recommends continued coordination when its regulatory authority is applicable to Project activities.

CDFW expects that its regulatory authority may need to be exercised for the activities disclosed in the DEIR.

2-5

Relevant provisions of the Fish and Game Code include, but are not limited to, sections addressing:

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- CESA designated endangered, threatened, and candidate species (See, e.g., Fish & G. Code, 2080, 2081, 2085)
- CDFW's Lake and Streambed Alteration Program (*Id.*, 1600 et seq.)
- California Native Plant Protection Action (*Id.*, 1900 et seq.)
- Birds, nests, and eggs (*Id.*, 3503, 3503.5); and
- Fully protected species (*Id.*, 3511, 4700, 5515, 5050).

2-6

Information regarding portions of the Fish and Game Code relevant to the Project, and CDFW's related permitting and other programs, is available on our web page (www.wildlife.ca.gov). To address this comment, CDFW recommends careful review of these relevant code sections and continued coordination when they are applicable to particular Project activities.

Comment 4: Impact analysis for species is incomplete.

Table 3.4-3 outlines the temporary and permanent impacts by land cover type within the proposed Project area; however, it is unclear how these impacts were calculated and translated into the subsequent species-specific analysis. The DEIR contains sections that have inconsistent assessments, insufficient reasoning, or do not account for species utilization of certain habitats. Detailed analysis for these factors is essential since the Project covers a large and diverse geographic area. Examples of the issue include but are not limited to:

- Potential occurrence of special-status plants in 7.12 acres of aquatic habitat and 0.38 acres of nonnative annual grassland- these values (from Page 3.4-78) are not linked to Table 3.4-3 and are vague as to why or how they apply to specifically to the species listed in this section
- Disturbance to 60 acres of western pond turtle (*Actinemys marmorata*) and giant garter snake (*Thamnophis gigas*) habitat (within 1300-feet and 200-feet of suitable aquatic habitat respectively)- It is unclear how suitable aquatic habitat was assessed and likewise, how the same 60 acre value could apply to both species, given the life history differences and the distance parameters that DEIR establishes
- Loss of approximately 2.3 acres of potential foraging habitat for greater sandhill crane (*Grus canadensis tabida*)- it unclear where this number is derived from, given that there are greater than 2.3 acres of permanent impacts to habitat in the Project area

2-7

2-8

2-9

To address this comment, CDFW recommends the following:

- Work with landowners and managers within or adjacent to the Project area who have species-specific information to gather data to support species assessments in the DEIR
- Describe how suitable habitat was determined and inform the species analysis in DEIR by connecting impacts to the values in Table 3.4.3
- Provide biological and ecological reasoning for why the values apply specifically for the species being assessed
- Connect this assessment with specific Project activities and areas. It would be clearer to provide a sub-table of Table 3.4-3 that shows the species-specific impacts (both temporary and permanent) for each Project area.

2-10

2-11

2-12

2-13

Comment 5: Revisions needed to mitigate habitat impacts to a level of less than significant.

CDFW has noted that BIO-1.1 thru BIO-1.14 each mitigate impacts to fish and wildlife (Impact BIO-1) species in conjunction with other measures such as AQ-2.3 (fugitive dust control) or HYD-1.2 (water quality for surface waters) which contribute to the DEIR's conclusion that specific impacts will be mitigated to less-than-significant. However, the DEIR does not apply habitat mitigation outlined in BIO-2.2 (riparian) or BIO-3.1 (wetland avoidance) as well. As such, the DEIR does not effectively analyze the second portion of Impact BIO-1 which seeks to mitigate a "substantial adverse effect... through habitat modifications, on species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and

2-14

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Wildlife or the U.S. Fish and Wildlife Service." While BIO-1.1 thru BIO-1.14 focus on direct species impacts, mitigation for habitat modification is not accounted for. This poses a particular issue in that the DEIR discloses impacts the species' habitat but does not link those impacts to a mitigation measure. Section 15126.4 (a)(1)(B) of the CEQA guidelines states that formulation of mitigation measures should not be deferred until some future time. As such, the DEIR does not adequately propose specific habitat mitigation that can be evaluated.

2-14
Cont

To address this issue, CDFW recommends the DEIR propose mitigation measures that establish performance standards to evaluate the success of the proposed mitigation, provide a range of options to achieve the performance standards, and must commit the lead agency to successful completion of the mitigation. Mitigation measures should also describe when the mitigation measure will be implemented and explain why the measure is feasible. CDFW recommends SJJPA and SJRRC analyze the suitability of existing habitat mitigation (such as BIO-2.2 (riparian) or BIO-3.1 (wetland avoidance)) and apply appropriately to the species impacts detailed in BIO-1. Particular effort should be focused on mitigation suitability, distinction between temporary and permanent impact for each species, whether temporary impacts, when reclaimed, will retain the same habitat value, and outline an appropriate strategy to effectively mitigate permanent impacts (e.g. SJJPA and SJRRC responsible mitigation or the purchase or funding of offsite mitigation).

2-15

2-16

While mitigation for habitats such as riparian may be covered in the DEIR, CDFW has identified additional impacts to species' habitats for that are not mitigated for in the DEIR. Specific recommendations for those species are provided below. CDFW has also identified several species for which specific habitat mitigation should be disclosed (Comments 6, 8, 11, 14, and 18).

Comment 6: Revisions needed to mitigate special-status plants to a level of less than significant.

CDFW has identified several inconsistencies in mitigation measures BIO-1.3 and BIO-1.5 that do not adequately describe the protections for potentially affected plant species and appropriate avoidance and minimization strategies for those species. As such, CDFW recommends the SJJPA and SJRRC make revisions to the mitigation measures for special-status plants as outlined below.

The following revision is recommended for BIO-1.3 (Page 3.4-80) because this measure relates to state-listed plants (including Bogg's Lake hedge-hyssop (*Gratiola heterosepala*)) and the SSHCP process would only apply if the Project participates in the SSHCP: "Take of listed plant species such as Bogg's Lake hedge-hyssop, slender Orcutt grass and Sacramento Orcutt grass is not permitted under CESA without appropriate take authorization. ~~the SSHCP; therefore, if the qualified botanist encounters a previously undiscovered occurrence of Bogg's Lake hedge-hyssop, or Sacramento or slender Orcutt grass on a project site in the SSHCP Plan Area (i.e., the North Elk Grove Station, including all access and platform variants, which is in the UDA of the SSHCP), SJJPA and SJRRC shall contact the Land Use Authority Permittee with authority over the proposed project, who would coordinate with the Wildlife Agencies for written concurrence of the qualified biologist shall develop an avoidance plan to ensure that the proposed project does not cause take of the species. In the event take cannot be avoided the project proponent may seek related take authorization as provided by the Fish and Game Code or otherwise comply with CESA through an existing Habitat Conservation Plan (if applicable).~~"

2-17

The following revision is recommended for Mitigation Measure BIO-1.5 (Page 3.4-82) because this measure includes other special-status plants and the SSHCP process would only apply if the Project participates in the SSHCP:

"If Ahart's dwarf rush, ~~Bogg's Lake hedge-hyssop, dwarf downingia, legenera, pincushion navaretia, or Sanford's arrowhead (or other special-status plants)~~ are detected in an area proposed to be disturbed by the proposed project in the SSHCP Plan Area (i.e., the North Elk Grove Station [including all access and platform variants], which is in the UDA of the

2-18

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~~SSHCP, SJJPA and SJRRC would implement compensatory mitigation for impacts that assures permanent protection of the species or otherwise mitigate through an existing Habitat Conservation Plan (if applicable) that is consistent with the SSHCP by assuring one unprotected occurrence of the species is protected in an SSHCP Preserve before any ground-disturbance occurs at the North Elk Grove Station (including all access and platform variants) site.~~

The DEIR should outline mitigation for special-status, non-listed plants since it indicates presence of Sanford's arrowhead (*Sagittaria sanfordii*) in at least one proposed Project area.

CDFW has also noted that Mitigation Measure BIO-1.5 (Page 3.4-82) states CDFW would deem a salvage, relocation, or propagation and monitoring plan appropriate. Section 15126.4 (a)(1)(B) of the CEQA guidelines states that formulation of mitigation measures should not be deferred until some future time. As written, this measure relies on a future approval as means to mitigate to a level of less than significant. Salvage, relocation, or propagation of the rare plants with the potential to occur in the project area should only occur when properly supported by scientific evidence. Since the DEIR does not provide any further details of the salvage, relocation, or propagation and monitoring plan, it is difficult to determine whether the measures would be feasible, effective, or supported by scientific literature. As such, the DEIR does not provide adequately enforceable mitigation for this potentially significant impact.

To address this issue, CDFW recommends the DEIR propose mitigation measures that establish performance standards to evaluate the success of the proposed mitigation, provide a range of options to achieve the performance standards, and must commit the lead agency to successful completion of the mitigation. Mitigation measures should also describe when the mitigation measure will be implemented and explain why the measure is feasible.

2-18
Cont

Comment 7: Project landscaping can be enhanced.

CDFW has noted that the DEIR includes Project plans for landscaping improvements in the Project area. CDFW recommends consideration of the Homegrown Habitat Plant List (Sacramento Valley Chapter, California Native Plant Society), provided as Attachment 1, when developing the final planting palette for landscaped areas such as medians, shoulders, etc. The Homegrown Habitat Plant List (HHPL) is the result of a coordinated effort of regional stakeholders with the intent of improving landscape plantings for the benefit of property owners and ecosystem. Including plants from the HHPL is intended to produce the following outcomes for landscaping:

- Increased drought tolerance
- Decreased water use
- Decreased maintenance and replacement planting costs
- Increased functionality for local pollinators and wildlife
- Increase in overall biodiversity and ecosystem health
- Increased carbon sequestration and climate change resilience

2-19

Comment 8: Revisions needed to mitigate impacts to special-status vernal pool invertebrate habitat to a level of less than significant.

The DEIR discloses temporary loss of 3.35 acres and the permanent loss of approximately 1.28 acres of potential special-status vernal pool invertebrate habitat. The DEIR notes that that the Project will "compensate for potential project-related loss of potentially occupied habitat for vernal pool fairy shrimp and vernal pool tadpole shrimp through consultation with USFWS and implementation of resulting mitigation requirements, to be consistent with regional conservation plans for both species." While this compensation may be an appropriate component of a mitigation approach, using it as basis for the significant determination defers mitigation to a future permitting process without further discussion on how the mitigation would be implemented specifically. As such, the DEIR does not adequately mitigate the potentially significant impact it discloses and CDFW is unable to evaluate its effectiveness. Likewise, while every effort to be consistent with regional conservation plans is appreciated, citing them in the evaluation of the significance without

2-19

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participation does not disclose how the impacts are mitigated below a level of significance. The success of regional conservation plans is typically derived from the coordination of planning principles, impact assessments, conservation goals and objectives, avoidance and minimization measures, and a species/habitat-based mitigation approach. These factors are carefully planned to work in combination to achieve more effective regional conservation. If the SJRRRC and SJJPA will not participate in a regional conservation plan, it should propose an independent mitigation strategy in the DEIR and independent evaluation of significance.

To address this, CDFW recommends the DEIR be revised to state the following:
Implementation of Mitigation Measure BIO-1.6 would avoid and minimize potential impacts on vernal pool fairy shrimp and vernal pool tadpole shrimp habitats, and compensate for potential project-related loss of potentially occupied habitat for vernal pool fairy shrimp and vernal pool tadpole shrimp by preserving or permanently protecting vernal pool fair shrimp and vernal pool tadpole shrimp habitat to compensate for temporary and permanent impacts (or as determined through consultation with USFWS and implementation of resulting mitigation requirements). Compensation make take the form of permanent protection, enhancement, or restoration of suitable habitat, purchase of credits at a USFWS-approved bank or conservation site, or through an existing Habitat Conservation Plan (if applicable), to be consistent with regional conservation plans for both species. Implementation of Mitigation Measure BIO-1.6 would also reduce the proposed project's construction impacts on vernal pool fairy shrimp and vernal pool tadpole shrimp through direct loss of potentially occupied habitat at the Lodi Siding Variants, North Elk Grove Station (including all access and platform variants), North Elk Grove Siding Variants, Del Paso Siding Upgrade/Extension, and the southern portion of the Natomas/Sacramento Airport Station to a less-than-significant level.

2-19
Cont

Comment 9: Revisions suggested to further mitigate Steelhead – Central Valley DPS to a level of less than significant.

Measure BIO-1.8 describes how the Project will avoid and minimize impacts on special-status fish while pile driving and implement seasonal restrictions for in-water work. CDFW recommends adding the following text to the description of the work window:
There will be a construction work window of June 15 to October 15 for all work in the Arcade Creek channel. As Arcade Creek is typically dry during the summer months, in-channel work will be completed during the dry period to the maximum extent feasible. This time period will minimize impacts on migrating special-status fish species, such as adult steelhead which are unlikely to be present during these periods of no flow. In-water work in flowing streams will dewater only up to half of the wetted stream at any time to allow fish passage and any obstruction will be made of clean material.

2-20

Comment 10: Revisions suggested to BIO-9 to increase effectiveness.

CDFW recommends the following additions or text changes to increase the effectiveness of biological monitoring during Project implementation. CDFW also recommends the DEIR "immediate vicinity" in the first bullet below.

- *During construction activities, if a special-status species is observed (or if an injured or dead special-status species is encountered), the work shall stop in the immediate vicinity. The project applicant shall notify the biological monitor, and the appropriate resource agency (e.g., USFWS and/or CDFW). Any measures required by these agencies shall be implemented, and proof of implementation shall be submitted to the agencies before construction is allowed to proceed. If the species is listed under CESA and in the event take cannot be avoided, the project proponent comply with CESA through an existing Habitat Conservation Plan (if applicable) or otherwise seek related take authorization as provided by the Fish and Game Code.*
- *The project applicant shall cap the top opening or fill the three holes on the top (e.g., with a bolt and nut), of any of u-channel posts, signs, or vertical poles installed temporarily or permanently throughout the course of the project to prevent the entrapment of wildlife, especially birds of prey. Fence posts, signs, or vertical poles will be checked periodically during the project.*
- *All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the project site shall be free of non-native plant materials. Fiber rolls or erosion control*

2-21

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mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Products with plastic monofilament or cross joints in the netting that are bound/stitched (such as found in straw wattles/fiber rolls and some erosion control blankets), which may cause entrapment of wildlife, shall not be allowed.

2-21
Cont

Comment 11: Revisions needed to mitigate impacts to western pond turtle and giant garter snake habitat to a level of less than significant.

The DEIR discloses the disturbance of approximately 60 acres of western pond turtle and giant garter snake habitat. The DEIR notes that "temporary impacts on habitats would be minor in extent, and are expected to return to pre-project conditions within one growing season because they are dominated by herbaceous vegetation, this impact would be less than significant" without further discussion on how impacts to 60 acres were calculated or how returning to pre-project conditions would offset the temporal loss of up to 60 acres of habitat. As such, the DEIR does not adequately analyze the potentially significant impact it discloses.

2-22

To address this, CDFW recommends the DEIR clarify the following:

- Distinction between temporary and permanent impacts to western pond turtle and giant garter snake habitat
- Propose effective mitigation for any permanent impacts identified
- Propose effective mitigation for any temporary impacts identified
- Mitigation may take the form of permanent protection, enhancement, or restoration of suitable habitat, purchase of credits at a CDFW-approved bank or conservation site, or through an existing Habitat Conservation Plan (if applicable)

Comment 12: Revisions needed to mitigate impacts to Swainson's hawk and white-tailed kite to a level of less than significant.

Due to the special-status of these species and protections provided under the Fish and Game Code (CESA-listed for Swainson's hawk (*Buteo swainsoni*) and fully protected for white-tailed kite (*Elanus leucurus*)), take of these species may constitute a potentially significant impact as identified in the DEIR. CDFW has identified several aspects of the DEIR that should be revised to effectively mitigate to a level of less than significant and comply with the Fish and Game Code:

- For project activities (including construction staging) that begin between March 1 and September 15, SJJPA and SJRRC shall retain a qualified biologist who will conduct preconstruction surveys for Swainson's hawk and white-tailed kite and identify active nests on and within 0.25 mile of the project area. The surveys will be conducted before the beginning of any staging or construction activities between March 1 and September 15 and a separate survey will be conducted for each breeding season in which project activities will occur.
- "If an active Swainson's hawk or white-tailed kite nest is found, impacts on nesting Swainson's hawks and white-tailed kites will be avoided by establishing appropriate buffers around active nest sites and utilizing a biological monitor to assess bird behavior for any nests identified during preconstruction Swainson's hawk surveys. CDFW guidelines and the SSHCP recommend implementation of a 0.25-0.5-mile-wide buffer for Swainson's hawk and a 0.25-mile wide buffer for white-tailed kite, but the size of the buffer may be adjusted if a qualified biologist and SJJPA and SJRRC, in consultation with CDFW, determine that such an adjustment would not be likely to adversely affect the nest. Any adjustments to the buffer size should be made in increments and will take into account the biological monitor's assessments of the bird's response to project activities. No project activity will begin in the buffer areas until a qualified biologist has determined, in coordination with CDFW, that the young have fledged, the nest is no longer active, or reducing the buffer will not be likely to result in nest abandonment. Nest monitoring by a qualified biologist during and after construction or staging activities will be required if the activity has the potential to adversely affect a nest.
- In the event take of Swainson's hawk cannot be avoided, the project proponent may seek related take authorization as provided by the Fish and Game Code or otherwise comply with CESA through an existing Habitat Conservation Plan (if applicable)."

2-23

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- If it is determined during surveys or project implementation that project activities may impact white-tailed kite, project personnel shall fully avoid any impacts that may result in take if white-tailed kite is observed to be utilizing the project area or adjacent area.

2-23
 Cont

While surveys will be completed for at least the two survey periods immediately before the Project's implementation and may effectively capture a season's breeding behavior, the SJJPA and SJRRC recommends initiating these surveys in the year or season prior to Project implementation. This would allow the SJJPA and SJRRC to obtain data to inform decision making regarding Project schedules and environmental compliance. For instance, CDFW has noted 20 Swainson's hawks (10 breeding pairs at the Regional San)(CDFW 2020) which may be in proximity to the North Elk Grove Station and capturing this data in relation to Project implementation well in advance of scheduling construction may assist the SJJPA and SJRRC reduce risk of unanticipated delays due to a late discovery of an active nest.

2-24

Comment 13: The impact assessment of Swainson's hawk and white-tailed kite habitat is inconsistent and are not adequately assessed in the DEIR.

The DEIR notes impacts to "6.25 acres of potential nesting (i.e., oak tree canopy) and approximately 111 acres of foraging habitat (i.e., nonnative annual grassland, row and field crops, and ruderal habitat) for Swainson's hawk and white-tailed kite from activities such as site preparation (e.g., vegetation clearing, tree removal, grading, stockpiling materials), equipment access and operation, and other ground-disturbing construction." Based on the values provided in Table 3.4-3, it is unclear how these numbers are calculated and whether they correspond to permanent or temporary impacts. As a result, it is difficult for CDFW to determine the extent to which the species will be impacted and to determine the appropriateness of any mitigation. The DEIR's analysis for Swainson's hawk and white-tailed kite is given as "that temporary impacts would occur in marginal habitat, be minor in extent, and are expected to return to pre-project conditions within one growing season because they are dominated by herbaceous vegetation, this impact would be less than significant." This analysis does not consider the life stages of Swainson's hawk and white-tailed kite and how both nesting and foraging habitats serve a valuable, but independent purpose for the species. As a result, the analysis in the DEIR does not adequately assess potential impacts.

2-25

To address this concern, CDFW recommends the DEIR show:

- nesting and foraging habitat independently as potentially significant impacts
- clear reasoning for the assessment of impacts
- separate assessment of temporary and permanent impacts
- how the appropriate habitat mitigation has been determined based on 1)-3) and how that mitigation reduces the potential impacts to a less than significant level

Comment 14: Revisions needed to mitigate impacts to Swainson's hawk and white-tailed kite habitat to a level of less than significant.

Given the above information, CDFW recognizes that the acreages provided in BIO-1.11 may change in response to Comment 5, but also recognizes the habitat mitigation proposed in the DEIR only covers the North Elk Grove Station and only includes foraging habitat mitigation. Without inclusion of nesting habitat or the remainder of the foraging habitat in the Project area, impacts to Swainson's hawk and white-tailed kite are not adequately analyzed so that an the SJRRC and SJJPA can make an appropriate significant determination.

2-26

To address this, CDFW recommends the following changes to the DEIR:

"To mitigate for the permanent removal of habitat, the SJJPA and SJRRC shall mitigate for in accordance with the Staff Report for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California (CDFW 1994). Permanent impacts to nesting habitat will be mitigated and may include permanent protection, enhancement, or restoration of suitable nesting habitat, purchase of credits at a CDFW-approved bank or conservation site, or through an existing Habitat Conservation Plan (if applicable). Permanent impacts to

2-27

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foraging habitat will be mitigated and may include permanent protection, enhancement, or restoration of suitable nesting habitat, purchase of credits at a CDFW-approved bank or conservation site, or through an existing Habitat Conservation Plan (if applicable), approximately 30 acres of suitable grassland foraging habitat at the North Elk Grove Station (including all access and platform variants). As portions of the project footprint are in unincorporated Sacramento County, SJJPA and SJRRC may also shall-participate in Sacramento County's voluntary Swainson's Hawk Mitigation Program. Because the North Elk Grove station will impact fewer than 40 acres, mitigation can be achieved by paying a mitigation fee or providing replacement habitat (title or easement to suitable Swainson's hawk mitigation lands on a per-acre basis).

2-27
Cont

Comment 15: Revisions needed to mitigate impacts to burrowing owl to a level of less than significant.

Measure BIO-1.12 describes avoidance measures for burrowing owl (*Athene cunicularia*). While CDFW appreciates using the SSHCP as the basis for this measure, the survey methodology described in the SSHCP is used in conjunction with over 150 other Avoidance and Minimization Measures in addition to the conditions of the Federal and State Incidental Take Permits. As such, relying solely on the SSHCP measures may not capture potential impacts to burrowing owl and allow the SJRRC to avoid take of burrowing owl. Due to the presence of suitable habitat and documented use of train track slopes by burrowing owl in Sacramento County, a more robust mitigation strategy is needed to mitigate to a level of less than significant.

2-28

To address this, CDFW recommends the DEIR reference and rely on the *Staff Report on Burrowing Owl Mitigation* (CDFW 2012) for avoidance techniques. CDFW has identified several components of the DEIR that are inconsistent with 2012 Staff Report or otherwise reference the SSHCP process. These components include, but are not limited to the following:

- Survey radius (150 meters in the 2012 Staff Report)
- Number of surveys
- Timing of surveys
- Recommended no disturbance buffer size
- Reliance on the "Implementing Entity" and "Wildlife Agencies" to approve plans or nest status. Any plans should be developed by a qualified biologist and approved at the discretion of the SJJPA and SJRRC as lead agency
- Contingency plans (e.g. exclusion) in the event impacts to burrowing owl are unavoidable

Comment 16: Revisions needed to mitigate impacts to burrowing owl habitat to a level of less than significant.

The DEIR discloses the loss of approximately 30 acres of potential nesting habitat for burrowing owl in the Project area and also notes that burying/removal of occupied burrows could occur. The DEIR notes that "temporary impacts would occur in marginal habitat, be minor in extent, and are expected to return to pre-project conditions within one growing season because they are dominated by herbaceous vegetation, this impact would be less than significant" without further discussion on the potentially permanent impacts to nesting habitat or burying/removal of occupied burrows. As such, the DEIR does not adequately link Mitigation Measure BIO-1.12 to the potentially significant impact it discloses.

2-29

To address this, CDFW recommends the DEIR clarify the following:

- Distinction between temporary and permanent impacts to burrowing owl
- Disclosure that any attempted one-way exclusionary devices and burrowing owl eviction could be considered significant and would require mitigation for permanent impacts to burrowing owl
- Propose effective mitigation for permanent impacts identified as described in Appendix F of the *Staff Report on Burrowing Owl Mitigation* (CDFW 2012)

Comment 17: Revisions needed to mitigate greater sandhill crane to a level of less than significant.

BIO-1.13 describes surveys and avoidance measures for greater sandhill crane, a species

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fully protected by Section 3511 of the Fish and Game Code. As proposed BIO-1.13 may be focused too narrowly and as mentioned in Comment 4, reliance is placed on the SSHCP process of which the SJJPA and SJRRC are not a Permittee.

To address this, CDFW recommends the following revisions to BIO-1.13:

Prior to project construction, SJJPA and SJRRC will retain a qualified biologist to conduct preconstruction surveys to determine if active roosting sites are present within a 0.5-mile radius of a project footprint if existing or potential roosting sites were found during initial surveys or if and construction activities will occur when wintering flocks are present in the project area SSHCP Plan Area (September 1 through March 15). A qualified biologist will conduct preconstruction surveys within 15 days prior to initiating ground-disturbing activities, and within 0.5 mile of a project footprint, to determine presence of roosting greater sandhill cranes. Preconstruction surveys will be conducted September 1 through March 15, when wintering flocks are present in the project area Plan Area. If birds are present at active roosting sites within a 0.5-mile buffer of a project footprint, then the following avoidance measures will be implemented. The qualified approved biologist will inform the SJJPA and SJRRC Land Use Authority Permittee and Implementing Entity of species locations, and they in turn will notify the Wildlife Agencies.

- The SJJPA and SJRRC will establish a 0.5-mile temporary roosting no disturbance buffer around the roosting site until the cranes have left, or construct a visual barrier for the duration of project construction.*
- A qualified biologist experienced with greater sandhill crane behavior will be retained by the SJJPA and SJRRC to monitor the roosting site throughout the roosting season, and to determine when the birds have left. The approved biologist will be on site daily while construction-related activities are taking place in the no disturbance buffer. Work within the temporary no disturbance buffer can only occur with the written permission of the SJJPA and SJRRC Implementing Entity and Wildlife Agencies. If greater sandhill cranes show any sign of disturbance are abandoning their roosting and/or forage sites, the qualified approved biologist will have the authority to shut down construction activities. If roost abandonment occurs, the SJJPA and SJRRC will consult with CDFW, approved biologist, SJJPA, SJRRC, Implementing Entity, and Wildlife Agencies will meet to determine the best course of action to avoid harm and harassment of individuals.*
- The qualified biologist will also train construction personnel on the avoidance procedures, buffer zones, and protocols in the event that greater sandhill cranes move into an active construction zone (i.e., outside the buffer zone).*
- If it is determined during surveys or project implementation that project activities may impact greater sandhill crane, project personnel shall fully avoid any impacts that may result in take if greater sandhill crane is observed to be utilizing the project area or adjacent area.*

2-30

It should be noted that greater sandhill crane is particularly sensitive to disturbance (SSHCP 2018), so Project activities should only proceed with extreme caution if the species is present.

Comment 18: Revisions needed to mitigate impacts to greater sandhill crane habitat to a level of less than significant.

The DEIR discloses the disturbance of approximately 2.3 acres to greater sandhill crane foraging habitat. Since greater sandhill crane is both CESA-listed and fully protected, impacts to the species' habitat may be significant but the DEIR does not correspond potential habitat impacts to a mitigation measure. As such, the DEIR does not adequately mitigate the potentially significant impact it discloses.

To address this, CDFW recommends the DEIR clarify the following:

- Distinction between temporary and permanent impacts to greater sandhill crane habitat
- Propose effective mitigation for any permanent impacts identified
- Propose effective mitigation for any temporary impacts identified
- Mitigation may take the form of permanent protection, enhancement, or restoration of suitable habitat, purchase of credits at a CDFW-approved bank or conservation site, or through an existing Habitat Conservation Plan (if applicable)

2-31

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Comment 19: Revisions suggested to Other Special-Status Birds, Migratory Birds, and Other Raptors to further reduce impacts to a level of less than significant.

BIO-1.14 describes measures for bird surveys and response procedures in the event of active bird nests. CDFW recommends incorporation of the following:

- Conduct a preconstruction survey in each year in which Project activities during the resting season
- Define survey radius to be consistent with potentially applicable buffer sizes defined in the DEIR
- Conduct an additional survey if a lapse in Project-related activities of 14 days or longer occurs to capture any newly established nests
- In the event take of tricolored blackbird or other listed bird cannot be avoided, the SJJPA and SJRRC may seek related take authorization as provided by the Fish and Game Code or otherwise comply with CESA through an existing Habitat Conservation Plan (if applicable)

2-32

Comment 20: DEIR revisions needed to adequately mitigate impacts to bats to less-than-significant.

The DEIR discloses that "no surveys for bat roosts have been conducted in the project area, but large trees and riparian habitats offer appropriate features to support individual and maternity bat roosts for western red bats and hoary bats" while also identifying over 5 acres of potentially impacted bat habitat. Impacts to bat and bat habitat could be considered a potentially significant impact but the DEIR proposes no mitigation measures for identifying, avoiding, and minimizing impacts to any species of roosting bats.

To address this CDFW recommends the DEIR be revised to include an additional mitigation measure that described the following:

- Habitat assessment and survey by a qualified bat biologist
- Examining all suitable habitats prior to project implementation (including tree removal, tree trimming, or other disturbance). This should include also habitats in manmade structures (e.g. bridges, culverts, etc.)
- Including development of a Bat Avoidance and Minimization Plan (Bat Plan) in the event that bats are utilizing the Project area during Project activities. The Bat Plan should include 1) Project-specific measures to avoid and minimize impacts to roosting bats in and near the areas that will be disturbed by Project activities 2) monitoring by a qualified bat biologist to oversee bat behavior and the avoidance and minimizations measures designed to protect nesting/roosting bats 3) exclusion measures for the habitat that will be removed or made inaccessible by the Project and 4) discussion of available alternative habitat (both temporary and permanent).

2-33

All appropriate exclusionary measures should be implemented prior to the Project implementation and during the period of March 1 to April 15 or August 31 to October 15.

Potential avoidance efforts may include exclusionary blocking or filling potential roosting cavities with foam or steel wool, visual monitoring, and staging Project work to avoid bats. If bats are known to use manmade structures, to avoid entanglement, exclusion netting should not be used.

CDFW has noted that the DEIR only includes assessment for two special-status bats while other special-status bats such as pallid bat (*Antrozous pallidus*) and other common bat species may also be impacted. CDFW recommends and DEIR revisions encompass all bat species including those with a special status.

Comment 21: Assessment needed for special-status species not analyzed in the DEIR.

The Project is within the Plan Area for the SSHCP. While CDFW recognizes the SJJPA and SJRRC are not a plan partner, the SSHCP designates 28 Covered Species that may occur in the SSHCP Plan Area for protection under a local ordinance and that should be accounted for when answering Section F of biological resources in the CEQA environmental checklist. CDFW recommends the DEIR's Appendix C disclose the potential

2-34

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to occur for any species covered under the SSHCP but not included in Appendix C, so that the DEIR can more effectively assess potential environmental impacts. CDFW has identified the following species, covered under the SSHCP but not discussed in Appendix C:

- Ricksecker's water scavenger beetle (*Hydrochara rickseckeri*)
- mid-valley fairy shrimp (*Branchinecta mesovalleensis*)

2-34
 Cont

Comment 22: Impacts to the NBHCP are not disclosed in the DEIR.

The NBHCP applies to the 53,537-acre interior of the Natomas Basin, located in the northern portion of Sacramento County and the southern portion of Sutter County. The Basin contains incorporated and unincorporated areas within the jurisdiction of the City of Sacramento, Sacramento County and Sutter County. The Phase II Project footprint shows overlap with the NBHCP for the Natomas Station improvements at Elkhorn Boulevard (specifically the roadway infrastructure to the west of Steelhead Creek). Section 15125 (d) of the CEQA guidelines requires discussion of any inconsistencies with regional plans. Since there is overlap with the NBHCP in the proposed Project, CDFW recommends the DEIR consider and analyze potential impacts to the NBHCP and its Covered Species.

2-35

Comment 23: Potentially significant impact not identified: wildlife impact.

CDFW has identified several wildlife impacts that are not identified in the DEIR. These wildlife impacts have been identified as a result of CDFW's management of open space areas of the CRP, which includes the existing UPRR ROW. While CDFW recognizes that many areas of the proposed Project are urbanized, many are not and would be potentially subject to the following impacts:

- Increased mortality of species due to train strikes (e.g. birds, deer)
- Increased disturbance of wildlife species due to increased train frequency and noise
 - Wildlife movement patterns
 - Nesting or mating behavior
 - Energy expenditure (e.g. birds scattering to avoid trains)
 - Pollinator impact
- Vibrational effect of increased train traffic over sensitive marsh and wetland habitats

2-36

While CDFW understands the DEIR states that "passenger trains would pass through these areas briefly, and are much smaller and less noisy than existing freight train service currently [in] operation," CDFW's concerns are primarily centered around the Project's increase in service which potentially adds to the cumulative impact to wildlife species and how the increased train speeds of the new service may further contribute.

2-37

To address this issue, the DEIR should provide a more robust analysis of the Project's cumulative effects given the above information with sufficient reasoning specific to biological resources. If significant impacts are identified, inclusion of impact specific mitigation is recommended to achieve a level of less than significant.

2-38

Comment 24: Impact not identified in Operation- Increased maintenance.

CDFW notes that the *Operation* section is limited to the passenger service from the proposed Project but does not account for the potential increase in maintenance needed to ensure safe operations of the existing (and future) facilities with an increase in train traffic. As such, the proposed Project may increase wear and tear on train facilities and thus need additional maintenance. As mentioned above, CDFW recognizes urban settings for portions of the Project area so the primary concern is for maintenance in undeveloped areas where sensitive resources or access may pose an issue. For instance, the existing UPRR ROW passes through both giant garter snake and Swainson's hawk habitat, where simple maintenance (such as erosion repair of an abutment) may result in impacts to listed species. Likewise, tracks, bridges, etc. in need of repair may require access to existing areas without or limited existing access, so vegetation removal or expansion of access routes may be needed. This section should also account for the unanticipated maintenance needs of an event such as train derailment.

2-39

To address this comment, CDFW recommends the DEIR analyze maintenance needs of the proposed Project. If significant impacts are identified, inclusion of impact specific mitigation is recommended to achieve a level of less than significant.

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Comment 25: Consistency with the Cosumnes River Preserve Management Plan is not addressed.

Page 3.4-14 states that "all project activities related to Track Curve Reconstruction South of Desmond Road would be confined to the existing UPRR ROW, and no impacts on the Cosumnes River Preserve Management Plan are expected." As identified above, resources along the Union Pacific Right of Way (UPRR ROW) may not have been effectively captured in the DEIR while Comments 23-24 identify potentially significant impacts that are not analyzed in the DEIR. Section 15125 (d) of the CEQA guidelines requires discussion of any inconsistencies with regional plans. Since there is overlap with the NBHCP in the proposed Project, CDFW recommends the DEIR consider and analyze potential impacts to the NBHCP and its Covered Species.

2-40

Comment 26: CDFW recommends the SJJPA and SJRRC consider participating in either the SSHCP or SJMSCP.

As outlined in the DEIR and comments above, the proposed Project has potential to impact dozens of sensitive species and result in the impact to hundreds of acres of suitable habitat for these species. While CDFW recognizes neither the SSJPA or SJRRC are Plan Permittees, mechanisms are in place for non-Plan Permittees to become "Participating Special Entities" in the regional conservation plans. As such, the SSJPA and SJRRC may consider exploring this option as means to mitigate for both species and habitat impacts. To address this comment, CDFW recommends the SSJPA and SJRRC coordinate with the respective implementing entities for the SSHCP (the South Sacramento Conservation Agency), the SJMSCP (San Joaquin Council of Governments) and/or the NBHCP (The Natomas Basin Conservancy) to see whether the proposed Project could qualify as a Covered Activity under any respective plans.

2-41

CDFW also notes that the SJJPA and SJRRC rely heavily on the SSHCP for its environmental analysis and approach to mitigation measures. While citing the SSHCP is appreciated, applying only portions of the SSHCP may render the analysis in the DEIR incomplete. As stated above, the SSHCP uses hundreds of Avoidance and Minimization Measures, *in combination* with one another AND with a habitat-based mitigation strategy to reduce impacts to the special-status species. The SJJPA and SJRRC should consider whether using only selected measures or strategies from the SSHCP without full participation may not provide enough evidence that the impacts are mitigated to a level of less than significant.

2-42

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental documents be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>. The completed form can be sent electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov.

2-43

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

2-44

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the SJRRC in identifying and mitigating Project impacts on biological resources.

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Questions regarding this letter or further coordination should be directed to Dylan Wood,
Environmental Scientist at 916-358-2384 or dylan.a.wood@wildlife.ca.gov.

Sincerely,

DocuSigned by:

31E732719B3C452...
Kevin Thomas
Regional Manager

cc: Jeff Drongesen, jeff.drongesen@wildlife.ca.gov
Kelley Barker, kelly.barker@wildlife.ca.gov
Dylan Wood, dylan.a.wood@wildlife.ca.gov
California Department of Fish and Wildlife

Office of Planning and Research, State Clearinghouse, Sacramento

Enclosures

Attachment 1- Homegrown Habitat List
Attachment 2- *Staff Report on Burrowing Owl Mitigation* (CDFW 2012)
Attachment 3- *RECOMMENDED TIMING AND METHODOLOGY FOR SWAINSON'S
HAWK NESTING SURVEYS IN CALIFORNIA'S CENTRAL VALLEY* (Swainson's Hawk
Technical Advisory Committee May 31, 2000)

Homegrown Habitat Plant List 2019

A	B	C	D	E	F	G	H
1	Common Name	Scientific Name	Life Cycle	Height	W/ECOE	Soil	Notes
1	Early						
2	Western Redbud	<i>Cercis occidentalis</i>	P	10'-20'	L	S/PS	Drought-tolerant; also tolerates semi-riparian conditions
3	Red Willow	<i>Salix laevigata</i>	P	30'-50'	H	FS	Wetland-semi riparian; tolerates clay soils; fast grower, semi-deciduous
4	Arroyo Willow	<i>Salix lasiolepis</i>	P	7'-35'	H	FS	Likes marshes/wet areas; spreads by root runners; deciduous
5	Sandbar Willow	<i>Salix exigua</i>	P	10'-23'	H	FS	Constant moisture; spreads by basal shoots to any moisture
6	Valley Oak	<i>Quercus lobata</i>	P	60'-100'	L	FS/PS	Fast growing (20' in 5 years); drought tolerant
7	Scrub Oak	<i>Quercus berberidifolia</i>	P	15'-20'	L	FS/PS	Smaller, drought tolerant, likes medium fast drainage
8	Buck Brush	<i>Ceanothus cuneatus</i>	P	5'-12'	VL	FS	Needs fast drainage; fast to moderate growth, evergreen
9	California Everlasting	<i>Pseudognaphalium californicum</i>	P	3'	VL/L	FS	Semi deciduous, may like some afternoon shade in summer
10	California Blackberry	<i>Rubus ursinus</i>	P	6'	M/H	FS/PS/S	Requires substantial moisture, wide spreading
11	Dutchmans Pipe	<i>Aristolochia californica</i>	P	20'	L/M	S/PS	Deciduous vine, grows in moist woods along streams
12	Baby Blue Eyes	<i>Nemophila menziesii</i>	A	.25'	L	FS/PS	Annual herb
13	Chinese Houses	<i>Collinsia heterophylla</i>	A	.5'	M	S/PS	Annual purple flowering herb, good in containers
14	Lacy Phacelia	<i>Phacelia tanacetifolia</i>	A	3'	VL/L	FS	Tolerates clay soils; good plant for biological pest control
15	Miners Lettuce	<i>Claytonia perfoliata</i>	A	1.3'	L/M	PS	Edible spreading annual herb; in the valley, does best in part shade
16							
17	Early-Mid						
18	Blue Elderberry	<i>Sambucus nigra</i> var. <i>cerulea</i>	P	20'-30'	M	FS	Easy to grow, fast growing deciduous shrub/tree; host plant for endangered Valley Elderberry Longhorn Beetle
19	Interior Live Oak	<i>Quercus wislizenii</i>	P	15'-50'	VL	S/PS	Medium to large evergreen, moderate grower
20	Blue Oak	<i>Quercus douglasii</i>	P	16'-82'	VL	FS/PS	Slow grower deciduous, supports many species
21	Toyon	<i>Heteromeles arbutifolia</i>	P	12'	L	FS/PS	Evergreen shrub easy to grow, white flowers early summer, red berries in fall
22	Shining Willow	<i>Salix lasiandra</i>	P	3'-30'	M/H	FS/PS	Winter deciduous riparian plant, good for restoration projects
23	Mountain Mahogany	<i>Cercocarpus betuloides</i>	P	8'-20'	VL/L	FS/PS	In the valley this plant will do better with PM shade
24	Hollyleaf Redberry	<i>Rhamnus ilicifolia</i>	P	9'	L	PS	PM shade in the valley, siting is critical for success
25	California Broom/Deerwe	<i>Achrispon glaber</i>	P	3'	VL	FS	Not too showy subshrub with high habitat value
26	Skunkbush, Fragrant Sum	<i>Rhus aromatica</i>	P	8'	L	FS/PS	Winter deciduous shrub, may like PM shade in valley
27	Chaparral Honey-suckle	<i>Lonicera interrupta</i> (<i>hispidula</i>)	P	3'	VL/L	FS/PS	Hardy, woody chaparral shrub/vine, summer flowering, edible/bitter berries
28	Silver Bush Lupine	<i>Lupinus albus</i>	P	5'	L	FS/PS	Requires good drainage, PM shade in valley
29	Foothill Penstemon	<i>Penstemon heterophyllus</i>	P	5'	L	FS/PS	Perennial evergreen herb. May need pm shade in valley
30	Sonoma Sage	<i>Salvia sonomensis</i>	P	1.3'	VL	PS	Moderately drought tolerant if given part shade
31	Purple Needlegrass	<i>Stipa pulchra</i>	P	3'	VL/L	FS	CA state grass, perennial with deep roots
32	California Poppy	<i>Eschscholzia californica</i>	A	.5'	VL/L	FS	CA State flower, tolerates clay soil, readily reseeds
33	Elegant Clarkia	<i>Clarkia unguiculata</i>	A	.5'	L	FS/PS	Showy pink flowers, reseeds readily
34	Globe Gilia	<i>Gilia capitata</i>	A	1'	L/M	FS	Showy pink to lavender flowers
35	Miniature Lupine	<i>Lupinus bicolor</i>	A	1.3'	L	FS	Showy purple and white flowers, plant with CA poppies
36	Sky Lupine	<i>Lupinus nanus</i>	A	2'	L	FS	Chaparral annual herb

Homegrown Habitat Plant List 2019

A	B	C	D	E	F	G	H
Altitude	Common Name	Scientific Name	Life Cycle	Height	Width	Soil	Notes
36	Mid						
37	California Buckwheat	Eriogonum fasciculatum	P	2.5'	VL/L	FS	Tough, easy to grow, prefer good drainage
38	Hoary Cofeberry	Frangula californica var tomei	P	20'	L	FS/PS	May prefer PM shade in valley
39	California Wildrose	Rosa californica	P	8'	M	FS/PS	Tolerates clay soils; drought-tolerant; spreads through underground runners
40	Common Yarrow	Vitis californica	P	10'-40'	L/M	FS/PS	Common along rivers and streams, winter deciduous
41	Coyote Mint	Achillea millefolium	P	3'	L-H	FS/PS	Looks best with regular water; semi deciduous in drier conditions; can be aggressive
42	Shoony Milkweed	Monardella villosa	P	2'	L	PS/S	Requires good drainage, needs PM shade in the valley
43	Imbricate Phacelia	Asclepias speciosa	P	5'	L/M	FS	Tolerates clay soils; spreads through underground rhizomes
44	Woolly Sunflower	Phacelia imbricata	P	1'	L	FS/PS	Perennial herb; tolerates clay soil; can re-seed
45	Nude Buckwheat	Eriophyllum lanatum	P	2'	L	FS/PS	Summer semi-deciduous; can be extremely drought-tolerant
46	Blue Wild Rye	Eriogonum nudum	P	6'	L	FS	Summer semi-deciduous; leafless stems
47	Deergrass	Elymus glaucus	P	5'	L	FS/PS	Popular accent grass for gardens; summer semi-deciduous
48	Flaxbane Daisy	Muhlenbergia rigens	P	5'	L	FS	Attractive bunch grass; easy to grow; grows in most soils
49	Lupine	Erigeron foliosus	P	3.3'	L	PS	Flowering ground cover; spreads rapidly
50	Spider Lupine	Phyla nodiflora	P	6'	L	FS/PS	
51	Seep Monkeyflower	Lupinus benthamii	A	2.3'	VL	FS	
52		Erythranthe guttata	A	5'	M/H	FS/PS	
53							
54	Mid-Late						
55	Narrowleaf Milkweed	Asclepias fascicularis	P	1.5'	M	FS	Not showy; tolerates clay; host to Monarchs
56	Virgin's Bowel	Clematis ligusticifolia	P	30'	L/M	PS/SH	vine; showy white flowers; summer deciduous; part shade to shade
57	Hooker's Evening Primrose	Oenothera elata	P	5'	M-H	FS/PS	Wetland-riparian but still drought tolerant; reseeds aggressively
58	California Fuchsia	Epilobium canum	P	3'	L	FS	Hummingbird favorite; spreads; cut back in winter
59	Gumpplant	Grindelia camporum	P	4'	L	FS	Tolerates most soils; can be cut back in winter
60	Snowberry	Symphoricarpos albus	P	6'	L	PS/SH	Moist shady areas; winter deciduous; spreads by rhizomes
61	Slender Woolly Buckwheat	Eriogonum gracile	A	5'	EL/VL	FS/PS	Small annual; tolerates most soils; winter semi-deciduous
62	Common Madia	Madia elegans	A	7'	L	FS/PS	Annual herb; showy yellow flowers; tolerates many soils
63	Common Sunflower	Helianthus annuus	A	5'	M	FS	Tolerates most soils; can get very large
64							
65	Late						
66	California Aster	Symphotrichum chilense	P	5'	VL/L	FS/PS	Tolerates clay soil; winter deciduous; cut back in winter; aggressive spreader
67	California Goldenrod	Solidago californica	P	3'	VL/M	FS/PS/S	Easy to grow; for late color plant with Epilobium canum; spreader
68	Sulphur Buckwheat	Eriogonum umbellulatum	P	7'	VL/M	FS	Showy yellow flowers; variable plant; evergreen
69	Bee Plant	Scrophularia californica	P	4'	L	PS	Strong bee attractant; tolerates most soils; needs good drainage
70	Coyote Brush	Baccharis pilularis	P	10'	VL/L	FS/PS	Tour easy to grow shrub; variable forms; blooms into winter
71	Rubber Rubbertbrush	Ericameria nauseosa	P	9'	L	FS	Needs good drainage; summer/fall bloom
72	Vinegarweed	Trichostema lanceolatum	A	1'	L	FS	Does not do well in seed mixes; sow individually; tolerates dry clay soils

Staff Report on Burrowing Owl Mitigation

State of California
Natural Resources Agency
Department of Fish and Game

March 7, 2012¹

¹ This document replaces the Department of Fish and Game 1995 Staff Report On Burrowing Owl Mitigation.

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INTRODUCTION AND PURPOSE

Maintaining California's rich biological diversity is dependent on the conservation of species and their habitats. The California Department of Fish and Game (Department) has designated certain species as "species of special concern" when their population viability and survival is adversely affected by risk factors such as precipitous declines or other vulnerability factors (Shuford and Gardali 2008). Preliminary analyses of regional patterns for breeding populations of burrowing owls (*Athene cunicularia*) have detected declines both locally in their central and southern coastal breeding areas, and statewide where the species has experienced modest breeding range retraction (Gervais et al. 2008). In California, threat factors affecting burrowing owl populations include habitat loss, degradation and modification, and eradication of ground squirrels resulting in a loss of suitable burrows required by burrowing owls for nesting, protection from predators, and shelter (See Appendix A).

The Department recognized the need for a comprehensive conservation and mitigation strategy for burrowing owls, and in 1995 directed staff to prepare a report describing mitigation and survey recommendations. This report, "1995 Staff Report on Burrowing Owl Mitigation," (Staff Report) (CDFG 1995), contained Department-recommended burrowing owl and burrow survey techniques and mitigation measures intended to offset the loss of habitat and slow or reverse further decline of this species. Notwithstanding these measures, over the past 15+ years, burrowing owls have continued to decline in portions of their range (DeSante et al. 2007, Wilkerson and Siegel, 2010). The Department has determined that reversing declining population and range trends for burrowing owls will require implementation of more effective conservation actions, and evaluating the efficacy of the Department's existing recommended avoidance, minimization and mitigation approaches for burrowing owls.

The Department has identified three main actions that together will facilitate a more viable, coordinated, and concerted approach to conservation and mitigation for burrowing owls in California. These include:

1. Incorporating burrowing owl comprehensive conservation strategies into landscape-based planning efforts such as Natural Community Conservation Plans (NCCPs) and multi-species Habitat Conservation Plans (HCPs) that specifically address burrowing owls.
2. Developing and implementing a statewide conservation strategy (Burkett and Johnson, 2007) and local or regional conservation strategies for burrowing owls, including the development and implementation of a statewide burrowing owl survey and monitoring plan.
3. Developing more rigorous burrowing owl survey methods, working to improve the adequacy of impacts assessments; developing clear and effective avoidance and minimization measures; and developing mitigation measures to ensure impacts to the species are effectively addressed at the project, local, and/or regional level (the focus of this document).

This Report sets forth the Department's recommendations for implementing the third approach identified above by revising the 1995 Staff Report, drawing from the most relevant and current knowledge and expertise, and incorporating the best scientific information

RECOMMENDED TIMING AND METHODOLOGY FOR SWAINSON'S HAWK NESTING SURVEYS IN CALIFORNIA'S CENTRAL VALLEY

**Swainson's Hawk Technical Advisory Committee
May 31, 2000**

This set of survey recommendations was developed by the Swainson's Hawk Technical Advisory Committee (TAC) to maximize the potential for locating nesting Swainson's hawks, and thus reducing the potential for nest failures as a result of project activities/disturbances. The combination of appropriate surveys, risk analysis, and monitoring has been determined to be very effective in reducing the potential for project-induced nest failures. As with most species, when the surveyor is in the right place at the right time, Swainson's hawks may be easy to observe; but some nest sites may be very difficult to locate, and even the most experienced surveyors have missed nests, nesting pairs, mis-identified a hawk in a nest, or believed incorrectly that a nest had failed. There is no substitute for specific Swainson's hawk survey experience and acquiring the correct search image.

METHODOLOGY

Surveys should be conducted in a manner that maximizes the potential to observe the adult Swainson's hawks, as well as the nest/chicks second. To meet the California Department of Fish and Game's (CDFG) recommendations for mitigation and protection of Swainson's hawks, surveys should be conducted for a ½ mile radius around all project activities, and if active nesting is identified within the ½ mile radius, consultation is required. In general, the TAC recommends this approach as well.

Minimum Equipment

Minimum survey equipment includes a high-quality pair of binoculars and a high quality spotting scope. Surveying even the smallest project area will take hours, and poor optics often result in eye-strain and difficulty distinguishing details in vegetation and subject birds. Other equipment includes good maps, GPS units, flagging, and notebooks.

Walking vs Driving

Driving (car or boat) or "windshield surveys" are usually preferred to walking if an adequate roadway is available through or around the project site. While driving, the observer can typically approach much closer to a hawk without causing it to fly. Although it might appear that a flying bird is more visible, they often fly away from the observer using trees as screens; and it is difficult to determine from where a flying bird came. Walking surveys are useful in locating a nest after a nest territory is identified, or when driving is not an option.

Angle and Distance to the Tree

Surveying subject trees from multiple angles will greatly increase the observer's chance of detecting a nest or hawk, especially after trees are fully leafed and when surveying multiple trees

in close proximity. When surveying from an access road, survey in both directions. Maintaining a distance of 50 meters to 200 meters from subject trees is optimal for observing perched and flying hawks without greatly reducing the chance of detecting a nest/young. Once a nesting territory is identified, a closer inspection may be required to locate the nest.

Speed

Travel at a speed that allows for a thorough inspection of a potential nest site. Survey speeds should not exceed 5 miles per hour to the greatest extent possible. If the surveyor must travel faster than 5 miles per hour, stop frequently to scan subject trees.

Visual and Aural Ques

Surveys will be focused on both observations and vocalizations. Observations of nests, perched adults, displaying adults, and chicks during the nesting season are all indicators of nesting Swainson's hawks. In addition, vocalizations are extremely helpful in locating nesting territories. Vocal communication between hawks is frequent during territorial displays; during courtship and mating; through the nesting period as mates notify each other that food is available or that a threat exists; and as older chicks and fledglings beg for food.

Distractions

Minimize distractions while surveying. Although two pairs of eyes may be better than one pair at times, conversation may limit focus. Radios should be off, not only are they distracting, they may cover a hawk's call.

Notes and Species Observed

Take thorough field notes. Detailed notes and maps of the location of observed Swainson's hawk nests are essential for filling gaps in the Natural Diversity Data Base; please report all observed nest sites. Also document the occurrence of nesting great homed owls, red-tailed hawks, red-shouldered hawks and other potentially competitive species. These species will infrequently nest within 100 yards of each other, so the presence of one species will not necessarily exclude another.

TIMING

To meet the **minimum** level of protection for the species, surveys should be completed for at least the two survey periods immediately prior to a project's initiation. For example, if a project is scheduled to begin on June 20, you should complete 3 surveys in Period III and 3 surveys in Period V. However, it is always recommended that surveys be completed in Periods II, III and V. **Surveys should not be conducted in Period IV.**

The survey periods are defined by the timing of migration, courtship, and nesting in a "typical" year for the majority of Swainson's hawks from San Joaquin County to Northern Yolo County. Dates should be adjusted in consideration of early and late nesting seasons, and geographic differences (northern nesters tend to nest slightly later, etc). If you are not sure, contact a TAC member or CDFG biologist.

Survey dates Justification and search image	Survey time	Number of Surveys
I. <i>January-March 20 (recommended optional)</i>	<i>All day</i>	<i>1</i>
<p>Prior to Swainson’s hawks returning, it may be helpful to survey the project site to determine potential nest locations. Most nests are easily observed from relatively long distances, giving the surveyor the opportunity to identify potential nest sites, as well as becoming familiar with the project area. It also gives the surveyor the opportunity to locate and map competing species nest sites such as great homed owls from February on, and red-tailed hawks from March on. After March 1, surveyors are likely to observe Swainson’s hawks staging in traditional nest territories.</p>		
II. <i>March 20 to April 5</i>	<i>Sunrise to 1000</i> <i>1600 to sunset</i>	<i>3</i>
<p>Most Central Valley Swainson’s hawks return by April 1, and immediately begin occupying their traditional nest territories. For those few that do not return by April 1, there are often hawks (“floaters”) that act as place-holders in traditional nest sites; they are birds that do not have mates, but temporarily attach themselves to traditional territories and/or one of the site’s “owners.” Floaters are usually displaced by the territories’ owner(s) if the owner returns.</p> <p>Most trees are leafless and are relatively transparent; it is easy to observe old nests, staging birds, and competing species. The hawks are usually in their territories during the survey hours, but typically soaring and foraging in the mid-day hours. Swainson’s hawks may often be observed involved in territorial and courtship displays, and circling the nest territory. Potential nest sites identified by the observation of staging Swainson’s hawks will usually be active territories during that season, although the pair may not successfully nest/reproduce that year.</p>		
III. <i>April 5 to April 20</i>	<i>Sunrise to 1200</i> <i>1630 to Sunset</i>	<i>3</i>
<p>Although trees are much less transparent at this time, activity at the nest site increases significantly. Both males and females are actively nest building, visiting their selected site frequently. Territorial and courtship displays are increased, as is copulation. The birds tend to vocalize often, and nest locations are most easily identified. This period may require a great deal of “sit and watch” surveying.</p>		
IV. <i>April 21 to June 10</i>	<i>Monitoring known nest sites only</i> <i>Initiating Surveys is not recommended</i>	
<p>Nests are extremely difficult to locate this time of year, and even the most experienced surveyor will miss them, especially if the previous surveys have not been done. During this phase of nesting, the female Swainson’s hawk is in brood position, very low in the nest, laying eggs, incubating, or protecting the newly hatched and vulnerable chicks; her head may or may not be visible. Nests are often well-hidden, built into heavily vegetated sections of trees or in clumps of mistletoe, making them all but invisible. Trees are usually not viewable from all angles, which may make nest observation impossible.</p>		

Following the male to the nest may be the only method to locate it, and the male will spend hours away from the nest foraging, soaring, and will generally avoid drawing attention to the nest site. Even if the observer is fortunate enough to see a male returning with food for the female, if the female determines it is not safe she will not call the male in, and he will not approach the nest; this may happen if the observer, or others, are too close to the nest or if other threats, such as rival hawks, are apparent to the female or male.

V. June 10 to July 30 (post-fledging)





Sunrise to 1200

3

1600 to sunset

Young are active and visible, and relatively safe without parental protection. Both adults make numerous trips to the nest and are often soaring above, or perched near or on the nest tree. The location and construction of the nest may still limit visibility of the nest, young, and adults.

**DETERMINING A PROJECT'S POTENTIAL
 FOR IMPACTING SWAINSON'S HAWKS**

LEVEL OF RISK	REPRODUCTIVE SUCCESS (Individuals)	LONGTERM SURVIVABILITY (Population)	NORMAL SITE CHARACTERISTICS (Daily Average)	NEST MONITORING
<p>HIGH</p> 	<p>Direct physical contact with the nest tree while the birds are on eggs or protecting young. (Helicopters in close proximity)</p> <p>Loss of nest tree after nest building is begun prior to laying eggs.</p> <p>Personnel within 50 yards of nest tree (out of vehicles) for extended periods while birds are on eggs or protecting young that are < 10 days old.</p> <p>Initiating construction activities (machinery and personnel) within 200 yards of the nest after eggs are laid and before young are > 10 days old.</p> <p>Heavy machinery only working within 50 yards of nest.</p> <p>Initiating construction activities within 200 yards of nest before nest building begins or after young > 10 days old.</p> <p>All project activities (personnel and machinery) greater than 200 yards from nest.</p>	<p>Loss of available foraging area.</p> <p>Loss of nest trees.</p> <p>Loss of potential nest trees.</p> <p>Cumulative: Multi-year, multi-site projects with substantial noise/personnel disturbance.</p> <p>Cumulative: Single-season projects with substantial noise/personnel disturbance that is greater than or significantly different from the daily norm.</p> <p>Cumulative: Single-season projects with activities that "blend" well with site's "normal" activities.</p>	<p>Little human-created noise, little human use: nest is well away from dwellings, equipment yards, human access areas, etc.</p> <p><i>Do not include general cultivation practices in evaluation.</i></p> <p>Substantial human-created noise and occurrence: nest is near roadways, well-used waterways, active airstrips, areas that have high human use.</p> <p><i>Do not include general cultivation practices in evaluation.</i></p>	<p>MORE</p> 
<p>LOW</p> 				<p>LESS</p> 

available pertaining to the species. It is designed to provide a compilation of the best available science for Department staff, biologists, planners, land managers, California Environmental Quality Act (CEQA) lead agencies, and the public to consider when assessing impacts of projects or other activities on burrowing owls.

This revised Staff Report takes into account the California Burrowing Owl Consortium's Survey Protocol and Mitigation Guidelines (CBOC 1993, 1997) and supersedes the survey, avoidance, minimization and mitigation recommendations in the 1995 Staff Report. Based on experiences gained from implementing the 1995 Staff Report, the Department believes revising that report is warranted. This document also includes general conservation goals and principles for developing mitigation measures for burrowing owls.

DEPARTMENT ROLE AND LEGAL AUTHORITIES

The mission of the Department is to manage California's diverse fish, wildlife and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public. The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitats necessary to maintain biologically sustainable populations of those species (Fish and Game Code (FGC) §1802). The Department, as trustee agency pursuant to CEQA (See CEQA Guidelines, §15386), has jurisdiction by law over natural resources, including fish and wildlife, affected by a project, as that term is defined in Section 21065 of the Public Resources Code. The Department exercises this authority by reviewing and commenting on environmental documents and making recommendations to avoid, minimize, and mitigate potential negative impacts to those resources held in trust for the people of California.

Field surveys designed to detect the presence of a particular species, habitat element, or natural community are one of the tools that can assist biologists in determining whether a species or habitat may be significantly impacted by land use changes or disturbance. The Department reviews field survey data as well as site-specific and regional information to evaluate whether a project's impacts may be significant. This document compiles the best available science for conducting habitat assessments and surveys, and includes considerations for developing measures to avoid impacts or mitigate unavoidable impacts.

CEQA

CEQA requires public agencies in California to analyze and disclose potential environmental impacts associated with a project that the agency will carry out, fund, or approve. Any potentially significant impact must be mitigated to the extent feasible. Project-specific CEQA mitigation is important for burrowing owls because most populations exist on privately owned parcels that, when proposed for development or other types of modification, may be subject to the environmental review requirements of CEQA.

Take

Take of individual burrowing owls and their nests is defined by FGC section 86, and prohibited by sections 3503, 3503.5 and 3513. Take is defined in FGC Section 86 as "hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill."

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) implements various treaties and conventions between the United States and Canada, Japan, Mexico, and Russia for the protection of migratory birds, including the burrowing owl (50 C.F.R. § 10). The MBTA protects migratory bird nests from possession, sale, purchase, barter, transport, import and export, and collection. The other prohibitions of the MBTA - capture, pursue, hunt, and kill - are inapplicable to nests. The regulatory definition of take, as defined in Title 50 C.F.R. part 10.12, means to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to hunt, shoot, wound, kill, trap, capture, or collect. Only the verb "collect" applies to nests. It is illegal to collect, possess, and by any means transfer possession of any migratory bird nest. The MBTA prohibits the destruction of a nest when it contains birds or eggs, and no possession shall occur during the destruction (see Fish and Wildlife Service, Migratory Bird Permit Memorandum, April 15, 2003). Certain exceptions to this prohibition are included in 50 C.F.R. section 21. Pursuant to Fish & Game Code section 3513, the Department enforces the Migratory Bird Treaty Act consistent with rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Treaty Act.

Regional Conservation Plans

Regional multiple species conservation plans offer long-term assurances for conservation of covered species at a landscape scale, in exchange for biologically appropriate levels of incidental take and/or habitat loss as defined in the approved plan. California's NCCP Act (FGC §2800 et seq.) governs such plans at the state level, and was designed to conserve species, natural communities, ecosystems, and ecological processes across a jurisdiction or a collection of jurisdictions. Complementary federal HCPs are governed by the Endangered Species Act (7 U.S.C. § 136, 16 U.S.C. § 1531 et seq.) (ESA). Regional conservation plans (and certain other landscape-level conservation and management plans), may provide conservation for unlisted as well as listed species. Because the geographic scope of NCCPs and HCPs may span many hundreds of thousands of acres, these planning tools have the potential to play a significant role in conservation of burrowing owls, and grasslands and other habitats.

Fish and Game Commission Policies

There are a number of Fish and Game Commission policies (see FGC §2008) that can be applied to burrowing owl conservation. These include policies on: Raptors, Cooperation, Endangered and Threatened Species, Land Use Planning, Management and Utilization of Fish and Wildlife on Federal Lands, Management and Utilization of Fish and Wildlife on Private Lands, and Research.

GUIDING PRINCIPLES FOR CONSERVATION

Unless otherwise provided in a statewide, local, or regional conservation strategy, surveying and evaluating impacts to burrowing owls, as well as developing and implementing avoidance, minimization, and mitigation and conservation measures incorporate the following principles. These principles are a summary of Department staff expert opinion and were used to guide the preparation of this document.

1. Use the Precautionary Principle (Noss et al,1997), by which the alternative of increased conservation is deliberately chosen in order to buffer against incomplete knowledge of burrowing owl ecology and uncertainty about the consequences to burrowing owls of potential impacts, including those that are cumulative.
2. Employ basic conservation biology tenets and population-level approaches when determining what constitutes appropriate avoidance, minimization, and mitigation for impacts. Include mitigation effectiveness monitoring and reporting, and use an adaptive management loop to modify measures based on results.
3. Protect and conserve owls in wild, semi-natural, and agricultural habitats (conserve is defined at FGC §1802).
4. Protect and conserve natural nest burrows (or burrow surrogates) previously used by burrowing owls and sufficient foraging habitat and protect auxiliary "satellite" burrows that contribute to burrowing owl survivorship and natural behavior of owls.

CONSERVATION GOALS FOR THE BURROWING OWL IN CALIFORNIA

It is Department staff expert opinion that the following goals guide and contribute to the short and long-term conservation of burrowing owls in California:

1. Maintain size and distribution of extant burrowing owl populations (allowing for natural population fluctuations).
2. Increase geographic distribution of burrowing owls into formerly occupied historical range where burrowing owl habitat still exists, or where it can be created or enhanced, and where the reason for its local disappearance is no longer of concern.
3. Increase size of existing populations where possible and appropriate (for example, considering basic ecological principles such as carrying capacity, predator-prey relationships, and inter-specific relationships with other species at risk).
4. Protect and restore self-sustaining ecosystems or natural communities which can support burrowing owls at a landscape scale, and which will require minimal long-term management.
5. Minimize or prevent unnatural causes of burrowing owl population declines (e.g., nest burrow destruction, chemical control of rodent hosts and prey).
6. Augment/restore natural dynamics of burrowing owl populations including movement and genetic exchange among populations, such that the species does not require future listing and protection under the California Endangered Species Act (CESA) and/or the federal Endangered Species Act (ESA).
7. Engage stakeholders, including ranchers; farmers; military; tribes; local, state, and federal agencies; non-governmental organizations; and scientific research and education communities involved in burrowing owl protection and habitat management.

ACTIVITIES WITH THE POTENTIAL TO TAKE OR IMPACT BURROWING OWLS

The following activities are examples of activities that have the potential to take burrowing owls, their nests or eggs, or destroy or degrade burrowing owl habitat: grading, disking, cultivation, earthmoving, burrow blockage, heavy equipment compacting and crushing burrow tunnels, levee maintenance, flooding, burning and mowing (if burrows are impacted), and operating wind turbine collisions (collectively hereafter referred to as "projects" or "activities"

whether carried out pursuant to CEQA or not). In addition, the following activities may have impacts to burrowing owl populations: eradication of host burrowers; changes in vegetation management (i.e. grazing); use of pesticides and rodenticides; destruction, conversion or degradation of nesting, foraging, over-wintering or other habitats; destruction of natural burrows and burrow surrogates; and disturbance which may result in harassment of owls at occupied burrows.

PROJECT IMPACT EVALUATIONS

The following three progressive steps are effective in evaluating whether projects will result in impacts to burrowing owls. The information gained from these steps will inform any subsequent avoidance, minimization and mitigation measures. The steps for project impact evaluations are: 1) habitat assessment, 2) surveys, and 3) impact assessment. Habitat assessments are conducted to evaluate the likelihood that a site supports burrowing owl. Burrowing owl surveys provide information needed to determine the potential effects of proposed projects and activities on burrowing owls, and to avoid take in accordance with FGC sections 86, 3503, and 3503.5. Impact assessments evaluate the extent to which burrowing owls and their habitat may be impacted, directly or indirectly, on and within a reasonable distance of a proposed CEQA project activity or non-CEQA project. These three site evaluation steps are discussed in detail below.

Biologist Qualifications

The current scientific literature indicates that only individuals meeting the following minimum qualifications should perform burrowing owl habitat assessments, surveys, and impact assessments:

1. Familiarity with the species and its local ecology;
2. Experience conducting habitat assessments and non-breeding and breeding season surveys, or experience with these surveys conducted under the direction of an experienced surveyor;
3. Familiarity with the appropriate state and federal statutes related to burrowing owls, scientific research, and conservation;
4. Experience with analyzing impacts of development on burrowing owls and their habitat.

Habitat Assessment Data Collection and Reporting

A habitat assessment is the first step in the evaluation process and will assist investigators in determining whether or not occupancy surveys are needed. Refer to Appendix B for a definition of burrowing owl habitat. Compile the detailed information described in Appendix C when conducting project scoping, conducting a habitat assessment site visit and preparing a habitat assessment report.

Surveys

Burrowing owl surveys are the second step of the evaluation process and the best available scientific literature recommends that they be conducted whenever burrowing owl habitat or sign (see Appendix B) is encountered on or adjacent to (within 150 meters) a project site

(Thomsen 1971, Martin 1973). Occupancy of burrowing owl habitat is confirmed at a site when at least one burrowing owl, or its sign at or near a burrow entrance, is observed within the last three years (Rich 1984). Burrowing owls are more detectable during the breeding season with detection probabilities being highest during the nestling stage (Conway et al. 2008). In California, the burrowing owl breeding season extends from 1 February to 31 August (Haug et al. 1993, Thomsen 1971) with some variances by geographic location and climatic conditions. Several researchers suggest three or more survey visits during daylight hours (Haug and Diduik 1993, CBOC 1997, Conway and Simon 2003) and recommend each visit occur at least three weeks apart during the peak of the breeding season, commonly accepted in California as between 15 April and 15 July (CBOC 1997). Conway and Simon (2003) and Conway et al. (2008) recommended conducting surveys during the day when most burrowing owls in a local area are in the laying and incubation period (so as not to miss early breeding attempts), during the nesting period, and in the late nestling period when most owls are spending time above ground.

Non-breeding season (1 September to 31 January) surveys may provide information on burrowing owl occupancy, but do not substitute for breeding season surveys because results are typically inconclusive. Burrowing owls are more difficult to detect during the non-breeding season and their seasonal residency status is difficult to ascertain. Burrowing owls detected during non-breeding season surveys may be year-round residents, young from the previous breeding season, pre-breeding territorial adults, winter residents, dispersing juveniles, migrants, transients or new colonizers. In addition, the numbers of owls and their pattern of distribution may differ during winter and breeding seasons. However, on rare occasions, non-breeding season surveys may be warranted (i.e., if the site is believed to be a wintering site only based on negative breeding season results). Refer to Appendix D for information on breeding season and non-breeding season survey methodologies.

Survey Reports

Adequate information about burrowing owls present in and adjacent to an area that will be disturbed by a project or activity will enable the Department, reviewing agencies and the public to effectively assess potential impacts and will guide the development of avoidance, minimization, and mitigation measures. The survey report includes but is not limited to a description of the proposed project or proposed activity, including the proposed project start and end dates, as well as a description of disturbances or other activities occurring on-site or nearby. Refer to Appendix D for details included in a survey report.

Impact Assessment

The third step in the evaluation process is the impact assessment. When surveys confirm occupied burrowing owl habitat in or adjoining the project area, there are a number of ways to assess a project's potential significant impacts to burrowing owls and their habitat. Richardson and Miller (1997) recommended monitoring raptor behavior prior to developing management recommendations and buffers to determine the extent to which individuals have been sensitized to human disturbance. Monitoring results will also provide detail necessary for developing site-specific measures. Postovit and Postovit (1987) recommended an analytical approach to mitigation planning: define the problem (impact), set goals (to guide mitigation development), evaluate and select mitigation methods, and monitor the results.

Define the problem. The impact assessment evaluates all factors that could affect burrowing owls. Postovit and Postovit (1987) recommend evaluating the following in assessing impacts to raptors and planning mitigation: type and extent of disturbance, duration and timing of disturbance, visibility of disturbance, sensitivity and ability to habituate, and influence of environmental factors. They suggest identifying and addressing all potential direct and indirect impacts to burrowing owls, regardless of whether or not the impacts will occur during the breeding season. Several examples are given for each impact category below; however, examples are not intended to be used exclusively.

Type and extent of the disturbance. The impact assessment describes the nature (source) and extent (scale) of potential project impacts on occupied, satellite and unoccupied burrows including acreage to be lost (temporary or permanent), fragmentation/edge being created, increased distance to other nesting and foraging habitat, and habitat degradation. Discuss any project activities that impact either breeding and/or non-breeding habitat which could affect owl home range size and spatial configuration, negatively affect onsite and offsite burrowing owl presence, increase energetic costs, lower reproductive success, increase vulnerability to predation, and/or decrease the chance of procuring a mate.

Duration and timing of the impact. The impact assessment describes the amount of time the burrowing owl habitat will be unavailable to burrowing owls (temporary or permanent) on the site and the effect of that loss on essential behaviors or life history requirements of burrowing owls, the overlap of project activities with breeding and/or non-breeding seasons (timing of nesting and/or non-breeding activities may vary with latitude and climatic conditions, which should be considered with the timeline of the project or activity), and any variance of the project activities in intensity, scale and proximity relative to burrowing owl occurrences.

Visibility and sensitivity. Some individual burrowing owls or pairs are more sensitive than others to specific stimuli and may habituate to ongoing visual or audible disturbance. Site-specific monitoring may provide clues to the burrowing owl's sensitivities. This type of assessment addresses the sensitivity of burrowing owls within their nesting area to humans on foot, and vehicular traffic. Other variables are whether the site is primarily in a rural versus urban setting, and whether any prior disturbance (e.g., human development or recreation) is known at the site.

Environmental factors. The impact assessment discusses any environmental factors that could be influenced or changed by the proposed activities including nest site availability, predators, prey availability, burrowing mammal presence and abundance, and threats from other extrinsic factors such as human disturbance, urban interface, feral animals, invasive species, disease or pesticides.

Significance of impacts. The impact assessment evaluates the potential loss of nesting burrows, satellite burrows, foraging habitat, dispersal and migration habitat, wintering habitat, and habitat linkages, including habitat supporting prey and host burrowers and other essential habitat attributes. This assessment determines if impacts to the species will result in significant impacts to the species locally, regionally and range-wide per CEQA Guidelines §15382 and Appendix G. The significance of the impact to habitat depends on the extent of habitat disturbed and length of time the habitat is unavailable (for example: minor – several days, medium – several weeks to months, high - breeding season affecting juvenile survival,

or over winter affecting adult survival).

Cumulative effects. The cumulative effects assessment evaluates two consequences: 1) the project's proportional share of reasonably foreseeable impacts on burrowing owls and habitat caused by the project or in combination with other projects and local influences having impacts on burrowing owls and habitat, and 2) the effects on the regional owl population resulting from the project's impacts to burrowing owls and habitat.

Mitigation goals. Establishing goals will assist in planning mitigation and selecting measures that function at a desired level. Goals also provide a standard by which to measure mitigation success. Unless specifically provided for through other FGC Sections or through specific regulations, take, possession or destruction of individual burrowing owls, their nests and eggs is prohibited under FGC sections 3503, 3503.5 and 3513. Therefore, a required goal for all project activities is to avoid take of burrowing owls. Under CEQA, goals would consist of measures that would avoid, minimize and mitigate impacts to a less than significant level. For individual projects, mitigation must be roughly proportional to the level of impacts, including cumulative impacts, in accordance with the provisions of CEQA (CEQA Guidelines, §§ 15126.4(a)(4)(B), 15064, 15065, and 16355). In order for mitigation measures to be effective, they must be specific, enforceable, and feasible actions that will improve environmental conditions. As set forth in more detail in Appendix A, the current scientific literature supports the conclusion that mitigation for permanent habitat loss necessitates replacement with an equivalent or greater habitat area for breeding, foraging, wintering, dispersal, presence of burrows, burrow surrogates, presence of fossorial mammal dens, well drained soils, and abundant and available prey within close proximity to the burrow.

MITIGATION METHODS

The current scientific literature indicates that any site-specific avoidance or mitigation measures developed should incorporate the best practices presented below or other practices confirmed by experts and the Department. The Department is available to assist in the development of site-specific avoidance and mitigation measures.

Avoiding. A primary goal is to design and implement projects to seasonally and spatially avoid negative impacts and disturbances that could result in take of burrowing owls, nests, or eggs. Other avoidance measures may include but not be limited to:

- Avoid disturbing occupied burrows during the nesting period, from 1 February through 31 August.
- Avoid impacting burrows occupied during the non-breeding season by migratory or non-migratory resident burrowing owls.
- Avoid direct destruction of burrows through chaining (dragging a heavy chain over an area to remove shrubs), disking, cultivation, and urban, industrial, or agricultural development.
- Develop and implement a worker awareness program to increase the on-site worker's recognition of and commitment to burrowing owl protection.
- Place visible markers near burrows to ensure that farm equipment and other machinery does not collapse burrows.
- Do not fumigate, use treated bait or other means of poisoning nuisance animals in areas where burrowing owls are known or suspected to occur (e.g., sites observed with nesting

owls, designated use areas).

- Restrict the use of treated grain to poison mammals to the months of January and February.

Take avoidance (pre-construction) surveys. Take avoidance surveys are intended to detect the presence of burrowing owls on a project site at a fixed period in time and inform necessary take avoidance actions. Take avoidance surveys may detect changes in owl presence such as colonizing owls that have recently moved onto the site, migrating owls, resident burrowing owls changing burrow use, or young of the year that are still present and have not dispersed. Refer to Appendix D for take avoidance survey methodology.

Site surveillance. Burrowing owls may attempt to colonize or re-colonize an area that will be impacted; thus, the current scientific literature indicates a need for ongoing surveillance at the project site during project activities is recommended. The surveillance frequency/effort should be sufficient to detect burrowing owls if they return. Subsequent to their new occupancy or return to the site, take avoidance measures should assure with a high degree of certainty that take of owls will not occur.

Minimizing. If burrowing owls and their habitat can be protected in place on or adjacent to a project site, the use of buffer zones, visual screens or other measures while project activities are occurring can minimize disturbance impacts. Conduct site-specific monitoring to inform development of buffers (see Visibility and sensitivity above). The following general guidelines for implementing buffers should be adjusted to address site-specific conditions using the impact assessment approach described above. The CEQA lead agency and/or project proponent is encouraged to consult with the Department and other burrowing owl experts for assistance in developing site-specific buffer zones and visual screens.

Buffers. Holroyd et al. (2001) identified a need to standardize management and disturbance mitigation guidelines. For instance, guidelines for mitigating impacts by petroleum industries on burrowing owls and other prairie species (Scobie and Faminow, 2000) may be used as a template for future mitigation guidelines (Holroyd et al. 2001). Scobie and Faminow (2000) developed guidelines for activities around occupied burrowing owl nests recommending buffers around low, medium, and high disturbance activities, respectively (see below).

Recommended restricted activity dates and setback distances by level of disturbance for burrowing owls (Scobie and Faminow 2000).

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

* meters (m)

Based on existing vegetation, human development, and land uses in an area, resource managers may decide to allow human development or resource extraction closer to these area/sites than recommended above. However, if it is decided to allow activities closer than

the setback distances recommended, a broad-scale, long-term, scientifically-rigorous monitoring program ensures that burrowing owls are not detrimentally affected by alternative approaches.

Other minimization measures include eliminating actions that reduce burrowing owl forage and burrowing surrogates (e.g. ground squirrel), or introduce/facilitate burrowing owl predators. Actions that could influence these factors include reducing livestock grazing rates and/or changing the timing or duration of grazing or vegetation management that could result in less suitable habitat.

Burrow exclusion and closure. Burrow exclusion is a technique of installing one-way doors in burrow openings during the non-breeding season to temporarily exclude burrowing owls, or permanently exclude burrowing owls and close burrows after verifying burrows are empty by site monitoring and scoping. Exclusion in and of itself is not a take avoidance, minimization or mitigation method. Eviction of burrowing owls is a potentially significant impact under CEQA.

The long-term demographic consequences of these techniques have not been thoroughly evaluated, and the fate of evicted or excluded burrowing owls has not been systematically studied. Because burrowing owls are dependent on burrows at all times of the year for survival and/or reproduction, evicting them from nesting, roosting, and satellite burrows may lead to indirect impacts or take. Temporary or permanent closure of burrows may result in significant loss of burrows and habitat for reproduction and other life history requirements. Depending on the proximity and availability of alternate habitat, loss of access to burrows will likely result in varying levels of increased stress on burrowing owls and could depress reproduction, increase predation, increase energetic costs, and introduce risks posed by having to find and compete for available burrows. Therefore, exclusion and burrow closure are not recommended where they can be avoided. The current scientific literature indicates consideration of all possible avoidance and minimization measures before temporary or permanent exclusion and closure of burrows is implemented, in order to avoid take.

The results of a study by Trulio (1995) in California showed that burrowing owls passively displaced from their burrows were quickly attracted to adjacent artificial burrows at five of six passive relocation sites. The successful sites were all within 75 meters (m) of the destroyed burrow, a distance generally within a pair's territory. This researcher discouraged using passive relocation to artificial burrows as a mitigation measure for lost burrows without protection of adjacent foraging habitat. The study results indicated artificial burrows were used by evicted burrowing owls when they were approximately 50-100 m from the natural burrow (Thomsen 1971, Haug and Oliphant 1990). Locating artificial or natural burrows more than 100 m from the eviction burrow may greatly reduce the chances that new burrows will be used. Ideally, exclusion and burrow closure is employed only where there are adjacent natural burrows and non-impacted, sufficient habitat for burrowing owls to occupy with permanent protection mechanisms in place. Any new burrowing owl colonizing the project site after the CEQA document has been adopted may constitute changed circumstances that should be addressed in a re-circulated CEQA document.

The current scientific literature indicates that burrow exclusion should only be conducted by qualified biologists (meeting the Biologist's Qualifications above) during the non-breeding

season, before breeding behavior is exhibited and after the burrow is confirmed empty by site surveillance and/or scoping. The literature also indicates that when temporary or permanent burrow exclusion and/or burrow closure is implemented, burrowing owls should not be excluded from burrows unless or until:

- A Burrowing Owl Exclusion Plan (see Appendix E) is developed and approved by the applicable local DFG office;
- Permanent loss of occupied burrow(s) and habitat is mitigated in accordance with the Mitigating Impacts sections below. Temporary exclusion is mitigated in accordance with the item #1 under Mitigating Impacts below.
- Site monitoring is conducted prior to, during, and after exclusion of burrowing owls from their burrows sufficient to ensure take is avoided. Conduct daily monitoring for one week to confirm young of the year have fledged if the exclusion will occur immediately after the end of the breeding season.
- Excluded burrowing owls are documented using artificial or natural burrows on an adjoining mitigation site (if able to confirm by band re-sight).

Translocation (Active relocation offsite >100 meters). At this time, there is little published information regarding the efficacy of translocating burrowing owls, and additional research is needed to determine subsequent survival and breeding success (Klute et al. 2003, Holroyd et al. 2001). Study results for translocation in Florida implied that hatching success may be decreased for populations of burrowing owls that undergo translocation (Nixon 2006). At this time, the Department is unable to authorize the capture and relocation of burrowing owls except within the context of scientific research (FGC §1002) or a NCCP conservation strategy.

Mitigating impacts. Habitat loss and degradation from rapid urbanization of farmland in the core areas of the Central and Imperial valleys is the greatest of many threats to burrowing owls in California (Shuford and Gardali, 2008). At a minimum, if burrowing owls have been documented to occupy burrows (see Definitions, Appendix B) at the project site in recent years, the current scientific literature supports the conclusion that the site should be considered occupied and mitigation should be required by the CEQA lead agency to address project-specific significant and cumulative impacts. Other site-specific and regionally significant and cumulative impacts may warrant mitigation. The current scientific literature indicates the following to be best practices. If these best practices cannot be implemented, the lead agency or lead investigator may consult with the Department to develop effective mitigation alternatives. The Department is also available to assist in the identification of suitable mitigation lands.

1. Where habitat will be temporarily disturbed, restore the disturbed area to pre-project condition including decompacting soil and revegetating. Permanent habitat protection may be warranted if there is the potential that the temporary impacts may render a nesting site (nesting burrow and satellite burrows) unsustainable or unavailable depending on the time frame, resulting in reduced survival or abandonment. For the latter potential impact, see the permanent impact measures below.
2. Mitigate for permanent impacts to nesting, occupied and satellite burrows and/or burrowing owl habitat such that the habitat acreage, number of burrows and burrowing owls impacted are replaced based on the information provided in Appendix A. Note: A

- minimum habitat replacement recommendation is not provided here as it has been shown to serve as a default, replacing any site-specific analysis and discounting the wide variation in natal area, home range, foraging area, and other factors influencing burrowing owls and burrowing owl population persistence in a particular area.
3. Mitigate for permanent impacts to nesting, occupied and satellite burrows and burrowing owl habitat with (a) permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and non-breeding seasons) comparable to or better than that of the impact area, and (b) sufficiently large acreage, and presence of fossorial mammals. The mitigation lands may require habitat enhancements including enhancement or expansion of burrows for breeding, shelter and dispersal opportunity, and removal or control of population stressors. If the mitigation lands are located adjacent to the impacted burrow site, ensure the nearest neighbor artificial or natural burrow clusters are at least within 210 meters (Fisher et al. 2007).
 4. Permanently protect mitigation land through a conservation easement deeded to a non-profit conservation organization or public agency with a conservation mission, for the purpose of conserving burrowing owl habitat and prohibiting activities incompatible with burrowing owl use. If the project is located within the service area of a Department-approved burrowing owl conservation bank, the project proponent may purchase available burrowing owl conservation bank credits.
 5. Develop and implement a mitigation land management plan to address long-term ecological sustainability and maintenance of the site for burrowing owls (see Management Plan and Artificial Burrow sections below, if applicable).
 6. Fund the maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment.
 7. Habitat should not be altered or destroyed, and burrowing owls should not be excluded from burrows, until mitigation lands have been legally secured, are managed for the benefit of burrowing owls according to Department-approved management, monitoring and reporting plans, and the endowment or other long-term funding mechanism is in place or security is provided until these measures are completed.
 8. Mitigation lands should be on, adjacent or proximate to the impact site where possible and where habitat is sufficient to support burrowing owls present.
 9. Where there is insufficient habitat on, adjacent to, or near project sites where burrowing owls will be excluded, acquire mitigation lands with burrowing owl habitat away from the project site. The selection of mitigation lands should then focus on consolidating and enlarging conservation areas located outside of urban and planned growth areas, within foraging distance of other conserved lands. If mitigation lands are not available adjacent to other conserved lands, increase the mitigation land acreage requirement to ensure a selected site is of sufficient size. Offsite mitigation may not adequately offset the biological and habitat values impacted on a one to one basis. Consult with the Department when determining offsite mitigation acreages.
 10. Evaluate and select suitable mitigation lands based on a comparison of the habitat attributes of the impacted and conserved lands, including but not limited to: type and structure of habitat being impacted or conserved; density of burrowing owls in impacted and conserved habitat; and significance of impacted or conserved habitat to the species range-wide. Mitigate for the highest quality burrowing owl habitat impacted first and foremost when identifying mitigation lands, even if a mitigation site is located outside of

- a lead agency's jurisdictional boundary, particularly if the lead agency is a city or special district.
11. Select mitigation lands taking into account the potential human and wildlife conflicts or incompatibility, including but not limited to, human foot and vehicle traffic, and predation by cats, loose dogs and urban-adapted wildlife, and incompatible species management (i.e., snowy plover).
 12. Where a burrowing owl population appears to be highly adapted to heavily altered habitats such as golf courses, airports, athletic fields, and business complexes, permanently protecting the land, augmenting the site with artificial burrows, and enhancing and maintaining those areas may enhance sustainability of the burrowing owl population onsite. Maintenance includes keeping lands grazed or mowed with weed-eaters or push mowers, free from trees and shrubs, and preventing excessive human and human-related disturbance (e.g., walking, jogging, off-road activity, dog-walking) and loose and feral pets (chasing and, presumably, preying upon owls) that make the environment uninhabitable for burrowing owls (Wesemann and Rowe 1985, Millsap and Bear 2000, Lincer and Bloom 2007). Items 4, 5 and 6 also still apply to this mitigation approach.
 13. If there are no other feasible mitigation options available and a lead agency is willing to establish and oversee a Burrowing Owl Mitigation and Conservation Fund that funds on a competitive basis acquisition and permanent habitat conservation, the project proponent may participate in the lead agency's program.

Artificial burrows. Artificial burrows have been used to replace natural burrows either temporarily or long-term and their long-term success is unclear. Artificial burrows may be an effective addition to in-perpetuity habitat mitigation if they are augmenting natural burrows, the burrows are regularly maintained (i.e., no less than annual, with biennial maintenance recommended), and surrounding habitat patches are carefully maintained. There may be some circumstances, for example at airports, where squirrels will not be allowed to persist and create a dynamic burrow system, where artificial burrows may provide some support to an owl population.

Many variables may contribute to the successful use of artificial burrows by burrowing owls, including pre-existence of burrowing owls in the area, availability of food, predators, surrounding vegetation and proximity, number of natural burrows in proximity, type of materials used to build the burrow, size of the burrow and entrance, direction in which the burrow entrance is facing, slope of the entrance, number of burrow entrances per burrow, depth of the burrow, type and height of perches, and annual maintenance needs (Belthoff and King 2002, Smith et al. 2005, Barclay et al. 2011). Refer to Barclay (2008) and (2011) and to Johnson et al. 2010 (unpublished report) for guidance on installing artificial burrows including recommendations for placement, installation and maintenance.

Any long-term reliance on artificial burrows as natural burrow replacements must include semi-annual to annual cleaning and maintenance and/or replacement (Barclay et al. 2011, Smith and Conway 2005, Alexander et al. 2005) as an ongoing management practice. Alexander et al. (2005), in a study of the use of artificial burrows found that all of 20 artificial burrows needed some annual cleaning and maintenance. Burrows were either excavated by predators, blocked by soil or vegetation, or experienced substrate erosion forming a space beneath the tubing that prevented nestlings from re-entering the burrow.

Mitigation lands management plan. Develop a Mitigation Lands Management Plan for projects that require off-site or on-site mitigation habitat protection to ensure compliance with and effectiveness of identified management actions for the mitigation lands. A suggested outline and related vegetation management goals and monitoring success criteria can be found in Appendix E.

Mitigation Monitoring and Reporting

Verify the compliance with required mitigation measures, the accuracy of predictions, and ensure the effectiveness of all mitigation measures for burrowing owls by conducting follow-up monitoring, and implementing midcourse corrections, if necessary, to protect burrowing owls. Refer to CEQA Guidelines Section 15097 and the CEQA Guidelines for additional guidance on mitigation, monitoring and reporting. Monitoring is qualitatively different from site surveillance; monitoring normally has a specific purpose and its outputs and outcomes will usually allow a comparison with some baseline condition of the site before the mitigation (including avoidance and minimization) was undertaken. Ideally, monitoring should be based on the Before-After Control-Impact (BACI) principle (McDonald et al. 2000) that requires knowledge of the pre-mitigation state to provide a reference point for the state and change in state after the project and mitigation have been implemented.

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Appendix A. Burrowing Owl Natural History and Threats

Diet

Burrowing owl diet includes arthropods, small rodents, birds, amphibians, reptiles, and carrion (Haug et al. 1993).

Breeding

In California, the breeding season for the burrowing owl typically occurs between 1 February and 31 August although breeding in December has been documented (Thompson 1971, Gervais et al. 2008); breeding behavior includes nest site selection by the male, pair formation, copulation, egg laying, hatching, fledging, and post-fledging care of young by the parents. The peak of the breeding season occurs between 15 April and 15 July and is the period when most burrowing owls have active nests (eggs or young). The incubation period lasts 29 days (Coulombe 1971) and young fledge after 44 days (Haug et al. 1993). Note that the timing of nesting activities may vary with latitude and climatic conditions. Burrowing owls may change burrows several times during the breeding season, starting when nestlings are about three weeks old (Haug et al. 1993).

Dispersal

The following discussion is an excerpt from Gervais et al (2008):

"The burrowing owl is often considered a sedentary species (e.g., Thomsen 1971). A large proportion of adults show strong fidelity to their nest site from year to year, especially where resident, as in Florida (74% for females, 83% for males; Millsap and Bear 1997). In California, nest-site fidelity rates were 32%–50% in a large grassland and 57% in an agricultural environment (Ronan 2002, Catlin 2004, Catlin et al. 2005). Differences in these rates among sites may reflect differences in nest predation rates (Catlin 2004, Catlin et al. 2005). Despite the high nest fidelity rates, dispersal distances may be considerable for both juveniles (natal dispersal) and adults (postbreeding dispersal), but this also varied with location (Catlin 2004, Rosier et al. 2006). Distances of 53 km to roughly 150 km have been observed in California for adult and natal dispersal, respectively (D. K. Rosenberg and J. A. Gervais, unpublished data), despite the difficulty in detecting movements beyond the immediate study area (Koenig et al. 1996)."

Habitat

The burrowing owl is a small, long-legged, ground-dwelling bird species, well-adapted to open, relatively flat expanses. In California, preferred habitat is generally typified by short, sparse vegetation with few shrubs, level to gentle topography and well-drained soils (Haug et al. 1993). Grassland, shrub steppe, and desert are naturally occurring habitat types used by the species. In addition, burrowing owls may occur in some agricultural areas, ruderal grassy fields, vacant lots and pastures if the vegetation structure is suitable and there are useable burrows and foraging habitat in proximity (Gervais et al 2008). Unique amongst North

American raptors, the burrowing owl requires underground burrows or other cavities for nesting during the breeding season and for roosting and cover, year round. Burrows used by the owls are usually dug by other species termed host burrowers. In California, California ground squirrel (*Spermophilus beecheyi*) and round-tailed ground squirrel (*Citellus tereticaudus*) burrows are frequently used by burrowing owls but they may use dens or holes dug by other fossorial species including badger (*Taxidea taxus*), coyote (*Canis latrans*), and fox (e.g., San Joaquin kit fox, *Vulpes macrotis mutica*; Ronan 2002). In some instances, owls have been known to excavate their own burrows (Thompson 1971, Barclay 2007). Natural rock cavities, debris piles, culverts, and pipes also are used for nesting and roosting (Rosenberg et al. 1998). Burrowing owls have been documented using artificial burrows for nesting and cover (Smith and Belthoff, 2003).

Foraging habitat. Foraging habitat is essential to burrowing owls. The following discussion is an excerpt from Gervais et al. (2008):

"Useful as a rough guide to evaluating project impacts and appropriate mitigation for burrowing owls, adult male burrowing owls home ranges have been documented (calculated by minimum convex polygon) to comprise anywhere from 280 acres in intensively irrigated agroecosystems in Imperial Valley (Rosenberg and Haley 2004) to 450 acres in mixed agricultural lands at Lemoore Naval Air Station, CA (Gervais et al. 2003), to 600 acres in pasture in Saskatchewan, Canada (Haug and Oliphant 1990). But owl home ranges may be much larger, perhaps by an order of magnitude, in non-irrigated grasslands such as at Carrizo Plain, California (Gervais et al. 2008), based on telemetry studies and distribution of nests. Foraging occurs primarily within 600 m of their nests (within approximately 300 acres, based on a circle with a 600 m radius) during the breeding season."

Importance of burrows and adjacent habitat. Burrows and the associated surrounding habitat are essential ecological requisites for burrowing owls throughout the year and especially during the breeding season. During the non-breeding season, burrowing owls remain closely associated with burrows, as they continue to use them as refuge from predators, shelter from weather and roost sites. Resident populations will remain near the previous season's nest burrow at least some of the time (Coulombe 1971, Thomsen 1971, Botelho 1996, LaFever et al. 2008).

In a study by Lutz and Plumpton (1999) adult males and females nested in formerly used sites at similar rates (75% and 63%, respectively) (Lutz and Plumpton 1999). Burrow fidelity has been reported in some areas; however, more frequently, burrowing owls reuse traditional nesting areas without necessarily using the same burrow (Haug et al. 1993, Dechant et al. 1999). Burrow and nest sites are re-used at a higher rate if the burrowing owl has reproduced successfully during the previous year (Haug et al. 1993) and if the number of burrows isn't limiting nesting opportunity.

Burrowing owls may use "satellite" or non-nesting burrows, moving young at 10-14 days, presumably to reduce risk of predation (Desmond and Savidge 1998) and possibly to avoid nest parasites (Dechant et al. 1999). Successful nests in Nebraska had more active satellite burrows within 75 m of the nest burrow than unsuccessful nests (Desmond and Savidge

1999). Several studies have documented the number of satellite burrows used by young and adult burrowing owls during the breeding season as between one and 11 burrows with an average use of approximately five burrows (Thompson 1984, Haug 1985, Haug and Oliphant 1990). Supporting the notion of selecting for nest sites near potential satellite burrows, Ronan (2002) found burrowing owl families would move away from a nest site if their satellite burrows were experimentally removed through blocking their entrance.

Habitat adjacent to burrows has been documented to be important to burrowing owls. Gervais et al. (2003) found that home range sizes of male burrowing owls during the nesting season were highly variable within but not between years. Their results also suggested that owls concentrate foraging efforts within 600 meters of the nest burrow, as was observed in Canada (Haug and Oliphant 1990) and southern California (Rosenberg and Haley 2004). James et al. (1997), reported habitat modification factors causing local burrowing owl declines included habitat fragmentation and loss of connectivity.

In conclusion, the best available science indicates that essential habitat for the burrowing owl in California must include suitable year-round habitat, primarily for breeding, foraging, wintering and dispersal habitat consisting of short or sparse vegetation (at least at some time of year), presence of burrows, burrow surrogates or presence of fossorial mammal dens, well-drained soils, and abundant and available prey within close proximity to the burrow.

Threats to Burrowing Owls in California

Habitat loss. Habitat loss, degradation, and fragmentation are the greatest threats to burrowing owls in California. According to DeSante et al. (2007), "the vast majority of burrowing owls [now] occur in the wide, flat lowland valleys and basins of the Imperial Valley and Great Central Valley [where] for the most part,...the highest rates of residential and commercial development in California are occurring." Habitat loss from the State's long history of urbanization in coastal counties has already resulted in either extirpation or drastic reduction of burrowing owl populations there (Gervais et al. 2008). Further, loss of agricultural and other open lands (such as grazed landscapes) also negatively affect owl populations. Because of their need for open habitat with low vegetation, burrowing owls are unlikely to persist in agricultural lands dominated by vineyards and orchards (Gervais et al. 2008).

Control of burrowing rodents. According to Klute et al. (2003), the elimination of burrowing rodents through control programs is a primary factor in the recent and historical decline of burrowing owl populations nationwide. In California, ground squirrel burrows are most often used by burrowing owls for nesting and cover; thus, ground squirrel control programs may affect owl numbers in local areas by eliminating a necessary resource.

Direct mortality. Burrowing owls suffer direct losses from a number of sources. Vehicle collisions are a significant source of mortality especially in the urban interface and where owls nest alongside roads (Haug et al. 1993, Gervais et al. 2008). Road and ditch maintenance, modification of water conveyance structures (Imperial Valley) and discing to control weeds in fallow fields may destroy burrows (Rosenberg and Haley 2004, Catlin and Rosenberg 2006) which may trap or crush owls. Wind turbines at Altamont Pass Wind Resource Area are known to cause direct burrowing owl mortality (Thelander et al. 2003). Exposure to

pesticides may pose a threat to the species but is poorly understood (Klute et al. 2003, Gervais et al. 2008).

Appendix B. Definitions

Some key terms that appear in this document are defined below.

Adjacent habitat means burrowing owl habitat that abuts the area where habitat and burrows will be impacted and rendered non-suitable for occupancy.

Breeding (nesting) season begins as early as 1 February and continues through 31 August (Thomsen 1971, Zarn 1974). The timing of breeding activities may vary with latitude and climatic conditions. The breeding season includes pairing, egg-laying and incubation, and nestling and fledging stages.

Burrow exclusion is a technique of installing one-way doors in burrow openings during the non-breeding season to temporarily exclude burrowing owls or permanently exclude burrowing owls and excavate and close burrows after confirming burrows are empty.

Burrowing owl habitat generally includes, but is not limited to, short or sparse vegetation (at least at some time of year), presence of burrows, burrow surrogates or presence of fossorial mammal dens, well-drained soils, and abundant and available prey.

Burrow surrogates include culverts, piles of concrete rubble, piles of soil, burrows created along soft banks of ditches and canals, pipes, and similar structures.

Civil twilight - Morning civil twilight begins when the geometric center of the sun is 6 degrees below the horizon (civil dawn) and ends at sunrise. Evening civil twilight begins at sunset and ends when the geometric center of the sun reaches 6 degrees below the horizon (civil dusk). During this period there is enough light from the sun that artificial sources of light may not be needed to carry on outdoor activities. This concept is sometimes enshrined in laws, for example, when drivers of automobiles must turn on their headlights (called lighting-up time in the UK); when pilots may exercise the rights to fly aircraft. Civil twilight can also be described as the limit at which twilight illumination is sufficient, under clear weather conditions, for terrestrial objects to be clearly distinguished; at the beginning of morning civil twilight, or end of evening civil twilight, the horizon is clearly defined and the brightest stars are visible under clear atmospheric conditions.

Conservation for burrowing owls may include but may not be limited to protecting remaining breeding pairs or providing for population expansion, protecting and enhancing breeding and essential habitat, and amending or augmenting land use plans to stabilize populations and other specific actions to avoid the need to list the species pursuant to California or federal Endangered Species Acts.

Contiguous means connected together so as to form an uninterrupted expanse in space.

Essential habitat includes nesting, foraging, wintering, and dispersal habitat.

Foraging habitat is habitat within the estimated home range of an occupied burrow, supports suitable prey base, and allows for effective hunting.

Host burrowers include ground squirrels, badgers, foxes, coyotes, gophers etc.

Locally significant species is a species that is not rare from a statewide perspective but is rare or uncommon in a local context such as within a county or region (CEQA §15125 (c)) or is so designated in local or regional plans, policies, or ordinances (CEQA Guidelines, Appendix G). Examples include a species at the outer limits of its known range or occurring in a unique habitat type.

Non-breeding season is the period of time when nesting activity is not occurring, generally September 1 through January 31, but may vary with latitude and climatic conditions.

Occupied site or occupancy means a site that is assumed occupied if at least one burrowing owl has been observed occupying a burrow within the last three years (Rich 1984). Occupancy of suitable burrowing owl habitat may also be indicated by owl sign including its molted feathers, cast pellets, prey remains, eggshell fragments, or excrement at or near a burrow entrance or perch site.

Other impacting activities may include but may not be limited to agricultural practices, vegetation management and fire control, pest management, conversion of habitat from rangeland or natural lands to more intensive agricultural uses that could result in "take". These impacting activities may not meet the definition of a project under CEQA.

Passive relocation is a technique of installing one-way doors in burrow openings to temporarily or permanently evict burrowing owls and prevent burrow re-occupation.

Peak of the breeding season is between 15 April and 15 July.

Sign includes its tracks, molted feathers, cast pellets (defined as 1-2" long brown to black regurgitated pellets consisting of non-digestible portions of the owls' diet, such as fur, bones, claws, beetle elytra, or feathers), prey remains, egg shell fragments, owl white wash, nest burrow decoration materials (e.g., paper, foil, plastic items, livestock or other animal manure, etc.), possible owl perches, or other items.

Appendix C. Habitat Assessment and Reporting Details

Habitat Assessment Data Collection and Reporting

Current scientific literature indicates that it would be most effective to gather the data in the manner described below when conducting project scoping, conducting a habitat assessment site visit and preparing a habitat assessment report:

1. Conduct at least one visit covering the entire potential project/activity area including areas that will be directly or indirectly impacted by the project. Survey adjoining areas within 150 m (Thomsen 1971, Martin 1973), or more where direct or indirect effects could potentially extend offsite. If lawful access cannot be achieved to adjacent areas, surveys can be performed with a spotting scope or other methods.
2. Prior to the site visit, compile relevant biological information for the site and surrounding area to provide a local and regional context.
3. Check all available sources for burrowing owl occurrence information regionally prior to a field inspection. The CNDDDB and BIOS (see References cited) may be consulted for known occurrences of burrowing owls. Other sources of information include, but are not limited to, the Proceedings of the California Burrowing Owl Symposium (Barclay et al. 2007), county bird atlas projects, Breeding Bird Survey records, eBIRD (<http://ebird.org>), Gervais et al. (2008), local reports or experts, museum records, and other site-specific relevant information.
4. Identify vegetation and habitat types potentially supporting burrowing owls in the project area and vicinity.
5. Record and report on the following information:
 - a. A full description of the proposed project, including but not limited to, expected work periods, daily work schedules, equipment used, activities performed (such as drilling, construction, excavation, etc.) and whether the expected activities will vary in location or intensity over the project's timeline;
 - b. A regional setting map, showing the general project location relative to major roads and other recognizable features;
 - c. A detailed map (preferably a USGS topo 7.5' quad base map) of the site and proposed project, including the footprint of proposed land and/or vegetation-altering activities, base map source, identifying topography, landscape features, a north arrow, bar scale, and legend;
 - d. A written description of the biological setting, including location (Section, Township, Range, baseline and meridian), acreage, topography, soils, geographic and hydrologic characteristics, land use and management history on and adjoining the site (i.e., whether it is urban, semi-urban or rural; whether there is any evidence of past or current livestock grazing, mowing, disking, or other vegetation management activities);
 - e. An analysis of any relevant, historical information concerning burrowing owl use or occupancy (breeding, foraging, over-wintering) on site or in the assessment area;
 - f. Vegetation type and structure (using Sawyer et al. 2009), vegetation height, habitat types and features in the surrounding area plus a reasonably sized (as supported with logical justification) assessment area; (Note: use caution in discounting habitat based on grass height as it can be a temporary condition variable by season and conditions (such as current grazing regime) or may be distributed as a mosaic).

- g. The presence of burrowing owl individuals or pairs or sign (see Appendix B);
- h. The presence of suitable burrows and/or burrow surrogates (>11 cm in diameter (height and width) and >150 cm in depth) (Johnson et al. 2010), regardless of a lack of any burrowing owl sign and/or burrow surrogates; and burrowing owls and/or their sign that have recently or historically (within the last 3 years) been identified on or adjacent to the site.

Appendix D. Breeding and Non-breeding Season Surveys and Reports

Current scientific literature indicates that it is most effective to conduct breeding and non-breeding season surveys and report in the manner that follows:

Breeding Season Surveys

Number of visits and timing. Conduct 4 survey visits: 1) at least one site visit between 15 February and 15 April, and 2) a minimum of three survey visits, at least three weeks apart, between 15 April and 15 July, with at least one visit after 15 June. Note: many burrowing owl migrants are still present in southwestern California during mid-March, therefore, exercise caution in assuming breeding occupancy early in the breeding season.

Survey method. Rosenberg et al. (2007) confirmed walking line transects were most effective in smaller habitat patches. Conduct surveys in all portions of the project site that were identified in the Habitat Assessment and fit the description of habitat in Appendix A. Conduct surveys by walking straight-line transects spaced 7 m to 20 m apart, adjusting for vegetation height and density (Rosenberg et al. 2007). At the start of each transect and, at least, every 100 m, scan the entire visible project area for burrowing owls using binoculars. During walking surveys, record all potential burrows used by burrowing owls as determined by the presence of one or more burrowing owls, pellets, prey remains, whitewash, or decoration. Some burrowing owls may be detected by their calls, so observers should also listen for burrowing owls while conducting the survey.

Care should be taken to minimize disturbance near occupied burrows during all seasons and not to "flush" burrowing owls especially if predators are present to reduce any potential for needless energy expenditure or burrowing owl mortality. Burrowing owls may flush if approached by pedestrians within 50 m (Conway et al. 2003). If raptors or other predators are present that may suppress burrowing owl activity, return at another time or later date for a follow-up survey.

Check all burrowing owls detected for bands and/or color bands and report band combinations to the Bird Banding Laboratory (BBL). Some site-specific variations to survey methods discussed below may be developed in coordination with species experts and Department staff.

Weather conditions. Poor weather may affect the surveyor's ability to detect burrowing owls, therefore, avoid conducting surveys when wind speed is >20 km/hr, and there is precipitation or dense fog. Surveys have greater detection probability if conducted when ambient temperatures are >20° C, <12 km/hr winds, and cloud cover is <75% (Conway et al. 2008).

Time of day. Daily timing of surveys varies according to the literature, latitude, and survey method. However, surveys between morning civil twilight and 10:00 AM and two hours before sunset until evening civil twilight provide the highest detection probabilities (Barclay pers. comm. 2012, Conway et al. 2008).

Alternate methods. If the project site is large enough to warrant an alternate method, consult current literature for generally accepted survey methods and consult with the Department on the proposed survey approach.

Additional breeding season site visits. Additional breeding season site visits may be necessary, especially if non-breeding season exclusion methods are contemplated. Detailed information, such as approximate home ranges of each individual or of family units, as well as foraging areas as related to the proposed project, will be important to document for evaluating impacts, planning avoidance measure implementation and for mitigation measure performance monitoring.

Adverse conditions may prevent investigators from determining presence or occupancy. Disease, predation, drought, high rainfall or site disturbance may preclude presence of burrowing owls in any given year. Any such conditions should be identified and discussed in the survey report. Visits to the site in more than one year may increase the likelihood of detection. Also, visits to adjacent known occupied habitat may help determine appropriate survey timing.

Given the high site fidelity shown by burrowing owls (see Appendix A, Importance of burrows), conducting surveys over several years may be necessary when project activities are ongoing, occur annually, or start and stop seasonally. (See Negative surveys).

Non-breeding Season Surveys

If conducting non-breeding season surveys, follow the methods described above for breeding season surveys, but conduct at least four (4) visits, spread evenly, throughout the non-breeding season. Burrowing owl experts and local Department staff are available to assist with interpreting results.

Negative Surveys

Adverse conditions may prevent investigators from documenting presence or occupancy. Disease, predation, drought, high rainfall or site disturbance may preclude presence of burrowing owl in any given year. Discuss such conditions in the Survey Report. Visits to the site in more than one year increase the likelihood of detection and failure to locate burrowing owls during one field season does not constitute evidence that the site is no longer occupied, particularly if adverse conditions influenced the survey results. Visits to other nearby known occupied sites can affirm whether the survey timing is appropriate.

Take Avoidance Surveys

Field experience from 1995 to present supports the conclusion that it would be effective to complete an initial take avoidance survey no less than 14 days prior to initiating ground disturbance activities using the recommended methods described in the Detection Surveys section above. Implementation of avoidance and minimization measures would be triggered by positive owl presence on the site where project activities will occur. The development of avoidance and minimization approaches would be informed by monitoring the burrowing owls.

Burrowing owls may re-colonize a site after only a few days. Time lapses between project activities trigger subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance.

Survey Reports

Report on the survey methods used and results including the information described in the Summary Report and include the reports within the CEQA documentation:

1. Date, start and end time of surveys including weather conditions (ambient temperature, wind speed, percent cloud cover, precipitation and visibility);
2. Name(s) of surveyor(s) and qualifications;
3. A discussion of how the timing of the survey affected the comprehensiveness and detection probability;
4. A description of survey methods used including transect spacing, point count dispersal and duration, and any calls used;
5. A description and justification of the area surveyed relative to the project area;
6. A description that includes: number of owls or nesting pairs at each location (by nestlings, juveniles, adults, and those of an unknown age), number of burrows being used by owls, and burrowing owl sign at burrows. Include a description of individual markers, such as bands (numbers and colors), transmitters, or unique natural identifying features. If any owls are banded, request documentation from the BBL and bander to report on the details regarding the known history of the banded burrowing owl(s) (age, sex, origins, whether it was previously relocated) and provide with the report if available;
7. A description of the behavior of burrowing owls during the surveys, including feeding, resting, courtship, alarm, territorial defense, and those indicative of parents or juveniles;
8. A list of possible burrowing owl predators present and documentation of any evidence of predation of owls;
9. A detailed map (1:24,000 or closer to show details) showing locations of all burrowing owls, potential burrows, occupied burrows, areas of concentrated burrows, and burrowing owl sign. Locations documented by use of global positioning system (GPS) coordinates must include the datum in which they were collected. The map should include a title, north arrow, bar scale and legend;
10. Signed field forms, photos, etc., as appendices to the field survey report;
11. Recent color photographs of the proposed project or activity site; and
12. Original CNDDDB Field Survey Forms should be sent directly to the Department's CNDDDB office, and copies should be included in the environmental document as an appendix. (<http://www.dfg.ca.gov/bdb/html/cnddb.html>).

Appendix E. Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans

Whereas the Department does not recommend exclusion and burrow closure, current scientific literature and experience from 1995 to present, indicate that the following example components for burrowing owl artificial burrow and exclusion plans, combined with consultation with the Department to further develop these plans, would be effective.

Artificial Burrow Location

If a burrow is confirmed occupied on-site, artificial burrow locations should be appropriately located and their use should be documented taking into consideration:

1. A brief description of the project and project site pre-construction;
2. The mitigation measures that will be implemented;
3. Potential conflicting site uses or encumbrances;
4. A comparison of the occupied burrow site(s) and the artificial burrow site(s) (e.g., vegetation, habitat types, fossorial species use in the area, and other features);
5. Artificial burrow(s) proximity to the project activities, roads and drainages;
6. Artificial burrow(s) proximity to other burrows and entrance exposure;
7. Photographs of the site of the occupied burrow(s) and the artificial burrows;
8. Map of the project area that identifies the burrow(s) to be excluded as well as the proposed sites for the artificial burrows;
9. A brief description of the artificial burrow design;
10. Description of the monitoring that will take place during and after project implementation including information that will be provided in a monitoring report.
11. A description of the frequency and type of burrow maintenance.

Exclusion Plan

An Exclusion Plan addresses the following including but not limited to:

1. Confirm by site surveillance that the burrow(s) is empty of burrowing owls and other species preceding burrow scoping;
2. Type of scope and appropriate timing of scoping to avoid impacts;
3. Occupancy factors to look for and what will guide determination of vacancy and excavation timing (one-way doors should be left in place 48 hours to ensure burrowing owls have left the burrow before excavation, visited twice daily and monitored for evidence that owls are inside and can't escape i.e., look for sign immediately inside the door).
4. How the burrow(s) will be excavated. Excavation using hand tools with refilling to prevent reoccupation is preferable whenever possible (may include using piping to stabilize the burrow to prevent collapsing until the entire burrow has been excavated and it can be determined that no owls reside inside the burrow);
5. Removal of other potential owl burrow surrogates or refugia on site;
6. Photographing the excavation and closure of the burrow to demonstrate success and sufficiency;

7. Monitoring of the site to evaluate success and, if needed, to implement remedial measures to prevent subsequent owl use to avoid take;
8. How the impacted site will continually be made inhospitable to burrowing owls and fossorial mammals (e.g., by allowing vegetation to grow tall, heavy disking, or immediate and continuous grading) until development is complete.

Appendix F. Mitigation Management Plan and Vegetation Management Goals

Mitigation Management Plan

A mitigation site management plan will help ensure the appropriate implementation and maintenance for the mitigation site and persistence of the burrowing owls on the site. For an example to review, refer to Rosenberg et al. (2009). The current scientific literature and field experience from 1995 to present indicate that an effective management plan includes the following:

1. Mitigation objectives;
2. Site selection factors (including a comparison of the attributes of the impacted and conserved lands) and baseline assessment;
3. Enhancement of the conserved lands (enhancement of reproductive capacity, enhancement of breeding areas and dispersal opportunities, and removal or control of population stressors);
4. Site protection method and prohibited uses;
5. Site manager roles and responsibilities;
6. Habitat management goals and objectives:
 - a. Vegetation management goals,
 - i. Vegetation management tools:
 1. Grazing
 2. Mowing
 3. Burning
 4. Other
 - b. Management of ground squirrels and other fossorial mammals,
 - c. Semi-annual and annual artificial burrow cleaning and maintenance,
 - d. Non-natives control – weeds and wildlife,
 - e. Trash removal;
 - a. Property analysis record or other financial analysis to determine long-term management funding,
 - b. Funding schedule;
8. Performance standards and success criteria;
9. Monitoring, surveys and adaptive management;
10. Maps;
11. Annual reports.

Vegetation Management Goals

- Manage vegetation height and density (especially in immediate proximity to burrows). Suitable vegetation structure varies across sites and vegetation types, but should generally be at the average effective vegetation height of 4.7 cm (Green and Anthony 1989) and <13 cm average effective vegetation height (MacCracken et al. 1985a).
- Employ experimental prescribed fires (controlled, at a small scale) to manage vegetation structure;

- Vegetation reduction or ground disturbance timing, extent, and configuration should avoid take. While local ordinances may require fire prevention through vegetation management, activities like disking, mowing, and grading during the breeding season can result in take of burrowing owls and collapse of burrows, causing nest destruction. Consult the take avoidance surveys section above for pre-management avoidance survey recommendations;
- Promote natural prey distribution and abundance, especially in proximity to occupied burrows; and
- Promote self-sustaining populations of host burrowers by limiting or prohibiting lethal rodent control measures and by ensuring food availability for host burrowers through vegetation management.

Refer to Rosenberg et al. (2009) for a good discussion of managing grasslands for burrowing owls.

Mitigation Site Success Criteria

In order to evaluate the success of mitigation and management strategies for burrowing owls, monitoring is required that is specific to the burrowing owl management plan. Given limited resources, Barclay et al. (2011) suggests managers focus on accurately estimating annual adult owl populations rather than devoting time to estimating reproduction, which shows high annual variation and is difficult to accurately estimate. Therefore, the key objective will be to determine accurately the number of adult burrowing owls and pairs, and if the numbers are maintained. A frequency of 5-10 years for surveys to estimate population size may suffice if there are no changes in the management of the nesting and foraging habitat of the owls.

Effective monitoring and evaluation of off-site and on-site mitigation management success for burrowing owls includes (Barclay, pers. comm.):

- Site tenacity;
- Number of adult owls present and reproducing;
- Colonization by burrowing owls from elsewhere (by band re-sight);
- Evidence and causes of mortality;
- Changes in distribution; and
- Trends in stressors.

I.1.2.1 Response to Comment Letter 2

Response to Comment 2-1

Thank you for your comment. Due to multiple requests, the comment period for the Draft EIR was extended to June 5, 2020.

Response to Comment 2-2

The Valley Rail Sacramento Extension Draft EIR was prepared in accordance with CEQA and state CEQA guidelines. The Draft EIR responds to each of the comprehensive list of issues and topics provided in Appendix G of the CEQA Guidelines related to both construction and operational impacts. The Appendix G statements are evaluated in relation to specific thresholds and criteria resulting in a robust, accurate, and adequate analysis of the potential environmental consequences of the proposed project, including cumulative impacts.

Under CEQA Guidelines Section 15378, Project:

“(a) “Project” means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following:

- (1) An activity directly undertaken by any public agency including but not limited to public works construction and related activities clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100–65700.”

Furthermore, under Article 10, Considerations in Preparing EIRs and Negative Declarations, Section 15143, Emphasis:

“The EIR shall focus on the significant effects on the environment. The significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence.”

Train operational conditions along the Union Pacific Railroad (UPRR) Sacramento Subdivision between the Natomas/Sacramento Airport Station and the Stockton Downtown/ACE station with implementation of the proposed project are not expected to be significantly different from existing conditions. UPRR may operate a specific number of trains (including both freight and passenger trains) on its railroad subdivisions up to the capacity of the specific subdivision. The addition of project-related passenger trains operating along the Sacramento Subdivision would be dispatched by UPRR and would reduce the potential number of freight trains operating along the subdivision, given that the absolute number of potential trains that can operate is fixed. The addition of seven roundtrip passenger trains per day included in the proposed project is within the existing operational capacity of the subdivision.

It should also be noted that passenger trains are lighter, quieter, and shorter than typical freight trains. Therefore, by potentially reducing the number of freight trains operating along the corridor, adverse indirect and direct effects of freight trains operating along the

corridor (as well as maintenance requirements) would also be reduced. As such, the analysis in the EIR focuses mainly on those areas along the corridor where permanent physical changes could occur due to ground disturbance activities.

As described in EIR Chapter 2, *Project Description*, the project footprint is limited to areas along the Sacramento Subdivision where the construction of track improvements and stations would occur. All track improvements would be constructed within existing UPRR right-of-way (ROW), no temporary construction easements or permanent acquisition of new ROW is required for the track improvements. However, as described in EIR Chapter 3, *Environmental Impact Analysis*, the study areas for the environmental resources evaluated in the EIR included a buffer area beyond permanent and temporary impact areas (as necessary) to fully evaluate potential project impacts.

Regarding the potential for increased train speed along the corridor, while the track curve corrections included as part of the proposed project (Chapter 2) would enable speeds of up to 90 mph along the curves, neither passenger nor freight trains would travel at 90 mph due to the fact that the design speed along the Sacramento Subdivision is 79 mph south of Sacramento with slower speeds going through the city. In addition, a speed of 79 mph would only occur along certain stretches of track in isolated areas with minimal at-grade crossings. Other speed limiting factors include the existing condition of track, freight operations, local conditions, and passenger rail operations.

In addition, increased passenger rail service along the UPRR corridor would only occur with operational agreements with UPRR and would be statutorily exempt from CEQA per Section 15275, Specified Mass Transit Projects:

“CEQA does not apply to the following mass transit projects:

- (a) The institution or increase of passenger or commuter service on rail lines or high-occupancy vehicle lanes already in use, including the modernization of existing stations and parking facilities.”

SJRRC and SJJPA are committed to continued collaboration with all interested parties and permitting agencies through the final design, permitting, and construction phases and implementation of all mitigation measures described in the EIR.

Response to Comment 2-3

Consistency with programs and plans specific to resource areas are addressed in their respective sections throughout the EIR. Discussion of the Cosumnes River Preserve Management Plan is provided in EIR Section 3.4, *Biological Resources*. As discussed, project activities related to Track Curve Reconstruction South of Desmond Road would be confined to the existing UPRR ROW, and no impacts on the Cosumnes River Preserve Management Plan are anticipated.

Response to Comment 2-4

The commenter does not indicate specifically which mitigation measure(s) in the EIR they consider to be deferred. The project will avoid and minimize impacts to biological resources as much as feasible and will quantify refined impact acreages based on final design before construction to identify the degree of actual impacts adequately and determine required

mitigation, including compensation for temporary and permanent loss of habitat through consultation with the appropriate resource agencies, which is typical with this type of large scale project. The reasonably foreseeable direct, indirect, and cumulative impacts of the proposed project are fully evaluated in the EIR.

The specific design of the mitigation can be permissibly deferred where mitigation is known to be feasible, but practical considerations prevent a lead agency from establishing specific standards early in the development process. It is common practice to develop more detailed plans for issuance of a grading permit or implementing design criteria once the proposed project has been approved establishing the design parameters. Such deferral of the specific design of mitigation is permissible when the lead agency commits itself to devising mitigation measures that will satisfy specific performance standards for evaluating the efficacy of the measures and the project implementation is contingent upon the mitigation measures being in place (*Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884; *POET, LLC v. California Air Resources Board* (2013) 218 Cal.App.4th 681, 735-738; *Sacramento Old City Association v. City Council* (1991) 229 Cal.App.3d 1011, 1028-1029).

Response to Comment 2-5

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project. SJRRC and SJJPA will continue to coordinate with CDFW throughout final design, permitting, and implementation of the proposed project to ensure compliance with all applicable regulations.

Response to Comment 2-6

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

SJRRC and SJJPA will continue to coordinate with CDFW throughout final design, permitting, and implementation of the proposed project to ensure compliance with all applicable regulations.

Response to Comment 2-7

Habitat types by project site are presented in EIR Section 3.4, *Biological Resources* (see Table 3.4-2, *Vegetation and Land Cover* and Table C-1 of EIR Appendix C, *Supporting Biological Resources Information*) for the potential for special status plant species to occur in specific project sites based on the presence of these habitat types, together with soil types by project site. Soil types by project site are also summarized in Table C-3 of Appendix C of the EIR. Table 3.4-3 *Impacts and Mitigation Measures*, provides a summary of habitat type acreages within the entire project area. In response to the comment, the discussion of the potential occurrence of special status plants and assessment of suitable aquatic and upland habitat in Section 3.4 has been revised for clarification purposes. This revision does not change the findings, conclusions or recommendations of the EIR.

Response to Comment 2-8

Specific project sites with suitable aquatic and upland habitat and nearby known occurrences of western pond turtle and giant garter snake are assessed in Table C-1 of EIR Appendix C, *Supporting Biological Resources Information* and summarized in EIR Section 3.4, *Biological Resources*. In response to the comment, the assessment of suitable aquatic and upland habitat has been revised in the EIR for clarification purposes. This revision does not change the findings, conclusions or recommendations of the EIR.

The calculation of approximately 60 acres of suitable habitat for both western pond turtle and giant garter snake was determined by adding up all suitable habitats (i.e., aquatic and upland habitats, excepting developed areas) within the four project improvement areas (i.e., Track Curve Reconstruction South of Desmond Road, North Elk Grove Siding Variants, Old Sacramento Station/Del Paso Siding Upgrade/Extensions, and the Natomas/Sacramento Airport Station) that are within 1,300 feet of known records of either species. Even though suitable upland habitats for western pond turtle are typically within 200 feet of aquatic habitat, to support a conservative assessment of potentially suitable habitats for both western pond turtle and giant garter snake in the project improvement areas, all project improvement areas within 1,300 feet of known occurrences of western pond turtle and/or giant garter snake (i.e., Desmond Road, North Elk Grove, Old North Sacramento/Del Paso Siding, and Natomas project sites) were assumed to provide potentially suitable habitat for both species. Land cover types in these project improvement areas, excluding developed areas, accumulate 59.75 acres of potentially suitable aquatic and upland habitats for both species. Thus, the total acreage of habitat for both western pond turtle and giant garter snake is the same (i.e., about 60 acres). In response to the comment, the assessment of potential impacts on suitable aquatic and upland habitat in EIR Section 3.4 has been revised to provide better clarity. These revisions do not change the findings, conclusions or recommendations of the EIR.

Response to Comment 2-9

The assessment of potential habitat for greater sandhill crane is limited to those project improvement areas that are in proximity (i.e., within one mile) of known records of and known and/or modeled foraging and roosting habitats for greater sandhill crane (i.e., Desmond Road, Phillips, North Elk Grove, and Thornton). The total acreage of potential habitat for greater sandhill crane at these project improvement areas, and that may be impacted by the proposed project, is closer to approximately 2.43 acres and the text of 2.3 acres has been revised to 2.43 acres in EIR Section 3.4, *Biological Resources* for consistency. In response to the comment, the assessment of potential impacts on suitable aquatic and upland habitat in Section 3.4 has been revised to provide better clarity about how acreages of potential habitat for greater sandhill crane were calculated. These revisions do not change the findings, conclusions or recommendations of the EIR.

Response to Comment 2-10

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

SJRRC and SJJPA are committed to continued collaboration with all interested parties and permitting agencies (including agencies with jurisdiction of the Bufferlands) through the final design, permitting, and construction phases and implantation of all mitigation measures described in the EIR.

Response to Comment 2-11

Special-status species were evaluated for their potential to occur in the project improvement areas based on database search results of the CNDDDB, CNPS Inventory of Rare and Endangered Plants, and the USFWS Information for Planning and Conservation Tool, and review of other literature and environmental documentation. The species evaluated, their current status, associated habitat requirements, and potential for occurrence in the project site are listed in EIR Appendix C, *Supporting Biological Resources Information*. Determinations of the presence of suitable habitat for special status species in project improvement areas are presented in Table C-1 and C-2 of Appendix C of the EIR.

Total acreages of project-related disturbances on each habitat type (i.e., temporary and permanent impacts) as summarized in EIR Section 3.4, *Biological Resources*. Table 3.4-3 is consistent with the total acreage of each habitat type mapped within each project improvement area as presented in Table 3.4-2. Analyses of potential impacts on suitable habitats for special status species in the project improvement areas have been revised to provide better clarity about how acreages of potential habitat were calculated. These revisions do not change the findings, conclusions or recommendations of the EIR.

Response to Comment 2-12

Analyses of potential impacts on suitable habitats for special status species in the project improvement areas have been revised to provide better clarity about how acreages of potential habitat were calculated and to enhance the biological and ecological reasoning for why the acreage values presented apply specifically for the species being assessed in EIR Section 3.4, *Biological Resources*. These revisions do not change the findings, conclusions or recommendations of the EIR.

Response to Comment 2-13

Table 3.4-2 in EIR Section 3.4, *Biological Resources*, presents the total acreages of each land cover type by project site and is the basis for determination of impacts on suitable habitats for special-status species. Although Table 3.4-3 in Section 3.4 breaks out each land cover type by temporary versus permanent disturbance type, species-specific impacts are generally not broken out by temporary and permanent impacts because the total acreage of suitable habitat within a project improvement area (i.e., both temporary and permanent disturbance) is evaluated for potential species occurrence and potential impact equally, such that all project-related activities, whether temporary or permanent, are considered potentially significant.

Response to Comment 2-14

Compensatory mitigation for modifications to habitats that are suitable for special status species are addressed under mitigation measures proposed for the loss of nesting and foraging habitat

for Swainson's hawk and white-tailed kite (Mitigation Measure BIO-1.11), riparian habitat (Mitigation Measure BIO-2.2), and aquatic habitats (Mitigation Measure BIO-3.2).

Mitigation Measure BIO-1.11 in EIR Section 3.4, *Biological Resources*, proposes compensatory mitigation for the loss of nesting and foraging habitat for Swainson's hawk and white-tailed kite, which includes oak tree canopy, grassland, field crop, and ruderal land cover types; this mitigation would also cover the loss of suitable nesting and foraging habitat for other special-status and migratory birds, suitable upland refugia for western pond turtle and giant garter snake, and suitable annual grassland habitat for special-status plants. Furthermore, Mitigation Measures AG-1.1 and AG-1.2 in EIR Section 3.2, *Agriculture and Forestry*, propose mitigation for disturbance to important farmlands in the Lodi project improvement areas that could also provide suitable nesting and foraging habitat for special-status raptors and other birds and potentially suitable upland habitat for special-status reptiles. Mitigation Measure AG-1.1 mitigates for temporary impacts to important farmland by requiring the return of all construction access, material laydown, and staging areas on Important Farmlands to a condition equal to the pre-construction staging condition; and Mitigation Measure AG-1.2 requires mitigation for the permanent loss of important farmland through preservation of Important Farmland in an amount commensurate with the quantity and quality of the converted farmlands, within the same agricultural regions as the impacts occur, at a replacement ratio of not less than 1:1.

Mitigation Measure BIO-2.2 in Section 3.4 proposes compensatory mitigation for disturbance to riparian habitats at a minimum mitigation ratio of no less than 1.5 acres of riparian habitat restored/created/enhanced for each acre of permanent or temporary impact; this compensatory mitigation would also cover the loss of suitable riparian habitat for special-status plants, reptiles, raptors, and other migratory birds. Mitigation Measure BIO-3.2 in Section 3.4 proposes compensatory mitigation for disturbance to aquatic resources at a minimum ratio no of less than 1:1 for both permanent and temporary impacts; this compensatory mitigation would also cover the loss of suitable aquatic habitat for special-status plants, crustaceans, reptiles, raptors, burrowing owl, greater sandhill crane, and migratory birds. Implementation of these mitigation measures would reduce impacts to a less-than-significant level.

Response to Comment 2-15

EIR Section 3.4, *Biological Resources*, includes compensatory mitigation for modifications to habitats that are suitable for special status species and are addressed under mitigation measures proposed for the permanent loss of nesting and foraging habitat for Swainson's hawk and white-tailed kite (Mitigation Measure BIO-1-11), temporary and permanent impacts on riparian habitat (Mitigation Measure BIO-2.2), and temporary and permanent impacts on aquatic habitats (Mitigation Measure BIO-3.2). Mitigation for temporary impacts to habitat is also addressed in Mitigation Measure BIO-1.4, which requires reclamation of all temporary disturbance areas around construction sites, laydown/staging areas, and temporary access roads using a locally sourced native and naturalized seed mix in ruderal and natural areas; or reclamation to the pre-existing agricultural condition if temporary impacts occur in agricultural lands (Mitigation Measure AG-1.1). For portions of the proposed project that are outside existing UPRR ROW and overlap with HCP lands, the seed mix shall be developed in coordination with the SJMSCP and SSHCP (as applicable) to ensure compliance with any provisions of these conservation plans. Mitigation Measure BIO-1.4 has been revised to clarify that temporary impacts, when reclaimed, will have

the same habitat value as pre-project conditions. This revision does not change the findings, conclusions or recommendations of the EIR.

The proposed project will avoid and minimize impacts to biological resources as much as feasible and will quantify refined impact acreages based on final design before construction to identify the degree of actual impacts adequately and determine required mitigation, including compensation for temporary and permanent loss of habitat through consultation with the appropriate resource agencies, which is typical with this type of large scale project.

The specific design of the mitigation can be permissibly deferred where mitigation is known to be feasible, but practical considerations prevent a lead agency from establishing specific standards early in the development process. It is common practice to develop more detailed plans for issuance of a grading permit or implementing design criteria once the proposed project has been approved establishing the design parameters. Such deferral of the specific design of mitigation is permissible when the lead agency commits itself to devising mitigation measures that will satisfy specific performance standards for evaluating the efficacy of the measures and the project implementation is contingent upon the mitigation measures being in place (*Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884; *POET, LLC v. California Air Resources Board* (2013) 218 Cal.App.4th 681, 735-738; *Sacramento Old City Association v. City Council* (1991) 229 Cal.App.3d 1011, 1028-1029).

Response to Comment 2-16

EIR Section 3.4, *Biological Resources*, includes compensatory mitigation for modifications to habitats that are suitable for special status species and are addressed under mitigation measures proposed for the permanent loss of nesting and foraging habitat for Swainson's hawk and white-tailed kite (Mitigation Measure BIO-1-11), temporary and permanent impacts on riparian habitat (Mitigation Measure BIO-2.2), and temporary and permanent impacts on aquatic habitats (Mitigation Measure BIO-3.2). Mitigation for temporary impacts to habitat addressed in Mitigation Measure BIO-1.4 in Section 3.4 has been revised to clarify that existing habitat mitigation measures apply to species impacts detailed in Mitigation Measure BIO-1. These revisions do not change the findings, conclusions or recommendations of the EIR.

Response to Comment 2-17

In response to the comment, Mitigation Measure BIO-1.3 in EIR Section 3.4, *Biological Resources*, has been revised for clarification purposes. This revision does not change the findings, conclusions or recommendations of the EIR.

Response to Comment 2-18

In response to the comment, Mitigation Measure BIO-1.5 in EIR Section 3.4, *Biological Resources*, has been revised for clarification purposes. This revision does not change the findings, conclusions or recommendations of the EIR.

The project would avoid and minimize impacts to biological resources as much as feasible and would quantify refined impact acreages on special-status plants based on final design before construction to identify the degree of actual impacts adequately and determine required mitigation, including compensation for temporary and permanent loss of habitat through

consultation with the appropriate resource agencies, which is typical with this type of large scale project. The reasonably foreseeable direct, indirect, and cumulative impacts of the proposed project are fully evaluated in the EIR.

The specific design of the mitigation can be permissibly deferred where mitigation is known to be feasible, but practical considerations prevent a lead agency from establishing specific standards early in the development process. It is common practice to develop more detailed plans for issuance of a grading permit or implementing design criteria once the proposed project has been approved establishing the design parameters. Such deferral of the specific design of mitigation is permissible when the lead agency commits itself to devising mitigation measures that will satisfy specific performance standards for evaluating the efficacy of the measures and the project implementation is contingent upon the mitigation measures being in place (*Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884; *POET, LLC v. California Air Resources Board* (2013) 218 Cal.App.4th 681, 735-738; *Sacramento Old City Association v. City Council* (1991) 229 Cal.App.3d 1011, 1028-1029).

Response to Comment 2-19

In response to the comment, Mitigation Measure BIO-1.8 in EIR Section 3.4, *Biological Resources*, has been revised for clarification purposes. This revision does not change the findings, conclusions or recommendations of the EIR.

Response to Comment 2-20

In response to the comment, Mitigation Measure BIO-1.8 in EIR Section 3.4, *Biological Resources*, has been revised for clarification purposes. This revision does not change the findings, conclusions or recommendations of the EIR.

Response to Comment 2-21

In response to the comment, Mitigation Measure BIO-1.9 in EIR Section 3.4, *Biological Resources*, has been revised for clarification purposes. This revision does not change the findings, conclusions or recommendations of the EIR.

Response to Comment 2-22

Mitigation Measure BIO-1.10 in EIR Section 3.4, *Biological Resources*, addresses potential impacts to western pond turtle and giant garter snake.

Response to Comment 2-23

In response to the comment, Mitigation Measure BIO-1.11 in EIR Section 3.4, *Biological Resources*, has been revised for clarification purposes. This revision does not change the findings, conclusions or recommendations of the EIR.

Response to Comment 2-24

In response to the comment, Mitigation Measure BIO-1.11 in EIR Section 3.4, *Biological Resources*, has been revised for clarification purposes. This revision does not change the findings, conclusions or recommendations of the EIR.

Response to Comment 2-25

In response to the comment, a summary of Tables 3.4-2 and 3.4-3 has been included in EIR Section 3.4, *Biological Resources*, in the biological impact analysis for Swainson's hawk and white-tailed kites, and Mitigation Measure BIO-1.11 has been revised for clarification purposes. This revision does not change the findings, conclusions or recommendations of the EIR.

Response to Comment 2-26

In response to the comment, Mitigation Measure BIO-1.11 in EIR Section 3.4, *Biological Resources*, has been revised for clarification purposes. This revision does not change the findings, conclusions or recommendations of the EIR.

Response to Comment 2-27

In response to the comment, Mitigation Measure BIO-1.11 in EIR Section 3.4, *Biological Resources*, has been revised for clarification purposes. This revision does not change the findings, conclusions or recommendations of the EIR.

Response to Comment 2-28

In response to the comment, Mitigation Measure BIO-1.12 in EIR Section 3.4, *Biological Resources*, has been revised for clarification purposes. This revision does not change the findings, conclusions or recommendations of the EIR.

Response to Comment 2-29

Impacts to western burrowing owl have been adequately described and analyzed. A summary of Tables 3.4-2 and 3.4-3 has been included in EIR Section 3.4, *Biological Resources*, in the biological impact analysis for western burrowing owl. Compensatory mitigation for modifications to habitats that are suitable for western burrowing owl are addressed under mitigation measures proposed for the permanent loss of nesting and foraging habitat for Swainson's hawk and white-tailed kite (Mitigation Measure BIO-1-11). In addition, Mitigation Measure BIO-1.12 in Section 3.4 has been revised for clarification purposes. This revision does not change the findings, conclusions or recommendations of the EIR.

Response to Comment 2-30

A summary of Tables 3.4-2 and 3.4-3 has been included in the biological impact analysis for greater sandhill crane in EIR Section 3.4, *Biological Resources*. Compensatory mitigation for modifications to habitats that are suitable for greater sandhill crane are addressed under mitigation measures proposed for the permanent loss of nesting and foraging habitat for Swainson's hawk and white-tailed kite (Mitigation Measure BIO-1-11) and temporary and permanent impacts on aquatic habitats (Mitigation Measure BIO-3.2). In response to the comment, Mitigation Measure BIO-1.13 in Section 3.4 has been revised for clarification purposes. This revision does not change the findings, conclusions or recommendations of the EIR.

Response to Comment 2-31

In response to the comment, Mitigation Measure BIO-1.13 in EIR Section 3.4, *Biological Resources*, has been revised for clarification purposes. This revision does not change the findings, conclusions or recommendations of the EIR.

Response to Comment 2-32

In response to the comment, Mitigation Measure BIO-1.14 in EIR Section 3.4, *Biological Resources*, has been revised for clarification purposes. This revision does not change the findings, conclusions or recommendations of the EIR.

Response to Comment 2-33

The potential impacts to bats are discussed in EIR Section 3.4, *Biological Resources*, and implementation of Mitigation Measures BIO-1.1 and BIO-1.2 would include avoidance and minimization impacts on bats through designing temporary impact areas to avoid suitable roost habitats (i.e., trees and riparian habitat) and conducting environmental awareness training.

Response to Comment 2-34

The mid-valley fairy shrimp (*Branchinecta mesovallensis*) was not further analyzed because it is commonly distributed in the Central Valley region and it is not a federally or state listed species. The Ricksecker's water scavenger beetle (*Hydrochara rickseckeri*) is also not federally or state listed or warrants other special conservation listing. Both the Ricksecker's water scavenger beetle and the mid-valley fairy shrimp occur in vernal pool habitats. Project-related impacts to vernal pools are addressed in EIR Section 3.4, *Biological Resources*, and include Mitigation Measures BIO-1.1, BIO-1.2, and BIO-1.3.

Response to Comment 2-35

Subsequent to the circulation of the Draft EIR, SJRRC and SJJPA received additional information and significant expressions of concern regarding siting of the proposed Natomas Maintenance and Layover Facility – a potential Phase II component of the proposed project. The site identified in the Draft EIR for the Natomas Maintenance and Layover Facility would require purchase or condemnation of two operating business ventures, as well as property owned by a joint landlord. Such purchase or condemnation could be prohibitively expensive for SJRRC and SJJPA and could also result in the loss of significant jobs to the region. For those reasons, SJRRC and SJJPA have deemed it infeasible to site the Natomas Maintenance and Layover Facility as shown in the Draft EIR. As such, consideration of all potential Phase II improvements, including the Natomas Maintenance and Layover Facility, the West Elkhorn Boulevard Overpass, and expansion of the Natomas/Sacramento Airport Station parking lot are no longer under consideration. All references to Phase II have been deleted from this Final EIR. If Phase II proceeds at a future date, SJRRC and SJJPA would site the Natomas Maintenance and Layover Facility at a more desirable location, subject to additional CEQA documentation and public review.

As such, this comment no longer applies to the proposed project.

Response to Comment 2-36

The cumulative impacts of operation on wildlife, including impacts of increase noise and wildlife collisions with trains, is addressed in EIR 4.2, *Cumulative Impacts*. The EIR provides an adequate assessment of operational and cumulative impacts of the proposed project on wildlife. In addition, please note that under current conditions, with no project, UPRR can operate the number of freight trains up to the existing capacity (i.e., number of slots for trains) of the Sacramento Subdivision. Any passenger train operating along the Sacramento Subdivision means one less slot available for a freight train given the that absolute number of potential trains that can operate is fixed. The passenger trails are lighter and shorter than freight trains and therefore implementation of the proposed project could reduce existing adverse indirect and direct effects of freight trains operating in the corridor.

Response to Comment 2-37

Project-related impacts on biological resources are evaluated in EIR Section 3.4, *Biological Resources*. As described in Section 3.4, the State CEQA Guidelines Appendix G (14 California Code of Regulations 15000 et seq.) has identified significance criteria to be considered for determining whether a project could have significant impacts on biological resources, and those criteria were used for this project.

Please also see response to Comment 2-36.

Response to Comment 2-38

EIR Section 3.4, *Biological Resources*, addresses impacts such as increased noise, vibration, and lights resulting from seven new roundtrip passenger trains daily on special-status wildlife species. The cumulative impacts of operation on special-status species, including impacts of increase noise and wildlife collisions with trains, is addressed in EIR Section 4.2, *Cumulative Impacts*. The EIR provides an adequate assessment of operational and cumulative impacts of the proposed project on special-status species. UPRR may operate a specific number of trains (including both freight and passenger trains) on its railroad subdivisions up to the capacity of the specific subdivision. The addition of seven roundtrip passenger trains per day included in the proposed project is within the existing operational capacity of the subdivision. The addition of project-related passenger trains operating along the Sacramento Subdivision would be dispatched by UPRR and would reduce the potential number of freight trains operating along the subdivision, given that the absolute number of potential trains that can operate is fixed. Furthermore, passenger trains would be much less noisy than the existing freight trains, and the minor increased noise level would not exceed recommended Federal Transit Administration or local screening threshold levels. Finally, the addition of project-level mitigation measures would reduce the proposed project's cumulative contribution to biological resources. Therefore, the proposed project would not result in significant and unavoidable cumulative impacts.

Response to Comment 2-39

Maintenance activities along the track in areas that support giant garter snake and Swainson's hawk habitat, including the Cosumnes River Preserve, would be of the same type and occur with the same frequently as maintenance activities that occur now. Therefore, the proposed project

would not result in an increased level of maintenance activities that might affect habitat for sensitive wildlife species.

The proposed project will not increase the likelihood of extremely rare events such as derailment. Please see response to Comment 1-18 for a discussion of how the Federal Railroad Administration is responsible for enforcing safety rules and standards under Code of Federal Regulations Title 49, Sections 200–272, which address a comprehensive range of railroad safety topics. Furthermore, as discussed in response to Comment 2-38, UPRR may operate a specific number of trains (including both freight and passenger trains) on its railroad subdivisions up to the capacity of the specific subdivision. The addition of seven roundtrip passenger trains per day included in the proposed project is within the existing operational capacity of the subdivision. The addition of project-related passenger trains operating along the Sacramento Subdivision would be dispatched by UPRR and would reduce the potential number of freight trains operating along the subdivision, given that the absolute number of potential trains that can operate is fixed.

Response to Comment 2-40

Consistency with programs and plans specific to resource areas are addressed in their respective sections. Discussion of the Cosumnes River Preserve Management Plan is provided in EIR Section 3.4, *Biological Resources*. As discussed, project activities related to Track Curve Reconstruction South of Desmond Road would be confined to the existing UPRR ROW, and no impacts on the Cosumnes River Preserve Management Plan are expected.

Response to Comment 2-41

SJRRC and SJJPA welcome the opportunity to continue their collaborative work with land managers within or adjacent to the project area, and will be reaching out to the appropriate parties as appropriate in the future. If SJRRC and SJJPA elect to participate in the SSHCP and/or SJMSCP, they will engage in coordination efforts as needed. This comment does not address the adequacy of the environmental analysis provided in the Draft EIR and is noted for public disclosure and for decision-maker consideration.

Response to Comment 2-42

The EIR's biological resource mitigation measures were developed with the goal of consistency with the South Sacramento Habitat Conservation Plan (SSCHP) and with other regional plans such as the San Joaquin Multi Species Habitat Conservation Plan. Successful implementation of the avoidance, minimization and mitigation measures described in the EIR does not require participation in the SSHCP or implementation in combination with all SSCHP measures. Implementation of the biological resource mitigation measures described in EIR Section 3.4, *Biological Resources*, would reduce project impacts on sensitive species and habitats to less than significant.

Response to Comment 2-43

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

All special status species and natural communities encountered during the project surveys will be submitted to the California Natural Diversity Database as soon as it is feasible and, completed CNDDDB forms will be emailed to CNDDDB@wildlife.ca.gov.

Response to Comment 2-44

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

Applicable fees will be submitted to CDFW upon filing of the Notice of Determination.

I.1.3 Letter 3. Caltrans

Letter 3

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

Gavin Newsom, Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF TRANSPORTATION PLANNING
P.O. BOX 942874, MS-32
SACRAMENTO, CA 94274
PHONE (916) 653-0548
TTY 711
www.dot.ca.gov



*Making Conservation
a California Way of Life.*

May 13, 2020

RE: Draft Environmental
Impact Report for the Valley Rail
Sacramento Extension Project
SCH # 2019090306

Mr. Kevin Sheridan
Director of Capital Projects
San Joaquin Regional Rail Commission
949 East Channel Street
Stockton, CA 95202

Valley Rail Sacramento Extension Project – Draft Environmental Impact Report (DEIR)

Dear Mr. Sheridan:

We thank you for providing California Department of Transportation (Caltrans) the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the Valley Rail Sacramento Extension Project (Project) proposed by the San Joaquin Regional Rail Commission (SJRRRC). Under the Project, SJRRRC and San Joaquin Joint Powers Authority (SJJPA) are jointly proposing to implement Altamont Commuter Express (ACE) and Amtrak San Joaquins passenger rail service between Stockton and Sacramento with further connections to San Jose, Ceres, and Bakersfield. The proposed Project spans San Joaquin and Sacramento Counties. SJRRRC and SJJPA propose to upgrade tracks within the existing Union Pacific Railroad (UPRR) Sacramento Subdivision right-of-way (R/W) and construct six new stations along the alignment.

Specific Comments

1. The Midtown Sacramento Station is proposed to be constructed near Q Street between 19th Street and 20th Street in Sacramento. W and X Streets are parallel arterials and provide supplemental capacity to US-50. Caltrans anticipates the increase in frequency of rail service may introduce additional vehicle trips to the intersections of W St./20th St. and X St./19th St. Caltrans recommends a queuing analysis for W St./20th St. and X St./19th St. intersections to identify potential queue length concerns. 3-1
2. Page 3.16-11: "Sidewalks are provided along both sides of the Arden Garden Connector/Arden Way, but are missing in many locations along local streets closer to 3-2

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Mr. Kevin Sheridan
May 13, 2020
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the station (e.g., Acoma Street, Colfax Street) because of the largely industrial nature of the area. Marked crosswalks are generally provided across all roads at major signalized intersections, but **may be missing at some locations** (e.g., west leg at Arden Way/Colfax Street). **Crosswalks are generally unmarked** at other locations, including intersections closer to the station.”

**3-2
Cont**

Based on the words we have bolded above from Page 3.16-11, we offer the following concerns:

- o Please ensure there is a continuity of sidewalks for pedestrians. The continuity of the sidewalks is important for pedestrians, especially disabled and elderly pedestrians.
- o Please ensure major crosswalks are marked and ADA compliant.

3. Caltrans highly recommends a transportation impact study (TIS) to include specific analysis for State Route (SR) 12 at the two proposed Lodi Station alternatives. The following are specifics to include in the analysis:

3-3

- o The intersection of SR-12 with the proposed new driveway east of the railroad tracks and the existing intersection of SR-12 and N. Devries Road must be analyzed for the existing traffic volumes and existing plus the proposed Project traffic volumes. Please provide recommended mitigation to accommodate traffic turning into and out of the two driveways that the proposed Project will generate.

3-4

- o The TIS must calculate the storage lengths for all left-turns and right-turns into and out of the two intersections mentioned in Comment 3, the previous bullet.

3-5

- o The TIS must include AM and PM peak-hour trip generation for both proposed Lodi Station alternatives.

3-6

- o Due to the proximity of the proposed full-access driveway on SR-12 east of the railroad tracks, this proposed Project must mitigate the Project's impact by providing coordination between the proposed traffic signal timing and the railroad pre-emption activity.

3-7

- o The TIS must evaluate and establish the need for a traffic signal at the intersection of SR-12 and N. Devries Road.

3-8

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- o A Traffic Signal Warrant Study must be completed to verify if a traffic signal is needed on SR-12 at the new intersection with the train station driveway. **3-9**
 - Please see California Manual on Uniform Traffic Control Devices (MUTCD) [Part 4 Highway Traffic Signals](#) for more information regarding signal warrants. Refer to the following at <https://dot.ca.gov/-/media/dot-media/programs/traffic-operations/documents/ca-mutcd/rev-5/camutcd2014-part4-rev5.pdf>
 - The Traffic Signal Warrants Form can be found on Page 841 in Part 4, Highway Traffic Signals.
- 4. SJRRC should coordinate and collaborate with local agencies and transit operators to ensure Stockton and Lodi have adequate bus connectivity to the Lodi Station. **3-10**
- 5. SJRRC should coordinate and collaborate with San Joaquin County and Caltrans in identifying possible routes to the Lodi Station with the appropriate amenities to encourage the use of bicycles and alternative modes of transportation. **3-11**
- 6. Caltrans suggests the inclusion of secure bicycle parking facilities at the Lodi Station. **3-12**

Hydraulics

- 1. The proposed Project may potentially result in an increase in peak surface water runoff due to construction and an increase in impermeable surface area. Peak runoff discharge for the 10- and 100-year storm events to the State's highway R/W and to Caltrans' highway drainage facilities must be reduced to current or below the pre-construction levels. This may be accomplished through the implementation of storm water management Best Management Practices (i.e. detention/retention ponds or basins, sub-surface galleries, on-site storage and/or infiltration ditches, etc.). Please refer to Caltrans' [Hydraulics and Stormwater](#) website for additional guidance for Best Management Practices at <https://dot.ca.gov/programs/design/hydraulics-stormwater>. **3-13**
- 2. Once installed, the property owner must properly maintain these systems. The proponent/developer may be held liable for future damages due to impacts for which adequate mitigation was not undertaken or sustained. **3-14**

In addition, runoff from the proposed Project that will enter the State's highway R/W and/or Caltrans drainage facilities must meet all regional water quality control board water quality standards prior to entering the State's highway R/W or Caltrans drainage facilities.

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Page 4

3. Appropriate storm water quality Best Management Practices may be applied to ensure that runoff from the site meets the regional water quality control board's standards (i.e., water is free of oils, greases, metals, sands, sediment, etc.). Once installed, the property owner must properly maintain these systems in perpetuity.

3-15

4. For the encroachment permit application, provide drainage plans and calculations for the pre and post 10- and 100-year peak runoff for both quantities and velocities, and water quality treatment for all discharge to the State's highway R/W and to Caltrans' highway drainage facilities.

3-16

Biology

There are several occurrences of State [Threatened Swainson's Hawk](#) protected under the California Endangered Species Act (CESA) near the site of Lodi Station Northern Alternative. For more information please refer to the following website:
<https://wildlife.ca.gov/Conservation/Birds/Swainson-Hawks>
CESA falls under Fish and Game Code 2050 – 2089.26. Special habitat requirements for Swainson's Hawks include large trees and agricultural fields which may be used for foraging. Specific impacts to these habitats and any proposed mitigation will need to be coordinated with California Department of Fish and Wildlife (CDFW). Any large construction impacts in this area will need to take this species into consideration.

3-17

This species is not a federally listed species so federal laws under the Federal Endangered Species Act (FESA) do not apply. However, raptors are also protected under the Migratory Bird Treaty Act, which is a federal law. If this action has a federal nexus, which are typically tied to federal dollars or a federal permit then federal laws will apply.

Encroachment Permit

Any work performed within Caltrans R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within Caltrans R/W prior to construction. As part of the encroachment permit process, the applicant must provide an approved final environmental document including California Environmental Quality Act (CEQA) determination addressing any environmental impacts within the Caltrans R/W, and any corresponding technical studies. To apply for an encroachment permit, a completed encroachment permit application, environmental documentation, and five sets of plans clearly indicating Caltrans R/W must be submitted. Please refer to Caltrans Encroachment Permit website at <https://dot.ca.gov/programs/traffic-operations/ep/applications>.

3-18

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Page 5

For Sacramento County:
Hikmat Bsaibess
California Department of Transportation
District 3, Office of Permits
703 B Street
Marysville, CA 95901
(530) 755-6357

For San Joaquin County:
Francisco Rodriguez
California Department of Transportation
District 10, Office of Permits
1976 East Charter Way
Stockton, CA 95205
(209) 948-7891

Please continue to keep Caltrans informed of the proposed Valley Rail Sacramento Extension and any future developments. Should you have any questions regarding this letter, please contact Bo Wu at bo.wu@dot.ca.gov.

3-19

Sincerely,



CHRISTIAN BUSHONG, Branch Chief
Headquarters, Local Development-Intergovernmental Review

c: Scott Morgan, State Clearinghouse
Doug Adams, Caltrans District 3 LD-IGR Coordinator
Nicholas Fung, Caltrans District 10 LD-IGR Coordinator
Carie Battistone, California Department of Fish and Wildlife

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I.1.3.1 Response to Comment Letter 3

Response to Comment 3-1

For the Midtown Sacramento Station, passengers are envisaged to primarily access the station via non-motorized modes such as walking and cycling, in lieu of driving. As such, the proposed project includes direct pedestrian and bicycle connections to facilitate station access by these modes. As the station would not provide new parking, the proposed project is not expected to substantially increase vehicle traffic in the vicinity of the station. While there would likely be some pick-up/drop-off activity at the station, much of this activity is expected to consist of taxis and transportation network company (TNC) vehicles, which would not necessarily represent a net increase in the number of vehicles on the roadway network. When project-generated vehicle traffic is distributed across the surrounding street network, the actual increase in traffic at the W Street and X Street grade crossings (and at adjacent upstream intersections)—which are at least five blocks away from the station—is expected to be minimal.

While the proposed project would also increase train activity at the W Street and X Street grade crossings, this increase (up to seven roundtrips a day) would be minimal compared to existing train activity, as these crossings are currently shared with Sacramento RT's Blue Line (running as frequently as every 15 minutes in each direction) and used by the existing San Joaquins service (two daily roundtrips). Therefore, the proposed project is not expected to substantially increase queuing at these crossings.

Response to Comment 3-2

Sacramento City Code Section 17.502.020 generally requires street and sidewalk frontage improvements before issuance of building permits. The project would comply with these requirements for the proposed Old North Sacramento Station, as well with as any applicable City of Sacramento standards related to construction of curb ramps and associated ADA compliance.

In terms of specific improvements, as described in EIR Chapter 2, *Project Description*, the proposed project proposes to upgrade existing sidewalks along the station's Acoma Street frontage. The two proposed station driveways would also include sidewalks, providing direct and continuous walkways between the station platform and Acoma Street. During the proposed project's design phase, SJJPA and SJRRC would coordinate with the City of Sacramento on the design of any frontage improvements, including the potential for adding marked crosswalks at one or both locations.

From Acoma Street, passengers would have access to existing sidewalk along the west side of the street for connections to/from Del Paso Boulevard and the Globe Avenue LRT station. At the station's north end, a direct connection would also be provided to the Sacramento Northern Bike Trail for access to/from Arden Way.

While the EIR identifies some deficiencies in the provision of sidewalks and other pedestrian facilities in the surrounding area, these are discussed for existing context only. As these locations fall outside of the station's street frontage, the proposed project is not expressly responsible for construction or maintenance of pedestrian facilities in these areas. While the proposed project would likely increase pedestrian activity and vehicle traffic in the immediate vicinity of the station, these effects would not constitute a substantial increase in transportation-related hazards above

existing conditions, as discussed in more detail under Impact TRA-3 in EIR Section 3.16, *Transportation*.

Response to Comment 3-3

As discussed in EIR Section 2.4, *Permits and Approvals*, SJJPA and SJRRC are fully aware of the need for additional permits and approvals for the proposed project, including Caltrans approvals and issuance of encroachment permits for the required access improvements at Lodi Station. As such, SJJPA and SJRRC would consult and collaborate with relevant government agencies and other parties during the proposed project's design stage to address specific concerns. The scope and extent for any technical analysis that would be conducted as part of these subsequent permits and approvals would be determined after consultation with the appropriate agencies and parties.

For the proposed Lodi Station, SJJPA and SJRRC would work with Caltrans to ensure that any access improvements are designed to meet applicable standards (as discussed under Impact TRA-3 in EIR Section 3.16, *Transportation*) and address the concerns raised in the comments regarding left- and right-turn lane storage, estimated trip generation for the station, coordination between traffic signals and grade crossing preemption, and traffic signal warrant analysis.

As noted in EIR Chapter 2, *Project Description*, the proposed project already includes signalization of the proposed access intersection along SR 12. As such, any subsequent analysis would focus on confirming that a traffic signal is warranted at this location, as well as to determine whether a signal is warranted at the adjacent SR 12/North Devries Road intersection.

Response to Comment 3-4

Please see response to Comment 3-3.

Response to Comment 3-5

Please see response to Comment 3-3.

Response to Comment 3-6

Please see response to Comment 3-3.

Response to Comment 3-7

Please see response to Comment 3-3.

Response to Comment 3-8

Please see response to Comment 3-3.

Response to Comment 3-9

Please see response to Comment 3-3.

Response to Comment 3-10

As discussed in EIR Section 3.16, *Transportation*, SJJPA and SJRRC would coordinate with local transit agencies to ensure adequate transit connections are provided at stations, including at the proposed Lodi Station.

Response to Comment 3-11

As described in EIR Chapter 2, *Project Description*, the proposed project explicitly includes bicycle storage facilities at the proposed Lodi Station. The design of these facilities, as well as other amenities to encourage non-motorized transportation, would be finalized in consultation with the appropriate local agencies. Part of this process will involve identifying preferred station access routes for non-motorized transportation, which would likely involve coordination with both San Joaquin County and Caltrans, as suggested in the comment. As at other proposed stations, new access roads at the proposed Lodi Station would conform to local design standards, including adequate multi-modal and non-motorized access.

Response to Comment 3-12

Please see response to Comment 3-11.

Response to Comment 3-13

SJRRC and SJJPA will implement stormwater Best Management Practices (BMPs) to reduce peak runoff discharge for the 10- and 100-year storm events to current or pre-construction levels. Please see Mitigation Measure HYD-3.1 in EIR Section 3.10, *Hydrology and Water Quality*.

Response to Comment 3-14

All project-related stormwater discharges will be designed to meet Central Valley Regional Water Quality Control Board standards as discussed EIR Section 3.10, *Hydrology and Water Quality* in Impact HYD-1. Furthermore, SJRRC and SJJPA will implement Mitigation Measures HYD-1.1, HYD-1.2, HAZ-2.2, and HAZ-2.3, and HYD-4.1, which are specifically designed to protect water quality. Implementation of these mitigation measures would reduce impacts to less than significant.

Response to Comment 3-15

Please see responses to Comments 3-13 and 3-14.

Response to Comment 3-16

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project. Where Caltrans encroachment permit applications are necessary, SJRRC and SJJPA will provide the materials requested by Caltrans as part of the encroachment permit application process.

Response to Comment 3-17

Impacts to habitats for Swainson's hawk and proposed mitigation are addressed in EIR Section 3.4, *Biological Resources*, Mitigation Measure BIO-1.11: Conduct a preconstruction survey for Swainson's hawk and white-tailed kite, and implement avoidance measures, as needed; Compensate for loss of Swainson's hawk and white-tailed kite foraging habitat, which includes coordination with CDFW. Implementation of the mitigation measure would reduce impacts to less than significant.

Please see also see responses to Comments 2-10, 2-14, 2-15, 2-16, 2-23, 2-24, 2-25, 2-26, and 2-27.

Response to Comment 3-18

Please response to Comment 3-16.

Response to Comment 3-19

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project. SJRRC and SJJPA are committed to continued collaboration with all interested parties and permitting agencies through the final design, permitting, and construction phases and implementation of all mitigation measures described in the EIR.

I.1.4 Letter 4. California High-Speed Rail Authority

Letter 4



May 12, 2020

San Joaquin Regional Rail Commission (SJRRRC)
Attn: Valley Rail Sacramento Extension Draft EIR
949 E. Channel Street
Stockton, CA 95202

RE: Response to Comments - Valley Rail Sacramento Extension Draft Environmental Impact Report

To Whom It May Concern:

The California High-Speed Rail Authority (Authority) has reviewed the Draft Environmental Impact Report (EIR) for the Valley Rail Sacramento Extension Project, released by the San Joaquin Regional Rail Commission (SJRRRC) as the lead agency on March 31, 2020.

The Draft EIR evaluates the proposed operation of seven new daily round trips of passenger rail service between the Stockton Cabral Station north to a Natomas/Sacramento Airport Station. To implement this service, proposed track improvements would occur within the existing Union Pacific Railroad (UPRR) alignment on the Sacramento Subdivision and six new stations would be built.

The proposed investments related to the Valley Rail Sacramento Extension come out of an ongoing, collaborative strategic planning process among the State Transportation Agency (CalSTA), Caltrans and the Authority and its Northern California Rail Partners, including SJRRRC and the San Joaquin Joint Powers Authority (SJJPA). For this reason, the Authority continues to support this project and its goals of increasing passenger rail ridership and reducing travel time; augmenting transit capacity and providing transit connections; alleviating traffic congestion, improving regional air quality, and reducing greenhouse gas (GHG) emissions in the Phase 2 High-Speed Rail Corridor from Merced to Sacramento.

Additionally, the improved rail service related to the Valley Rail Sacramento Extension Project will support statewide goals and HSR ridership by offering more connecting trains at the Merced HSR Station. This work is consistent with the Authority's 2019 Project Update Report, the Authority's Draft 2020 Business Plan, and the State Rail Plan. The intent is to create a high-quality passenger rail service in the near-term, that will later grow into a more robust statewide passenger rail network.

The Authority requests that SJRRRC and SJJPA continue to work collaboratively with the Authority taking into consideration the High-Speed Rail Project as you make critical project decisions to ensure future improvements and upgrades to the passenger rail network both support the State Rail Plan and consider future Phase 2 High-Speed Rail investments in the Merced to Sacramento corridor.

4-1

770 L Street, Suite 620, Sacramento, CA 95814 • T: (916) 324-1541 • F: (916) 322-0827 • www.hsr.ca.gov

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MAY 15 2020
SJRRRC

San Joaquin Regional Rail Commission
May 12, 2020
Page 2

The Authority appreciates the opportunity to provide these comments on the Draft EIR. Please continue to include the California High-Speed Rail Authority on your mailing list for all further notices and mailings.

4-2

Sincerely,



Mark A. McLoughlin
Director of Environmental Services

I.1.4.1 Response to Comment Letter 4

Response to Comment 4-1

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project. SJRRC and SJJPA will continue to engage in coordination efforts with Authority.

Response to Comment 4-2

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project. SJRRC and SJJPA will continue to engage in coordination efforts with Authority.

I.1.5 Letter 5. CVRWQCB

Letter 5



Central Valley Regional Water Quality Control Board

5 June 2020

Kevin Sheridan
San Joaquin Regional Rail Commission
949 East Channel Street
Stockton, CA 95202

COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, VALLEY RAIL SACRAMENTO EXTENSION PROJECT, SCH#2019090306, SACRAMENTO AND SAN JOAQUIN COUNTIES

Pursuant to the State Clearinghouse's 30 March 2020 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Environmental Impact Report (DEIR)* for the Valley Rail Sacramento Extension Project, located in Sacramento and San Joaquin Counties.

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

Central Valley Water Board staff recommends changing the phrase "State Water Board Section 401 Water Quality Certification" to "Clean Water Act Section 401 Water Quality Certification" for accuracy, since both the State Water Resources Control Board and the Central Valley Water Board issue Clean Water Act Section 401 Water Quality Certifications. Please note that a Clean Water Act Section 401 Water Quality Certification and/or a Waste Discharge Requirement permit is required for temporary and permanent impacts associated with disturbances from fill and excavation within waters of the state, such as, but not limited to, wetlands, vernal pools, lakes, and stream channels. The phrase "within the banks of surface waters" may be misinterpreted to mean riparian areas only.

5-1

The statement "all construction activities within the banks of surface waters would require a USACE Section 404 permit and a State Water Board Section 401 Water Quality Certification..." is used on several occasions within the DEIR. Central Valley Water Board staff recommends changing the statement to "all construction activities within federal jurisdictional waters would require a Clean Water Act Section 404 permit issued by the USACE and a Clean Water Act Section 401 Water Quality Certification issued by the State Water Resources Control Board or Regional Water Quality Control Board, and all construction activities within non-federal jurisdictional waters would require a Waste Discharge Requirement permit issued by the Regional Water Quality Control Board."

5-2

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley

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Sacramento and San Joaquin Counties

5 June 2020

Central Valley Water Board staff recommend changing the sentence on page 3.4-118 that reads, "Wetlands and other waters of the United States that do not meet all three USACE wetland criteria could be subject to regulation by the Central Valley RWQCB under the state's Porter-Cologne Act" to "Wetlands and other waters of the state that do not meet all three USACE wetland criteria could be subject to regulation by the Central Valley RWQCB under the state's Porter-Cologne Act and may require a Waste Discharge Requirement permit." Please note that wetlands and other waters of the state that do not meet all three USACE wetland criteria are not considered waters of the United States.

5-3

I. Regulatory Setting

Basin Plan

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

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf

In part it states:

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Sacramento and San Joaquin Counties

5 June 2020

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

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

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

II. Permitting Requirements

Clean Water Act Section 401 Permit – Water Quality Certification

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

https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: [https://www.waterboards.ca.gov/centralvalley/water_issues/waste to surface water/](https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/)

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

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Sacramento and San Joaquin Counties

5 June 2020

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

If you have questions regarding these comments, please contact me at (916) 464-4812 or Jordan.Hensley@waterboards.ca.gov.



Jordan Hensley
Environmental Scientist

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

I.1.5.1 Response to Comment Letter 5

Response to Comment 5-1

Applicable text has been updated as noted throughout the EIR to “Clean Water Act Section 401 Water Quality Certification”.

Response to Comment 5-2

Applicable text has been updated as noted throughout the EIR to “all construction activities within federal jurisdictional waters would require a Clean Water Act Section 404 permit issued by the USACE and a Clean Water Act Section 401 Water Quality Certification issued by the State Water Resources Control Board or Regional Water Quality Control Board, and all construction activities within non-federal jurisdictional waters would require a Waste Discharge Requirement permit issued by the Regional Water Quality Control Board”.

Response to Comment 5-3

Applicable text has been updated as noted in Section 3.4, *Biological Resources*.

I.1.6 Letter 6. Delta Stewardship Council

Letter 6



DELTA STEWARDSHIP COUNCIL
A California State Agency

980 NINTH STREET, SUITE 1500
SACRAMENTO, CALIFORNIA 95814
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June 5, 2020

Kevin Sheridan
San Joaquin Regional Rail Commission
Attn: Valley Rail Sacramento Extension DEIR
949 E. Channel Street
Stockton, CA 95202

Via email: ace.sacramentoextension@gmail.com

RE: Comments on Draft Environmental Impact Report for the Valley Rail Sacramento Extension Project, SCH# 2019090306

Dear Kevin Sheridan:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (EIR) for the Valley Rail Sacramento Extension Project (project). The Delta Stewardship Council (Council) recognizes the goals of the San Joaquin Regional Rail Commission (SJRRC) to expand passenger rail service, increase frequency of service, increase rail ridership, and reduce travel time between the San Joaquin Valley and the Sacramento area, among other project objectives.

The Council submitted a comment letter on the 2019 Notice of Preparation (NOP) of a Draft EIR for the project. That letter explained the Council's regulatory authority under the Sacramento-San Joaquin Delta Reform Act of 2009 (SBX7 1); Delta Reform Act (Wat. Code, section 85000 et seq.); identified Water Code section 85225 requirements for SJRRC to determine whether the project is a covered action and, if so, submit a certification of consistency with the Delta Plan to the Council before implementing the project; and identified Delta Plan regulatory policies potentially implicated by the project.

The covered action process and applicable Delta Plan regulatory policies are discussed in multiple resource areas within the Draft EIR, including:

- Biological Resources (Section 3.4)
- Hydrology and Water Quality (Section 3.10)
- Land Use and Planning (Section 3.11)

"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."

— CA Water Code §85054

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Jessica R. Pearson

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This letter identifies ways for SJRRC to clarify and supplement discussions in the Draft EIR to support a future certification of consistency of the project with the Delta Plan.

Covered Action Determination and Certification of Consistency with the Delta Plan

The Council's 2019 NOP letter stated that, based on the project location and scope, the project appears to meet the definition of a covered action. The state or local agency approving, funding, or carrying out a project must make a reasonable, good faith determination, consistent with the Delta Reform Act and its regulatory policies, if that project is a covered action and, if so, submit a certification of consistency with the Delta Plan to the Council prior to implementing the project. (Cal. Wat. Code section 85225; Cal. Code Regs., tit. 23, § 5001(j)(3).)

The Draft EIR states SJRRC's intention to file a certification of consistency with the Council prior to project implementation (Draft EIR, p. 3.11-15), and summarizes preliminary consistency conclusions in Table 3.11-3. This stated intent suggests that SJRRC will determine that the project is a covered action. However, the Draft EIR is not internally consistent on this matter. We request that SJRRC ensure that the Draft EIR is internally consistent with regard to the status of the project as a covered action and stated intent to file a certification of consistency with the Council. Specifically, Section 3.4 states that, "Project activities in the Delta are not covered by any provisions in the Delta Plan" (Draft EIR, p. 3.4-127). This statement is inconsistent with other sections of the Draft EIR which identify and discuss applicable Delta Plan policies in detail and should be modified to be consistent with the discussion of the project's consistency with Delta Plan policies found in Section 3.11 (see Draft EIR, p. 3.11-15).

6-1

Comments Regarding Delta Plan Policies and Consistency Certification

The Draft EIR acknowledges the Delta Plan policies highlighted in the Council's 2019 NOP letter as well as additional Delta Plan policies that may apply to the project. The following comments discuss the adequacy of the Draft EIR relative to four of the specific Delta Plan policies identified in the 2019 NOP letter and offer suggestions on how to further support these conclusions in the Final EIR to support a future certification of consistency for the project.

Ecosystem Restoration Policy 5: Avoid Introductions of and Habitat Improvements for Invasive Nonnative Species

As described in the Council's 2019 comment letter, Delta Plan Policy ER P5 (Cal. Code Regs., tit. 23, § 5009) requires that covered actions fully consider and avoid or mitigate the potential for new introductions of, or improved habitat conditions for, invasive, nonnative species in a way that appropriately protects the ecosystem. This policy is referenced in Draft EIR Sections 3.4 and 3.11 (Draft EIR, pp. 3.4-8, 3.11-15). However, these references are internally inconsistent and do not sufficiently address the requirements of ER P5.

6-2

The regulatory setting in Section 3.4 lists ER P5 as an applicable regulatory policy (Draft EIR, p. 3.4-8). However, ER P5 is not mentioned in the Section 3.4 impact analysis, which focuses on other Delta Plan requirements, such as Ecosystem Restoration Policy 3 (ER P3; Cal. Code

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Regs., tit. 23, § 5007), which were not identified in the regulatory setting. Impacts to the Delta Plan are analyzed as part of Impact BIO-5 (see Draft EIR, p. 3.4-125 to 3.4-127, "Phase I improvements may conflict with local policies or ordinances...") Impact BIO-5 concludes that, "...the proposed project impacts on the Delta Plan are less than significant; no mitigation is required" (Draft EIR, p. 3.4-127). It is unclear how, if at all, this finding accounts for ER P5 requirements. The Draft EIR should analyze the impacts not on the Delta Plan, but on the resources protected by Delta Plan policies in light of Delta Plan policy requirements. SJRRC should revise the analysis within Impact BIO-5 in the Final EIR to incorporate the Delta Plan policy requirements for ER P5 discussed in the Section 3.4 regulatory setting.

6-2
Cont.

Section 3.11 of the Draft EIR offers a more explicit discussion of consistency with ER P5 (Draft EIR, p. 3.11-15). Table 3.11-3 states that the proposed project would be consistent with ER P5 because "The proposed project would comply with Executive Order 13112,¹ as detailed in Section 3.4" (Draft EIR, p. 3.11-15). Similar to ER P5, Executive Order 13112 is mentioned within the regulatory setting of Section 3.4, but the Draft EIR does not analyze how compliance with the Executive Order fully considers and avoids or mitigates the potential for new introductions of, or improved habitat conditions for, invasive, nonnative species in a way that appropriately protects the ecosystem, as is required by ER P5. Furthermore, compliance with Executive Order 13112 is not equivalent to consistency with ER P5; they are separate requirements with separate standards. Executive Order 13112 applies to actions of federal agencies, and by extension, to use of federal funds for transportation projects. SJRRC must also independently demonstrate consistency with ER P5.

6-3

An updated discussion of Impact BIO-5 could build on analysis and proposed mitigation already present within the Draft EIR. The environmental analysis in Section 3.4 for Impact BIO-1 describes potentially significant impacts related to the introduction and spread of invasive plants during construction (Draft EIR, p. 3.4-78, p. 3.4-84). ER P5 requires that SJRRC avoid or mitigate such potential introductions and spread. Draft EIR Mitigation Measure BIO-1.4 requires SJRRC to develop and implement a revegetation and weed control plan to control invasive/noxious weeds. (Draft EIR, p. 3.4-81) SJRRC should evaluate whether Mitigation Measure BIO-1.4 is equally or more effective than Delta Plan Mitigation Measure 4-1, as required by Delta Plan policy **G P1(b)(2)** (see Delta Plan Appendix O, available at

6-4

¹ Executive Order 13112 (1999), as amended by Executive Order 13751 (2016) sets requirements for federal agencies whose actions may affect the status of invasive species to: prevent the introduction of invasive species; detect and respond rapidly to and control populations of such species in a cost-effective and environmentally sound manner; monitor invasive species populations accurately and reliably; provide for restoration of native species and habitat conditions in ecosystems that have been invaded; conduct research on invasive species and develop technologies to prevent introduction and provide for environmentally sound control of invasive species; and promote public education on invasive species and the means to address them. Under the Executive Order, a federal agency should not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere unless, pursuant to guidelines that it has prescribed, the agency has determined and made public its determination that the benefits of such actions clearly outweigh the potential harm caused by invasive species; and that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the actions.

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<https://www.deltacouncil.ca.gov/pdf/delta-plan/2018-appendix-o-mitigation-monitoring-and-reporting-program.pdf>. Among other performance standards, Delta Plan Mitigation Measure 4-1 requires that an invasive species management plan be developed and implemented to ensure that invasive plant species and populations are kept below preconstruction abundance and distribution levels. SJRRC should revise Mitigation Measure BIO-1.4 in the Final EIR, if needed, to align with requirements set forth in Delta Plan Mitigation Measure 4-1.

6-4
Cont

Finally, in addition to updating the discussion in Impact BIO-5, SJRRC should consider revising Table 3.11-3 to reference the updated Impact BIO-5 discussion described above, to explain how the project is consistent with ER P5 requirements.

6-5

Delta as Place Policy 1: Locate New Urban Development Wisely

Delta Plan Policy **DP P1** (Cal. Code Regs., tit. 23, § 5010) places certain limits on new urban development within the Delta. The Council's 2019 NOP letter stated that the Draft EIR should analyze the potential of the project to induce new residential, commercial, or industrial development that would be inconsistent with DP P1 in the Delta, particularly near planned station locations.

DP P1 is discussed in Section 3.11 (Draft EIR, p. 3.11-15). Table 3.11-3 states that the proposed project would be consistent with DP P1 because "Phase I improvements would not induce land use changes that would result in new or unplanned growth around the station sites. See Section 3.13, Population and Housing" (Draft EIR, pp. 3.11-15).

Section 3.13 acknowledges the potential for the project to induce local population growth in the immediate areas around proposed stations (Draft EIR, p. 3.13-6), but states that unplanned growth would not occur because development is limited by the existing land use designations, zoning, and infrastructure constraints (Draft EIR, p. 3.13-7). However, the proposed Lodi Station alternatives and proposed North Elk Grove Station conflict with existing land use designations and agricultural zoning (Draft EIR, p. 3.11-21). If the proposed station areas themselves conflict with existing land use designations and zoning, the protection these policies afford against development pressure around station areas represents a potential conflict with DP P1.

6-6

SJRRC should add discussion of Policy DP P1 to the regulatory settings for both Section 3.11 and Section 3.13 in the Final EIR. SJRRC should also analyze Policy DP P1 among the limitations on urban development in the vicinity of the Lodi Station and Lodi Station South Alternative within Section 3.13 in the Final EIR. As DP P1 references general plan land use designations as of the date of Delta Plan adoption (2013), SJRRC should identify any relevant discrepancies between 2013 land use designations and present-day land use designations near the Lodi station alternatives and within the Delta.

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Risk Reduction Policy 3: Protect Floodways

Delta Plan Policy **RR P3** (Cal. Code Regs., tit. 23, § 5014) prohibits the presence or construction of encroachments in floodways unless it can be demonstrated by appropriate analysis that the encroachment will not unduly impede the free flow of water in the floodway or jeopardize public safety. The Council's 2019 NOP letter recommended that the Draft EIR analyze how the project will not impede the free flow of water in the floodway or jeopardize public safety.

RR P3 is discussed in Section 3.10 and Section 3.11 (Draft EIR, pp. 3.10-9, 3.11-15). The regulatory setting in Section 3.10 lists RR P3 as an applicable regulatory policy (Draft EIR, p. 3.10-9). Within Section 3.10, impacts to the Delta Plan are analyzed in Impact HYD-6 (Phase I-related operation could impede or redirect flood flows...). The Draft EIR states that, "Phase I related improvements at the Thornton Siding Upgrade/Extension require Delta Plan compliance with floodway improvements and could potentially reduce the effectiveness of flood improvements planned as part of the CVFPP" (Draft EIR, p. 3.10-47).

Draft EIR Mitigation Measure HYD-6.1 would require SJRRC to prepare site-specific detailed hydrologic and hydraulic studies for improvements that are proposed within the 100- and 200-year floodplains. These studies would be used to design project facilities such that stormwater flows would not be impeded or redirected. (Draft EIR, p. 3.10-48). SJRRC should evaluate whether Mitigation Measure HYD-6.1 is equally or more effective than Delta Plan Mitigation Measures 5-1, 5-2, and 5-5, as required by Delta Plan policy **G P1(b)(2)** (see Delta Plan Appendix O, available at <https://www.deltacouncil.ca.gov/pdf/delta-plan/2018-appendix-o-mitigation-monitoring-and-reporting-program.pdf>). Delta Plan Mitigation Measure 5-1 requires identification of flood risks, and construction of drainage facilities and/or mitigation of hydraulic impacts to potential flood zones. Delta Plan Mitigation Measure 5-2 requires on-site stormwater storage at construction and project facility sites in order to prevent long-term increases in drainage runoff. Delta Plan Mitigation Measure 5-5 requires temporary drainage bypass facilities to maximize surface flows under flood conditions and re-route around/under/over project facilities. Subsequently, if needed, SJRRC should revise Mitigation Measure HYD-6.1 in the Final EIR to be equally or more effective than the requirements set forth in Delta Plan Mitigation Measures 5-1, 5-2, and/or 5-5.

6-7

General Policy 1: Detailed Finding to Establish Consistency with the Delta Plan

As discussed in the 2019 NOP letter, Delta Plan Policy **G P1** (23 CCR section 5002) specifies what must be addressed in a certification of consistency by a state or local public agency for a project that is a covered action:

- Delta Plan Policy **G P1(b)(2)** (Cal. Code Regs., tit. 23, § 5002(b)(2)) requires that actions not exempt from CEQA and subject to Delta Plan regulations must include all applicable feasible mitigation measures in the Delta Plan as amended April 26, 2018 or substitute mitigation measures that are equally or more effective. Mitigation measures in the Delta Plan's Mitigation and Monitoring Report Program (Delta Plan MMRP) are

6-8

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available at: <https://www.deltacouncil.ca.gov/pdf/delta-plan/2018-appendix-o-mitigation-monitoring-and-reporting-program.pdf>. Where the Draft EIR identifies significant impacts that require mitigation (including the examples identified in this letter), SJRRC should review the Delta Plan MMRP and, when feasible, apply mitigation measures identified in the Delta Plan as amended April 26, 2018 or substitute measures that are equally or more effective.

6-8
Cont

- Delta Plan Policy **G P1(b)(3)** (Cal. Code Regs., tit. 23, § 5002(b)(3)) states that actions subject to Delta Plan regulations must document use of best available science as relevant to the purpose and nature of the project. The regulatory definition of "best available science" is provided in Appendix 1A of the Delta Plan (<https://www.deltacouncil.ca.gov/pdf/delta-plan/2015-appendix-1a.pdf>). Best available science is defined in the Delta Plan as the best scientific information and data for informing management and policy decisions. Six criteria are used to define best available science: relevance, inclusiveness, objectivity, transparency and openness, timeliness, and peer review. (Cal. Code Regs., tit. 23, § 5001(f).) In a future certification of consistency, SJRRC should be prepared to document and communicate the use of best available science as relevant to the purpose and nature of the project.

6-9

Closing Comments

The Council recognizes the effort SJRRC has undertaken to establish consistency with the Delta Plan. We acknowledge the preliminary conclusions regarding consistency with the Delta Plan, as summarized in Table 3.11-3, and invite SJRRC to engage in early consultation to discuss how additional content in the Final EIR could support a future certification of consistency for the project.

6-10

More information on covered actions, early consultation, and the certification process can be found on the Council website: <https://coveredactions.deltacouncil.ca.gov>. Council staff are available to discuss issues outlined in this letter as SRJJC proceeds in the next stages of environmental review. Please contact Avery Livengood at avery.livengood@deltacouncil.ca.gov with any questions.

Sincerely,



Jeff Henderson, AICP
Deputy Executive Officer
Delta Stewardship Council

I.1.6.1 Response to Comment Letter 6

Response to Comment 6-1

The proposed project is not a covered action under the Delta Plan because project activities in the Delta will not have significant impacts on the achievement of one or both of the coequal goals or the implementation of government-sponsored flood control programs to reduce risks to people, property, and state interests in the Delta. Please see EIR Section 3.4, *Biological Resources*. The discussion of the impacts of the proposed project in relation to the Delta Plan in Section 3.4 has been revised to further clarify why the proposed project is not a covered action under the Delta Plan. In addition, similar clarifications have been made in Section 3.11, *Land Use and Planning*. These revisions do not change the findings, conclusions or recommendations of the Draft EIR.

Response to Comment 6-2

EIR Section 3.4, *Biological Resources*, includes Mitigation Measures BIO-1.1 and BIO-1.4 to comply with the requirements of Executive Order 13112, introduced in the regulatory setting of Section 3.4, and are consistent with ER P5 of the Delta Plan.

All project-related activities, including future operational track management activities, would occur within the existing UPRR ROW, and therefore are subject to rules and regulations enforced by the U.S. Department of Transportation – Federal Railroad Administration, as well as the U.S. EPA. Since freight trains sometimes travel across state lines, they could increase the spread of noxious weeds. However, the proposed project involves the operation of passenger trains that are local to the Central Valley and the Bay Area and would not be interstate. Given the UPRR's ongoing maintenance program that involves the application of herbicides to control weeds, and the fact that the passenger trains would be local rather than interstate, the proposed project would not increase the spread of noxious weeds.

Given the UPRR's ongoing maintenance program that involves the application of herbicides to control weeds within its right-of-way, and the fact that passenger trains would be local rather than interstate, the proposed project would not increase the spread of noxious weeds. Section 3.4 includes Mitigation Measure BIO-1.4 (Develop and implement a revegetation and weed control plan) requires avoidance and minimization of the spread or introduction of invasive plant species related to project construction, including reclamation of temporary disturbance areas to pre-project conditions and follow-up monitoring visits to ensure no new occurrences of invasive plant species have become established in these areas. All track maintenance activities, including the routine application of herbicides to control weeds, would continue to be performed by UPRR.

Response to Comment 6-3

Please see response to Comment 6-2.

Response to Comment 6-4

UPRR's ongoing maintenance program involves the application of herbicides to control weeds, which is equally as effective as Delta Plan Mitigation Measure 4-1 provisions for an invasive species management plan. Passenger trains would be local rather than interstate; therefore, the proposed project would not increase the spread of noxious weeds.

The proposed track improvements, including future track maintenance activities within the Cosumnes River Preserve would occur entirely within the existing UPRR ROW. Given the UPRR's ongoing maintenance program that involves the application of herbicides to control weeds within its right-of-way, and the fact that passenger trains would be local rather than interstate, the proposed project would not increase the spread of noxious weeds. EIR Section 3.4, *Biological Resources*, includes Mitigation Measure BIO-1.4 (Develop and implement a revegetation and weed control plan) requires avoidance and minimization of the spread or introduction of invasive plant species related to project construction, including reclamation of temporary disturbance areas to pre-project conditions and follow-up monitoring visits to ensure no new occurrences of invasive plant species have become established in these areas. All track maintenance activities, including the routine application of herbicides to control weeds, would continue to be performed by UPRR.

All project-related activities, including future operational track management activities, would occur within the existing UPRR ROW, and therefore are subject to rules and regulations enforced by the U.S. Department of Transportation – Federal Railroad Administration, as well as the U.S. EPA. Since freight trains sometimes travel across state lines, they could increase the spread of noxious weeds. However, the proposed project involves the operation of passenger trains that are local to the Central Valley and the Bay Area and would not be interstate. Given the UPRR's ongoing maintenance program that involves the application of herbicides to control weeds, and the fact that the passenger trains would be local rather than interstate, the proposed project would not increase the spread of noxious weeds.

Response to Comment 6-5

Please see responses to Comments 6-2, 6-3, and 6-4. No revisions to Table 3.11-3 included in EIR Section 3.11, *Land Use and Planning*, are necessary.

Response to Comment 6-6

The potential for the proposed project to induce new residential, commercial, or industrial growth is analyzed in EIR Section 3.13, *Population and Housing*, and potential conflicts with land use plans, policies or regulations are analyzed in EIR Section 3.11, *Land Use and Planning*. In addition, both sections references Appendix E, *Regional Plans and Local General Plans*, which includes a discussion of project consistency with the Delta Plan.

As discussed in Section 3.13, the City of Lodi has designated an Urban Reserve on the west and east edges of the city, which represents the furthest extent of development anticipated by the City's General Plan Land Use Diagram. These areas represent the maximum land area that may be required over the course of the General Plan planning period to comply with the City's Growth Management Allocation Ordinance.¹ This Urban Reserve is along the western edge of the city to the elongated Moore Road and along the eastern edge to Curry Avenue (City of Lodi 2010). Because the City of Lodi has anticipated population growth at full build-out of its General Plan, including the Urban Reserve, either of the two proposed stations would serve this planned growth and would not induce new or unplanned growth.

¹ Under the Growth Management Allocation Ordinance, the maximum number of housing units approved by the City reflects a 2% maximum increase in population annually.

San Joaquin County regulates the levels of building intensity and population density according to the land use designations identified in the County General Plan and the San Joaquin County Development Title (San Joaquin County 2016). The proposed Lodi Station and Lodi Station South Alternative sites and adjacent parcels are designated by the San Joaquin County General Plan as General Agriculture (A/G) and zoned by San Joaquin County as AG-40 (General Agriculture, 40-acre minimum). The A/G land use designation and AG-40 zoning district are intended to preserve agricultural lands for the continuation of commercial agricultural enterprises and generally apply to areas outside areas planned for urban development and (San Joaquin County 2016). In addition, the Lodi Station and Lodi Station South Alternative sites would be in an area where developmental potential is limited by the lack of municipal water and wastewater infrastructure. Because development of the area surrounding the station sites is limited through the county's land use designation, zoning, and infrastructure constraints, the Lodi Station and Lodi Station South Alternative would not induce land use changes that result in new or unplanned growth around the station sites and this impact would be less than significant.

While either the proposed Lodi Station or Lodi Station South Alternative could conflict with the existing land use designations of either potential station sites, this potential conflict is limited to the stations themselves. Potential growth around either station site would still be constrained by existing land use designations, zoning policies, and lack of infrastructure to support such growth. Any analysis of the potential for growth beyond that discussed in the Section 3.13 would be speculative at best.

Regarding potential land use conflicts associated with the proposed North Elk Grove Station, subsequent to the circulation of the Draft EIR, SJRRC and SJJPA have continued coordination with the City of Elk Grove on an appropriate site for a station to serve the Elk Grove community. Additional information on a more ideal location for the station has been identified. In addition, SJRRC and SJJPA received numerous comments on the Draft EIR questioning the viability of the proposed North Elk Grove Station described in Draft EIR Chapter 2, *Project Description*. As such, the proposed North Elk Grove Station (including all access and siding variants) is no longer under consideration. All text related to the proposed North Elk Grove Station has been formatted as ~~strikethrough~~ in the Final EIR. Because the North Elk Grove Station is no longer under consideration, this comment is no longer applicable to the proposed project.

Final approval of a future Elk Grove Station at a site agreed to by all interested parties will be subject to a separate, stand-alone CEQA document that will be circulated for public review and comment at a later date.

Response to Comment 6-7

Mitigation Measure HYD-6.1 requires the same studies and the same mitigation of hydraulic effects in flood zones as Delta Plan Mitigation Measure 5-1 (see EIR Section 3.10, *Hydrology and Water Quality*); therefore, Mitigation Measure HYD-6.1 is equally as effective.

The potential need for on-site stormwater storage at construction and project facility sites in order to prevent long-term increases in stormwater runoff is required by law as part of SJRRC and SJJPA's compliance with the National Pollutant Discharge and Elimination System (NPDES) Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order 2009-009-DWQ as amended by Order 2012-0006-DWQ) described in detail in Section

3.10 and in Impact HYD-1. It is also required by law through SJRRC and SJJPA's compliance with the NPDES General Permit for Municipal Separate Storm Sewer Systems (MS4 Permit) for each affected municipality described in detail in Section 3.10 and in Mitigation Measure HYD-3.1. This legally required regulatory compliance and Mitigation Measure HYD-3.1 are equally as effective as Delta Plan Mitigation Measure 5-2.

The potential need for temporary drainage bypass facilities to maximize surface flows under flood conditions and re-route around/under/over project facilities would be determined and, if necessary, would be included within, appropriate regulatory permits that are required by law as discussed in detail in Mitigation Measure HYD-6.1; therefore, HYD-6.1 is equally as effective as Delta Plan Mitigation Measure 5-2.

Response to Comment 6-8

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project. All mitigation measures described in the EIR would be equally as effective to the extent feasible as those included in the Delta Plan MMRP.

Response to Comment 6-9

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project. Prior to implementation of the proposed project, SJRRC and SJJPA will submit a certificate of consistency with the Delta Plan.

Response to Comment 6-10

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project. Prior to implementation of the proposed project, SJRRC and SJJPA will submit a certificate of consistency with the Delta Plan.

I.1.7 Letter 7. EPA

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Letter 7



San Joaquin Regional Rail Commission <ace.sacramentoextension@gmail.com>

San Joaquin Regional Rail Commission Valley Rail Sacramento Extension Project

2 messages

Dunning, Connell <Dunning.Connell@epa.gov> Wed, Apr 1, 2020 at 8:37 AM
To: "ace.sacramentoextension@gmail.com" <ace.sacramentoextension@gmail.com>

Kevin Sheridan:

Hello, Can you give me a call when you have moment? I have a few questions about the San Joaquin Regional Rail Commission Valley Rail Sacramento Extension Project out for review now. My main questions are regarding what level of coordination you have had with FRA and Army Corps of Engineers and when/if you anticipate and Environmental Assessment or other NEPA compliance document will be published.

Please give me a call when you can at the number below so we can discuss these questions, as well as a few others that will help in developing US EPA comments for the proposed project.

Thank you,

Connell

7-1

Connell Dunning
Environmental Review Branch
Tribal, Intergovernmental & Policy Division
U.S. EPA Region 9
75 Hawthorne Street (TIP-2)
San Francisco, CA 94105
dunning.connell@epa.gov
415 947 4161

Valley Rail Sacramento Extension <ace.sacramentoextension@gmail.com> Wed, Apr 1, 2020 at 11:08 AM
To: melissa.gjerde@aecom.com

<https://mail.google.com/mail/u/1?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f...> 6/9/2020

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[Quoted text hidden]

<https://mail.google.com/mail/u/1?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f...> 6/9/2020

I.1.7.1 Response to Comment Letter 7

Response to Comment 7-1

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project. The commenter was contacted in response to the request.

I.1.8 Letter 8. Freeport Regional Water Authority



Letter 8

May 11, 2019

BOARD MEMBERS

Patrick Kennedy
John Coleman
Don Nottoli
Williams Patterson

San Joaquin Regional Rail Commission
949 East Channel Street
Stockton, CA 95202

Subject: San Joaquin Regional Rail Commission Valley Rail Sacramento Extension Project Draft Environmental Impact Report (SCH #2019090306) FRWA Project Comments

ASSOCIATE BOARD MEMBER

Larry Carr

Freeport Regional Water Authority (FRWA) is a joint powers authority formed under a Joint Powers Agreement between East Bay Municipal Utilities District (EBMUD) AND Sacramento County Water Agency (SCWA). FRWA owns and maintains an 84-inch raw water transmission main and fiber optic system that will be impacted by the proposed Valley Rail Sacramento Extension Project - Elk Grove Station improvements. All costs for FRWA approved modifications or relocations of FRWA facilities shall be borne by the project owner.

GENERAL MANAGER

David A. Brigger

Below are FRWA's project comments based on the 15% design:

SECRETARY

Amanda H. Bishop

Comment No. 1

Easement Use Agreement

FRWA owns a perpetual 40-foot wide pipeline easement granted from the Sacramento Regional County Sanitation District. A portion of the Elk Grove Station parking area and segments of the access road improvements (Variants 1 & 2) fall within FRWA's pipeline easement (see attached easement – Exhibit B, Sheets 3, 4, & 5). An approved Easement Use Agreement is required prior to any construction activity within the easement area or for any temporary construction easements that may overlay FRWA's easement.

8-1

GENERAL COUNSEL

Janina M. Snyder

TREASURER

Travis George

Comment No. 2

Access Request

During the construction phase, FRWA approved easement Access Requests are required for any construction activity within the easement area or any modifications to FRWA's impacted facilities.

8-2

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Comment No. 3

Elk Grove Station Parking Area Impacts (Variants 1 & 2)

A FRWA pipeline access manway sits within the parking lot area. FRWA shall have full unimpeded access to the manway at all times during construction and operation of the rail service. Any grade adjustments in the vicinity of the manway may require manhole modification work.

8-3

A cathodic protection test station (G12 valve box) sits near to the access manway. Adjustment to grade will be required.

Other nearby FRWA pipeline facilities and appurtenances may be impacted (ARV Station and fiber optic pull box).

Comment No. 4

Elk Grove Station Parking Area Access Road Impacts (Variant 1)

A FRWA fiber optic pull box sits within the proposed access road near the proposed intersection improvements. FRWA shall have full unimpeded access to the fiber optic pull box at all times during construction and operation of the rail service. Modification to the pull box will be required to adjust to new road grade. Any significant grade drop in the vicinity of the pull box will impact the fiber optic conduit (shallow ground cover in this area) and may require relocation of the fiber optic system. This portion of the fiber optic system was recently rebuilt by the City of Sacramento Cosumnes River Boulevard Extension Project. The subject fiber optic pull box is part of a 3.8 mile continuous run of fiber optic cable. Any FRWA approved fiber optic system modification/relocation work shall be designed without adding additional splice points in the conduit system.

8-4

Comment No. 5

Elk Grove Station Parking Area Access Road Impacts (Variant 2)

A FRWA 6-inch air release valve (ARV) station sits at the southern end of the proposed intersection improvements. FRWA shall have full unimpeded access to the ARV valve vault at all times during construction and operation of the rail service. Relocation of the air vent pipes is required. Relocation of the valve vault may be required for access purposes (middle of the proposed intersection). This ARV Station was recently relocated by the City of Sacramento Cosumnes River Boulevard Extension Project and required granting of additional easement area. Additional easement area may be required for this project – Variant 2.

8-5

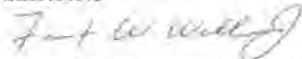
Same fiber optic comments as Variant 1 above.

San Joaquin Regional Rail Commission Valley Rail Sacramento Extension Project Draft Environmental
Impact Report (SCH #2019090306) FRWA Project Comments
Page 3 of 3

For additional information regarding above comments, please contact the following
FRWA representatives:

Forrest Williams, FRWA OMC Chair	(916) 875-4682
Carlos Smith, Associate Civil Engineer	(916) 874-8439

Sincerely,




Forrest W. Williams Jr., FRWA OMC Chair
Freeport Regional Water Authority
10151 Florin Road
Sacramento CA. 95829

Attachments:

Attachment 1 - FRWA pipeline easement
Attachment 2 – Impacts to FRWA facilities

cc: David Briggs, FRWA General Manager
Tom Pasterski, FRWA Operations Manager
Carlos Smith, Associate Civil Engineer
Hal Vandello, Associate Civil Engineer

Attachment 1

WHEN RECORDED RETURN TO:		
Freeport Regional Water Authority Office 2710 S. Gateway Oaks Dr, #320 Sacramento, CA 95833		
NO FEE DOCUMENT		Sacramento County Recorder Craig A. Kramer, Clerk/Recorder BOOK 20100308 PAGE 1074 Check Number 540 Monday, MAR 08, 2010 12:51:23 PM Ttl Pd \$0.00 Nbr-0006257254 MAL/64/1-30
Per Government Code 27373 + 6103		
APN: 119-0070-029, 119-0080-002, 005, 023, & 119-0090-014	THIS SPACE FOR RECORDER'S USE ONLY	
Project: Freeport Regional Water Authority R&T 11922; Government agency acquiring title		

GRANT OF EASEMENT

For valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, SACRAMENTO REGIONAL COUNTY SANITATION DISTRICT, a county sanitation district formed pursuant to and operating under the authority of the County Sanitation District Act, commencing at Health and Safety Code section 4700, hereinafter called the "Grantor," does hereby grant to the FREEPORT REGIONAL WATER AUTHORITY, a joint powers authority formed under a Joint Powers Agreement between Sacramento County Water Agency and East Bay Municipal Utility District, hereinafter referred to as "FRWA," its successors and assigns a perpetual easement for the purpose of laying down, constructing, reconstructing, removing, replacing, repairing, maintaining, operating and using, as FRWA may see fit, a pipe or pipelines for the transmission and distribution of water and all necessary braces, connections, fastenings and other appliances and fixtures including underground telemetry and electrical cables for use in connection therewith or appurtenant thereto, in, under, along and across that certain real property, (hereinafter Easement), described in Exhibit "A" and Exhibit "B" attached hereto and made a part hereof.

TOGETHER with the perpetual right of ingress to and egress from said Easement

THIS CONVEYANCE IS MADE, DELIVERED AND ACCEPTED SUBJECT TO THE OPERATIONS AND JOINT USE AGREEMENT BETWEEN THE FREEPORT REGIONAL WATER AUTHORITY AND THE SACRAMENTO REGIONAL COUNTY SANITATION DISTRICT, SET FORTH ON EXHIBIT "C", ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.

Upon the completion of any work done by FRWA within the Easement, FRWA shall restore Easement area to the reasonable satisfaction of the District Engineer. FRWA agrees to coordinate its construction activities in a way that minimizes interference with SRCSD's operations on SRCSD's real property outside the Easement.

TO HAVE AND TO HOLD, all and singular, the rights above described unto the FRWA and the FRWA's successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has executed this Grant of Easement this 21st day of January, 2010

Sacramento Regional County Sanitation District



Douglas Bell, Chief, Real Estate Division
 Under delegated authority by:
 Resolution No.: S12-2520
 Dated: Jan. 13, 2010

Sale Log No. C-1027

Exhibit A Page 1 of 2

In APN 119-0070-029, 119-0080-002, -005, -023, 119-0090-014

All that portion of land in Sections 17 and 18, Township 7 North, Range 5 East, Mount Diablo Base and Meridian:

- 1) described in the Final Order and Decree of Condemnation recorded January 27, 1976, in Book 760128, Page 50, Official Records of Sacramento County, or
- 2) described in the Grant Deed to the Sacramento Regional County Sanitation District, recorded December 31, 1974, in Book 741231, Page 1589, Official Records of Sacramento County, or
- 3) described as Parcel No. 1 and Parcel No. 2 in the Grant Deed to the Sacramento Regional County Sanitation District, recorded February 20, 1975, in Book 750220, page 230, Official Records of Sacramento County,

more particularly described as follows:

A 40.00 feet wide strip of land lying 20.00 feet, as measured at right angles, on each side of the following described centerline:

COMMENCING at the found 2" Brass Disc stamped "Sacramento County" marking the intersection of the New Centerline of Franklin Boulevard and the Centerline of Cosumnes River Boulevard as said intersection is shown on the "Plat of Southport Village" filed May 31, 1990 in Book 205 of Maps, Map No. 9, Sacramento County Records; thence along said centerline of Cosumnes River Boulevard, South 86°16'15" West 21.42 feet to the West line of Erhardt Acres, as shown on said Plat; thence along said West line, South 03°53'49" East 40.14 feet; thence leaving last said line, South 85°54'11" West 57.12 feet to the West line of the land described in the Easement for Public Road and Public Utilities to the City of Sacramento, recorded July 22, 1987, in Book 870722, Page 1600, Official Records of Sacramento County and the **Point of Beginning**; thence leaving last said line and continuing, South 85°54'11" West 81.82 feet; thence South 86°25'30" West 183.62 feet; thence North 89°33'57" West 107.26 feet; thence South 86°25'28" West 40.00 feet; thence South 82°24'54" West 107.26 feet; thence South 86°25'28" West 944.70 feet to the beginning of a curve concave to the south, having a radius of 3,456.68 feet and a chord bearing South 80°14'00" West 745.57 feet; thence southwesterly through a central angle of 12°22'56", 747.02 feet along said curve; thence South 74°02'32" West 334.56 feet; thence South 25°34'54" West

Exhibit A Page 2 of 2

96.55 feet; thence South 69°06'50" West 1,268.14 feet; thence North 64°44'59" West 1,112.69 feet; thence North 34°05'13" West 435.16 feet; thence North 07°01'16" West 40.00 feet to the beginning of a curve concave to the southwest, having a radius of 560.25 feet and a chord bearing North 31°20'37" West 380.37 feet; thence northwesterly through a central angle of 39°41'20", 388.09 feet along said curve; thence North 51°11'17" West 384.68 feet; thence North 68°01'25" West 40.00 feet to the beginning of a curve concave to the southwest, having a radius of 1,526.99 feet and a chord bearing North 72°31'14" West 273.04 feet; thence northwesterly through a central angle of 10°15'31", 273.40 feet along said curve to the **Point of Termination** on the North line of the land described as Parcel No. 1 in the Grant Deed to the Sacramento Regional County Sanitation District, recorded February 20, 1975, in Book 750220, Page 230, Official Records of Sacramento County from which the Northwest corner of said Parcel No. 1 marked by the found 1 1/8" Open Iron Pipe shown on the Record of Survey recorded November 21, 2005 in Book 69 of Surveys, at Page 14, Sacramento County Records, point bears North 89°40'35" East 3,094.00 feet along the North line of said Parcel No. 1 from the Northwest corner of said Parcel No. 1.


The sidelines of said strip shall be lengthened or shortened to extend from the West line of said deed recorded on July 22, 1987 to the North line of said Parcel No. 1.

Excepting therefrom all that land described in the deed to Western Pacific Railroad Co., recorded September 7, 1906, In Book 241 of Deeds, at Page 299.

Containing an area of 5.8758 acres, more or less.

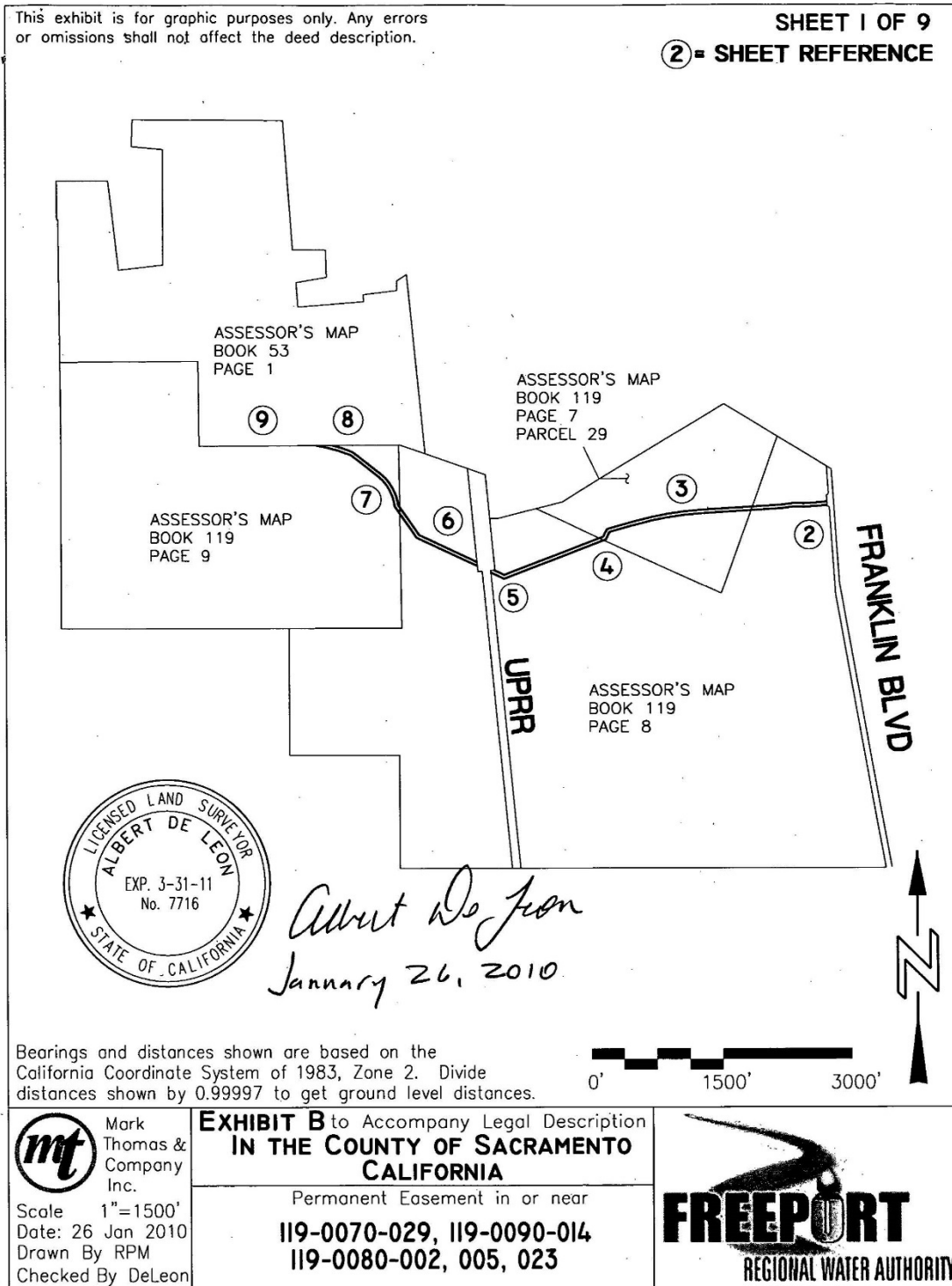
The bearings and distances used in the above description are based upon the California Coordinate System of 1983, Zone 2. Divide the above distances by 0.99997 to obtain ground level distances.

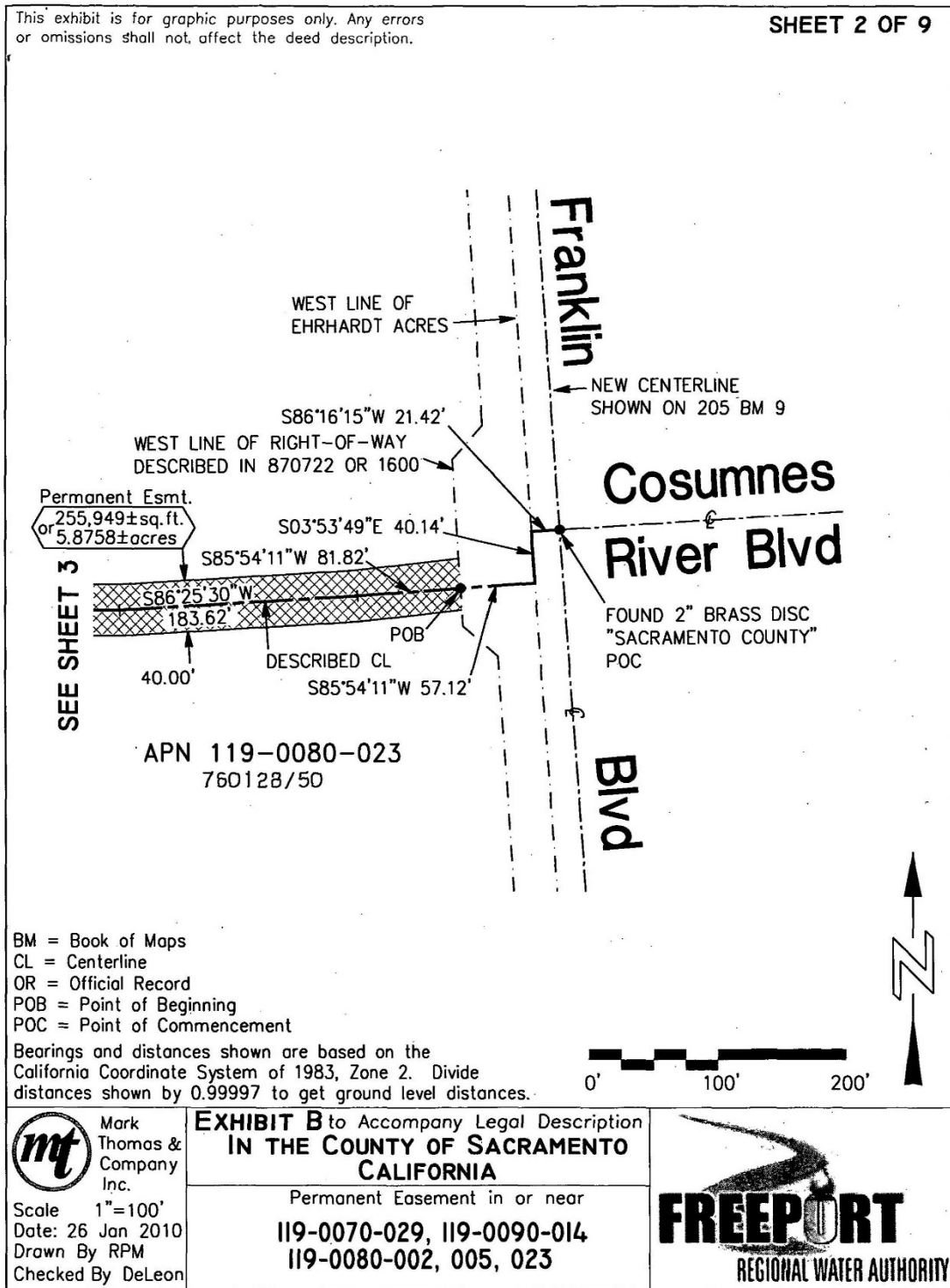
This real property description has been prepared at Mark Thomas & Company Inc., by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

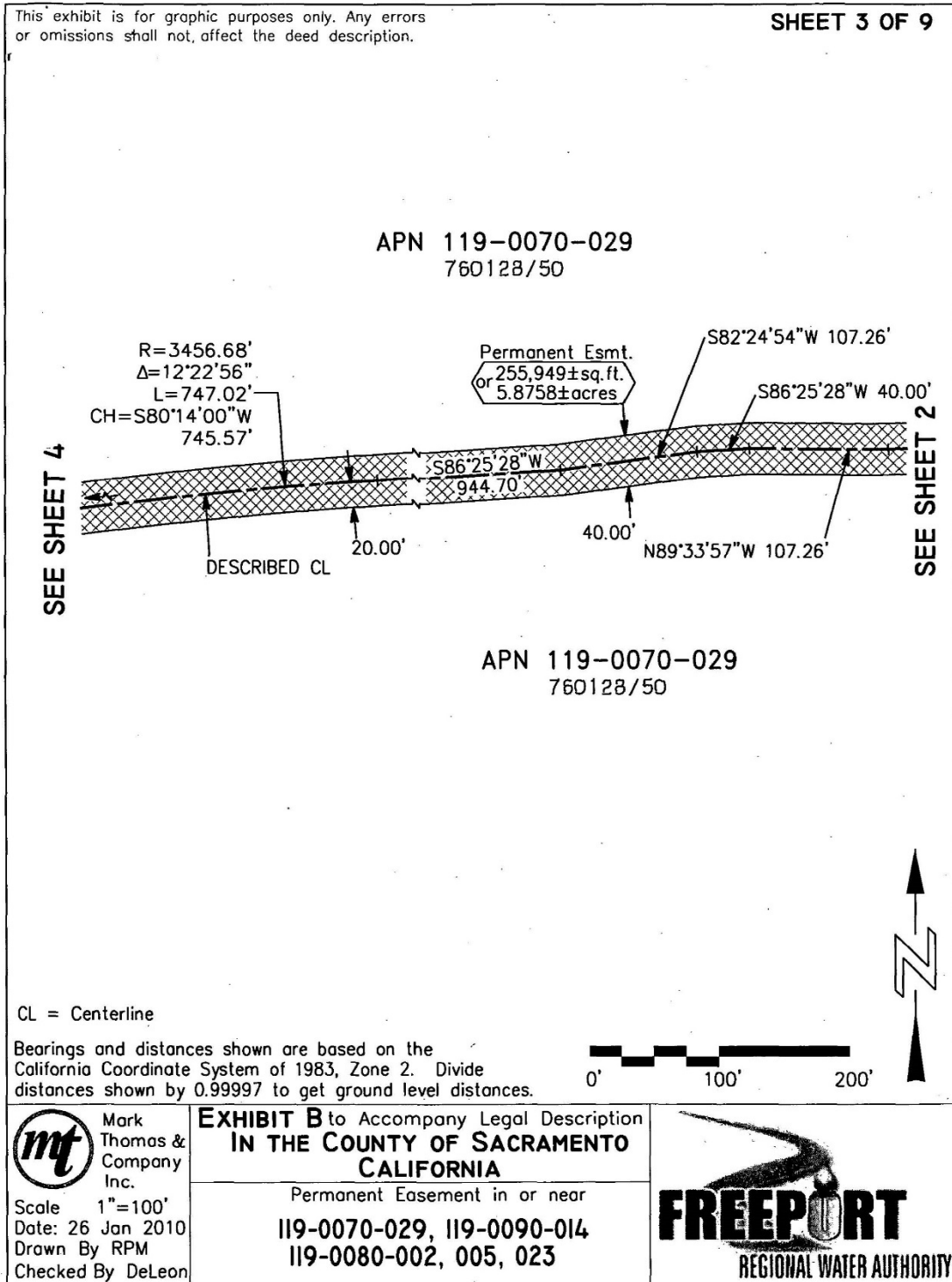

Albert De Leon CS 7716

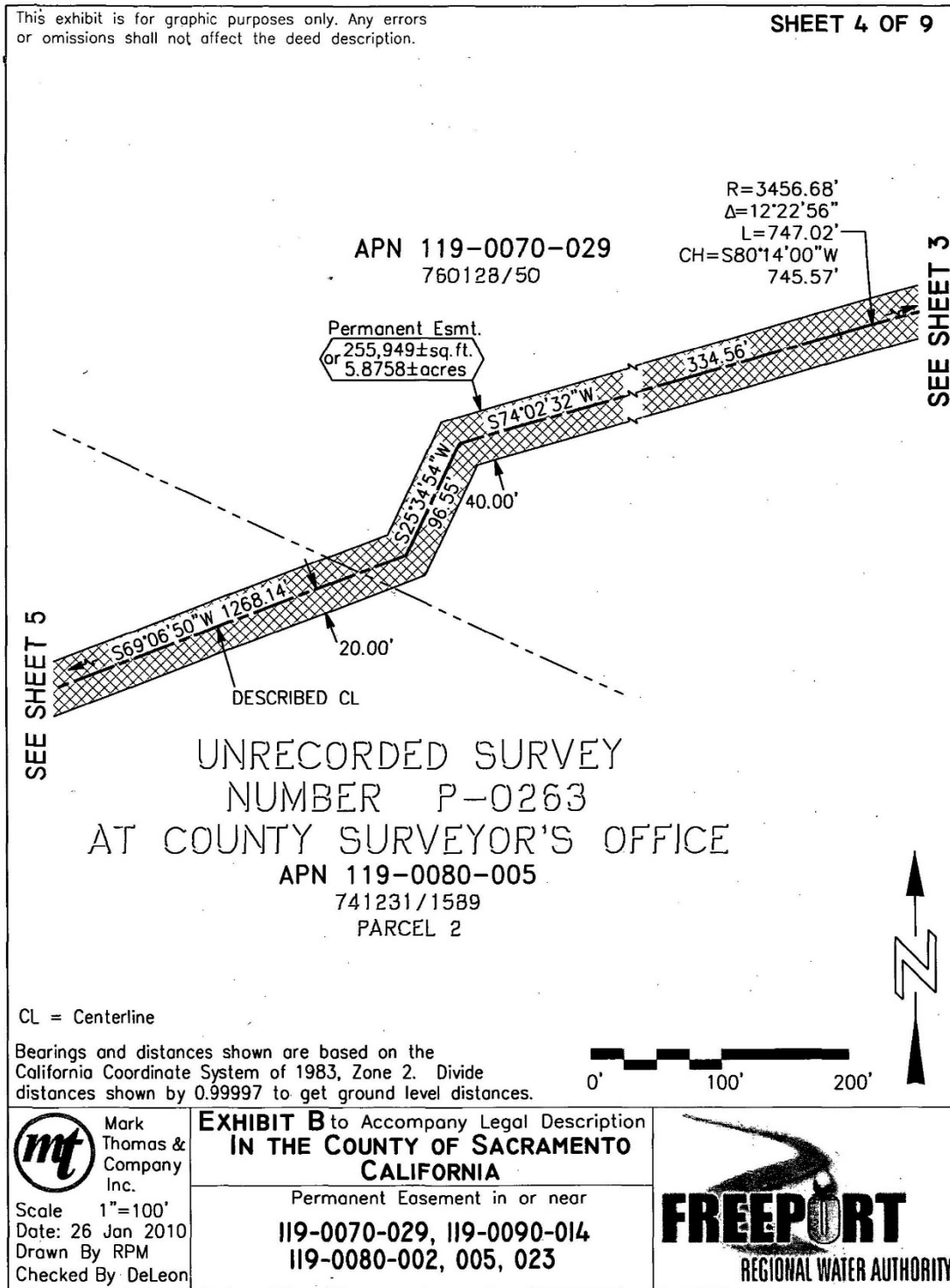


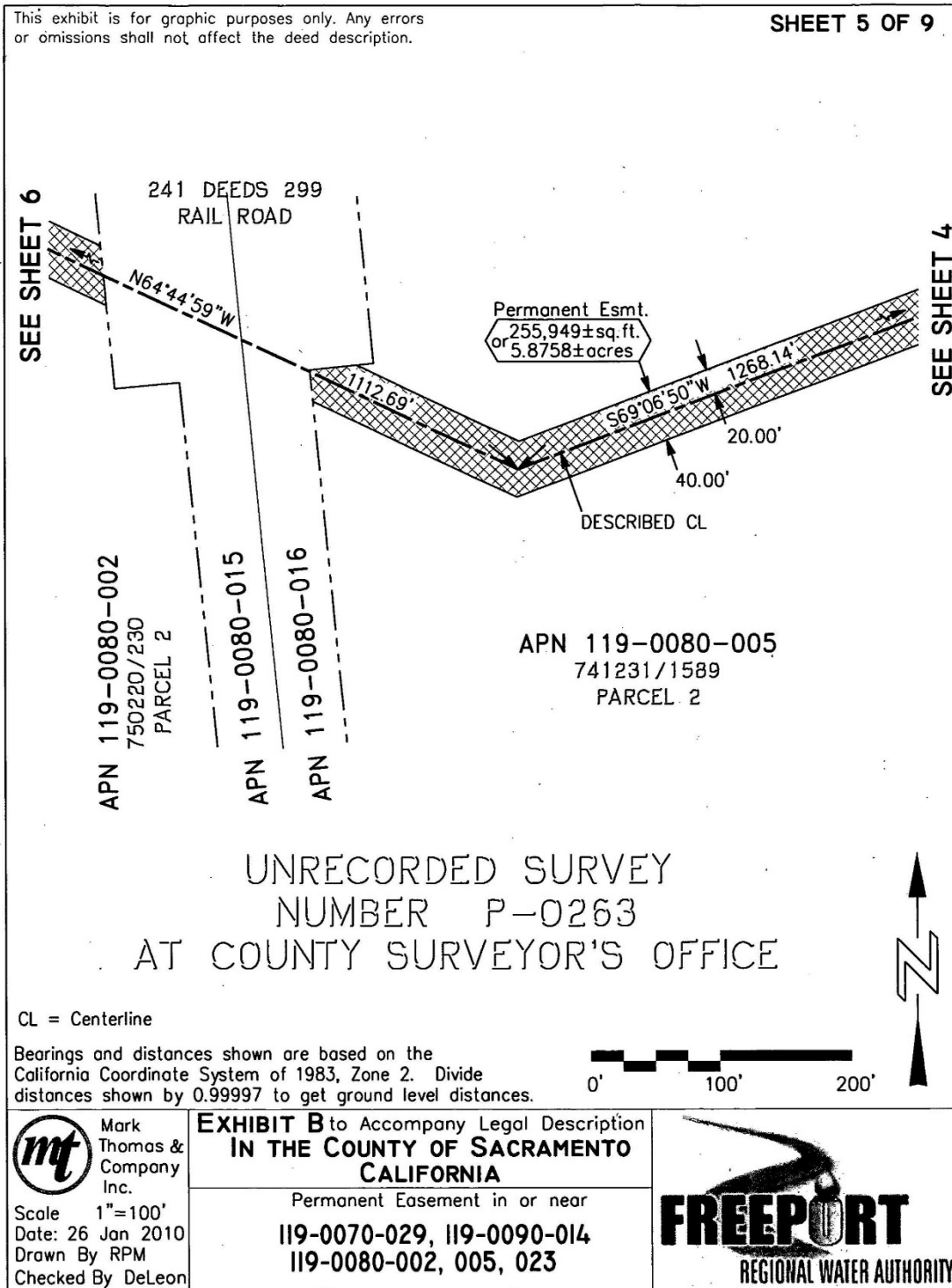
January 26, 2010

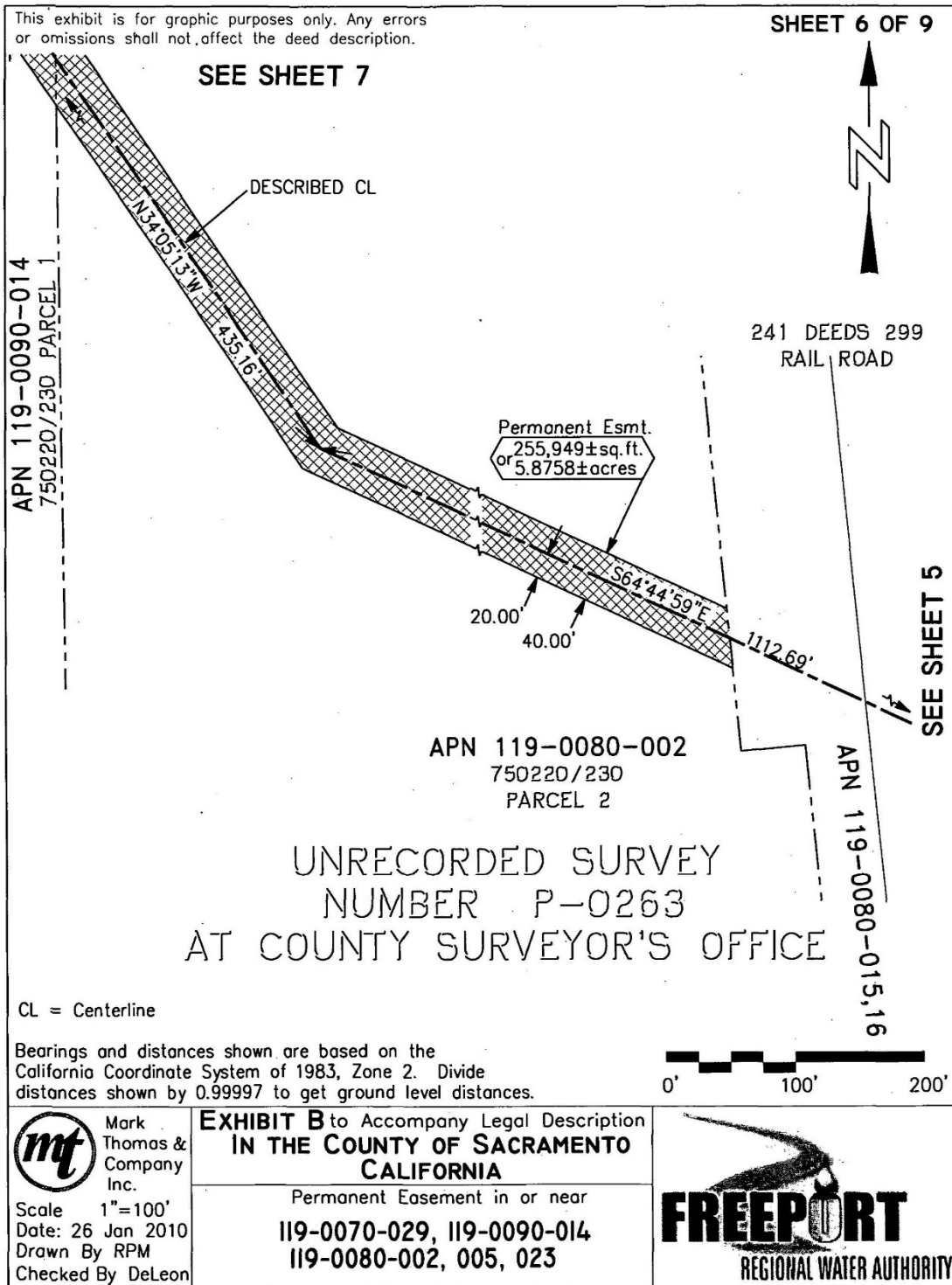


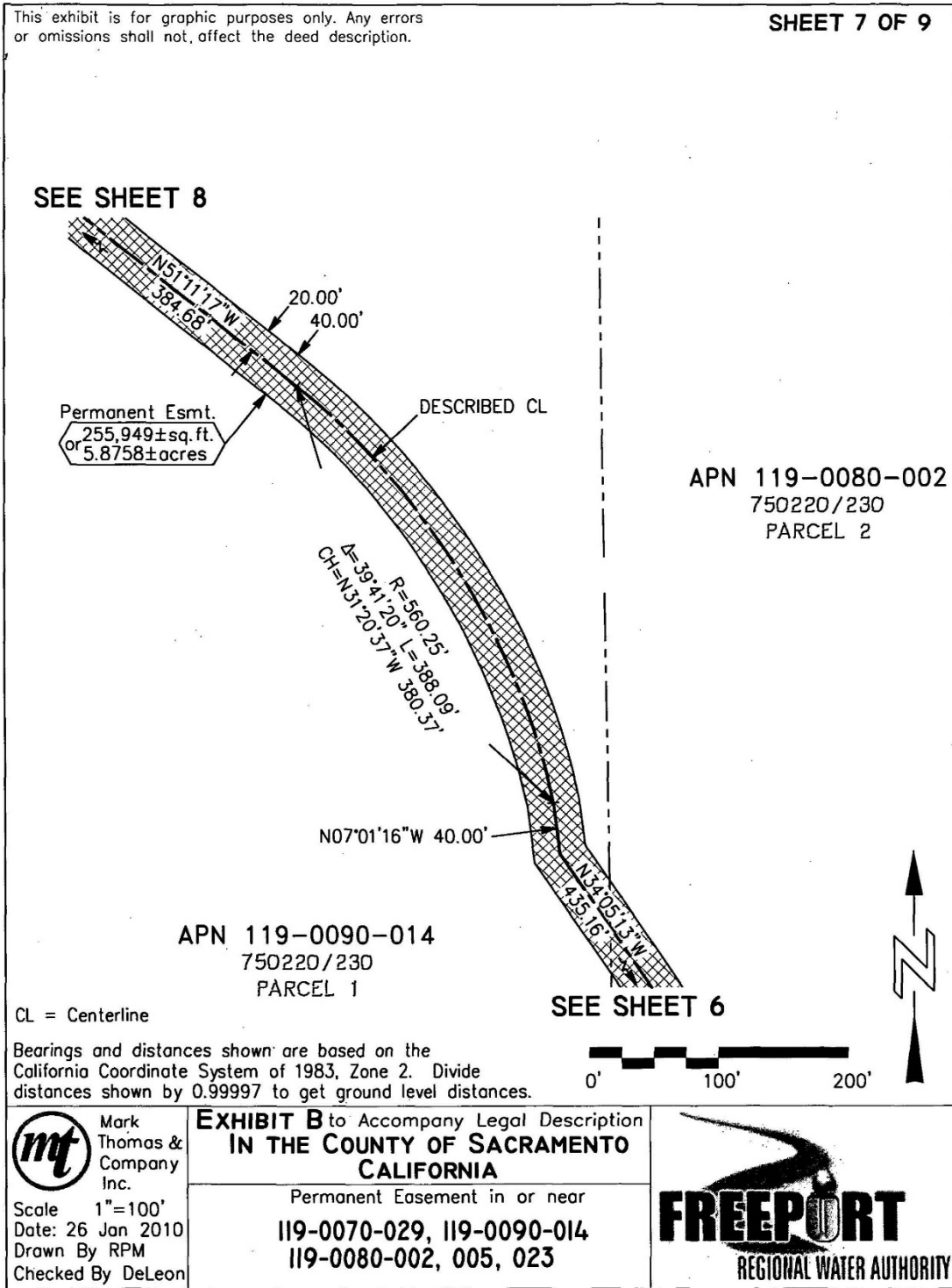


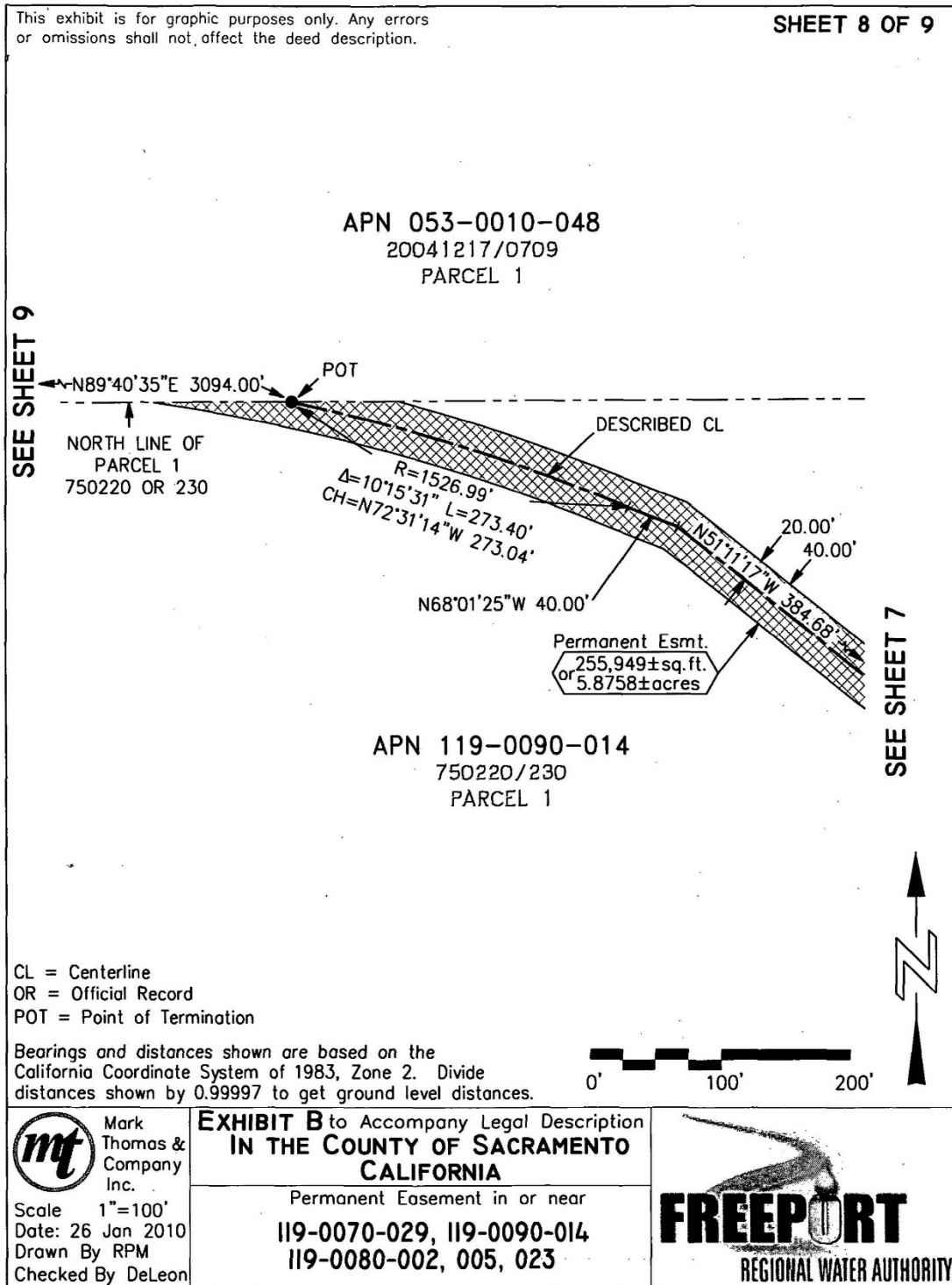












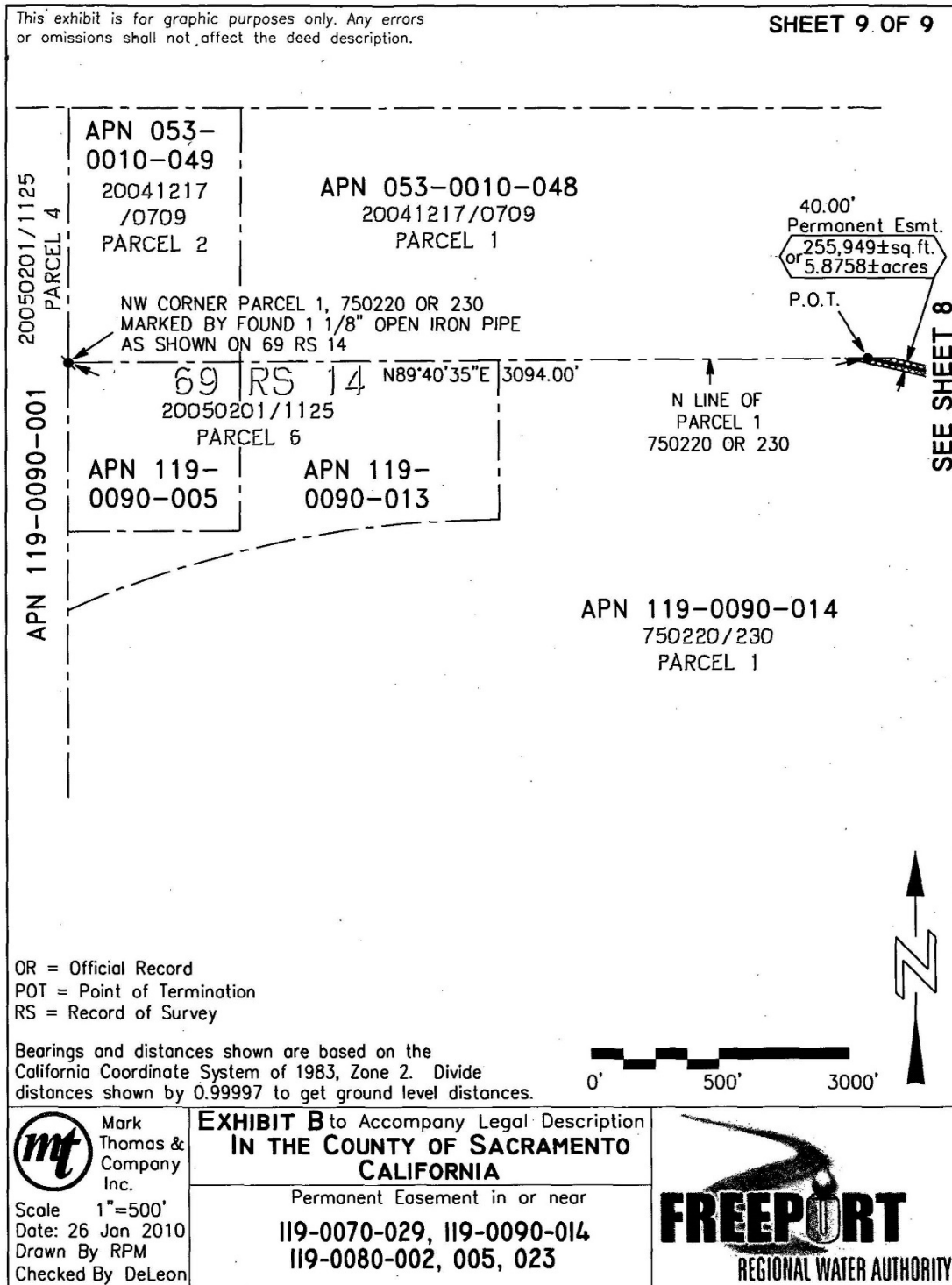


EXHIBIT "C"

**OPERATIONS AND JOINT USE AGREEMENT
BETWEEN
THE FREEPORT REGIONAL WATER AUTHORITY AND THE
SACRAMENTO REGIONAL COUNTY SANITATION DISTRICT**

This Operations and Joint Use Agreement (hereinafter "Agreement") is made and entered into this 21st day of January, 2009, by and between the SACRAMENTO REGIONAL COUNTY SANITATION DISTRICT, a county sanitation district formed pursuant to and operating under the authority of the County Sanitation District Act, commencing at Health and Safety Code section 4700, (hereinafter "SRCSD" or "District") and the FREEPORT REGIONAL WATER AUTHORITY, a joint powers agency authority formed pursuant to a joint powers agreement between the East Bay Municipal Utility District and the Sacramento County Water Agency (hereinafter "FRWA" or "Authority").

RECITALS

WHEREAS, FRWA was created to manage the design, construction and operation of the Freeport Regional Water Project (hereinafter "FRWP"); and

WHEREAS, the FRWP includes Pipeline Segment No. 1 (hereinafter "Segment 1 Pipeline") which consists of an 84-inch raw water pipeline that will extend for approximately 5.1 miles from just east of Interstate 5 at the Stonecrest over crossing to the Cosumnes River Boulevard interchange on Highway 99; and

WHEREAS, the FRWA pipeline within some portions of the Segment 1 Pipeline alignment will be located within close proximity to facilities owned and operated by SRCSD, including but not limited to environmental resources, instrumentation and communication conduits, the 96-inch City Interceptor, other sewer interceptors, water pipes, cathodic protection equipment, manhole structures, vaults, roadways, gates and fences; and

WHEREAS, in some portions of the Segment 1 Pipeline alignment, FRWA and SRCSD will share a common pipeline easement; and

WHEREAS, FRWA is purchasing a temporary construction easement, and a permanent pipeline easement from SRCSD in order to construct and operate the Segment 1 Pipeline on property owned by SRCSD; and

WHEREAS, SRCSD is concerned that the construction, operation and maintenance of the Segment 1 Pipeline has the potential for damaging, or interfering with the operation of SRCSD facilities that are located within close proximity of the Segment 1 Pipeline; and

WHEREAS, in partial consideration for SRCSD's grant of a permanent easement to FRWA on SRCSD property and within the Sacramento Regional Wastewater

Treatment Plant site, which includes the Sacramento Regional Wastewater Treatment Plant process area and surrounding secured property where public access is restricted, (hereinafter at times "Plant Site"), SRCSD has requested that FRWA enter into this Agreement for the purposes of (i) minimizing any potential conflicts between the Segment 1 Pipeline and any SRCSD facilities that are in close proximity to the Segment 1 Pipeline and (ii) protecting SRCSD facilities during FRWA's construction, operation, repair and maintenance of the Segment 1 pipeline; and

WHEREAS, FRWA is willing to enter into this Agreement as partial consideration for SRCSD's conveyance of the above-referenced easements.

NOW, THEREFORE, in consideration of the mutual promises hereinafter set forth, FRWA and SRCSD agree as follows:

**ARTICLE 1
RIGHTS AND DUTIES OF THE PARTIES WITHIN AREA "A"**

1.01. Area Defined. Area "A" is that portion of Segment 1 Pipeline located between Interstate Highway 5 to the west and the Plant Site boundary to the east; which is more particularly described in Exhibit "A", attached hereto and incorporated by this reference.

1.02. Notice of Construction, Repair or Maintenance Activities. The parties acknowledge that their respective pipeline facilities will be located in close proximity to the others'. It is in the best interest of both parties that notice be provided to the other prior to any non-emergency subsurface work being performed on or about their respective facilities. FRWA and SRCSD shall notice the other in writing a minimum of two (2) business days prior to commencement of the aforementioned work activities. For at- or above-grade work being performed, telephone notice to the other immediately prior to gaining entrance onto Area "A" access road shall suffice. In the event of an emergency, FRWA and SRCSD shall notice the other as soon as practicable.

1.03. Non-Interference with Facilities and Lessees.

(a) No non-emergency work performed by FRWA within Area "A" shall interfere with SRCSD's operations within Area "A" without the prior consent of SRCSD. In addition, all work by FRWA shall be performed so as to minimize any damage or destruction to the fences, pipelines, facilities, equipment, or other property or appurtenances of SRCSD, its lessees or licensees.

(b) No non-emergency work performed by SRCSD within Area "A" shall interfere with FRWA's operations within Area "A" without the prior consent of FRWA. In addition, all work by SRCSD shall be performed so as to minimize any damage or destruction to the fences, pipelines, facilities, equipment, or other property or appurtenances of FRWA, its lessees or licensees.

1.04. Road Maintenance Responsibilities.

(a). The parties acknowledge that within Area "A" there exist roads that pre-date this Agreement. These roads will be used by both parties for access to their respective easements and/or property. The parties agree to share the costs of maintaining the aforementioned roads, under the following terms:

- i) Construction by FRWA. During times of major construction or repair of facilities by FRWA, FRWA shall be responsible for all road repair and maintenance costs attributed to these construction and repair activities.
- ii) Construction by SRCSD. During times of major construction or repair of facilities by SRCSD, SRCSD shall be responsible for all road repair and maintenance costs attributed to these construction and repair activities.
- iii) All Other Necessary Road Repair or Maintenance. SRCSD and FRWA will share the costs associated with all necessary road repairs and maintenance not governed under 1.04a (i) or (ii). FRWA shall be responsible for twenty (20) percent of these costs; minor pothole repairs and weed abatement excepted. SRCSD shall be responsible for the remaining costs.

(b). Either party may elect to perform the necessary road repair or maintenance activities and seek reimbursement from the other pursuant to the terms of this Paragraph 1.04. The parties acknowledge that the party incurring the costs associated with the repair and maintenance of these roads shall be reimbursed promptly by the other party. To that end, FRWA and SRCSD shall pay the other party within 90 days of being presented with a detailed invoice, or other reasonable documentation, for costs incurred by the other for their respective road repair and maintenance activities.

(c). Should a dispute arise as to these Paragraph 1.04 costs incurred by the other party, the parties agree to submit to binding final offer arbitration. The cost of the binding final offer arbitration process shall be shared equally between the parties.

ARTICLE 2 RIGHTS AND DUTIES OF THE PARTIES IN AREA "B"

2.01. Area Defined. Area "B" is that portion of Segment 1 Pipeline which is more particularly described in Exhibit "B" attached hereto and incorporated by this reference. Notwithstanding the foregoing definition of Area "B", that portion of Area "B" that is within the right-of-way of any future extension of Cosumnes River Boulevard, will be outside the secured Plant Site boundaries and shall become part of Area "A" upon the acceptance of any such extension into the City of Sacramento road system. That portion of Area "B" which will continue to be within the secured Plant Site boundaries shall remain Area "B".

2.02. Notice of Construction, Repair or Maintenance Activities. The parties acknowledge that their respective pipeline facilities will be located in close proximity to the others'. It is in the best interest of both parties that notice be provided to

the other prior to any non-emergency work being performed on or about their respective facilities.

(a). For Area "B" Segment 1 Pipeline Facilities Located Within Plant Site Boundaries. FRWA shall notice SRCSD in writing a minimum of fourteen (14) business days prior to commencement of the aforementioned work activities. Access by FRWA shall conform to the notification requirements of the Plant Site ingress and egress procedures noted in Paragraph 2.05 and as described in more particular detail in Exhibit "D" attached hereto and incorporated by this reference. In the event of an emergency, FRWA and SRCSD shall notice the other as soon as practicable.

(b). For Area "B" Segment 1 Pipeline Facilities Located Outside the Plant Site Boundaries. FRWA and SRCSD shall notice the other in writing two (2) business days prior to commencement of any non-emergency subsurface work activities. In the event of an emergency, FRWA and SRCSD shall notice the other as soon as practicable.

2.03. Non-Interference with Facilities and Lessees.

(a) No non-emergency work performed by FRWA within Area "B" shall interfere with SRCSD's operations within Area "B" without the prior consent of SRCSD. In addition, all work by FRWA shall be performed so as to minimize any damage or destruction to the fences, pipelines, facilities, equipment, or other property or appurtenances of SRCSD, its lessees or licensees.

(b) No non-emergency work performed by SRCSD within Area "B" shall interfere with FRWA's operations within Area "B" without the prior consent of FRWA. In addition, all work by SRCSD shall be performed so as to minimize any damage or destruction to the fences, pipelines, facilities, equipment, or other property or appurtenances of FRWA, its lessees or licensees.

2.04. Road Maintenance Responsibilities.

(a). The parties acknowledge that within Area "B" there exist roads that pre-date this Agreement. These roads will be used by both parties for access to their respective easements and/or property. The parties agree to share the costs of maintaining the aforementioned roads, under the following terms:

i) Construction by FRWA. During times of major construction or repair of facilities by FRWA, FRWA shall be responsible for all road repair and maintenance costs attributed to these construction and repair activities.

ii) Construction by SRCSD. During times of major construction or repair of facilities by SRCSD, SRCSD shall be responsible for all road repair and maintenance costs attributed to these construction and repair activities.

iii) All Other Necessary Road Repair or Maintenance. SRCSD and FRWA will share the costs associated with all necessary road repairs and maintenance not governed under 2.04a (i) or (ii). FRWA shall be responsible for

twenty (20) percent of these costs; minor pothole repairs and weed abatement excepted. SRCSD shall be responsible for the remaining costs.

(b). Either party may elect to perform the necessary road repair or maintenance activities and seek reimbursement from the other pursuant to the terms of this Paragraph 2.04. ~~The parties acknowledge that the party incurring the costs associated with the~~ repair and maintenance of these roads shall be reimbursed promptly by the other party. To that end, FRWA and SRCSD shall pay the other party within 90 days of being presented with an invoice, or other reasonable documentation, for costs incurred by the other for their respective road repair and maintenance activities.

(c). Should a dispute arise as to these Paragraph 2.04 costs incurred by the other party, the parties agree to submit to binding final offer arbitration. The cost of the binding final offer arbitration process shall be shared equally between the parties.

2.05. Compliance with Plant Site Ingress and Egress Procedures.

(a). The parties acknowledge that the Plant Site is a gated and secured facility. All persons entering into and leaving from the Plant Site must adhere to the Plant Site's ingress and egress procedures. For that portion of Area "B" located within the secured, fenced perimeter of the Plant Site, FRWA acknowledges that it must comply with said ingress/egress procedures for all work performed by FRWA within Area "B".

(b). FRWA shall comply with the Plant Site ingress and egress procedures, which are described in Exhibit "D", for all Area "B" Segment 1 Pipeline work to be performed within the secured, fenced perimeter of the Plant Site.

ARTICLE 3 RIGHTS AND DUTIES OF THE PARTIES IN AREA "C"

3.01. Area Defined. Area "C" is that portion of Pipeline Segment No. 1 located between the Plant Site boundary to the west and State Highway 99 to the east; which is more particularly described in Exhibit "C" attached hereto and incorporated by this reference.

3.02. Notice of Construction, Repair or Maintenance Activities. The parties acknowledge that their respective pipeline facilities will be located in close proximity to the others'. It is in the best interest of both parties that notice be provided to the other prior to any non-emergency subsurface work being performed on or about their respective facilities. FRWA and SRCSD shall notice the other in writing two (2) business days prior to commencement of the aforementioned work activities. In the event of an emergency, FRWA and SRCSD shall notice the other as soon as practicable.

3.03. Non-Interference with Facilities and Lessees.

(a) No non-emergency work performed by FRWA within Area "C" shall interfere with SRCSD's operations within Area "C" without the prior consent of SRCSD. In addition, all work by FRWA shall be performed so as to minimize any damage or destruction to the fences, pipelines, facilities, equipment, or other property or appurtenances of SRCSD, its lessees or licensees.

(b) No non-emergency work performed by SRCSD within Area "C" shall interfere with FRWA's operations within Area "C" without the prior consent of FRWA. In addition, all work by SRCSD shall be performed so as to minimize any damage or destruction to the fences, pipelines, facilities, equipment, or other property or appurtenances of FRWA, its lessees or licensees.

3.04 Assumption of SRCSD's Additional Costs by FRWA.

(a) In the event either FRWA or SRCSD performs any work within Area "C" on their respective pipelines, FRWA shall be responsible for the actual additional cost incurred by SRCSD due to the lack of a 40-foot separation between the parties' respective pipelines. FRWA shall remit payment to SRCSD within 90 calendar days of FRWA's receipt of a detailed invoice from SRCSD.

(b) Should a dispute arise as to the value of the actual costs incurred by SRCSD due to the lack of a 40 foot separation between the parties' respective pipelines, the parties agree to submit to binding final offer arbitration. The cost of the binding final offer arbitration process shall be shared equally between the parties.

**ARTICLE 4
TERM**

4.01. Commencement Date. The duties and obligations of this Agreement shall commence upon the date of mutual execution by the parties.

4.02. Termination Date. The duties and obligations of the Agreement shall terminate upon the happening of either event:

(i) All of FRWA and SRCSD's facilities located in Areas "A", "B" and "C" have ceased to operate and are declared abandoned; or

(ii) By mutual written agreement of the parties.

**ARTICLE 5
INDEMNIFICATION**

5.01. Indemnification by SRCSD. SRCSD shall defend, indemnify and hold harmless FRWA, its Board of Directors, officers, directors, agents, employees and volunteers from and against all demands, claims, actions, liabilities, losses, damages, and

costs, including reasonable attorneys' fees, arising out of or resulting from the performance of the Agreement, caused in whole or in part by the negligent or intentional acts or omissions of SRCSD's Board of Directors, officers, directors, agents, employees, contractors, subcontractors or volunteers.

5.02. Indemnification by FRWA. FRWA shall defend, indemnify, and hold harmless SRCSD, its Board of Directors, officers, directors, agents, employees, and volunteers from and against all demands, claims, actions, liabilities, losses, damages and costs, including reasonable attorneys' fees, arising out of or resulting from the performance of the Agreement, caused in whole or in part by the negligent or intentional acts or omissions of FRWA's Board of Directors, officers, directors, agents, employees, contractors, subcontractors or volunteers.

5.03. Comparative Fault. It is the intention of SRCSD and FRWA that the provisions of this Article 5 be interpreted to impose on each party responsibility to the other for the acts and omissions of their respective officers, directors, agents, employees, volunteers, Board of Directors, contractors, and subcontractors. It is also the intention of SRCSD and FRWA that, where fault is determined to have been contributory, principles of comparative fault will be followed and each party shall bear the proportionate cost of any damage attributable to the fault of that party, its officers, directors, agents, employees, volunteers, Board of Directors, contractors, and subcontractors.

ARTICLE 6 GENERAL

6.01. Notice. Any notice required to be given hereunder, or which either party may wish to give, shall be given to the other party using the contact information provided below; or to such other place as either party may designate in writing. Written notice required by this Agreement may be satisfied by facsimile, electronic mail, personal delivery, or first class mail to the other parties' named agent or designee. Telephone notice shall be to the other parties' named agent or designee.

SRCSD

Sacramento Regional County Sanitation District
Operations and Maintenance Support - Capital Improvement Program
Attn: Senior Civil Engineer
8521 Laguna Station Road
Elk Grove, CA 95758-9550
(916) 875-9000 (business hours 7 am - 4:30 pm)
(916) 875-9400 (after hours Plant Control Center)

with a copy to:
County of Sacramento
Real Estate Division
Attn: Asset Management Section

10545 Armstrong Avenue, Suite 202D
Mather, California 95655
(916) 876-6200

FRWA

Freeport Regional Water Authority

Attn: Eric Mische
9240 Laguna Springs Drive, Suite 100
Elk Grove, CA 95758
(916) 226-8300

6.02. Amendments. Modifications or amendments to the terms of this Agreement shall be in writing and executed by both parties.

6.03. Successors and Assigns. This Agreement shall bind the successors and assigns of SRCSD and FRWA in the same manner as if they were expressly named. Waiver by either party of any default, breach or condition precedent shall not be construed as a waiver of any other default, breach or condition precedent or any other right hereunder.

6.04. Interpretation and Enforcement. Interpretation and enforcement of this Agreement shall be governed by the laws of the State of California.

6.05. Complete Agreement. This Agreement represents the entire understanding of FRWA and SRCSD as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters covered hereunder. This Agreement may only be modified by amendment in writing signed by each party.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first written above.

SACRAMENTO REGIONAL
COUNTY SANITATION DISTRICT

By Mary K. Snyder
Mary K. Snyder, District Engineer

Approved As To Form:

Stephanie G. Percival
Stephanie G. Percival
Deputy County Counsel
Counsel for SRCSD

Under delegated authority by:
Resolution No.: SR-2520
Dated: January 13, 2010

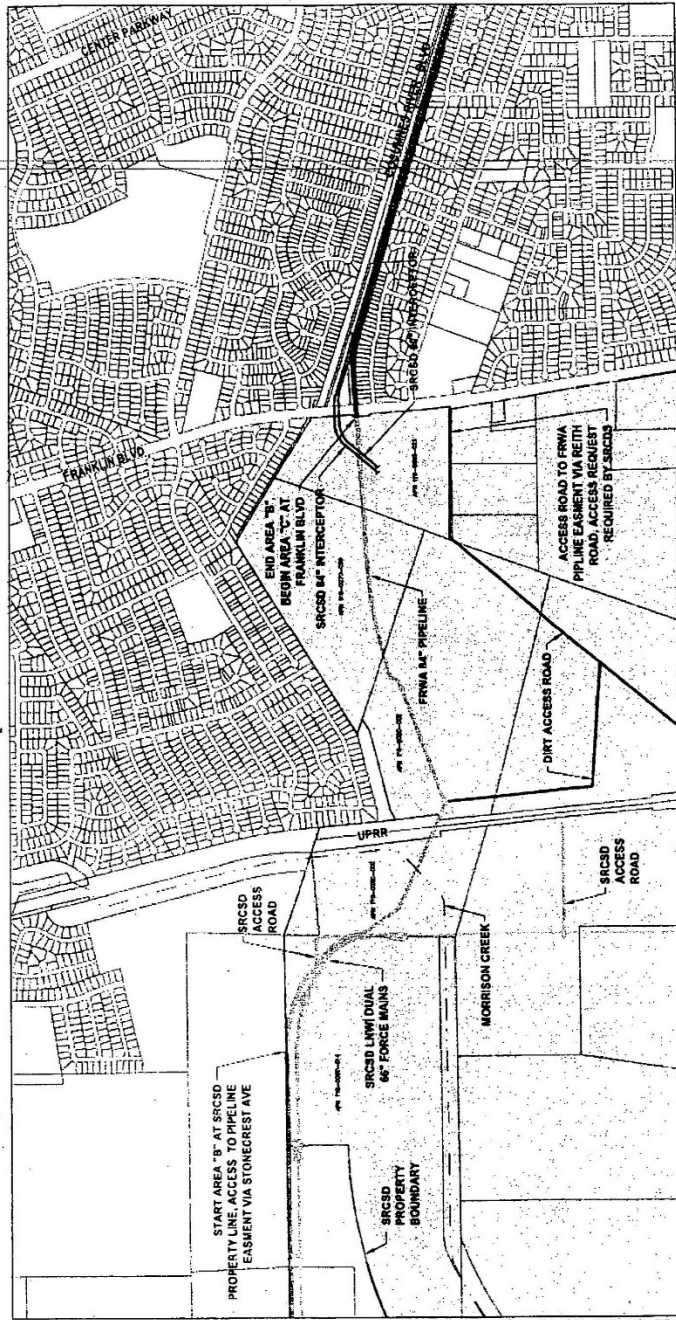
FREEPORT REGIONAL WATER
AUTHORITY

By Eric Mische
Eric Mische, General Manager

Approved As To Form:

John F. Whisenhunt
John Whisenhunt, FRWA Counsel

EXHIBIT "B"
Description of Areas "B"



Kennedy/Janis Consultants
 FREDERICK REGIONAL WATER AUTHORITY
 FREEMONT PIPELINE FACILITIES PROJECT
 SEGMENT NO. 1
 GROUNDWATER STUDY
 JULY 2006
 AREA "B" SRCSO PROPERTY
 EXHIBIT 2

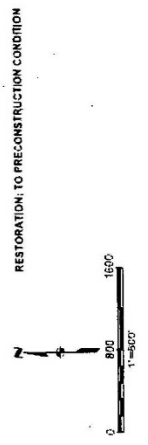
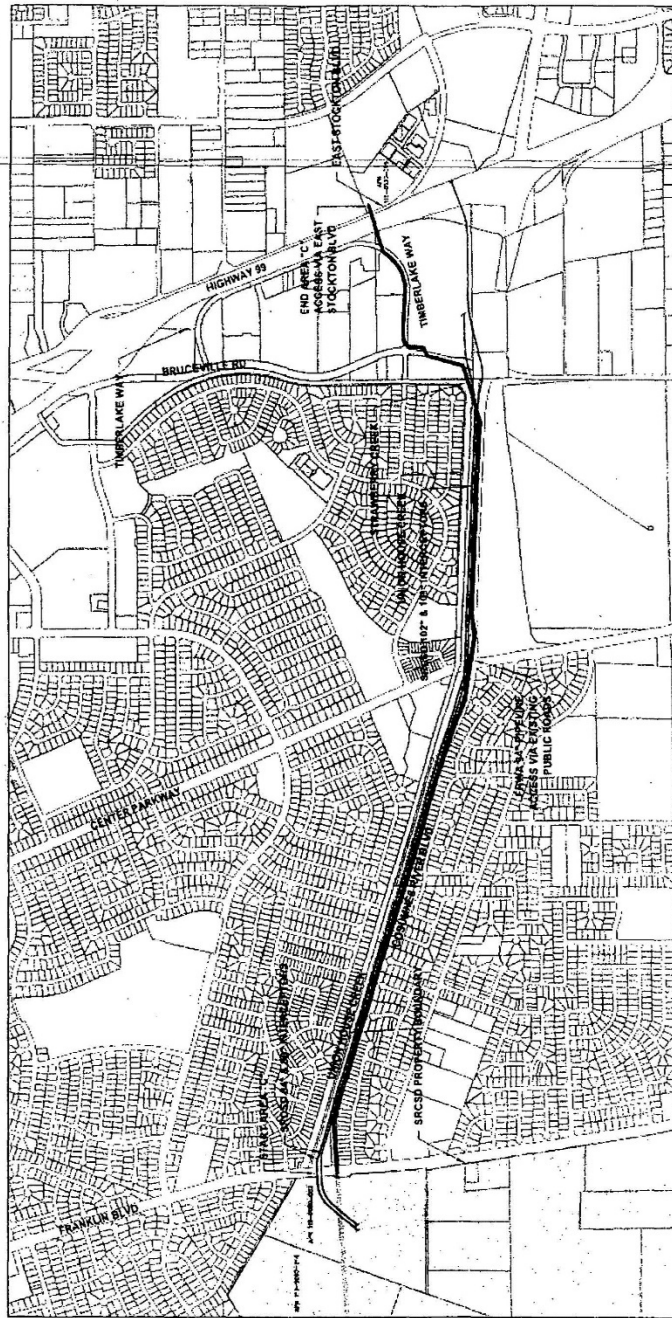


EXHIBIT "C"
Description of Areas "C"



Kennedy/Jones Consultants
 PREPARED FOR REGIONAL WATER AUTHORITY
 FREEPORT REEFINE FACILITIES PROJECT
 SECTION NO. 1
 DRAWING NO. 100-000000-000
 DATE: JULY 2008
 EXHIBIT 3

RESTORATION TO PRECONSTRUCTION CONDITION

0 500 1000
 1"=500'

AREA "C" FRANKLIN BLVD TO HWY 99

EXHIBIT "D"
Ingress/Egress Procedures

- FRWA shall adhere to Section 01140 "Coordination with Existing SRCSD Operations" of the Project Plans and Specifications, Contract No. FPL 621, more particularly shown in Exhibit "E" attached hereto and incorporated herein by reference.
- For routine scheduled maintenance and non-emergency work: FRWA shall provide SRCSD a minimum of fourteen (14) days notice prior to entering the secured, fenced area of the Plant Site. Notice for routine scheduled maintenance activities by FRWA may be given on an annual basis to SRCSD. Notice for all activities, including annual notice for scheduled maintenance activities, shall be in an Access Request form from the SRCSD's Operations and Maintenance Support Group.
- In the event of an emergency, FRWA shall notice SRCSD as soon as practicable.
- Prior to beginning any activity within the Plant Site, FRWA and SRCSD shall identify mutually acceptable points of entry onto Plant Site. FRWA shall keep the gates locked during and after accessing or exiting the Plant Site.
- FRWA shall provide fencing, temporary gates, and signage sufficient to prevent any project related increased opportunity for trespass onto the Plant Site or as needed to minimize impacts to SRCSD's lessees.
- FRWA shall at all times conduct its use of the Plant Site in such a manner that it shall not constitute a public or private nuisance.
- FRWA shall restore the construction site to preconstruction conditions or better.
- No trash or other evidence of field visits will be left on the property.
- All field staff will carry identification.
- No pets or firearms will be permitted.
- All machinery and vehicles will be equipped with spark arrestors.
- All vehicles will be required to carry fire extinguishers and shovels.
- All vehicles will stay on roads; no off-road vehicles will be permitted.
- Vehicle speeds will be kept to five (5) miles per hour on unpaved roads in agricultural properties to minimize dust.
- Smoking is permitted only in enclosed vehicles.

4. Dewatering of any excavation, structure, tank, vessel, excavation or piping system
 5. AR specific to FRWA Segment 1: An AR will be required for each 1,000 lineal feet of FRWA alignment across SRCSD property in order to evaluate impacts to SRCSD facilities. The primary intent is to protect the existing Sacramento Force Main access roadway and facilities.
- B. A fully completed AR form shall be submitted 14 days prior to the date proposed for commencement of work. An AR meeting may be required prior to the approval of the work or upon the District's request.
 - C. An AR describes the activity, indicates the system or equipment that will be affected, lists the labor and equipment to be utilized, indicates the date, time and duration, and describes safety precautions to be observed. Drawing and section numbers shall be indicated where appropriate. A Shutdown Plan shall be included with the AR when the work affects an existing system or process.
 - D. The Contractor shall plan and schedule ARs as early as possible. An AR will be reviewed and returned within 14 days after submission of all necessary information. Sufficient information and detail shall be included with an AR to permit District to evaluate the proposed operation and the associated risks. Insufficient information on an AR may delay approval within 14 days.
 - E. Contractor shall not be allowed to proceed with any work, or any portion of the work, described in an AR without complying with all the conditions, in their entirety, of the Access request approval. All conditions of approval, including additional safety precautions added by District safety office, shall be complied with and effectively communicated to Contractor's personnel and subcontractors. If the Contractor does not agree with the additional safety requirements, work shall not start until resolution is attained. Changes in the proposed activities or field conditions of an AR will require the submission of a new or revised AR.

1.04 SHUTDOWN PLAN

- A. A Shutdown Plan shall be included with an AR whenever an existing operating system or facility such as a pipeline, basin, tank, channel, power supply, control circuit, instrumentation, equipment, pump, meter, or structure is affected. A work plan and schedule shall be included. The plan shall indicate each activity with sufficient detail to determine its feasibility. Shutdowns shall be planned and coordinated to minimize the number and duration of activities that affect existing operations.
- B. District will limit the duration of shutdowns of important or critical systems. Stated durations are the total time period between when the system is made available to Contractor and when it is ready for return to service. If Contractor cannot complete the work within the allowed time, Contractor shall immediately request an extension from District. If District does not approve the requested extension, Contractor shall complete the work or return the system to operable condition. District will complete the work if Contractor does not return the system to operable condition as directed.

Coordination with
Existing SRCSD Operations

01140 - 2

0570003*03, Segment 1
FPL621

p:\2004\31002_responses\3\pplaw\lucm\11315444\0406\10.3.3.3\pplaw\segment_10.3.3.3\34\06\documents\submit\atloc\c\ag\03-04-12\072\1140.doc

Contractor is responsible for extra costs or damages incurred by Contractor or District to meet these requirements.

C. Requirements:

1. Designate the equipment or system that will be affected or removed from service. Describe the work to be undertaken. Identify the portion of the system that will be isolated, dewatered, decommissioned, de-energized, depressurized, or drained.
2. List the labor, equipment, materials, tools, utilities and incidental items to be used.
3. Indicate measures to prevent discharge of wastewater, stormwater pollution, odor or disruption of treatment processes.
4. Indicate dewatering method and means for disposal of leakage water.
5. Provide details for bulkheads, cofferdams and isolation devices.
6. Describe safety precautions and equipment.
7. Describe recovery plan if the shutdown cannot be completed as planned.
8. List activities to be done by District.
9. Indicate the time estimated to complete the shutdown.

END OF SECTION

0570003*03, Segment 1
FPL621

01140 - 3

Coordination with
Existing SRCSD Operations

:\0050510003_Proposed 5.3.ppt\encl\table15.3.3 deliv\deliv\015.3.3.ppt\encl\segment 10 11 12 14 del documents\submit\app\deliv\015.3.3-0701140.doc

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Sacramento

On January 21, 2010 before me, Ellen Desvarro, Notary

personally appeared Douglas Bell

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

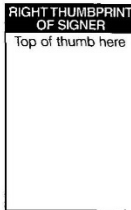
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

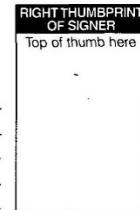
Signer Is Representing: _____



Signer's Name: _____


- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____



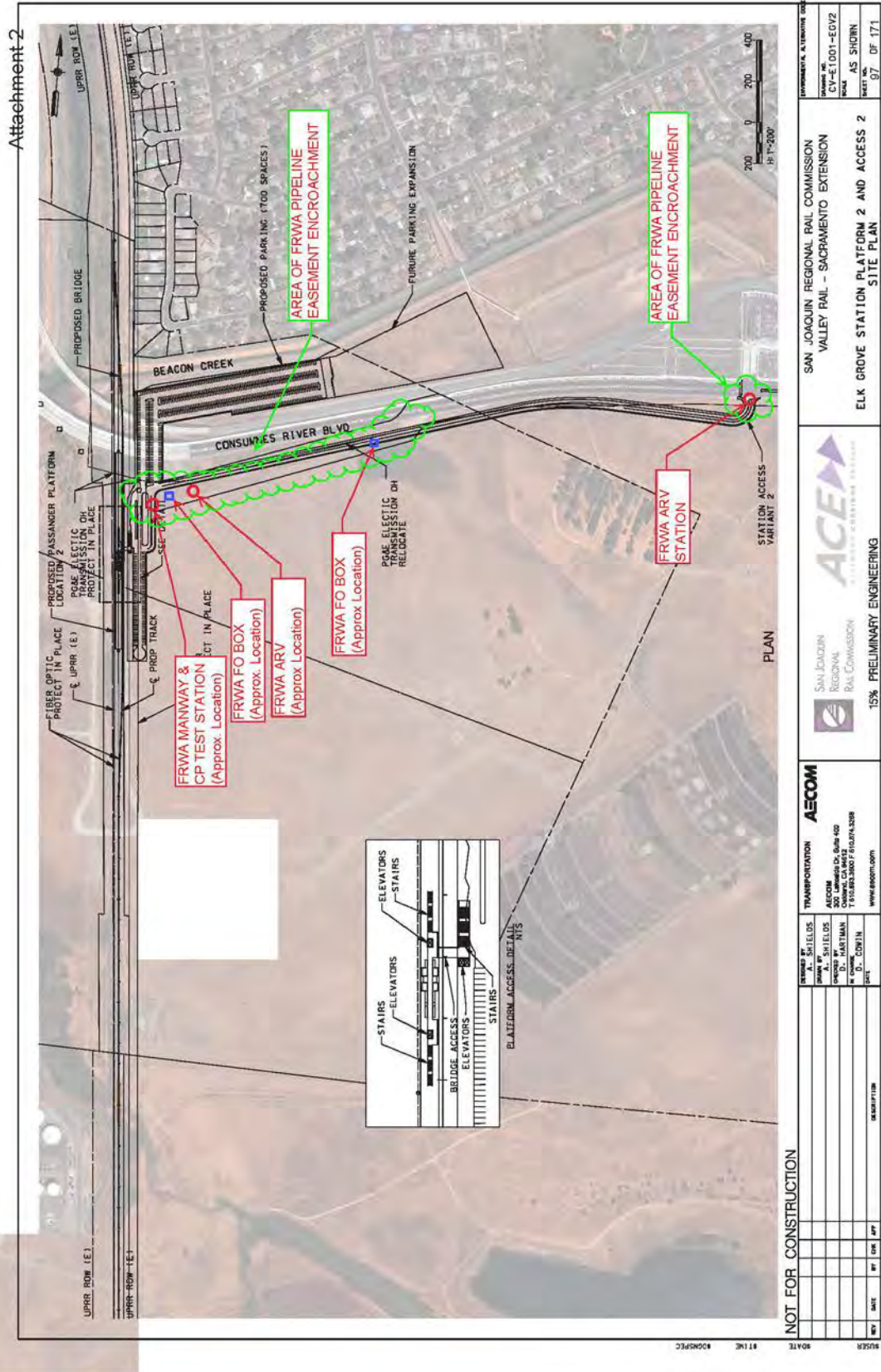
CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the within grant, the provisions of which are incorporated by this reference as though fully set forth in the Certification, to the Freeport Regional Water Authority, a joint powers authority formed under a Joint Powers Agreement between the Sacramento County Water Agency and the East Bay Municipal Utility District, is hereby accepted by the undersigned officer pursuant to authority conferred by FRWA Board of Directors Resolution No. FRWA-0064 adopted on April 13, 2006, and FRWA consents to recordation thereof by its duly authorized office.



Eric Mische
Director, Freeport Regional Water Authority

February 2, 2010
Date



I.1.8.1 Response to Comment Letter 8

Response to Comment 8-1

Subsequent to the circulation of the Draft EIR, SJRRC and SJJPA have continued coordination with the City of Elk Grove on an appropriate site for a station to serve the Elk Grove community. Additional information on a more ideal location for the station has been identified. In addition, SJRRC and SJJPA received numerous comments on the Draft EIR questioning the viability of the proposed North Elk Grove Station described in Draft EIR Chapter 2, *Project Description*. As such, the proposed North Elk Grove Station (including all access and siding variants) is no longer under consideration. All text related to the proposed North Elk Grove Station has been formatted as ~~striketrough~~ in the Final EIR. Because the North Elk Grove Station is no longer under consideration, this comment is no longer applicable to the proposed project.

Final approval of a future Elk Grove Station at a site agreed to by all interested parties will be subject to a separate, stand-alone CEQA document that will be circulated for public review and comment at a later date.

Response to Comment 8-2

Please see response to Comment 8-2.

Response to Comment 8-3

Please see response to Comment 8-2.

Response to Comment 8-4

Please see response to Comment 8-2.

Response to Comment 8-5

Please see response to Comment 8-2.

I.1.9 Letter 9. RD 1000



Letter 9

June 2, 2020

San Joaquin Regional Rail Commission
Attn: Valley Rail Sacramento Extension
949 E. Channel Street
Stockton, CA 95202

Subject: **COMMENTS TO REQUEST REVIEW OF THE DRAFT ENVIRONMENTAL IMPACT REPORT, FOR THE VALLEY RAIL SACRAMENTO EXTENSION PROJECT, SCH#2019090306, SAN JOAQUIN AND SACRAMENTO COUNTIES**

Pursuant to the State Clearinghouse's request, the Reclamation District No. 1000 (RD1000) has reviewed the Draft Environmental Impact Report for the Valley Rail Sacramento Extension Project, located in San Joaquin and Sacramento Counties. Our agency is delegated with the responsibility to reduce flood risk, thereby minimizing the impacts of floods on human safety, health, and welfare; and to preserve and enhance the environmental and aesthetic values that floodways and floodplains contribute to the quality of life in the Sacramento region; therefore our comments will address concerns surrounding those issues.

RD1000 appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Valley Rail Sacramento Extension Project (Project). RD1000 works closely with the State Central Valley Flood Protection Board (CVFPB), the United States Army Corps of Engineers (USACE), and the levee maintaining agencies American River Flood Control District, (ARFCD), the City of Sacramento (City) and Sacramento Area Flood Control Agency (SAFCA) on levee improvements in the Sacramento region to provide both FEMA 100-year and 200-year flood protection as defined by State Urban Level of Flood Protection (ULOP) standards.

Below is a summary of the key issues that should be addressed as part of the development of the proposed Project to ensure that the existing flood management infrastructure is not impacted as a result of implementation of the Project.

- RD1000 strongly encourages that additional coordination must be made with RD1000, USACE, SAFCA, ARFCD, the City and the CVFPB to ensure no Valley Rail Extension Project features will interfere with any current or future plans of flood protection within the Project area. This includes coordination on all aspects adjacent to project levees or in

9-1

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JUN 05 2020
SJRRRC

RECLAMATION DISTRICT 1000

1633 Garden Highway • Sacramento, CA 95833 • (916) 922-1449

<p>the floodplain as you develop more detailed designs.</p>	<p>9-1 Cont</p>
<ul style="list-style-type: none"> • All encroachments in the floodway must undergo a hydraulic impact analysis to ensure that water surface elevations do not increase more than 0.05 feet from potential blockage of conveyance in the floodway. 	<p>9-2</p>
<ul style="list-style-type: none"> • There are a number of flood management concerns with all of the variations of the North Elk Grove Station. Unfortunately, the project description for this station is at a programmatic level and does not provide sufficient information to demonstrate that a station at this location is feasible without having adverse effects to flood management. For example, how much of the site is being filled? Is the site being designed to be elevated above the 200-year floodplain in conformance with ULOP criteria? This is an active floodplain that starts to flood in a 10 year flood event (flood depths range from 12-22 feet in this location). Building the site at, or near existing grade would result in this station experiencing extended closures during flood events. 	<p>9-3</p>
<ul style="list-style-type: none"> • The design alternatives of the Project include an additional bridge crossing, downstream of Elkhorn Boulevard, which will require a hydraulic analysis where any substantive change in water surface will need to be avoided through design refinements. 	<p>9-4</p>
<ul style="list-style-type: none"> • The portion of the proposed rail line that is located between the Consumes River and the North Elk Grove Station is in an active floodplain called the "Franklin Pond". The proposed rail line should not be higher than the existing rail line to avoid inducing hydraulic impacts in this floodplain. 	<p>9-5</p>
<ul style="list-style-type: none"> • The South Sacramento Streams Group Project was designed to pass a 100-year flood event. Portions of this system overtop in a 200-year event and pond against the existing rail line that is north of Morrison Creek. However, the embankment that is under the rail line does not meet ULOP criteria. RD1000 would like to work with the project proponent to design the proposed line in this section to meet ULOP requirements. 	<p>9-6</p>
<ul style="list-style-type: none"> • All aspects of the Project must ensure that integrity of an existing levee is not negatively impacted and that operations and maintenance (O&M) of levee features and floodgates shall not be adversely impacted by the Project. This includes closure structures and access for operations, monitoring, and maintenance. 	<p>9-7</p>
<ul style="list-style-type: none"> • The proposed addition of tracks at Arcade Creek conflict with the existing O&M access road on the south side of Arcade Creek. In reviewing the 15% plans, it is not clear how the access for the O&M road will be maintained. This is a narrow reach with the City's detention basin constraining access. All projects must ensure that the O&M and flood-fighting efforts that provide flood protection are not compromised. Contiguous access to the levee to perform O&M and flood-fighting activities must be unimpeded to the maximum extent practicable. If the Project requires additional security to restrict public access onto the site, specifically within the levee right-of-way, then site access must be granted to the Local Maintaining Agency by providing keys or codes. 	<p>9-8</p>
<ul style="list-style-type: none"> • The design of the closure structures will be challenging. Of concern is the interface between the tracks and the levee embankment as well as the width of the closure structure. The transition from the levee embankment to the concrete pad needs to be designed in accordance with Title 23 of California Code of Regulations to meet seepage and stability requirements. 	<p>9-9</p>
<ul style="list-style-type: none"> • Page 3.10-48 – RD1000 has been responsible for certifying the levee system as meeting both FEMA and Urban Levee Design Criteria. Please add RD1000 to the list of agencies 	<p>9-10</p>

to be consulted as design progresses to confirm there are no impacts to the flood management system.

- For the Natomas/Sacramento Airport Station, drainage impacts must be fully mitigated to maintain the rate of runoff and water levels below pre-project conditions. A detailed hydraulic study must be conducted, in consultation with SAFCA, to determine the scope of required drainage impact mitigation and to determine whether the Project will cause any adverse hydraulic impacts or affect pump station operations or forebay storage areas.
- RD1000 supports SAFCA's comments and the Delta Plan Policy RR P3 (23 Cal. Code Regs section 5014) which prohibits the presence or construction of encroachments in floodways unless it can be demonstrated by appropriate analysis that the encroachment will not unduly impede the free flow of water in the floodway or jeopardize public safety. Since the project would encroach upon or be constructed in a floodway, this EIR and any subsequent EIR should analyze how the project would not impede the free flow of water in the floodway or jeopardize public safety.

9-11

9-12

I urge the SJRRC to consider our comments and recommendations and look forward to further collaboration and coordination on this project. Thank you for the opportunity to provide comments.

Sincerely,



Kevin L. King
General Manager

I.1.9.1 Response to Comment Letter 9

Response to Comment 9-1

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project. SJRRC and SJJPA are committed to continued collaboration with all interested parties and permitting agencies through the final design, permitting, and construction phases and implementation of all mitigation measures described in the EIR.

Response to Comment 9-2

The Commission agrees with the commenter that encroachments in the floodway must undergo a hydraulic impact analysis to ensure that regulatory agency standards are met. During final design, the requested hydraulic impact analysis will be performed, in consultation with RD 1000 and other regulatory agencies such as the Sacramento Area Flood Control Agency (SAFCA), Mitigation Measure HYD-6.1 (see EIR Section 3.10, *Hydrology and Water Quality*). Implementation of this mitigation measure would reduce impacts to less than significant.

Response to Comment 9-3

Subsequent to the circulation of the Draft EIR, SJRRC and SJJPA have continued coordination with the City of Elk Grove on an appropriate site for a station to serve the Elk Grove community. Additional information on a more ideal location for the station has been identified. In addition, SJRRC and SJJPA received numerous comments on the Draft EIR questioning the viability of the proposed North Elk Grove Station described in Draft EIR Chapter 2, *Project Description*. As such, the proposed North Elk Grove Station (including all access and siding variants) is no longer under consideration. All text related to the proposed North Elk Grove Station has been formatted as ~~struckthrough~~ in the Final EIR. Because the North Elk Grove Station is no longer under consideration, this comment is no longer applicable to the proposed project.

Final approval of a future Elk Grove Station at a site agreed to by all interested parties will be subject to a separate, stand-alone CEQA document that will be circulated for public review and comment at a later date.

Response to Comment 9-4

During final design, a site-specific hydraulic analysis for the additional bridge crossing downstream of Elkhorn Boulevard will be performed, in consultation with RD 1000, in compliance with Mitigation Measure HYD-6.1 (see EIR Section 3.10, *Hydrology and Water Quality*). Implementation of this mitigation measure would reduce impacts to less than significant.

Response to Comment 9-5

The height of proposed track improvements north of the Cosumnes River (in the “Franklin Pond” area) will be designed to avoid inducing hydraulic impacts in compliance with Mitigation Measure HYD-6.1 (see EIR Section 3.10, *Hydrology and Water Quality*). Implementation of this mitigation measure would reduce impacts to less than significant.

Response to Comment 9-6

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

SJRRC and SJJPA have noted RD 1000's comment that the embankment under the rail line north of Morrison Creek does not meet 200-year Urban Level of Flood Protection (ULOP) standards. SJRRC and SJJPA look forward to future discussions with RD 1000 and other regulatory agencies such as SAFCA regarding potential correction of this issue. Implementation of this mitigation measure would reduce impacts to less than significant.

Response to Comment 9-7

The proposed project will be designed to avoid adversely affecting the integrity of existing levees and to avoid adversely affecting operations and maintenance (O&M) of levee features and floodgates in compliance with Mitigation Measure HYD-6.1 (see EIR Section 3.10, *Hydrology and Water Quality*). Implementation of this mitigation measure would reduce impacts to less than significant.

Response to Comment 9-8

SJRRC and SJJPA understand the commenter's concerns regarding potential conflicts with the existing O&M access road on the south side of Arcade Creek. This issue will be addressed as appropriate during final design in compliance with Mitigation Measure HYD-6.1 (see EIR Section 3.10, *Hydrology and Water Quality*). Implementation of this mitigation measure would reduce impacts to less than significant.

Response to Comment 9-9

SJRRC and SJJPA understand the commenter's concerns regarding the design of the closure structure and the need for compliance with California Code of Regulations Title 23. This issue will be addressed as appropriate during final design in compliance with Mitigation Measure HYD-6.1 (see EIR Section 3.10, *Hydrology and Water Quality*). Implementation of this mitigation measure would reduce impacts to less than significant.

Response to Comment 9-10

Mitigation Measure HYD-6.1 (see EIR Section 3.10, *Hydrology and Water Quality*) requires SJRRC and SJJPA to consult with RD 1000 during final design regarding hydraulic analyses and regulatory permits in the floodway. Implementation of this mitigation measure would reduce impacts to less than significant.

Response to Comment 9-11

A detailed drainage study will be conducted for the Natomas/Airport Station in consultation with SAFCA in compliance with Mitigation Measure HYD-6.1 (see EIR Section 3.10, *Hydrology and Water Quality*). Implementation of this mitigation measure would reduce impacts to less than significant.

Response to Comment 9-12

The potential for the proposed project to affect the flow of water in a floodway is fully evaluated in EIR Section 3.10, *Hydrology and Water Quality*. As discussed, implementation of Mitigation Measures HYD-3.1, HYD-4.1, and HYD-6.1 would reduce the impacts of the proposed project to a less-than-significant level, because these measures require site-specific, detailed hydraulic design studies in consultation with the appropriate regulatory agencies, during final, to ensure that the proposed project will be designed and implemented so as not to adversely affect the flow of water in a floodway or result in public safety hazards. In addition, Mitigation Measure HYD-4 requires that construction materials not be stored in a floodway during the winter rainy season.

I.1.10 Letter 10. Sacramento Area Flood Control Agency

Letter 10



June 2, 2020

San Joaquin Regional Rail Commission
Attn: Valley Rail Sacramento Extension
949 E. Channel Street
Stockton, CA 95202

Subject: COMMENTS TO REQUEST REVIEW OF THE DRAFT ENVIRONMENTAL IMPACT REPORT, FOR THE VALLEY RAIL SACRAMENTO EXTENSION PROJECT, SCH#2019090306, SAN JOAQUIN AND SACRAMENTO COUNTIES

Pursuant to the State Clearinghouse's request, the Sacramento Area Flood Control Agency (SAFCA) has reviewed the Draft Environmental Impact Report for the Valley Rail Sacramento Extension Project, located in San Joaquin and Sacramento Counties. Our Agency is delegated with the responsibility to reduce flood risk, thereby minimizing the impacts of floods on human safety, health, and welfare; and to preserve and enhance the environmental and aesthetic values that floodways and floodplains contribute to the quality of life in the Sacramento region; therefore our comments will address concerns surrounding those issues.

SAFCA appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Valley Rail Sacramento Extension Project (Project). SAFCA works closely with the State of California Central Valley Flood Protection Board (CVFPB), the United States Army Corps of Engineers (USACE), and the levee maintaining Agencies American River Flood Control District, (ARFCD), the City of Sacramento (City) and Reclamation District No. 1000 (RD 1000) on levee improvements in the Sacramento region to provide both the Federal Emergency Management Agency (FEMA) 100-year and 200-year flood protection as defined by State Urban Level of Flood Protection (ULOP) standards.

Below is a summary of the key issues that should be addressed as part of the development of the proposed Project to ensure that the existing flood management infrastructure is not impacted as a result of implementation of the Project.

- SAFCA strongly encourages that additional coordination must be made with SAFCA, USACE, RD 1000, ARFCD, the City and the CVFPB to ensure no Valley Rail Extension Project features will interfere with any current or future plans of flood protection within the Project area. This includes coordination on all aspects adjacent to project levees or in the floodplain as you develop more detailed designs.
- All encroachments in the floodway must undergo a hydraulic impact analysis to ensure that water surface elevations do not increase more than 0.05 feet from potential blockage of conveyance in the floodway.

10-1

10-2

Office: 209-946-7006
Fax: 209-946-6228
1007 McKinstry Blvd. #100
Sacramento, CA 95811-4100

June 2, 2020
 Req. to Review Valley Rail Ext. Project Draft EIR
 Page 2

- There are a number of flood management concerns with all of the variations of the North Elk Grove Station. Unfortunately, the Project description for this station is at a programmatic level and does not provide sufficient information to demonstrate that a station at this location is feasible without having adverse effects to flood management. For example, how much of the site is being filled? Is the site being designed to be elevated above the 200-year floodplain in conformance with ULOP criteria? This is an active floodplain that starts to flood in a 10 year flood event (flood depths range from 12-22 feet in this location). Building the site at, or near existing grade would result in this station experiencing extended closures during flood events.

10-3
- The design alternatives of the Project include an additional bridge crossing, downstream of Elkhorn Boulevard, which will require a hydraulic analysis where any substantive change in water surface will need to be avoided through design refinements.

10-4
- The portion of the proposed rail line that is located between the Consumes River and the North Elk Grove Station is in an active floodplain called the “Franklin Pond”. The proposed rail line should not be higher than the existing rail line to avoid inducing hydraulic impacts in this floodplain.

10-5
- The South Sacramento Streams Group Project was designed to pass a 100-year flood event. Portions of this system overtop in a 200-year event and pond against the existing rail line that is north of Morrison Creek. However, the embankment that is under the rail line does not meet ULOP criteria. SAFCA would like to work with the project proponent to design the proposed line in this section to meet ULOP requirements.

10-6
- All aspects of the Project must ensure that integrity of an existing levee is not negatively impacted and that operations and maintenance (O&M) of levee features and floodgates shall not be adversely impacted by the Project. This includes closure structures and access for operations, monitoring, and maintenance.

10-7
- The proposed addition of tracks at Arcade Creek conflict with the existing O&M access road on the south side of Arcade Creek. In reviewing the 15% plans, it is not clear how the access for the O&M road will be maintained. This is a narrow reach with the City’s detention basin constraining access. All projects must ensure that the O&M and flood-fighting efforts that provide flood protection are not compromised. Contiguous access to the levee to perform O&M and flood-fighting activities must be unimpeded to the maximum extent practicable. If the Project requires additional security to restrict public access onto the site, specifically within the levee right-of-way, then site access must be granted to the Local Maintaining Agency by providing keys or codes.

10-8
- The design of the closure structures will be challenging. Of concern, is the interface between the tracks and the levee embankment as well as the width of the closure structure. The transition from the levee embankment to the concrete pad needs to be designed in accordance with Title 23 of California Code of Regulations to meet seepage and stability requirements.

10-9
- Page 3.10-48 - SAFCA has been responsible for certifying the levee system as meeting both FEMA and Urban Levee Design Criteria. Please add SAFCA to the list of Agencies to be consulted as design progresses to confirm there are no impacts to the flood management system.

10-10
- For the Natomas/Sacramento Airport Station, drainage impacts must be fully mitigated to maintain the rate of runoff and water levels below pre-project conditions. A detailed

10-11

June 2, 2020
Req. to Review Valley Rail Ext. Project Draft EIR
Page 3

hydraulic study must be conducted, in consultation with RD 1000, to determine the scope of required drainage impact mitigation and to determine whether the Project will cause any adverse hydraulic impacts or affect pump station operations or forebay storage areas.

- SAFCA supports RD 1000's comments and the Delta Plan Policy RR P3 (23 Cal. Code Regs section 5014) which prohibits the presence or construction of encroachments in floodways unless it can be demonstrated by appropriate analysis that the encroachment will not unduly impede the free flow of water in the floodway or jeopardize public safety. Since the Project would encroach upon or be constructed in a floodway, this EIR and any subsequent EIR should analyze how the Project would not impede the free flow of water in the floodway or jeopardize public safety.

10-11
Cont

10-12

I urge the San Joaquin Regional Rail Commission to consider our comments and recommendations and look forward to further collaboration and coordination on this project. Thank you for the opportunity to provide comments.

Sincerely,



Richard M. Johnson
Executive Director

cc Tim Kerr, ARFCD
Kevin King, RD 1000
Michael Wright, CVFPB

I.1.10.1 Response to Comment Letter 10

Response to Comment 10-1

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project. SJRRC and SJJPA are committed to continued collaboration with all interested parties and permitting agencies through the final design, permitting, and construction phases and implementation of all mitigation measures described in the EIR.

Mitigation Measure HYD-6.1 (described in EIR Section 3.10, *Hydrology and Water Quality*) requires SJRRC and SJJPA to consult with SAFCA during the proposed project's design phase regarding hydraulic analyses and regulatory permits in the floodway. Implementation of this mitigation measure would reduce impacts to less than significant.

Response to Comment 10-2

The Commission agrees with the commenter that encroachments in the floodway must undergo a hydraulic impact analysis to ensure that regulatory agency standards are met. During final design, the requested hydraulic impact analysis will be performed, in consultation with RD 1000 and other regulatory agencies such as the Sacramento Area Flood Control Agency (SAFCA), Mitigation Measure HYD-6.1 (see EIR Section 3.10, *Hydrology and Water Quality*). Implementation of this mitigation measure would reduce impacts to less than significant.

Response to Comment 10-3

Subsequent to the circulation of the Draft EIR, SJRRC and SJJPA have continued coordination with the City of Elk Grove on an appropriate site for a station to serve the Elk Grove community. Additional information on a more ideal location for the station has been identified. In addition, SJRRC and SJJPA received numerous comments on the Draft EIR questioning the viability of the proposed North Elk Grove Station described in Draft EIR Chapter 2, *Project Description*. As such, the proposed North Elk Grove Station (including all access and siding variants) is no longer under consideration. All text related to the proposed North Elk Grove Station has been formatted as ~~strikethrough~~ in the Final EIR. Because the North Elk Grove Station is no longer under consideration, this comment is no longer applicable to the proposed project.

Final approval of a future Elk Grove Station at a site agreed to by all interested parties will be subject to a separate, stand-alone CEQA document that will be circulated for public review and comment at a later date.

Response to Comment 10-4

During final design, a site-specific hydraulic analysis for the additional bridge crossing downstream of Elkhorn Boulevard will be performed, in consultation with RD 1000, in compliance with Mitigation Measure HYD-6.1 (see EIR Section 3.10, *Hydrology and Water Quality*). Implementation of this mitigation measure would reduce impacts to less than significant.

Response to Comment 10-5

The height of proposed track improvements north of the Cosumnes River (in the “Franklin Pond” area) will be designed to avoid inducing hydraulic impacts in compliance with Mitigation Measure HYD-6.1 (see EIR Section 3.10, *Hydrology and Water Quality*). Implementation of this mitigation measure would reduce impacts to less than significant.

Response to Comment 10-6

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

SJRRC and SJJPA have noted RD 1000’s comment that the embankment under the rail line north of Morrison Creek does not meet 200-year Urban Level of Flood Protection (ULOP) standards. SJRRC and SJJPA look forward to future discussions with RD 1000 and other regulatory agencies such as SAFCA regarding potential correction of this issue. Implementation of this mitigation measure would reduce impacts to less than significant.

Response to Comment 10-7

The proposed project will be designed to avoid adversely affecting the integrity of existing levees and to avoid adversely affecting operations and maintenance (O&M) of levee features and floodgates in compliance with Mitigation Measure HYD-6.1 (see EIR Section 3.10, *Hydrology and Water Quality*). Implementation of this mitigation measure would reduce impacts to less than significant.

Response to Comment 10-8

SJRRC and SJJPA understand the commenter’s concerns regarding potential conflicts with the existing O&M access road on the south side of Arcade Creek. This issue will be addressed as appropriate during final design in compliance with Mitigation Measure HYD-6.1 (see EIR Section 3.10, *Hydrology and Water Quality*). Implementation of this mitigation measure would reduce impacts to less than significant.

Response to Comment 10-9

SJRRC and SJJPA understand the commenter’s concerns regarding the design of the closure structure and the need for compliance with California Code of Regulations Title 23. This issue will be addressed as appropriate during final design in compliance with Mitigation Measure HYD-6.1 (see EIR Section 3.10, *Hydrology and Water Quality*). Implementation of this mitigation measure would reduce impacts to less than significant.

Response to Comment 10-10

Mitigation Measure HYD-6.1 (see EIR Section 3.10, *Hydrology and Water Quality*) requires SJRRC and SJJPA to consult with SAFCA during final design regarding hydraulic analyses and regulatory permits in the floodway. Implementation of this mitigation measure would reduce impacts to less than significant.

Response to Comment 10-11

A detailed drainage study will be conducted for the Natomas/Airport Station in consultation with SAFCA in compliance with Mitigation Measure HYD-6.1 (see EIR Section 3.10, *Hydrology and Water Quality*). Implementation of this mitigation measure would reduce impacts to less than significant.

Response to Comment 10-12

The potential for the proposed project to affect the flow of water in a floodway is fully evaluated in EIR Section 3.10, *Hydrology and Water Quality*. As discussed, implementation of Mitigation Measures HYD-3.1, HYD-4.1, and HYD-6.1 would reduce the impacts of the proposed project to a less-than-significant level, because these measures require site-specific, detailed hydraulic design studies in consultation with the appropriate regulatory agencies, during final, to ensure that the proposed project will be designed and implemented so as not to adversely affect the flow of water in a floodway or result in public safety hazards. In addition, Mitigation Measure HYD-4 requires that construction materials not be stored in a floodway during the winter rainy season.

I.1.11 Letter 11. City of Sacramento

Letter 11



Kevin Sheridan
San Joaquin Regional Rail Commission
949 East Channel Street
Stockton, CA 95202

June 5, 2020

Subject: **COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE VALLEY RAIL SACRAMENTO EXTENSION PROJECT**

Dear Mr. Sheridan,

On September 13, 2019, the City of Sacramento received correspondence of the Notice of Preparation for the Valley Rail Sacramento Extension Project (Project) which formally kicked-off the environmental review process. The City provided initial comments on the scope of the project to the San Joaquin Regional Rail Commission (SJRRRC) on October 14, 2019. The SJRRRC has circulated for public review the Draft Environmental Impact Report (DEIR) for the Project and comments are due by June 5, 2020. In **combination with the City's NOP comments, and after a more thorough analysis of the Project based upon the DEIR**, the City presents the comments below as single letter representing multiple departments.

The City of Sacramento is supportive of the Project as it will increase transit options and ridership opportunities both within the region and for inter-regional travel. City staff have identified the following items after review of the Draft EIR that warrant further consideration and coordination by the SJJRA/SJRRRC prior to the Project commencing construction.

Airport Station and Maintenance Facility

As noted in the DEIR, the Airport Station and Maintenance Facility are proposed to be located adjacent to one another, but built as two separate phases of the project. The first phase would include a simple station platform, station siding track, surface parking lot, and improvements to Blacktop Road providing access to the parking lot. The second phase would include enlarging the parking lot, building a maintenance facility (to include a maintenance building, train wash, layover tracks, and employee parking), and a new elevated road crossing for Elkhorn Boulevard.

As a part of the project description for the NOP, the SJRRRC initially proposed a couple of potential sites for the Airport Station and Maintenance Facility including a site in North Natomas within an area known as the Panhandle in the City. The Panhandle was recently annexed into the City limits and is planned for future residential development and as such a proposed rail maintenance facility within the Panhandle would be contrary to this goal. Additionally, there was significant community opposition to locating the maintenance/layover facility within the Panhandle. The City is appreciative of the coordination and community outreach provided by SJRRRC staff on this aspect of the Project. The Draft EIR confirms that this alternative location has been removed from the project scope, of which the City is very supportive.



Phase 1 of the project's conceptual design shows an unsignalized intersection at the current Elkhorn Boulevard/Blacktop Road intersection. Given the expected additional vehicle trips to the station, the demand for these facilities will increase. A signal warrant is not provided in the DEIR, it is recommended that prior to finalizing design plans at this location a signal warrant be conducted to determine whether this the intersection of Elkhorn Boulevard at Blacktop Road warrants signalization. The new elevated rail crossing of Elkhorn Boulevard as a part of Phase 2 will increase overall safety by eliminating an at-grade crossing, but the technical documents within the t DEIR appendices show only a 2-lane roadway facility. Elkhorn Boulevard is a County Highway (E14), and both City and County long-range planning documents call for this roadway to include a minimum of four (4) lanes at this location and spanning the railroad tracks. Staff would encourage the SJRRC to further coordinate with the City and County to ensure an opportunity is not missed to enhance this roadway facility's capacity concurrent with the grade separation.

11-1

The proposed shuttle service to SMF does not currently have an operator as stated in the DEIR, but staff would encourage the SJRRC to explore an operator with a fleet of vehicles which powered by CNG instead of diesel, such as the Sacramento Regional Transit District (RT). SMF itself also operates CNG buses and is currently adding fully electric shuttle buses to their fleet. SMF may be receptive to an opportunity to partner with the SJRRC on this service, especially if an opportunity to increase the electric fleet exists. Operating this shuttle service with alternative fuels or even electric vehicles would greatly reduce further impacts on air quality at this location and for the Project as a whole.

11-2

City Quiet Zones/Noise Analysis

As mentioned in the DEIR, the City maintains Quiet Zones along the project route for reduced train horn noise which the City is interested in preserving. The document states that the City has Quiet Zones where trains won't sound their horns, making the project compliant. However, these zones will experience increased rail traffic and as such, further coordination between the City and SJRRC will be needed to ensure that the City's Quiet Zones with the increased rail traffic will continue to comply with FRA requirements. The Federal Railroad Administration (FRA) has recently elevated their efforts to hold local jurisdictions responsible for maintaining their quiet zones. The proposed Valley Rail project will increase train traffic in two of the City's quiet zones. According to the FRA's Quiet Zone Calculator, increased train traffic increases a quiet zone's risk index, thus putting additional burden on the City.

11-3

Please coordinated with City staff to affirm that the City's Quiet Zone status for the two zones and any necessary improvements to maintain the zones' status.

Midtown Station/Pedestrian Integration

The Draft EIR shows the Midtown Sacramento station with what appears to be an older design, with bike/ped facilities within the Union Pacific ROW. Staff has become aware that this design does not appear to be feasible and should be reconfigured to provide the best integration within the pedestrian-friendly environment of Midtown while also meeting the needs of Union Pacific.

11-4



The design of this station shall conform with the City's Downtown Mobility Project. The Downtown Mobility project includes a Class IV path on I Street from 15th to 21st Streets and improvements of bikeways on 19th/21st and P/Q Streets. Figure 2-5 in the DEIR shows "Pedestrian Crossings with Active Warning Devices" on both streets though it seems like this is in reference to the bike path, rather than for the sidewalks. SJRRC is requested to coordinate the conceptual design with Project Manager Megan E. Johnson at (916) 808-1967.

11-5

North Elk Grove Station

The North Elk Grove Station as it is called in the DEIR is a misnomer as the proposed location of the station is outside of the City of Elk Grove and instead shown to be sited within the City of Sacramento's Sphere of Influence (SOI). The name of the station should reflect its true location which could be "The South Sacramento Mobility Hub".

11-6

The location choice is not optimal because it would be located somewhat near existing and planned light rail stations, but walkability between locations is minimal due to distance and lack of pedestrian infrastructure. The straight-line distance alone is almost three quarters of a mile and would undoubtedly be a longer walk with actual paths of travel. Transfers between the new station and nearby light rail station would be unlikely, increasing the need for vehicular access either with park and ride, or pick-up/drop-off, both increasing greenhouse gas emissions.

11-7

City staff would like to suggest an alternate location for this area, which could be immediately east of the Morrison Creek RT station and Morrison Creek itself. While not currently open, RT is now working to provide access to this stop and open the station for service. A new station siding could then be on the west side of the existing UPRR line, furthest from the existing neighborhood to the east. This would shorten transfer distances greatly from one platform to another as well.

11-8

Additionally, this location may save the cost of curve reconstruction as trains would not need to travel quickly when approaching the station platform. This suggested location also moves the station outside of the County Regional Wastewater Treatment Plant and would help preserve land designated as a buffer between the Treatment Plant and urban uses. City staff can also help in coordination of public outreach efforts to the surrounding community for this potential location in the future. Ultimately, the City of Sacramento sees this as a prime opportunity for optimal connectivity to light rail infrastructure in South Sacramento and could assist RT in opening of the Morrison Creek station. City staff would request further discussions and coordination with SJRRC and RT for the siting of this station.

11-9

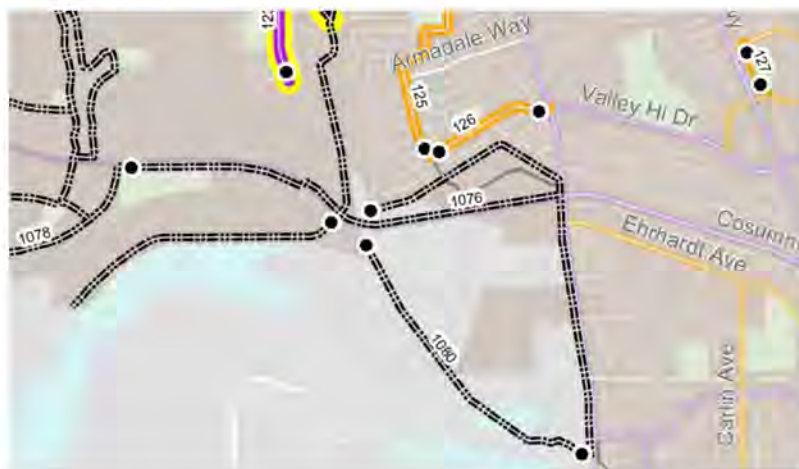
If the proposed location cannot be altered, a platform location closest to Cosumnes River Boulevard would, at a minimum, provide the closest location for pedestrians to access the station from the rest of the surrounding community. As previously mentioned, extensive pedestrian enhancements between this station and the Franklin station would be necessary, with wide sidewalks and extensive shade tree plantings along the length of the walking path. This location would also need further analysis by the City regarding impacts and access to Cosumnes River Boulevard as well as impacts to the buffer lands of the regional wastewater treatment plant.

11-10

City of
SACRAMENTO
 Community Development

The conceptual layout of North Elk Grove Station alternatives may also affect implementation of the City's Bikeway Master Plan. The figure below shows the planned Class I shared use paths within the area of the station (sections 1076 and 1080). A full citywide map can be found here: <http://www.cityofsacramento.org/-/media/Corporate/Files/Public-Works/Transportation/Active-Transportation/Bikeway-Map-Adopted-Council-amend-August-2018.pdf?ja=en>

11-11



General Comments

The following comments are general in nature relating to the Project and DEIR document itself. These comments are bulleted for ease of identifying a change in topic area.

- Re-label all Class I facilities as shared-use paths, not as bike paths or recreational. These facilities provide transportation benefits for multiple modes and are not exclusively supportive of recreation. Please revise language to refer to these as "Class I shared-use paths".
- All marked crosswalks must meet the standards in the City's Pedestrian Crossing Guidelines.
- Locations with no marked crosswalk are not "missing crosswalks" but are legal unmarked crosswalks, unless signed otherwise. Please clarify and revise language.
- All pedestrian crossings must include pedestrian signals (including preemption) and have to meet the requirements of Pedestrian Safety Guidelines. Rectangular Flashing Beacon and HAWK near rail crossing are not recommended as a solution due to conflicting flashing lights. The note that says "active PED crossing" needs more detail.
- New traffic signals shall be interconnected with the existing signal systems. All new proposed traffic signal design documentation shall include the signal design

11-12

11-13

11-14

11-15

11-16



concept report (Signal DCR) subject to review and approval of City Traffic Engineer.

**11-16
Cont**

As this project progresses through environmental review, engineering, construction, and phased openings, the City of Sacramento looks forward to continued collaboration with the SJRRC. The City of Sacramento supports the proposed Project and is ready to lend any technical and local expertise to the SJRRC in helping move towards expanded rail service in the City. If you have follow-up questions or seek clarifications on any of the above issues, please contact Cheryle Hodge at chodge@cityofsacramento.org or 808-5971.

Sincerely,

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

Greg Sandlund
Acting Planning Director, Community Development Department

Cc: Howard Chan, City Manager
Michael Jasso, Assistant City Manager
Ryan Moore, Director, Public Works
Tom Pace, Interim Director, Community Development Department
Cheryle Hodge, Principal Planner

I.1.11.1 Response to Comment Letter 11

Response to Comment 11-1

This comment expresses concerns with potential project-related impacts to the unsignalized intersection of West Elkhorn Boulevard and Blacktop Road. During final design SJRRC and SJJPA will work with the City of Sacramento regarding potential improvements to this intersection, including signalization.

Subsequent to the circulation of the Draft EIR, SJRRC and SJJPA received additional information and significant expressions of concern regarding siting of the proposed Natomas Maintenance and Layover Facility – a potential Phase II component of the proposed project. The site identified in the Draft EIR for the Natomas Maintenance and Layover Facility would require purchase or condemnation of two operating business ventures, as well as property owned by a joint landlord. Such purchase or condemnation could be prohibitively expensive for SJRRC and SJJPA and could also result in the loss of significant jobs to the region. For those reasons, SJRRC and SJJPA have deemed it infeasible to site the Natomas Maintenance and Layover Facility as shown in the Draft EIR. As such, consideration of all potential Phase II improvements, including the Natomas Maintenance and Layover Facility, the West Elkhorn Boulevard Overpass, and expansion of the Natomas/Sacramento Airport Station parking lot are no longer under consideration. All references to Phase II have been deleted from this Final EIR. If Phase II proceeds at a future date, SJRRC and SJJPA would site the Natomas Maintenance and Layover Facility at a more desirable location, subject to additional CEQA documentation and public review.

Response to Comment 11-2

EIR Section 3.3, *Air Quality*, analyzes air quality impacts of the proposed project. As discussed in the air quality analysis, project construction would result in an exceedance of the Sacramento Metropolitan Air Quality Management District (SMAQMD) significance thresholds. However, several mitigation measures have been included that would reduce the associated impacts to a less-than-significant level.

This comment suggests powering the proposed shuttle service by compressed natural gas (CNG) instead of diesel. As discussed above, the significant air quality effects can be reduced to a less-than-significant level by implementing advanced emissions controls and by using equipment meeting or exceeding Tier 4 emissions standards. This recommendation has been shared with the project decision-makers for their consideration prior to action on the proposed project.

Response to Comment 11-3

Federal Railroad Administration (FRA) regulations (49 C.F.R. Part 222) require that engineers sound their locomotive horns while approaching public at-grade crossings until the lead locomotive fully occupies the crossing. However, as described in Section 3.12, *Noise and Vibration*, many of the at-grade crossings through Sacramento are in designated quiet zones. Within quiet zones, freight operators (and other tenant railroad operators) can be relieved of the requirement to sound their horns when crossing at-grade crossings. However, even with designation of a quiet zone, if any unsafe conditions are present at the time of train passage (such as a vehicle going around the gates or pedestrians in the crossing), train operators would still

have the discretion to sound train horns. While the lead agency for a quiet zone designation is the local jurisdiction (typically the city or county) responsible for traffic control and law enforcement on the roads at the at-grade crossings, SJRRC and SJJPA will work with the City of Sacramento to ensure continued viability of established quiet zones along the corridor with the addition of project-related trains as well as the potential for additional improvements necessary to maintain the quiet zones.

Response to Comment 11-4

This comment notes the design of the bicycle/pedestrian facilities at the Midtown Sacramento Station appears infeasible and should be reconfigured. Text has been added to EIR Chapter 2, Project Description, clarifying that funds for the bicycle/pedestrian path have not yet been identified. However, SJRRC and SJJPA have committed \$3 million to the funding of a planned network of parking-protected bikeways in the Midtown neighborhood to enhance bicycle access to the proposed Midtown Sacramento Station and the surrounding neighborhood. In addition, SJRRC and SJJPA will continue to work with the City of Sacramento, the Midtown Association, and station area residents regarding improvements proposed for the areas surrounding the Midtown Sacramento Station.

Response to Comment 11-5

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project. SJRRC and SJJPA will work with the City of Sacramento during final design to ensure compliance with city requirements.

Response to Comment 11-6

Subsequent to the circulation of the Draft EIR, SJRRC and SJJPA have continued coordination with the City of Elk Grove on an appropriate site for a station to serve the Elk Grove community. Additional information on a more ideal location for the station has been identified. In addition, SJRRC and SJJPA received numerous comments on the Draft EIR questioning the viability of the proposed North Elk Grove Station described in Draft EIR Chapter 2, *Project Description*. As such, the proposed North Elk Grove Station (including all access and siding variants) is no longer under consideration. All text related to the proposed North Elk Grove Station has been formatted as ~~strikethrough~~ in the Final EIR. Because the North Elk Grove Station is no longer under consideration, this comment is no longer applicable to the proposed project.

Final approval of a future Elk Grove Station at a site agreed to by all interested parties will be subject to a separate, stand-alone CEQA document that will be circulated for public review and comment at a later date.

Response to Comment 11-7

Please see response to Comment 11-6.

Response to Comment 11-8

Please see response to Comment 11-6.

Response to Comment 11-9

Please see response to Comment 11-6.

Response to Comment 11-10

Please see response to Comment 11-6.

Response to Comment 11-11

Please see response to Comment 11-6.

Response to Comment 11-12

Applicable text has been updated as noted throughout the Final EIR to “Class I shared-use paths”.

Response to Comment 11-13

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project. SJRRC and SJJPA will work with the City of Sacramento during final design to ensure compliance with city requirements.

Response to Comment 11-14

Applicable text has been updated as noted throughout the Final EIR to “unmarked crosswalks, unless signed otherwise”.

Response to Comment 11-15

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project. SJRRC and SJJPA will work with the City of Sacramento during final design to ensure compliance with city requirements.

Response to Comment 11-16

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project. SJRRC and SJJPA will work with the City of Sacramento during final design to ensure compliance with city requirements.

I.1.12 Letter 12. County of Sacramento



Robert B. Leonard
Chief Deputy County Executive

Department of Water Resources
Michael L. Peterson, Director

Letter 12

Navdeep S. Gill
County Executive

County of Sacramento

May 18, 2020

To: Kurtis Steinert, Planning

Email: SteinertK@sacounty.net

Project: San Joaquin Regional Rail Commission

Draft Environmental Impact Report for the Valley Rail Sacramento Extension
Floodplain Management Comments

Kurtis:

This project includes work within the FEMA floodplain and will require a **floodplain management permit** by the Sacramento County Department of Water Resources. The proponents are directed to the Sacramento County Floodplain Management Ordinance (current version dated 2017, found at www.stormready.org), specifically chapter 5 Floodplain Management Permits.

12-1

Detailed hydrology and hydraulic analyses are required at each new crossing or crossing to be reconstructed, as well as, any reach of the tracks at which the profile is to be changed (up or down). The analyses must ensure no adverse impact to the flood water surface elevation upstream or downstream. The model hydrology will include a range of flood events from with return frequencies ranging from 10% annual recurrence to 0.5% annual recurrence, 10 year to 200 year respectively. Additionally, the drainage study will ensure no adverse impact to bed and bank erosion; any new buildings will be constructed in accordance with Chapter 6 of the Floodplain Management Ordinance; and any parking must be less than 12" deep in the 100 year flood.

12-2

The necessary floodplain modeling will be significant. If there are questions, please feel free to contact me or Jordan Mai Duc mai-duc@sacounty.net

Sincerely,

George H. Booth
Floodplain Management Section
916/847-6484

"Managing Tomorrow's Water Today"

Main Office: 2277th St., Rm. 301, Sacramento, CA 95814 • (916) 874-6851 • Fax (916) 874-6893 • www.sacounty.net (search DWPR)

I.1.12.1 Response to Comment Letter 12

Response to Comment 12-1

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

SJRRC and SJJPA will obtain all necessary permits and regulatory agency approvals related to work within a Federal Emergency Management Agency (FEMA) floodplain, including a floodplain management permit from the Sacramento County Department of Water Resources.

Response to Comment 12-2

The potential for the proposed project to affect the flow of water in a floodway is fully evaluated in EIR Section 3.10, *Hydrology and Water Quality*. As discussed, implementation of Mitigation Measures HYD-3.1, HYD-4.1, and HYD-6.1 would reduce the impacts of the proposed project to a less-than-significant level, because these measures require site-specific, detailed hydraulic design studies in consultation with the appropriate regulatory agencies, during final, to ensure that the proposed project will be designed and implemented so as not to adversely affect the flow of water in a floodway or result in public safety hazards.

I.1.13 Letter 13. Sacramento Office of Planning and Environmental Review

Office of Planning and
Environmental Review
Leighann Moffitt, Director



Letter 13

County Executive
Navdeep S. Gill

San Joaquin Regional Rail Commission
ATTN: Valley Rail Sacramento Extension Project
949 E. Channel Street
Stockton, CA 95202
ace.sacramentoextension@gmail.com

May 12, 2020

Subject: Valley Rail Sacramento Extension DEIR Notice of Availability

Attached are the comments from the Sacramento County Department of Transportation the Sacramento County Water Agency and the Freeport Water Authority in response to the Notice of Availability for the Valley Rail Sacramento Extension Project DEIR. Sacramento County and its respective departments appreciate the opportunity to participate in providing comments for the Valley Rail Sacramento Extension DEIR.

13-1

Sincerely,

Tim Hawkins

Tim Hawkins
Environmental Coordinator

Attachments

I.1.13.1 Response to Comment Letter 13

Response to Comment 13-1

Thank you for your comment. Please refer to responses to Comment Letters, 8, 15, and 16.

I.1.14 Letter 14. Sacramento County Regional Parks

Regional Parks Department
Liz Bellas, Director



County of Sacramento

Letter 14

Divisions

Administration
Golf
Maintenance
Rangers
Recreation Services
Therapeutic Recreation Services

Re: Valley Rail Sacramento Extension Draft Environmental Impact Report

San Joaquin Regional Rail Commission (SJRR)
949 E. Channel Street
Stockton, CA 95202
ace.sacramentoextension@gmail.com

June 5, 2020

San Joaquin Regional Rail Commission,

Thank you for the opportunity to comment on the Valley Rail Extension Draft Environmental Impact Report (DEIR). Sacramento County Regional Parks was not formally notified of this project, but given the potential impacts to the Cosumnes River Preserve (Preserve) lands and partnership would like to comment and see further analysis completed for the Final EIR document. Sacramento County Regional Parks is one of seven land-owning partners at the Preserve.

14-1

Overall the impact analysis of the DEIR was not detailed enough and the calculation of impacts are questionable. The DEIR is incomplete as it does not include a description of the operational phase of the project, including but not limited to information about the number and speed of additional trains for each track. The species-specific avoidance/minimization measures were specific to this project, as well as there is not a good correlation between impacts and mitigation.

14-2

The DEIR states that there will be no impacts to the Cosumnes River Preserve Management Plan, however the increase in frequency of trains, as well as the speed of the trains will impact wildlife species and recreation at the Preserve. The impacts of the amount of traffic, as many as 3x more trains, will have a direct impact in the rural / agriculture / habitat areas of the south County and the additional traffic is not adequately addressed in the DEIR. Analysis should be expanded to include operational impacts and the cumulative impact of increased mortality and disturbance to wildlife. The DEIR did not recognize the Cosumnes River Preserve Area of Critical Environmental Concern (ACEC), nor does it address potential for increase wildlife collisions in an Ecological Reserve.

14-3

Sacramento County Regional Parks is responsible for the recreation and public use at the Preserve and therefore this comment letter is recreation based. The County will rely on our other Preserve partners to address our other areas of concern in detail. The DEIR does not adequately address impact to recreational activities at the Preserve, nor does the DEIR does not address long term direct, indirect and cumulative impacts to visual resources, noise, wildlife disturbance and wildlife viewing opportunities caused by additional train traffic, as many as 14 additional trips daily and further maintenance on the railroad.

14-4

Page 2

It is estimated that annual visitation to the Preserve is 50,000 or more visitors. Due to the Preserve's proximity to Sacramento, Stockton and Elk Grove's the Preserve anticipates an increase in visitors and public use opportunities at the Preserve. Sacramento County Regional Parks agrees that during the project construction, mitigation measures may lessen short-term impacts to recreational activities at the Preserve, however construction activities along the section of trail (approximately 0.8 miles) directly adjacent to the railroad right-of-way are not adequately addressed in the DEIR. Additionally, the DEIR does not address the long-term or cumulative impacts to recreation and public use opportunities as well as safety concerns resulting from increased frequency of train traffic, at higher speeds during the operational phase of the proposed project. Sacramento County Regional Parks would like these items addressed in the final Environmental Impact Report.

14-4
Cont

14-5

Sacramento County Regional Parks requests future communication and updates from the San Joaquin Regional Rail Commission as the planning for this project continues so that our agencies may work together and through some of our issues and concerns.

14-6

Thank you for the opportunity to provide comments. Please feel free to address any questions or concerns regarding Sacramento County Regional Park's comments to Amber Veselka, Recreation Supervisor at (916) 875-6205 or at veselkaa@sacounty.net.

Sincerely,



Liz Bellas
Director
Sacramento County Regional Parks

I.1.14.1 Response to Comment Letter 14

Response to Comment 14-1

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

Response to Comment 14-2

The Valley Rail Sacramento Extension Draft EIR was prepared in accordance with CEQA and state CEQA guidelines. The Draft EIR responds to each of the comprehensive list of issues and topics provided in Appendix G of the CEQA Guidelines related to both construction and operational impacts. The Appendix G statements are evaluated in relation to specific thresholds and criteria resulting in a robust, accurate, and adequate analysis of the potential environmental consequences of the proposed project, including cumulative impacts.

Under CEQA Guidelines Section 15378, Project:

“(a) “Project” means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following:

- (1) An activity directly undertaken by any public agency including but not limited to public works construction and related activities clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100–65700.”

Furthermore, under Article 10, Considerations in Preparing EIRs and Negative Declarations, Section 15143, Emphasis:

“The EIR shall focus on the significant effects on the environment. The significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence.”

Train operational conditions along the Union Pacific Railroad (UPRR) Sacramento Subdivision between the Natomas/Sacramento Airport Station and the Stockton Downtown/ACE station with implementation of the proposed project are not expected to be significantly different from existing conditions. UPRR may operate a specific number of trains (including both freight and passenger trains) on its railroad subdivisions up to the capacity of the specific subdivision. The addition of project-related passenger trains operating along the Sacramento Subdivision would be dispatched by UPRR and would reduce the potential number of freight trains operating along the subdivision, given that the absolute number of potential trains that can operate is fixed. The addition of seven roundtrip passenger trains per day included in the proposed project is within the existing operational capacity of the subdivision.

It should also be noted that passenger trains are lighter, quieter, and shorter than typical freight trains. Therefore, by potentially reducing the number of freight trains operating

along the corridor, adverse indirect and direct effects of freight trains operating along the corridor (as well as maintenance requirements) would also be reduced. As such, the analysis in the EIR focuses mainly on those areas along the corridor where permanent physical changes could occur due to ground disturbance activities.

As described in EIR Chapter 2, *Project Description*, the project footprint is limited to areas along the Sacramento Subdivision where the construction of track improvements and stations would occur. All track improvements would be constructed within existing UPRR right-of-way (ROW), no temporary construction easements or permanent acquisition of new ROW is required for the track improvements. However, as described in EIR Chapter 3, *Environmental Impact Analysis*, the study areas for the environmental resources evaluated in the EIR included a buffer area beyond permanent and temporary impact areas (as necessary) to fully evaluate potential project impacts.

Regarding the potential for increased train speed along the corridor, while the track curve corrections included as part of the proposed project (see Chapter 2) would enable speeds of up to 90 mph along the curves, neither passenger nor freight trains would travel at 90 mph due to the fact that the design speed along the Sacramento Subdivision is 79 mph south of Sacramento with slower speeds going through the city. In addition, a speed of 79 mph would only occur along certain stretches of track in isolated areas with minimal at-grade crossings. Other speed limiting factors include the existing condition of track, freight operations, local conditions, and passenger rail operations.

In addition, increased passenger rail service along the UPRR corridor would only occur with operational agreements with UPRR and would be statutorily exempt from CEQA per Section 15275, Specified Mass Transit Projects:

“CEQA does not apply to the following mass transit projects:

- (a) The institution or increase of passenger or commuter service on rail lines or high-occupancy vehicle lanes already in use, including the modernization of existing stations and parking facilities.”

Response to Comment 14-3

The proposed project would not adversely affect the values or objectives of the Cosumnes River Preserve ACEC because it would not permanently affect the existence of or potential for restoration of sensitive habitats such as valley oak riparian forest, seasonal wetlands and vernal pools, oak savannah, or agricultural lands that provide habitat for greater sandhill cranes. All temporary and permanent impacts on these sensitive habitats would be associated with construction and would be mitigated to a less-than-significant level.

Please also see response to Comment 14-2.

Response to Comment 14-4

As described in response to Comment 14-2, all project-related work within the Cosumnes River Preserve would occur within the existing UPRR ROW. Impacts to recreation from project construction within the Cosumnes River Preserve are evaluated in EIR Section 3.15, *Recreation*. As discussed in Impact REC-1, the area of the Cosumnes River Preserve adjacent to the track

curve reconstruction site is not used for recreation. The Lost Slough Wetlands Walk is immediately adjacent to the footprint of proposed curve reconstruction improvements and is used for walking/hiking and nature watching. While construction activities related to track curve reconstruction south of Desmond Road would occur completely within existing UPRR ROW, construction may result in short-term and temporary displacement of some users from the Lost Slough Wetlands Walk to other trails farther from the construction area. However, due to the likely low use of the trail on weekdays (when construction would likely occur), indirect visitor displacement from this trail to a different trail would be minimal. Therefore, temporary displacement of some users would not increase the use of other recreational facilities such that substantial physical deterioration of other facilities would occur or be accelerated, and this impact is considered less than significant.

Response to Comment 14-5

Please see responses to Comments 14-2 and 14-4.

Response to Comment 14-6

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project. SJRRC and SJJPA are committed to continued collaboration with all interested parties and permitting agencies through the final design, permitting, and construction phases and implementation of all mitigation measures described in the EIR.

I.1.15 Letter 15. Sacramento County Water Agency

Letter 15

From: [Grinstead, Michael](#)
To: [Steinert, Kurtis](#)
Cc: [Underwood, Dave](#)
Subject: RE: Notice of Availability for Valley Rail Sacramento Extension DEIR
Date: Monday, May 11, 2020 8:57:53 AM
Attachments: [image001.jpg](#)

Kurtis,

SCWA would like to submit the following comment for inclusion with the County comments:

The Sacramento County Water Agency (SCWA) has water supply assets crossing the Union Pacific Railroad (UPR) Right Of Way (ROW) in the vicinity of Elk Grove, CA. Please work with SCWA when potential disruption of water supply assets could result from the project. From inspection, it appears the Elk Grove to Natomas section work could conflict with an SCWA water supply crossing at Big Horn Blvd and the UPR ROW near Big Horn Blvd.

Thanks,

MG

From: Steinert, Kurtis <SteinertK@saccounty.net>
Sent: Thursday, April 2, 2020 10:01 AM
To: Bellas, Liz <bellase@SacCounty.NET>; Cantelme, Steve <cantelmes@saco.es.org>; Darrow, Matthew <DarrowM@SacCounty.NET>; Gerlach, Vivian <GerlachV@saccounty.net>; Ghirardelli, David <ghirardellid@SacCounty.NET>; Grinstead, Michael <GrinsteadM@saccounty.net>; Hawkins, Tim <hawkinst@saccounty.net>; Jensen, Cecilia <jensenc@SacCounty.NET>; Johnson, Michael <johnsonm@SacCounty.NET>; Pahule, Chris <pahulec@saccounty.net>; Peterson, Todd <petersont@SacCounty.NET>; Smith, Todd <smithtodd@saccounty.net>; Underwood, Dave <underwoodd@SacCounty.NET>; Biner, Marianne <binerm@saccounty.net>; Willis, Chad <willisc@saccounty.net>
Subject: Notice of Availability for Valley Rail Sacramento Extension DEIR

Hello All:

Below is a link to the Notice of Availability (NOA) for the Draft EIR for the Valley Rail Sacramento Extension by the San Joaquin Regional Rail Commission. The Project Description for this project is available in the NOA. Comments are due to the Rail Commission on May 15, 2020.

DOT submitted comments on the Notice of Preparation for this project. If DOT or anyone else have comments please forward them in memo form to me by May 11, 2020. We will then assemble and forward to the Rail Commission. Thank you.

https://acerail.com/wp-content/uploads/Valley-Rail-Sacramento-Extension_NOA_3-31-20.pdf

15-1

Kurtis Steinert, AICP, Associate Planner

Office of Planning and Environmental Review

827 7th Street, Room 225, Sacramento, CA 95814 | (916) 874-6929 (direct)

www.per.saccounty.net



The Office of Planning & Environmental Review (PER) continues to provide essential services although our physical offices are closed until further notice during the COVID-19 state of emergency. Many staff are working remotely and we are modifying our business practices during this period. Please see our website at www.planning.saccounty.net for the most current information on how to obtain services. Please note our practices are pursuant to Federal, State, and County emergency declarations including County Resolution 2020-0159 and 2020-0160.

I.1.15.1 Response to Comment Letter 15

Response to Comment 15-1

As described in EIR Section 3.18, *Utilities and Service Systems*, implementation of Mitigation Measure UT-1.1: Implement a Utility Relocation Plan, requires coordination with all utility providers during final design and construction stages to identify utilities potentially impacted by the proposed project, including existing and planned utilities. Implementation of this mitigation measure would reduce impacts to less than significant.

SJRRC and SJJPA are committed to continued collaboration with all interested parties and permitting agencies (including SCWA) through the final design, permitting, and construction phases and implementation of all mitigation measures described in the EIR.

I.1.16 Letter 16. Sacramento County Department of Transportation

Department of Transportation
Ron E. Vicari, Director



Letter 16

Divisions
Administration
Maintenance & Operations
Engineering & Planning

County of Sacramento

April 2, 2020

San Joaquin Regional Rail Commission
Attn: Valley Rail Sacramento Extension DEIR
949 E. Channel Street
Stockton, CA 95202

SUBJECT: SACDOT COMMENTS ON VALLEY RAIL SACRAMENTO EXTENSION PROJECT DEIR.

Dear Sir/Madam:

The County of Sacramento, Department of Transportation has reviewed the Draft Environmental Impact Report for the subject project. We appreciate the opportunity to review the DEIR, and have the following comments to be taken into consideration:

- Improvements at the Natomas/Sacramento Airport Station should also include frontage improvements along Blacktop Road, including sidewalk, consistent with the County of Sacramento Improvement Standards. **16-1**
- Figure 2-7 indicates that the project proposes an at-grade crossing modification across Elkhorn Boulevard. The crossing should be designed to accommodate pedestrians wishing to cross the track. Sidewalk currently exists on the south side of the roadway, but is discontinuous across the track. **16-2**
- Sacramento County anticipates growth just to the west in the Grandpark Specific Plan (formerly Natomas North Precinct). The proposed station will serve as an important link in the Plan's transit strategy, connecting residents to downtown and Sacramento International Airport. Please continue to coordinate with Sacramento County, Sacramento Regional Transit, and the Grandpark team to implement robust multimodal connectivity that will be critical to reducing VMT. **16-3**

Should you have any questions, please feel free to contact me at (916) 875-5940.

Sincerely,

Handwritten signature of Cameron Shew in blue ink.

Cameron Shew, P.E., T.E.
Senior Civil Engineer
Department of Transportation

CHS:chs

Cc: Dan Shoeman, DOT
Matt Darrow, DOT
Gary Gasperi, DOT

I.1.16.1 Response to Comment Letter 16

Response to Comment 16-1

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project. SJRRC and SJJPA are committed to continued collaboration with all interested parties and permitting agencies, including the Sacramento County Department of Transportation, through the final design, permitting, and construction phases and implementation of all mitigation measures described in the EIR. The proposed project would include frontage improvements along Blacktop Road, including sidewalks.

Response to Comment 16-2

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project. SJRRC and SJJPA are committed to continued collaboration with all interested parties and permitting agencies, including the Sacramento County Department of Transportation, through the final design, permitting, and construction phases and implementation of all mitigation measures described in the EIR. The proposed project will provide for a safe pedestrian crossing on the south side across both the proposed and existing tracks.

Response to Comment 16-3

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project. SJRRC and SJJPA are committed to continued collaboration with all interested parties and permitting agencies, including the Sacramento County Department of Transportation, through the final design, permitting, and construction phases and implementation of all mitigation measures described in the EIR.

I.1.17 Letter 17. Sacramento Metropolitan Air Quality Management District



Letter 17

May 1, 2020

SENT VIA EMAIL

Kevin Sheridan, Director of Capital Projects
San Joaquin Regional Rail Commission
949 E. Channel Street, Stockton, CA 95202

RE: Valley Rail Sacramento Extension Draft Environmental Impact Report
(SCH# 2019090306)

Dear Mr. Sheridan:

The Sacramento Metropolitan Air Quality Management District (Sac Metro Air District) thanks the San Joaquin Regional Rail Commission for the opportunity to evaluate the Draft Environmental Impact Report (DEIR) for the Valley Rail Sacramento Extension (VRSE) project. We have reviewed the project in a manner consistent with the California Health and Safety Code Section 40961 requirement that the District "represent all the citizens of the Sacramento District in influencing the decisions of other public and private agencies whose actions may have an adverse impact on air quality." We commend the VRSE project overall for its potential to support multi-modal travel choice and reduce dependence on automobiles and associated polluting emissions. We offer the following comments to help strengthen the environmental analysis and support the project's potential benefits to air quality.

17-1

Operational Emissions

The VRSE project's potential air quality benefits are outstanding, and the DEIR should fully demonstrate that. While the DEIR does indicate that its Phase I operations would improve existing passenger rail opportunities, which would reduce on-road motor vehicle miles traveled (VMT) in the transportation network, it should also provide full documentation of this. Table 3.3-10 shows quantification of the project's net reduction in operational emissions, due to displaced VMT from on-road motor vehicle travel to rail, and refers to DEIR Appendix B for more detailed information. Appendix B does provide more detailed information on net operational emissions accounting for displaced VMT, and emissions avoided from daily VMT. However, for calculations for this information, it references only "TRICP Application and traffic analysis." We could not locate a different Appendix with more information on that reference. The DEIR should provide this analysis to fully document the VRSE project's potential air quality benefits and impacts.

17-2

Sac Metro Air District also recommends making the following adjustments to operational analysis emissions factors. First, the DEIR analysis uses EMFAC2017 emissions factors, and we recommend applying the California Air Resources Board (CARB) [off-model adjustment factors](#), available on CARB's website, to EMFAC2017, to account for changes in vehicle emissions due to the "Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program" recently adopted at the Federal government level.

17-3

777 12th Street, 3rd Floor | Sacramento, CA 95814-1908
916/874-4800 | 916/874-4899 fax
www.airquality.org

Valley Rail Sacramento Extension Draft Environmental Impact Report
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Construction Emissions

The DEIR should include reporting requirements to demonstrate enforceability for Mitigation Measure AQ-2.4, to offset construction NOx emissions, and for Mitigation Measures AQ-2.1 and AQ-2.2, which require that construction locomotives and off-road equipment meet Tier 4 emission standards. For effective reporting requirement language for NOx emission offset mitigation, please reference Sac Metro Air District's [Off-Site Construction Mitigation Fees](#) guidance, available on our website. For effective reporting requirement language for use of locomotives and off-road equipment to meet Tier 4 standards, please reference our [Enhanced On-Site Exhaust Controls](#) guidance, also available on our website.

17-4

Further, DEIR Appendix B, which contains quantification of criteria pollutant and greenhouse gas emissions and energy use, should provide more information on emissions factors used. On page 15, it identifies the source of mitigated emissions factors as "Carl Moyer for ROG, CO, NOX, PM10 and PM2.5," and it should identify specifically which Carl Moyer emissions factors for these pollutants it is referring to, ideally providing a website reference. Appendix B should also identify the source of emissions factors for earthmoving and demolition, and also for paving and architectural coatings.

17-5

Toxics and Sensitive Receptors

The DEIR's section on long-term operational emissions of toxic air contaminants (TACs) references recent analysis in the environmental document for the ACE Extension Lathrop to Ceres/Merced project, and appears to indicate that it is representative of the currently proposed VRSE project. The DEIR should provide analysis of TAC impacts that is specific to the currently proposed VRSE project because (1) pollutant exposure and subsequent health risk is highly dependent on wind patterns, and Sacramento may have different wind patterns than those in the vicinity of the Lathrop to Ceres / Merced project, and (2) Sacramento's sensitive receptors are closer than sensitive receptors for that project.

The DEIR states that for the ACE Extension Lathrop to Ceres/Merced Project analysis, locomotive idling at the North Lathrop Station and in-transit operations would result in a cancer risk of three cases per million, and a chronic hazard index of less than 0.1; it notes that these results are well below air district thresholds of a cancer risk of greater than 10 cases per million and hazard index of greater than 1. In addition to providing analysis of health risk from project TACs that is specific to the currently proposed VRSE project, for reasons cited above, the DEIR should clearly identify the methods for determining risk. Additionally, please note that Sac Metro Air District's thresholds for cancer risk and hazard index are for stationary sources only. Sac Metro Air District's [Mobile Sources Air Toxics Protocol Guidance Document](#) does not provide a recommendation for particular health risk or concentration-based thresholds for TACs, and states that Sac Metro Air District defers to the project's local jurisdiction to determine appropriate risk levels for intervention.

17-6

A VRSE project-specific analysis should include a cancer health risk assessment based on a 30-year exposure to diesel particulate matter (DPM) for receptors along the alignment within 500 feet. It should discuss associated risks of asthma and heart disease, as these cannot be quantified. It should discuss all project commitments to clean engine technology that would

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help decrease health risk. It should discuss that the receptors are also impacted by existing rail and roadways and that the project adds to this risk. We recommend referencing Sac Metro Air District's [Mobile Sources Air Toxics Protocol Guidance Document](#) for discussion purposes, even though it does not parse out rail and road risk.

17-6
Cont

Finally, we recommend providing landscaping to reduce health risk from TACS to the receptors. Sac Metro Air District's [Landscaping Guidance for Improving Air Quality near Roadways](#) offers direction on vegetation to reduce TAC-related health risk near roadways, and is also applicable to reducing the health risk near railways.

Phase II Improvements

The DEIR indicates that VRSE Phase II improvements' project level operational analysis would be conducted in future California Environmental Quality Act (CEQA) review, because improvements have not been funded at this time and because the location of the proposed maintenance and layover facility is subject to change. Due to uncertainty about the project parameters, project level construction analysis may be appropriate at that time too.

17-7

The DEIR further indicates that a quantified analysis of potential pollutants and associated health risks of Phase II improvements would be completed as part of the project level CEQA documentation required prior to approval of the Phase II improvements. Recommendations for CEQA analysis herein would apply to the future CEQA review, analysis, and documentation, particularly including a cancer health risk assessment based on a 30-year exposure to DPM for receptors along the alignment, and provision for landscaping to reduce health risk. Again, we recommend using Sac Metro Air District's [Guide to Air Quality Assessment in Sacramento County](#) and [Mobile Sources Air Toxics Protocol Guidance Document](#) to guide Phase II analysis.

Multi-Modal Access

We commend the bicycle pedestrian path slated from the Midtown Sacramento Station to C Street, providing direct path access to the Sacramento Northern Bike Trail from the station. We further commend the project's provision of amenities at all stations, particularly the stations in Midtown Sacramento and near Sacramento Regional Transit (RT) stations, including platform shelters, benches, lighting, security cameras, signage, bicycle storage facilities, landscaping, and emergency call boxes. Bicycle storage facilities should include both long-term locker parking, and bicycle racks to meet City of Sacramento Municipal Code bicycle parking requirements.

17-8

To fully support the project's potential to provide multi-modal travel choice, the project should provide for continuous, safe, and comfortable pedestrian and bicycle routes between its station platforms and RT light rail stations, to the greatest extent possible. Pedestrian routes should include separated sidewalks, and intersection improvements with pedestrian count-down timer signals and crosswalks on all legs of the intersection. Due to its length, we strongly recommend providing continuous tree shading along the pedestrian route between the North Elk Grove Station and the Franklin RT light rail station. In addition to providing the

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[air quality benefits associated with trees](#), this would make pedestrian travel viable along that route during the scorching Sacramento summers.

17-8
Cont

Conclusion

Thank you for your consideration. All projects are subject to SMAQMD rules and regulations at the time of construction. [A list of the most common rules that apply at the construction phase of projects is available on our website](#). If you have questions about these comments, please contact me at mwright@airquality.org or 916-874-4207

17-9

Sincerely,



Molly Wright, AICP
Air Quality Planner / Analyst

c: Paul Phillely, AICP, Program Coordinator

I.1.17.1 Response to Comment Letter 17

Response to Comment 17-1

Responses provided to specific SMAQMD comments are provided in response to Comment 17-2 through 17-7.

Response to Comment 17-2

The Draft EIR Appendix B, *Quantification of Criteria Air Pollutant and Greenhouse Gas Emissions, and Energy Use*, has been revised to include the documentation of estimated reduction in on-road motor vehicle miles travelled that would occur as a result of the proposed project.

Response to Comment 17-3

Emissions calculations have been revised to include application of the California Air Resources Board off-model emissions adjustment factors for EMFAC 2017; these adjustment factors were applied to light duty gasoline-powered vehicles within the construction and operational fleet mixes, as appropriate, to account for potential increases in future vehicle emissions due to the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rules Part One: One National Program” recently adopted at the federal government level. Updated emissions are provided in Tables 3.3-6 through 3.3-10 of EIR Section 3.3, *Air Quality*, as well as in the updated EIR Appendix B, *Quantification of Criteria Air Pollutant and Greenhouse Gas Emissions, and Energy Use*. This revision does not create any new potentially significant effects and does not change any of the conclusions of the 2019 Draft EIR.

Response to Comment 17-4

As requested, the phrasing of Mitigation Measures AQ-2.1, AQ-2.2, and AQ-2.4 of EIR Section 3.3, *Air Quality*, has been revised to more clearly demonstrate the reporting requirements and enforceability of the respective mitigation measures. Mitigation Measure AQ-2.3 has also had one requirement item added, consistent with revised measures outlined in the SMAQMD Basic Emission Control Practices; compliance with CARB’s In-Use Off-Road Diesel-Fueled Fleets Regulation (California Code of Regulations, Title 13, Sections 2449 and 2449.1) would be required by regulation irrespective of this mitigation measure, but is added here for completeness. The revised language for each mitigation measure is provided below. These revisions do not change any of the conclusions of the EIR.

AQ-2.1: Implement advanced emissions controls for off-road equipment.

SJRRC shall require that the construction contractor for all off-road equipment greater than 25 horsepower have engines that meet or exceed Tier 4 Final off-road emission standards, if commercially available. The Community Development Department for each of San Joaquin and Sacramento County will verify compliance with this measures prior to the issuance of a grading permit for construction activities within the respective jurisdictions.

AQ-2.2: Implement advanced emissions controls for locomotives used for construction.

SJRRC will require all diesel-powered locomotives used for construction to have engines that meet or exceed Tier 4 locomotive emission standards. The local community development or community works department, dependent upon the location of construction, will verify compliance with this measures prior to the issuance of a grading permit for construction activities within the respective jurisdictions.

AQ-2.3: Implement fugitive dust control measures at all construction and staging areas to reduce construction-related fugitive dust, consistent with SJVAPCD Regulation VIII and SMAQMD Basic Emission Control Practices.

SJRRC shall require that the construction contractor comply with fugitive dust control measures listed below or as they may be updated in the future by the SJVAPCD or SMAQMD. These measures reflect the SJVAPCD's Regulation VIII and the Basic Construction Emission Control Practices identified by the SMAQMD. The local community development or community works department, dependent upon the location of construction, will verify compliance with this measures prior to the issuance of a grading permit for construction activities within the respective jurisdictions.

- Water all exposed active construction area surfaces two times daily. Stabilize all on-site unpaved roads using water or chemical stabilizer/suppressant. Exposed surfaces include, but are not limited to, soil piles, graded areas, unpaved parking areas, staging areas, and access roads. All disturbed areas, including storage piles, that are not being actively utilized for construction purposes, shall be effectively stabilized to prevent dust emissions by being sprayed with water or chemical stabilizer/suppressant, or by being covered with a tarp or other suitable cover or vegetative ground cover.
- Install wind barriers at the windward sides of construction areas. Suspend excavation and grading activity when winds exceed 20 miles per hour.
- Cover or maintain at least 2 feet of free board space on haul trucks transporting soil, sand, or other loose material on the site. Any haul trucks that would be traveling along freeways or major roadways should be covered. Clean the interior of cargo compartments on emptied haul trucks prior to leaving a site.
- Prevent track out by installing track out control device. Use wet power vacuum street sweepers to remove any visible track of mud or dirt onto adjacent public roads at least once a day. The use of dry powered sweeping is prohibited.
- Limit vehicle speeds on unpaved roads to 15 miles per hour (mph).
- All roadways, driveways, sidewalks, and parking lots to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- Minimize idling time by either shutting equipment off when not in use or reducing idling time to 5 minutes (as required by California Code of Regulations, Title 13, sections

- 2449(d) and 2485). Post this requirement prominently at the entrances to the site, where workers will see it.
- Provide current certificate(s) of compliance for CARB's In-Use Off-Road Diesel-Fueled Fleets Regulation (California Code of Regulations, Title 13, Sections 2449 and 2449.1). For more information, contact CARB at 877- 593-6677, doors@arb.ca.gov, or www.arb.ca.gov/doors/compliance_cert1.html.
 - Maintain all construction equipment in proper working condition according to the manufacturer's specifications. The equipment must be checked by a certified mechanic and determined to be in proper condition before it is operated.

AQ-2.4: Offset construction NO_x emissions.

If construction equipment and locomotives with Tier 4 or equivalent engines are unavailable to support construction activities, as required by Mitigation Measure AQ-2.1 and Mitigation Measure AQ-2.2, SJRRC shall participate in the off-site mitigation fee program by each air district, as appropriate. The mitigation fee, if needed, will be set at a level that would bring NO_x emissions to a less-than-significant level (i.e., less than 100 pounds per day or 10 tons per year from construction activities within the SJVAPCD and less than 85 pounds per day from construction activities within the SMAQMD). The off-site mitigation fee may be needed if there is limited availability of equipment that meets or exceeds Tier 4 Final off-road emission standards for heavy-duty diesel engine use, and if the application of other mitigation measures would not bring NO_x emissions below the SJVAPCD or SMAQMD threshold during construction. The calculation of fees, if needed, shall occur in consultation with SJVAPCD and SMAQMD, respectively, prior to initiating construction in each air district. The mitigation and administrative fees shall be paid in full by the Project Applicant, or its designee, prior to the local community development or public works department issuing a grading permit that would allow activity that would exceed the respective air district's thresholds. The Project Applicant, or its designee, may negotiate an alternate payment plan based on the timing of construction phases that are expected to exceed the respective air district's thresholds of significance, and would be required to be accepted by and agreed upon in writing with the respective air district prior to the issuance of a grading permit. In coordination with the respective air districts, the Project Applicant, or its designee, may reanalyze the project's construction-related emissions prior to starting construction to update the required mitigation and administrative fees. If an updated analysis is performed, it must be submitted to and approved by the respective air district and local development jurisdiction.

Response to Comment 17-5

EIR Appendix B, *Quantification of Criteria Air Pollutant and Greenhouse Gas Emissions, and Energy Use*, has been revised to include more the documentation of the emissions factors used to quantify project-related emissions, including the Carl Moyer emissions factors used for mitigated off-road equipment emissions, as well as the source of emission factors for earthmoving and demolition, and for paving and architectural coatings.

Response to Comment 17-6

The analysis of potential impacts associated with project-related emissions of toxic air contaminants (TACs) has been expanded to include a project specific health risk assessment (HRA). The HRA assessed the potential TAC emissions impacts associated with short-term construction and long-term daily operations of the proposed project. Using methodology and guidance local, regional, state, and federal agencies, including the California Air Pollution Control Officers Association (CAPCOA) (2009), the California Air Resources Board (ARB) (2017), the Office of Environmental Health Hazard Assessment (OEHHA) (2015), SMAQMD Mobile Sources Air Toxics Protocol (2019), the U.S. Environmental Protection Agency (EPA) (2017), and SMAQMD and SJVAPCD CEQA guidelines, the HRA quantified health risks (cancer and non-cancer chronic risk) resulting from the proposed project on the surrounding community per year of construction and under full operational conditions. The detailed HRA methodology, inputs, and modeling files have been provided as EIR Appendix B, *Air Quality, Health Risk Assessment, Greenhouse Gas, and Energy*. The results of the HRA, as well as additional discussion of non-quantified health risks such as asthma and heart disease, have been added to EIR Section 3.3, *Air Quality*. The results of the HRA support the Impact AQ-3 conclusions in the Draft EIR. The expanded analysis and revisions to Section 3.3 do not create any new potentially significant effects and do not change any of the conclusions of the 2019 Draft EIR.

Although impacts associated with exposure of sensitive receptors to project-related emissions have been found to be less than significant, SMAQMD recommends that exposure reduction measures be considered for any proposed land use project that would result in the exposure of individuals to air pollutants from an active railway.

Response to Comment 17-7

Subsequent to the circulation of the Draft EIR, SJRRC and SJJPA received additional information and significant expressions of concern regarding siting of the proposed Natomas Maintenance and Layover Facility – a potential Phase II component of the proposed project. The site identified in the Draft EIR for the Natomas Maintenance and Layover Facility would require purchase or condemnation of two operating business ventures, as well as property owned by a joint landlord. Such purchase or condemnation could be prohibitively expensive for SJRRC and SJJPA and could also result in the loss of significant jobs to the region. For those reasons, SJRRC and SJJPA have deemed it infeasible to site the Natomas Maintenance and Layover Facility as shown in the Draft EIR. As such, consideration of all potential Phase II improvements, including the Natomas Maintenance and Layover Facility, the West Elkhorn Boulevard Overpass, and expansion of the Natomas/Sacramento Airport Station parking lot are no longer under consideration. All references to Phase II have been deleted from this Final EIR. If Phase II proceeds at a future date, SJRRC and SJJPA would site the Natomas Maintenance and Layover Facility at a more desirable location, subject to additional CEQA documentation and public review.

Response to Comment 17-8

As detailed in EIR Section 3.16, *Transportation*, most of the proposed stations would include bus bays for connecting bus services, as well as new access roads and/or improvements to adjacent roadway segments, intersections, and bicycle/pedestrian facilities as needed to provide adequate multi-modal access to and from the station. As discussed under Impact TRA-1, the proposed

project would enhance bicycle and pedestrian safety and access, and encourage activate transportation, through construction of new bicycle/pedestrian facilities (e.g., sidewalks, signalized crossings, bicycle/pedestrian paths) and upgrades to existing bicycle/pedestrian facilities. In addition, as discussed under Impact TRA-3, design, construction, and operation of the proposed project would also comply with applicable standards from Caltrans and local city and county agencies (for changes to the roadway network, including freeways, local streets, and grade crossings); design approval for specific project components would be sought from the appropriate agencies as part of detailed design and subsequent stages of the proposed project.

Response to Comment 17-9

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project. SJRRC and SJJPA are committed to continued collaboration with all interested parties and permitting agencies through the final design, permitting, and construction phases and implementation of all mitigation measures described in the EIR.

I.1.18 Letter 18. Sacramento Metropolitan Air Quality Management District

Gmail - Valley Rail Extension DEIR Appendix B

Page 1 of 1

Letter 18



Gmail

San Joaquin Regional Rail Commission <ace.sacramentoextension@gmail.com>

Valley Rail Extension DEIR Appendix B

2 messages

Molly Wright <MWright@airquality.org> Thu, Apr 23, 2020 at 7:12 PM
To: "Ace.sacramentoextension@gmail.com" <Ace.sacramentoextension@gmail.com>
Cc: Paul Philley <PPhilley@airquality.org>, Karen Huss <KHuss@airquality.org>, Rachel DuBose <RDubose@airquality.org>

Hello,

At the virtual open house for this project this evening, I asked whether it was correct to understand that the DEIR relies on a TAC analysis done for the Lathrop to Ceres/Merced project, stating that it's representative of the Valley Rail Extension project? As follow-up to that question, I asked if it be possible to get a copy of the analysis, including methodology, where the results showed well below 10 cases per million for associated cancer risk? The answer I received was that separate analysis was conducted for the current Valley Rail Extension project, and it's included as appendix to DEIR. However, I did not see this analysis in Appendix B. Could you please direct me to the analysis?

18-1

A second question I had was, according to Appendix B, VMT reduction calculations are based upon TRCIP application and traffic analysis. Is it possible to get a copy of this analysis?

18-2

Finally, is there a good contact person there that I could talk to about these questions, since it may be more practicable and time-efficient to talk directly?

18-3

Thank you for your help!

Molly Wright, AICP | Air Quality Planner / Analyst
Sacramento Metropolitan Air Quality Management District
777 12th Street, 3rd Floor, Sacramento, CA 95814 | (916) 874-4207 | www.airquality.org

Valley Rail Sacramento Extension <ace.sacramentoextension@gmail.com> Thu, Apr 23, 2020 at 7:30 PM
To: melissa.gjerde@aecom.com

(Quoted text hidden)

<https://mail.google.com/mail/u/1?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f...> 6/9/2020

I.1.18.1 Response to Comment Letter 18

Response to Comment 18-1

The Lathrop to Ceres/Merced EIR and supporting health risk analysis are available on that project's website (<https://acerail.com/merced-extension-eir/>). This reference analysis was not provided as an attachment to the Draft EIR. However, the analysis of potential impacts associated with the proposed project's emissions of toxic air contaminants (TACs) has been expanded to include a project-specific health risk assessment (HRA), as described in response to Comment 17-6. The results of the HRA support the Impact AQ-3 conclusions in EIR Section 3.3, *Air Quality*. The expanded analysis and revisions to Section 3.3, do not create any new potentially significant effects and do not change any of the conclusions of the EIR.

Response to Comment 18-2

Please see response to Comment 17-2.

Response to Comment 18-3

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project. Additional coordination has occurred between the commenter and project consulting staff per the request of the commenter.

The agency's questions have been addressed per the responses to Comment Letter 17 and the above response to Comment 18-1 and 18-2 in coordination with the commenter.

I.1.19 Letter 19 Sacramento Municipal Utility District (SMUD)



Sent Via E-Mail

June 5, 2020

Kevin Sheridan
San Joaquin Regional Rail Commission
949 East Channel Street
Stockton, CA 95202
ace.sacramentoextension@gmail.com

Subject: Valley Rail Sacramento Extension Project / EIR / 2019090306

Dear Mr. Sheridan:

The Sacramento Municipal Utility District (SMUD) appreciates the opportunity to provide comments on the Environmental Impact Report (EIR) for the Valley Rail Sacramento Extension Project (Project, SCH 2019090306). SMUD is the primary electrical energy provider for Sacramento County and the proposed Project area. SMUD's vision is to empower our customers with solutions and options that increase energy efficiency, protect the environment, reduce global warming, and lower the cost to serve our region. As a Responsible Agency, SMUD aims to ensure that the proposed Project limits the potential for significant environmental effects on SMUD facilities, employees, and customers.

It is our desire that the EIR will acknowledge any Project impacts related to the following:

- Overhead and or underground transmission and distribution line easements. Please view the following links on smud.org for more information regarding transmission encroachment:
 - <https://www.smud.org/en/Business-Solutions-and-Rebates/Design-and-Construction-Services>
 - <https://www.smud.org/en/Corporate/Do-Business-with-SMUD/Land-Use/Transmission-Right-of-Way>
- Utility line routing
- Electrical load needs/requirements
- Energy Efficiency
- Climate Change
- Cumulative impacts related to the need for increased electrical delivery
- The potential need to relocate and or remove any SMUD infrastructure that may be affected in or around the project area

19-1

More specifically, SMUD would like to have the following details related to the electrical infrastructure incorporated into the project description and pertinent sections:

19-1
Cont

Gas Pipeline

SMUD maintains a high-pressure natural gas pipeline located close to several areas of your proposed project, including conflicts at the proposed Elk Grove Station. SMUD is required to adhere to strict procedures to maintain the integrity of the pipeline to protect public safety. SMUD requires the following comments be addressed to the satisfaction SMUD Gas Pipeline Operations prior to any work commencing.

- SMUD is required to regularly inspect and maintain the gas pipeline, which may include excavating the pipeline.
- At any time and without notice, SMUD may be required to excavate this pipeline in order to protect public safety.
- SMUD maintains an above-ground station at the proposed Elk Grove station. This facility will release natural gas on an annual basis as part of necessary maintenance activities, or at any other time without notice in the event of an emergency.
- The release of natural gas at the station creates noise levels that could be harmful to the public. A sound study will be required to determine the minimum safe distance to public areas.
- SMUD maintains an easement for the gas pipeline on SRCSD property in the vicinity of the proposed Elk Grove Station which prohibits any improvement within the easement. Easement restrictions exist for SMUD Parcels.
- It is unclear at this time how the proposed Civil improvements will affect the continued operation and maintenance of the SMUD gas pipeline. SMUD will have further comments once the pipeline and easement are accurately depicted on the Civil drawings.
- Expansion of SMUD's transmission pipeline station is possible in the future.
- Add the following note to all drawings with ground disturbance within 100 feet of SMUD gas pipeline:

19-2

- A field meeting between SMUD and the contractor is required before any ground disturbance within 100 feet of the SMUD natural gas pipeline occurs. If any excavation is to be performed within 20 feet of the pipeline, or the project work includes any crossing of the pipeline regardless of vertical separation distance, SMUD standby staff must be present prior to starting any work.

19-2
Cont

Transmission Lines

These comments are not an acceptance of the proposed development but serve as a listing of requirements that need to be responded to in writing by the project owner. Approval of proposed development is by executed agreement only.

- SMUD must consent in advance and in writing prior to any construction work occurring within its legal transmission line easements.
- Show SMUD transmission line easement on the plans especially if the proposed work will encroach upon the SMUD easement.
- Show SMUD poles and conductor facilities on plans if the poles and wires are within the proposed temporary construction easement.
- SMUD transmission and distribution facilities are labeled as PG&E facilities throughout the plans, please update to reflect SMUD ownership.
- The relocation of SMUD transmission line assets will take 18 to 24 months after the execution of a cost recovery agreement.
- Temporary Construction easements will encroach on SMUD transmission line easements.
- Elevation changes and changes in land use may cause SMUD to have clearance violations, these violations will need to be corrected before the proposed project can become operational.
- SMUD must maintain access to its facilities to allow for periodic maintenance.
- All excavations within 25 feet of any structure will require the submittal of construction procedures, drawings, calculations and shoring plans reviewed and stamped by a licensed California Civil Engineer. All excavation work within 25 feet of any structure shall be performed in the presence of a SMUD Inspector.
- The 15% plans require additional details in order to provide better comments.

19-3

Distribution Lines

The following comments were included in SMUD's comment letter on the NOP, dated November 19, 2019. These comments were not addressed in the draft EIR.

A. Natomas/Sacramento Airport Station

- SMUD has existing 12kV/69kV overhead and underground facilities located throughout the proposed project locations.
- Future facilities include 69kV overhead infrastructure running adjacent to the existing power corridor and east of E. Levee Rd.

B. Natomas Maintenance and Layover Facility

- The Natomas Maintenance and Layover Facility would be located in the same vicinity as the proposed Natomas/Sacramento Airport Station alternatives. Please see comments for Natomas/Sacramento Airport Station.

C. Midtown Station

- SMUD has existing 21kV facilities in the proposed project area between P St. and S St.
- SMUD has existing underground 115kV facilities along 19th St., adjacent to the project site.

D. City College Station

- SMUD has existing 21kV facilities in the proposed project area adjacent to the existing City College Station that must remain.

E. Old North Sacramento Station

- SMUD has existing 12kV facilities along Acoma St and El Monte Ave that must remain.

F. Elk Grove

- SMUD has existing 12kV/69kV overhead and underground facilities around the proposed project site that are to remain.
- SMUD has an existing 12kV substation adjacent to the project site that is to remain.
- Future projects include construction along the west side of Franklin Blvd. between the existing SMUD substation and Franklin Blvd.

G. Rail Infrastructure

- SMUD has existing facilities adjacent to Union Pacific Railroad (UPRR) right of way that are to remain.
- SMUD has existing 69kV facilities paralleling the tracks north of the North Elk Grove Station.
- SMUD has existing 69kV facilities paralleling the tracks north of Lambert Rd and north of Core Rd south of Elk Grove.
- SMUD has existing 69kV facilities paralleling the tracks between Meadowview Rd and Florin Rd in Sacramento.
- SMUD has existing 21kV facilities paralleling the tracks around Sacramento City College.
- SMUD has existing 69kV and 12kV facilities paralleling and crossing the tracks on sections between Del Paso Blvd and north of Barros Dr.

19-4

- SMUD has existing 21kV facilities paralleling the track section between the proposed City College Station and 26th Ave.

19-4
Cont

Additionally, technical comments on "Appendix G Engineering Drawings" regarding SMUD's infrastructure are attached.

19-5

SMUD would like to be involved with discussing the above areas of interest as well as discussing any other potential issues. We aim to be partners in the efficient and sustainable delivery of the proposed Project. Please ensure that the information included in this response is conveyed to the Project planners and the appropriate Project proponents.

19-6

Environmental leadership is a core value of SMUD and we look forward to collaborating with you on this Project. Again, we appreciate the opportunity to provide input on this EIR. If you have any questions regarding this letter, please do not hesitate to contact me at 916.732.6676, or by email at rob.ferrera@smud.org.

Sincerely,



Rob Ferrera
Environmental Services Specialist
Sacramento Municipal Utility District
6201 S Street
Sacramento, CA 95817

cc: Entitlements

I.1.19.1 Response to Comment Letter 19

Response to Comment 19-1

EIR Section 3.18, *Utilities and Service Systems*, analyzes impacts to utilities and service comprehensively. As shown in Impact UT-1, the impact is considered potentially significant, but mitigated by Mitigation Measure UT-1.1: Implement a Utility Relocation Plan. This Mitigation Measure notes SJRRC will coordinate with all utility providers during final design and construction stages to identify utilities potentially impacted by the proposed project, including existing and planned utilities. Section 3.18 also notes that SJRRC would continue to evaluate electrical demand with SMUD and PG&E as part of overall coordination activities. Though local connections to electric transmission facilities may be necessary, the amount of electricity needed for the proposed project is not anticipated to result in the need for new or expanded electric power facilities.

EIR Section 3.6, *Energy*, includes a comprehensive analysis of energy impacts. As shown in Impact ENG-1, the proposed project would not result in in potentially-significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. This impact would be less than significant.

EIR Section 3.8, *Greenhouse Gas Emissions*, analyzes greenhouse gas emissions impacts comprehensively. Section 3.8.3.1 focuses on climate change, including the policies and regulatory efforts and the types of gases that contribute to climate change. As shown in Impact GHG-1, the impact is considered potentially significant, but mitigated by Mitigation Measure GHG-1.1: Implement Construction Emission Reductions to Minimize Construction-Related GHG Emissions. This Mitigation Measure notes SJRRC will implement construction GHG emission reduction measures, as feasible.

EIR Section 4.2, *Cumulative Impacts*, includes a complete analysis of potential cumulative impacts related to utilities and service systems. As described, infrastructure demand (including energy demand) is considered less than cumulatively considerable.

Response to Comment 19-2

Subsequent to the circulation of the Draft EIR, SJRRC and SJJPA have continued coordination with the City of Elk Grove on an appropriate site for a station to serve the Elk Grove community. Additional information on a more ideal location for the station has been identified. In addition, SJRRC and SJJPA received numerous comments on the Draft EIR questioning the viability of the proposed North Elk Grove Station described in Draft EIR Chapter 2, Project Description. As such, the proposed North Elk Grove Station is no longer under consideration. All text related to the proposed North Elk Grove Station has been formatted as ~~strike through~~ in the Final EIR. Because the North Elk Grove Station is no longer under consideration, this comment is no longer applicable to the proposed project.

Final approval of a future Elk Grove Station at a site agreed to by all interested parties will be subject to a separate, stand-alone CEQA document that will be circulated for public review and comment at a later date.

Response to Comment 19-3

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

The SJRRC and SJJPA will incorporate and address, as required, the listed requirements and details regarding transmission lines. Where a SMUD Executed Agreement is necessary, SJRRC and SJJPA will provide the materials requested by SMUD as part of the Agreement process.

Response to Comment 19-4

Subsequent to the circulation of the Draft EIR, SJRRC and SJJPA received additional information and significant expressions of concern regarding siting of the proposed Natomas Maintenance and Layover Facility – a potential Phase II component of the proposed project. The site identified in the Draft EIR for the Natomas Maintenance and Layover Facility would require purchase or condemnation of two operating business ventures, as well as property owned by a joint landlord. Such purchase or condemnation could be prohibitively expensive for SJRRC and SJJPA and could also result in the loss of significant jobs to the region. For those reasons, SJRRC and SJJPA have deemed it infeasible to site the Natomas Maintenance and Layover Facility as shown in the Draft EIR. As such, consideration of all potential Phase II improvements, including the Natomas Maintenance and Layover Facility, the West Elkhorn Boulevard Overpass, and expansion of the Natomas/Sacramento Airport Station parking lot are no longer under consideration. All references to Phase II have been deleted from this Final EIR. If Phase II proceeds at a future date, SJRRC and SJJPA would site the Natomas Maintenance and Layover Facility at a more desirable location, subject to additional CEQA documentation and public review.

Because Phase II improvements are no longer under consideration as part of the proposed project, the concerns raised by this comment are no longer applicable and a response is not necessary.

Please also see responses to Comments 19-1 and 19-2.

Response to Comment 19-5

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

Response to Comment 19-6

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

I.1.20 Letter 20. Sacramento Municipal Utility District



Sent Via E-Mail

June 5, 2020

Kevin Sheridan
San Joaquin Regional Rail Commission
949 East Channel Street
Stockton, CA 95202
ace.sacramentoextension@gmail.com

**Subject: Valley Rail Sacramento Extension Project / EIR / 2019090306
Additional Technical Comments**

Dear Mr. Sheridan:

The Sacramento Municipal Utility District (SMUD) appreciates the opportunity to provide comments on the Draft Environmental Impact Report (EIR) for the Valley Rail Sacramento Extension Project (Project, SCH 2019090306).

20-1

Please refer to the attached letter, sent June 5, 2020, to address general comments provided by SMUD during the public comment period for the Project EIR. This letter serves to provide more technical comments.

SMUD would like to have the following details related to the electrical infrastructure incorporated into the project description:

Gas Pipeline

- Sheet 70 of 171
 - Show easement and pipeline location for SMUD 24" gas pipeline, located east of UPRR ROW and North of Core Rd. per ALG-CPP-C8014.
 - Add note.
- Sheet 72 of 171
 - Show easement and pipeline location for SMUD 24" gas pipeline, located east of UPRR ROW and North of Core Rd. per ALG-CPP-C8014.
 - Add note.
- Sheet 80 of 171, Typical Section E
 - No swale will be allowed over existing SMUD 20" gas pipeline at approximately Sta 103+00.
- Sheet 83 of 171
 - Show existing 20" gas pipeline per drawings GPO-CL1-C1016 and GPO-CL1-C1022.
 - Label existing Morrison Creek Cross-tie yard.
 - Add Note.

20-2

- Re-establish connection to existing access road at parking lot turnaround and reconstruct access road as necessary.
- Establish new At-grade crossing for new track at access road crossing.
- Note, no trees allowed within 10 feet of centerline on either side of existing gas pipeline, including parking lot shade trees.
- Note, there is currently a 10' wide easement over the gas pipeline at the proposed parking lot for the new Elk Grove station which prohibits improvements within the easement without prior written consent by SMUD. See Sacramento County Grant of Easement T/L R/W No. 503/03.
- Maintain minimum 60" cover over pipeline.
- Sheet 85 of 171
 - Show existing 20" gas pipeline per Dwg GPO-CL1-C1022 and label.
 - Add note
- Sheet 91 of 171, Typical Section E
 - No swale will be allowed over existing SMUD 20" gas pipeline at approximately Sta 103+00.
- Sheet 95 of 171
 - Show existing 20" gas pipeline per Dwg GPO-CI1-C1022 and label.
 - Label existing Morrison Creek Cross-tie yard
 - Add Note ...
 - Re-establish connection to existing access road at parking lot turnaround, and reconstruct access road as necessary.
 - Establish new At-grade crossing for new track at access road crossing.
 - Note, no trees allowed within 10 feet of centerline on either side of existing gas pipeline, including parking lot shade trees.
 - Note, there is currently a 10' wide easement over the gas pipeline at the proposed parking lot for the new Elk Grove station which prohibits improvements within the easement without prior written consent. See Sacramento County Grant of Easement T/L R/W No. 503/03.
 - Maintain minimum 60" cover over pipeline.
- Sheet 97 of 171
 - Show existing gas pipeline per Dwg GPO-CI1-C1022 and label.
 - Add note,
- Sheet 102 of 171
 - Show existing gas pipeline per Dwg GPO-CI1-C1023 and label.
 - Add note.
- Sheet 106 of 171
 - Show and label existing gas pipeline per Dwg GPO-CI1-C1029 to C1033 and label.
 - Add note
- Sheet 107 of 171
 - Show and label existing gas pipeline per Dwg GPO-CI1-C1029 to C1033 and label.
 - Add note
- Sheet 112 of 171

20-2
Cont

- Show and label existing gas pipeline per Dwg GPO-C11-C1039 and C1040 and label.
- Add note

20-2
Cont

Transmission Lines

- Phillip Siding Upgrade
 - Sheet 70
 - A SMUD double circuit 230kV lines run parallel on the east side of the UPRR tracks from sta. 116.5 to 126.
 - Sheet 72
 - Distribution line shown as being part of the transmission line system and crossing the tracks at approx. sta 116.5, this is not correct. The distribution and transmission systems are not on the same poles in this area and the transmission line does not cross the tracks only the distribution line crosses.
 - Transmission structure footing is less than 30ft from the existing UPRR track centerline
- Elk Grove Siding Variant 1
 - Sheet 76
 - A SMUD double circuit 230kV lines run parallel with the UPRR tracks from sta. 0 to 112.
 - From approx. sta. 85 the proposed track sides to the east as it makes its approach to the Elk Grove station platform potentially bringing it below the 230kV conductors. Please provide a cross section view that shows the track in comparison to the 230kV conductors, so that a determination can be made that the proposal will meet code requirements.
 - At approx. sta. 112 the 230kV lines cross over the UPRR tracks and are then located on the West side of the proposed tracks. Please provide a cross section view that shows the track in comparison to the 230kV conductors at the crossing, so that a determination can be made that the proposal will meet code requirements.
 - A 69kv line crossings at approx. sta. 46 and then crosses again at approx. sta. 66
 - A 69kV line crosses the tracks at approx. sta. 108.
 - Sheet 78
 - Section D shows drainage work being performed outside of the URPP ROW, is this work being proposed with the SMUD transmission line easement?
 - Sheet 79

20-3

- Section E shows drainage work being performed outside of the URPP ROW, is this work being proposed with the SMUD transmission line easement?
- Sheet 83
 - Fill of 7-8 feet to increase the elevation of top of rail may cause SMUD to no longer meet code clearance requirements especially at sta's. 90 to 112, where the rail sides to the east to make its approach to the Elk Grove station platform bringing into the SMUD transmission line easement. Please show the distance from top of rail to closes electric supply and communication conductors in a cross-section view.
 - SMUD uses the access road at approx. sta. 91 to access facilities on the west side of the UPRR tracks. This access must be retained, or equivalent access must be made available.
 - Provide additional details of any permanent structures being proposed for the Elk Grove Station Platform so that a determination can be made that the proposal will meet code requirements.
- Elk Grove Siding Variant 2
 - Sheet 88
 - A SMUD double circuit 230kV lines run parallel with the UPRR tracks from sta. 0 to 122.
 - From approx. sta. 95 the proposed track sides to the east as it makes its approach to the Elk Grove station platform potentially bringing it below the 230kV conductors. Please provide a cross section view that shows the track in comparison to the 230kV conductors, so that a determination can be made that the proposal will meet code requirements.
 - At approx. sta. 115 the 230kV lines cross over the UPRR tracks and are then located on the West side of the proposed tracks. Please provide a cross section view that shows the track in comparison to the 230kV conductors at the crossing, so that a determination can be made that the proposal will meet code requirements.
 - A 69kv line crossings at approx. sta. 50 and then crosses again at approx. sta. 70
 - A 69kV line crosses the tracks at approx. sta. 110.
 - Sheet 95
 - Fill of 7-8 feet to increase the elevation of top of rail may cause SMUD to no longer meet code clearance requirements especially at sta's. 96 to 120, where the rail sides to the east to make its

20-3
Cont

- approach to the Elk Grove station platform bringing into the SMUD transmission line easement. Please show the distance from top of rail to closes electric supply and communication conductors in a cross-section view.
 - SMUD uses the access road at approx. sta. 93 to access facilities on the west side of the UPRR tracks. This access must be retained, or equivalent access must be made available.
 - Provide additional details of any permanent structures being proposed for the Elk Grove Station Platform so that a determination can be made that the proposal will meet code requirements.
 - Track Curve Reconstruction North of Elk Grove Station
 - Sheet 100
 - SMUD does not currently have access to 230kV and 69kV transmission poles located west of this improvement, SMUD would like to ask for an at grade crossing of the UPRR and ACE tracks in this area
 - Pollock Siding Upgrade
 - Sheet 104
 - A SMUD double circuit 230kV lines run parallel on the west side with the UPRR tracks from sta. 0 to 40 where they then enter into the Pocket substation.
 - At approx. sta. 40 two 230kV transmission lines cross the tracks overhead, these lines then run parallel with the UPRR tracks on the east side from approx. sta. 40 to sta. 62.
 - At approx. sta. 43 two 69kV lines cross the tracks overhead
 - Sheet 105
 - Show SMUD facilities in cross section views that fall within the temporary construction easement
 - Sheet 107
 - Minor elevation change at approx. sta. 35-43 may cause SMUD to no longer meet code clearance requirements. Please show the distance from top of rail to electric supply and communication conductors.
 - South Sacramento Siding
 - Sheet 109
 - A SMUD single circuit 115Kv transmission line with distribution and communication conductors underbuilt runs parallel on the east side of the UPRR tracks from sta. 0 to sta. 151.
 - Sheet 110-111

20-3
Cont

- Show SMUD facilities in cross section views that fall within the temporary construction easement
- Show cross section views of all energy supply and communication conductor crossings with the proposed tracks
- Sheet 112-117
 - Minor elevation change may cause SMUD to no longer meet code clearance requirements. Please show the distance from top of rail to electric supply and communication conductors.
- Midtown Sacramento Station
 - Sheet 127
 - A SMUD single circuit 115kV transmission line with distribution and communication conductors underbuilt runs parallel on the west side of the UPRR tracks from sta. 0 to sta. 17.
 - At approx. sta. 18 another SMUD 115kV line crosses the proposed tracks and joins up with the line approaching from the south on a common set of poles. The lines then run parallel on the west side of the UPRR tracks from sta. 18 before the lines terminate at a SMUD substation at sta. 30.
 - Sheet 128
 - Show SMUD facilities in cross section views that fall within the temporary construction easement
 - Show cross section views of all energy supply and communication conductor crossings with the proposed tracks
 - Sheet 129
 - Minor elevation change may cause SMUD to no longer meet code clearance requirements. Please show the distance from top of rail to electric supply and communication conductors.
- Del Paso Siding Upgrade and Extension
 - No comments sheets 135 – 153
- Natomas Sacramento Airport Station
 - No comments sheets 154 – 171

20-3
Cont

SMUD requests a meeting with your planners so we can address concerns prior to any subsequent design iterations. Please reach out at your earliest convenience to schedule a meeting. We aim to be partners in the efficient and sustainable delivery of the proposed Project.

20-4

Environmental leadership is a core value of SMUD and we look forward to collaborating with you on this Project. Again, we appreciate the opportunity to provide input on this EIR. If you have any questions regarding this letter, please do not hesitate to contact me at 916.732.6676, or by email at rob.ferrera@smud.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rob Ferrera', with a long horizontal stroke extending to the right.

Rob Ferrera
Environmental Services Specialist
Sacramento Municipal Utility District
6201 S Street
Sacramento, CA 95817

cc: Entitlements

I.1.20.1 Response to Comment Letter 20

Response to Comment 20-1

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project. Please also see responses to Comment Letter 19.

Response to Comment 20-2

Details provided regarding gas pipelines have been included in the project design plan sheets in EIR Appendix G, *Valley Rail Extension 15% Preliminary Engineering Plan Set*.

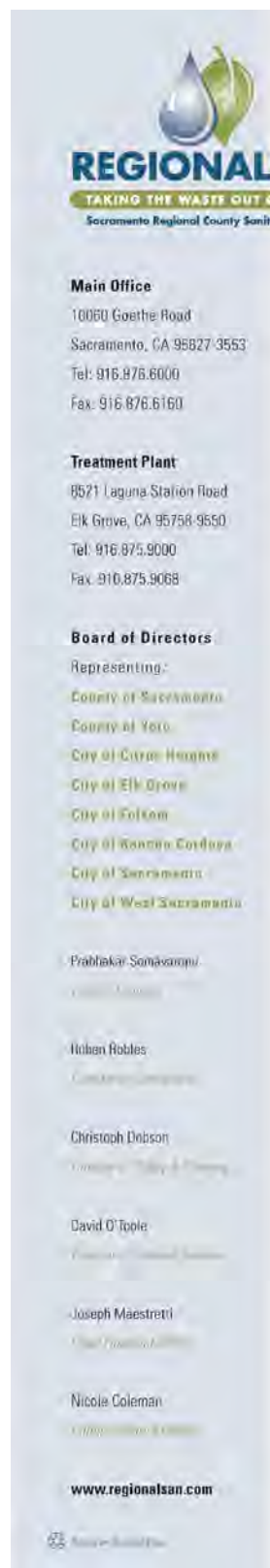
Response to Comment 20-3

Details provided regarding transmission lines have been included in the project design plan sheets in EIR Appendix G, *Valley Rail Extension 15% Preliminary Engineering Plan Set*.

Response to Comment 20-4

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project. SJRRC and SJJPA are committed to continued collaboration with all interested parties and permitting agencies, including SMUD, through the final design, permitting, and construction phases and implementation of all mitigation measures described in the EIR.

I.1.21 Letter 21. Sacramento Regional County Sanitation District



June 5, 2020

Letter 21

San Joaquin Regional Rail Commission
Attn: Valley Rail Sacramento Extension Project
949 East Channel Street
Stockton, CA 95202

Subject: Notice of Availability of a Draft Environmental Impact Report for the Valley Rail Sacramento Extension Project (SCH #2019090306)

To Whom it may Concern,

Sacramento Regional County Sanitation District (Regional San) and the Sacramento Area Sewer District (SASD) have reviewed the Draft Environmental Impact Report (DEIR) for the Valley Rail Sacramento Extension Project (Project) and have the following comments.

The proposed Project improvements include the construction of six new stations between Stockton and the Natomas area of Sacramento. Each proposed station would be located along the existing Union Pacific Railroad (UPRR) alignment, with the North Elk Grove Station proposed to be located within the Regional San Bufferlands, a designated open space area surrounding the Sacramento Regional Wastewater Treatment Plant (SRWTP).

The proposed Project improvements also include track curve reconstructions at four locations, upgrades to existing passing sidings at six locations, construction of new passing siding track in two locations, and construction of a new crossover track in one location. All of the proposed track work would occur in the existing UPRR right of way (ROW).

In 2018, Regional San granted permission to the San Joaquin Regional Rail Commission (SJRRRC) to conduct reconnaissance level surveys on its property to inform how a proposed North Elk Grove Station could address Regional San concerns relative to the encroachment on its surrounding Bufferlands. Since granting permission, there has been no subsequent communication between the SJRRRC and Regional San regarding the Project prior to receiving the notice of availability (NOA) for the DEIR.

21-1

Prior to receiving the NOA for the DEIR, Regional San has no record of being advised of the proposed North Elk Grove siding improvements within the UPRR ROW through the Regional San Bufferlands. Regional San also has no record of receiving the Notice of Preparation (NOP) for this project DEIR and did not receive invitations to the scoping meetings. Per the lead agency's Notice of Completion, Regional San is not included as a reviewing agency for this Project's CEQA process.

21-2

Valley Rail Sacramento Extension Project
SCH #2019090306 June 5, 2020
Page 2

The SJRRC's lack of engagement with Regional San throughout the preliminary design and initial environmental review process has resulted in proposed facilities on Regional San property that are not compatible with current and future operations at the SRWTP and would result in significant cost impacts to Regional San and its rate payers. The proposed facilities conflict with Regional San goals and objectives for maintaining open space on the lands surrounding the SRWTP.

21-3

In 2000, the Regional San Board of Directors adopted the Bufferlands Master Plan. The Bufferlands Master Plan serves to ensure that land uses on the Bufferlands are compatible with SRWTP operation and expansion while maintaining security to the SRWTP and providing for the safety of Regional San personnel and the surrounding public. The Bufferlands Master Plan also provides for the maintenance and protection of extensive areas of open space, high quality wildlife habitat, and other valuable natural resources on the Bufferlands. The DEIR does not adequately consider Project impacts to the land uses and resources covered by the Bufferlands Master Plan. Counter to the Bufferlands Master Plan, the proposed North Elk Grove Station would bring the public into closer proximity to the SRWTP, creating potential conflicts with dust, odor, noise, and hazardous gas releases. The conversion of open space habitat to non-open space use also conflicts with the Bufferlands Master Plan.

21-4

Regional San will not support land use on the Bufferlands that is inconsistent with the Bufferlands Master Plan without direction from its Board of Directors to allow such a use. To date, the Project has not been presented to the Regional San Board of Directors, and the Board has not had the opportunity receive input from its staff, rate payers, and stakeholders regarding potential concerns with the Project. Because the North Elk Grove Station is proposed to be placed on public land already dedicated to a different public use, SJRRC will not be able to use the land without obtaining Regional San's consent or establishing that the use of the Bufferlands for the station is a more necessary public use than that to which Regional San already has dedicated it. Given the importance of the Bufferlands to protecting both essential public infrastructure and surrounding neighborhoods, and special status wildlife species, SJRRC is highly unlikely to meet its burden of proof to obtain use of the property without Regional San's consent. Regional San therefore requests that the SJRRC address its specific comments regarding the analysis performed within this DEIR, consult with Regional San and develop design modifications, mitigating measures or Project alternatives that minimize immediate and future open space conversion on the Regional San Bufferlands and do not allow for increased public encroachment nearer to SRWTP operations.

21-5

Both Regional San and SASD have concerns regarding how the Project will impact existing and future infrastructure in the vicinity of proposed improvements and seek assurances from the Project proponent that such concerns will be addressed during project design.

21-6

Please find below a list of Regional San and SASD comments pertaining to the subject DEIR.

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ES 2.5 – Transit-oriented development (TOD) is undesirable at the proposed site of the North Elk Grove Station. The proposed site is within the Regional San Bufferlands, a dedicated open space area that provides a permanent open space buffer on the land surrounding the SRWTP. This land is also contained within the Stone Lakes National Wildlife Refuge (SLNWR) Project Boundary. TOD is not consistent with refuge goals contained in the SLNWR Comprehensive Conservation Plan (CCP) issued by the U.S. Fish & Wildlife Service.

21-7

ES 3.1.3 – Description of the proposed North Elk Grove Station as undeveloped land owned by Regional San understates the existing value and purpose of this property to Regional San and the surrounding community and is fundamentally misleading. The proposed station site is within the Regional San Bufferlands, a dedicated open space area that provides a permanent open space buffer on the land surrounding the SRWTP. This land provides a requisite buffer between the noise, dust, odor, and potential hazardous gas releases associated with the SRWTP operation and the surrounding public. This land encompasses a mosaic of habitat types and is actively managed with an emphasis on wildlife conservation. More than 240 species of birds have been recorded on this property. This land is also contained within the SLNWR Project Boundary.

21-8

ES 7 – Proposed North Elk Grove Station P1/A1 should be preferred over P1/A2 due to lesser environmental impact (same virtue cited for the selection of P1 over P2). P1 has impacts not discussed in the DEIR related to congregations of people in the proximity of the SRWTP; this may drive P2/A1 to be the preferred alternative, if any alternative is carried forward. Any alternative on Regional San property that diminishes the open space areas of the Regional San Bufferlands, draws the public closer to the SRWTP operations, and places public infrastructure on top of Regional San facilities is inconsistent with the goals and objectives of the Bufferlands Master Plan and would require Regional San Board of Directors approval to proceed. To date, such approval has not been sought.

21-9

ES 8. – Construction of the proposed North Elk Grove Station will result in significant impacts to the Bufferlands, conflict with the Bufferlands Master Plan, and has the potential to result in downstream flooding impacts associated with improvements within the floodplain that are not adequately addressed or resolved in the DEIR.

21-10

Chapter 1. Introduction

21-11

1.2 – Typo in paragraph 3 “The also”

1.5.1 – Despite the reported efforts of SJRRC and SJJPA to provide opportunities to the public and relevant agencies to review the Project, Regional San has not been contacted about this Project since 2018. Regional San met with SJRRC on 8/24/2018 at which time Regional San granted the Project team permission to conduct reconnaissance level surveys on its property. From these surveys, Regional San expected a quantification of Regional San property proposed to be impacted by the project and a summary of feasibility issues associated with implementation of the project. No subsequent reporting was received by Regional San and Regional San has no record of receiving an NOP for this Project nor any invitations to the scoping meetings.

21-12

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Chapter 2. Project Description

2.2.1.3 – Description of Regional San property impacted by the North Elk Grove Station is inadequate. See comment ES 3.1.3. | 21-13

2.2.4.3 – Construction access to the Laguna Creek bridge is through the SRWTP and through the Regional San Bufferlands. Significant safety and security issues are relevant to such access. Existing habitat restoration and mitigation sites are also impacted by such access. These impacts are not adequately addressed. | 21-14

General – Proposed North Elk Grove siding improvements will impact private UPRR roadway crossings south of proposed North Elk Grove Station. These roadway crossings must be preserved for Regional San access to its property and infrastructure as well as for other agencies with utilities and infrastructure in this area. | 21-15

Chapter 2 General – There are multiple areas where the proposed Project crosses existing Regional San infrastructure and where future Regional San infrastructure will be crossing portions of the proposed Project. Regional San requires assurance from the SJRCC that any necessary improvements required of Regional San infrastructure would be accommodated at the Project’s expense and that alignments for future Regional San infrastructure are reserved. An operating agreement will be required to accommodate future access, maintenance, repair, and replacement in areas where the proposed Project footprint is atop or adjacent to Regional San infrastructure. | 21-16

Chapter 3. Environmental Impact Analysis

3.0 Wildfire

3.0.4.3 –The proposed North Elk Grove Station and North Elk Grove siding improvements increase the potential for wildfires in this area through the influx of vehicles, people, and increased train frequency associated with the Project. This should be addressed and clearly mitigated in some manner (landscape improvements, firebreak management, etc.). | 21-17

3.1 Aesthetics

Figure 3.1-4 – A more accurate description of the aesthetics looking south from Cosumnes River Boulevard would be: “Looking south from Cosumnes River Boulevard are the Regional San Bufferlands, a dedicated open space area that provides a permanent open space buffer on the land surrounding the SRWTP. This land provides a requisite buffer between the noise, dust, odor and potential hazardous gas releases associated with the SRWTP operation and the surrounding public. This land encompasses a mosaic of habitat types and is actively managed with an emphasis on wildlife conservation. More than 240 species of birds have been recorded on this property. The view is dominated by annual grasses within a complex of vernal pools. These areas have a high degree of use by foraging raptors and wintering Sandhill Cranes. Young oak woodland and oak savannah habitats are visible in this view shed. Anthropogenic features | 21-18

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including the SRWTP, UPRR, and transmission lines are also visible in an otherwise natural setting.”

**21-18
 Cont**

Figure 3.1-4 - The view shed from the North Elk Grove Siding variants is similar to the proposed North Elk Grove Station with the addition of open water and managed seasonal wetlands that attract large numbers of waterfowl and water birds throughout the year.

21-19

Figure 3.1-4 - Rating of visual quality in the vicinity of the proposed North Elk Grove Station and North Elk Grove siding improvements as moderate and low should be reassessed in consideration of the unique and picturesque wildlife habitats prevalent in these areas. The descriptions of the North Elk Grove locations’ visual characteristics are inconsistent with the DEIR’s characterization of similar natural areas on the fringes of urban development, including the track curve reconstruction area south of Desmond Road, the Phillips Siding Upgrade/Extension, the Thornton Siding Upgrade/Extension, the Del Paso Siding Upgrade/Extension, and the Natomas Maintenance and Laydown Facility; the DEIR arbitrarily characterizes the North Elk Grove locations as moderate to low visual quality while simultaneously characterizing the visual quality of these other similar sites as high.

21-20

3.1 General - Nighttime lighting at station and by vehicles will adversely affect the open space areas surrounding the proposed North Elk Grove Station.

21-21

3.2 Agriculture

3.2.3 and Impact AG-2 – The North Elk Grove Station will impact land currently and historically supporting grazing. The footprint also touches on and borders land designated as Farmland of Statewide Importance. These impacts are not addressed in the DEIR.

21-22

3.4 Biological

3.4.2.3 – The proposed North Elk Grove Station and siding improvements are indeed within the UDA described in the South Sacramento HCP (SSHCP). Within the UDA, a significant number of acres is required by the SSHCP to be preserved. These proposed improvements lie within the SSHCP Preserve Planning Unit 4 (PPU 4). Because of its consistency with the Bufferlands Master Plan, Regional San has agreed to allow utilization of its property within PPU 4 to meet the requisite preserve requirements of the HCP. Development of the station at the proposed location would reduce acreage available for preservation under the HCP.

21-23

Table 3.4-1 – Wetland delineation should be included in the appendices.

21-24

Figure 3.4-4F – The 500ft wide study area for the proposed North Elk Grove siding improvements encompasses successfully established seasonal wetland and vernal pool mitigation areas and grant funded habitat restoration sites within the Regional San Bufferlands. Impacts to these sites and resources are not analyzed within the DEIR.

21-25

Table 3.4.2 –In the vicinity of the proposed North Elk Grove Station and North Elk Grove siding improvements, the majority of the land is classified as ruderal. The majority of this area is

21-26

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annual grassland habitat managed through a seasonal grazing program. The description in the table is inconsistent with cover types described in Section 3.4.3.2 and Figure 3.4-4F and should be corrected. Moreover, Table 3.4-3 purports to summarize “Land Cover Types Mapped within Phase I Improvements, by Disturbance Type” and shows a total of just .38 acres of impact to non-native annual grassland. This is inconsistent with the subsequent impact discussion on page 3.4-128, which identifies that the North Elk Grove Station would result in the permanent loss of 30 acres of open space grassland habitat.

21-27

Table 3.4.2 - The acreage estimate for ephemeral drainage and/or other wetland type features in the area of the proposed North Elk Grove Station and North Elk Grove Siding improvements appears low relative to wetlands previously mapped in this area through projects including the City of Sacramento Cosumnes River Blvd. Extension Project, the Freeport Regional Water Authority water pipeline, the Sacramento Regional Transit South Line Light Rail Extension, the Regional San Bradshaw 1 and 2 Sewer Interceptor Project, the Regional San Laguna Interceptor Extension Project, and a High Speed Rail Corridor Study. Many drainage features along the UPRR will meet wetland definition parameters, and previous studies have documented the presence of species protected under the state and federal endangered species acts within these drainage features. Wetland habitat mapped in this area should be supported by a wetland delineation not disclosed within this document. Wetland acreage within the vicinity of the proposed North Elk Grove Station and North Elk Grove Siding improvements should be recalculated and corrected as necessary.

21-28

3.4.3.3 Special Status Wildlife – The DEIR understates the extent to which special status species are present within the North Elk Grove Station area and North Elk Grove siding improvements and thus underestimates the extent and severity of Project impacts. Following are additions/corrections to the DEIR special status wildlife descriptions based on recorded observations of Regional San biologists.

21-29

Purple Martin—There are recent observations on the Regional San Bufferlands, with potential nesting sites at the Cosumnes River Blvd. and Light Rail bridges, which are currently used by White-throated Swift and Northern Rough-winged Swallow (species that often co-occupy nesting locations with Purple Martins).

21-30

Loggerhead Shrike—There are regular recent occurrences of this species (April 2020) immediately adjacent to the proposed work on the Regional San Bufferlands.

21-31

Western Burrowing Owl—Construction of the proposed Project would create significant impacts to the local population, one of the few remaining sites occupied by this species in Sacramento County. The proposed access road south of Cosumnes River Blvd. is approximately 200 feet from a recently occupied site (Union House Field 1). Also, recently occupied sites along the UPRR right of way through the SRCSD Bufferlands would be impacted.

21-32

Swainson’s Hawk – Every year, 5 – 10 Swainson’s Hawk nests are initiated on the Regional San Bufferlands. In 2020, a Swainson’s Hawk nest has been documented within the Project area of the proposed North Elk Grove Station within 100’ of proposed improvements.

21-33

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- Hoary Bat--Three occurrences are documented on the Regional San Bufferlands. | 21-34
- 3.4.3 –Burrowing Owls - Proposed Burrowing Owl survey methods are less stringent than the latest CDFW Guidelines, calling for as little as a single preconstruction survey. The project should utilize 2012 CDFW guidelines. | 21-35
- 3.4.3 Greater Sandhill Crane - The document finds only 2.3 acres of habitat lost for Greater Sandhill Crane. How was that determination made? The proposed North Elk Grove Station will remove 30+ acres supporting foraging habitat. This species regularly forages in grasslands on the Regional San Bufferlands. This acreage account should be recalculated and corrected. | 21-36
- 3.4.3 – Impacts on the Bufferlands Master Plan – Regional San disputes the DEIR’s determination (pp. 3.4-128- 3.4-129) that the loss of 30 acres of open space habitat occupied by special status species is consistent with its Regional San Bufferlands Master Plan. The acknowledged impact of greater than 30 acres of lands designated as open space cannot be discounted based on the relative size of this impact to the remaining lands covered by the Bufferlands Master Plan. Project impacts will be more substantial than just loss of habitat, as noise, lighting and other impacts will encroach on the habitat lands and adversely affect special status species within the Bufferlands. | 21-37
- The mitigation proposed to reduce impacts to special status species that will result from impacts to the Bufferlands habitat area is legally inadequate and will not avoid or substantially lessen impacts. Specifically, mitigation measure BIO-1.11, proposed to reduce impacts from loss of Swainson’s hawk habitat, (p. 3.4-102), proposes to pay a fee or provide replacement habitat. However, the DEIR does not explain how payment of a fee will offset the loss of Swainson’s hawk foraging habitat or how (or where) replacement habitat can be created. Unless the measure will result in the creation of *new* foraging habitat (as opposed to merely preserving existing habitat elsewhere), it will not avoid or reduce the significant impact from the *permanent loss* of 30 acres of sensitive species habitat. (See *King & Gardiner Farms LLC v. County of Kern* (2020) 45 Cal.App.4th 814 (rejecting EIR determination that mitigation measure that did not offset loss of agricultural land could reduce impacts to less than significant). | 21-38
- As proposed, the North Elk Grove Station location and operations are inconsistent with the Bufferlands Master Plan goals for habitat preservation and the mitigation proposed is inadequate to ensure that significant impacts to special status species can be clearly avoided or reduced below a level of significance. The DEIR must be revised to reflect these significant and unavoidable impacts. | 21-39
- 3.9 Hazards**
- 3.9.3.1 – There is no analysis or discussion of the proximity of the proposed North Elk Grove Station to the SRWTP in relation to exposure to hazardous materials associated with current and future SRWTP operations. The North Elk Grove Station is proposed on the Bufferlands surrounding the SRWTP. This land provides a requisite buffer between the noise, dust, odor, and potential hazardous gas releases associated with the SRWTP operation and the surrounding | 21-40

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public. Informed by Regional San, the DEIR should analyze the impacts of potential hazardous and/or nuisance level releases from the SRWTP and propose mitigating measures.

21-40
Cont

3.9.3.1 – There is no analysis or discussion of the existing natural gas lines and valve station located adjacent to the proposed North Elk Grove Station.

21-41

3.10 Hydrology

Impact HYD-6 and Mitigation Measure HYD -6.1 – The DEIR acknowledges that construction and operation of the proposed North Elk Grove Station and North Elk Grove Siding improvements are in the 100 and 200-year floodplains and that these improvements may impact upstream and downstream flood control. There has been insufficient analysis to determine if Mitigation Measure HYD 6.1 would reduce this impact to less than significant or if downstream flood surface water elevation impacts would be a significant and unavoidable impact of the Project. There has also been limited, if any, outreach to downstream stakeholders that may be impacted by hydrology issues associated with the proposed North Elk Grove Station. As part of the consultation described in HYD 6.1, SJRRC should commit to consulting with Regional San about potential flooding impacts to the SRWTP and other downstream stakeholders.

21-42

3.10 General – The report does not acknowledge that the Union House Creek south levee was degraded as part of the South Sacramento County Streams Flood Control Project to allow flooding in the site of the proposed North Elk Grove Station to relieve flooding impacts upstream and downstream of this area. A flowage easement was granted from Regional San to the Sacramento Area Flood Control Agency within the footprint of the proposed North Elk Grove Station.

21-43

3.11 Land Use Planning

3.11.2.3 – The Bufferlands Master Plan does not appear to have been considered under Regional Plans and Local General Plans. The Bufferlands Master Plan is referenced in Chapter 3.4 but only as it relates to biological resources. The Bufferlands Master Plan was adopted by the Regional San Board of Directors in 2000 and serves to guide land use on the Bufferlands to ensure compatibility with SRWTP operation and expansion while maintaining security to the Plant and providing for the safety of Regional San personnel and the surrounding public. It also provides for the maintenance and protection of extensive areas of open space, high quality wildlife habitat, and other valuable natural resources on the Bufferlands. By avoiding or minimizing impacts from odors, noise, hazardous materials releases and protecting habitat, the Bufferlands Master Plan is a land use plan adopted for the purpose of avoiding or mitigating an environmental effect and is directly applicable to the proposed North Elk Grove Station. The full Bufferlands Master Plan should be analyzed for consistency in this section, including Impact LU-2. The proposed North Elk Grove Station also falls within the boundary of the Stone Lakes National Wildlife Refuge Project Boundary. The proposed North Elk Grove Station would preclude the ability to manage this property in a manner consistent with the SLNWR CCP.

21-44

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Impact LU-2 – The proposed North Elk Grove Station is inconsistent with current zoning for Public and Quasi-Public as well as for land designated as open space. The report dismisses these inconsistencies because they are reportedly small (13 acres and 12 acres, respectively, or roughly 15 percent of the zoned area). The size of the inconsistency should not be material to the consistency determination. Moreover, this conclusion fails to account for impacts to remaining open space uses from the encroachment of Project facilities and operations, including noise, air quality and aesthetic impacts (including night lighting) that will adversely affect sensitive species on the habitat lands and the overall character of the Bufferlands open space and habitat lands.

21-45

Impact LU-2 – The DEIR states that the proposed North Elk Grove Station would not increase development potential in the surrounding area; however, the DEIR earlier touts TOD associated with such improvements. The zoning and land use plans that would preclude further development are the same provisions that are required to be overridden to allow development of the proposed North Elk Grove Station. Regional San does not support development within its Bufferlands that is not consistent with its Bufferlands Master Plan.

21-46

Impact LU-2 – The DEIR indicates that inconsistencies with land use and zoning designations associated with the proposed North Elk Grove Station would not lead to secondary physical impacts that would be significant in their own right. This is incorrect. In terms of impacts to biological resources resulting from the conversion of habitat lands, only with considerable effort and cost, *some* impacts may be mitigated to a level deemed less than significant. As noted above, however, other biological resource impacts will be significant and unavoidable. Construction impacts with noise and air quality and potentially permanent downstream flooding impacts also would be significant and unavoidable.

21-47

3.13 Population and Housing

Impact PH -1 – The DEIR states that there are no vacant lands proposed for development in the vicinity of the proposed North Elk Grove Station and that this is evidence that the proposed development will not induce growth or development around the station site. This is contrary to earlier touted TOD associated with rail stations. Lack of development plans on adjacent lands did not preclude SJRRC from proposing of the North Elk Grove Station, and thus it is a flawed rationale for the prevention of further development around the station should it be allowed. The DEIR must describe and evaluate the impacts of all reasonably foreseeable future activities that are the consequence of Project approval, including the potential for TOD as described in the DEIR. (*Environmental Council of Sacramento v. County of Sacramento* (2020) 4 Cal.App.5th 1020; *Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376 [An EIR must include analysis of a reasonably foreseeable consequence of a project if it “will likely change the scope or nature of the initial project or its environmental effects.”].)

21-48

3.14 Public Services

3.14 General – North of the proposed North Elk Grove Station, there exist substantial homeless encampments within the UPRR ROW and regular issues of illegal trespass and poaching. The

21-49

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Project should take measures to address current issues and mitigate further exacerbation of these issues should this Project move forward.

21-49
Cont

3.14 General – The proposed North Elk Grove Station invites public access closer to the secure SRWTP facility. The Project needs to employ measures and design elements for enhanced security against trespass onto adjacent properties should this Project move forward.

21-50

3.16 Transportation

3.16.1 – The City of Sacramento has previously brought Cosumnes River Blvd (CRB) traffic concerns to the attention of Regional San. One area of concern was the intersection of CRB and Franklin Blvd. Increased traffic associated with the proposed North Elk Grove Station could be a great impact to the public using this road. A solution under investigation by the City of Sacramento was the creation of a new road through the Regional San Bufferlands. This solution is plainly counter to the Bufferlands Master Plan. The proposed North Elk Grove Station would seemingly exacerbate the traffic issues at this intersection and could hasten the pressure for this impactful and costly traffic relief solution.

21-51

3.16.1 – Regional San is unaware of a planned class 1 Bikeway (Laguna Creek Trail) on its property and within the footprint of the proposed North Elk Grove Station.

21-52

3.18 Utilities

3.18. (Wastewater) – SASD and the City of Sacramento are local sewer service providers for portions of both the Lodi to Elk Grove Segment and the Elk Grove to Natomas Segment. The DEIR should identify and delineate the appropriate sewer service boundaries/providers and revise the text and associated charts accordingly.

21-53

The proposed North Elk Grove Station project area is less than 1,000 feet from significant Regional San odor sources and will increase odor exposure to new receptors. Implementation of the proposed Project could increase odor treatment costs for Regional San without fully mitigating the impact to new receptors. Buffering the public from odors associated with the SRWTP operations is an intended purpose of the Regional San Bufferlands impacted by the proposed North Elk Grove Station. An analysis of this issue should be included within the DEIR.

21-54

Potential construction impacts to Regional San and SASD facilities include areas where the proposed Project is constructed over or crosses existing pipelines and associated appurtenances. Construction loading evaluations will need to be performed to evaluate the project loading impacts on both Regional San and SASD pipelines.

21-55

Regional San and SASD seek assurance from the project proponent that all necessary improvements required to protect and mitigate impacts to existing Regional San and SASD infrastructure will be at the sole expense of the Project proponent.

21-56

In areas where the proposed Project footprint is constructed over or adjacent to existing Regional San or SASD infrastructure, an operating agreement will be required to be entered into between the Project proponent, Regional San, and SASD. This agreement will accommodate and account

21-57

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for future responsibilities associated with access, maintenance, repair, and replacement of both Regional San and SASD infrastructure and property.

**21-57
Cont**

Regional San has future project alignments proposed to be located adjacent to and crossing under the existing UPRR ROW and the proposed Valley Rail alignment. The future projects consist of the recycled water pipelines for the South Sacramento County Agriculture & Habitat Lands Recycled Water Program (South County Ag Program) and the South Interceptor sanitary sewer pipelines. Regional San requests that alignments for these future facilities be reserved to accommodate the future facilities.

21-58

- South County Ag – Potential construction impacts include additional costs for wider trenchless crossing of the recycled water transmission main under the existing UPRR and proposed North Elk Grove siding tracks along Big Horn Boulevard. Additionally, recycled water distribution mains are expected to be installed in close proximity to the Phillips Siding Upgrade/Extension. Regional San certified a Final EIR for the South County Ag Program in 2017.
- Per the Regional San Interceptor Sequencing Study (ISS), the future South Interceptor Pipeline utilizes the same alignment as the existing UPRR ROW and heads northeast after Big Horn Boulevard to the existing Laguna Interceptor Extension Junction Structure located to the south of Sims Road.

Chapter 4 Other CEQA Analysis

4.2.4 – Per comments to Figure 3.1-4, cumulative impacts associated with aesthetic impact attributable to the proposed North Elk Grove Station and North Elk Grove siding improvements should be reassessed.

21-59

4.2.5 – Per comment 3.2.3 cumulative impacts associated with agricultural impacts attributable to the proposed North Elk Grove Station should be reassessed. The Project will result in the loss of special status agricultural lands and the DEIR must consider whether the Project’s contribution to the overall loss of agricultural lands in Sacramento County is cumulatively considerable.

21-60

4.2.7 – The general characterization that Project construction “will not occur in pristine areas and be limited to developed, highly urbanized, or otherwise disturbed areas,” is inaccurate and misleading to the extent it diminishes the significant and unavoidable biological impacts associated with the proposed North Elk Grove siding improvements and the North Elk Grove Station. These Project elements are proposed to occur within a managed wildlife area, a statewide Important Bird Area (as designated by National Audubon), the Project boundary of the SLNWR, and are adjacent to several existing habitat restoration and mitigation projects. The UPRR ROW in this area harbors endangered species habitat. Per comments to table 3.4.2, endangered crustacean habitat has been documented within the toe drain of the UPRR and this habitat likely exists in all areas where ponding occurs in this corridor. VELB habitat is also present. Cumulative impacts to biological resources should be reassessed in this context.

21-61

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4.2.13 – Per comment HYD 6-1, hydrology impacts have not been adequately analyzed to determine if the Project impacts can be mitigated to a less than significant level. The same is thus true for cumulative hydrologic impacts.

21-62

4.2.19 – Per comment 3.16.1, the proposed North Elk Grove Station could lead to cumulative traffic impacts on the already congested intersection of Cosumnes River Blvd. and Franklin Blvd. These impacts should be discussed in this section and the impacts of potential requisite solutions should also be addressed.

21-63

Chapter 5. Alternatives

5.2.2 – Per comments 3.11.2.3, LU-2, and HYD-6-1 additional significant and unavoidable impacts may be necessary in this section.

21-64

5.3.3.2 – Alternatives for the proposed North Elk Grove Station all appear to have been rejected due to lack of support from adjacent neighborhoods. The proposed Project does not have the vetted support of the Regional San Board of Directors. Without this support, the proposed station will not be feasible without the exercise of eminent domain, including a resolution of necessity, which requires a finding supported by substantial evidence that the Project is a more necessary public use than the uses to which Regional San has dedicated its land. This is a high burden that the Project as proposed and evaluated in the DEIR cannot meet. Regional San and its specific stakeholders have not been engaged at the same level as stakeholders for the previously proposed stations addressed in a feasibility study. Previously considered alternatives should be analyzed relative to the impacts associated with the proposed North Elk Grove Station including the concerns of brought forward by Regional San in this comment letter. The Project team should also consult and coordinate with Regional San to develop design modifications, mitigating measures or Project alternatives that minimize immediate and future open space conversion on the Regional San Bufferlands and do not allow for increased public encroachment nearer to SRWTP operations. Such modifications or alternatives must be vetted through the Regional San Board of Directors and additional environmental review should be performed as necessary under CEQA.

21-65

Chapter 6. Public and Agency Involvement

6.1 – By certified mail, Regional San received an NOA regarding this DEIR. The letter was dated March 31, 2020. Regional San has no record of receiving the NOP, an invitation to any scoping meeting, nor any communication regarding project activity since 2018. Regional San has had limited time to review the DEIR, engage its stakeholders regarding proposed improvements that would impact their interests, and discuss the Project with its Board of Directors. Circulation of the DEIR overlaps completely with a global pandemic with precautionary measures that hinder the ability to solicit input from stakeholders. Regional San requests that the Project team coordinate and consult with Regional San to develop design modifications, mitigating measures or Project alternatives that avoid or minimize immediate and future open space conversion on the Regional San Bufferlands and do not allow for increased public encroachment nearer to SRWTP operations. Such modifications or alternatives must be

21-66

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vetted through the Regional San Board of Directors and additional environmental review should be performed under CEQA.

21-66
 Cont

Appendix C. Supporting Bio Documents

Table C-1 - *Centromadia parryi*, ssp. *parryi*: Is documented on the Regional San Bufferlands.

21-67

Table C-1 - *Centromadia parryi* ssp. *rudis*: Occurs on the Regional San Bufferlands on the east and side of Fishhead Lake. Not included in the list of special status plants. California Rare Plant Ranking 4.2 fairly endangered in California.

21-68

Table C-1 - *Castilleja campestris* ssp. *succulent* (Succulent Owls Clover): This species occurs on the Regional San Bufferlands southeast of the proposed North Elk Grove Station.

21-69

Table C-1 - *Hesperevax caulescens*: Occurs in the Vernal Pools on the Regional San Bufferlands north of Sims Road. This species was not included on the list of special status plants. California Rare Plant Ranking 4.2 fairly endangered in California.

21-70

Table C-1 *Legenere limosa*: Occurs in Vernal Pools on the Regional San Bufferlands north of Sims Road. This species was not included on the list of special status plants. California Rare Plant Ranking 1B.1 rare or endangered in California.

21-71

Table C-1 *Lepidium latipes* (Heckard's pepperweed): Occurs in Vernal Pools on Regional San Bufferlands north of Sims Road.

21-72

Table C.1 *Sagittaria sanfordii* (Sanford's Arrowhead): Occurs in drainage ditch between Laguna Station Road and Big Horn Blvd. on the Regional San Bufferlands.

21-73

Branchinecta lynchi --should be "known to occur" has been observed in the UPRR toe drain.

21-74

Lepidurus packardii --should be "known to occur" has been observed in UPRR toe drain.

21-75

Least Bell's Vireo--one Regional San Bufferlands record for two days, 29-30 April 2013 (per eBird: <https://ebird.org/checklist/S13930702>); submitted to CNDDDB. This species has attempted to nest at Yolo Bypass Wildlife Area ([https://www.westernfieldornithologists.org/archive/V48/48\(3\)-p154-p172.pdf](https://www.westernfieldornithologists.org/archive/V48/48(3)-p154-p172.pdf)). Unlikely to occur in proposed project area.

21-76

California Least Tern—has nested at the Sacramento Regional Wastewater Treatment Plant since 2008 and forages on adjacent water bodies on the Bufferlands. Has potential to forage along Morrison Creek (<http://www.cvbirds.org/wp-content/uploads/2019/10/1ConardContinued-Nesting-vol21no2.pdf>).

21-77

C-28 Yellow-headed Blackbird typo: lists genus *Xanthocephalus*, but not specific epithet *xanthocephalus*

21-78

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Appendix E. Regional and Local General Plans

Does not include Regional San Bufferlands Master Plan.

21-79

Does not include Elk Grove City General Plan.

Appendix G. 15% Design

Regional San and the SASD have numerous locations where pipelines either parallel or cross the proposed rail project. Concerns pertain to the potential for additional loading on the pipelines and accessibility issues.

• **Track Curve Reconstruction South of Desmond Road Track Alignment STA: 10+00 to STA: 23+22.10** - SASD Walnut Grove 10" Force Main (S146) crossing at Franklin Boulevard and Desmond Road – Potential construction impacts pertain to construction loading and accessibility if areas are needed outside of UPRR ROW for construction staging (TCE). 10" force main not delineated within plan set.

21-80

• **Elk Grove Siding Variant 1 Track Alignment STA: 10+00 to STA: 112+46.73** –

- SASD 24" Gravity Line VCP (280-155-2006) located to the east of existing UPRR ROW within APN: 119-0131-001 – Potential construction impacts pertain to construction loading and accessibility if areas are needed outside of UPRR ROW for construction staging. 24" pipeline not delineated within plan set.
- Regional San 24" Reclaimed Water Line (S94) located to the west of the existing UPRR ROW within APN: 119-0120-003 – Potential construction impacts pertain to construction loading and accessibility if areas are needed outside of UPRR ROW for construction staging (TCE). 24" pipeline not delineated within plan set.
- SASD 21" Gravity Line VCP (280-155-2013) crossing at Sims Road within UPRR APN: 119-0131-006 – Potential construction impacts pertain to construction loading and accessibility. 21" pipeline not delineated within plan set.
- Regional San 10" (18" casing) Reclaimed Water Line (S94) located to the west of the existing UPRR ROW within APN: 119-0120-003 – Potential construction impacts pertain to construction loading and accessibility along with cathodic protection test (CPT) station located in proposed path of side tracks. 10" pipeline not delineated within plan set.
- SASD 33" Trunk RCP located to the east of existing UPRR ROW within Regional San APN: 119-0100-006 and 119-0110-003 – Potential construction impacts pertain to construction loading and accessibility if areas needed outside of UPRR ROW for construction staging (TCE). 33" pipeline not delineated within plan set.

21-81

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- Regional San 54” RCP Interceptor (N39) located to the east of existing UPRR ROW within Regional San APN: 119-0110-003 – Potential construction impacts pertain to construction loading and accessibility if areas needed outside of UPRR ROW for construction staging. 54” pipeline not delineated within plan set.
- Regional San Bradshaw Equalization Structure consisting of multiple interceptor (N21, N39, and N38) and a 30”- 60” diameter drain line connection located to the east of existing UPRR ROW within Regional San APN: 119-0080-013 – Potential construction impacts pertain to construction loading and accessibility if areas needed outside of UPRR ROW for construction staging (TCE). Facilities not delineated within plan set.
- Regional San the Central Interceptor (N21) and Bradshaw Interceptor (N38) 120” crossings within UPRR APN’s: 119-0080-015 & 016 – Potential construction impacts pertain to construction loading and accessibility. Facilities not delineated within plan set. A condition assessment of N21 has shown significant thinning of pipe walls.
- SASD 60” RCP Central Trunk (288-152-2002) located to the east of existing UPRR ROW within Regional San APN: 119-0080-013 & 037 – Potential construction impacts pertain to construction loading and accessibility (removal of access roads) for proposed elevated station and parking lot improvements within the Regional San Bufferlands.
- **Pollock Siding Upgrade Track Alignment STA: 10+00 to STA: 62+14.66** - SASD 18” RCP Gravity line (302-149-2019) crossing at Florin Road – Potential construction impacts pertain to construction loading and accessibility. Side tracking appears to end just south of Florin Road. 18” pipeline not delineated within plan set.
- **Del Paso Siding Upgrade and Extension Track Alignment STA: 10+00 to STA: 211+61.91** - Regional San 24” Old Natomas Force Main WSP (S30) crossing within UPRR APN’s: 250-0270-001 & 002 – Potential construction impacts pertain to construction loading and accessibility along with CPT station located in proposed path of side tracks. 24” pipeline not delineated within plan set.
- **Natomas Sacramento Airport Station Track Alignment STA: 10+00 to STA: 52+08.97** - Regional San 84” UNWI Interceptor RCP (N57) crossing at W. Elkhorn Boulevard within UPRR APN’s: 206-0260-010 & 011 – Potential construction impacts pertain to construction loading and accessibility. 84” pipeline not delineated within plan set.

21-81
 Cont

21-82

21-83

21-84

To summarize, the subject DEIR does not adequately address the environmental impacts the proposed Project will have on the Regional San Bufferlands and its value as a significant open space and wildlife area in the region. The impacts to sensitive species and their habitat are not adequately disclosed or mitigated. The DEIR also does not account for impacts to current SRWTP operations nor future expansion of the SRWTP to accommodate population growth and changing regulations. Additional analysis of impacts to Regional San property and operations is needed to address concerns to the public served by Regional San. Significant and unavoidable impacts must be disclosed as identified in these comments and as warranted by the required

21-85

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additional analysis. Design modifications, mitigating measures or Project alternatives that avoid or minimize impacts to the Regional San Bufferlands, sensitive species and SRWTP operations must be vetted through the Regional San Board of Directors and additional environmental review should be performed as necessary under CEQA. Based on the deficiencies identified in these comments, at a minimum the DEIR must be revised and recirculated for public review. Impacts to Regional San and SASD infrastructure, as well as impacts to future Regional San pipeline alignments would need to be addressed in Project design.

Regional San and SASD have staff available to meet with the Project proponents to discuss this matter in further detail. Please feel free to contact Bryan Young at (916) 875-9273 or by email: youngb@sacsewer.com.

Sincerely,



Christoph Dobson
Director of Policy and Planning

Sacramento Regional County Sanitation District
Sacramento Area Sewer District

cc: Prabhakar Somavarapu, District Engineer, Regional San and SASD
Ruben Robles, Director of Operations, Regional San
Bryan Young, Natural Resource Supervisor, Regional San

I.1.21.1 Response to Comment Letter 21

Response to Comment 21-1

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

Response to Comment 21-2

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

Response to Comment 21-3

Subsequent to the circulation of the Draft EIR, SJRRC and SJJPA have continued coordination with the City of Elk Grove on an appropriate site for a station to serve the Elk Grove community. Additional information on a more ideal location for the station has been identified. In addition, SJRRC and SJJPA received numerous comments on the Draft EIR questioning the viability of the proposed North Elk Grove Station described in Draft EIR Chapter 2, *Project Description*. As such, the proposed North Elk Grove Station (including all access and siding variants) is no longer under consideration. All text related to the proposed North Elk Grove Station has been formatted as ~~striketrough~~ in the Final EIR. Because the North Elk Grove Station is no longer under consideration, this comment is no longer applicable to the proposed project.

Final approval of a future Elk Grove Station at a site agreed to by all interested parties will be subject to a separate, stand-alone CEQA document that will be circulated for public review and comment at a later date.

Response to Comment 21-4

Please see response to Comment 21-3.

Response to Comment 21-5

Please see response to Comment 21-3.

Response to Comment 21-6

Please see response to Comment 21-3.

Response to Comment 21-7

Please see response to Comment 21-3.

Response to Comment 21-8

Please see response to Comment 21-3.

Response to Comment 21-9

Please see response to Comment 21-3.

Response to Comment 21-10

Please see response to Comment 21-3.

Response to Comment 21-11

Thank you for your comment. The text in EIR Section 1.2, *Project History*, has been corrected.

Response to Comment 21-12

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

Response to Comment 21-13

Please see response to Comment 21-3.

Response to Comment 21-14

Please see response to Comment 21-3.

Response to Comment 21-15

Please see response to Comment 21-3.

Response to Comment 21-16

EIR Section 3.18, *Utilities and Service Systems*, analyzes impacts to utilities and service comprehensively. As shown in Impact UT-1, the impact is considered potentially significant, but mitigated by Mitigation Measure UT-1.1: Implement a Utility Relocation Plan. This Mitigation Measure notes SJRRC will coordinate with all utility providers during final design and construction stages to identify utilities potentially impacted by the proposed project, including existing and planned utilities.

Response to Comment 21-17

Please see response to Comment 21-3.

Response to Comment 21-18

Please see response to Comment 21-3.

Response to Comment 21-19

Please see response to Comment 21-3.

Response to Comment 21-20

Please see response to Comment 21-3.

Response to Comment 21-21

Please see response to Comment 21-3.

Response to Comment 21-22

Please see response to Comment 21-3.

Response to Comment 21-23

Please see response to Comment 21-3.

Response to Comment 21-24

Wetland delineations referenced in Table 3.4-1 in EIR Section 3.4, *Biological Resources*, were conducted as mapping exercises for the purposes of characterizing land cover and habitat types in the project footprints; therefore, no wetland delineation reports were produced as a result of this effort. Instead, aquatic resource types and acreages were incorporated into the acreages for land cover types by project site as depicted in Table 3.4-2 in Section 3.4 and summarized by disturbance type in Table 3.4-3 in Section 3.4. A complete, formal wetland delineation for the proposed project has not been conducted. Aquatic resources mapped in the project area as part of land cover mapping and habitat assessment surveys include features that may meet the USACE definition of wetlands, as well as other features, such as open water and drainages (perennial, intermittent, and ephemeral) that may qualify as waters of the United States and/or state.

Section 3.4 includes Mitigation Measure BIO-3.1 that requires SJRRC and SJJPA submit a wetland delineation to USACE for verification. The verified delineation shall serve as the baseline to determine actual project impacts for the purpose of permitting and determining compensatory mitigation needs.

Please also see response to Comment 21-3.

Response to Comment 21-25

Please see response to Comment 21-3.

Response to Comment 21-26

Please see response to Comment 21-3.

Response to Comment 21-27

Please see response to Comment 21-3.

Response to Comment 21-28

Please see response to Comment 21-3.

Response to Comment 21-29

Please see response to Comment 21-3.

Response to Comment 21-30

Please see response to Comment 21-3.

Response to Comment 21-31

Please see response to Comment 21-3.

Response to Comment 21-32

Please see response to Comment 21-3.

Response to Comment 21-33

Please see response to Comment 21-3.

Response to Comment 21-34

Please see response to Comment 21-3.

Response to Comment 21-35

Impacts to western burrowing owl have been adequately described and analyzed. A summary of Tables 3.4-2 and 3.4-3 has been included in EIR Section 3.4, *Biological Resources*, in the biological impact analysis for western burrowing owl. Compensatory mitigation for modifications to habitats that are suitable for western burrowing owl are addressed under mitigation measures proposed for the permanent loss of nesting and foraging habitat for Swainson's hawk and white-tailed kite (Mitigation Measure BIO-1-11). In addition, Mitigation Measure BIO-1.12 in Section 3.4 has been revised for clarification purposes. This revision does not change the findings, conclusions or recommendations of the EIR.

Please also see response to Comment 21-3.

Response to Comment 21-36

Please see response to Comment 21-3.

Response to Comment 21-37

Please see response to Comment 21-3.

Response to Comment 21-38

Please see response to Comment 21-3.

Response to Comment 21-39

Please see response to Comment 21-3.

Response to Comment 21-40

Please see response to Comment 21-3.

Response to Comment 21-41

Please see response to Comment 21-3.

Response to Comment 21-42

Please see response to Comment 21-3.

Response to Comment 21-43

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project. The information provided by the commenter related to degradation of the Union House Creek south levee as part of the South Sacramento County Streams Flood Control Project is appreciated.

Please see also response to Comment 21-3.

Response to Comment 21-44

Please see response to Comment 21-3.

Response to Comment 21-45

Please see response to Comment 21-3.

Response to Comment 21-46

Please see response to Comment 21-3.

Response to Comment 21-47

Please see response to Comment 21-3.

Response to Comment 21-48

Please see response to Comment 21-3.

Response to Comment 21-49

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

Response to Comment 21-50

Please see response to Comment 21-3.

Response to Comment 21-51

Please see response to Comment 21-3.

Response to Comment 21-52

EIR Section 3.16, *Transportation*, references the Laguna Creek Trail in response to a comment received from the City of Elk Grove during the public scoping comment period. The partially completed trail is shown on the City of Elk Grove's Bicycle, Pedestrian, and Trails Master Plan (2014), and begins at the Bond Road/Waterman Road intersection in Elk Grove, continuing northwest along Laguna Creek to city limits at Franklin Boulevard just south of Calvine Road. From there, both the Sacramento County Bicycle Master Plan (2011) and the City of Sacramento Bicycle Master Plan (2016) show a Class I bikeway (multi-use trail/path) continuing into the Bufferlands, with the latter plan showing the route connecting into Cosumnes River Boulevard.

Response to Comment 21-53

Information related to Utilities and Service Systems includes clarifying text changes, as documented in EIR Section 3.18, *Utilities and Services Systems*.

Response to Comment 21-54

Please see response to Comment 21-3.

Response to Comment 21-55

Please see response to Comment 21-3.

Response to Comment 21-56

Please see response to Comment 21-3.

Response to Comment 21-57

While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

Response to Comment 21-58

Please see response to Comment 21-3.

Response to Comment 21-59

Please see response to Comment 21-3.

Response to Comment 21-60

Please see response to Comment 21-3.

Response to Comment 21-61

Please see response to Comment 21-3.

Response to Comment 21-62

Please see response to Comment 21-3.

Response to Comment 21-63

Please see response to Comment 21-3.

Response to Comment 21-64

Please see response to Comment 21-3.

Response to Comment 21-65

Please see response to Comment 21-3.

Response to Comment 21-66

Please see response to Comment 21-3.

Response to Comment 21-67

SJRRC and SJJPA appreciate the additional species occurrence information provided by the commenter regarding the presence of *Centromadia parryi* ssp. *parryi* in the Bufferlands. This species is evaluated as potentially occurring in the project footprint in Table C-1 of EIR Appendix C, *Supporting Biological Resources Information*.

Response to Comment 21-68

SJRRC and SJJPA appreciate the additional species occurrence information provided by the commenter regarding the presence of *Centromadia parryi* ssp. *rudis* in the Bufferlands. This species is a CRPR Rank 4.2 plant; EIR Section 3.4, *Biological Resources*, defines special-status plants as those assigned a CRPR of 1A, 1B, 2A, or 2B. This species occurs in similar habitats to and has the same bloom period of *Centromadia parryi* ssp. *parryi*, which is a CRPR 1B.2 plant evaluated as potentially occurring in the project footprint in Table C-1 of EIR Appendix C, *Supporting Biological Resources Information*. Mitigation Measure BIO-1.3 requires preconstruction botanical surveys in accordance with CDFW protocols, which includes a comprehensive species list of all plants in the project area and would account for *Centromadia parryi* ssp. *rudis*, if present. Implementation of this mitigation measure would reduce impacts to less than significant.

Response to Comment 21-69

SJRRC and SJJPA appreciate the additional species occurrence information provided by the commenter regarding the presence of *Castilleja campestris* ssp. *succulenta* in the Bufferlands. This species is evaluated for potential occurrence in Table C-1 of EIR Appendix C, *Supporting Biological Resources Information*. This species is usually found in higher elevations than those

present in the project improvement areas; *Castilleja campestris* ssp. *succulenta* occurs in similar habitats to and has the same bloom period of *Downingia pusilla*. *Downingia pusilla* is evaluated as potentially occurring in the project footprint in Table C-1 of Appendix C. Mitigation Measure BIO-1.3 (see EIR Section 3.4, *Biological Resources*, requires preconstruction botanical surveys in accordance with CDFW protocols, which includes a comprehensive species list of all plants in the project area and would account for *Castilleja campestris* ssp. *succulenta*, if present. Implementation of this mitigation measure would reduce impacts to less than significant.

Response to Comment 21-70

SJRRC and SJJPA appreciate the additional species occurrence information provided by the commenter regarding the presence of *Hesperervax caulescens* in the Bufferlands. This species is a CRPR Rank 4.2 plant; Section 3.4, *Biological Resources*, defines special-status plants as those assigned a CRPR of 1A, 1B, 2A, or 2B. *Hesperervax caulescens* occurs in similar habitats to and has the same bloom period of *Downingia pusilla*. *Downingia pusilla* is evaluated as potentially occurring in the project footprint in Table C-1 of EIR Appendix C, *Supporting Biological Resources Information*. Section 3.4 includes Mitigation Measure BIO-1.3 that requires preconstruction botanical surveys in accordance with CDFW protocols, which includes a comprehensive species list of all plants in the project area and would account for *Hesperervax caulescens*, if present. Implementation of this mitigation measure would reduce impacts to less than significant.

Response to Comment 21-71

Legenere limosa is included in the list of special status plants in EIR Section 3.4, *Biological Resources*, and is evaluated as potentially occurring in the project footprint in Table C-1 of EIR Appendix C, *Supporting Biological Resources Information*. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

Response to Comment 21-72

SJRRC and SJJPA appreciate the additional species occurrence information provided by the commenter regarding the presence of *Lepidium latipes* in the Bufferlands. This species is evaluated as potentially occurring in the project footprint in Table C-1 of EIR Appendix C, *Supporting Biological Resources Information*. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

Response to Comment 21-73

SJRRC and SJJPA appreciate the additional species occurrence information provided by the commenter regarding the presence of *Sagittaria sanfordii* in the Bufferlands. This species is evaluated as known to occur in the project footprint in Table C-1 of EIR Appendix C, *Supporting Biological Resources Information*. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

Response to Comment 21-74

SJRRC and SJJPA appreciate the additional species occurrence information provided by the commenter regarding the presence of *Branchinecta lynchi* in the Bufferlands. This species is evaluated as potentially occurring in the project footprint in Table C-1 of EIR Appendix C, *Supporting Biological Resources Information*. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

Response to Comment 21-75

SJRRC and SJJPA appreciate the additional species occurrence information provided by the commenter regarding the presence of *Lepidurus packardi* in the Bufferlands. This species is evaluated as potentially occurring in the project footprint in Table C-1 of EIR Appendix C, *Supporting Biological Resources Information*. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

Response to Comment 21-76

SJRRC and SJJPA appreciate the additional species occurrence information provided by the commenter regarding the presence of least Bell's vireo (*Vireo bellii pusillus*) in the Bufferlands. This species is evaluated for potential occurrence in Table C-1 of EIR Appendix C, *Supporting Biological Resources Information*. Least Bell's vireo is a rare, local, summer resident below about 2,000 feet, mostly in San Benito and Monterey counties and in coastal southern California from Santa Barbara County south, and along the western edge of the deserts. EIR Section 3.4, *Biological Resources*, includes Mitigation Measure BIO-1.14 that requires preconstruction surveys for nesting birds and implementation of avoidance measures, as needed. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

Response to Comment 21-77

SJRRC and SJJPA appreciate the additional species occurrence information provided by the commenter regarding the presence of California least tern (*Sterna antillarum browni*) nesting at the Sacramento Regional Wastewater Treatment Plant. This species did not appear in the CNDDDB records search. It is recommended that the commenter submit this information to CNDDDB. EIR Section 3.4, *Biological Resources*, includes Mitigation Measure BIO-1.14 that requires preconstruction surveys for nesting birds and implementation of avoidance measures, as needed. No nesting habitat would be impacted by the proposed project. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

Response to Comment 21-78

The commenter notes that yellow-headed blackbird only lists the genus *Xanthocephalus*, but not specific epithet *xanthocephalus*. This typographical error is noted; however, no revision is required.

Response to Comment 21-79

The only project improvement proposed in proximity to the City of Elk Grove would be approximately 400 feet of the southern end of the proposed North Elk Grove Siding. This project improvement does not have the potential to conflict with any applicable regional or local general plans. Therefore, consistency with City of Elk Grove General Plan was not included in EIR Appendix E, *Regional and Local General Plans*.

Also, please see response to Comment 21-3.

Response to Comment 21-80

While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project. It should be noted that all proposed track improvements would be constructed within existing UPRR ROW.

Response to Comment 21-81

While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project. It should be noted that all proposed track improvements would be constructed within existing UPRR ROW.

Response to Comment 21-82

While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project. It should be noted that all proposed track improvements would be constructed within existing UPRR ROW.

Response to Comment 21-83

While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project. It should be noted that all proposed track improvements would be constructed within existing UPRR ROW.

Response to Comment 21-84

While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project. It should be noted that all proposed track improvements would be constructed within existing UPRR ROW.

Response to Comment 21-85

Please see response to Comment 21-3.

I.1.22 Letter 22. Stanislaus County Environmental Review Committee



Letter 22

CHIEF EXECUTIVE OFFICE

Jody L. Hayes
Chief Executive Officer

Patricia Hill Thomas
Chief Operations Officer/
Assistant Executive Officer

Keith D. Boggs
Assistant Executive Officer

Patrice M. Dietrich
Assistant Executive Officer

STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

May 15, 2020

San Joaquin Regional Rail Commission
ATTN: Valley Rail Sacramento Extension Project
949 E. Channel Street
Stockton, CA 95202

**SUBJECT: ENVIRONMENTAL REFERRAL – SAN JOAQUIN REGIONAL RAIL
COMMISSION – VALLEY RAIL SACRAMENTO EXTENSION PROJECT –
NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT
REPORT**

Thank you for the opportunity to review the above-referenced project.

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has no comments at this time.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patrick Cavanah".

Patrick Cavanah
Sr. Management Consultant
Environmental Review Committee

PC:ss

cc: ERC Members

22-1

STRIVING TOGETHER TO BE THE BEST!

1010 10th Street, Ste. 6800, Modesto, CA 95354 Post Office Box 3404
Modesto, California 95353 Phone: 209.525.6333 Fax: 209.544.6226

I.1.22.1 Response to Comment Letter 22

Response to Comment 22-1

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

I.1.23 Letter 23. Stanislaus County Public Works

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Letter 23



San Joaquin Regional Rail Commission <ace.sacramentoextension@gmail.com>

RE: Stan Co ERC Referral - San Joaquin Regional Rail Commission - Responses due by May 15, 2020

2 messages

Ramon Salinas <SALINASR@stancounty.com> Thu, May 7, 2020 at 9:08 AM
To: "ace.sacramentoextension@gmail.com" <ace.sacramentoextension@gmail.com>
Cc: Planning <planning@stancounty.com>

Good Morning,

Public Works has no comments.

Thank you.

Ramon Salinas
Assistant Engineer
Stanislaus County Public Works
1010 10th Street, Suite 4204
Modesto, CA 95354
Phone: 209-525-7564
Cell: 209-278-5734
Fax: 209-525-6507
Email: salinasr@stancounty.com

From: Jennifer Akin
Sent: Wednesday, May 6, 2020 12:02 PM
To: Kelly Covello <covellok@stancounty.com>; Sheryl Swartz <swartzs@stancounty.com>; Patrick Cavanah <cavanahp@stancounty.com>; Angela Freitas <ANGELA@stancounty.com>; Kristin Doud <Doudk@stancounty.com>; Miguel Galvez <GALVEZM@stancounty.com>; Milton O'Haire <miltono@stancounty.com>; Dan Bernaciak <danielb@stancounty.com>; Amit Sandhu <amits@stancounty.com>; Randy Crook <RCROOK@stanoes.com>; Matthew Jenkins <MJENKINS@stanoes.com>; Michael Ziman <zimanm@stancounty.com>; Cesar Acevedo <cacevedo@envres.org>; JAMI AGGERS <JAGGERS@envres.org>; Jennifer Marchy <jmarchy@envres.org>; RACHEL RIESS <rariess@envres.org>; JANIS MEIN <JMEIN@envres.org>; KIT MCCLURG <KMCCLURG@envres.org>; WALLACE LOW <WLOW@envres.org>; Ryan Barney

<https://mail.google.com/mail/u/1?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f...> 6/9/2020

Gmail - RE: Stan Co ERC Referral - San Joaquin Regional Rail Commission - Responses... Page 2 of 4

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Subject: Stan Co ERC Referral - San Joaquin Regional Rail Commission - Responses due by May 15, 2020

Good morning ERC Members,

Attached, please find a ERC Referral for the San Joaquin Regional Rail Commission – Valley Rail Sacramento Extension - Notice of Availability of Draft EIR. Comments are due by May 15, 2020. For further information please visit the Ace Valley Rail website at: https://acerail.com/valley_rail/

Kind regards,

Jennifer Akin

Staff Services Tech

Stanislaus County Planning & Community Development

(209) 525-5982

Ramon Salinas <SALINASR@stancounty.com>

Wed, May 13, 2020 at 3:04 PM

To: "ace.sacramentoextension@gmail.com" <ace.sacramentoextension@gmail.com>

Cc: Planning <planning@stancounty.com>

Good Afternoon,

Public Works has no comments.

Thank you.

Ramon Salinas

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Gmail - RE: Stan Co ERC Referral - San Joaquin Regional Rail Commission - Responses... Page 3 of 4

Assistant Engineer
Stanislaus County Public Works
1010 10th Street, Suite 4204
Modesto, CA 95354
Phone: 209-525-7564
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From: Sheryl Swartz
Sent: Wednesday, May 13, 2020 2:53 PM
To: Jennifer Akin <AKINJ@stancounty.com>; Kelly Covello <covellok@stancounty.com>; Patrick Cavanah <cavanahp@stancounty.com>; Angela Freitas <ANGELA@stancounty.com>; Kristin Doud <Doudk@stancounty.com>; Miguel Galvez <GALVEZM@stancounty.com>; Milton O'Haire <miltono@stancounty.com>; Dan Bernaciak <danielb@stancounty.com>; Amit Sandhu <amits@stancounty.com>; Randy Crook <RCROOK@stancoes.com>; Matthew Jenkins <MJENKINS@stancoes.com>; Michael Ziman <zimanm@stancounty.com>; Cesar Acevedo <cacevedo@envres.org>; JAMI AGGERS <JAGGERS@envres.org>; Jennifer Marchy <jmarchy@envres.org>; RACHEL RIESS <rariess@envres.org>; JANIS MEIN <JMEIN@envres.org>; KIT MCCLURG <KMCCLURG@envres.org>; WALLACE LOW <WLOW@envres.org>; Ryan Barney <rabarney@envres.org>; WALEED YOSIF <WYOSIF@envres.org>; Walter Ward <ward@envres.org>; KARL QUINN <KQUINN@envres.org>; Lane Avilla <lavilla@envres.org>; Alexandria Fontana <afontana@envres.org>; MARY-KATE COOK <MKCOOK@envres.org>; Parminder Dhillon <pdhillon@envres.org>; Mandip Dhillon <mdhillon@envres.org>; Emily Grimes <egrimes@envres.org>; ALVIN LAL <ALAL@envres.org>; Gloria Romero <gromero@envres.org>; Michael Parker <mparker@stansheriff.com>; Cooperative Extension Roger Duncan <raduncan@ucanr.edu>; Frederic Clark <CLARKF@stancounty.com>; Ramon Salinas <SALINASR@stancounty.com>; Lynnette Henson <hensonl@stancounty.com>; David Leamon <Leamond@stancounty.com>; Andrew Malizia <Maliziaa@stancounty.com>; Sara Lytle-Pinhey <pinheys@stancounty.com>; Erica Inacio <inacioe@stancounty.com>
Subject: RE: Stan Co ERC Referral - San Joaquin Regional Rail Commission - Responses due by May 15, 2020
Importance: High

Good afternoon, ERC Members,

This project was received between ERC meetings and is due this **Friday, 5/15**, which is before the next meeting on Wednesday, 5/20.

To ensure we meet the deadline, please provide a response on this project **by noon on Friday, 5/15**.

Thank you,

<https://mail.google.com/mail/u/1?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f...> 6/9/2020

Gmail - RE: Stan Co ERC Referral - San Joaquin Regional Rail Commission - Responses... Page 4 of 4

Sheryl

Sheryl Swartz

Sheryl Swartz | Executive Assistant | Strong Communities

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<https://mail.google.com/mail/u/1?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f...> 6/9/2020

I.1.23.1 Response to Comment Letter 23

Response to Comment 23-1

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

I.1.24 Letter 24. Not Used

I.1.24.1 Response to Comment Letter 24

Response to Comment 24-1

Placeholder

I.2 Organizations

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I.2.1 Letter 25. Central Valley Bird Club



Central Valley Bird Club

1324 Rosario Street, Davis, CA 95618

Letter 25

Date: 13 May 2020

To: San Joaquin Regional Rail Commission. Attn: Valley Rail Sacramento Extension,
949 E. Channel Street, Stockton, CA 95202

From: Pat Bacchetti, President

Subject: Central Valley Bird Club Comments on the Draft Environmental Impact Report (DEIR)
for the Valley Rail Sacramento Extension Project

The Central Valley Bird Club is a non-profit organization with over 600 members that is dedicated to the study of the distribution, status, ecology, and conservation of birds in the Central Valley of California. We offer the following comments related to impacts of the proposed rail project on Central Valley birds and their habitats.

Impacts of the North Elk Grove Station on Natural Resources within the Bufferlands

The Bufferlands at the Sacramento Regional County Sanitation District Wastewater Treatment Plant was specifically established to protect public safety due to the storage and use of chlorine gas and to minimize impacts from odors. The Bufferlands area is managed under a Master Plan approved by the Sacramento Regional County Sanitation District Board of Directors (<https://www.regionalsan.com/bufferlands-master-plan>). Construction impingement on the Bufferlands by locating the North Elk Grove Station there is inconsistent with the basic purpose of its designation and adopted Master Plan.

25-1

The Bufferlands is a one of the most important areas for wildlife in Sacramento County. This area supports an abundance of birds and other wildlife and fish in important wetland, grassland, and riparian and oak woodland habitats, including a number of threatened and endangered species and species of special concern (Conard 2007, 2018). The area borders the Stone Lakes National Wildlife Refuge and is recognized Nationally as part of the Stone Lakes Important Bird Areas (<https://www.audubon.org/important-bird-areas/stone-lakes-area-nwr>). The proposed use of lands within the Bufferlands for the North Elk Grove station conflicts with the Open Space designation in the Bufferlands Master Plan

The proposed project, including construction of a new station and additional track, will result in loss of important wildlife habitat for raptors, waterbirds, grassland and wetland species, and a variety of birds and other wildlife that use these lands as breeding, migratory, wintering habitats. Additional temporary habitat losses would occur during construction. We do not support the location of the North Elk Grove station within the Bufferlands and encourage the Rail Commission to select another site that is already disturbed, consistent with the requirements of CEQA to minimize impacts to important biological resources.

25-2

Notwithstanding our objection to development within the Bufferlands, should the proposed North Elk Grove Station site continue to be included in its current location, the Final EIR should include mitigation measures to avoid, minimize, and compensate for any temporary and permanent losses of habitat. Lost habitat value and acreages should be replaced through a combination of onsite habitat

25-3

- enhancement and purchase, protection, and enhancement and/or restoration of other habitat offsite to create equal or higher value. | 25-3
Cont
- Temporary construction disturbance should be minimized and confined to the greatest extent possible to existing disturbed areas within or adjacent to the Bufferlands (e.g., by locating all equipment and material storage sites away from important habitat areas). | 25-4
- Project design should incorporate features that do not disrupt existing hydrology and allow animal movements beneath the tracks at natural crossings to reduce potential impacts of collisions with the train. | 25-5
- Construction monitoring and avoidance measures should be employed to ensure that impacts to onsite and adjacent resources are minimized. | 25-6
- Development of all mitigation measures should be coordinated carefully with the management and biological resources staff of the Bufferlands to ensure that the rail project operations managers and monitors have full knowledge of onsite conditions. | 25-7

Purple Martin Protection at the City College Station Site

These comments are provided by Daniel Airola, the recognized expert on the biology and management of the species in California. The Purple Martin is a highly imperiled species in the Central Valley, with all remaining population located in bridges (i.e., elevated freeways and longer overpasses). The Sacramento population has declined by 88% since 2004 and remains at only 6 sites in the area (Airola in press).

The Sutterville colony site is an important area for the Purple Martin and at times has hosted the largest nesting population in the region. The population declined in recent years, but as of early in the 2020 nesting season, it appears to be rebounding, with five adult males present on 7 May. The species, and the birds at this colony site in particular, are somewhat tolerant of human activity, as a result of regular train and motor vehicle traffic and use by pedestrians of the sidewalks and stairways above and below the colony. In recent years, nesting has been concentrated at the east side of the overpass, which reduces the potential for disturbance during construction.

The location of the City College station appears to be far enough from the nesting colony site that its construction is not expected to cause significant disturbance, based on past studies of construction disturbance on the species in Sacramento (Airola et al. 2009). Construction of the rail line, however, has potential to cause disturbance to nesting birds from mid-March through early August.

No specific mitigation measures are proposed for the Purple Martin in the project EIR. The Purple Martin should be addressed in environmental analysis, project design, construction, and monitoring for this species according to the measures specified in forthcoming conservation plan for the species in Sacramento (Airola in press). Critically the nesting holes in the Sutterville overpass should not be blocked to exclude the species during construction, which has contributed to permanent abandonment at other sites. Nonetheless, construction activities within 300 ft of the overpass should be scheduled to occur between August 15 and March 15. To offset potential detrimental impacts on reproduction, the project should install wire “nest guards” (Airola in press) to reduce the incidence of nestling fallout.

25-8

Mitigation for Removal of Oak Woodland

Oak woodland is an important habitat for breeding, wintering, and migratory birds in the Central Valley (Airola 2019, Airola and Greco 2019, Greco and Airola 2019). The loss of 6.2 acres of oak woodland at the Thorton and Old North Sacramento station sites should be mitigated through a combination of 1) protection of other currently unprotected oak woodland habitat, 2) enhancement through management to restore functions and values at existing park areas, such as Del Paso Regional Park or Reichmuth Park in Sacramento County or Oak Grove Regional Park in San Joaquin County, and 3) restoration of oak woodland through new plantings. Plantings must occur in areas where permanent conservation management is in place or is established as a part of project mitigation.

25-8
Cont

Removal of Tricolored Blackbird Habitat and Colony Disturbance

Tricolored Blackbirds nest in open areas scattered throughout Sacramento and San Joaquin Counties (Airola et al. 2018, Meese 2017). Colony site locations vary from year to year, making it difficult to assess potential impacts based on knowledge of past nesting locations (Airola et al. 2018). In addition to the wetland habitats identified in the DEIR, patches of Himalayan blackberry are prime nesting habitats for the blackbird, and have been shown to support higher nesting success than other substrates (Cook and Toft 2005, Holyoak et al. 2014).

25-9

Removal of blackberry scrub (0.84 ac), cattail marsh (0.4 ac), and willow scrub (0.4 ac) by the project could affect nesting colonies of the species. If removal of these habitat occurs during April – June, mitigation measures should include conducting surveys of potential nesting habitat and avoiding occupied habitat during this period. Similar surveys and avoidance should be applied to habitat within 200 yards of a colony site or as otherwise determined by a biologist with strong knowledge of the species.

Burrowing Owl

The proposed design of the North Elk Grove Station includes an access road south of Cosumnes River Blvd that is approximately 200 feet from a historic and recently occupied Burrowing Owl nest site, one of the few sites that is consistently occupied in Sacramento County. Construction at this location would reduce foraging habitat and increase the likelihood of owls getting struck by vehicles. We believe that construction at this site is inconsistent with the purpose of the Bufferlands and would impact Burrowing Owls at this location. Alternative locations that are not part of a regionally important, designated habitat preserve should be considered. One such site appears to exist southwest of the intersection of the railroad with Florin Rd.

Any work that is done in the area of the proposed North Elk Grove Station should be designed to minimize loss of foraging habitat and impact to occupied and historic burrows. All project activity should be restricted to the north side of Cosumnes River Blvd, with access to the location going through the existing Sacramento Regional Transit parking area at Cosumnes River Blvd and Franklin Blvd.

25-10

In addition to the monitoring language in the Draft EIR, construction monitors should contact Bufferlands natural resource staff, who regularly survey the property for Burrowing Owls and other wildlife, for the latest information on occupied and recently occupied sites within and adjacent to the project footprint. Any work directly impacting an occupied site must be done in consultation with the California Department of Fish and Wildlife (CDFW).

Construction of a secondary track along the existing alignment within the railroad right of way would also impact historic and recently occupied sites occurring along the railroad berm. Burrowing Owls regularly move between burrows along the railroad berm and natural (ground squirrel) and

3

constructed (by Bufferlands staff) burrow sites on the Bufferlands. Any work adjacent to the Bufferlands should begin with consultation with natural resource staff and consultation with CDFW as warranted.

The staff at the Stone Lakes National Wildlife Refuge also should be consulted if any construction or track improvements are made south of Elk Grove Blvd adjacent to the refuge. Historical and current (as of April 2020) Burrowing Owl sites occur along the railroad berm at this location. These site locations have been submitted to the California Natural Diversity Database (CNDDDB) and continue to be occupied. Many historical sites, many in the CNDDDB, occur along much of the railroad alignment through Sacramento County and beyond, and much of the railroad berm and surrounding area should be viewed as potential Burrowing Owl habitat.

25-10
Cont

The Central Valley Bird Club appreciates the opportunity to comment on the Draft EIR. We hope you will carefully consider our comments to avoid, minimize, and compensate for project impacts to Central Valley bird life.

Literature Cited

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Holyoak, M., R.J. Meese, and E.E. Graves. 2014. Combining site occupancy, breeding population sizes and reproductive success to calculate time-averaged reproductive output of different habitat types: An approach to Tricolored Blackbirds. *PLoS One* 9(5): e96980

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I.2.1.1 Response to Comment Letter 25

Response to Comment 25-1

Subsequent to the circulation of the Draft EIR, SJRRC and SJJPA have continued coordination with the City of Elk Grove on an appropriate site for a station to serve the Elk Grove community. Additional information on a more ideal location for the station has been identified. In addition, SJRRC and SJJPA received numerous comments on the Draft EIR questioning the viability of the proposed North Elk Grove Station described in Draft EIR Chapter 2, *Project Description*. As such, the proposed North Elk Grove Station (including all access and siding variants) is no longer under consideration. All text related to the proposed North Elk Grove Station has been formatted as ~~struckthrough~~ in the Final EIR. Because the North Elk Grove Station is no longer under consideration, this comment is no longer applicable to the proposed project.

Final approval of a future Elk Grove Station at a site agreed to by all interested parties will be subject to a separate, stand-alone CEQA document that will be circulated for public review and comment at a later date.

Response to Comment 25-2

Please see response to Comment 25-1.

Response to Comment 25-3

Please see response to Comment 25-1.

Response to Comment 25-4

Please see response to Comment 25-1.

Response to Comment 25-5

As discussed under Impact BIO-4 in EIR Section 3.4, *Biological Resources*, the proposed project does not include any new barriers to riparian corridors or drainages. Where proposed siding tracks would cross creeks and drainages, new rail bridges would be constructed adjacent to existing the existing track bridge, and would be designed to maintain surface flows and minimize disturbance to adjacent aquatic and riparian habitats.

In addition, Section 3.4 includes a description of mitigation measures to avoid and minimize impacts to wildlife movement, including existing hydrological natural crossings. These mitigation measures include the following: Mitigation Measure BIO-1.8 would avoid and minimize impacts on special-status fish while pile driving and implement seasonal restrictions for in-water work, Mitigation Measure BIO-2.1 would avoid and minimize impacts on sensitive natural communities and riparian habitat, Mitigation Measure BIO-2.2 would require compliance with CDFW's Section 1600 Streambed Alteration Agreement, Mitigation Measure BIO-3.1 would avoid and minimize impacts on wetlands and other waters, Mitigation Measure BIO-3.2 would compensate for impacts on wetlands and other waters, Mitigation Measure BIO-1.9 would minimize impacts on wildlife and retain biological monitors during construction, Mitigation Measure BIO-1.10 would implement measures to avoid western pond turtle and giant garter snake during construction, and Mitigation Measure BIO-2.3 would implement siting constrain measures.

Also, as described in EIR Section 3.10, *Hydrology and Water Quality*, Mitigation Measure HYD-1.1 would avoid water quality impacts from groundwater or dewatering discharges, and HYD-1.2 would avoid water quality impacts from construction adjacent to, within, and crossing over surface waters.

As described in the EIR, implementation of these mitigation measures would reduce potentially significant project-related impacts to a less-than-significant level. No revisions to the Draft EIR are necessary pursuant to this comment.

Response to Comment 25-6

Please see responses to Comments 25-3 and 25-3.

Response to Comment 25-7

Please see response to Comment 25-1.

Response to Comment 25-8

EIR Section 3.4, *Biological Resources*, includes a description of purple martin habitat and the potential for project related impacts to the species. Section 3.4 also includes avoidance and minimization measures for nesting birds. Mitigation Measure BIO-1.14 requires a preconstruction survey during the bird breeding season (generally February 1 through August 31) for nesting birds and other raptors be conducted and avoidance measures implemented, which would include measures to ensure purple martin nesting activities within 500 feet of any project-related activities are not disrupted. Also, Mitigation Measure BIO-1.1 would minimize the temporary construction impact footprint, Mitigation Measure BIO-1.2 would require a Worker Environmental Awareness Training Program for construction personnel, Mitigation Measure BIO-1.4 would require development and implementation of a revegetation and weed control plan, and Mitigation Measure BIO-1.9 would minimize impacts on wildlife and require biological monitors during construction. As described in the EIR, implementation of these mitigation measures would reduce potentially significant project-related impacts to a less-than-significant level.

While Section 3.4 does include a discussion of purple martin and the potential for presence in the project area (including oak woodland habitat), no mitigation measures specific to purple martin are necessary because potential impacts to purple martin would be avoided/minimized by implementation of the above-mentioned mitigation measures. As further described in Section 3.4, the temporary (4.38 acres) and permanent (1.87 acres) loss of oak woodland would occur in marginal habitat, be minor in extent, and is expected to return to pre-project conditions within one growing season because they are dominated by herbaceous vegetation. Therefore, this impact would be less than significant and no mitigation would be required. No revisions to the Draft EIR are necessary pursuant to this comment.

Response to Comment 25-9

EIR Section 3.4, *Biological Resources*, includes a description of tricolor blackbird habitat and the potential for project related impacts to the species. Section 3.4 also describes avoidance and minimization measures that would apply to tricolored blackbird including the following:

Mitigation Measure BIO-1.14 requires a preconstruction survey during the bird breeding season (generally February 1 through August 31) for nesting birds and other raptors be conducted and avoidance measures implemented, which would include measures to ensure tricolored blackbird nesting activities within 500 feet of any project-related activities are not disrupted. Also, Mitigation Measure BIO-1.1 would minimize the temporary construction impact footprint, Mitigation Measure BIO-1.2 would require a Worker Environmental Awareness Training Program for construction personnel, Mitigation Measure BIO-1.4 would require development and implementation of a revegetation and weed control plan, and Mitigation Measure BIO-1.9 would minimize impacts on wildlife and require biological monitors during construction. As described in the EIR, implementation of these mitigation measures would reduce potentially significant project-related impacts to a less-than-significant level. No revisions to the Draft EIR are necessary pursuant to this comment.

Response to Comment 25-10

Please see response to Comment 25-1.

SJRRC and SJJPA staff are committed to continued collaboration with CDFW and the USFWS, including agency staff at the Stone Lakes National Wildlife Refuge, during final design and implementation of the proposed project to avoid and minimize impacts to burrowing owl.

I.2.2 Letter 26. The Nature Conservancy

Letter 26



nature.org

Cosumnes River Preserve
13501 Franklin Blvd.
Galt, CA 95632

www.cosumnes.org

tel (916) 684-2816

fax (916) 683-1702

info@cosumnes.org

June 5, 2020

Kevin Sheridan
San Joaquin Regional Rail Commission
949 East Channel Street
Stockton, CA 95202

Comments submitted electronically to ace.sacramentoextension@gmail.com

Re: Draft Environmental Impact Report for the San Joaquin Regional Rail Commission's Valley Rail Sacramento Extension Project (SCH# 2019090306)

Dear Mr. Sheridan:

Thank you for the opportunity to comment on the Valley Rail Sacramento Extension Project's (Project) Draft Environmental Impact Report. The Nature Conservancy (TNC) is an international, non-profit conservation organization working around the world to protect important lands and waters for people and nature. In California, we have over 100,000 members, and as a signatory Cosumnes River Preserve (CRP) Partner, we own and manage property adjacent to the Project.

As an organization that supports comprehensive solutions to current environmental challenges, the Conservancy appreciates the many benefits of rail transit compared to individual commuter vehicles. At the same time, we strive to guide the implementation of projects to avoid or minimize impacts on natural resources. As the population of California grows along with its transportation needs, we urge that measures can be implemented that increase the compatibility of rail travel with biological resources, especially animals (including invertebrates) that may suffer mortality, stress, or disruptions to movement due to the operation of trains. In that light, we would like to offer the following comments on the DEIR.

26-1

Part 1: Reasoning regarding increased number & speed of trains, and increased maintenance.

Sections 2.1 and 2.2.3 clearly identify the operational phase of the Project as being part of the Project. As we understand the description in Section 2.2.3, 14 additional train trips per day would be added to the section of rail between the existing Stockton ACE station and the proposed new Natomas station, marked by the pink line in Figure 2-1. We understand the pink line is continuous between the proposed Natomas station and the existing Downtown Stockton station, merely obscured by the green segments that represent areas of track realignment, siding construction, and/or station construction. In addition, train speeds are proposed to increase from a current maximum of 60 mph (typical speed likely less) to a typical speed of 79 mph and maximum of 90 mph (pg. 2-18). More and faster trains are reasonably expected to shorten the time intervals between preventative maintenance and unforeseen repairs. The first sentence of Chapter 3 (page 3.0-1) states that the chapter "provides a discussion of the regulatory setting, environmental setting, and impact analyses (including mitigation measures for potentially

26-2

Page 1 of 8

significant impacts), associated with construction, operation, and maintenance” of the Project. We agree that the operational and maintenance phases of the Project, which include 14 additional train trips per day at speeds approximately 50% faster than current speeds, must be included in the environmental setting descriptions and impact analyses. We agree with this statement because increasing the number and speed of trains on this entire segment of track is a discretionary action being proposed by a regional public agency within California. The Interstate Commerce Commission Termination Act (ICCTA) may, as the DEIR states on page 3.1-2, “...afford railroads engaged in interstate commerce considerable flexibility in making necessary improvements and modifications to rail infrastructure...” and “...broadly preempt state and local regulation of railroads [extending to] the construction and operation of rail lines.” However, the Project is not being proposed by Union Pacific Railroad (UPRR).

26-2
Cont

Therefore, even if UPRR or other private railroad companies would be exempt from disclosing plans and projected impacts for additional trains operated under their direct ownership and management, we request that as a public agency whose discretionary actions are subject to CEQA, the SJRRC fully disclose and analyze the potential impacts of all aspects of their proposed discretionary Project, including those associated with increasing the number of trains, the speed of those trains, and the additional maintenance/ repair that will be necessitated by more and faster trains. These proposed actions and their potential impacts take place along the entire length of track that would be used by the additional train trips.

Impacts due to increased number and speed of trains are likely to occur, at least for wildlife resources. Mortality by trains of animals has been well documented for several large taxonomic groups, such as amphibians (Budzik & Budzik 2014; Heske 2015), reptiles (Heske 2015), birds (Heske 2015; Morena 2017), and mammals (Kuřta et al 2011; Heske 2015). Mortality of animals by cars and trucks has also been well documented (e.g., see Huijser et al. 2012). However, in the Project area, the primary commuter corridor that would be relieved by train ridership – namely, Interstate 5 – skirts the western edge of the highest-quality habitat and is also built as a causeway over much of the habitat it traverses. In contrast, the train tracks are located slightly to the east, traverse a greater distance of habitat (approximately 1.9 miles of land devoted solely to high-quality habitat between the southern bank of the Mokelumne River and the northern bank of Lost Slough), and has a smaller proportion of this length as trestle that would allow wildlife movement under the tracks. Therefore, it is reasonable that an increase in wildlife mortality on the tracks would not be offset by a reduction in mortality on Interstate 5 due to reduced vehicle traffic. Also, considering the predicted growth in the number of commuters, Interstate 5 may well exhibit increased vehicle trips per day even as train ridership increases.

26-3

Part 2: Comments regarding increased number & speed of trains, and increased maintenance.

Comment 1: Despite the clear statements cited in the previous paragraph which express the intent of the Project proponents to include the operation and maintenance phase of the Project in the DEIR analysis, there are many locations in the DEIR which inappropriately exclude the full geographic extent of proposed Project operation and maintenance in the definition of the “Project area” and the “study area”. Because of these omissions, there are many locations in the DEIR which inappropriately exclude disclosure and discussion of impacts due to an increased number of trains, speed of trains, and maintenance/repair to tracks necessitated by more and faster trains. We request that the DEIR be revised to include the entire track segment between the Downtown Stockton station and the proposed Natomas station in the Project area and the study areas. We request that impacts due to more and faster trains be disclosed, discussed, and if necessary, mitigated.

26-4

There are many specific examples where the full geographic extent and the effects of more and faster trains should be included. Due to their omission, the disclosure of Project impacts is incomplete, and therefore mitigation measures need revision. We would like to make note of the following specific instances, which do not comprise a complete list of all locations where the DEIR inappropriately excludes the full geographic extent of the proposed Project and the impacts of more and faster trains.

Maps throughout the DEIR (including but not limited to Figures ES-1, ES-2, 1-1, 1-2, 2-1, 2-8, 3.4-1, 3.4-2 (A-C), 3.4-3 (A-C), 3.4-4 (A-K), and 3.4-5 (A-C)) show the Project footprint as confined to the areas of station construction, siding construction, and/or track realignment.

Comment 1-1: The Project footprint as represented on maps throughout the DEIR inappropriately omits the full geographic extent of proposed Project operation and maintenance. This omission is inappropriate because all aspects of the Project, including operating more and faster trains, are discretionary actions by SJRRC, which is a public agency subject to CEQA. The addition of 14 trains daily at substantially faster speeds is a permanent impact of Phase 1, and because these trains would operate along the full geographic extent of the proposed Project, the Project footprint as represented on maps throughout the DEIR should include the full geographic extent. We request a revision of maps throughout the DEIR so that they depict the Project footprint as including the entire section of track between the existing Downtown Stockton station and the proposed Natomas station.

**26-4
Cont**

Page 3.4-1 states, "The study area for biological resources includes all proposed Phase 1 permanent and temporary impact areas plus a 500-foot buffer."

Comment 1-2: The DEIR inappropriately omits the full geographic extent of proposed Project operation and maintenance from the definition of the study area for biological resources. This omission is inappropriate because all aspects of the Project, including operating more and faster trains, are discretionary actions by SJRRC, which is a public agency subject to CEQA. The addition of 14 trains daily at substantially faster speeds is a permanent impact of Phase 1, and because these trains would operate along the full geographic extent of the proposed Project, the study area for biological resources should also extend along the full geographic extent. We request a revision of the Project study area for biological resources so that it includes the entire section of track between the existing Downtown Stockton station and the proposed Natomas station.

26-5

Pages 3.4-8 and 3.4-11 list Project impact areas for San Joaquin and Sacramento Counties, respectively.

Comment 1-3: The lists of Project impact areas in San Joaquin and Sacramento Counties are incomplete because they omit the full geographic extent of proposed Project operation and maintenance. This omission is inappropriate because all aspects of the Project, including operating more and faster trains along the entire track segment, are discretionary actions by SJRRC, which is a public agency subject to CEQA. We request that the Project impact areas are revised to include the entire section of track between the existing Downtown Stockton station and the proposed Natomas station.

26-6

Section 3.4.3.1 discusses the project setting and regional context.

Comment 1-4: The discussion of project setting and regional context is incomplete because it omits the full geographic extent of proposed Project operation and maintenance. This omission is inappropriate because all aspects of the Project, including

26-7

operating more and faster trains along the entire track segment, are discretionary actions by SJRRC, which is a public agency subject to CEQA. We request that the discussion of project setting be expanded to include the entire section of track between the existing Downtown Stockton station and the proposed Natomas station. We request particularly that the section of track between the south bank of the Mokelumne River and north bank of Lost Slough be included.

**26-7
Cont**

Section 3.4.3.2 discusses vegetation and land cover.

Comment 1-5: The discussion of vegetation and land cover is incomplete because it omits the full geographic extent of proposed Project operation and maintenance. This omission is inappropriate because all aspects of the Project, including operating more and faster trains along the entire track segment, are discretionary actions by SJRRC, which is a public agency subject to CEQA. We request that the discussion of vegetation and land cover be expanded to include the entire section of track between the existing Downtown Stockton station and the proposed Natomas station. We request particularly that the section of track between the south bank of the Mokelumne River and north bank of Lost Slough be included.

26-8

Pages 3.4-43 and 3.4-71 both discuss riparian vegetation.

Comment 1-6: The discussion of riparian vegetation is incomplete because it omits the full geographic extent of proposed Project operation and maintenance. This omission is inappropriate because all aspects of the Project, including operating more and faster trains along the entire track segment, are discretionary actions by SJRRC, which is a public agency subject to CEQA. We request that the discussion of riparian vegetation be expanded to include the entire section of track between the existing Downtown Stockton station and the proposed Natomas station. We request particularly that the section of track between the south bank of the Mokelumne River and north bank Lost Slough be included.

26-9

Page 3.4-45 describes rivers in proximity to the Project, and states, "...none of these rivers overlap with the proposed project."

Pages 3.4-71 and -72 describe wetland habitats in proximity to the Project.

Comment 1-7 : The characterization of aquatic and wetland habitats is incomplete because it omits the full geographic extent of proposed Project operation and maintenance. This omission is inappropriate because all aspects of the Project, including operating more and faster trains along the entire track segment, are discretionary actions by SJRRC, which is a public agency subject to CEQA. We request that the discussion of aquatic and wetland habitats be expanded to include the entire section of track between the existing Downtown Stockton station and the proposed Natomas station. We request particularly that the section of track between the south bank of the Mokelumne River and north bank of Lost Slough be included.

26-10

Pages 3.4-60 and following describe the wildlife resources near the sites where track realignment, siding construction, and/or station construction would occur.

Comment 1-8: The characterization of wildlife resources is incomplete because it omits the full geographic extent of proposed Project operation and maintenance. This omission is inappropriate because all aspects of the Project, including operating more and faster trains along the entire track segment, are discretionary actions by SJRRC,

26-11

which is a public agency subject to CEQA. We request that the discussion of wildlife resources be expanded to include the entire section of track between the existing Downtown Stockton station and the proposed Natomas station. We request particularly that the section of track between the south bank of the Mokelumne River and north bank of Lost Slough be included.

**26-11
Cont**

Section 3.4.4.3 discloses Phase 1 impacts to biological resources and describes associated mitigation measures.

Comment 1-9: The analysis of impacts to wildlife resources is incomplete because it omits the full geographic extent of proposed Project operation and maintenance. This omission is inappropriate because all aspects of the Project, including operating more and faster trains along the entire track segment, are discretionary actions by SJRRC, which is a public agency subject to CEQA. We request that the discussion of wildlife resources be expanded to include the entire section of track between the existing Downtown Stockton station and the proposed Natomas station. We request particularly that the section of track between the south bank of the Mokelumne River and north bank of Lost Slough be included. As stated in Section 3.4.3.7, the proposed Project "intersects lowlands along the historic Sacramento/San Joaquin River Delta, where upland wildlife movement is concentrated along natural portions of this riverine and estuarine system, including adjacent riparian habitat." The use by wildlife of these connectivity corridors is especially important because, as also stated in Section 3.4.3.7, much of the regional landscape is converted to agricultural, commercial, industrial, and residential uses. Therefore, the discussion of impacts to wildlife resources must acknowledge and describe the impacts of the operational phase of the Project, such as substantial increase in number and speed of trains, on the abundant wildlife that will cross the tracks and inhabit areas close to the tracks. The increase in number and speed of trains occurs along the entire section of track under discussion, especially in areas with particularly high habitat value.

26-12

Page 3.1-8 discusses the visual character of the Cosumnes River Preserve.

Section 3.1.4.2 states, "...the existing visual character...does not represent examples of any particular outstanding scenic viewshed."

Comment 1-10: The characterization of visual character is incomplete due to omission of the full geographic extent of proposed Project operation and maintenance, and the visual character of CRP is inaccurately described. This omission is inappropriate because all aspects of the Project, including operating more and faster trains along the entire track segment, are discretionary actions by SJRRC, which is a public agency subject to CEQA. We request that the discussion of aesthetic resources be expanded to include the entire section of track between the existing Downtown Stockton station and the proposed Natomas station. We request particularly that the section of track between the south bank of the Mokelumne River and north bank of Lost Slough be included. We also request that the DEIR acknowledge and describe 1) that the viewshed from the Track Realignment south of Desmond Road consists primarily of high-quality managed wetland habitat, not agriculture; 2) that the viewshed from the Track Realignment south of Desmond Road contains in the winter an uncommonly large concentration of migratory water birds; and 3) that the views between the Mokelumne River and Lost Slough represent a particularly outstanding viewshed, providing rare views of a freshwater deltaic landscape similar to conditions before large levee construction.

26-13

Page 4-20 states, "For the remainder of the project corridor [i.e., the nonurban areas], operational conditions along the existing UPRR ROW are not expected to be significantly different from existing conditions with respect to special-status wildlife species."

Comment 1-11: We disagree that operational conditions are not expected to be significantly different. We believe that 14 additional trips per day at substantially faster speeds constitutes a significant increase and will contribute significantly to cumulative impacts. We request that the DEIR revise the cumulative impact analysis for biological resources to acknowledge these impacts and provide mitigation measures.

26-13
Cont

Part 3: Comments regarding incomplete discussion of applicable plans.

Section 3.4.2.1 describes the federal regulations and plans related to biological resources and wetlands that are applicable to the proposed Project.

Comment 2.1: The description of the federal regulatory setting is incomplete because it omits discussion of the US Bureau of Land Management's Area of Critical Environmental Concern (ACEC) designation and the Sierra Resource Management Plan (SRMP). These omissions are inappropriate because BLM land that is both designated as ACEC and under jurisdiction of the SRMP lie adjacent to at least one side the proposed Project for approximately 0.83 miles. This distance includes not only the limited area adjacent to the Desmond Rd Curve Reconstruction area, but rather the full geographical extent associated with operating more and faster trains along the entire track segment. We request that the DEIR 1) expand the section on federal regulatory setting to include ACEC and SRMP and ensure consistency with associated policies and management actions, 2) expand the discussion of the federal regulatory setting to include the entire section of track between the existing Downtown Stockton station and the proposed Natomas station. We request particularly that the section of track between the south bank of the Mokelumne River and north bank Lost Slough be included.

26-14

Page 3.4-14 describes the purpose of the Cosumnes River Preserve and states, "All project activities related to Track Curve Reconstruction South of Desmond Road would be confined to the existing UPRR ROW, and no impacts on the Cosumnes River Preserve Management Plan are expected."

Comment 2.2: The conclusion that no impacts are expected to the CRP Management Plan is invalid, because the analysis inappropriately omits the impacts of 14 additional trains per day at substantially faster speeds, along with the increased maintenance activities that would be necessitated by this increased use. These omissions are inappropriate because all aspects of the Project, including operating more and faster trains along the entire track segment, are discretionary actions by SJRRC, which is a public agency subject to CEQA. We request that the DEIR 1) revise the definition of Project activities to include operation of & track maintenance for 14 additional daily train trips that travel at substantially faster speeds along the entire track segment, and 2) revise the analysis of impacts to the CRP Management Plan to include a disclosure and analysis of impacts due to more trains, faster trains, and increased maintenance, along with mitigation measures if necessary.

26-15

Section 3.1.2.1 discusses the federal regulatory setting for assessing aesthetic impacts.

Comment 2.3: The description of the federal regulatory setting is incomplete because it omits discussion of the US Bureau of Land Management's Area of Critical Environmental

26-16

Concern (ACEC) designation and the Sierra Resource Management Plan (SRMP). These omissions are inappropriate because BLM land that is both designated as ACEC and under jurisdiction of the SRMP lie adjacent to at least one side the proposed Project for approximately 0.83 miles. This distance includes not only the limited area adjacent to the Desmond Rd Curve Reconstruction area, but rather the full geographical extent associated with operating more and faster trains along the entire track segment. We request that the DEIR 1) expand the section on federal regulatory setting to include ACEC and SRMP and ensure consistency with associated policies and management actions, 2) expand the discussion of the federal regulatory setting to include the entire section of track between the existing Downtown Stockton station and the proposed Natomas station. We request particularly that the section of track between the south bank of the Mokelumne River and north bank Lost Slough be included.

26-16
Cont

Part 4: Comments on factual corrections needed

Page 3.4-14 states that the property adjacent to the Track Curve Reconstruction south of Desmond Road is owned by the Bureau of Land Management (BLM).

26-17

Comment 3-1: This statement is incomplete, because TNC also owns property adjacent to the Track Curve Reconstruction south of Desmond Road. TNC owns the small piece between the UPRR right-of-way and the Franklin Boulevard right-of-way.

Figures 3.4-3 A and B list non-profit land under the heading "Public Land".

26-18

Comment 3-2: Non-profits are private corporations, and therefore are not public. We request that all applicable figures treat non-profit land in category separate from public land.

Figure 3.4-3B shows a polygon of city land just south of the Phillips Siding Upgrade & Extension area.

26-19

Comment 3-3: To our knowledge, this land is no longer owned by a city. It is in private ownership. We request that all applicable figures revise their symbology to reflect private ownership.

Closing

Thank you again for the opportunity to provide comments. Please let us know if we can answer any questions or provide more information.

Sincerely,



Sara Sweet
Project Ecologist
ssweet@tnc.org
The Nature Conservancy

Encl: Literature Cited

Literature Cited

- Budzik, KA and KM Budzik. 2014. A preliminary report of amphibian mortality patterns on railways. *Acta Herpetologica* 9(1): 103-107.
- Heske, EJ. 2015. Blood on the tracks: Track mortality and scavenging rate in urban nature preserves. *Urban Naturalist* 4: 1-13.
- Huijser, MP, JS Begley, and EA van der Grift. 2012. Mortality and live observations of wildlife on and along the Yellowhead Highway and the railroad through Jasper National Park and Mount Robson Provincial Park, Canada. A technical report prepared for Salmo Consulting, Inc. 380 pp.
- Kušta, T, M Ježek, and Z Keken. 2011. Mortality of large mammals on railway tracks. *Scientia Agriculturae Bohemica* 42(1):12-18.
- Morena, EL García de la, JE Malo, I Hervás, C Mata, S González, R Morales, and J Herranz. 2017. On-board video recording unravels bird behavior and mortality produced by high-speed trains. *Frontiers in Ecology and Evolution* 5: 1-9.

I.2.2.1 Response to Comment Letter 26

Response to Comment 26-1

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

Response to Comment 26-2

The Valley Rail Sacramento Extension Draft EIR was prepared in accordance with CEQA and state CEQA guidelines. The Draft EIR responds to each of the comprehensive list of issues and topics provided in Appendix G of the CEQA Guidelines related to both construction and operational impacts. The Appendix G statements are evaluated in relation to specific thresholds and criteria resulting in a robust, accurate, and adequate analysis of the potential environmental consequences of the proposed project, including cumulative impacts.

Under CEQA Guidelines Section 15378, Project:

“(a) “Project” means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following:

- (1) An activity directly undertaken by any public agency including but not limited to public works construction and related activities clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100–65700.”

Furthermore, under Article 10, Considerations in Preparing EIRs and Negative Declarations, Section 15143, Emphasis:

“The EIR shall focus on the significant effects on the environment. The significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence.”

Train operational conditions along the Union Pacific Railroad (UPRR) Sacramento Subdivision between the Natomas/Sacramento Airport Station and the Stockton Downtown/ACE station with implementation of the proposed project are not expected to be significantly different from existing conditions. UPRR may operate a specific number of trains (including both freight and passenger trains) on its railroad subdivisions up to the capacity of the specific subdivision. The addition of project-related passenger trains operating along the Sacramento Subdivision would be dispatched by UPRR and would reduce the potential number of freight trains operating along the subdivision, given that the absolute number of potential trains that can operate is fixed. The addition of seven roundtrip passenger trains per day included in the proposed project is within the existing operational capacity of the subdivision.

It should also be noted that passenger trains are lighter, quieter, and shorter than typical freight trains. Therefore, by potentially reducing the number of freight trains operating along the corridor, adverse indirect and direct effects of freight trains operating along the corridor (as well as maintenance requirements) would also be reduced. As such, the analysis in the EIR focuses mainly on those areas along the corridor where permanent physical changes could occur due to ground disturbance activities.

As described in EIR Chapter 2, *Project Description*, the project footprint is limited to areas along the Sacramento Subdivision where the construction of track improvements and stations would occur. All track improvements would be constructed within existing UPRR right-of-way (ROW), no temporary construction easements or permanent acquisition of new ROW is required for the track improvements. However, as described in EIR Chapter 3, *Environmental Impact Analysis*, the study areas for the environmental resources evaluated in the EIR included a buffer area beyond permanent and temporary impact areas (as necessary) to fully evaluate potential project impacts.

Regarding the potential for increased train speed along the corridor, while the track curve corrections included as part of the proposed project (see Chapter 2) would enable speeds of up to 90 mph along the curves, neither passenger nor freight trains would travel at 90 mph due to the fact that the design speed along the Sacramento Subdivision is 79 mph south of Sacramento with slower speeds going through the city. In addition, a speed of 79 mph would only occur along certain stretches of track in isolated areas with minimal at-grade crossings. Other speed limiting factors include the existing condition of track, freight operations, local conditions, and passenger rail operations.

In addition, increased passenger rail service along the UPRR corridor would only occur with operational agreements with UPRR and would be statutorily exempt from CEQA per Section 15275, Specified Mass Transit Projects:

“CEQA does not apply to the following mass transit projects:

- (a) The institution or increase of passenger or commuter service on rail lines or high-occupancy vehicle lanes already in use, including the modernization of existing stations and parking facilities.”

Response to Comment 26-3

Please see response to Comment 26-2.

Response to Comment 26-4

Please see response to Comment 26-2.

Response to Comment 26-5

Please see response to Comment 26-2.

Response to Comment 26-6

Please see response to Comment 26-2.

Response to Comment 26-7

Please see response to Comment 26-2.

Response to Comment 26-8

Please see response to Comment 26-2.

Response to Comment 26-9

Please see response to Comment 26-2.

Response to Comment 26-10

Please see response to Comment 26-2.

Response to Comment 26-11

Please see response to Comment 26-2.

Response to Comment 26-12

Please see response to Comment 26-2.

Response to Comment 26-13

The methodology for the visual quality ratings of viewsheds in the project area is described in detail in EIR Section 3.1, *Aesthetics*, and utilizes the key concepts of vividness, intactness, and unity (as defined in Section 3.1). These concepts represent industry-professional standards for visual terminology and methodology, as used by the Federal Highway Administration, the U.S. Forest Service, and the U.S. Bureau of Land Management. Visual resources are subjective; therefore, reasonable people can disagree as to the degree of existing visual quality, as well as the level of impacts that would occur to existing visual resources. The visual analysis in Section 3.1 is not intended to provide an assessment of the visual quality of the Cosumnes River Preserve; rather, the description in the setting, and the emphasis of the impact analysis, are focused on the existing visual character and quality in the immediate viewshed of the proposed project elements.

The proposed improvements in closest proximity to the Cosumnes River Preserve include the track curve reconstruction south of Desmond Road and the Phillips Siding Upgrade/Extension. Section 3.1 describes this area as exhibiting “a high degree of vividness, intactness, and unity,” and concludes that “the visual quality” and “viewer sensitive” are “considered high.” In response to the comment, the text in Section 3.1 has been revised to note that the viewshed in the vicinity of Desmond Road also includes high quality managed wetland habitat and large numbers of migratory birds in winter months. However, Section 3.1 concludes that while the proposed track improvements could be visible to recreationists along trails near the project area, impacts would be less than significant because the proposed improvements (the railway embankment, tracks, and associated equipment, such as train signals) would have a visual appearance that is substantially similar to or the same as the existing UPRR facilities and would therefore blend into the existing landscape.

Please also see response to Comment 26-1.

Response to Comment 26-14

The description of the federal regulatory setting does not include the Bureau of Land Management (BLM) because no authorizations from BLM are necessary for the proposed project. All project-related activities, including construction and future operational track management activities in the vicinity of the BLM lands, would occur within the existing UPRR ROW, and therefore are subject to rules and regulations enforced by the Federal Railroad Administration (FRA).

Please also see response to Comment 26-2.

Response to Comment 26-15

Please see response to Comment 26-2.

Response to Comment 26-16

Please see responses to Comments 26-2 and 26-13.

Response to Comment 26-17

EIR Section 3.4, *Biological Resources*, has been revised to note that The Nature Conservancy owns property adjacent to Track Curve Correction South of Desmond Road.

Response to Comment 26-18

Figures 3.4-3A and 3.4-3 B in EIR Section 3.4, *Biological Resources*, have been revised in response to the comment.

Response to Comment 26-19

Figure 3.4-3 B in EIR Section 3.4, *Biological Resources*, has been revised in response to the comment.

I.2.3 Letter 27. North Natomas Community Coalition

Gmail - RE: Valley Rail Sacramento Extension Project DEIR

Page 1 of 2

Letter 27

 San Joaquin Regional Rail Commission <ace.sacramentoextension@gmail.com>

RE: Valley Rail Sacramento Extension Project DEIR

2 messages

Debra Banes <redbanes@gmail.com> Fri, Jun 5, 2020 at 9:59 AM
To: ace.sacramentoextension@gmail.com
Cc: Nick Avdis <navdis@gmail.com>, Lisa Pray - NNCC Secretary <lisa@crabray.com>

To Whom It May Concern:

These comments on the Valley Rail Sacramento Extension Project DEIR are submitted on behalf of the North Natomas Community Coalition. We very much appreciate that the SJRRC/ACE has removed ALL (present and future) consideration of locating a layover maintenance facility within the City of Sacramento City limits (specifically within the project known as the "Panhandle" in North Natomas).

The possible locating of the layover facility within the boundaries of the Panhandle presented significant compatibility issues with adjacent school and residential uses that were at the core of the community opposition to this location.

With this clear and firm understanding, the North Natomas Community Coalition no longer opposes the proposed project.

Looking forward to this project to reduce traffic in our community.

Thank you,

Red Banes
President
North Natomas Community Coalition

27-1

Valley Rail Sacramento Extension <ace.sacramentoextension@gmail.com> Fri, Jun 5, 2020 at 11:35 AM
To: melissa.gjerde@aecom.com

----- Forwarded message -----

From: **Debra Banes** <redbanes@gmail.com>
Date: Fri, Jun 5, 2020 at 9:59 AM
Subject: RE: Valley Rail Sacramento Extension Project DEIR
To: <ace.sacramentoextension@gmail.com>
Cc: Nick Avdis <navdis@gmail.com>, Lisa Pray - NNCC Secretary <lisa@crabray.com>

To Whom It May Concern:

These comments on the Valley Rail Sacramento Extension Project DEIR are submitted on behalf of the North Natomas Community Coalition. We very much appreciate that the SJRRC/ACE has removed ALL (present and future) consideration of locating a layover maintenance facility within the City of Sacramento City limits (specifically within the project known as the "Panhandle" in North Natomas).

<https://mail.google.com/mail/u/1?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f...> 6/9/2020

Gmail - RE: Valley Rail Sacramento Extension Project DEIR

Page 2 of 2

The possible locating of the layover facility within the boundaries of the Panhandle presented significant compatibility issues with adjacent school and residential uses that were at the core of the community opposition to this location.

With this clear and firm understanding, the North Natomas Community Coalition no longer opposes the proposed project.

Looking forward to this project to reduce traffic in our community.

Thank you,

Red Banes
President
North Natomas Community Coalition

<https://mail.google.com/mail/u/1?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f...> 6/9/2020

I.2.3.1 Response to Comment Letter 27

Response to Comment 27-1

Thank you for your participation, comments, and support for the Valley Rail Sacramento Extension Project. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

I.2.4 Letter 28. RailPAC

Letter 28



P.O. Box 22344
San Francisco CA 94122

www.railpac.org

May 11, 2020

San Joaquin Regional Rail Commission
Attn: Valley Rail Sacramento Extension
949 E. Channel Street
Stockton, CA 95202

Dear Sirs,

RE: Valley Rail Sacramento Extension Project
I am writing on behalf of Rail Passenger Association of California and Nevada (RailPAC) members living and working in the San Joaquin Valley and Sacramento areas. RailPAC is an all-volunteer statewide organization that advocates for the improvement of commuter and intercity passenger rail service. RailPAC is a strong advocate for an expanded public transportation network between within the San Joaquin Valley and for travel to Sacramento area and beyond. In support of this goal, RailPAC strongly supports the Valley Rail Sacramento Extension Project.

The area served by Valley Rail is one of the fastest-growing in the state. This growth is expected to continue both in terms of jobs and housing. However, in many cases job growth is occurring at different locations than housing growth. This results in increased travel demand straining the existing travel corridors Interstate 5 and CA 99. Both of these corridors are already congested with challenges to a strategy of unlimited highway expansion.

There are existing rail corridors with substantial potential capacity for expanded passenger and rail freight movement. However, current passenger service between the San Joaquin Valley and the Sacramento area is limited. This project would upgrade one of these corridors, Union Pacific's Sacramento Subdivision, as a high-capacity passenger rail corridor. Passenger service would be introduced to new markets in the San Joaquin and Sacramento Valleys. It would also reduce travel time and increase service frequency. This would increase ridership and ticket revenues.

Utilizing latent rail corridor capacity to address current and future demand, the Valley Rail project would bring enhanced intercity and commuter rail service, improved connectivity, improved air quality, a reduction in greenhouse gas emissions and improved access. The project would also facilitate the re-visioning of northern San Joaquin Valley cities as city center focused transit oriented cityscapes. Finally, the project would provide key connections at Merced to the high-speed rail Central Valley Interim Operating Service.

Yours truly,

Steve Roberts, President Rail Passenger Association of California and Nevada

cc. Dan Leavitt, SJRRC, Brian Schmidt, SJRRC

28-1

I.2.4.1 Response to Comment Letter 28

Response to Comment 28-1

Thank you for your participation, comments, and support for the Valley Rail Sacramento Extension Project. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

I.2.5 Letter 29. SMART

Letter 29



May 23, 2020

San Joaquin Regional Rail Commission
ATTN: Valley Rail Sacramento Extension Project
949 E. Channel Street
Stockton, CA 95202

RE: Comments on ***Valley Rail Sacramento Extension Draft Environmental Impact Report***

Sacramento Metro Advocates for Rail and Transit appreciate the opportunity to comment on the Valley Rail project Draft EIR. SMART supports this project because it will expand access to inter-city rail service in the Sacramento Region, increase the usefulness of our region's existing county-level public transit bus and light rail systems, and provide important air quality benefits, and potentially further incentivize higher density development near stations and lines, which could further build ridership for our mass transit systems, lower transportation costs for residents, and provide more access to, and more reason to use, bike, pedestrian, shared-mobility transportation options.

29-1

In particular, the project increases access and links to existing mass transit by providing shuttle service to/from Sacramento International Airport via the Natomas Station, a priority for the region to connect the airport to transit systems. In addition, California High Speed Rail service will connect to Valley Rail in Merced, and Valley Rail will link to Sacramento Regional Transit at City College, Midtown, and Old North Sacramento Stations as well as the Sacramento Valley Station.

29-2

Also important are the anticipated air quality improvements the project will generate by giving travelers the option not to drive their personal

29-3



cars for trips around the region and to other connected cities. Valley Rail is anticipated to reduce greenhouse gas emissions by 5.2 MMT of CO₂ by 2025. Additionally, the Valley Rail Program converts Amtrak San Joaquins and ACE service to renewable fuel which will reduce 1.9 MMT of CO₂. Valley Rail's increased rail ridership is anticipated to reduce 88.4 million vehicle miles traveled by 2025. Reducing emissions and vehicle miles traveled will make these projects competitive for local funding matches in the counties included in the Sacramento Area Council of Governments and assist counties in meeting federal and state mandates for air quality improvements and reducing climate changing emissions to our air.

29-3
Cont

Sincerely,

Glenda Marsh

Glenda Marsh
Co-founder
Sacramento Metro Advocates for Rail and Transit
sac.mass.transit.team@gmail.com

I.2.5.1 Response to Comment Letter 29

Response to Comment 29-1

Thank you for your participation, comments, and support for the Valley Rail Sacramento Extension Project. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

Response to Comment 29-2

Thank you for your participation, comments, and support for the Valley Rail Sacramento Extension Project. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

Response to Comment 29-3

Thank you for your participation, comments, and support for the Valley Rail Sacramento Extension Project. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

I.2.6 Letter 30. United Auburn Indian Community

Gmail - Comments - DEIR for the alley Rail Sacramento Extension

Page 1 of 3

Letter 30



San Joaquin Regional Rail Commission <ace.sacramentoextension@gmail.com>

Comments - DEIR for the alley Rail Sacramento Extension

2 messages

Anna Starkey <astarkey@auburnrancheria.com> Fri, May 1, 2020 at 2:15 PM
To: "ace.sacramentoextension@gmail.com" <ace.sacramentoextension@gmail.com>
Cc: Rebecca Allen <rallen@auburnrancheria.com>, Matthew Moore <mmoore@auburnrancheria.com>

On behalf of the United Auburn Indian Community, I am responding to the notification for the above referenced project. Please consider this email as our formal response as we are currently not mailing hard copy, signed letters. Please confirm that you have received this email with official comments by UAIC. Thank you.

30-1

The following comments are for section 3.17 Tribal Cultural Resources:

General: The TCR section is supposed to be reflective of the living tribal communities that ascribe religious and cultural significance to TCRs that a project might impact. It is not necessary or advisable to include regional "prehistory" and an ethnographic section that was gathered from sources dating to the early 1900s. This information is not useful when discussing TCRs as this information is already presented in the Cultural Resources section. Instead, as an example, the environmental section should present the geographic locations of descendant tribal communities and their ties to the land/project location.

30-2

Page 3.5-7. The AB52 section is not needed in the Cultural Resources Chapter, only the TCRs chapter.

30-3

Page 3.17-11, Section 3.17.4.3 Phase I Impacts and Mitigation Measures

Impact TRI-1 states that no tribal cultural resources were identified in the project area however it does not state that there was no field survey by any tribal representatives. How can a TCR be identified by a tribe if they are not able to survey the project area? This sentence is misleading and we recommend changing it to convey that there were no surveys conducted to identify TCRs in the project area so it is unknown if any unrecorded/unknown resources exist.

30-4

Page 3.5-33, CUL-2.2: Native American monitoring.

Please add the text in red. Not all areas requiring monitoring may be archaeologically sensitive.

30-5

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"Prior to completion of the final project design, SJRRC will continue consultation with the previously identified Tribes to discuss areas of concern that may require a tribal monitor present during ground-disturbing activities of archaeologically and **culturally** sensitive areas."

30-5
Cont

Page 3.5-34, CUL-2.3: Inadvertent archaeological discoveries.

Please add the text in red.

If prehistoric or historic-era cultural materials are encountered during project site preparation or construction activities, all ground-disturbing activities in the area of the discovery shall be halted until a qualified archaeologist **and Tribal Representative from consulting Native American Tribes** are contacted and can assess the discovery. If the archaeologist **and Tribal Representative from consulting Native American Tribes** determines that the find does not meet CRHR standards of significance for cultural resources **or tribal cultural resource**, work activities may proceed.

30-6

In-place preservation of the archaeological **or cultural** resources is the preferred manner of mitigating potential impacts, because it maintains the relationship between the resource and the archaeological context **and maintains tribal cultural values and integrity**.

Page 35-35, CUL-3.1: Discovery of previously unknown human remains.

If human remains are discovered, it is preferred that 100 feet distance is maintained from the find.

"The archaeologist ~~shall~~ **may** recover scientifically valuable information, as appropriate and in coordination with the MLD."

30-7

Shall is a legally binding word meaning that the artifacts **WILL** be recovered, no matter what. The artifacts must not be recovered unless specifically authorized by the MLD.

Thank you for your time and consideration.

Best,

Anna Starkey

<https://mail.google.com/mail/u/1?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f...> 6/9/2020

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Anna M. Starkey, M.A., RPA
Cultural Regulatory Specialist
Tribal Historic Preservation Department | UAIC
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Valley Rail Sacramento Extension <ace.sacramentoextension@gmail.com> Tue, May 5, 2020 at 9:46 AM
To: melissa.gjerde@aecom.com

[Quoted text hidden]

<https://mail.google.com/mail/u/1?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f...> 6/9/2020

I.2.6.1 Response to Comment Letter 30

Response to Comment 30-1

Thank you for your comments. SJRRC and SJJPA acknowledge that your email dated May 1, 2020, is United Auburn Indian Community's (UAIC) formal response to the Draft EIR for the Valley Rail Sacramento Extension Project.

While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

Response to Comment 30-2

In response to UAIC's request that EIR Section 3.17, *Tribal Cultural Resources* should reflect the descendant tribal communities and their ties to the project location and not include regional "prehistory" and ethnographic information, the section has been revised and content regarding prehistory has been removed. Ethnographic information in Section 3.17 has also been revised to include living tribal community information.

Response to Comment 30-3

UAIC's comment that the Assembly Bill (AB) 52 section in EIR Section 3.5, *Cultural Resources* is not necessary for the Section (only EIR Section 3.17, *Tribal Cultural Resources*) has been considered and the discussion of AB 52 has been deleted from Section 3.5.

Response to Comments 30-4 and 30-5

Per UAIC's comment regarding the identification of Tribal Cultural Resources, Impact TRI-1 in EIR Section 3.17, *Tribal Cultural Resources* has been revised to acknowledge that pedestrian surveys of the project area by Tribal Representatives have yet to occur. In addition, Mitigation Measure CUL-2.2 in EIR Section 3.5, *Cultural Resources*, has been revised in response to UAIC's request.

Response to Comment 30-6

Mitigation Measure CUL-2.3 in EIR Section 3.5, *Cultural Resources*, has been revised in response to UAIC's request.

Response to Comment 30-7

Mitigation Measure CUL-3.1 in EIR Section 3.5, *Cultural Resources*, has been revised in response to UAIC's request.

I.3 Individuals and Businesses

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I.3.1 Letter 31. Briare, Mike

Gmail - Comments on Midtown Tran station.

Page 1 of 2

Letter 31



San Joaquin Regional Rail Commission <ace.sacramentoextension@gmail.com>

Comments on Midtown Tran station.

1 message

Mike Briare <mbriare970@gmail.com>

Fri, May 15, 2020 at 10:09 AM

To: ace.sacramentoextension@gmail.com, SHansen@cityofsacramento.org

I am a midtown resident who purchased a home 2 years ago. This project will significantly impact the value of my home as well as destroy the vibe of midtown. Adding 14 trains a day passing through the middle of the city in addition to the already existing trains will have a detrimental impact on the work the city has done to revitalize the midtown area and will impact the investments we have made.

31-1

I became more distressed when I listened to the conference call regarding the project. Here are my MAJOR concerns and how they were answered.

- Q. What is the mitigation plan for noise given there will be at least 14 more train crossings a day through the middle of town? 31-2
- *We have no mitigation plan. Also we will be having verbal boarding announcements that begin at 6:05 AM and ending near 9PM. This will happen 14 times daily.*
- Q. After building the station what is the plan to keep the station clean and to keep the homeless from camping on the property? 31-3
- *No one will be patrolling the station! We will have a cleanup crew come twice a week?*
- Q. With the increased traffic. I.E. Drop offs or Ubers how will you maintain the privacy or the local homeowners. 31-4
- *We believe most people will walk or bike to the train there should be no increase in traffic. Really? So someone is going to commute on the train and then walk a mile to work at the capital?*
- Q. How long will it take to get from Natomas to San Jose? 31-5
- *3 hours 40 minutes? Who use this to take a 6 hour round trip commute to work?*

This project WILL NOT be beneficial in any way. It will end up with empty trains running through our neighborhoods.

31-6

So far the answers we have are unacceptable. We were sold as there will be a few trains and that we could use the train to get to San Francisco - Not San Jose. This is not the project that was SOLD to Midtown originally. If these concerns are not met

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Gmail - Comments on Midtown Tran station.

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and agreed too then this project must be stopped until these major issues are addressed.

<https://mail.google.com/mail/u/1?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f...> 6/9/2020

I.3.1.1 Response to Comment Letter 31

Response to Comment 31-1

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

Response to Comment 31-2

EIR Section 3.12, *Noise and Vibration*, analyzes noise impacts using prediction models from the Federal Transit Administration (FTA) guidance manual and impact thresholds described in Appendix G of the CEQA Guidelines. Per the CEQA Guidelines, impacts that do not exceed significance thresholds do not require consideration of mitigation measures. As discussed in Section 3.12, Impact NOI-2, while the addition of new passenger service would result in increases in noise levels for sensitive receptors along the corridor, because of the relatively high existing noise levels from existing trains and local traffic, especially in Sacramento, there are relatively few moderate and no severe noise impacts (as defined by FTA) identified and no significant CEQA impact would result. As such, mitigation is not under consideration at this time. No revisions to the Draft EIR are necessary pursuant to this comment.

Federal Railroad Administration (FRA) regulations (49 C.F.R. Part 222) require that engineers sound their locomotive horns while approaching public at-grade crossings until the lead locomotive fully occupies the crossing. However, as described in Section 3.12, many of the at-grade crossings through Sacramento are in designated quiet zones. Within quiet zones, freight operators (and other tenant railroad operators) can be relieved of the requirement to sound their horns when crossing at-grade crossings. However, even with designation of a quiet zone, if any unsafe conditions are present at the time of train passage (such as a vehicle going around the gates or pedestrians in the crossing), train operators would still have the discretion to sound train horns. While the lead agency for a quiet zone designation is the local jurisdiction (typically the city or county) responsible for traffic control and law enforcement on the roads at the at-grade crossings, SJRRC and SJJPA will work with local agencies to ensure continued viability of established quiet zones along the corridor.

Response to Comment 31-3

As described in EIR Chapter 2, *Project Description*, all stations would include features to reduce opportunities for crime, including lighting, security cameras, and emergency call boxes. Security cameras would be actively monitored during operational hours and local police departments would be contacted to respond to emergency situations. Emergency call boxes would connect users directly to local emergency personnel. These security features in station parking lots and at train platforms are expected to minimize and deter criminal offenses. In addition, the improvements to be included at the Midtown Sacramento Station (such as enhanced platform shelters, plazas, and pedestrian amenities) will improve the area surrounding the station by replacing underdeveloped areas occupied by large trash bins that could attract undesirable activity with facilities that could help activate the area.

SJRRC and SJJPA will establish a security and maintenance plan with the respective municipalities where the proposed stations would be constructed following project approval and during the site-specific design stage. In addition, SJRRC and SJJPA expect to contract with the Midtown Association to fund more frequent security patrols, pressure washing of sidewalks, graffiti removal, and pick up of trash at the proposed Midtown Station. SJRRC and SJJPA will continue to work with the City of Sacramento, the Midtown Association, and station area residents regarding improvements proposed for the areas surrounding the Midtown Sacramento Station.

Response to Comment 31-4

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

For the Midtown Sacramento Station, passengers are envisaged to primarily access the station via non-motorized modes such as walking and cycling, in lieu of driving. As such, the project includes direct pedestrian and bicycle connections to facilitate station access by these modes. As the station would not provide new parking, the proposed project is not expected to substantially increase vehicle traffic in the vicinity of the station. While there would likely be some pick-up/drop-off activity at the station, much of this activity is expected to consist of taxis and transportation network company (TNC) vehicles, which would not necessarily represent a net increase in the number of vehicles on the roadway network. When project-generated vehicle traffic is distributed across the surrounding street network, the actual increase in traffic at the W Street and X Street grade crossings (and at adjacent upstream intersections)—which are at least five blocks away from the station—is expected to be minimal. In addition, as described in EIR Chapter 2, *Project Description*, the Midtown Sacramento Station would include improvements to facilitate convenient transfers to and from the SacRT 16th Street LRT Station.

Response to Comment 31-5

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

The comment appears to focus on the attractiveness of the project for residents living in the Sacramento area commuting to San Jose. While commute service in general—as well as commute service from the Sacramento region to San Joaquin County, the Tri-Valley (Livermore, Pleasanton, and Dublin), and the Silicon Valley—are certainly some of the intended markets for the proposed service improvements, the general focus of the project is to improve passenger rail service between San Joaquin Valley counties and Sacramento, both for commute travelers and for intercity business and leisure travelers. The project attempts to balance potential (and in some ways, competing) ridership markets with the limitations on funding for capital improvements and operations/maintenance, as well as restrictions on the number of train slots available from UPRR.

While the conceptual service plan described in EIR Chapter 2, *Project Description*, only includes one commute-period roundtrip (via ACE) originating in Natomas, it includes three commute-period roundtrips (via ACE) originating in Ceres to connect residents in the Central Valley with jobs in the Sacramento area. An additional ACE roundtrip originating in Natomas would operate during the midday period to Stockton. The timetable for the two additional intercity San Joaquins roundtrips between Natomas and the San Joaquin Valley (terminating in either Fresno or Bakersfield) has not yet been finalized, and will be determined at a later time. San Joaquins trains have connecting Thruway Bus services which also take passengers between the Central Valley and Southern California.

Response to Comment 31-6

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

EIR Chapter 1, *Introduction*, provides a discussion of the history, background, and goals of the proposed project. Also, please see response to Comment 31-5.

I.3.2 Letter 32. Burke, Kevin

Gmail - build Elk Grove station closer to other things?

Page 1 of 1

Letter 32



San Joaquin Regional Rail Commission <ace.sacramentoextension@gmail.com>

build Elk Grove station closer to other things?

1 message

Kevin Burke <kevin@burke.dev>

Wed, May 13, 2020 at 9:40 AM

To: ace.sacramentoextension@gmail.com

Hi,

The proposed Elk Grove station is not really close to anything which means people are probably going to need to drive to get there. That puts a cap on the ridership equal to the number of car parking spaces, and increases traffic.

A better station location would be close to things people actually want to visit, like shops, restaurants, or places people might commute from, like apartment buildings. It is difficult to put these near a wastewater treatment plant.

Thanks,
Kevin

Kevin Burke
phone: 925-271-7005 | kevin@burke.dev

32-1

<https://mail.google.com/mail/u/1?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f...> 6/9/2020

I.3.2.1 Response to Comment Letter 32

Response to Comment 32-1

Subsequent to the circulation of the Draft EIR, SJRRC and SJJPA have continued coordination with the City of Elk Grove on an appropriate site for a station to serve the Elk Grove community. Additional information on a more ideal location for the station has been identified. In addition, SJRRC and SJJPA received numerous comments on the Draft EIR questioning the viability of the proposed North Elk Grove Station described in Draft EIR Chapter 2, *Project Description*. As such, the proposed North Elk Grove Station (including all access and siding variants) is no longer under consideration. All text related to the proposed North Elk Grove Station has been formatted as ~~struck through~~ in the Final EIR. Because the North Elk Grove Station is no longer under consideration, this comment is no longer applicable to the proposed project.


Final approval of a future Elk Grove Station at a site agreed to by all interested parties will be subject to a separate, stand-alone CEQA document that will be circulated for public review and comment at a later date.

I.3.3 Letter 33. CC

Gmail - Valley Rail Sacramento Extension DEIR

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Letter 33

 San Joaquin Regional Rail Commission <ace.sacramentoextension@gmail.com>

Valley Rail Sacramento Extension DEIR

1 message

CC C <ccb badger35@gmail.com>

Fri, May 15, 2020 at 4:33 PM

To: ace.sacramentoextension@gmail.com

Hello,

It is great that The Valley Rail Sacramento Extension Project would expand Amtrak San Joaquins Train and Altamont Corridor Express passenger rail services to the greater Sacramento area. It is good that the goal of this project is to expand passenger rail service in San Joaquin and Sacramento counties and increase frequency of service; boost passenger rail ridership; reduce travel time between the San Joaquin Valley and the Sacramento area; expand existing transit capacity and provide transit connections; and provide an alternative to automotive traffic congestion, also to improve regional air quality.

It is great indeed, but the proposal has failed to see the increase in automotive congestion it would cause, as well as hazardous waste and more noise it will be bringing to our neighborhood. It is going to bring more traffic congestion than what we already deal with in West Elkhorn Blvd. In addition, our air quality and the environment around us is going to be impacted by the construction of new train tracks on an area where a fertilizer company (John Taylor Fertilizers/Wilbur Ellis) is on, where there is historic soil contamination and the Central Concrete Supply Company. The Natomas Maintenance and Layover Facility will cause hazardous waste into the environment as well.

Proposing this project in an already busy and occupied location is not pleasing to hear. West Elkhorn Blvd is a busy transited road that many people use to get to Highway 99, Interstate 5, and to the North Natomas area from neighboring towns as North Highlands, Citrus Heights, Antelope, and we the people who live in Rio Linda also use it to get to our destinations.

I do live near West Elkhorn Blvd and it is a busy road, it is hard to get onto this road because it is only a one lane road. Automobiles are always rushing on this road. Many people do not obey the 45 mph speed limit and it makes it hard to try to get onto this road. I have witnessed accidents from people driving too fast and from drivers not willing to slow down and let residents who live on the side of West Elkhorn Blvd drive into and out of their driveway.

There is already too much congestion and noise from this busy road and we do not need new tracks and a new passenger service transit to add on to the busyness and noise.

33-1

33-2

33-3

33-4

33-5

33-6

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I oppose this whole project coming to our community here in West Elkhorn Blvd in Rio Linda. I do not think it is fair that big companies can just buy off the Wilbur Ellis Facility of fertilizers and the Central Concrete Supply Company and tear them down and build on top of where there is already soil contamination from years of these companies operating.

**33-6
Cont**

I wish a new location would be considered that is not as busy as this area and will not impact as many families.

33-7

Thanks for the opportunity to voice our neighbors and my concerns and hopefully there could be another alternative.

Sincerely,

C.C

<https://mail.google.com/mail/u/1?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f...> 6/9/2020

I.3.3.1 Response to Comment Letter 33

Response to Comment 33-1

As discussed in EIR Section 3.16, *Transportation*, the proposed project would likely result in increased traffic levels near stations, but this would be balanced by reduced traffic on roadway routes running parallel to the project alignment. In the case of the Natomas/Sacramento Airport Station, it is likely that at least some of the vehicles traveling to and from the station would already have been present on Elkhorn Boulevard for access to/from I-5 and SR 99. These vehicles would not represent a net increase in overall traffic due to the project, but would simply be a local redistribution of traffic, as well as a net reduction in overall VMT, as discussed in Section 3.16.

Effects of the proposed Natomas / Sacramento Airport Station on the surrounding road network would be examined in greater detail during the project's design stage, following more detailed planning to determine a proposed timetable and other service characteristics. As part of this process, SJRRC and SJJPA would work with Sacramento County as needed on the final design of station access improvements, which would likely include a consideration of potential traffic safety concerns along West Elkhorn Boulevard with respect to side-street access to/from Blacktop Road. Similarly, SJRRC and SJJPA would coordinate with the California Public Utilities Commission (CPUC) and Sacramento County on the proposed modifications to the at-grade crossing with West Elkhorn Boulevard to ensure the crossing is safe and adequate.

As further discussed Section 3.16, the proposed project would not substantially increase transportation-related hazards, and any project rail elements and any modifications to existing roadways would adhere to applicable design standards.

Potential impacts associated with construction of the Natomas/Sacramento Airport Station in areas of existing soil and/or groundwater contamination, which could result in potential accidental releases of hazardous materials from these sites and subsequent human health or environmental hazards, are evaluated in EIR Section 3.9, *Hazards and Hazardous Materials* (see Impact HAZ-2). For the reasons explained in detail in Section 3.9, implementation of Mitigation Measures HAZ-2.1, HAZ-2.2, HAZ-2.2, and AQ 2.3 (described in EIS Section 3.3, *Air Quality*) would reduce project-related impacts from construction in areas of contaminated soil or groundwater, accidental releases of hazardous materials, and potential inference with ongoing remedial activities, to a less-than-significant level. No revisions to the Draft EIR are necessary pursuant to this comment.

EIR Section 3.12, *Noise and Vibration*, analyzes noise impacts using prediction models from the Federal Transit Administration (FTA) guidance manual and impact thresholds described in Appendix G of the CEQA Guidelines. Per the CEQA Guidelines, impacts that do not exceed significance thresholds do not require consideration of mitigation measures. As discussed in Section 3.12, Impact NOI-2, while the addition of new passenger service would result in increases in noise levels for sensitive receptors along the corridor, because of the relatively high existing noise levels from existing trains and local traffic, especially in the Sacramento and Natomas areas, there are relatively few moderate and no severe noise impacts (as defined by FTA) identified and no significant CEQA impact would result. As such, mitigation is not under

consideration at this time. No revisions to the Draft EIR are necessary pursuant to this comment.

Response to Comment 33-2

Please see response to Comment 33-1.

Response to Comment 33-3

Subsequent to the circulation of the Draft EIR, SJRRC and SJJPA received additional information and significant expressions of concern regarding siting of the proposed Natomas Maintenance and Layover Facility – a potential Phase II component of the proposed project. The site identified in the Draft EIR for the Natomas Maintenance and Layover Facility would require purchase or condemnation of two operating business ventures, as well as property owned by a joint landlord. Such purchase or condemnation could be prohibitively expensive for SJRRC and SJJPA and could also result in the loss of significant jobs to the region. For those reasons, SJRRC and SJJPA have deemed it infeasible to site the Natomas Maintenance and Layover Facility as shown in the Draft EIR. As such, consideration of all potential Phase II improvements, including the Natomas Maintenance and Layover Facility, the West Elkhorn Boulevard Overpass, and expansion of the Natomas/Sacramento Airport Station parking lot are no longer under consideration. All references to Phase II have been deleted from this Final EIR. If Phase II proceeds at a future date, SJRRC and SJJPA would site the Natomas Maintenance and Layover Facility at a more desirable location, subject to additional CEQA documentation and public review.

Response to Comment 33-4

Please see responses to Comment 33-1 and 33-3.

Response to Comment 33-5

Please see response to Comment 33-1

Response to Comment 33-6

Please see responses to Comments 33-1 and 33-3.

Response to Comment 33-7

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

I.3.4 Letter 34. Cecilia, C

Gmail - Valley Rail Sacramento Extension DEIR

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Letter 34

 San Joaquin Regional Rail Commission <ace.sacramentoextension@gmail.com>

Valley Rail Sacramento Extension DEIR

1 message

Cecilia C <Cec_goodview55@outlook.com> Fri, Jun 5, 2020 at 1:06 PM
To: "ace.sacramentoextension@gmail.com" <ace.sacramentoextension@gmail.com>

Dear Reader

This project was also proposed on the west side of the Levee, closer to the North Natomas area. The Natomas community protested due to several concerns, subsequently the project eliminated this option. If this project was not good enough for the North Natomas community, then how is it good enough for the Rio Linda community? Chances are that the same concerns will be felt in Rio Linda.

34-1

I feel the same concerns as the Natomas community. After looking at the environmental impacts reported in the "Valley Rail Sacramento Extension Project Draft Environmental Impact Report Volume II March 2020," I am shocked how it is still being proposed. The Rio Linda residents that live nearby the proposed site are humans and will be impacted by those environmental concerns reported. Is it the opportunity cost that is most important? Why not look for a site that is not so close to homes and will not have such impacts on residents nearby?

34-2

In addition to the general concerns as communicated by North natomas, I share my top concerns:

1. The negative impact to the air and water quality. The added contamination and pollution will impact our health. First, the construction of this project will cause air contamination and pollution due to construction equipment, machinery, and commercial vehicles. The groundwork around the fertilizer plant will release particles into the atmosphere and into the soil that will also impact air and water quality. Second, the train station hub will result in traffic on West Elkhorn Blvd which will increase air pollution levels. The maintenance (fueling, dumping of toilet water, washing, etc.) of the trains at the train station hub will contaminate the air and run off and be absorbed by the land. I am very concerned about the air and quality impacts because it will impact my family's health.

34-3

2. Negative impact to traffic operations. The added activity will increase traffic congestion and accidents. West Elkhorn Blvd is already highly transited and congested because residents from nearby towns use it to reach Highway 99 and Interstate 5. Through

34-4

<https://mail.google.com/mail/u/1?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f...> 6/9/2020

decades there have been several serious car accidents due to the traffic and congestion. The traffic most likely increases during the construction and when the train station hub is operating. The residents that live off of W Elkhorn Blvd and residents driving onto W Elkhorn Blvd. from streets that feed into it like W 6th St., W 4th St., W 2th St., 2nd St., and Camelot St. will have increased difficulty and risks getting onto the main road.

**34-4
Cont**

When projects that impact the health and environment of a community, the decisions and project plans should be made with the involvement of the community. I appreciate the opportunity to submit public comments, but simply requesting public comment for the sake of checking off a legal requirement without meaningfully reaching out or communicating with the community is a disservice. In my opinion, a meaningful effort has not been made to obtain the feedback of the Rio Linda community. I am afraid that our comments may be received and dismissed because they lack visibility or high-profile individuals like the case of the North Natomas community. It is only fair that we can have a real conversation, not just the ability to submit concerns that technically are not required to be addressed with the community. It is only fair that the project be communicated in an accessible manner with the community. Accessible to those that do not comprehend complex environmental and health reports. Accessible to those who do not have computers or the internet to access about 479-page report.

34-5

Regards,

Rio Linda Resident

<https://mail.google.com/mail/u/1?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f...> 6/9/2020

I.3.4.1 Response to Comment Letter 34

Response to Comment 34-1

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

Response to Comment 34-2

The commenter expresses the opinion that residents living in Rio Linda would be impacted by the proposed project without providing substantial evidence in support of this assertion. Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (CEQA Guidelines Section 15064[b]). Argument, speculation, or unsubstantiated opinion or narrative does not constitute substantial evidence (CEQA Guidelines Section 15064[a]). Trying to forecast the proposed project's physical impacts on the environment based upon opinion without substantial evidence supporting the assertion would require a level of speculation that is not appropriate for an EIR.

The Valley Rail Sacramento Extension Project Draft EIR was prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines (California Code of Regulations, Title 14, Section 15000 and following). The Draft EIR responds to each of the comprehensive list of environmental resources and thresholds based on Appendix G of the CEQA Guidelines related to both construction and operational impacts. The environmental resources listed in Appendix G have been evaluated in relation to specific thresholds and criteria resulting in a robust, accurate, and adequate analysis of the potential environmental consequences of the proposed project, including cumulative impacts.

As described in the EIR, all potentially significant project construction and operational impacts would be reduced to less-than-significant levels with the implementation mitigation measures with the exception of temporary construction noise. As described in EIR Section 3.12, *Noise and Vibration*, even with the implementation of proposed mitigation, temporary construction noise could remain significant and unavoidable. However, this potential impact would only last for the duration of any specific construction activity.

Response to Comment 34-3

The commenter expresses the opinion that the proposed project would result in negative impacts to air and water quality without providing substantial evidence in support of this assertion. Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (CEQA Guidelines Section 15064[b]). Argument, speculation, or unsubstantiated opinion or narrative does not constitute substantial evidence (CEQA Guidelines Section 15064[a]). Trying to forecast the proposed project's physical impacts on the environment based upon opinion without substantial evidence supporting the assertion would require a level of speculation that is not appropriate for an EIR.

EIR Sections 3.3, *Air Quality*, and 3.10, *Hydrology and Water Quality*, include a comprehensive analysis of potential impacts related to these two topics. As described, all potentially significant

impacts would be reduced to less-than-significant levels with implementation of mitigations measures included in the analysis.

Subsequent to the circulation of the Draft EIR, SJRRC and SJJPA received additional information and significant expressions of concern regarding siting of the proposed Natomas Maintenance and Layover Facility – a potential Phase II component of the proposed project. The site identified in the Draft EIR for the Natomas Maintenance and Layover Facility would require purchase or condemnation of two operating business ventures, as well as property owned by a joint landlord. Such purchase or condemnation could be prohibitively expensive for SJRRC and SJJPA and could also result in the loss of significant jobs to the region. For those reasons, SJRRC and SJJPA have deemed it infeasible to site the Natomas Maintenance and Layover Facility as shown in the Draft EIR. As such, consideration of all potential Phase II improvements, including the Natomas Maintenance and Layover Facility, the West Elkhorn Boulevard Overpass, and expansion of the Natomas/Sacramento Airport Station parking lot are no longer under consideration. All references to Phase II have been deleted from this Final EIR. If Phase II proceeds at a future date, SJRRC and SJJPA would site the Natomas Maintenance and Layover Facility at a more desirable location, subject to additional CEQA documentation and public review.

Because Phase II improvements are no longer under consideration as part of the proposed project, the concerns raised by this comment are no longer applicable and a response is not necessary.

Response to Comment 34-4

As discussed in EIR Section 3.16, *Transportation*, the proposed project would likely result in increased traffic levels near stations, but this would be balanced by reduced traffic on roadway routes running parallel to the project alignment. In the case of the Natomas/Sacramento Airport Station, it is likely that at least some of the vehicles traveling to and from the station would already have been present on Elkhorn Boulevard for access to/from I-5 and SR 99. These vehicles would not represent a net increase in overall traffic due to the project, but would simply be a local redistribution of traffic, as well as a net reduction in overall VMT, as discussed in Section 3.16.

Effects of the proposed Natomas / Sacramento Airport Station on the surrounding road network would be examined in greater detail during the project's design stage, following more detailed planning to determine a proposed timetable and other service characteristics. As part of this process, SJRRC and SJJPA would work with Sacramento County as needed on the final design of station access improvements, which would likely include a consideration of potential traffic safety concerns along West Elkhorn Boulevard with respect to side-street access to/from Blacktop Road. Similarly, SJRRC and SJJPA would coordinate with the California Public Utilities Commission (CPUC) and Sacramento County on the proposed modifications to the at-grade crossing with West Elkhorn Boulevard to ensure the crossing is safe and adequate.

As further discussed Section 3.16, the proposed project would not substantially increase transportation-related hazards, and any project rail elements and any modifications to existing roadways would adhere to applicable design standards.

Response to Comment 34-5

SJRRC and SJJPA have consulted regularly with project stakeholders along the project alignment to coordinate potential project improvements and have held numerous meetings with local agencies, cities, and counties along the project alignment; potentially affected property owners; neighborhood organizations; elected officials; resource agencies; and other project stakeholders to identify potential alternatives to be considered for the proposed project. Please see EIR Chapter 6, *Public and Agency Involvement*, for a thorough discussion of public outreach and agency involvement that has been occurring since 2016. SJRRC and SJJPA welcome the opportunity to continue their collaborative work with landowners and managers within or adjacent to the project area, and will be reaching out to the appropriate parties as appropriate during final design, permitting, and implementation of the proposed project.

The purpose of this EIR is to provide the information necessary for SJRRC and SJJPA to make an informed decision about the improvements included under the proposed project, and to supply the information necessary to support related permit applications and review processes. One of the purposes of CEQA is to provide an opportunity for the public and relevant agencies to review and comment on projects that might affect the environment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

I.3.5 Letter 35. Kris Carley

Gmail - Midtown Station

Page 1 of 1

Letter 35



San Joaquin Regional Rail Commission <ace.sacramentoextension@gmail.com>

Midtown Station

1 message

Kris Carley <crowly100@hotmail.com>

Sun, Apr 19, 2020 at 12:20 PM

To: "ace.sacramentoextension@gmail.com" <ace.sacramentoextension@gmail.com>

Hello my name is Kris Carley. I own a townhouse that will be adjacent to the station. While I think this could be a good thing I worry about the extra noise a station like this will cause. Specifically if there are announcements that are verbal. I have been to Jack London where the announcements are verbal not visual and it is quite annoying. Please take this into consideration by making all announcements visual not verbal for train arrival/departure information.

35-1

The other fear will be the homeless problem and the attractiveness of a station to camp out. 24 hour security will be required to keep the problem at bay.

35-2

If we can address these 2 problems I believe we can have a cohesive situation,

Thank You,

Kris Carley

Resident 20PQR, 20th and Qst

Sent from Mail for Windows 10

<https://mail.google.com/mail/u/1?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f...> 6/9/2020

I.3.5.1 Response to Comment Letter 35

Response to Comment 35-1

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

EIR Section 3.12, *Noise and Vibration*, analyzes noise impacts using prediction models from the Federal Transit Administration (FTA) guidance manual and impact thresholds described in Appendix G of the CEQA Guidelines. This analysis included the potential for noise associated with announcements at stations. Per the CEQA Guidelines, impacts that do not exceed significance thresholds do not require consideration of mitigation measures. As discussed in Section 3.12, Impact NOI-2, while the addition of new passenger service would result in increases in noise levels for sensitive receptors along the corridor, because of the relatively high existing noise levels from existing trains and local traffic, especially in Sacramento, there are relatively few moderate and no severe noise impacts (as defined by FTA) identified and no significant CEQA impact would result. As such, mitigation is not under consideration at this time. No revisions to the Draft EIR are necessary pursuant to this comment.

Federal Railroad Administration (FRA) regulations (49 C.F.R. Part 222) require that engineers sound their locomotive horns while approaching public at-grade crossings until the lead locomotive fully occupies the crossing. However, as described in Section 3.12, many of the at-grade crossings through Sacramento are in designated quiet zones. Within quiet zones, freight operators (and other tenant railroad operators) can be relieved of the requirement to sound their horns when crossing at-grade crossings. However, even with designation of a quiet zone, if any unsafe conditions are present at the time of train passage (such as a vehicle going around the gates or pedestrians in the crossing), train operators would still have the discretion to sound train horns. While the lead agency for a quiet zone designation is the local jurisdiction (typically the city or county) responsible for traffic control and law enforcement on the roads at the at-grade crossings, SJRRC and SJJPA will work with local agencies to ensure continued viability of established quiet zones along the corridor.

In addition, auditory announcements and warnings are required at stations in compliance with ADA requirements. However, the design of the Midtown Sacramento Station will ensure that all auditory announcements and warnings are directed to the station platform to the greatest extent feasible.

Response to Comment 35-2

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

As described in EIR Chapter 2, *Project Description*, all stations would include features to reduce opportunities for crime, including lighting, security cameras, and emergency call boxes. Security cameras would be actively monitored during operational hours and local police departments

would be contacted to respond to emergency situations. Emergency call boxes would connect users directly to local emergency personnel. These security features in station parking lots and at train platforms are expected to minimize and deter criminal offenses. In addition, the improvements to be included at the Midtown Sacramento Station (such as enhanced platform shelters, plazas, and pedestrian amenities) will improve the area surrounding the station by replacing underdeveloped areas occupied by large trash bins that could attract undesirable activity with facilities that could help activate the area.

SJRRC and SJJPA will establish a security and maintenance plan with the respective municipalities where the proposed stations would be constructed following project approval and during the site-specific design stage. In addition, SJRRC and SJJPA expect to contract with the Midtown Association to fund more frequent security patrols, pressure washing of sidewalks, graffiti removal, and pick up of trash at the proposed Midtown Station. SJRRC and SJJPA will continue to work with the City of Sacramento, the Midtown Association, and station area residents regarding improvements proposed for the areas surrounding the Midtown Sacramento Station.

I.3.6 Letter 36. Michelle Chester

Letter 36



May 8, 2020

VIA E-MAIL

San Joaquin Regional Rail Commission
Attn: Kevin Sheridan
949 East Channel Street
Stockton, CA 95202
ace.sacramentoextension@gmail.com

Re: Request for Documents Relating to the Valley Rail Sacramento Extension
Project Draft Environmental Impact Report

Dear Mr. Sheridan:

I hereby request that copies of the following documents referenced in or related to the March 2020 Draft Environmental Impact Report (DEIR) for the Valley Rail Sacramento Extension Project (Project):

1. DEIR Appendix H, Supporting Noise and Vibration Analysis Documentation, which, to date, has not been made available on the DEIR Chapters and Appendices website (<https://sjjpa.com/deir-chapters-and-appendices/>); and
2. The health risk analysis performed in support of the EIR for the ACE Extension Lathrop to Ceres/Merced Project, including any modeling used to determine the potential health risks associated with increased rail service along that project's alignment and locomotive idling at proposed new stations. (See DEIR, p. 3.3-42.)

I request that documents relating to items (1) and (2) be provided immediately by email to njacobs@somachlaw.com and that document request (2) also be provided to the public at large on the DEIR Chapters and Appendices website. Additionally, I hereby request a 30-day extension of the DEIR comment period, currently set to expire on May 15, 2020, to allow adequate opportunity for the public and decision makers to evaluate and

36-1

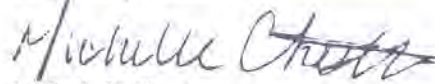
36-2

36-3

San Joaquin Regional Rail Commission
Request for Documents
May 8, 2020
Page 2

provide comments on these documents. Should you have any questions, please contact
Nicholas Jacobs at njacobs@somachlaw.com. Thank you for your attention to this matter.

Respectfully submitted,



Michelle E. Chester
Attorney

MEC:rs

I.3.6.1 Response to Comment Letter 36

Response to Comment 36-1

Appendix H, *Supporting Noise and Vibration Analysis Documentation*, was inadvertently not included when the Draft EIR was first published to the website but has since been uploaded and made available to the public. We apologize for this oversight.

Response to Comment 36-2

The Lathrop to Ceres/Merced EIR and supporting health risk analysis are available on that project's website (<https://acerail.com/merced-extension-eir/>). This reference analysis was not provided as an attachment to the Draft EIR. However, the analysis of potential impacts associated with the proposed project's emissions of toxic air contaminants (TACs) has been expanded to include a project-specific health risk assessment (HRA), as described below. The results of the HRA support the Impact AQ-3 conclusions in EIR Section 3.3, *Air Quality*. The expanded analysis and revisions to Section 3.3, do not create any new potentially significant effects and do not change any of the conclusions of the EIR.

The analysis of potential impacts associated with project-related emissions of toxic air contaminants (TACs) has been expanded to include a project specific health risk assessment (HRA). The HRA assessed the potential TAC emissions impacts associated with short-term construction and long-term daily operations of the proposed project. Using methodology and guidance local, regional, state, and federal agencies, including the California Air Pollution Control Officers Association (CAPCOA) (2009), the California Air Resources Board (ARB) (2017), the Office of Environmental Health Hazard Assessment (OEHHA) (2015), SMAQMD Mobile Sources Air Toxics Protocol (2019), the U.S. Environmental Protection Agency (EPA) (2017), and SMAQMD and SJVAPCD CEQA guidelines, the HRA quantified health risks (cancer and non-cancer chronic risk) resulting from the proposed project on the surrounding community per year of construction and under full operational conditions. The detailed HRA methodology, inputs, and modeling files have been provided as EIR Appendix B, *Air Quality, Health Risk Assessment, Greenhouse Gas, and Energy*. The results of the HRA, as well as additional discussion of non-quantified health risks such as asthma and heart disease, have been added to Section 3.3. The results of the HRA support the Impact AQ-3 conclusions in the Draft EIR. The expanded analysis and revisions to Section 3.3 do not create any new potentially significant effects and do not change any of the conclusions of the 2019 Draft EIR.

Although impacts associated with exposure of sensitive receptors to project-related emissions have been found to be less than significant, SMAQMD recommends that exposure reduction measures be considered for any proposed land use project that would result in the exposure of individuals to air pollutants from an active railway.

Response to Comment 36-3

Please see responses to Comments 36-1 and 36-2.

I.3.7 Letter 37. Steve Dennison

Gmail - Valley Rail Sacramento Extension DEIR

Page 1 of 1

Letter 37

 San Joaquin Regional Rail Commission <ace.sacramentoextension@gmail.com>

Valley Rail Sacramento Extension DEIR

1 message

Steve Dennison <stevemdennison@yahoo.com>
To: ace.sacramentoextension@gmail.com

Mon, Apr 6, 2020 at 6:52 PM

I am writing to support the new proposed station location in North Natomas. I am glad to hear that the old proposed location west of Levee Rd and East of the neighborhood has been dropped from consideration. That location made ZERO sense. I can't think of any logical reason why that location was even considered as it would interfere with traffic, the existing serenity of the neighborhood and access to the school when it is eventually completed. The new proposed location east of Levee Rd and adjacent to the existing railroad tracks and the auto auction site is significantly better. I support the new station in this location.

37-1

Sent from my iPhone

<https://mail.google.com/mail/u/1?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f...> 6/9/2020

I.3.7.1 Response to Comment Letter 37

Response to Comment 37-1

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

I.3.8 Letter 38. Donna Farris

Gmail - Valley Rail Sacramento Extension DEIR - public comments

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Letter 38

 San Joaquin Regional Rail Commission <ace.sacramentoextension@gmail.com>

Valley Rail Sacramento Extension DEIR - public comments

1 message

Donna Farris <grippedforglory@gmail.com>
To: ace.sacramentoextension@gmail.com

Fri, May 15, 2020 at 4:29 PM

To Who it may concern:

A year ago, my family purchased four acres near the corner of W.6th St and E. St. in Rio Linda. The existing railroad track is our western property line. This property was our dream home and meant to be a place where my children and grandchildren could live and thrive in a country-setting for generations to come. However, after reviewing the proposed construction of the Natomas Rail Station and Layover Maintenance Facility, we have grave concerns regarding that dream.

If I understand this project correctly, Phase I is the construction of a new rail station and track improvement along existing lines. Since dropping the initially proposed western location due to intense public outcry, the only option left was the eastern option (east of Black Top Road and south of Elkhorn Blvd.) This puts the new station (and potentially the Maintenance Facility as well) virtually in our back yard. That is unacceptable!

38-1

This project poses alarming, substantial, and significant hazards to health and safety, some of which were addressed in the Environmental Impact Report. However, despite assurances that all concerns have been "mitigated" and therefore now pose a "less-than-significant" threat to the public, wildlife, and the environment, I am not convinced these serious hazards have been and will be adequately addressed

We have grave concerns regarding the following:

1. The construction of this facility in a known un-remediated site
2. The potential for chemical spills during and following construction (and resulting threats to humans, wildlife and the environment.)
3. The contamination of underground water sources (we are on a well)
4. The damage and/or elimination of groundwater reservoirs which are home to many wildlife
5. Serious, ongoing air quality issues during and after construction
6. The pollution and/or total destruction of irreplaceable, nearby wildlife habitats (which are rare in this area and a source of great pleasure)
7. 24/7 noise and lighting concerns associated with the construction, operation and future maintenance of such a facility
8. The increased litter, garbage, and human waste inherent to such a facility
9. The increased homeless/transient presence and subsequent criminal activity posing a significant security threat to the surrounding properties, as well as the community of Rio Linda/Natomas in general.
10. The inevitable negative impact the presence of this facility will have on property values in the area (ours included)
11. The ability for our children, grandchildren, friends, and family to play in our own back yard, free from any of the above threats.

38-2

38-3

38-4

38-5

38-6

38-7

38-8

38-9

38-10

38-11

38-12

Having a railroad station (and accompanying threats) in our back yard is not the environment we would have chosen in which to raise our children and grandchildren. Had we known ahead of time such a project would be placed in our back yard, we would not have purchased this property. But it is done and we love our new home and all it has to offer. Many dreams are already coming true and we' like to see that continue.

38-13

<https://mail.google.com/mail/u/1?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f...> 6/9/2020

Gmail - Valley Rail Sacramento Extension DEIR - public comments

Page 2 of 2

Therefore, we simply and earnestly, implore you to find another home for the Natomas/Sacramento Airport rail station. |

38-14

Respectfully submitted,

Donna Farris
5931 W. 8th St.
Rio Linda, CA 95673

<https://mail.google.com/mail/u/1?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f...> 6/9/2020

I.3.8.1 Response to Comment Letter 38

Response to Comment 38-1

The commenter expresses the opinion that residents living in Rio Linda would be impacted by the proposed project without providing substantial evidence in support of this assertion. Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (CEQA Guidelines Section 15064[b]). Argument, speculation, or unsubstantiated opinion or narrative does not constitute substantial evidence (CEQA Guidelines Section 15064[a]). Trying to forecast the proposed project's physical impacts on the environment based upon opinion without substantial evidence supporting the assertion would require a level of speculation that is not appropriate for an EIR.

The Valley Rail Sacramento Extension Project Draft EIR was prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines (California Code of Regulations, Title 14, Section 15000 and following). The Draft EIR responds to each of the comprehensive list of environmental resources and thresholds based on Appendix G of the CEQA Guidelines related to both construction and operational impacts. The environmental resources listed in Appendix G have been evaluated in relation to specific thresholds and criteria resulting in a robust, accurate, and adequate analysis of the potential environmental consequences of the proposed project, including cumulative impacts.

As described in the EIR, all potentially significant project construction and operational impacts would be reduced to less-than-significant levels with the implementation mitigation measures with the exception of temporary construction noise. As described in EIR Section 3.12, *Noise and Vibration*, even with the implementation of proposed mitigation, temporary construction noise could remain significant and unavoidable. However, this potential impact would only last for the duration of any specific construction activity.

Subsequent to the circulation of the Draft EIR, SJRRC and SJJPA received additional information and significant expressions of concern regarding siting of the proposed Natomas Maintenance and Layover Facility – a potential Phase II component of the proposed project. The site identified in the Draft EIR for the Natomas Maintenance and Layover Facility would require purchase or condemnation of two operating business ventures, as well as property owned by a joint landlord. Such purchase or condemnation could be prohibitively expensive for SJRRC and SJJPA and could also result in the loss of significant jobs to the region. For those reasons, SJRRC and SJJPA have deemed it infeasible to site the Natomas Maintenance and Layover Facility as shown in the Draft EIR. As such, consideration of all potential Phase II improvements, including the Natomas Maintenance and Layover Facility, the West Elkhorn Boulevard Overpass, and expansion of the Natomas/Sacramento Airport Station parking lot are no longer under consideration. All references to Phase II have been deleted from this Final EIR. If Phase II proceeds at a future date, SJRRC and SJJPA would site the Natomas Maintenance and Layover Facility at a more desirable location, subject to additional CEQA documentation and public review.

Because Phase II improvements are no longer under consideration as part of the proposed project, the concerns raised by this comment are no longer applicable and a response is not necessary.

Response to Comment 38-2

The commenter expresses the opinion that the proposed project would result in impacts without providing substantial evidence in support of their assertion. Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (CEQA Guidelines Section 15064[b]). Argument, speculation, or unsubstantiated opinion or narrative does not constitute substantial evidence (CEQA Guidelines Section 15064[a]). Trying to forecast the proposed project's physical impacts on the environment based upon opinion without substantial evidence supporting the assertion would require a level of speculation that is not appropriate for an EIR.

EIR Section 3.9, *Hazards and Hazardous Materials*, includes a comprehensive analysis of the potential for construction-related hazardous waste impacts, including construction on sites of known chemical contamination. As discussed in Section 3.9, the implementation of mitigation measures HAZ-2.1, HAZ-2.2, HAZ-2.3, and AQ-2.3 (see EIR Section 3.3, *Air Quality*) would reduce all potentially significant impacts to a less-than-significant level by implementing a voluntary oversight agreement, site investigations, a construction risk management plan, a measures to control construction related fugitive dust. For the reasons explained in detail in Section 3.9, implementation of these mitigation measures would reduce project-related impacts from construction in areas of contaminated soil or groundwater, accidental releases of hazardous materials, and potential inference with ongoing remedial activities, to a less-than-significant level. No revisions to the Draft EIR are necessary pursuant to this comment.

Please also see response to Comment 38-1.

Response to Comment 38-3

Please see responses to Comments 38-1 and 38-2.

Response to Comment 38-4

The commenter expresses the opinion that the proposed project would result in impacts to groundwater without providing substantial evidence in support of their assertion. Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (CEQA Guidelines Section 15064[b]). Argument, speculation, or unsubstantiated opinion or narrative does not constitute substantial evidence (CEQA Guidelines Section 15064[a]). Trying to forecast the proposed project's physical impacts on the environment based upon opinion without substantial evidence supporting the assertion would require a level of speculation that is not appropriate for an EIR.

EIR Section 3.10, *Hydrology and Water Quality*, includes a comprehensive analysis of the potential for construction and operational related to water quality. As discussed, implementation of Mitigation Measure HYD-1.1 would avoid water quality impacts from groundwater or dewatering discharges; and Mitigation Measure HYD-1.2 would avoid water quality impacts from construction adjacent to, within, and crossing over surface waters. No revisions to the Draft EIR are necessary pursuant to this comment.

Please also see responses to Comments 38-1 and 38-2.

Response to Comment 38-5

Please see responses to Comments 38-1, 38-2 and 38-4.

Response to Comment 38-6

The commenter expresses the opinion that the proposed project would result in impacts to air quality without providing substantial evidence in support of their assertion. Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (CEQA Guidelines Section 15064[b]). Argument, speculation, or unsubstantiated opinion or narrative does not constitute substantial evidence (CEQA Guidelines Section 15064[a]). Trying to forecast the proposed project's physical impacts on the environment based upon opinion without substantial evidence supporting the assertion would require a level of speculation that is not appropriate for an EIR.

EIR Section 3.3, *Air Quality*, included an analysis of potential construction and operational impacts to adopted air quality thresholds. As discussed, while the project could result in potentially significant construction-related impacts, these impacts would be reduced to a less-than-significant level with the implementation of mitigation measures AQ-2.1, AQ-2.2, AQ-2.3, and AQ-2.4 which would require the use of advance emission controls for construction vehicles, implementation of dust control measures at construction and staging sites, and an offset of construction NO_x emissions. As further discussed in Section 3.3, operation of the proposed project would not result in significant air quality impacts related to exposure to pollutants or odors. No revisions to the Draft EIR are necessary pursuant to this comment.

Please also see response to Comment 38-1.

Response to Comment 38-7

The commenter expresses the opinion that the proposed project would result in impacts to wildlife habitat without providing substantial evidence in support of their assertion. Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (CEQA Guidelines Section 15064[b]). Argument, speculation, or unsubstantiated opinion or narrative does not constitute substantial evidence (CEQA Guidelines Section 15064[a]). Trying to forecast the proposed project's physical impacts on the environment based upon opinion without substantial evidence supporting the assertion would require a level of speculation that is not appropriate for an EIR.

A full evaluation of potential project-related temporary and permanent impact to wildlife habitat is included in EIR Section 3.4, *Biological Resources*. As discussed in Section 3.4, project-related impacts to wildlife habitat would be reduced to a less-than-significant level with implementation of Mitigation Measures BIO-1.1 to BIO-1.11 that would avoid, minimize, and compensate for temporary and permanent losses of habitat, including loss of habitat in the vicinity of the proposed Natomas/Sacramento Airport Station. No revisions to the Draft EIR are necessary pursuant to this comment.

Please also see responses to Comments 38-1 38-2, 38-4, and 38-6.

Response to Comment 38-8

EIR Section 3.12, *Noise and Vibration*, analyzes noise impacts using prediction models from the Federal Transit Administration (FTA) guidance manual and impact thresholds described in Appendix G of the CEQA Guidelines. Per the CEQA Guidelines, impacts that do not exceed significance thresholds do not require consideration of mitigation measures. As discussed in EIR Section 3.12, Impact NOI-2, while the addition of new passenger service would result in increases in noise levels for sensitive receptors along the corridor, because of the relatively high existing noise levels from existing trains and local traffic, especially in Sacramento, there are relatively few moderate and no severe noise impacts (as defined by FTA) identified and no significant CEQA impact would result. As such, mitigation is not under consideration at this time. No revisions to the Draft EIR are necessary pursuant to this comment.

Federal Railroad Administration (FRA) regulations (49 C.F.R. Part 222) require that engineers sound their locomotive horns while approaching public at-grade crossings until the lead locomotive fully occupies the crossing. However, as described in Section 3.12, many of the at-grade crossings through Sacramento are in designated quiet zones. Within quiet zones, freight operators (and other tenant railroad operators) can be relieved of the requirement to sound their horns when crossing at-grade crossings. However, even with designation of a quiet zone, if any unsafe conditions are present at the time of train passage (such as a vehicle going around the gates or pedestrians in the crossing), train operators would still have the discretion to sound train horns. While the lead agency for a quiet zone designation is the local jurisdiction (typically the city or county) responsible for traffic control and law enforcement on the roads at the at-grade crossings, SJRRC and SJJPA will work with local agencies to ensure continued viability of established quiet zones along the corridor.

As described in EIR Chapter 2, *Project Description*, all permanent artificial outdoor lighting to be installed at station facilities would be limited to safety and security requirements and designed using Illuminating Engineering Society's design guidelines, and in compliance with International Dark-Sky Association approved fixtures. All lighting would be designed to have minimum impact on the surrounding environment; and would use downcast, cut-off-type fixtures that direct the light only towards objects requiring illumination. Shielding would be used, where needed, to ensure light pollution is minimized. As described in EIR Section 3.1, *Aesthetics*, compliance with these guidelines and standards would prevent spillover lighting and potential impacts related to light and glare would be less than significant. No revisions to the Draft EIR are necessary pursuant to this comment.

Please also see response to Comment 38-1.

Response to Comment 38-9

SJRRC and SJJPA do not believe that increased litter, garbage and human waste is inherent to our proposed facilities. As described in EIR Chapter 2, *Project Description*, all stations would include features to reduce opportunities for crime, including lighting, security cameras, and emergency call boxes. Security cameras would be actively monitored during operational hours and local police departments would be contacted to respond to emergency situations. Emergency call boxes would connect users directly to local emergency personnel.

These security features in station parking lots and at train platforms are expected to minimize and deter criminal offenses.

SJRRC and SJJPA will establish a security and maintenance plan with the respective municipalities where the proposed stations would be constructed following project approval and during the site-specific design stage.

Please also see response to Comment 38-1.

Response to Comment 38-10

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

Please also see responses to Comments 38-1 and 38-9.

Response to Comment 38-11

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

Response to Comment 38-12

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

Please also see responses to Comments 38-1 through 38-11.

Response to Comment 38-13

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

Response to Comment 38-14

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

I.3.9 Letter 39. Ramon Flores

Gmail - Comments on ACE extension to Sacramento RE: Elk Grove Station

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Letter 39



San Joaquin Regional Rail Commission <ace.sacramentoextension@gmail.com>

Comments on ACE extension to Sacramento RE: Elk Grove Station

1 message

Ramon Flores <ramonmflores@gmail.com>

Thu, May 14, 2020 at 3:09 PM

To: "ace.sacramentoextension@gmail.com" <ace.sacramentoextension@gmail.com>

Dear ACE/Amtrak,

I do not believe the current proposed Elk Grove station would be in the ideal location to serve the local community. The station is ¾ mile away from the Franklin light rail station and is not easily walkable as a transfer point to the RT system. It is also next to a wastewater treatment plant and flood control basin and therefore is not on ideal land and makes it difficult to develop anything meaningful around the proposed station.

I would propose building a station by the current Meadowview RT station as it would serve as an easy and efficient transfer point from RT to ACE as well as serve many more people that live closer to that station.

Thank you very much for your time and I'm very excited for the future of this project.

Best,

Ramon Flores

39-1

<https://mail.google.com/mail/u/1?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f...> 6/9/2020

I.3.9.1 Response to Comment Letter 39

Response to Comment 39-1

Subsequent to the circulation of the Draft EIR, SJRRC and SJJPA have continued coordination with the City of Elk Grove on an appropriate site for a station to serve the Elk Grove community. Additional information on a more ideal location for the station has been identified. In addition, SJRRC and SJJPA received numerous comments on the Draft EIR questioning the viability of the proposed North Elk Grove Station described in Draft EIR Chapter 2, *Project Description*. As such, the proposed North Elk Grove Station (including all access and siding variants) is no longer under consideration. All text related to the proposed North Elk Grove Station has been formatted as ~~strikethrough~~ in the Final EIR. Because the North Elk Grove Station is no longer under consideration, this comment is no longer applicable to the proposed project.

Final approval of a future Elk Grove Station at a site agreed to by all interested parties will be subject to a separate, stand-alone CEQA document that will be circulated for public review and comment at a later date.

I.3.10 Letter 40. George Reed, Inc.

Letter 40

May 11, 2020

Sent via e-mail: ace.sacramentoextension@gmail.com

San Joaquin Regional Rail Commission
Attn: Valley Rail Sacramento Extension
949 E. Channel Street
Stockton, CA 95202

**RE: Valley Rail Sacramento Extension Project
Draft Environmental Impact Report (SCH #2019090306)**

To Whom it May Concern,

George Reed, Inc. (“George Reed”) is a Northern California based general engineering contractor and construction materials producer that owns and operates an asphaltic concrete manufacturing facility on leased property located at 900 West Elkhorn Boulevard, Rio Linda, California. The facility is a regionally important source of asphalt and recycled construction products that supplies the local market with essential construction materials. The George Reed facility would be directly impacted by the Valley Rail Extension Project if the Phase II Improvements currently identified in the Draft Environmental Impact Report (SCH #2019090306) (“DEIR”) were to be built. For this reason, George Reed is strongly opposed to the Phase II improvements as currently proposed, and respectfully requests that the Commission identify an alternative location for the maintenance and layover facility.

40-1

George Reed understands that Phase II improvements of the Valley Rail Extension Project would include the construction of a maintenance and layover facility on a 125-acre site west of the Union Pacific Railroad Right-of-Way and east of Levee Road on both sides of West Elkhorn Boulevard, the construction of a new West Elkhorn Boulevard overpass, and the expansion of the Natomas/Sacramento Airport Station passenger parking lot. The Phase II improvements are analyzed in the DEIR at a programmatic (conceptual) level of detail because the Phase II improvements have not been funded and because the location of the proposed maintenance and layover facility is subject to change. Subsequent CEQA documentation will be required for the Phase II improvements once further details are determined and funding is identified.

40-2

A portion of the infrastructure for the Phase II maintenance and layover facility is shown crossing over a portion Assessor’s Parcel No. 214-0290-039-0000, which is the location of George Reed’s asphalt manufacturing facility (Reference DEIR, Figure 2-10). The Phase II improvements, as currently identified, would greatly impact, and more likely prohibit, George Reed’s ability to operate at the site. Asphalt manufacturing facilities require specialized zoning, infrastructure, utility, access, and surrounding use characteristics, and are notoriously difficult and costly to entitle. The taking of George Reed’s fully permitted asphalt manufacturing facility would be exceedingly expensive to compensate for, and nearly impossible to relocate within the local market.

40-3

George Reed does not oppose the San Joaquin Regional Rail Commission's efforts with respect to the overall project, but adamantly opposes the Phase II improvements that would impact our Rio Linda asphalt manufacturing facility. George Reed encourages the Commission to evaluate alternative locations for the maintenance and layover facility that would not result in impacts to essential businesses of regional importance.

40-4

George Reed will be monitoring the environmental review process closely, and respectfully requests notification in the event that Phase II advances beyond a conceptual level.

40-5

If you have any questions, or wish to discuss our comments in greater detail, please feel free to contact me at 209-608-9120.

Sincerely,
GEORGE REED, INC.



Ed Berlier
Vice President
ed.berlier@georgereed.com

I.3.10.1 Response to Comment Letter 40

Response to Comment 40-1

Subsequent to the circulation of the Draft EIR, SJRRC and SJJPA received additional information and significant expressions of concern regarding siting of the proposed Natomas Maintenance and Layover Facility – a potential Phase II component of the proposed project. The site identified in the Draft EIR for the Natomas Maintenance and Layover Facility would require purchase or condemnation of two operating business ventures, as well as property owned by a joint landlord. Such purchase or condemnation could be prohibitively expensive for SJRRC and SJJPA and could also result in the loss of significant jobs to the region. For those reasons, SJRRC and SJJPA have deemed it infeasible to site the Natomas Maintenance and Layover Facility as shown in the Draft EIR. As such, consideration of all potential Phase II improvements, including the Natomas Maintenance and Layover Facility, the West Elkhorn Boulevard Overpass, and expansion of the Natomas/Sacramento Airport Station parking lot are no longer under consideration. All references to Phase II have been deleted from this Final EIR. If Phase II proceeds at a future date, SJRRC and SJJPA would site the Natomas Maintenance and Layover Facility at a more desirable location, subject to additional CEQA documentation and public review.

Because Phase II improvements are no longer under consideration as part of the proposed project, the concerns raised by this comment are no longer applicable and a response is not necessary.

Response to Comment 40-2

Please see response to Comment 40-1.

Response to Comment 40-3

Please see response to Comment 40-1.

Response to Comment 40-4

Please see response to Comment 40-1.

Response to Comment 40-5

Please see response to Comment 40-1.

I.3.11 Letter 41. Larane Investments

Letter 41

DESMOND, NOLAN, LIVAICH & CUNNINGHAM

ATTORNEYS AT LAW

June 4, 2020

San Joaquin Regional Rail Commission
Attn: Valley Rail Sacramento Extension
949 E. Channel Street
Stockton, CA 95202
ace.sacramentoextension@gmail.com

Re: Larane Investments' Comment Letter to Draft Environmental Impact Report for the Valley Rail Sacramento Extension (SCH #2019090306)

Dear San Joaquin Regional Rail Commission:

This letter is in response to San Joaquin Regional Rail Commission's ("SJRRRC") Draft Environmental Impact Report ("DEIR") for the Valley Rail Sacramento Extension Project ("Project"). We write on behalf of Larane Investments, LLC ("Larane"), the owner of 6233 Blacktop Road and 900 Elkhorn Blvd, Rio Linda, California (collectively the "Property"). These 92-acre site at 6233 Blacktop is currently home to ADESA Brashers auto auction and leased by ADESA California, LLC (collectively "ADESA"). 900 Elkhorn is leased by George Reed, Inc and its asphalt operations. Members of Larane were previously engaged in the auto auction business at the Property—then known as Brasher's Sacramento Auto Auction—and have firsthand knowledge of the operations, layout, and space needed to conduct an auto auction business on the Property. Larane has worked in conjunction with ADESA in understanding and analyzing the Project as defined and described in the

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1830 15th Street
Sacramento, California 95811-6649
Telephone: 916/443-2051
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J. Russell Cunningham
Brian Manning
Kristen Dillevsen Renfro
Nicholas L. Kohlmeier

Of Counsel
William W. Nolan
Gary Livaich
Edward K. Dunn

Earl D. Desmond
(1895-1958)
E. Wayne Miller
(1904-1965)
Richard F. Desmond
(1923-2004)
William C. Livaich
(1950-2007)

June 4, 2020

Page 2

Draft EIR. Larane has also reviewed the letters provided by ADESA regarding the Project and joins in and hereby incorporates the comments, concerns, and issues addressed in ADESA's letters in response to the Notice of Preparation and DEIR. Additionally, Larane provides the following comments.

As described in the DEIR, the Project includes both Phases I and II. The DEIR should, therefore, fully analyze and address the impacts of the Project as a whole. The DEIR engages in a "project level" of review for Phase I and "programmatic" "conceptual" level of review for Phase II. The problem with this differing level of review is that the Project, as defined, includes Phase II and there is no discernible reason to differentiate between the Phases as it relates to the EIR process. While the DEIR contains a footnote that the location of the Phase II improvements are "subject to change," the substantive analysis of the DEIR states:

"Therefore, there are no feasible alternative locations for the Natomas Maintenance and Layover Facility, and the only alternative that would avoid or substantially lessen significant impacts would be the No Project Alternative or deletion of the Natomas Layover and Maintenance Facility from the proposed project.

DEIR p. 5-5

These two statements conflict. This conflict requires the Commission to either (1) fully analyze the Phase II aspects of the Project at a "project level" review or (2) expressly state in the FEIR that the Phase II improvements will not be located on the Property—i.e. deletion of the Natomas Layover and Maintenance Facility from the proposed project. If the latter is not possible, then the former is required. Here, we echo the comments made by ADESA in its DEIR Comment Letter:

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Sacramento, California 95811
Telephone: 916/443-2051

41-1

June 4, 2020

Page 3

“Importantly, the decision to prepare a programmatic rather than a project level of analysis for the Phase II Improvements does not relieve the Lead Agencies of the responsibility to meet the content requirements of an EIR pursuant to CEQA. (Guidelines for CEQA, Cal. Code Regs., tit. 14, § 15000 et seq. (hereinafter, “CEQA Guidelines”), at § 15160.) “An EIR project description should include reasonably foreseeable future activities that are the consequence of project approval.” (*Environmental Council of Sacramento v. County of Sacramento* (2020) 4 Cal.App.5th 1020; *Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376 (*Laurel Heights I*) [An EIR must include analysis of a reasonably foreseeable consequence of a project if it “will likely change the scope or nature of the initial project or its environmental effects.”].) Moreover, “CEQA’s demand for meaningful information ‘is not satisfied by simply stating information will be provided in the future.’” (*California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 200, citing *Santa Clarita Organization for Planning the Environment v. County of Los Angeles* (2003) 106 Cal.App.4th 715, 723.) The Phase II Improvements would displace existing businesses, including ADESA Brashers, the adjacent cement factory, fertilizer factory, and other local businesses, forcing them to relocate (to the extent relocation is even economically feasible). The Draft EIR does not recognize the necessary displacement and relocation of businesses requiring over 100 acres of property, a reality that will significantly alter the size, scope, and location of the Project and its environmental impacts. (Draft EIR, p. 2-36, Table 2-8.) This aspect of the Project was omitted from the Project Description, and no analysis, or even recognition, of these impacts is included in the Draft EIR—including the elimination of employment opportunities.”

41-2

41-3

ADESA DEIR Comment Letter, p. 3, 4

We respect and appreciate the efforts the Commission staff has made to address and lessen the impact to us and our tenants, but the substance of the DEIR causes

41-4

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June 4, 2020

Page 4

significant concern for us. The statements and lack of analysis made in the DEIR regarding Phase II are unacceptable. If the Commission cannot or will not eliminate Phase II from being sited at the Property, then a full “project level” analysis is required. Only then can the impacts be understood and the requirements of CEQA be satisfied.

41-4
Cont

We hope that our past discussions and these letters illustrate why constructing Phase II improvements on the site should be considered infeasible. Taking the Property and displacing the businesses in the area, including but not limited to ADESA, will:

- cost tens of millions of dollars,
- result in direct and indirect economic impacts to the community in excess of \$50 million, and
- cause devastating social impacts to the community.

41-5

The site may have been attractive when it was viewed as just a parking lot. But, when the true nature of the site and its operations are analyzed—something the CEQA process requires —the infeasibility of this site as a potential location for the described Phase II improvements becomes clear. If the Commission cannot or will not expressly delete the Property from the Project, it has a legal obligation to make a “project level” analysis now. And, if that analysis is done, it will be clear this site is not a feasible alternative. Either way, the Commission must act to publicly address the issue it created when it included the Property as *the* Phase II site.

41-6

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June 4, 2020

Page 5

We look forward to working with the Commission and its staff on further discussing these issues and anticipate a positive resolution to the issues. Please feel free to reach out to us directly. Thank you.

Very truly yours,

LARANE INVESTMENTS, LLC



Ben Brasher, Manager

5702 Lonetree Blvd
Rocklin, CA 95765
benbrasher@gmail.com

DESMOND, NOLAN, LIVAICH &
CUNNINGHAM



Brian Manning

1830 15th Street
Sacramento, California 95811
bmanning@dnlc.net

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I.3.11.1 Response to Comment Letter 41

Response to Comment 41-1

Subsequent to the circulation of the Draft EIR, SJRRC and SJJPA received additional information and significant expressions of concern regarding siting of the proposed Natomas Maintenance and Layover Facility – a potential Phase II component of the proposed project. The site identified in the Draft EIR for the Natomas Maintenance and Layover Facility would require purchase or condemnation of two operating business ventures, as well as property owned by a joint landlord. Such purchase or condemnation could be prohibitively expensive for SJRRC and SJJPA and could also result in the loss of significant jobs to the region. For those reasons, SJRRC and SJJPA have deemed it infeasible to site the Natomas Maintenance and Layover Facility as shown in the Draft EIR. As such, consideration of all potential Phase II improvements, including the Natomas Maintenance and Layover Facility, the West Elkhorn Boulevard Overpass, and expansion of the Natomas/Sacramento Airport Station parking lot are no longer under consideration. All references to Phase II have been deleted from this Final EIR. If Phase II proceeds at a future date, SJRRC and SJJPA would site the Natomas Maintenance and Layover Facility at a more desirable location, subject to additional CEQA documentation and public review.

Because Phase II improvements are no longer under consideration as part of the proposed project, the concerns raised by this comment are no longer applicable and a response is not necessary.

Response to Comment 41-2

Please see response to Comment 41-1.

Response to Comment 41-3

Please see response to Comment 41-1.

Response to Comment 41-4

Please see response to Comment 41-1.

Response to Comment 41-5

Please see response to Comment 41-1.

Response to Comment 41-6

Please see response to Comment 41-1.

I.3.12 Letter 42. Ansel Lundberg

Letter 42

ANSEL LUNDBERG

(530) 513-2025
ansellundberg@gmail.com

5100 F Street
Sacramento, California
95819

May 14, 2020

San Joaquin Regional Rail Commission
Attn: Valley Rail Sacramento Extension
949 E. Channel Street
Stockton, CA 95202
Sent via email to ace.sacramentoextension@gmail.com

To whom it may concern,

My name is Ansel Lundberg, and I am an interested resident of the City of Sacramento. On March 31, 2020, notice was given that the San Joaquin Regional Rail Commission (SJRRRC), acting as lead agency under the California Environmental Quality Act (CEQA), has prepared a Draft Environmental Impact Report (DEIR) for the Valley Rail Sacramento Extension project. I am writing to submit my comments on that DEIR.

Page 2-7 of the DEIR describes the two proposed variants of the North Elk Grove Station. Both of them are proposed in locations south of Cosumnes River Blvd, in the middle of land owned by Regional San. Thus, transit-oriented development (TOD) will be extremely limited around the station. I ask the Commission to consider an alternative north of the current proposals, located closer to the existing Meadowview SacRT Light Rail station. That would allow ample TOD opportunities as well as better car-free connectivity to local light rail service. Even moving south toward Laguna Blvd would provide better TOD potential.

42-1

I am excited that implementation of ACE and San Joaquin's service on the Sacramento Subdivision would serve key TOD opportunities in Central Sacramento. However, I believe that placing the North Elk Grove station in either of the proposed locations south of Cosumnes River Blvd would limit TOD opportunities and hamper connectivity with local light rail.

42-2

Thank you for your consideration of this issue.

Sincerely yours,



Ansel Lundberg

I.3.12.1 Response to Comment Letter 42

Response to Comment 42-1

Subsequent to the circulation of the Draft EIR, SJRRC and SJJPA have continued coordination with the City of Elk Grove on an appropriate site for a station to serve the Elk Grove community. Additional information on a more ideal location for the station has been identified. In addition, SJRRC and SJJPA received numerous comments on the Draft EIR questioning the viability of the proposed North Elk Grove Station described in Draft EIR Chapter 2, *Project Description*. As such, the proposed North Elk Grove Station (including all access and siding variants) is no longer under consideration. All text related to the proposed North Elk Grove Station has been formatted as ~~struckthrough~~ in the Final EIR. Because the North Elk Grove Station is no longer under consideration, this comment is no longer applicable to the proposed project.

Final approval of a future Elk Grove Station at a site agreed to by all interested parties will be subject to a separate, stand-alone CEQA document that will be circulated for public review and comment at a later date.

Response to Comment 42-2

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

I.3.13 Letter 43. Julia Mee

6/22/2020

Gmail -Valley Rail Sacramento Extension DEIR

Letter 43



San Joaquin Regional Rail Commission <aces.sacramentoextension@gmail.com>

Valley Rail Sacramento Extension DEIR

1 message

Julia Mee <juliammee@gmail.com>
To: ace.sacramentoextension@gmail.com
Cc: Julia Mee <juliammee@gmail.com>

Mon, Apr 6, 2020 at 10:12 AM

Thank you for the opportunity to comment on the Valley Rail Sacramento Extension environmental report. My husband and I own a townhome at 1614 20th Street which is part of the 20PQR community. The Midtown Sacramento station you've proposed as part of Phase 1 would add significant train traffic directly behind our home. The station will affect our day-to-day quality of life and also our resale value. While in general we support your project given its benefit to the community at large, we have some significant concerns that we would like to have addressed. Please let us know the method you are undertaking to respond to our concerns and those of our neighbors. We can be reached at juliammee@gmail.com or 650-996-7370. Thank you.

Julia & Michael Mee
1614 20th Street, Sacramento

- Noise level
 - We're concerned about increased noise from more trains going by, as well as brake and engine noise as they start and stop directly behind our house. Can you build noise blocking barricades/fencing between the tracks and our property to minimize the noise level? **43-1**
 - Having the crossing arms ring more frequently on P and Q streets will also add considerable noise. How can you address that?
 - Your report mentions new "active warning" pedestrian devices at P and Q Streets. Will that create addition noise?
 - We'd request that there be no audio announcements at the station, day or night.
 - Will there be regulations to prevent trains from blaring their horns?
- Light pollution
 - Please find a way to avoid bright lights that would shine directly into our home, especially at night when it would disturb sleep. Even the glow from the station will become an issue so we want to make sure you take all necessary steps to mitigate that. **43-2**
- Traffic
 - We're quite concerned about people using the long driveway that runs behind the 20PQR homes to drop off, wait for and pick up passengers since there will be no new parking at the Midtown Sacramento station. We already have people who use the driveway as a shortcut between P and Q streets and we believe the train station will make this worse. It's a major safety hazard as we pull out of our garage. Would you consider adding gates that allow private access only to our driveway? **43-3**
 - We also believe there will be added traffic congestion around the neighborhood and more people parking on the residential streets, even for short periods of time while they wait for passengers. That will make it more difficult for us to get in and out of our homes so we'd request extra patrols to ticket offenders.
- Security
 - How will you prevent homeless encampments or sleeping on benches? Who will be responsible for maintaining security and cleanliness of the platform? **43-4**
- Privacy
 - Our home has four stories with large windows and glass doors so we will be uniquely exposed to the proposed station. We don't want people waiting at the station to be able to look directly into our home. Please consider walls or other ways to prevent that. **43-5**
- Aesthetics
 - It is a high priority that the Midtown Station work into the feel of the neighborhood and not be an eyesore. Will you have art installations or other ways to make it attractive? **43-6**
 - Are there plans to accept advertising at the station? We don't want to look out at large billboards.
 - Can you assure us that graffiti and trash will be immediately addressed? Who will be responsible for this?
- Air pollution
 - We're very concerned that the trains will kick up dust, as the freight trains do currently. Can you landscape in such a way that will minimize loose dirt? **43-7**
- Freight Train realignment

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6/22/2020

Gmail - Valley Rail Sacramento Extension DEIR

- The map seems to suggest that the freight train tracks will get closer to our residence on 20th street. Is that correct? If so we are greatly concerned that will increase noise as well as dust and dirt that causes air pollution. **43-7
Cont**
- Construction issues
 - We've finally made it through construction of The Press apartments only to have this new station construction potentially start. Please have a plan to minimize the disruption, including strict start and stop times for construction, designated parking for construction workers, trash pick up, etc. **43-8**
 - The report seems to suggest there would be night time construction. If so, that would create considerable disruption to our sleep and we would strongly object to that.
- Other
 - Is there a plan for the plaza? Is this a concrete area, grassy area, any stores included, etc? **43-9**
 - What about the bike path? Is it simply a designated area on a street with cars, or a separate and new path?

<https://mail.google.com/mail/u/0?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f%3A1663244060846972102&siml=msg-f%3A1663244060846972102> 2/2

I.3.13.1 Response to Comment Letter 43

Response to Comment 43-1

EIR Section 3.12, *Noise and Vibration*, analyzes noise impacts using prediction models from the Federal Transit Administration (FTA) guidance manual and impact thresholds described in Appendix G of the CEQA Guidelines. Per the CEQA Guidelines, impacts that do not exceed significance thresholds do not require consideration of mitigation measures. As discussed in Section 3.12, Impact NOI-2, while the addition of new passenger service would result in increases in noise levels for sensitive receptors along the corridor, because of the relatively high existing noise levels from existing trains and local traffic, especially in Sacramento, there are relatively few moderate and no severe noise impacts (as defined by FTA) identified and no significant CEQA impact would result. As such, mitigation (including the construction of noise barriers) is not under consideration at this time. No revisions to the Draft EIR are necessary pursuant to this comment.

Federal Railroad Administration (FRA) regulations (49 C.F.R. Part 222) require that engineers sound their locomotive horns while approaching public at-grade crossings until the lead locomotive fully occupies the crossing. However, as described in Section 3.12, many of the at-grade crossings through Sacramento are in designated quiet zones. Within quiet zones, freight operators (and other tenant railroad operators) can be relieved of the requirement to sound their horns when crossing at-grade crossings. However, even with designation of a quiet zone, if any unsafe conditions are present at the time of train passage (such as a vehicle going around the gates or pedestrians in the crossing), train operators would still have the discretion to sound train horns. While the lead agency for a quiet zone designation is the local jurisdiction (typically the city or county) responsible for traffic control and law enforcement on the roads at the at-grade crossings, SJRRC and SJJPA will work with local agencies to ensure continued viability of established quiet zones along the corridor.

Response to Comment 43-2

As described in EIR Chapter 2, *Project Description*, all permanent artificial outdoor lighting to be installed at station facilities would be limited to safety and security requirements and designed using Illuminating Engineering Society's design guidelines, and in compliance with International Dark-Sky Association approved fixtures. All lighting would be designed to have minimum impact on the surrounding environment; and would use downcast, cut-off-type fixtures that direct the light only towards objects requiring illumination. Shielding would be used, where needed, to ensure light pollution is minimized. As described in EIR Section 3.1, *Aesthetics*, compliance with these guidelines and standards would prevent spillover lighting and potential impacts related to light and glare would be less than significant. No revisions to the Draft EIR are necessary pursuant to this comment.

Response to Comment 43-3

For the Midtown Sacramento Station, passengers are envisaged to primarily access the station via non-motorized modes such as walking and cycling, in lieu of driving. As such, the project includes direct pedestrian and bicycle connections to facilitate station access by these modes. As the station would not provide new parking, the proposed project is not expected to

substantially increase vehicle traffic in the vicinity of the station. While there would likely be some pick-up/drop-off activity at the station, much of this activity is expected to consist of taxis and transportation network company (TNC) vehicles, which would not necessarily represent a net increase in the number of vehicles on the roadway network. When project-generated vehicle traffic is distributed across the surrounding street network, the actual increase in traffic at the W Street and X Street grade crossings (and at adjacent upstream intersections)—which are at least five blocks away from the station—is expected to be minimal. In addition, as described in EIR Chapter 2, *Project Description*, the Midtown Sacramento Station would include improvements to facilitate convenient transfers to and from the SacRT 16th Street LRT Station.

At this time, the proposed project does not include improvements (such as the installation of gates at residential driveways) to private properties. However, SJRRC and SJJPA will continue to work with the Midtown Association and station area residents during final design of the Midtown Sacramento Station to minimize adverse effects of the station.

Response to Comment 43-4

As described in EIR Chapter 2, *Project Description*, all stations would include features to reduce opportunities for crime, including lighting, security cameras, and emergency call boxes. Security cameras would be actively monitored during operational hours and local police departments would be contacted to respond to emergency situations. Emergency call boxes would connect users directly to local emergency personnel. These security features in station parking lots and at train platforms are expected to minimize and deter criminal offenses. In addition, the improvements to be included at the Midtown Sacramento Station (such as enhanced platform shelters, plazas, and pedestrian amenities) will improve the area surrounding the station by replacing underdeveloped areas occupied by large trash bins that could attract undesirable activity with facilities that could help activate the area.

SJRRC and SJJPA will establish a security and maintenance plan with the respective municipalities where the proposed stations would be constructed following project approval and during the site-specific design stage. In addition, SJRRC and SJJPA expect to contract with the Midtown Association to fund more frequent security patrols, pressure washing of sidewalks, graffiti removal, and pick up of trash at the proposed Midtown Station. SJRRC and SJJPA will continue to work with the City of Sacramento, the Midtown Association, and station area residents regarding improvements proposed for the areas surrounding the Midtown Sacramento Station.

Response to Comment 43-5

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

As described in EIR Chapter 2, *Project Description*, the Midtown Sacramento Station would include enhanced platform shelters which may reduce visibility in the station platform area. SJRRC and SJJPA will continue to work with interested parties (including the Midtown Association and station area resident) during final design of the Midtown Sacramento Station to ensure potential adverse effects are minimized.

Response to Comment 43-6

Please also see response to Comment 43-4.

Response to Comment 43-7

The current configuration of UPRR tracks through Midtown include two sets of tracks south of R Street, one of which ends just south of Q Street. This second set of tracks would be extended to just North of P Street to allow trains to bypass the tracks adjacent to the platform at the proposed Midtown Sacramento Station.

EIR Section 3.12, *Noise and Vibration*, analyzes noise impacts using prediction models from the Federal Transit Administration (FTA) guidance manual and impact thresholds described in Appendix G of the CEQA Guidelines. Per the CEQA Guidelines, impacts that do not exceed significance thresholds do not require consideration of mitigation measures. As discussed in Section 3.12, Impact NOI-2, while the addition of new passenger service would result in increases in noise levels for sensitive receptors along the corridor, because of the relatively high existing noise levels from existing trains and local traffic, especially in Sacramento, there are relatively few moderate and no severe noise impacts (as defined by FTA) identified and no significant CEQA impact would result. As such, mitigation is not under consideration at this time. No revisions to the Draft EIR are necessary pursuant to this comment.

Federal Railroad Administration (FRA) regulations (49 C.F.R. Part 222) require that engineers sound their locomotive horns while approaching public at-grade crossings until the lead locomotive fully occupies the crossing. However, as described in Section 3.12, many of the at-grade crossings through Sacramento are in designated quiet zones. Within quiet zones, freight operators (and other tenant railroad operators) can be relieved of the requirement to sound their horns when crossing at-grade crossings. However, even with designation of a quiet zone, if any unsafe conditions are present at the time of train passage (such as a vehicle going around the gates or pedestrians in the crossing), train operators would still have the discretion to sound train horns. While the lead agency for a quiet zone designation is the local jurisdiction (typically the city or county) responsible for traffic control and law enforcement on the roads at the at-grade crossings, SJRRC and SJJPA will work with local agencies to ensure continued viability of established quiet zones along the corridor.

EIR Section 3.3, *Air Quality*, included an analysis of potential construction and operational impacts to adopted air quality thresholds. As discussed, while the project could result in potentially significant construction-related impacts, these impacts would be reduced to a less-than-significant level with the implementation of mitigation measures AQ-2.1, AQ-2.2, AQ-2.3, and AQ-2.4 which would require the use of advance emission controls for construction vehicles, implementation of dust control measures at construction and staging sites, and an offset of construction NO_x emissions. As further discussed in Section 3.3, operation of the proposed project would not result in significant air quality impacts related to exposure to pollutants or odors. No revisions to the Draft EIR are necessary pursuant to this comment.

Response to Comment 43-8

EIR Chapter 2, *Project Description*, includes a discussion of construction methods, including construction schedule and timing. Potential construction related impacts are evaluated in

various sections within EIR Chapter 3, *Environmental Impact Analysis*, including mitigation measures to minimize construction related impacts, including methods to minimize air emissions, noise, disturbance to transportation facilities, and aesthetics. While nighttime construction may be required, it would be minimized to the greatest extent feasible.

Response to Comment 43-9

While retail facilities are not proposed, as described in EIR Chapter 2, *Project Description*, additional station area improvements are included at the Midtown Sacramento Station to facilitate station access and integration of the station into the Midtown Neighborhood, including plazas and enhanced bicycle and pedestrian facilities. While funds for the bicycle/pedestrian path described in Chapter 2 have not yet been identified, SJRRC and SJJPA have committed \$3 million to the funding of a planned network of parking-protected bikeways in the Midtown neighborhood to enhance bicycle access to the proposed Midtown Sacramento Station and the surrounding neighborhood. In addition, SJRRC and SJJPA will continue to work with the City of Sacramento, the Midtown Association, and station area residents regarding improvements proposed for the areas surrounding the Midtown Sacramento Station.

I.3.14 Letter 44. Mike Mee

Gmail - Submission of Questions

Page 1 of 2

Letter 44



San Joaquin Regional Rail Commission <ace.sacramentoextension@gmail.com>

Submission of Questions

2 messages

Mike Mee <mmee24@gmail.com>
To: ace.sacramentoextension@gmail.com
Cc: Michael Mee <mmee24@gmail.com>

Sat, May 9, 2020 at 11:26 AM

Hello,

Thank you for holding a special informational session for 20PQR residents last Thursday night. You indicated that we could submit questions and that the questions and your answers would be added to the record. Please allow me to submit the following questions and thank you in advance for your response.

1. What is the projected ridership level for riders arriving and departing the midtown station? **44-1**
2. The proposed site is a mixed use residential neighborhood. There are no office buildings, no sports venues, no entertainment facilities, and no government offices nearby. The State Capital is over a mile away. The Golden One Center is over a mile and a half away. Why was this site selected? Were other sites further North considered? Have there been studies from other locations of the implications of establishing a transit hub in a residential neighborhood? **44-2**
3. Given the neighborhood itself will not be the end destination for the majority of riders, have there been studies on the implications to the current residents of dealing with the influx of riders deposited into the neighborhood and then needing transportation to another site? **44-3**
4. Aside from some sort of "designated loading area" which may or may not be used, does the proposal have any plan to limit the disruption to the neighborhood of a large influx of ride sharing services? **44-4**
5. Does the proposal have any plan to mitigate a large influx of bike-sharing company's dock-less electric bikes and scooters left throughout the neighborhood. **44-5**
6. The plan includes the platform continuing north of Q street thereby blocking Q street to autos including frequent emergency vehicles traveling East on Q street when the train is loading and unloading passengers. Has local fire, ambulance and police agencies been consulted regarding the plan to block this key thoroughfare an additional 14 times a day? Was there a concern of reduced emergency response times due to these closures? **44-6**
7. Was consideration given having the platform being reduced to South of Q street only or continuing further south from the existing plan therefore not blocking Q street while the train is in the station? **44-7**
8. I assume current ridership on existing ACE routes is down. Could you tell me drop in ridership in April 2020 vs April 2019? What governmental agency is responsible for budget shortfalls to make up for lack of ridership? **44-8**
9. Will that same governmental agency, federal, state, local, be responsible for budget shortfalls for the proposed line should ridership not meet projections? Is it possible services (cleaning, security, maintenance) could be curtailed due to budget shortfalls if ridership does not meet projections? **44-9**
10. So far this century there have been three events which drastically reduced ridership on existing passenger rail lines nationally, the terrorist attack on 9/11, the great recession of 2008/09 and the current corona virus pandemic. Does the current budget include a contingency plan to cover fixed costs should ridership not meet projections or suddenly drastically decrease? **44-10**
11. Have future ridership estimates been adjusted down over the past two months due to long term implications of the corona virus? For example, commuter rides lower due to greater acceptance of tele-commuting. **44-11**
12. Have future ridership estimates been adjusted down due to behavior changes of riders? For example, not being comfortable traveling for long periods in confined places? **44-12**
13. Given the extreme fiscal pressure at all levels of government to address immediate pressing issues (homelessness, health care, etc) and the drastic governmental budget implications of the **44-13**

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Gmail - Submission of Questions

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corona virus/ long-term economic downturn, has there been any discussion about the
retaliative need for this project and possibility of delaying it due to greater immediate needs in the
community?

44-13
Cont

Thank you for your response.

Michael Mee
1614 20th Street
Sacramento, CA 95811

Valley Rail Sacramento Extension <ace.sacramentoextension@gmail.com> Mon, May 11, 2020 at 8:30 AM
To: melissa.gjerde@aecom.com

[Quoted text hidden]

<https://mail.google.com/mail/u/1?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f...> 6/9/2020

I.3.14.1 Response to Comment Letter 44

Response to Comment 44-1

Ridership projections for the Valley Rail Sacramento Extension Project are included in EIR Section 3.16, *Transportation*. As shown in Table 3.16-1, projected daily ridership at the Midtown Sacramento Station is 810 ACE passengers and 180 San Joaquins passengers for a total of 990 daily passengers (ridership reflects the sum of boardings and alightings at each station).

Response to Comment 44-2

As discussed in EIR Chapter 2, *Project Description*, the proposed site for Midtown Sacramento Station was selected to minimize impacts to circulation along east–west roadways, as trains serving the station would extend across two east–west streets when stopped at any proposed station site. This can be verified by examining EIR Figure 2-5, Midtown Sacramento Station, which shows the platform extending from just south of P Street to Rice Alley (midway between R Street and S Street). Therefore, a location closer to the commercial center of Midtown or at the former Western Pacific Railroad station at J Street (as suggested in the comment) would result in substantially more impacts to traffic, transit, bicycle, and pedestrian circulation during station dwells than the proposed location. To facilitate connections with the commercial center of Midtown, however, the project explicitly includes a bicycle/pedestrian path within the UPRR right-of-way stretching from the station all the way north to C Street.

Response to Comment 44-3

For the Midtown Sacramento Station, passengers are envisaged to primarily access the station via non-motorized modes such as walking and cycling, in lieu of driving. As such, the project includes direct pedestrian and bicycle connections to facilitate station access by these modes. As the station would not provide new parking, the proposed project is not expected to substantially increase vehicle traffic in the vicinity of the station. While there would likely be some pick-up/drop-off activity at the station, much of this activity is expected to consist of taxis and transportation network company (TNC) vehicles, which would not necessarily represent a net increase in the number of vehicles on the roadway network. When project-generated vehicle traffic is distributed across the surrounding street network, the actual increase in traffic at the W Street and X Street grade crossings (and at adjacent upstream intersections)—which are at least five blocks away from the station—is expected to be minimal. In addition, as described in EIR Chapter 2, *Project Description*, the Midtown Sacramento Station would include improvements to facilitate convenient transfers to and from the SacRT 16th Street LRT Station.

Response to Comment 44-4

Please see response to Comment 44-3.

Response to Comment 44-5

Please see response to Comment 44-4.

Response to Comment 44-6

Potential impacts related to is discussed in EIR Section 3.16, *Transportation*. As discussed, potential construction related impacts would be reduced with implementation of Mitigation Measures TRA-1.1, TRA-1.2, and TRA-1.3 which would require the development of construction transportation management plans that require advance notice of all construction-related closures, durations, and detours to local jurisdictions, emergency service providers, and motorists; and provide safety measures for motorists, transit vehicles, cyclists, and pedestrians to ensure safe travel through construction zones.

As also described in Section 3.16, at existing at-grade crossings, there may be an occasional increase in response times for some emergency vehicles due to the greater frequency of gate-down events with the project, likely on the order of approximately 1 minute per event for each such instance. The overall increase in train traffic would be marginal, consisting of up to two daily Amtrak San Joaquins roundtrips and up to five daily ACE roundtrips. In this case, increased response times for emergency vehicles would only occur in instances where emergency vehicles are approaching an at-grade crossing at the same time that a train is occupying or in the vicinity of the crossing.

Response to Comment 44-7

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

Due to the SacRT light rail line joining the corridor south of the proposed Midtown Sacramento Station, there is not enough physical space to push the platform further south as suggested in the comment.

Response to Comment 44-8

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

For information regarding how SJRRC and SJJPA are adjusting their schedule due to the coronavirus, please visit: <https://acerail.com/important-coronavirus-update-ace-service-adjustments/>.

While the San Joaquins service is funded by the State of California, ACE operating funds come from many sources including some subsidies from each of the counties served by ACE.

Response to Comment 44-9

There have been no discussions or considerations to date for delaying implementation of the proposed project nor is there any anticipation that cleaning, security, or maintenance activities would be reduced or curtailed. The project is moving forward with the assumption that ridership projections would be met and public transportation as a whole will continue to be important in

California. While we appreciate your participation and comment in the Valley Rail Sacramento Extension EIR, this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

Response to Comment 44-10

As discussed above, the project is moving forward with the assumption that ridership projections would be met and public transportation as a whole will continue to be important in California. Fixed costs typically do not depend on ridership. While we appreciate your participation and comment in the Valley Rail Sacramento Extension EIR, this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

Response to Comment 44-11

Please see response to 44-9.

Response to Comment 44-12

As discussed above, the project is moving forward with the assumption that ridership projections would be met and public transportation as a whole will continue to be important in California. There has been no adjustment to ridership projections. While we appreciate your participation and comment in the Valley Rail Sacramento Extension EIR, this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

Response to Comment 44-13

As discussed above, the project is moving forward with the assumption that ridership projections would be met and public transportation as a whole will continue to be important in California. There has been no adjustment to ridership projections. While we appreciate your participation and comment in the Valley Rail Sacramento Extension EIR, this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

I.3.15 Letter 45. Mike Mee

Gmail - Submission of Questions

Page 1 of 1

Letter 45



San Joaquin Regional Rail Commission <ace.sacramentoextension@gmail.com>

Submission of Questions

1 message

Mike Mee <mme24@gmail.com>

Tue, May 19, 2020 at 2:23 PM

To: ace.sacramentoextension@gmail.com

Hello,

Thank you for extending the time period to submit questions regarding the Extension Project's EIR. I submitted a series of questions on May 9th. Could you tell me the expected timeline for receiving responses to questions?

45-1

I'd also like to submit additional questions.

- Page ES-15 of the EIR states that the combined Projected O&M (2020) for both ACE and San Joaquins is \$142.5m and the combined projected fare revenue (2020) is \$59.5m. Could you explain those numbers further?
- Is it correct to state that combined expenses projected for 2020 are \$83m more than projected revenue?
- What governmental agency makes up the shortfall?
- Has projected fare revenue for 2020 been reduced due to fewer riders during the coronavirus pandemic? If so by how much?
- Have O&M cost and fare revenue been projected for years beyond 2020? If so, for how long? What are those projections?
- How many riders is the projected fare revenue based on? How many riders did the service have in April 2020 vs April 2019?
- How many riders are projected to board and depart each of the 14 trains that would make a stop at the midtown station each day?

45-2

45-3

45-4

45-5

45-6

45-7

45-8

Thank you for your time and response.

Mike Mee
1614 20th Street
Sacramento, Ca 95811

<https://mail.google.com/mail/u/1?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f...> 6/9/2020

I.3.15.1 Response to Comment Letter 45

Response to Comment 45-1

Thank you for your participation and comments on the Valley Rail Sacramento Extension Draft EIR. All the comments received on the Draft EIR are responded to in this Final EIR.

Response to Comment 45-2

The \$142.5 million is the projected cost to operate both the San Joaquins and ACE services; \$59.5 million is the projected revenue from ticket sales.

Response to Comment 45-3

Yes, the combined expenses projected for 2020 are \$83 million more than projected revenue.

Response to Comment 45-4

While the San Joaquins service is funded by the State of California, ACE operating funds come from many sources including the Federal Transit Administration (FTA) and some subsidies from each of the counties served by ACE.

Response to Comment 45-5

The project fare revenues have not been adjusted due to potential changes in ridership associated with the coronavirus pandemic.

Response to Comment 45-6

Projected fare revenue is based on ticket sales with full implementation of the proposed project.

Response to Comment 45-7

Ridership projections for the Valley Rail Sacramento Extension Project are included in EIR Section 3.16, *Transportation*:

Table 3.16-1. Ridership Forecasts (2025 Build)

Station	Daily Ridership (passengers)		
	ACE	San Joaquins	Total
Natomas/Sacramento Airport	810	180	990
Old North Sacramento	750	270	1,020
Midtown Sacramento	1,450	580	2,030
City College	980	200	1,180
Elk Grove	960	290	1,250
Lodi	200	140	340

Sources: AECOM 2018a, 2018b.
Ridership reflects the sum of boardings and alightings at each station, and is derived from annual ridership forecasts based on approximately 250 days of service for ACE and 365 days of service (with average daily ridership on weekends and holidays assumed to be approximately two-thirds, or 67 percent, of average weekday ridership) for the San Joaquins.

For information regarding how SJRRC and SJJPA are adjusting their schedule due to the coronavirus, please visit: <https://acerail.com/important-coronavirus-update-ace-service-adjustments/>.

Because of the current pandemic, ridership is down substantially, however this is not relevant to the proposed project. The project is moving forward with the assumption that ridership projections would be met and public transportation as a whole will continue to be important in California.


Response to Comment 45-8

Projected ridership numbers are not broken down by each train at each station. Ridership projections for the Valley Rail Sacramento Extension Project are included in EIR Section 3.16, *Transportation*. As shown in Table 3.16-1, projected daily ridership at the Midtown Sacramento Station is 810 ACE passengers and 180 San Joaquins passengers for a total of 990 daily passengers.

I.3.16 Letter 46. Darrel Ng

Gmail - FW: Notice of Availability: Valley Rail Sacramento Extension Draft Environmen... Page 1 of 6

Letter 46

 San Joaquin Regional Rail Commission <ace.sacramentoextension@gmail.com>

FW: Notice of Availability: Valley Rail Sacramento Extension Draft Environmental Impact Report

3 messages

Darrel Ng <darrel@ftcomms.com> Tue, Mar 31, 2020 at 12:00 PM
To: "ace.sacramentoextension@gmail.com" <ace.sacramentoextension@gmail.com>, "info@sjjpa.com" <info@sjjpa.com>

Hi – Quick question on the open houses.

Are you taking spoken comments as well, or just accepting written comments at the open houses (should COVID-19 allow them to occur)?

And if written only, is sending an email the same as submitting one in person?

Thanks!

Darrel Ng

Fast Twitch Communications

510-325-7256

[LinkedIn](#) | [Twitter](#)

From: SJRRC and SJJPA [mailto:info@sjjpa.com]

Sent: Tuesday, March 31, 2020 10:00 AM

To: Darrel Ng

Subject: Notice of Availability: Valley Rail Sacramento Extension Draft Environmental Impact Report

<https://mail.google.com/mail/u/1?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f...> 6/9/2020

Gmail - FW: Notice of Availability: Valley Rail Sacramento Extension Draft Environmen... Page 2 of 6

March 31, 2020



Notice of Availability: Valley Rail Sacramento Extension Draft Environmental Impact Report

Dear Stakeholder,

The San Joaquin Regional Rail Commission (SJRRC), acting as lead agency under the California Environmental Quality Act (CEQA), has prepared a Draft Environmental Impact Report (DEIR) for the Valley Rail Sacramento Extension project. The Valley Rail Sacramento Extension project proposes passenger rail service between Stockton and Sacramento with further connections to San Jose, Ceres, and Bakersfield. The proposed project would include the construction of a new station in Lodi and five new stations in Sacramento ("North Elk Grove" – along Cosumnes River Boulevard; City College; Midtown Sacramento; Old North Sacramento; and Natomas/Sacramento Airport). The San Joaquin Joint Powers

<https://mail.google.com/mail/u/1?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f...> 6/9/2020

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Authority (SJJPA) and SJRRC propose to extend passenger rail service to the greater Sacramento area utilizing the San Joaquins and ACE Services. The full Notice of Availability (NOA) and the DEIR provide a full description of the project and can be viewed online at www.acerail.com/valley_rail/.

SJRRC has prepared a DEIR that provides an environmental evaluation of potential impacts and mitigation measures. **This DEIR will be available for a 45-day public review period from March 31, 2020 to May 15, 2020 at 5:00 p.m.** To view the NOA and the DEIR, please visit www.acerail.com/valley_rail/.

Open Houses

Please note that SJRRC and SJJPA staff are continuing to monitor developments related to the Novel Coronavirus (COVID-19) on a daily basis and participate in frequent updates from local, state, and federal public health agencies and local jurisdictions. Out of concern for public health and safety, there is a possibility that open houses for the Valley Rail Sacramento Extension DEIR will be replaced with an online, virtual open house. Please check the project website at www.acerail.com/valley_rail/ for the most up-to-date information regarding open houses for the Valley Rail Sacramento Extension DEIR.

SJRRC and SJJPA plans to hold three open houses to receive comments on the DEIR. Written comments may be made on comment cards that will be provided at the open houses. Open houses are tentatively planned to be held on the below dates and locations:

North Natomas Library

[4660 Via Ingoglia, Sacramento, CA 95835](#)

Thursday, April 23, 2020 from 6:00 p.m. to 8:00 p.m.

Midtown Association

[1401 21st Street Unit A, Sacramento, CA 95811](#)

Tuesday, April 28, 2020 from 6:00 p.m. to 8:00 p.m.

Laguna Town Hall Reception Hall

[3020 Renwick Avenue, Elk Grove, CA 95758](#)

Monday, May 11, 2020 from 6:00 p.m. to 8:00 p.m.

<https://mail.google.com/mail/u/1?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f...> 6/9/2020

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Comment Period

The comment period for the Valley Rail Sacramento Extension project DEIR is March 31, 2020 to May 15, 2020. Comments on the DEIR must be received by **May 15, 2020 at 5:00 p.m.** Please note that you do not need to attend one of the open houses to comment on the DEIR.

Comments can be submitted via email to ace.sacramentoextension@gmail.com.

Written comments can be mailed to:

San Joaquin Regional Rail Commission
ATTN: Valley Rail Sacramento Extension Project
949 E. Channel Street
Stockton, CA 95202

Sincerely,
SJRRRC and SJJPA



<https://mail.google.com/mail/u/1?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f...> 6/9/2020

Gmail - FW: Notice of Availability: Valley Rail Sacramento Extension Draft Environmen... Page 5 of 6

San Joaquin joint powers authority | 949 E. Channel Street, Stockton, CA 95202

[Unsubscribe darrel@ftcomms.com](#)

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Valley Rail Sacramento Extension <ace.sacramentoextension@gmail.com> Tue, Mar 31, 2020 at 12:31 PM
To: melissa.gjerde@aecom.com

[Quoted text hidden]

Valley Rail Sacramento Extension <ace.sacramentoextension@gmail.com> Tue, Mar 31, 2020 at 12:59 PM
To: Darrel Ng <darrel@ftcomms.com>
Cc: "info@sjjpa.com" <info@sjjpa.com>, kevin@acerail.com

Hello,

Thank you for contacting the project inbox for the Valley Rail Sacramento Extension Draft Environmental Impact Report.

Spoken comments will be welcome at the open houses, should they occur; however, only written comments will be officially recorded and responded to in the Final Environmental Impact Report. Therefore, we suggest that you provide all comments in writing via email to this inbox, or by mail. There is no difference between submitting written comments in person, via email, or via mail.

<https://mail.google.com/mail/u/1?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f...> 6/9/2020

Gmail - FW: Notice of Availability: Valley Rail Sacramento Extension Draft Environmen... Page 6 of 6

Let us know if you have further questions.

Sincerely,
SJRRRC & SJJPA
[Quoted text hidden]

<https://mail.google.com/mail/u/1?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f...> 6/9/2020

I.3.16.1 Response to Comment Letter 46

Response to Comment 46-1

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

As presented during the three virtual open houses held during public circulation of the Draft EIR, formal comments on the Draft EIR were not accepted and all interested parties were encouraged to submit comments via email, the project website, or in writing.

I.3.17 Letter 47. G.M. Pucilowski

Letter 47

To Whom This May Concern,

This a big trust issue to think that this train platform will not impact our neighborhood and the value of our homes — good or bad. I don't see where we have much choice. The train will be coming. Let's work to make it good for the neighborhood. We are just one of 32 homes in the 20PQR Neighborhood. Right now, June 2020, it is quiet and peaceful as we look out our back windows. How much more congestion will we be our viewing in say, 2024? Everything you do, you should consider how much it will impact the houses in the area. Please give me some kind of promise that it will not impact our life. So with that in mind, here are my concerns.

47-1

1) Lighting. Right now, the lights that are on the Rubber Company building "blare" right into our 2 floor dining and living area, as well as our guest bedroom. Late at night, we don't need to turn on any lights in our house because of these spot lights. We would like to see these lights from the Rubber Company go away—totally.

47-2

We would like to make sure your lights on the platform are way gentler on our lives. Lights need to keep the area lighted, but not our homes and certainly nothing above the 1st floor level. Is there anyway your lights can be dimmed (not turned off) but dimmed during non-train hours? 9 pm to 6 am.

2) Platform Structure. Can the rain/sun shelter on the platform be designed in such a way that people sitting on the platform will not be able to look up to view into our houses? We would like a structure that curves downward at the edges of the platform. We would appreciate this feature be taken into SERIOUS consideration.

47-3

3) Parking and Drop-off. It seems likely that people will be dropping off and picking up passengers on Q street as well as on 20th. It just makes sense. 19th Street will have a lot more traffic than 20th Street. Who wants to hassle with that? I doubt if you will have enough “waiting space parking” on 19th. 20th will be so much easier to wait for picking up passengers. I can just envision streams of people being picked up and dropped off. What will be done to prevent this? How will this not impact our neighborhood? Can I call you to complain if nothing is done now? What options will we have down the road?

47-4

4) Sound. We just want to make sure there are no blaring whistles from the train and announcements over the PA. No clanging bells or warning sounds going on while passengers board on and off. Can these be turned off once crossing gates are down? They have done this for Light Rail on various residential streets. The streets we are concerned with are P, Q, S and even on 19th and R streets

47-5

for the Light Rail. I know they are turned off at other intersections around town.

47-5
Cont

5) Fence down the middle of the two tracks. I was horrified when in our last meeting I heard you were considering NOT having two sets of tracks. Probably the one redeeming thing of having this rail station behind our house was the fact that you needed to put a fence from S to P streets. You told us originally you needed this fence to prevent folks from getting off the train and crossing the tracks into the path of a possible 2nd train. Especially near R street. Our house happens to be the last house nearest the R street sidewalk. I was very happy that a fence would be built because I knew this would prevent folks from crossing in this area. They would have to use S or P streets. Because this is such a wasteland, without a fence, I believe it will be worse because of the amount of folks who will use it. You have no idea how many folks use this crossing now — we have no idea how bad it will be when the platform arrives. Who will keep this area clean. We are out there every couple of weeks picking up trash. Thank goodness Midtown Association cleans the area from the tracks to 19th street. I am not happy with the idea of your not putting a fence from S to P! This needs to be a major consideration for you.

47-6

6) Trash. This is the biggest issue and the biggest concern we have. We need to have someone walking all the rail lines and fences, from P to S streets, especially on the east side, next to our fence/houses — at a bare minimum, bi-weekly. And on call for an especially urgent matter. I can't tell you where the trash comes from, but it does. You'll also have a fence between the two tracks, down the middle that will also attract trash. Someone needs to address this current issue now, and will continue to be a problem unless there is a program.

47-7

How can you ask a visitor to take a train into Sacramento and look out their window and see the mess between R and S streets or S and T? Have you viewed this area? These areas do not make Sacramento proud. We need a program where someone will be walking this area on a daily basis. I also hope you will have trash baskets and even bathrooms available for your passengers. We hope you can negotiate with Midtown Association to have them contract to clean this area.

7) Weeds and plants. We have a grave concern regarding the weeds up against our fence. We are growing plants on our side, so we don't want sprays on the tracks side killing our plants. But there needs to be a crew that walks this area to handle the overgrowth of bushes, plants, grasses and weeds. I know UP has these trucks that can just drive

47-8

and spray, but I think you will agree, we need a little more tender, loving care.

Please consider paying the 20PQR Association a monthly fee and we'll negotiate with our Lawn Service to have them do it. Or maybe you have contracts already with this service?

47-8
Cont

8) Homeless. We know you have heard this before and we certainly don't want to seem insensitive. But we don't see how this area would ever be free of people sleeping/loitering here unless there is 24/7 surveillance. What are your plans to keep this area homeless free?

47-9

9) Gated garden area. At an earlier meeting you had with our neighbors, you handed out a design by the U of Davis students. This particular design had this beautiful park-like area under the RT tracks at between 19th and 20th on R streets, on the East and West side of the tracks. You may not be concerned with this area, BUT, if you will be buying or leasing the property from RT on the west side, 19th and R, under the RT tracks for a walkway, please, please consider buying or leasing the property on the East side. RT has this little piece for sale but it's way out of our price range. We would appreciate your picking this up under your contract. Help us make it viable. We'll work something out with the city that will make this a very

47-10

beautiful spot for your passengers to gaze upon that will not be an eye sore as it currently stands. Please let me know what your plans are for this area.

47-10
Cont

10) Rubber Company building. It's got to be painted, no doubt about it. Why not make it an Art Show? Why not have Wide Open Walls handle this building as a mural? The Rubber company does not seem interested in this idea at this time. Maybe you can talk with them? Maybe you can have it painted since it will certainly reflect on your platform.

47-11

11) Art Project. Are the columns under the RT tracks on R street scheduled to be painted? This is the rumor I have heard. I'd like some confirmation. If this is not true, perhaps you will consider adding to the beauty of this location? Are you also considering any art pieces on your platform?

47-12

Thank you,

G.M. "Pooch" Pucilowski
1730 20th Street, Sacramento, 95811
Ph: (209) 369-2020
Cl: (916) 812-2020

I.3.17.1 Response to Comment Letter 47

Response to Comment 47-1

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

The Valley Rail Sacramento Extension Project Draft EIR was prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines (California Code of Regulations, Title 14, Section 15000 and following). The Draft EIR responds to each of the comprehensive list of environmental resources and thresholds based on Appendix G of the CEQA Guidelines related to both construction and operational impacts. The environmental resources listed in Appendix G have been evaluated in relation to specific thresholds and criteria resulting in a robust, accurate, and adequate analysis of the potential environmental consequences of the proposed project, including cumulative impacts.

Response to Comment 47-2

SJRRC and SJJPA do not have jurisdiction or control over the lights from the Rubber Company building.

As described in EIR Chapter 2, *Project Description*, all permanent artificial outdoor lighting to be installed at station facilities would be limited to safety and security requirements and designed using Illuminating Engineering Society's design guidelines, and in compliance with International Dark-Sky Association approved fixtures. All lighting would be designed to have minimum impact on the surrounding environment; and would use downcast, cut-off-type fixtures that direct the light only towards objects requiring illumination. Shielding would be used, where needed, to ensure light pollution is minimized. As described in EIR Section 3.1, *Aesthetics*, compliance with these guidelines and standards would prevent spillover lighting and potential impacts related to light and glare would be less than significant. No revisions to the Draft EIR are necessary pursuant to this comment.

Response to Comment 47-3

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

As described in EIR Chapter 2, *Project Description*, all stations would include features to reduce opportunities for crime, including lighting, security cameras, and emergency call boxes. Security cameras would be actively monitored during operational hours and local police departments would be contacted to respond to emergency situations. Emergency call boxes would connect users directly to local emergency personnel. These security features in station parking lots and at train platforms are expected to minimize and deter criminal offenses. In addition, the improvements to be included at the Midtown Sacramento Station (such as enhanced platform shelters, plazas, and pedestrian amenities) will improve the area surrounding the station by

replacing underdeveloped areas occupied by large trash bins that could attract undesirable activity with facilities that could help activate the area.

SJRRC and SJJPA will establish a security and maintenance plan with the respective municipalities where the proposed stations would be constructed following project approval and during the site-specific design stage. In addition, SJRRC and SJJPA expect to contract with the Midtown Association to fund more frequent security patrols, pressure washing of sidewalks, graffiti removal, and pick up of trash at the proposed Midtown Station. SJRRC and SJJPA will continue to work with the City of Sacramento, the Midtown Association and station area residents regarding improvements proposed for the areas surrounding the Midtown Sacramento Station.

Response to Comment 47-4

For the Midtown Sacramento Station, passengers are envisaged to primarily access the station via non-motorized modes such as walking and cycling, in lieu of driving. As such, the project includes direct pedestrian and bicycle connections to facilitate station access by these modes. As the station would not provide new parking, the proposed project is not expected to substantially increase vehicle traffic in the vicinity of the station. While there would likely be some pick-up/drop-off activity at the station, much of this activity is expected to consist of taxis and transportation network company (TNC) vehicles, which would not necessarily represent a net increase in the number of vehicles on the roadway network. When project-generated vehicle traffic is distributed across the surrounding street network, the actual increase in traffic at the W Street and X Street grade crossings (and at adjacent upstream intersections)—which are at least five blocks away from the station—is expected to be minimal. In addition, as described in EIR Chapter 2, *Project Description*, the Midtown Sacramento Station would include improvements to facilitate convenient transfers to and from the SacRT 16th Street LRT Station.

Response to Comment 47-5

EIR Section 3.12, *Noise and Vibration*, analyzes noise impacts using prediction models from the Federal Transit Administration (FTA) guidance manual and impact thresholds described in Appendix G of the CEQA Guidelines. This analysis included the potential for noise associated with announcements at stations. Per the CEQA Guidelines, impacts that do not exceed significance thresholds do not require consideration of mitigation measures. As discussed in Section 3.12, Impact NOI-2, while the addition of new passenger service would result in increases in noise levels for sensitive receptors along the corridor, because of the relatively high existing noise levels from existing trains and local traffic, especially in Sacramento, there are relatively few moderate and no severe noise impacts (as defined by FTA) identified and no significant CEQA impact would result. As such, mitigation is not under consideration at this time. No revisions to the Draft EIR are necessary pursuant to this comment.

Federal Railroad Administration (FRA) regulations (49 C.F.R. Part 222) require that engineers sound their locomotive horns while approaching public at-grade crossings until the lead locomotive fully occupies the crossing. However, as described in Section 3.12, many of the at-grade crossings through Sacramento are in designated quiet zones. Within quiet zones, freight operators (and other tenant railroad operators) can be relieved of the requirement to sound their horns when crossing at-grade crossings. However, even with designation of a quiet zone, if any

unsafe conditions are present at the time of train passage (such as a vehicle going around the gates or pedestrians in the crossing), train operators would still have the discretion to sound train horns. While the lead agency for a quiet zone designation is the local jurisdiction (typically the city or county) responsible for traffic control and law enforcement on the roads at the at-grade crossings, SJRRC and SJJPA will work with local agencies to ensure continued viability of established quiet zones along the corridor.

In addition, auditory announcements and warnings are required at stations in compliance with ADA requirements. However, the design of the Midtown Sacramento Station will ensure that all auditory announcements and warnings are directed to the station platform to the greatest extent feasible.

Response to Comment 47-6

A decision of the addition of a fence in the vicinity of the station will be made during final design in consultation with interested parties.

Please also see response to Comment 47-3.

Response to Comment 47-7

Please see response to Comment 47-3.

Response to Comment 47-8

All project-related activities, including future operational track management activities, would occur within the existing UPRR right-of-way, and therefore under the jurisdiction of UPRR and are subject to rules and regulations enforced by the U.S. Department of Transportation – Federal Railroad Administration, as well as the U.S. EPA.

Please also see response to Comment 47-3.

Response to Comment 47-9

Please see response to Comment 47-3.

Response to Comment 47-10

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

Please also see response to Comment 47-3.

Response to Comment 47-11

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

While SJRRC and SJJPA do not have jurisdiction or control over the Rubber Company building, SJRRC and SJJPA will continue to work with interested parties (including the Midtown Association and station area residents) during final design of the Midtown Sacramento Station.

Response to Comment 47-12

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

As described in EIR Chapter 2, *Project Description*, the Midtown Sacramento Station would include improvements to the LRT guideway in the vicinity of the proposed station. SJRRC and SJJPA will continue to work with interested parties (including the Midtown Association and station area residents) during final design of the Midtown Sacramento Station.

I.3.18 Letter 48. Derek Sagehorn

Gmail - ACE Sacramento Extension

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Letter 48



San Joaquin Regional Rail Commission <ace.sacramentoextension@gmail.com>

ACE Sacramento Extension

1 message

Derek Sagehorn <sagehoe@gmail.com>
To: ace.sacramentoextension@gmail.com

Wed, May 13, 2020 at 8:04 AM

Hello,

I support ACE extension, but there are two issues in the draft EIR. They both involve station siting. It's important that when the state and counties invest billions in transit, that we maximize ridership and reduce vehicle miles traveled. These are both important to foster connections between jobs, housing and the trips people make, as well as to meet California's climate goals.

48-1

The proposed North Elk Grove train station has issues: 3/4 mile from a light rail stop, next to a wastewater plant & flood control basin. A stop that can only ever be a park & ride, and not even a great one at that. This proposed stop excludes potential multi-modal connections. It also precludes transit-oriented development. A station with limited pedestrian / bike access and no chance of transit-oriented development ultimately increases VMT, while increasing project development costs and dwell time during operations.

48-2

The North Elk Grove station is part of the Valley Rail project to extend ACE trains to Sacramento. Rest of the project seems good but this stop would be a lot better if it were moved a mile north where it'd be parallel and adjacent to the Meadowview light rail stop, homes, and businesses. The EIR should consider the alternative of a siting within 1/4 mile of another modal connection and additional destinations, such as homes and businesses.

48-3

Thanks,

Derek Sagehorn


Derek Sagehorn
(825) 783-1963
sagehoe@gmail.com

<https://mail.google.com/mail/u/1?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f...> 6/9/2020

I.3.18.1 Response to Comment Letter 48

Response to Comment 48-1

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

Response to Comment 48-2

Subsequent to the circulation of the Draft EIR, SJRRC and SJJPA have continued coordination with the City of Elk Grove on an appropriate site for a station to serve the Elk Grove community. Additional information on a more ideal location for the station has been identified. In addition, SJRRC and SJJPA received numerous comments on the Draft EIR questioning the viability of the proposed North Elk Grove Station described in Draft EIR Chapter 2, *Project Description*. As such, the proposed North Elk Grove Station (including all access and siding variants) is no longer under consideration. All text related to the proposed North Elk Grove Station has been formatted as ~~strike through~~ in the Final EIR. Because the North Elk Grove Station is no longer under consideration, this comment is no longer applicable to the proposed project.

Final approval of a future Elk Grove Station at a site agreed to by all interested parties will be subject to a separate, stand-alone CEQA document that will be circulated for public review and comment at a later date.

Response to Comment 48-3

Please see response to Comment 48-2.

I.3.19 Letter 49. David Sindel

Gmail - Public comment on Valley Rail DEIR

Page 1 of 2

Letter 49



San Joaquin Regional Rail Commission <ace.sacramentoextension@gmail.com>

Public comment on Valley Rail DEIR

1 message

David Sindel <davidasindel@gmail.com>
To: ace.sacramentoextension@gmail.com

Tue, Mar 31, 2020 at 3:19 PM

Good afternoon,

The Valley Rail DEIR released in March 2020 is an exercise in providing minimal benefit at maximal cost. I urge that the DEIR be rejected in its entirety, and that planning be refocused on more practical intercity and commuter rail services with stations located in densely populated areas, with expanded intercity bus service as an interim improvement.

49-1

In short, the DEIR flies directly in the face of fundamental principles of transit planning. The proposed routing - chosen to appease a private freight railroad rather than based on public good - avoids population centers, employment and commercial destinations, and existing transfer hubs. Stations are instead located in rural areas, forcing the construction of massive parking lots for private automobiles. Only a minimal level of service is planned, with highly questionable ridership forecasts. And all this at an enormous cost of \$319 million just for the first phase.

49-2

Despite the amount of infrastructure proposed, the service provided would be minimal. Just seven daily round trips would operate between Natomas and Stockton, with almost no service outside commute hours. Only one round trip would operate through to Silicon Valley, compared to seven existing Capitol Corridor round trips between Sacramento and San Jose. That single trip would also be the only trip timed for commuting to Stockton. Only one of the added San Joaquins round trips would operate through to Bakersfield, with connection to Los Angeles. The estimated ridership figures for this minimal service, which are given without any details of methodology, are highly suspect. As example, the current Lodi station averages about 25 daily boardings and alightings from two San Joaquins round trips, both of which run to Bakersfield with Los Angeles connections. Yet the DEIR estimates 140 daily boardings and alightings from two San Joaquins round trips at the new station - despite the lack of intermodal connections and the limited Bakersfield service. This claim that ridership will be sixfold higher at a station with inferior service is implausible as best, and casts doubt on all of the estimated ridership numbers.

49-3

The fundamental design flaw is the choice of the Sacramento Subdivision. Multimodal connections - with stations located at bus transfer hubs, and with the ability to walk or bike to nearby destinations - are key to successful transit planning. The Sacramento Subdivision runs through low-density areas between Stockton and Sacramento, with no opportunity for walkable stations. The Fresno Subdivision passes through the dense, walkable downtown areas of Lodi, Galt, and Elk Grove, as well as adjacent to the CSU Sacramento campus. Using the Sacramento Subdivision also prevents trains from serving Sacramento Valley Station, the busiest intercity rail and bus hub in the Central Valley.

49-4

The justification given in the DEIR for use of the Sacramento Subdivision is flimsy at best. While UPRR may be resistant to expanded passenger service on the Fresno Subdivision (which currently hosts two San Joaquins round trips), it would be entirely possible to work with UPRR to increase capacity for efficient freight and passenger operations. It is currently single track with passing sidings; restoring the former double-track configuration would increase capacity and allow for trains to pass at speed. The right-of-way is between 80 and 120 feet wide for the vast majority of the length, so adding additional tracks would be possible without having to build outside the right-of-way. If increased passenger use of the Fresno Subdivision is truly impossible, reactivation of the Central California Traction Company line - an alternative bizarrely absent from the DEIR - would still be superior to the Sacramento Subdivision. It would still allow for access to Sacramento Valley Station and construction of a CSU Sacramento station, as well as a station closer to downtown Lodi than the DEIR proposes.

49-5

The proposed extension to Natomas has minimal benefits which do not justify use of the Sacramento Subdivision. Old North Sacramento is already well-served with three light rail stations that provide significantly more frequent service than the Valley Rail plans, while low-density Natomas is better served by expansion of existing RTD bus service. Ridership to the airport would be better served by a minor rerouting of existing bus route 142 (and Yolo bus routes 42A/42B) to stop at Sacramento Valley Station. These bus services already provide frequent all-day service to the airport, with travel times substantially shorter than would be possible via Natomas.

49-6

<https://mail.google.com/mail/u/1?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f...> 6/9/2020

The proposed station locations are also contrary to basic transit planning standards. The Lodi, North Elk Grove, and Natomas stations would be in low-density areas with almost no nearby development. The only access would be private automobiles – with attendant pollution, accessibility, and equity issues – and dedicated bus routes – which would take resources away from existing service. In comparison, the existing Lodi station is served by a dozen bus routes, and the CRC light rail station by seven – and those routes also serve the destinations that the stations are located at. The proposed Midtown station would be further from the Capitol, the Sacramento Kings arena, and other downtown destinations than Sacramento Valley Station. It would not well serve the Midtown commercial area; note that the former Western Pacific Railroad station was located at J Street.

49-7

The claim of easy light rail transfers is also largely false. Transferring from Old North Sacramento station to Globe Avenue station would be a minimum 1,200-foot walk. The DEIR does not address fundamental improvements, like a signal to protect the pedestrian crossing of Del Paso Boulevard, which would be necessary for a practical transfer.

Midtown Sacramento station to 16th Street station would be a minimum of 1,600 feet, and North Elk Grove station to Franklin station a whopping 4,000-foot walk (16 minutes) at minimum. Only City College station would have a practical transfer. In comparison, the transfer at Sacramento Valley Station is about 800 feet (sheltered, with no street crossings), and a 1,200-foot walk would be possible as a secondary transfer between CSU Sacramento and University/65th Street station.

49-8

All of this comes at enormous cost: \$319 million for the first phase, and another \$290 million for the second. Over half of the Phase I cost is for the stations – and much of that is to create the large parking lots. It is utterly irresponsible to spend these sums for paltry service to poorly-located stations, especially when the claimed ridership is highly questionable. The funding should be reallocated to projects with demonstrated value, like the Green Line extension and service increases on the existing ACE corridor. Planning should be restarted for the Sacramento-Stockton corridor, with a focus on improving to existing service rather than paralleling it. As an interim measure, intercity bus service on Highway 99 should be increased, with bidirectional commute service and connections to all ACE trains.

49-9

Thank you,

David Sindel
MS Transportation, MIT, 2017
David.A.Sindel@gmail.com

<https://mail.google.com/mail/u/1?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f...> 6/9/2020

I.3.19.1 Response to Comment Letter 49

Response to Comment 49-1

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

SJRRC and SJJPA have consulted regularly with project stakeholders along the project alignment to coordinate potential project improvements and have held numerous meetings with local agencies, cities, and counties along the project alignment; potentially affected property owners; neighborhood organizations; elected officials; resource agencies; and other project stakeholders to identify potential alternatives to be considered for the proposed project. Please see EIR Chapter 6, *Public and Agency Involvement*, for a thorough discussion of public outreach and agency involvement that has been occurring since 2016. SJRRC and SJJPA welcome the opportunity to continue their collaborative work with landowners and managers within or adjacent to the project area, and will be reaching out to the appropriate parties as appropriate during final design, permitting, and implementation of the proposed project.

Response to Comment 49-2

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

Response to Comment 49-3

The commenter claims that the ridership estimates are unrealistic based on the proposed service levels—in particular, the number of total roundtrips for ACE and the San Joaquins, the amount of commute service from Natomas to Stockton, and the amount of service to/from Bakersfield—and in relation to existing ridership at the existing Lodi Station currently used by the San Joaquins service.

The comment appears to focus on the attractiveness of the project for residents living in the Sacramento area commuting to San Jose. While commute service in general—as well as commute service from the Sacramento region to San Joaquin County, the Tri-Valley (Livermore, Pleasanton, and Dublin), and the Silicon Valley—are certainly some of the intended markets for the proposed service improvements, the general focus of the project is to improve passenger rail service between San Joaquin Valley counties and Sacramento, both for commute travelers and for intercity business and leisure travelers. The project attempts to balance potential (and in some ways, competing) ridership markets with the limitations on funding for capital improvements and operations/maintenance, as well as restrictions on the number of train slots available from UPRR.

While the conceptual service plan described in EIR Chapter 2, *Project Description*, only includes one commute-period roundtrip (via ACE) originating in Natomas, it includes three commute-period roundtrips (via ACE) originating in Ceres to connect residents in the Central Valley with

jobs in the Sacramento area. An additional ACE roundtrip originating in Natomas would operate during the midday period to Stockton. The timetable for the two additional intercity San Joaquins roundtrips between Natomas and the San Joaquin Valley (terminating in either Fresno or Bakersfield) has not yet been finalized, and will be determined at a later time. San Joaquins trains have connecting Thruway Bus services which also take passengers between the Central Valley and Southern California.

The proposed project is also intended to help fulfill important interregional and statewide travel needs by connecting key transportation hubs, including Merced Station (a future HSR connection) and Sacramento International Airport, as described in EIR Section 1.4, *Project Goals*. In particular, a balanced service plan that includes both peak-period and off-peak (e.g., midday) service better serves intercity travelers originating in the Sacramento region, as well as travelers using the service to access Sacramento International Airport. Both of these ridership markets would generally prefer the flexibility of multiple itinerary options spread throughout the day, as opposed to a commute-oriented service that only operates during the peak periods.

The comment also questions the validity of the ridership forecasts at the Lodi Station given the performance of the existing San Joaquins service at the existing Lodi Station (in Downtown Lodi). As mentioned above, one of the key functions of the Natomas/Sacramento Airport Station is to provide a rail connection for Sacramento International Airport. The existing Lodi Station does not provide a similar connection to this key transportation hub, and primarily serves residents of Lodi. The proposed Lodi Station would have better access to Interstate 5 (via Highway 12) and could be connected to the downtown Lodi station/transit center via local transit.

The ridership forecasts summarized in EIR Section 3.6, *Transportation* (see Table 3.16-1, Ridership Forecasts (2025 Build)), were developed as part of service planning for the project from a combination of empirical and modeled data sources, including the ACE Passenger Rail Forecasting Model, county-level demographic forecasts, Central Valley and City of Sacramento commute market assessments, and other data. In particular, the ACE Passenger Rail Forecasting Model is a comprehensive integrated model that captures passenger trips associated with intercity and commute travel, as well as connections to the statewide HSR service. The base of the model is an Amtrak forecasting model that has been used by Amtrak and its state partners for proposed changes and service improvements in both long- and short-distance corridors throughout the United States. The ACE Passenger Rail Forecasting Model builds off this base Amtrak model and has been calibrated to support SJRRC and SJJPA in a variety of passenger rail service planning efforts in Northern California.

Response to Comment 49-4

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

As the comment does not directly address the adequacy or integrity of the Draft EIR, no response is required. However, a discussion of the benefits of the Sacramento Subdivision over the Fresno Subdivision was provided in EIR Section 5.3.3, *Alternatives Considered but*

Dismissed. The additional response below references and builds on some of the discussion provided in that section.

The Fresno Subdivision is heavily used by freight trains, and UPRR does not support additional passenger service on the Fresno Subdivision thereby making the Fresno Subdivision potentially impracticable for significant service expansion. Conflicts with freight trains frequently result in disruptions and delays for passenger service, affecting on-time performance and service reliability (and ultimately making the service less attractive to passengers).

In contrast, the Sacramento Subdivision has substantial underused capacity, and UPRR has indicated that it is amenable to regular passenger service on this line. Use of the Sacramento Subdivision also allows SJRRC and SJJPA to meet the overarching project goals (as described in EIR Chapter 1, *Introduction*). Focusing on the Sacramento Subdivision allows SJRRC and SJJPA to deliver service improvements on a relatively quick and certain timeline, with comparatively much smaller financial investment and risk, and with the ability to implement improvements in a phased approach over time.

The portion of the Central California Traction Company (CCTC) right-of-way between Lodi and Sacramento has not been in use for several decades now, and would require substantial upgrades to bring it to current operable standards. In particular, many of the grade crossings are not adequately improved with warning bells and crossing gates. As a former electrified interurban line, many portions of the alignment in Stockton, Elk Grove, and elsewhere pass through residential communities, including segments along South B Street in Stockton where the track is placed down the center of a residential street. Given past experience on prior projects and this project, SJRRC and SJJPA do not believe that this solution would be received well by the affected communities. In particular, the City of Elk Grove has expressed past interest in conversion of the CCTC right-of-way to a recreational trail as part of a rail-to-trail project. Re-activation of the CCTC right-of-way would also likely require investment at the Sacramento end to improve track connections into and out of the Fresno Subdivision.

Given these considerations, SJRRC and SJJPA selected the Sacramento Subdivision as the preferred route for the project.

Response to Comment 49-5

Please see response to Comment 49-4.

Response to Comment 49-6

Thank you for your comment. While this comment is not related to the adequacy of the Draft EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

The comment asserts that the portion of the project north of downtown Sacramento to Natomas has minimal benefits, and that existing LRT service in Old North Sacramento and modified bus service in Natomas and for Sacramento International Airport would be superior to the project. As the comment does not directly address the adequacy or integrity of the Draft EIR, no response is required. However, some discussion is provided below in response to the issues raised.

While Old North Sacramento is served by multiple LRT stations, this does not eliminate the value of constructing a new station in this area as part of the proposed project. Sacramento RT's LRT system primarily serves local trips within Sacramento County, and while it does connect to the Sacramento region's primary intercity transit hub (Sacramento Valley Station), it does not, by itself, provide intercity service. The project, however, would expand intercity rail service to new areas within the City of Sacramento and Sacramento County, such as Old North Sacramento, bringing direct access—i.e., access without the need for an intermodal connection—to the statewide rail network to a greater proportion of the population.

SJRRC and SJJPA welcome the suggested improvements to existing bus services in Natomas and for Sacramento International Airport, and are open to working with both Sacramento RT and YoloBus to improve intermodal connections at Sacramento Valley Station. These solutions would not, however, address the fundamental constraints on expanding passenger service on the Fresno Subdivision, as discussed in the response to Comments 49-4 and 49-5 and in EIR Section 5.3.3, *Alternatives Considered but Dismissed*, which would substantially limit the potential of these solutions to capture additional riders and bring intercity rail service directly to communities that are currently underserved.

Response to Comment 49-7

SJRRC and SJJPA conducted a comprehensive screening of potential locations for the Elk Grove, Lodi, and Natomas/Sacramento Airport stations. As indicated in the discussion provided in EIR Section 5.3, *Description of Alternatives*, many of the evaluated sites for the Elk Grove and Natomas/Sacramento Airport stations were located in closer proximity to existing development in these areas, but were ultimately dismissed because of a lack of support from surrounding communities. In particular, potential station locations in Elk Grove included Laguna Boulevard, Elk Grove Boulevard, and Bilby Road, while potential station locations in Natomas included a site west of Levee Road and south of West Elkhorn Boulevard.

Subsequent to the circulation of the Draft EIR, SJRRC and SJJPA have continued coordination with the City of Elk Grove on an appropriate site for a station to serve the Elk Grove community. Additional information on a more ideal location for the station has been identified. In addition, SJRRC and SJJPA received numerous comments on the Draft EIR questioning the viability of the proposed North Elk Grove Station described in Draft EIR Chapter 2, *Project Description*. As such, the proposed North Elk Grove Station (including all access and siding variants) is no longer under consideration. All text related to the proposed North Elk Grove Station has been formatted as ~~struckthrough~~ in the Final EIR. Because the North Elk Grove Station is no longer under consideration, this comment is no longer applicable to the proposed project.

Final approval of a future Elk Grove Station at a site agreed to by all interested parties will be subject to a separate, stand-alone CEQA document that will be circulated for public review and comment at a later date.

As discussed in EIR Chapter 2, *Project Description*, the proposed site for Midtown Sacramento Station was selected to minimize impacts to circulation along east–west roadways, as trains serving the station would extend across two east–west streets when stopped at any proposed station site. This can be verified by examining EIR Figure 2-5, Midtown Sacramento Station, which shows the platform extending from just south of P Street to Rice Alley (midway between

R Street and S Street). Therefore, a location closer to the commercial center of Midtown or at the former Western Pacific Railroad station at J Street (as suggested in the comment) would result in substantially more impacts to traffic, transit, bicycle, and pedestrian circulation during station dwells than the proposed location. To facilitate connections with the commercial center of Midtown, however, the project explicitly includes a bicycle/pedestrian path within the UPRR right-of-way stretching from the station all the way north to C Street.

SJRRC and SJJPA would work with SacRT and other local transit agencies to ensure that adequate connecting transit service is provided at stations, as described in EIR Section 3.16, *Transportation*. Contrary to the comment, neither the proposed Elk Grove nor Natomas/Sacramento Airport stations would require “dedicated” bus routes, as both stations could likely be adequately served with modifications to nearby existing Sacramento RT bus routes. The exact details of connecting bus service will be finalized in coordination with the respective local transit agencies. In the case of Lodi, SJRRC and SJJPA recognize that there may be challenges with providing transit at the proposed station location, but are committed to working closely with the City of Lodi on devising an appropriate solution, as transit connections are critical to achieving the overall goals of the project.

Response to Comment 49-8

Contrary to the comment, it is not expected that a signalized crossing at the Del Paso Boulevard/Acoma Street intersection would be expressly required to facilitate transfers between the proposed Old North Sacramento Station and the Globe Avenue LRT station. In particular, there is only one lane of vehicle traffic to cross (westbound Del Paso Boulevard), and the crosswalk on the near side of the intersection has already been improved with high-visibility striping, signage, and advance pavement warnings for motorists.

While SJRRC and SJJPA recognize that some of the connections with the LRT system are less than ideal in terms of walking distance, the feasibility of station sites is, to a large extent, limited by the need to stay within the existing UPRR right-of-way to avoid substantial increases in project cost and potentially greater environmental impacts. Where feasible, the project includes pedestrian improvements—most notably at Midtown Sacramento Station—to facilitate connections on foot. At other locations, the project does not preclude future pedestrian and walkability improvements as part of subsequent projects by local (city or county) agencies. It should also be noted that passengers who would otherwise transfer at Midtown Sacramento Station would have the option of instead making a cross-platform transfer at City College Station for connections with LRT trains.

Response to Comment 49-9

Subsequent to the circulation of the Draft EIR, SJRRC and SJJPA received additional information and significant expressions of concern regarding siting of the proposed Natomas Maintenance and Layover Facility – a potential Phase II component of the proposed project. The site identified in the Draft EIR for the Natomas Maintenance and Layover Facility would require purchase or condemnation of two operating business ventures, as well as property owned by a joint landlord. Such purchase or condemnation could be prohibitively expensive for SJRRC and SJJPA and could also result in the loss of significant jobs to the region. For those reasons, SJRRC and SJJPA has deemed it infeasible to site the Natomas Maintenance and

Layover Facility as shown in the Draft EIR. As such, consideration of all potential Phase II improvements, including the Natomas Maintenance and Layover Facility, the West Elkhorn Boulevard Overpass, and expansion of the Natomas/Sacramento Airport Station parking lot are no longer under consideration. All references to Phase II have been deleted from this Final EIR. If Phase II proceeds at a future date, SJRRC and SJJPA would site the Natomas Maintenance and Layover Facility at a more desirable location, subject to additional CEQA documentation and public review.

Please see the response to Comment 49-3 regarding the validity of the project's ridership forecasts and the responses to Comments 49-4 and 49-5 regarding the selection of the Sacramento Subdivision over the Fresno Subdivision as the preferred route.

Comments related to project cost and suggestions to reallocate funding to other projects and implement an interim bus service along Highway 99 do not address the adequacy or integrity of the EIR. As such, no response is required for those comments. In general, however, SJRRC and SJJPA welcome the idea of interim improvements to intercity bus service along Highway 99. SJJPA has been working with city and county governments on potential improvements to the existing Amtrak Thruway bus network for the San Joaquins following the passage of Senate Bill (SB) 742, which allows Thruway buses to carry local passengers without the requirement that they purchase a corresponding ticket for an Amtrak train.

I.3.20 Letter 50. Evan Siroky

Gmail - Comment on Valley Rail Sacramento Extension Draft Environmental Impact Rep... Page 1 of 1

Letter 50



San Joaquin Regional Rail Commission <ace.sacramentoextension@gmail.com>

Comment on Valley Rail Sacramento Extension Draft Environmental Impact Report

1 message

Evan Siroky <evan.siroky@yahoo.com>

Wed, May 13, 2020 at 11:08 AM

Reply-To: Evan Siroky <evan.siroky@yahoo.com>

To: "ace.sacramentoextension@gmail.com" <ace.sacramentoextension@gmail.com>

To Whom it May Concern,

The proposed design for the North Elk Grove Station is a crime in transit network design and connectivity. Why is there a light rail line immediately adjacent to the station yet the light rail stop is 3/4 of a mile away? This is incredibly shortsighted. This is a huge wasted opportunity to create a great transfer point between the ACE line and the light rail line. Whatever design is chosen should accommodate for a future change where either the Franklin Station light rail station is relocated or a new station created to be immediately adjacent to the ACE line to create a good transfer point.

50-1

Evan Siroky

<https://mail.google.com/mail/u/1?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f...> 6/9/2020

I.3.20.1 Response to Comment Letter 50

Response to Comment 50-1

Subsequent to the circulation of the Draft EIR, SJRRC and SJJPA have continued coordination with the City of Elk Grove on an appropriate site for a station to serve the Elk Grove community. Additional information on a more ideal location for the station has been identified. In addition, SJRRC and SJJPA received numerous comments on the Draft EIR questioning the viability of the proposed North Elk Grove Station described in Draft EIR Chapter 2, *Project Description*. As such, the proposed North Elk Grove Station (including all access and siding variants) is no longer under consideration. All text related to the proposed North Elk Grove Station has been formatted as ~~struckthrough~~ in the Final EIR. Because the North Elk Grove Station is no longer under consideration, this comment is no longer applicable to the proposed project.

Final approval of a future Elk Grove Station at a site agreed to by all interested parties will be subject to a separate, stand-alone CEQA document that will be circulated for public review and comment at a later date.

I.3.21 Letter 51. Mauricio Torres

Gmail - Public Comment: proposed North Elk Grove train station

Page 1 of 1

Letter 51



San Joaquin Regional Rail Commission <ace.sacramentoextension@gmail.com>

Public Comment: proposed North Elk Grove train station

1 message

Mauricio Torres <mxrtorres1@gmail.com>

Tue, May 12, 2020 at 10:38 PM

To: "ace.sacramentoextension@gmail.com" <ace.sacramentoextension@gmail.com>

To whom it may concern,

I am very excited for the Valley Rail project. As a former Lathrop resident, I know the benefits of ACE well. And now, as a Sacramentan, I welcome this extension. But, I also know that we can do better, we need to do better. Park & ride stations are a thing of the past. Rail projects take years to come to fruition, so when we are presented with the opportunity, we have to get it right.

You have the opportunity to make a real, meaningful difference in our community by providing modern rail service that doesn't rely on car ownership. Let's use this as an opportunity to bring down our emissions by encouraging car-less commuting, and an opportunity to bring down costs for families struggling to make ends meet by helping alleviate car expenses. Be better than your predecessors, ACE should be located adjacent to local transit services — in this case SacRT's light rail. Please, I urge you to reconsider the location of this station, and instead ensure that it can work in harmony with the existing transit infrastructure.

Let's encourage folks to their rail service, not be inconvenienced by it.

Thank you,

Mauricio Torres

Mauricio Torres
He/Him/His
209.483.8762

51-1

<https://mail.google.com/mail/u/1?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f...> 6/9/2020

I.3.21.1 Response to Comment Letter 51

Response to Comment 51-1

Subsequent to the circulation of the Draft EIR, SJRRC and SJJPA have continued coordination with the City of Elk Grove on an appropriate site for a station to serve the Elk Grove community. Additional information on a more ideal location for the station has been identified. In addition, SJRRC and SJJPA received numerous comments on the Draft EIR questioning the viability of the proposed North Elk Grove Station described in Draft EIR Chapter 2, *Project Description*. As such, the proposed North Elk Grove Station (including all access and siding variants) is no longer under consideration. All text related to the proposed North Elk Grove Station has been formatted as ~~struck through~~ in the Final EIR. Because the North Elk Grove Station is no longer under consideration, this comment is no longer applicable to the proposed project.

Final approval of a future Elk Grove Station at a site agreed to by all interested parties will be subject to a separate, stand-alone CEQA document that will be circulated for public review and comment at a later date.

I.3.22 Letter 52. Alfred Twu

Gmail - Comment on ACE Sacramento Extension

Page 1 of 1

Letter 52

 San Joaquin Regional Rail Commission <ace.sacramentoextension@gmail.com>

Comment on ACE Sacramento Extension

1 message

Alfred Twu <firstcultural@gmail.com>
To: ace.sacramentoextension@gmail.com

Tue, May 12, 2020 at 10:25 PM

Hi Valley Rail,

I have a comment on the ACE Sacramento Extension's North Elk Grove station. This is a poorly located station that won't get many passengers. It is a 3/4 mile walk from the proposed ACE platform to the existing Sacramento Regional Transit Franklin Station. Many people using it as a park and ride will have to walk almost as far to get to their car.

Please consider moving this station north to the SacRT Meadowview Station. At that location, the ACE tracks are right next to the light rail tracks and a transfer would be much easier. Meadowview is also located close to homes and businesses, whereas the proposed North Elk Grove station is next to a flood control basin and wastewater treatment plant.

Thanks
Alfred Twu

52-1

<https://mail.google.com/mail/u/1?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f...> 6/9/2020

I.3.22.1 Response to Comment Letter 52

Response to Comment 52-1

Subsequent to the circulation of the Draft EIR, SJRRC and SJJPA have continued coordination with the City of Elk Grove on an appropriate site for a station to serve the Elk Grove community. Additional information on a more ideal location for the station has been identified. In addition, SJRRC and SJJPA received numerous comments on the Draft EIR questioning the viability of the proposed North Elk Grove Station described in Draft EIR Chapter 2, *Project Description*. As such, the proposed North Elk Grove Station (including all access and siding variants) is no longer under consideration. All text related to the proposed North Elk Grove Station has been formatted as ~~struckthrough~~ in the Final EIR. Because the North Elk Grove Station is no longer under consideration, this comment is no longer applicable to the proposed project.

Final approval of a future Elk Grove Station at a site agreed to by all interested parties will be subject to a separate, stand-alone CEQA document that will be circulated for public review and comment at a later date.

I.3.23 Letter 53. Wilbur-Ellis Company

Letter 53



May 15, 2020

By Email: ace.sacramentoextension@gmail.com

And U.S. Mail

San Joaquin Regional Rail Commission
Attn: Valley Rail Sacramento Extension Project
949 East Channel Street
Stockton, CA 95202

Re: Comments on Draft Environmental Impact Report
for Valley Rail Sacramento Extension Project

Dear Commission:

Wilbur-Ellis Company (“Wilbur-Ellis” or “W-E”) submits the following comments on the Draft Environmental Impact Report (“Draft EIR” or “DEIR”) for the Valley Rail Sacramento Extension Project (“Project”).

I. EXECUTIVE SUMMARY.

As discussed below, Wilbur-Ellis has serious concerns about how the currently-proposed northern terminus of the Project—specifically, the Natomas Station and Maintenance & Layover Facility (“M&L Facility”)—would impact W-E’s regional distribution hub at 841 West Elkhorn Boulevard in Rio Linda (“W-E Hub” or “Hub”).

The Hub on Elkhorn Boulevard is critical to W-E’s operations—and the agricultural sector that W-E serves—because it is the distribution center for **W-E’s eleven (11) agricultural retail branches in Northern California**. Throughout the northern San Joaquin Valley, farmers and the agricultural industry depend on the products that Wilbur-Ellis supplies and delivers from its Hub on Elkhorn Boulevard.

Based on our review of the Draft EIR, it appears the proposed Natomas Station and M&L Facility would have major impacts on the W-E Hub, and indeed, would force it out of business. Any disruption of the Hub on Elkhorn Boulevard—on a temporary or permanent basis—would cause severe impacts to agricultural resources, traffic and transportation, greenhouse gas emissions and air quality, as well as the agricultural economy served by the W-E Hub.

The Draft EIR barely (and inaccurately) mentions the W-E facility on Elkhorn Boulevard, and fails entirely to analyze and mitigate the Project’s impacts that would be caused by disrupting the W-E Hub. Further, the EIR’s phasing of the Project improperly piecemeals the analysis and mitigation of Project impacts. Finally, the EIR fails to

53-1



1125 N. G Street, Stockton, CA 95210 | 209.944.1100 | www.wilbur-ellis.com

consider a reasonable range of alternatives by neglecting to fully evaluate any alternatives for the northern terminus of the Project—including many alternative locations for the M&L Facility that were proposed in scoping comments—which alternatives would avoid the significant impacts associated with disrupting the W-E Hub, as well as avoiding other impacts from the M&L Facility conceded in the EIR.

53-1
Cont

For all these reasons, the San Joaquin Regional Rail Commission (“SJRRRC”) should revise and recirculate the Draft EIR to fully address the deficiencies described in this letter, and allow an opportunity for public review and comment on the revisions.

II. IMPORTANCE OF THE W-E HUB TO AGRICULTURAL RESOURCES.

A. Background on Wilbur-Ellis.

Wilbur-Ellis is a national supplier of crop protection inputs to the agricultural industry, including crop protection products, plant fertilizers, seed and field technology, and other products and services that are essential for farming. Headquartered in Northern California, Wilbur-Ellis serves farmers in the Project area and throughout the state, including the most agriculturally productive regions of the Central Valley.

B. W-E’s Agricultural Supply Chain: From Rail to Hub, to Retail Branches, to Growers.

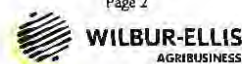
While the company has a nationwide footprint, Wilbur-Ellis supplies its products and services regionally and locally, through a hub-and-branch system. At its distribution hubs, W-E receives raw materials (e.g., chemicals and other material needed for fertilizer production) by rail. W-E blends, packages and stores fertilizer and other agricultural products at its hubs, so that these products are readily available to W-E’s retail branch locations.

53-2

For W-E’s hub-and-branch system to work properly, the hub must be sited adjacent to freight rail to ensure reliable, efficient and safe transport of chemicals, bulk and raw materials. The hub must also be centrally located relative to W-E’s retail branch locations, and the hub property must be large enough—at least 20 to 25 acres—to meet the production and storage needs of all the retail locations served.

In turn, W-E has developed its network of retail branches—all served by a central hub—in close proximity to growers. Proximity to growers is critical because farming is inherently local in nature. For every crop cycle, growers need close access to the products and services that Wilbur-Ellis provides, including fertilizer, crop protection products, seeds, and agricultural implements and equipment. Location and proximity are especially important for agricultural products because of the size and nature of these products—e.g., large volumes of fertilizer, heavy and bulky equipment—which are not well-suited for transport across long distances.

Page 2



C. The Hub on Elkhorn Boulevard Supplies All W-E Retail Branches in Northern California.

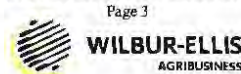
Northern California, and specifically the northern Central Valley, is among the most agriculturally productive areas of California, the United States and the world. W-E has 11 retail branches in Northern California, from Glenn County (Ord Bend) in the north, to Stanislaus County (Hughson) in the south, to Sonoma County (Healdsburg) in the west.

These 11 retail branches are listed below, and shown on the map attached hereto as Exhibit A:¹

<p>Woodland 1785 East Beamer Woodland, CA 95776</p>	<p>Manteca 13771 Prescott Road Manteca, CA 95336</p>
<p>Dixon 1850 North First Street Dixon, CA 95620</p>	<p>Willows 6504 County Rd 57 PO Box 1303 Willows, CA 95988</p>
<p>Twin Cities 4707 Twin Cities Road Elk Grove, CA 95757</p>	<p>Ord Bend 8168 County Road 33 Glenn, CA 95943</p>
<p>Yuba City 900 North George Washington Boulevard Yuba City, CA 95993</p>	<p>Healdsburg 160 Grant Avenue Healdsburg, CA 95448</p>
<p>Colusa 7254 Farinon Rd Colusa, CA 95932</p>	<p>Hughson 6800 East Whitmore Avenue Hughson, CA 95326</p>
<p>St. Helena 975 Vintage Avenue St. Helena, CA 94574-0404</p>	

**53-2
 Cont**

¹ The map was generated from the “locations” tab on the Wilbur-Ellis website (<http://ag.wilburellis.com/Locations/pages/home.aspx>), using the zip code for the Hub facility in Rio Linda (95673) as the starting point, and then searching for locations within 150 miles. On the map, location results are labeled A through N, and a key to the labels is attached to the map for reference. The key also shows mileage between the Hub and each retail site. (Note: the Sacramento and San Francisco locations are not retail sites.)



Each of these locations is served by W-E's distribution hub on Elkhorn Boulevard in Rio Linda.

The Hub is situated on three parcels that W-E owns along Elkhorn Boulevard (APN Nos. 206-0191-015, 206-0191-016 and 206-0191-017), immediately northwest of the Elkhorn Boulevard/UPRR Railroad crossing ("Elkhorn/UPRR Crossing"). We have outlined these parcels in red on Figure 2-10 from the Draft EIR, which shows the proposed "Natomas Maintenance and Layover Facility." See Exhibit B attached hereto. The Hub's address is 841 Elkhorn Boulevard. The Hub's sole entrance is on Elkhorn Boulevard, just west of the Elkhorn/UPRR Crossing. Because the Hub serves primarily as a receiving and distribution facility, constant ingress and egress is critical.

D. The Hub is Centrally Located in Relation to Areas of Important Farmland in Northern California.

The Hub serves primarily as a regional production, storage and distribution site for liquid fertilizers, agricultural crop protection chemicals and seeds to W-E's retail branches. As shown on Exhibit A, the Hub is centrally located in relation to W-E's retail locations in Northern California, with efficient access to the road network: notably, Interstate 5, Highway 99 and Interstate 80. This central location is crucial to supply all Northern California retail branches—and the farmers who depend on obtaining supplies from these branches—efficiently, and with least environmental impact, by minimizing the vehicle-miles travelled.

The Hub (and the network of W-E retail locations served by the Hub) is also centrally located relative to areas of prime farmland, farmland of statewide importance and unique farmland,² as shown on the Department of Conservation's ("DOC") Farmland Mapping and Monitoring Program, available at <https://maps.conservation.ca.gov/DLRP/CIFF>. Attached as Exhibit C is a copy of DOC's map of important farmland in Northern California, with blue points indicating W-E's locations served by the Hub facility.

The Hub facility consists of many buildings and improvements, including a packaged goods warehouse for hazardous materials, numerous large fertilizer tanks, highly-specialized and automated blending equipment for bulk fertilizer, bulk liquid fertilizer storage areas, a seed storage warehouse, an administrative office, a crop research shop, a modular training office, and an equipment storage yard for "implements of husbandry" (e.g., specialized application equipment, fertilizer distribution equipment, etc.). The bulk

² For purpose of the California Environmental Quality Act ("CEQA"), Section 21060.1 of the California Public Resources Code defines agricultural land as "prime farmland, farmland of statewide importance, or unique farmland, as defined by the United States Department of Agriculture land inventory and monitoring criteria, as modified for California."

liquid fertilizer storage capacity at the Hub is many orders of magnitude larger than any retail branch would be able to accommodate onsite. The Hub allows W-E to store packaged chemicals until retail branches call for them to be applied at point of use.

E. Timely Deliveries from the Hub Are Essential to Meeting the Needs of Growers and Maintaining Agricultural Resources.

Many times each day—and at least 5-6 days per week, throughout the year—W-E trucks make deliveries from the Hub to its retail locations in Northern California to ensure each retail location is sufficiently supplied with fertilizer (including special blends), crop protection chemicals, seeds and other products essential for growers. The nature of agricultural supply is a “just-in-time” operation, requiring immediate turn-around for customer needs. Timely deliveries from the Hub to retail locations are essential to meet the needs of farmers and maintain agricultural resources.

The Hub has served its critical role in the Northern California agricultural supply chain since the mid-1970’s, when it was originally developed by John Taylor Fertilizers. W-E acquired the assets of John Taylor Fertilizers in 1999, and our company has continued to operate the facility in the same manner for over two decades.

III. ENVIRONMENTAL REVIEW DOCUMENTS.

A. NOP, Comments and Scoping Report.

I. NOP.

In September 2019, the SJRRC issued a Notice of Preparation (“NOP”) for the Valley Rail Sacramento Extension Project. The NOP described the Project’s “primary objectives” as:

“to expand passenger rail service to new markets, increase frequency of service, increase passenger rail ridership and reduce travel time between the San Joaquin Valley and the Sacramento area; augment transit capacity and provide transit connections; alleviate traffic congestion, improve regional air quality, and reduce greenhouse gas (GHG) emissions; and to support local and regional land use development plans and policies.”
NOP, p. 3.

The NOP described the Project as providing new passenger rail service from the existing

Stockton Downtown/ACE Station in Stockton, north to the North Natomas area of Sacramento. The NOP described the Project as including the following components:

- Lodi Station.
- Elk Grove Station.

**53-2
Cont**

53-3

- City College Station.
- Midtown Station.
- Old North Sacramento Station.
- Natomas/Sacramento Airport Station.
- Natomas Maintenance and Layover Facility.

For the Natomas Station and M&L Facility, the NOP mentioned two alternatives, both of which were in close proximity to each other in North Natomas: siting the station and M&L Facility immediately to the south of W. Elkhorn Boulevard, either (1) west of Levee Road (“West Alternative”); or (2) siting it about 1,000 feet east of the West Alternative, on the east side of Blacktop Road (“East Alternative”). The West and East Alternatives are depicted on diagrams prepared for and presented at a scoping meeting on November 13, 2019. These diagrams are attached for ease of reference as Exhibit D hereto.

The NOP solicited comments regarding the environmental effects and “additional alternatives” to the Project. NOP, p. 7.

2. Comments and Scoping Report.

During the 30-day scoping period, SJRRC received 77 comments. Most of these comments raised concerns about the Natomas Station and adjacent M&L Facility.

Many commenters proposed alternative locations that would reduce impacts associated with siting the northernmost station and M&L Facility in Natomas.

The SJRRC issued a “Scoping Summary” (Appendix A to the Draft EIR) that described “potential additional alternatives, environmental concerns, and proposed changes” to the scope of environmental review of the Project. App. A-1. The Scoping Report mentioned only a few of the alternatives that commenters raised (App. A-7), but all the comments—which reflect proposed alternative locations—are attached to the Scoping Report (Attachment A3).

B. SJRRC’s Draft EIR for the Project.

On March 31, 2020, the SJRRC issued the Draft EIR, and announced a 45-day comment period. The Draft EIR describes the Project, objectives and phasing. The document also refers to the W-E facility in several instances. As discussed below (Part IV), the treatment of the Natomas M&L Facility portion of the Project is deficient in many important respects.

1. Description of Project.

The Draft EIR describes the Project as “a proposed passenger rail service between Stockton and Sacramento with further connections to San Jose, Ceres, and Bakersfield.”

53-3
Cont

DEIR, 2-1. The Project has “Phase I” and “Phase II” improvements, both of which are discussed and analyzed in the Draft EIR.

Phase I improvements “would support the proposed rail service extension to Sacramento no later than 2023.” *Id.* These improvements include construction of a new station in Lodi and five new stations in Sacramento: North Elk Grove; City College; Midtown Sacramento; Old North Sacramento; and Natomas/Sacramento Airport. The proposed Phase I project also includes a preliminary service plan for ACE and San Joaquins Service. *Id.*

Phase II improvements “would support future projected passenger train maintenance and layover needs for both ACE and San Joaquins Services.” DEIR, 2-1. Phase II improvements involve constructing an M&L Facility in North Natomas “west of the Union Pacific Railroad (UPRR) tracks and east of Levee Road on both sides of West Elkhorn Boulevard. In addition . . . , the Phase II project would include construction of an overpass along West Elkhorn Boulevard to span the proposed maintenance and layover facility and UPRR tracks, as well as expansion of the parking lot for the proposed Natomas/Sacramento Airport Station.” DEIR, 2-2.

53-3
Cont

2. Project Objectives.

The Draft EIR repeats the “primary objectives” of the Project nearly verbatim from the NOP:

“to expand passenger rail service to new markets in San Joaquin and Sacramento counties; increase frequency of service; increase passenger rail ridership; reduce travel time between the San Joaquin Valley and the Sacramento area; augment existing transit capacity and provide transit connections; provide an alternative to automobile traffic congestion; improve regional air quality; reduce greenhouse gas (GHG) emissions; and support local and regional land use development plans and policies.” DEIR, ES-1.

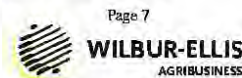
3. References to W-E’s Facility.

The DEIR references the W-E facility specifically in three sections: Aesthetics (Ch. 3.1), Biological Resources (Ch. 3.4), and Hazards and Hazardous Materials (Ch. 3.9).

In the Aesthetics section, the Draft EIR states:

“The proposed ACE tracks north of West Elkhorn Boulevard would be located on a portion of the existing Wilbur-Ellis agricultural and forestry products manufacturing facility, which occupies approximately 18 acres on the west side of the existing UPRR tracks.” DEIR, 3.1-15 to 3.1-16 (emphasis added).

53-4



The Draft EIR refers to the W-E facility as being located “approximately 1,000 feet to the east of Levee Road,” and notes that “construction of the proposed West Elkhorn Boulevard Overpass over a portion of the Wilbur-Ellis facility would add a new detracting element to the landscape in eastward views from Levee Road.” *Id.* at 3.1-27.

In the Biological Resources section, the Draft EIR states:

“Phase II improvements include the construction and operation the Natomas Maintenance and Layover Facility, expansion of the Natomas/Sacramento Airport Station parking lot, and construction of an overpass along West Elkhorn Boulevard. Current land uses in this area include a variety of developed industrial facilities with associated buildings, parking lots, and manufacturing yards. Existing industries surrounding the UPRR tracks include the ADESA Brashers automotive auction yard... **Wilbur Ellis Company chemical manufacturing to the north of West Elkhorn Boulevard and west of the UPRR tracks...** Aquatic features include interior drainage basins in the asphalt/concrete facility **and Wilbur Ellis Company**, seasonal wetlands or ephemeral drainages along the base of railroad ballast, and an **open-water floodplain north of the Wilbur Ellis facility where there is no eastern levee to contain flows of the NEMDC/Steelhead Creek.**” DEIR, 3.4-49 (emphasis added).

The section on “Hazards and Hazardous Materials” refers to the W-E facility in connection with soil contamination from hazardous materials (DEIR, 3.9-37 to 3.9-38, 3.9-41), as discussed more fully below (in Comment 5).

IV. W-E’s COMMENTS ON THE DRAFT EIR.

Despite the importance of W-E’s Elkhorn Boulevard Hub to agriculture, the Draft EIR’s section on agricultural resources fails to even mention the facility and how disruption of the facility would impact agricultural resources. Similarly, the EIR’s traffic and transportation, greenhouse gas emissions and other sections fail to account for how disrupting the Elkhorn Boulevard Hub would cause impacts to these resource categories.

A. Specific Comments.

Comment 1: The Draft EIR Fails to Analyze and Mitigate Impacts to Agricultural Resources Caused by Disrupting the W-E Facility on Elkhorn Boulevard.

As discussed above in Section II, W-E’s Hub on Elkhorn Boulevard serves as the distribution center for 11 agricultural retail locations in Northern California. The Hub’s continued, undisrupted operation is essential to meeting the needs of growers and

53-4
Cont

53-5



maintaining the region's important agricultural resources as defined by CEQA and recognized by the DOC (*see* Exhibits A and C).

While the Draft EIR mentions the W-E facility, it wrongly describes it as a "forest products manufacturing" or "chemical manufacturing" facility. DEIR, 3.1-15 to 3.1-16; 3.4-49. In fact, as discussed above (Section II), the W-E facility serves primarily as a regional production, storage and distribution site for fertilizers, agricultural crop protection products and seeds to farmers. By describing the Hub as a "manufacturing" site, the Draft EIR fails to appreciate the facility's significance to the agricultural supply chain and, in turn, its significance to agricultural resources (i.e., cultivated acreage) that depend on the agricultural supply chain.

Because it failed to acknowledge the significance of the Hub for agricultural resources, the Draft EIR failed to analyze and mitigate the impacts that any disruption or closure would have on agricultural resources. This includes the potential for impacts from both the "Phase I" and "Phase II" projects.

Phase I (Natomas Station) Impacts on Hub.

As depicted on Figure 2-7, the Natomas Station and related improvements are proposed to be constructed immediately across Elkhorn Boulevard from W-E's Hub facility. *See* DEIR, 2-17 (Figure 2-7) and Ex. B hereto. Estimated duration of construction is 12 months. DEIR, 2-30. Furthermore, Phase I improvements associated with the Natomas Station include proposed modification of the Elkhorn/UPRR Crossing (Figure 2-7; DEIR, 2-29 to 2-30), immediately adjacent to the Hub facility. *See* Figure 2-7 and Exhibit B.

The Hub's sole entrance/exit is on Elkhorn Boulevard, just west of the Elkhorn/UPRR Crossing. Because the Hub serves primarily as a receiving and distribution facility, constant ingress and egress is critical to supplying W-E's retail locations in Northern California and, in turn, meeting the needs of farmers who depend on these agricultural supplies. Despite the importance of the Hub in the agricultural supply chain, and despite its immediate proximity to the proposed site of the Natomas Station and Elkhorn/UPRR grade crossing modification, the Draft EIR ignores how the Phase I improvements would potentially disrupt the Hub, and fails to analyze and mitigate impacts to agricultural resources (and other categories) foreseeably resulting from any disruption.

The disruption of agricultural supplies from the Hub to Northern California farmers would cause adverse effects to agricultural resources. If Northern California farmers' access to fertilizer, crop protection products and other supplies is disrupted or delayed, the number of cultivatable and cultivated acres would foreseeably decline.³ This would

³ The volume of agricultural supplies shipped through the Hub to retail locations—and ultimately, to farmers in order to maintain cultivable land—is enormous: annually, more than 15,000 tons of bulk liquid fertilizer and more than 500 tons of packaged chemicals.

53-5
Cont

53-6

result in the loss of important agricultural resources, including prime farmland, farmland of statewide importance and unique farmland mapped by the DOC in the vicinity of W-E's 11 retail locations served by the Hub (*see* Exhibits A and C)—in effect, rural or agricultural blight—and likely conversion of farmland to other uses. The Draft EIR should have analyzed this potentially significant impact, in accordance with CEQA Guidelines Appendix G.II.a.

53-6
Cont

Phase II (M&L Facility) Impacts on Hub.

As depicted on Figure 2-10 (Exhibit B), the M&L Facility and layover tracks would extend through the heart of the Hub facilities and run nearly the full length of the Hub property. The SJRRC proposes to acquire 14.88 acres of APN 206-0191-017 for the M&L Facility (DEIR, 2-36), which is almost the entire area of the parcel on which the Hub operates (*see* DEIR, 3.1-15 to 3.1-16: “proposed ACE tracks north of West Elkhorn Boulevard would be located on a portion of the existing Wilbur-Ellis agricultural and forestry products manufacturing facility, which occupies approximately 18 acres on the west side of the existing UPRR tracks”) (emphasis added), leaving insufficient room for the Hub facilities and operation, thus forcing it to close.

53-7

Closure of the Hub as a result of Phase II would cause even more severe impacts than disruption as a result of Phase I. During any time the Hub is disrupted or closed, the economic and physical impacts would be substantial. W-E retail locations in Northern California have limited storage capacity and, given the nature of agriculture, farmers need just-in-time supplies. To meet agricultural supply needs without an operational Hub facility for just-in-time distribution, W-E would have to enlarge the footprint of its retail facilities where possible, resulting in physical changes and environmental impacts across many resource categories. Worse, expanding retail footprints will not be possible at many W-E retail locations, thus resulting in shortages and delays of supplies for farmers, and adverse impacts to agricultural resources.

As discussed above with regard to Phase I, the disruption of agricultural supplies from the Hub to Northern California farmers would cause adverse effects to agricultural resources: specifically, the loss of important agricultural resources, including prime farmland, farmland of statewide importance and unique farmland mapped by the DOC in the vicinity of W-E's 11 retail locations served by the Hub. *See* Exhibits A and C.

Draft EIR Fails as Informational Document

In addition, the Draft EIR fails to serve its informational purpose with regard to agricultural resources. Though the Draft EIR already concedes significant and unavoidable impacts (and cumulatively considerable and unavoidable impacts) to agriculture (DEIR, ES-17 to ES-18; ES-38 to 39), it fails as a disclosure document because, by ignoring the effect of disrupting Hub operations on regional agriculture, the DEIR understates both Project and cumulative impacts to agriculture.

53-8

Moreover, the DEIR fails to address feasible alternatives that would avoid such impacts, as discussed below.

53-8
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Comment 2: The Draft EIR Fails to Analyze and Mitigate Impacts to Traffic and Transportation Caused by Disrupting the W-E Facility on Elkhorn Boulevard.

The Hub is centrally located in relation to W-E's retail locations in Northern California, with efficient access to the road network (notably, Interstate 5, Highway 99 and Interstate 80) as needed to supply all Northern California locations efficiently, and with least environmental impact, by minimizing the vehicle-miles travelled. This central location is critical to the efficient operation of the agricultural supply chain and, specifically, to minimizing the traffic and other impacts associated with transporting agricultural supplies to farms.

Many times each day (and at least 5-6 days per week, throughout the year⁴), W-E trucks make deliveries from the Hub to its 11 retail locations in Northern California to ensure each retail location is sufficiently supplied with fertilizer, crop protection chemicals, seeds and other products essential for growers. Timely deliveries from the Hub to retail locations are essential to meet the needs of farmers and maintain cultivable farmland, because the nature of agricultural supply is a "just-in-time" operation, requiring immediate turn-around for customer needs. The Hub's sole entrance/exit is on Elkhorn Boulevard, just west of the Elkhorn/UPRR Crossing. Continuous ingress and egress is critical to supplying W-E's retail locations in Northern California and, in turn, meeting the needs of farmers who depend on these agricultural supplies.

53-9

Because the Draft EIR ignored the basic purpose of the Hub facility—distribution of agricultural supplies to agricultural retail sites throughout Northern California—it also ignored the traffic and transportation impacts that would occur from any disruption. If daily distribution from the Hub was disrupted, it would cause substantial traffic and transportation impacts (in addition to impacts on agriculture discussed above).

W-E's only other distribution facility in California is in Fresno, which is far away from the company's retail locations in Northern California. This would lead to much longer truck trips, with increased vehicle-miles travelled and greater burden on the road network, in order to keep retail locations supplied from the Fresno facility. Having to supply W-E's Northern California retail sites from the Fresno hub would dramatically increase mileage per trip, as shown in the below table:

⁴ In the spring and summer, there are often 10 to 20 truck trips each day to and from the Hub. In the fall and winter, truck trips range from 4 to 8 daily. Total truck trips to and from the Hub facility last year were more than 4,500.

W-E Retail Locations	Distance from Hub in Rio Linda	Distance from Hub in Fresno	Increased Distance
Woodland	16 miles	191 miles	175 miles
Dixon	26 miles	192 miles	166 miles
Elk Grove	28 miles	155 miles	127 miles
Yuba City	34 miles	215 miles	181 miles
Colusa	46 miles	235 miles	189 miles
St. Helena	57 miles	226 miles	169 miles
Manteca	60 miles	116 miles	56 miles
Willows	67 miles	255 miles	188 miles
Ord Bend	72 miles	266 miles	194 miles
Healdsburg	77 miles	249 miles	172 miles
Hughson	82 miles	95 miles	13 miles

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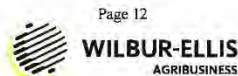
Also, if W-E were unable to obtain raw materials (e.g., chemicals) by rail at the Hub, this too would increase traffic and transportation impacts on the road network, requiring direct transport of materials from more distant locations and/or for transport by truck from a more distant rail-unloading facility.

Accordingly, the Draft EIR failed to account for the Project’s disruption of W-E Hub operations on traffic and transportation, thus understating the impacts and failing to mitigate adequately. This includes the potential for temporary impacts from Phase I improvements (e.g., modification of the at-grade crossing at West Elkhorn Boulevard, adjacent to the entrance for W-E’s Hub facility, as depicted on Figure 2-7), as well as permanent impacts from Phase II improvements (i.e., required closure if the M&L Facility is built in its place, as depicted on Figure 2-10). See more detailed discussion above in Comment I.

Comment 3: The Draft EIR Fails to Analyze and Mitigate Impacts to Greenhouse Gas Emissions and Air Quality Caused by Disrupting the W-E Facility on Elkhorn Boulevard.

As discussed in the preceding comment, any disruption of the Hub would contribute to significant impacts to traffic and transportation which the Draft EIR fails to incorporate in its analysis of impacts and mitigation. The increase in vehicle-miles travelled and greater burden on the road network would contribute to increased greenhouse gas emissions and impacts to air quality, which the Draft EIR similarly fails to account for in the analysis. This includes the potential for temporary impacts from Phase I improvements (e.g., modification of the at-grade crossing at West Elkhorn Boulevard, adjacent to the entrance for W-E’s Hub facility, as depicted on Figure 2-7), as well as permanent impacts from Phase II improvements (i.e., required closure if M&L Facility is built in its place, as depicted on Figure 2-10). See more detailed discussion above in Comment I.

53-10



Comment 4: Locating the Northern Terminus and M&L Facility in Natomas Will Cause Significant Impacts to Biological Resources in and around Steelhead Creek, and Such Impacts Are Not Adequately Mitigated.

As described in the Draft EIR, Steelhead Creek is a tributary to the Sacramento River, and Steelhead Creek supports important biological resources. DEIR, 3.4-62. For most of its reach near the proposed project, Steelhead Creek is approximately 25 feet wide, and bordered with either oak riparian forest or willow scrub vegetation that extends for 50 to 200 feet beyond the channel banks in the central portion of the Natomas East Main Drainage Canal (“NEMDC”). *Id.* at 3.4-47. The NEMDC/Steelhead Creek channel is at its widest near the northern extent of possible Phase II track improvements, where it extends beyond channel boundaries and eastward into a natural floodplain that overlaps with the Phase II project footprint. *Id.* at 3.4-49.

Steelhead Creek adjacent to the Project in North Natomas supports important biological resources that would be significantly impacted by the Project, including a distinct population segment (“DPS”) of a threatened species, the Central Valley steelhead. As noted in the Draft EIR:

“The NEMDC/Steelhead Creek west of the proposed Phase II Natomas Maintenance and Layover Facility is suitable habitat for migratory Steelhead – Central Valley DPS. The Central Valley DPS Steelhead is federally listed as threatened under the ESA. Populations are known from the Sacramento River and its tributaries, including the American River and Dry Creek, in the vicinity of the proposed project. Although this taxon requires pool and riffle complexes and cold gravelly streambeds for spawning, which are not available in the project area, Steelhead Creek in the NEMDC could serve as a migratory corridor for the taxon between spawning grounds to the north and the Sacramento River to the south.” *Id.* at 3.4-136 (emphasis added).

See also id. at 3.4-73 (“proposed project crosses natural waterways, canals, and other minor drainages that may be used by migratory fish and semi-aquatic species. Steelhead Creek in the NEMDC is recognized as a migratory corridor for the federally listed a threatened Central Valley Steelhead DPS”). Special-status plants are also supported in the Project area, and would be impacted by construction. *Id.* at 3.4-132; *see also* 3.4-77 to 3.4-78.

Siting and constructing the northern terminus station and M&L Facility in North Natomas would significantly impact these biological resources. As the Draft EIR concedes:

“[A]quatic habitat for special-status fish could be indirectly affected by construction activities, such as grading, clearing, and earth moving near Steelhead Creek and Arcade Creek through the generation of fugitive dust, erosion, and sedimentation, which could increase turbidity (i.e.,

53-11

reduce water quality) in the **NEMDC/Steelhead Creek**. Increased turbidity could adversely affect fish, fish habitat, and other aquatic resources. **Construction activities adjacent to the NEMDC** and Arcade Creek could also introduce contaminants (e.g., fuels and lubricants) directly into aquatic resource areas and indirectly in stormwater runoff through accidental spills. Turbidity plumes or fuel/lubricant spills could be transported by moving water, with the potential to affect special-status fish downstream of the project site. The Phase I project area is in the Sacramento River watershed, which is tributary to the Sacramento/San Joaquin Delta, an important state and regional estuary. The Delta is approximately 30 miles downstream from the proposed project, and could be affected by upstream activities. This impact would be potentially significant.” *Id.* at 3.4-91 (emphasis added).

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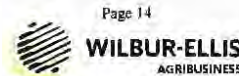
While the Draft EIR includes mitigation measures for biological impacts, these measures do not directly address the specific impacts to Steelhead Creek in North Natomas, and the threatened Central Valley steelhead population segment. Furthermore, the mitigation measures for special-status fish and other species are limited to mitigating impacts to “the greatest extent feasible,” but the Draft EIR fails to explain what is feasible (e.g., how much the project footprint and surface disturbance in North Natomas, adjacent to Steelhead Creek, can be minimized).

Comment 5: Locating the M&L Facility on the W-E Hub Property Will Cause Significant Impacts from Hazardous Materials on the Site, and May Interfere with an Ongoing Cleanup Action Supervised by the Central Valley Regional Water Quality Control Board.

The Hub property has been used for fertilizer blending and storage since the 1970s, and there is known historic soil contamination on the site. Despite this known contamination, the Project proposes to build the M&L Facility on the Hub property, which would likely disturb and release hazardous materials. As described in the Draft EIR:

53-12

“[A]n area of existing soil contamination associated with John Taylor Fertilizers (**now the Wilbur Ellis Facility**) is present north of West Elkhorn Boulevard, **where a portion of the new railyard tracks would be installed**. Therefore, construction of proposed Phase II improvements could result in the disturbance of contaminated soil, ballast, and/or groundwater, or the migration of harmful chemicals through airborne volatilization through soil and into buildings, which could affect the health of construction workers and/or the public through direct contact or inhalation of contaminated dust particles; or could result in the release or migration of contaminants to the environment. **The disturbance of contaminated soil, ballast, and/or groundwater is a potentially significant impact.**” DEIR, 3.9-37 to 3.9-38 (emphasis added).



“[P]ortions of the proposed Natomas Maintenance and Layover Facility would be in two known hazardous materials release sites that are included on the Cortese list: the former John Taylor Fertilizers (now Wilber Ellis) [sic], and the former Central Concrete Supply Company (now Bay Cities Building Materials). The former John Taylor Fertilizer site north of West Elkhorn Boulevard contains an area of contaminated soils that has not yet been remediated.” *Id.* at 3.9-41.

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Cont

Furthermore, the Hub property is the subject of an ongoing cleanup action (Geotracker Case No. SLT5S469), supervised by the Central Valley Regional Water Quality Control Board (DEIR, 3.9-18), and these hazardous material release sites are in the Project footprint for the Natomas Station and M&L Facility. *Id.* at 3.9-14.

While the Draft EIR includes mitigation measures to reduce impacts from existing soil contamination (including a voluntary oversight agreement, site investigations, and a construction risk management plan), it is uncertain whether these mitigation measures would be effective. In any event, as discussed below, the Draft EIR should have considered alternatives for locating the M&L Facility that would not require disturbing existing soil contamination or potentially interfering with an ongoing cleanup supervised by the Central Valley Regional Water Quality Control Board.

Comment 6: The Draft EIR’s Phasing of the Project Improperly Piecemeals the Analysis and Mitigation of Project Impacts.

The Draft EIR analyzes impacts of the Phase II improvements only at a “programmatic, more conceptual level of detail” because the Phase II improvements “have not been funded at this time and because the location of the proposed Natomas Maintenance and Layover Facility is subject to change.” DEIR, ES-6. In effect, the Draft EIR piecemeals—and improperly minimizes—the analysis of project impacts by claiming the location of the M&L Facility is “subject to change.”

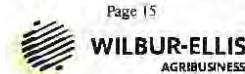
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While any part of a project may be “subject to change” based on further consideration, including CEQA review, the assertion that the location of the M&L Facility is so speculative as to be excluded from project-level analysis and deferred to Phase II is not credible, for several reasons:

53-14

- First, Figure 2-10 depicts (and the accompanying text describes) the design and location of the M&L Facility in detail, including the number, length and configuration of proposed railyard tracks across the W-E Hub property. DEIR 2-33 to 2-34, and Figure 2-10 (Exhibit B hereto). Given this degree of detail in the design and location of the M&L Facility, a site-specific, project-level analysis of impacts should be done.
- Second, the Draft EIR identifies the M&L Facility as the “Natomas Maintenance and Layover Facility,” and it’s that “Natomas Maintenance and Layover Facility”

53-15



which is subject to change. In other words, the SJRRC has already proposed locating the M&L Facility in **Natomas**, in a manner that is no more speculative than the location of other Project components.

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- Third, the NOP described and the Draft EIR analyzes two alternative locations for the M&L Facility in Natomas—the West Alternative and East Alternative—and the EIR dismisses the West Alternative from further consideration (and dismisses all other location alternatives). DEIR, 5-7 to 5-9. The East Alternative, on the W-E Hub property, is the sole location for the M&L Facility that was not dismissed in the EIR.

53-16

- Fourth, if SJRRC takes the position that any layover facility should be located at the end of the operating rail line, then SJRRC’s commitment to the East Alternative will be further cemented if the SJRRC approves and builds the Phase I project with the northernmost terminus in Natomas.

53-17

- Fifth, the Phase II improvements consist mainly of the M&L Facility, and do not include any new stations. That is, the project phasing does **not** divide the Project into segments of independent utility and logical termini (i.e., with the Phase I project extending to an initial terminus, and incorporating maintenance facilities sufficient for full capacity service to the initial terminus, and the Phase II project extending further to a final terminus, incorporating a permanent maintenance facility for service to the final terminus). Rather, the sizing and configuration of the M&L Facility are designed to accommodate the service plan and operational demands ultimately generated by a Project that will be fully constructed in Phase I. In other words, if the M&L Facility’s purpose is to accommodate operation at full capacity, eventually the M&L Facility must be built. If not, the Project will never be able to operate at capacity. Moreover, the expenditure of funds to construct the Phase I project so as to deliver that capacity, if and when the M&L Facility is built, will have been wasted if Phase II does not proceed and the full potential of the completed Phase I project is unrealized. Accordingly, if SJRRC adopts the Phase I project, it will be committed to constructing the M&L Facility, precluding adoption of alternatives—in particular, the No Project Alternative—in the Phase II project-level EIR.⁵

53-18

⁵ On the one hand, if SJRCC maintains that Phase I has independent utility, then there is no evidence that the Phase II improvements will ever be needed. *See also* Comment 9 below. On the other hand, if SJRCC responds that it cannot delete the M&L Facility from the Project and still attain full operating capacity, then Phase I lacks independent utility.

For all these reasons, it was improper for the Draft EIR to piecemeal the M&L Facility from the Phase I project, deferring site-specific, project-level analysis and mitigation of impacts.

53-19

Comment 7: The Draft EIR Fails to Analyze Reasonable Alternatives for the Location of the M&L Facility.

CEQA Guidelines Section 15126.6(a) “requires that an EIR describe a range of reasonable alternatives to a project, or the location of a project, that would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects, and evaluate the comparative merits of the alternatives.” DEIR, 5-1. This is intended to foster informed decision making and public participation. CEQA Guidelines Section 15126.6(f).

Among the factors that may be taken into account when addressing the feasibility of alternatives, as described in CEQA Guidelines Section 15126.6(f)(1), are “site suitability, economic viability, . . . and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent).” DEIR, 5-1. During the scoping process, the SJRRC solicited alternatives, and it committed to analyzing the suggested alternatives in the Draft EIR:

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“[A]lternatives that are feasible, meet the project objectives, and reduce one or more significant environmental impacts of the Project **will be analyzed in detail**. Alternatives that are infeasible, that do not meet the project objectives, or that do not reduce one or more significant environmental impacts of the Project **will be discussed in the EIR but will not be analyzed in detail** as allowed by the requirements of CEQA.” NOP, p. 7 (emphasis added).

The Draft EIR claims to have “considered suggested alternatives mentioned during the scoping period” (DEIR, 5-2) but, in fact, it did not do so. Commenters raised the following alternatives for the M&L Facility:⁶

53-21

- **End the northern terminus “further south,” in Sacramento.**⁷ (ADESA Brashers)

⁶ All scoping comments are included in Appendix A, App. A, Attachment A3.

⁷ As pointed out in the letter from ADESA Brashers commenting on the NOP (*see* App. A, Attachment A3, letter dated Nov. 20, 2019):

“Under the existing plan, the three northernmost stations prior to the northern terminus (Sacramento City College, Midtown Sacramento and Old North Sacramento) all connect to existing Sacramento Light Rail stations. With plans to bring Sacramento light rail to the Airport via the

- Consider location “closer to heart of existing development” of Valley Rail system. (ADESA Brashers)
- Closer to “existing rail.” (David Weiland; Sandi Weiland; Deborah Earl)
- At the “existing Sacramento Railyard downtown location.” (Deborah Earl)
- At the “old Sacramento rail yard.” (Heather Pino)
- “[A]ll the empty land north of Elkhorn” should be considered. (Eric Kertelli)
- “[A]long West Elverta Rd to the North Metro Air Park area by Power Line Rd.” (Jason McKinley)
- Elkhorn and 99 up from the Amazon facility.” (Dennis Fogliani; Jeffrey Hardin)
- By, or closer to, the Sacramento International Airport. (Jennifer Gebhard; David Weiland; Sandi Weiland)
- “[F]urther north past Rio Linda.” (Jennifer Gebhard)

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The Draft EIR failed to consider any of the above-listed alternatives even as “alternatives considered but rejected.”⁸ On the contrary, they are omitted from the discussion of alternatives for the M&L Facility, which is limited to two other alternatives (discussed in the next comment below) which were not suggested in the scoping comments.

Furthermore, the suggested alternatives are reasonable and feasible, meet Project objectives, and reduce one or more significant environmental impacts of the Project:

- **Reducing significant environmental impacts:** All the alternative locations suggested above would avoid the impacts that are specific to building the M&L Facility on the W-E Hub property, including impacts to agricultural resources, traffic and transportation, greenhouse gas emissions and air quality, biological resources and hazardous materials (*see* Comments 1 through 5 above) as well as

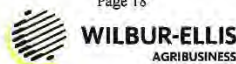
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planned Green Line extension, consideration should be given as to the wisdom of a Natomas terminus vs. ending the line further south. The EIR should consider alternative locations for the station and layover/maintenance facility closer to the heart of existing development.” *Id.* at 3.

The Draft EIR failed to consider or even acknowledge this alternative.

⁸ The Scoping Report at least mentioned three of these suggested alternative “locations farther north” for the M&L Facility: specifically, “[n]ear the Amazon facility,” “[a]long West Elverta Road to the North Metro Air Park near Power Line Road,” and “[c]loser to the Sacramento International Airport.” App. A-7. But inexplicably, the Draft EIR failed to analyze—or discuss at all—these alternatives. *Compare* DEIR, App. A-7 (Scoping Report) to DEIR, 5-7 to 5-8.

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the aesthetic impact noted in the Draft EIR. Furthermore, the Draft EIR concedes that the potentially significant and unavoidable impacts associated with operation of the M&L Facility are not site-specific, and would occur at a similar level regardless of location. DEIR, 5-4. Thus, siting the M&L Facility at an alternative location would not increase impacts from operation of the facility (but would substantially decrease impacts from construction).

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- **Meeting Project objectives:** All the alternative locations suggested above would meet Project objectives, specifically, “to expand passenger rail service to new markets in San Joaquin and Sacramento counties; increase frequency of service; increase passenger rail ridership; reduce travel time between the San Joaquin Valley and the Sacramento area; augment existing transit capacity and provide transit connections; provide an alternative to automobile traffic congestion; improve regional air quality; reduce greenhouse gas (GHG) emissions; and support local and regional land use development plans and policies.” DEIR, ES-1. Changing the location of the M&L Facility and/or location of the northern terminus would still meet these objectives.

53-23

- **Alternatives are feasible:** The Draft EIR does not provide substantial evidence—nor even any assertion—that the alternatives noted above are infeasible. On their face, the alternatives are feasible: many of these alternatives suggest siting the M&L Facility near existing rail or railyards (e.g., Sacramento Railyard) or on available land north and west of the Natomas community.

53-24

Comment 8: The Draft EIR Improperly Dismisses the West Alternative and Rio Linda Alternative.

Rather than analyze any of the alternatives proposed in the scoping process, the Draft EIR discusses just two alternatives for the M&L Facility: the West Alternative (which was described in the NOP) and an alternative to the north of West Elkhorn Boulevard, near 901 Straugh Road in Rio Linda (“Rio Linda Alternative”). The dismissal of these alternatives “from further consideration,” rather than evaluating them as reasonable and feasible alternatives to the Project, is cursory, deficient and not supported by substantial evidence.

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The Draft EIR devotes exactly two sentences to the West Alternative, dismissing it from further consideration “based on the response from the community during the public scoping period.” DEIR, 5-8. “Community response” is not substantial evidence that supports dismissal of an alternative. See CEQA Guidelines Section 15385 (“argument, speculation, unsubstantiated opinion or narrative... [do] not constitute substantial evidence”). But even if it was appropriate to dismiss the West Alternative based on community objections, then the East Alternative—i.e., siting the M&L Facility on the W-E Hub property—should be dismissed for the same reason. Many members of the Natomas community objected to siting the M&L Facility at either location in Natomas

(see DEIR, App. A, A-6 and Attachment A3), and the East Alternative is only 1,000 feet away from the West Alternative (DEIR, 3.1-27).

The Draft EIR seemingly raises the Rio Linda Alternative as a straw-man. Without further explanation, the Draft EIR notes:

“At the request of UPRR [Union Pacific Railroad], construction of a layover facility at this location would require the construction of a new siding along the Sacramento Subdivision between the proposed Natomas/Sacramento Airport Station and the proposed layover facility. This alternative was dismissed because it would not avoid or substantially reduce significant environmental impacts of the proposed project and could potentially result in far greater disruption to biological resources due to the fill of wetlands required for the construction of the railroad siding.” DEIR, 5-7 to 5-8.

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There is no explanation for why this specific site (901 Straugh Road in Rio Linda) was considered, rather than any other available site north or west of Natomas, including sites “further north past Rio Linda” as suggested by commenters. See App. A, Attachment A3 (Scoping Comments). Furthermore, the M&L Facility apparently would not cause any greater environmental impacts if located at the site on Straugh Road; rather, the requested new siding (not the M&L Facility itself) would cause additional impacts. This suggests that—absent the unique request for railroad siding for the Straugh Road site—an alternative location for the M&L Facility would not cause greater impacts. Finally, in dismissing the Rio Linda Alternative based on impacts from the requested railroad siding, the Draft EIR failed to account for the large **reduction in impacts from avoiding any disruption to the W-E Hub on Elkhorn Boulevard**, including reductions achievable by alternatives that would not require a new railroad siding in a sensitive wetland location.

Comment 9: The Draft EIR Wrongly Concludes that the “No Project” Alternative Is the Only Feasible Alternative to Lessen the Significant and Unavoidable Impacts of the Project.

In the Alternatives Chapter, the Draft EIR concludes:

“[T]here are no feasible alternative locations for the Natomas Maintenance and Layover Facility, and the only alternative that would avoid or substantially lessen significant impacts would be the No Project Alternative or deletion of the Natomas Layover and Maintenance Facility from the proposed project. . . . [T]he No Project Alternative is the only feasible alternative available to lessen the significant and avoidable impacts of the proposed project, and is the only alternative considered at a lesser level of detail than the proposed project.” DEIR, 5-6 (emphasis added).

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This conclusion is not supported by substantial evidence. As discussed above, scoping commenters suggested many alternative locations for the M&L Facility, but the Draft EIR failed to consider them. See Comments 7 and 8.

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Furthermore, the Draft EIR mentioned (DEIR, 5-6) but failed actually to consider “deletion” of the M&L Facility from the proposed Project. The Draft EIR lacks any explanation—much less evidence—for rejecting this alternative. For several reasons, deletion of the M&L Facility from the proposed project makes sense, meeting project objectives and reducing environmental impacts.

53-27

First, by choosing to “phase” the Project—starting “Phase I” operations in 2023, but not developing the new M&L Facility until some indefinite future date—the Draft EIR concedes the Project can operate without the “Phase II” M&L Facility.

Second, the “Phase I” improvements at the Natomas Station already include layover tracks that would accommodate increased service. As described in the Draft EIR:

“The Natomas/Sacramento Airport Station would also include layover tracks south of the platform to accommodate ACE and Amtrak train layovers between service runs. **The layover tracks would accommodate four trains (plus one train layover at the station platform).** The tracks would also allow for interior train cleaning during layovers. Employee access to the layover tracks would be from an access road to be constructed west of the proposed tracks.” DEIR, 2-18 (emphasis added).

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This is more than enough layover capacity for the Phase I service plan, which only contemplates three ACE trains laying over at Natomas Station during the day, and one train laying over at Natomas Station at night. DEIR, 2-21 to 2-22.

Third, the Valley Rail system is an existing rail operation, with existing maintenance facility and capacity. Under Phase I service, the Draft EIR does not contemplate any additional maintenance facility, and there is no evidence that a new maintenance facility would be required at some future date.

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Fourth, there is no evidence that “Phase II” improvements will ever be needed. The Draft EIR merely asserts that “Phase II improvements would support future projected passenger train maintenance and layover needs for both ACE and San Joaquins services.” DEIR, 2-1. But the EIR does not explain elsewhere what those future layover needs are. The M&L Facility is described as being able to “accommodate seven trains per day” (*id.*

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at 2-33), but the Draft EIR does not explain why an additional two layover slots are needed (i.e., beyond the Phase I capacity of five trains laying over at Natomas Station).⁹

In short, deletion of the M&L Facility from the Project makes sense, and doing so would clearly reduce the Project's environmental impacts.

Comment 10: The Draft EIR Should Be Revised and Recirculated to Account for How COVID-19 Affects Projected Ridership and, Specifically, How Much it Reduces the Economic, Social and Environmental Benefits of Extending to Natomas Station and Constructing a New M&L Facility.

Remarkably, the SJRRC chose to move forward with issuing the Draft EIR on March 31, 2020, despite the public health emergency caused by the COVID-19 pandemic,¹⁰ and despite the emerging evidence of how the pandemic has vastly reduced passenger rail ridership and demand for public transit more generally. Much of this evidence was already available on March 31,¹¹ and it continues to pile up day after day through the present.

The basic rationale and objectives for this Project—to increase frequency of service; increase passenger rail ridership; augment existing transit capacity and provide transit connections; provide an alternative to automobile traffic congestion; improve regional air quality (DEIR, ES-1)—are called into question by the COVID-19 pandemic and the so-called “new normal.” Furthermore, the EIR’s transportation analysis is based on “Ridership Forecasts” for the new stations through 2025, but these forecasts fail to consider the drastic reduction in ridership caused by the pandemic, the potential that reduced demand will be a permanent feature of the “new normal.” These forecasts must be updated.

As conceded in the Draft EIR, both the Phase I and Phase II portions of the Project will result in significant and unavoidable impacts and/or cumulatively considerable and

⁹ The Transportation section includes “Ridership Forecasts” for the new stations to 2025, including the Natomas Station (DEIR, 3.16-12, Table 3.16-1), but does not tie this forecast to the need for expanded layover capacity in Phase II.

¹⁰ Governor Newsom declared a state of emergency for California on March 4, 2020, and he issued a statewide stay-at-home order on March 19, 2020. President Trump declared a nationwide state of emergency on March 13, 2020. The emergency declarations and stay-at-home orders are ongoing.

¹¹ See, e.g., *LA Times*, 3/20/20, “Metro expects ‘massive’ budget hit from coronavirus as ridership plummets” (nothing that trips on MTA’s rail lines were down about two-thirds, and MTA announced immediate service cuts; NYC subway ridership was down by 70%; and trips on the SF Bay Area’s commuter rail, BART, were down nearly 90%), available at <https://www.latimes.com/california/story/2020-03-20/coronavirus-covid-19-los-angeles-metro-public-transit-ridership-buses-trains>.

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unavoidable impacts in several categories, including agriculture (DEIR, ES-17 to ES-18; ES-38 to 39) and noise (*id.* at ES-32; ES-53). Because the Project causes these significant and unavoidable impacts, the SJRRC cannot certify the EIR and approve the Project unless it finds that economic, social or environmental benefits outweigh the unavoidable adverse environmental effects. CEQA Guidelines Section 15093. The SJRRC cannot properly make such a finding without considering how the COVID-19 pandemic reduces the economic, social and environmental benefits expected from the Project.

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Comment 11: In Analyzing Alternatives for the M&L Facility and, Ultimately, in Making Any Project Approval, the SJRRC Should Consider Socioeconomic Effects on Wilbur-Ellis, the Hub Facility and Growers Who Depend on the Hub, Together with Reasonably Foreseeable Physical Changes to the Environment Arising from these Effects.

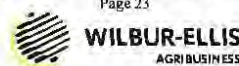
In considering all alternatives and any approval of the Project, the SJRRC should take into account the socioeconomic effects and related physical impacts (e.g., on agricultural resources) of the Project on Wilbur-Ellis, the Hub facility on Elkhorn Boulevard, and farmers in the Northern California region who depend on agricultural products and services supplied through the Hub. *See* CEQA Guidelines Section 15126.6 (economic viability of alternative sites should be considered in determining feasibility of alternatives, including whether project proponent can reasonably acquire the site and costs of acquisition) and Section 15131 (EIR should consider physical changes caused by anticipated socioeconomic effects of project).

The economic importance, value and potential acquisition cost of the Hub facility property is high, the consequences of disruption or closure would be severe, and these consequences would foreseeably cause physical changes to the environment—especially agricultural resources.

53-33

During any time while the Hub is disrupted or closed, the economic and physical impacts on W-E's retail supply locations would be substantial. As discussed above, W-E retail locations in Northern California have limited storage capacity and, given the nature of agriculture, farmers need just-in-time supplies. To meet agricultural supply needs without an operational Hub facility for just-in-time distribution, W-E would have to enlarge the footprint of its retail facilities when possible, resulting in physical changes and environmental impacts across many resource categories. Expanding retail footprints to accommodate farmers' needs will not be possible at many W-E retail locations, thus resulting in shortages of supplies for farmers, and adverse impacts to agricultural resources.

Furthermore, even if an alternative Hub location was available to efficiently supply W-E's retail facilities and meet agricultural needs in Northern California, the cost to relocate Hub facility would likely exceed \$25 million, and it would potentially take 24 months or longer. **In properly evaluating alternatives for the M&L Facility, the SJRRC must**



consider this >\$25 million acquisition cost, and it must compare this cost to the costs associated with alternative locations, and compare to the cost of deleting the M&L Facility (i.e., cost savings) from the Project. CEQA Guidelines Section 15126.6

And, even at that high cost and extended time, relocation may not be possible. For W-E's hub-and-branch distribution system to work properly, the hub must be adjacent to freight rail to ensure reliable, efficient and safe transport of chemicals, bulk and raw materials. The hub must also be centrally located relative to W-E's retail branch locations, and the hub property must be large enough to meet the production and storage needs of all the retail locations served. W-E is not aware of any suitable alternative location for the Hub to serve the Northern California retail branches.

In considering the Project and alternatives, and in ultimately making any Project approval, the SJRRC should take into account socioeconomic effects on growers and the agriculture industry in Northern California which the Hub serves, together with the reasonably foreseeable physical changes and adverse environmental impacts (on agricultural and other resources) arising from these socioeconomic effects.

Comment 12: In Light of the Draft EIR's Estimate of Just \$15 Million in Business Relocation Costs for Phase II, the SJRRC Must Consider Lower-Cost Alternatives for the M&L Facility.

Appendix F to the Draft EIR presents capital cost estimates for Phase I and Phase II. The cost estimates for the M&L Facility include right-of-way acquisition costs. Appendix F, p. 70. The amount estimated for "BUSINESS RELOCATIONS (Value of business, relocation, goodwill, legal, appraisal, etc.)" is just \$15 million.¹² As discussed in Comment 11, the cost to relocate the Hub facility would likely exceed \$25 million.

Under Section 15126.6 of the CEQA Guidelines, the EIR must consider economic viability of alternative sites in determining feasibility of alternatives, including whether the SJRRC can reasonably acquire the site. Commenters on the NOP suggested many alternative locations for the M&L Facility (see Comment 7 above), which the Draft EIR failed to analyze. These and other alternative locations should be considered for their economic feasibility and, specifically, in order to avoid the business relocation costs associated with the Hub property, for which the Draft EIR has insufficiently budgeted.

¹² It is unclear from the capital cost report whether the SJRRC budgeted anything for relocation of businesses other than the W-E Hub facility. If \$15 million is SJRRC's projected total relocation cost for all businesses affected by the Project, then the underestimate is even more severe, and the need to consider lower-cost alternative locations that much more acute.

53-33
Cont

53-34

B. The Draft EIR Should Be Revised and Recirculated.

53-35

The Draft EIR should be revised and recirculated to address all the issues and omissions discussed above, and to allow an opportunity for public review and comment on the revisions.

* * * *

We appreciate the opportunity to comment on the Draft EIR for this Project. If you have any questions or seek additional information, please let us know. Thanks.

Sincerely,



Eric Jenks
National Director, Manufacturing, Facilities and Real Estate
Wilbur-Ellis Company
ejenks@wilburellis.com

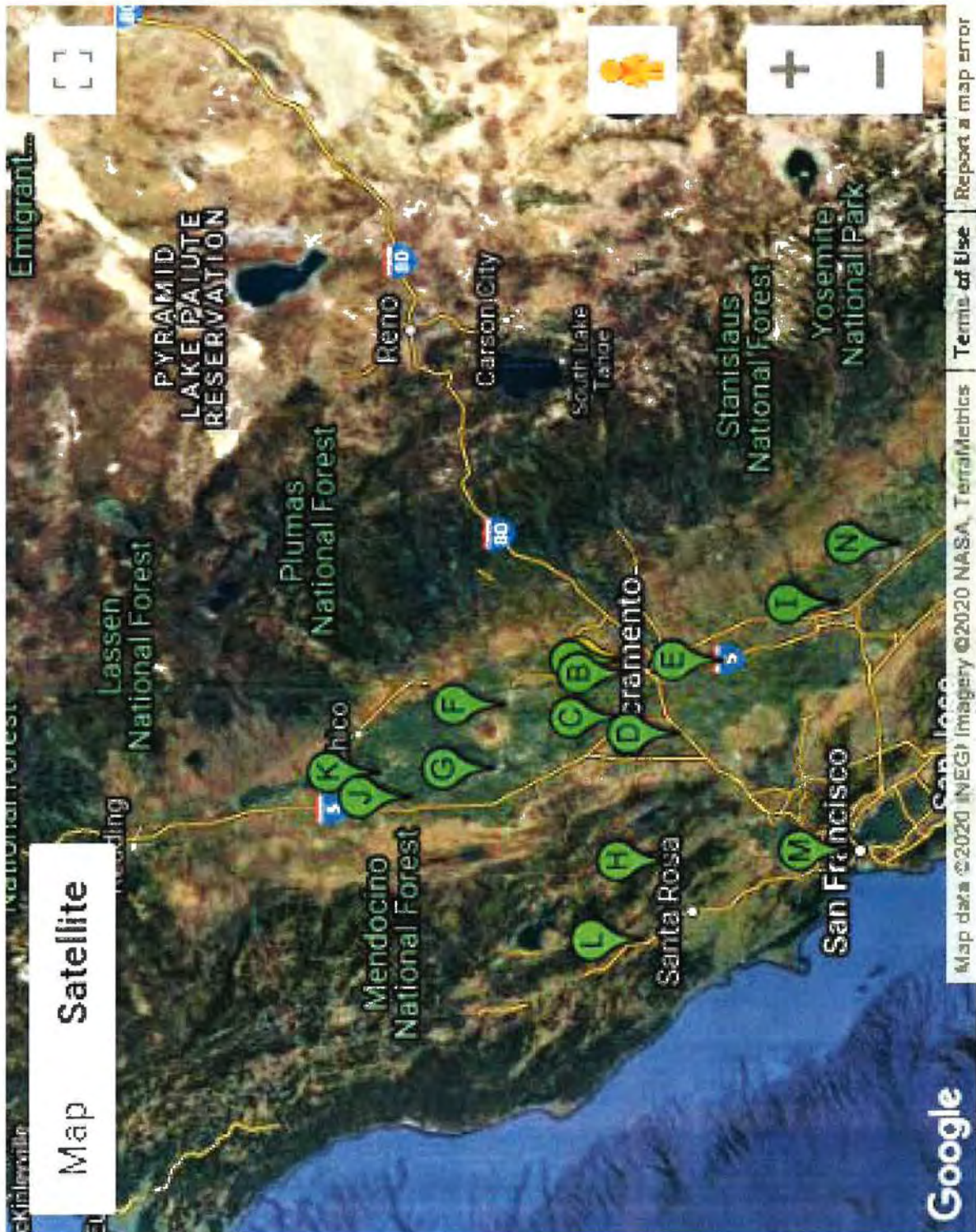
Enclosures (Exhibits A through D)

cc: Blaine I. Green, Pillsbury Winthrop Shaw Pittman LLP



OFFICE: 1000 Valley Blvd., #1500WZ, Turlock, CA 95251 | TEL: 209.677.0021 | www.wilburellis.com

Exhibit A
















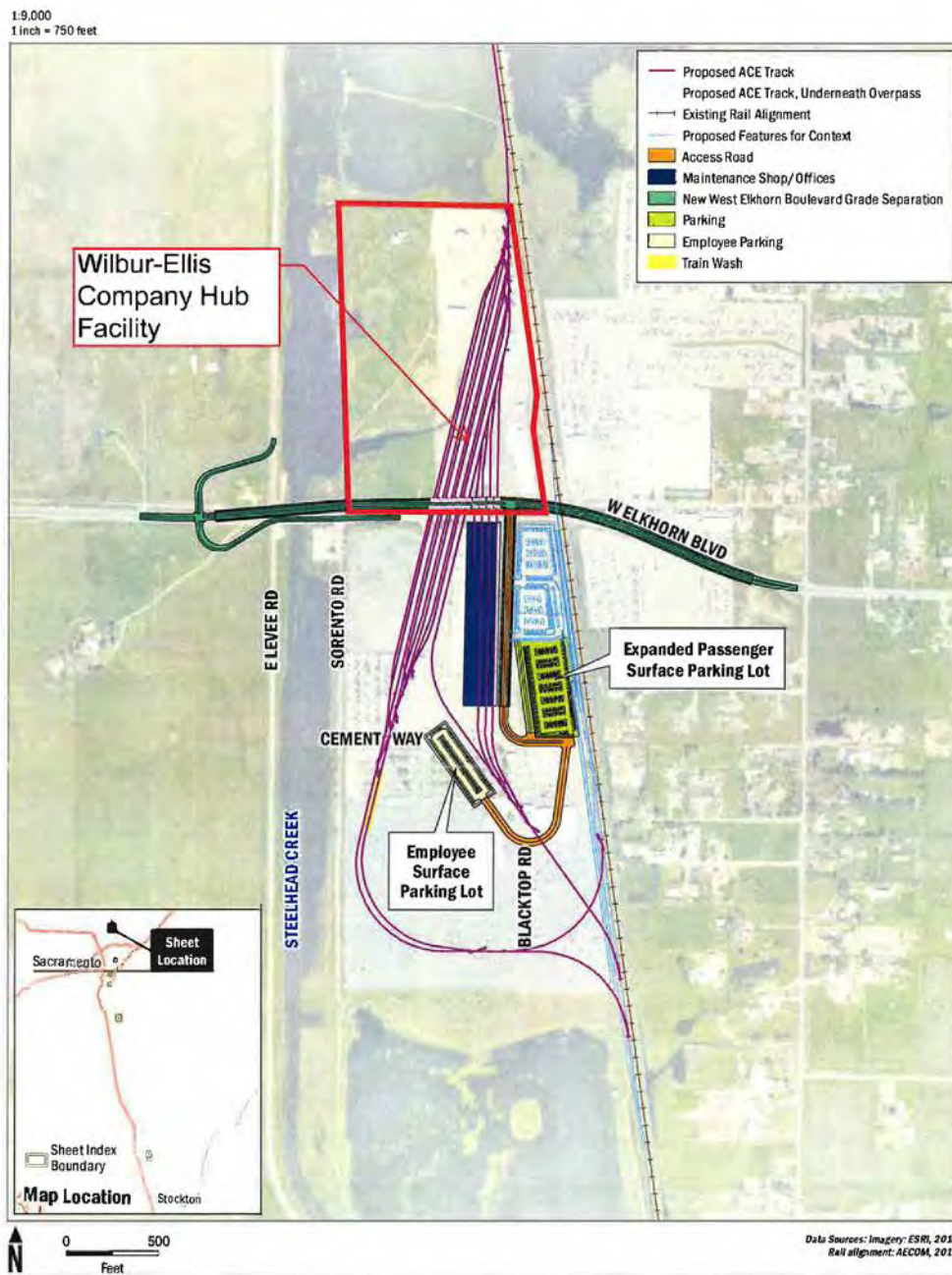
<p>1.26 mile(s)  Rio Linda 841 West Elkhorn Boulevard Rio Linda, CA 95673</p>	<p>45.58 mile(s)  Colusa 7254 Farinon Rd Colusa, CA 95932</p>
<p>5.03 mile(s)  Sacramento 2400 Del Paso Road Suite 150 Sacramento, CA 95834</p>	<p>56.72 mile(s)  St. Helena 975 Vintage Avenue St. Helena, CA 94574-0404</p>
<p>16.41 mile(s)  Woodland 1785 East Beamer Woodland, CA 95776</p>	<p>60.44 mile(s)  Manteca 13771 Prescott Road Manteca, CA 95336</p>
<p>26.04 mile(s)  Dixon 1850 North First Street Dixon, CA 95620</p>	<p>67.24 mile(s)  Willows 6504 County Rd 57 PO Box 1303 Willows, CA 95988</p>
<p>27.68 mile(s)  Twin Cities 4707 Twin Cities Road Elk Grove, CA 95757</p>	<p>71.68 mile(s)  Ordn Bend 8168 County Road 33 Glenn, CA 95943</p>
<p>33.64 mile(s)  Yuba City 900 North George Washington Boulevard Yuba City, CA 95993</p>	<p>76.82 mile(s)  Healdsburg 160 Grant Avenue Healdsburg, CA 95448</p>
	<p>81.25 mile(s)  Corporate Headquarters 345 California Street, 27th Floor • PO Box 7454 San Francisco, CA 94104</p>
	<p>81.71 mile(s)  Hughson Chemical 6800 East Whitmore Avenue • PO Box 10 Hughson, CA 95326</p>

Exhibit B



AECOM
 San Joaquin Regional Rail Commission

FIGURE 2-10
 Natomas Maintenance and Layover Facility

Exhibit C

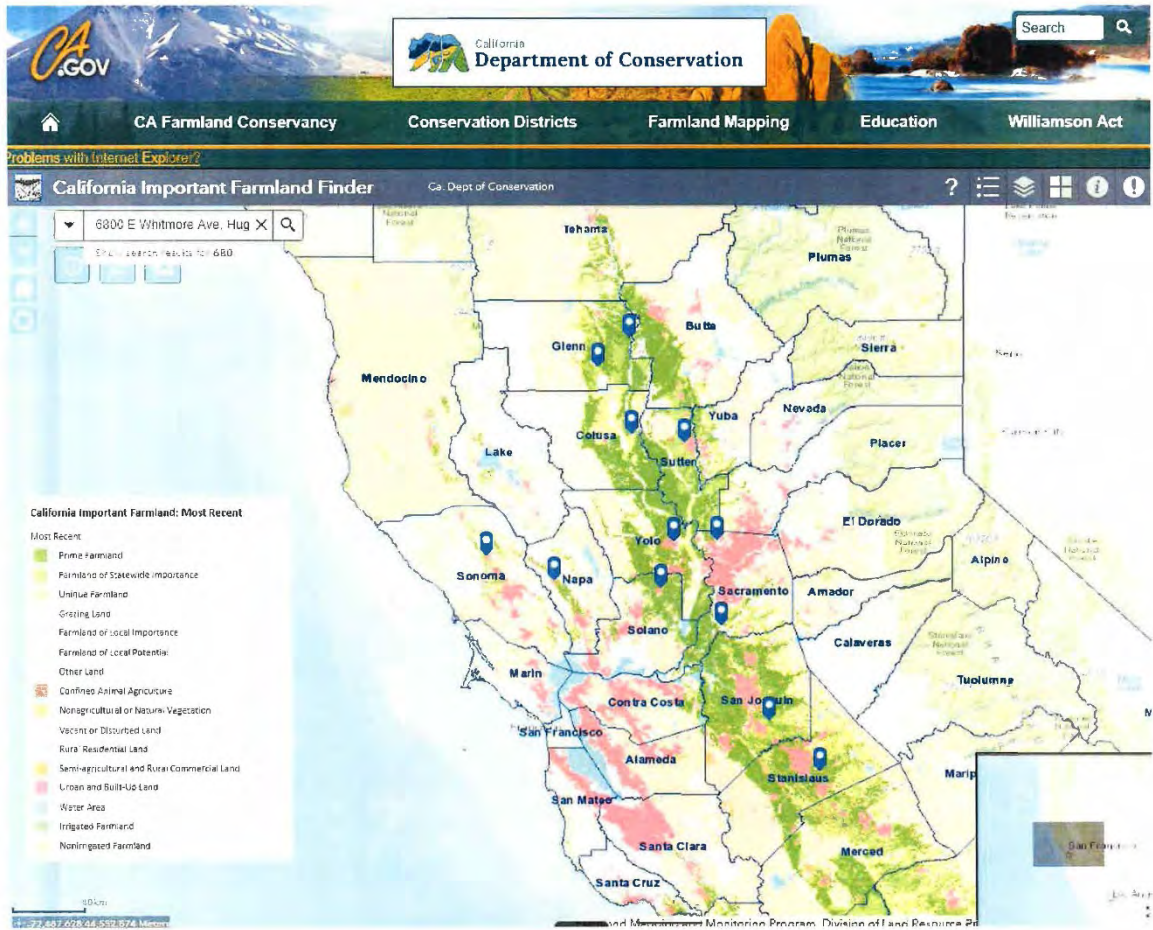
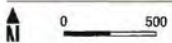
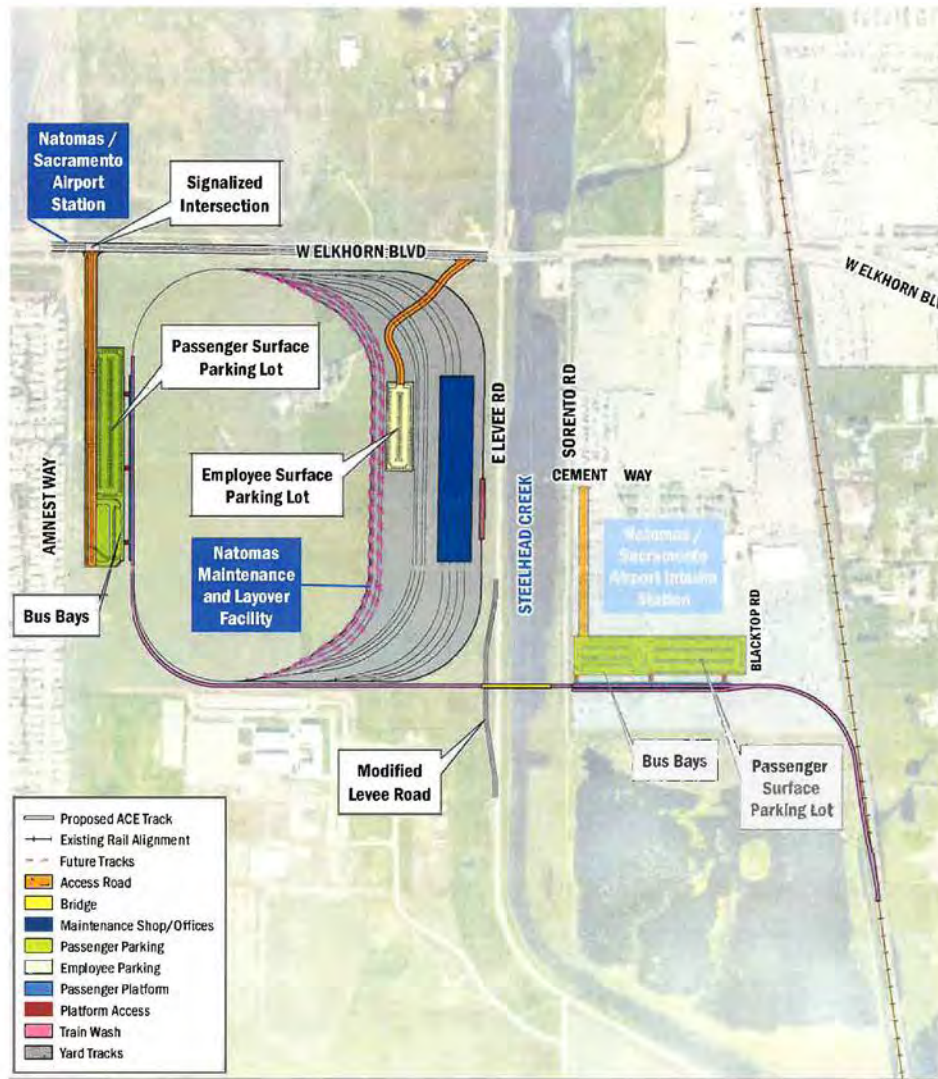


Exhibit D



Natomas/Sacramento Airport Station and Maintenance & Layover Facility West Alternative



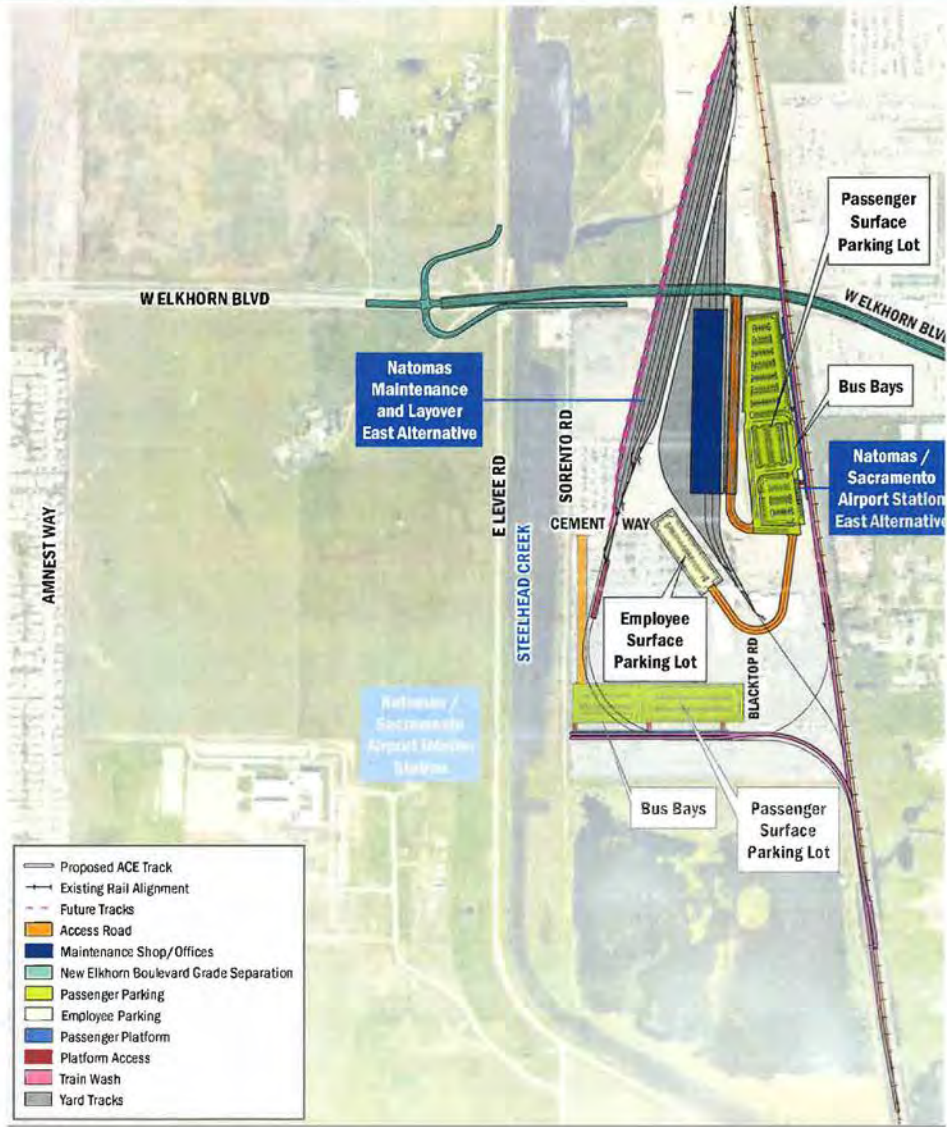
Data Sources: Imagery: ESRI, 2
 Rail alignment: AECOM, 2

Preliminary design, subject to change.





Natomas/Sacramento Airport Station and Maintenance & Layover Facility East Alternative



Data Sources: Imagery: ESRI, 21
 Rail alignment: AECOM, 21

Preliminary design, subject to change.



I.3.23.1 Response to Comment Letter 53

Response to Comment 53-1

The commenter expresses the opinion in Comment 53-1 that the proposed Natomas/Sacramento Airport Station would cause major impacts on the operation of Wilbur-Ellis facilities located on West Elkhorn Boulevard. The commenter has presented this opinion without providing substantial evidence in support of their assertion. Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (CEQA Guidelines Section 15064[b]). Argument, speculation, or unsubstantiated opinion or narrative does not constitute substantial evidence (CEQA Guidelines Section 15064[a]). Trying to forecast the proposed project's physical impacts on the environment based upon opinion without substantial evidence supporting the assertion would require a level of speculation that is not appropriate for an EIR.

Subsequent to the circulation of the Draft EIR, SJRRC and SJJPA received additional information and significant expressions of concern regarding siting of the proposed Natomas Maintenance and Layover Facility – a potential Phase II component of the proposed project. The site identified in the Draft EIR for the Natomas Maintenance and Layover Facility would require purchase or condemnation of two operating business ventures, as well as property owned by a joint landlord. Such purchase or condemnation could be prohibitively expensive for SJRRC and SJJPA and could also result in the loss of significant jobs to the region. For those reasons, SJRRC and SJJPA has deemed it infeasible to site the Natomas Maintenance and Layover Facility as shown in the Draft EIR. As such, consideration of all potential Phase II improvements, including the Natomas Maintenance and Layover Facility, the West Elkhorn Boulevard Overpass, and expansion of the Natomas/Sacramento Airport Station parking lot are no longer under consideration. All references to Phase II have been deleted from this Final EIR. If Phase II proceeds at a future date, SJRRC and SJJPA would site the Natomas Maintenance and Layover Facility at a more desirable location, subject to additional CEQA documentation and public review.

Because Phase II improvements are no longer under consideration as part of the proposed project, the concerns raised by this comment are no longer applicable and a response is not necessary.

Response to Comment 53-2

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

In addition, please see response to Comment 53-1 regarding impacts associated with Phase II.

Response to Comment 53-3

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in

this Final EIR for decision maker review and consideration prior to action on the proposed project.

In addition, please see response to Comment 53-1 regarding impacts associated with Phase II.

Response to Comment 53-4

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

In addition, please see response to Comment 53-1 regarding impacts associated with Phase II.

Response to Comment 53-5

Appendix G of the CEQA Guidelines focuses the analysis on conversion of agricultural land, including on Prime Farmland, Farmland of Statewide Importance, or Unique Farmland, to nonagricultural use; therefore, any conversion of these lands would be considered a significant impact under CEQA (see EIR Section 3.2, *Agriculture and Forestry*). Section 3.2 provides an analysis of potential conversion of agricultural resources to non-agricultural uses based on CEQA Guidelines Appendix G and identifies detailed mitigation measures to reduce impacts on agricultural resources, including impacts on Important Farmland, to a less-than-significant level.

The commenter expresses the opinion that because of the volume of agricultural supplies provided to northern California farmers, the disruption of agricultural supplies to these farmers would cause adverse effects to agricultural resources and result in the conversion of agricultural land to non-agricultural uses. The commenter has presented this opinion without providing substantial evidence in support of their assertion. Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (CEQA Guidelines Section 15064[b]). Argument, speculation, or unsubstantiated opinion or narrative does not constitute substantial evidence (CEQA Guidelines Section 15064[a]). Trying to forecast the proposed project's physical impacts on the environment based upon opinion without substantial evidence supporting the assertion would require a level of speculation that is not appropriate for an EIR. It is speculative to consider if impacts would occur from disruption of agricultural supplies and if those impacts would lead to the conversion of agricultural land to non-agricultural uses.

EIR Sections, 3.1, *Aesthetics*, and 3.4, *Biological Resources*, have been revised to characterize the Wilbur–Ellis Hub facility as an agricultural production, storage, and distribution facility

Please see response to Comment 53-6 regarding potential construction and operational transportation impacts to the Wilbur–Ellis Hub facility and disruption of agricultural materials distribution resulting from increases in traffic on Elkhorn Boulevard.

In addition, please see response to Comment 53-1 regarding impacts associated with Phase II.

Response to Comment 53-6

Based on the level of truck activity referenced in Comment 53-9 (a maximum of 10–20 truck trips per day during spring and summer, down to 4–8 truck trips per day during fall and winter), operation of the proposed project is unlikely to result in substantial disruptions to the Wilbur–Ellis Hub facility such that these effects would constitute a significant impact under CEQA. While the project would include modifications to the West Elkhorn Boulevard grade crossing and would likely result in increased traffic levels along West Elkhorn Boulevard (as discussed in EIR Section 3.16, *Transportation*), it is not immediately clear from the comment letter how normal, day-to-day operation of the proposed project would constitute a disruption to Wilbur–Ellis Hub facility operations that would be substantial enough to force trucks to shift to other locations and result in a significant impact under CEQA.

In particular, any increases in train activity at the at-grade crossing would be minimal, as the proposed project's conceptual service plan involves only up to seven roundtrips (14 scheduled trains) a day. For facility trucks to experience any disruption, their arrival at or departure from the site would need to coincide with a railroad preemption, but even in this situation, the associated delay would likely be on the order of no more than 2–3 minutes. Given all of these factors in combination with the referenced volume of truck activity at the Wilbur–Ellis Hub facility, it is unlikely that the modest addition of passenger train activity at the grade crossing could disrupt facility operations such that it would result in a significant impact under CEQA.

In addition, any increases in vehicle traffic along West Elkhorn Boulevard would be spread over the course of the day, and it is likely that at least some of the vehicles traveling to and from the proposed Natomas/Sacramento Airport Station would already have been present on West Elkhorn Boulevard for access to/from I-5 and SR 99, as discussed in the response to Comments 33-1, 33-2, 33-5 and 33-6. In particular, the total forecasted average weekday ridership at the proposed station would be approximately 990 passengers (445 boardings and 445 alightings) under 2025 Build conditions. When spread across five ACE roundtrips and two San Joaquins roundtrips over an entire day, the average ridership per train would be approximately 80 passengers for ACE and 45 passengers for the San Joaquins. As the proposed surface parking lot at the station would only accommodate approximately 250 spaces (as described in EIR Section Chapter 2, *Project Description*), the actual volume of vehicle traffic per scheduled train would likely be on the order of no more than 25–50 vehicles, on average. Given this relatively modest increase in vehicle traffic and the cited volume of daily truck activity at the Wilbur–Ellis Hub facility, it is unlikely that this would constitute a substantial disruption to Wilbur–Ellis operations such that it would result in a significant impact under CEQA.

While the comment also raises concerns about temporary impacts associated with construction, the EIR already acknowledges these impacts, and identifies both Mitigation Measure TRA-1.1 (Transportation Management Plan for project construction) and Mitigation Measure TRA-1.2 (Freight rail disruption control plan for project construction) to address potential construction-related effects of the project. In particular, Mitigation Measure TRA-1.1 specifically includes provisions to limit street closures and detours, minimize traffic conflicts, and provide advance notice for construction-related closures. Similarly, Mitigation Measure TRA-1.2 includes provisions for limiting track closures, minimizing disruptions to rail service, coordinating with UPRR and freight users, and providing advance notice for construction-related track closures. While SJRRC and SJJPA recognize that there may be some temporary disruptions to

accommodate construction activities, the proposed mitigation measures are not particularly unusual or aggressive, and it can be reasonably assumed that implementation would fully mitigate the associated impacts to less-than-significant levels, especially given the overall scope of construction activities.

As discussed in the responses to Comments 33-1, 33-2, 33-5 and 33-6, SJRRC and SJJPA would work with Sacramento County and the CPUC on the final design of station access improvements and proposed modifications to the at-grade crossing with West Elkhorn Boulevard. This coordination would ensure that these project elements are designed to applicable standards for safety and operations.

In addition, please see response to Comment 53-1 regarding impacts associated with Phase II.

Response to Comment 53-7

Please see responses to Comments 53-1 regarding impacts associated with Phase II and 53-5 regarding impacts to agricultural resources.

Response to Comment 53-8

Please see responses to Comments 53-1 regarding impacts associated with Phase II and 53-5 regarding impacts to agricultural resources.

Response to Comment 53-9

Please see responses to Comments 53-1 regarding impacts associated with Phase II and 53-6 regarding impacts to transportation.

Response to Comment 53-10

Please see responses to Comments 53-1 regarding impacts associated with Phase II and 53-6 regarding impacts to transportation.

EIR Sections 3.3, *Air Quality*, and 3.8, *Greenhouse Gas Emissions*, both include a comprehensive analysis of potential impacts associated with operation of the proposed project. As discussed, implementation of the proposed project would result in a reduction in vehicle miles traveled and a corresponding reduction in air pollution and greenhouse gas emissions.

Response to Comment 53-11

Please see response to Comment 53-1 regarding impacts associated with Phase II.

As described in EIR Section 3.4, *Biological Resources*, all mitigation measures would comply with applicable regulatory requirements to ensure impacts to special-status species are minimized. Please also see responses to Comment Letter 2 from the California Department of Fish and Wildlife for additional information on edits to project mitigation measures.

Response to Comment 53-12

Please see response to Comment 53-1 regarding impacts associated with Phase II.

With regards to the proposed Natomas/Sacramento Airport Station, as noted by the commenter, EIR Section 3.9, *Hazards and Hazardous Materials*, includes detailed mitigation measures to reduce impacts from existing soil contamination (including voluntary oversight agreement, site investigations, and a construction risk management plan) (i.e., HAZ-2.1, HAZ-2.2, HAZ-2.2, and AQ 2.3). For the reasons explained in detail in Section 3.9, implementation of these mitigation measures would reduce project-related impacts from construction in areas of contaminated soil or groundwater, accidental releases of hazardous materials, and potential inference with ongoing remedial activities, to a less-than-significant level. No revisions to the Draft EIR are necessary pursuant to this comment.

Response to Comment 53-13

Please see response to Comment 53-1 regarding impacts associated with Phase II.

Response to Comment 53-14

Please see response to Comment 53-1 regarding impacts associated with Phase II.

Response to Comment 53-15

Please see response to Comment 53-1 regarding impacts associated with Phase II.

Response to Comment 53-16

Please see response to Comment 53-1 regarding impacts associated with Phase II.

Response to Comment 53-17

Please see response to Comment 53-1 regarding impacts associated with Phase II.

Response to Comment 53-18

Please see response to Comment 53-1 regarding impacts associated with Phase II.

Response to Comment 53-19

Please see response to Comment 53-1 regarding impacts associated with Phase II.

Response to Comment 53-20

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

In addition, please see response to Comment 53-1 regarding impacts associated with Phase II.

Response to Comment 53-21

The proposed project is intended to help fulfill important interregional and statewide travel needs by connecting key transportation hubs, including Merced Station (a future HSR connection) and Sacramento International Airport, as described in EIR Section 1.4, *Project Goals*. In particular, a

balanced service plan that includes both peak-period and off-peak (e.g., midday) service better serves intercity travelers originating in Natomas (one of the fastest growing communities in the Sacramento region), as well as travelers using the service to access Sacramento International Airport. Ending the proposed south of Natomas would not fulfill this goal of the project.

Please also see response to Comment 53-1 regarding impacts associated with Phase II.

Response to Comment 53-22

Please see response to Comment 53-1 regarding impacts associated with Phase II.

Response to Comment 53-23

Please see response to Comment 53-1 regarding impacts associated with Phase II and response to Comment 53-21 regarding the northern terminus.

Response to Comment 53-24

Please see response to Comment 53-1 regarding impacts associated with Phase II and response to Comment 53-21 regarding the northern terminus.

Response to Comment 53-25

Please see response to Comment 53-1 regarding impacts associated with Phase II.

Response to Comment 53-26

Please see response to Comment 53-1 regarding impacts associated with Phase II.

Response to Comment 53-27

Please see response to Comment 53-1 regarding impacts associated with Phase II.

Response to Comment 53-28

Please see response to Comment 53-1 regarding impacts associated with Phase II.

Response to Comment 53-29

Please see response to Comment 53-1 regarding impacts associated with Phase II.

Response to Comment 53-30

Please see response to Comment 53-1 regarding impacts associated with Phase II.

Response to Comment 53-31

Please see response to Comment 53-1 regarding impacts associated with Phase II.

Response to Comment 53-32

For information regarding how SJRRC and SJJPA are adjusting their schedule due to the coronavirus, please visit: <https://acerail.com/important-coronavirus-update-ace-service-adjustments/>.

The Valley Rail Sacramento Extension Project Draft EIR was prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines (California Code of Regulations, Title 14, Section 15000 and following). Per Section 15125, the baseline setting against which potential impacts were determined significant was the date of publication of the project Notice of Preparation—September 13, 2019. While SJRRC and SJJPA acknowledge the coronavirus has affected existing ridership on ACE and San Joaquins trains, it would be speculative at this time to make projections on future ridership and the viability of the proposed project. Per Sections 15091 and 15093, Findings and a Statement of Overriding Considerations will be adopted by the lead agency for the project.

Response to Comment 53-33

Please see response to Comment 53-1 regarding impacts associated with Phase II.

Response to Comment 53-34

Please see response to Comment 53-1 regarding impacts associated with Phase II.

Response to Comment 53-35

Thank you for your comment. While this final comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

I.3.24 Letter 54. Mark Williams

Gmail - Valley Rail Sacramento Extension DEIR

Page 1 of 2

Letter 54



San Joaquin Regional Rail Commission <ace.sacramentoextension@gmail.com>

Valley Rail Sacramento Extension DEIR

1 message

mark williams <talkermark@gmail.com>
To: ace.sacramentoextension@gmail.com

Tue, Apr 7, 2020 at 2:48 PM

YES! And RT light rail out to SMF too for crying out loud. My only concern about the commuter rail is that the tracks will be shared and the passenger train schedules will be at the mercy of the freight trains. That's a nightmare in terms of constructing a reliable daily timetable and with enough frequency off trains to make the route a viable option to the broadest base. Presumably, that is being taken into consideration throughout this process.

Schemes like Valley Rail and RT Light are a vital part of the solution to reverse the now couple decade or so old and very troubling and growing trend toward SoCal sprawl. In a previous Sacramento, such an Orange County Ugly place and one that is historically what amounts to a vernal sea but you people call a "basin" or "floodplain" as Natomas would not exist in the first place. But, it's here, we own a house here - near the proposed station/yards so we'll forget about tossing around those rocks in this glasshouse and just lend our support while looking at this as welcome mitigation of damage already done.

Speed not necessary. We grew up with the then rickety old MBTA. The only thing that mattered was that it got you from where you were to where you wanted to be, cheaply, and with kind of a 'shake the Magic 8 Ball' mystery about what challenge or 'entertainment' it would present on any given day. But it worked, still does. Although dating to 1897 they came along long after we, Sacramento, nailed rail transportation to the Wall of History and then blew our near half-century lead on Freeways. We have decades, generations of neglect and foolish or expedient decisions to deal with.

Thank you for this opportunity to be heard. While we hope that the comment period is able to uncover challenges to be addressed we also hope that it is built.

Mark & Holly Williams
1560 Alicia Way
Regency Park

Mark Williams
Sacramento, California
On [Facebook](#)
On Twitter: <https://twitter.com/TalkerMark>
Text 916.715.4093

"When your opponent's sittin' there holdin' all the aces, there's only one thing left to do: kick over the table." Dean Martin as Little John / Robin and the Seven Hoods

<https://mail.google.com/mail/u/1?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f...> 6/9/2020

54-1

Gmail - Valley Rail Sacramento Extension DEIR

Page 2 of 2



Virus-free. www.avg.com

<https://mail.google.com/mail/u/1?ik=28c38b9ae5&view=pt&search=all&permthid=thread-f...> 6/9/2020

I.3.24.1 Response to Comment Letter 54

Response to Comment 54-1

Thank you for your comment. While this comment is not related to the adequacy of the EIR for addressing environmental effects associated with the proposed project, it has been included in this Final EIR for decision maker review and consideration prior to action on the proposed project.

I.3.25 Letter 55. ADESA Brasher



Letter 55

July 21, 2020

San Joaquin Regional Rail Commission
Attn: Valley Rail Sacramento Extension
949 E. Channel Street
Stockton, CA 95202
ace.sacramentoextension@gmail.com

Re: Valley Rail Sacramento Extension Project (SCH #2019090306)

Dear San Joaquin Regional Rail Commission:

I am the general manager for ADESA Brasher's (ADESA), an auto auction company located at 6233 Blacktop Road in Rio Linda, California. In 2019, ADESA employed 300+ full time and 110+ temporary employees, and offered a variety of great benefits to eligible employees. These jobs ranged from skilled tradespersons—vehicle mechanics, painters, etc.—to white collar title and dealer services, to temporary drivers needed for auction days. Current operations have been adjusted in response to COVID-19.

In 2019, ADESA became aware that the Valley Rail Sacramento Extension Project ("Valley Rail project") might include a new rail station immediately adjacent to the ADESA site. In addition to the station facilities adjacent to ADESA, the new station would take approximately 3 acres from the ADESA site. Of particular concern, however, was a component of the Phase II project—a Maintenance and Layover Facility that would be sited directly on the existing ADESA property. The Maintenance and Layover Facility would destroy ADESA's business and result in the loss of hundreds of valued jobs—not just at ADESA, but throughout the Sacramento region.

Over the past several months, ADESA and the Rail Commission staff have communicated about these concerns. ADESA greatly appreciates the communication and outreach from Kevin Sheridan and the rest of the Rail Commission staff and consultants. ADESA was pleased to recently learn that the Maintenance and Layover Facility (and associated parking lot extension) originally sited on the ADESA Brasher's site has been removed from the Valley Rail project.

ADESA writes to offer its support for the Phase I elements of the Valley Rail project as described in the Draft EIR, and with appreciation of the cooperation from the Regional Rail Commission and its staff regarding removal of the Maintenance and Layover Facility (and associated parking lot extension) from the Valley Rail project. Phase I will impact ADESA's

55-1

ADESA Brasher's | 6233 Blacktop Road | Rio Linda, CA 95673

business, and ADESA has concerns about safety, access, and drainage associated with the Phase I components, but ADESA believes these concerns can be addressed through continued cooperation with the Rail Commission staff and contractors.

55-1
Cont

ADESA recognizes the regional and statewide benefits from the Valley Rail project, and looks forward to cooperation on construction and operation of the Natomas/Sacramento Airport Station.

Sincerely,



Brenda Aden
General Manager, ADESA Brasher's
702.449.5313 | Brenda.Aden@adesa.com

cc: Kevin Sheridan (via email only: ksheridan@sicoq.org)
Rod Attebery (via email only: rattebery@neumiller.com)

I.3.25.1 Response to Comment Letter 55

Response to Comment 55-1

Thank you for your participation, cooperation, and comments on the Valley Rail Sacramento Extension Project. Subsequent to the circulation of the Draft EIR, SJRRC and SJJPA received additional information and significant expressions of concern regarding siting of the proposed Natomas Maintenance and Layover Facility – a potential Phase II component of the proposed project. The site identified in the Draft EIR for the Natomas Maintenance and Layover Facility would require purchase or condemnation of two operating business ventures, as well as property owned by a joint landlord. Such purchase or condemnation could be prohibitively expensive for SJRRC and SJJPA and could also result in the loss of significant jobs to the region. For those reasons, SJRRC and SJJPA has deemed it infeasible to site the Natomas Maintenance and Layover Facility as shown in the Draft EIR. As such, consideration of all potential Phase II improvements, including the Natomas Maintenance and Layover Facility, the West Elkhorn Boulevard Overpass, and expansion of the Natomas/Sacramento Airport Station parking lot are no longer under consideration. All references to Phase II have been deleted from this Final EIR. If Phase II proceeds at a future date, SJRRC and SJJPA would site the Natomas Maintenance and Layover Facility at a more desirable location, subject to additional CEQA documentation and public review.

Thank you for your continued support for the proposed project. SJRRC and SJJPA looks forward to working closely with ADESA Brasher's during final design and implementation of the proposed project.

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I.4 References

- AECOM. 2018a. SJJPA / SJRRC TIRCP Ridership Methodology – San Joaquins Service.
- . 2018b. SJRRC/SJJPA TIRCP Ridership Methodology – ACE.
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