



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Stone Lakes National Wildlife Refuge
1624 Hood Franklin Road
Elk Grove, California 95758
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Letter No. 1

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ELK GROVE
PLANNING DEPARTMENT

December 14, 2000

Mr. Patrick Angell
City of Elk Grove
8949 Elk Grove Boulevard
P.O. Box 1776
Elk Grove, California 95759-1776

Subject: Comments on Lent Ranch MarketPlace Draft Environmental Impact Report

Dear Mr. Angell:

The U. S. Fish and Wildlife Service (Service) and the Stone Lakes National Wildlife Refuge (NWR) have serious concerns about the accelerated loss of agricultural lands in southern Sacramento County and the growth inducing effects of what we consider to be "leap-frog developments" such as the Lent Ranch project. Loss of the remaining open space in this part of the county to projects such as Lent Ranch and the associated impacts on traffic, noise, and air and water quality all adversely effect the migratory bird populations that utilize this area and in particular, the nearby Cosumnes River Preserve and Stone Lakes NWR.

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The Stone Lakes NWR was established in 1994 with a goal of protecting 18,000 acres of critically-important natural habitats and agricultural lands for the benefit migratory birds and several federal and state special status species. The refuge project area straddles Interstate 5 and extends approximately from Freeport to Lost Slough near Twin Cities Road. To date, Stone Lakes NWR has established a land base of more than 4,000 acres through acquisition of fee title and easement interest and cooperative management agreements with a number of local and state agencies.

The Lent Ranch project would be less than a half mile from the Cosumnes River flood plain and within the watershed of the Stone Lakes NWR. In particular, the Service is greatly concerned about how loss of agricultural lands on the project site and on neighboring properties may reduce populations of dwindling federal and state special status species such as the tri-colored blackbird which historically nested adjacent to the project site, greater sandhill crane, white-face ibis, long-billed curlew, Swainson's hawk, and burrowing owl. Furthermore, accelerating loss and conversion of farmland and open space within the Morrison Creek / Cosumnes River watershed to urban development or vineyards has directly reduced or eliminated wintering habitat for populations of migratory ducks, geese, shorebirds, and wading birds.

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I am also concerned how conversion of such a large piece of land to a highly intensive commercial use will impair the ability of adjacent landowners to continue their traditional way of life. Even though large residential projects are proposed to the north and west of the project site, leaping ahead with a project of this commercial magnitude will “lock in” and “seal the fate” of adjacent farmers who may instead wish to pursue less intensive types of development. I believe it is inappropriate for the City of Elk Grove to consider a development of this magnitude and nature directly on the edge of Sacramento County’s Urban Service Boundary, particularly since the city adopted the County General Plan in July 2000. Establishment of the County’s Urban Service Boundary came after an arduous, multi-year, county-wide planning effort and for the city to propose a project such as this at this location suggests that city planning actions are being pursued independently of and in isolation from previous regional planning efforts.

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I strongly question the conclusion of the DEIR which labels Alternative #5, the Offsite Alternative, as being environmentally inferior to the other “with project” alternatives. Particularly since the DEIR itself characterized the Off-site Alternative as being “more consistent with General Plan policy” since it would result in a more “compact urban form” and be “located closer to existing transit routes than the proposed project”(Alternative 4). Furthermore, we believe that when considering all the “with project” alternatives, Alternative 1b not Alternative 4, is clearly the environmentally superior alternative.

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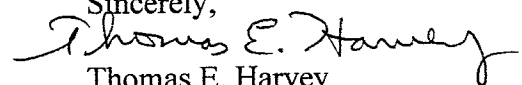
For the DEIR to dismiss as unfeasible any mitigation for the loss of 285 acres of Farmland of Statewide Importance is completely untrue, unacceptable, and inadequate. As you may know, Sacramento County required mitigation for the similar conversion of approximately 3,000 acres of Farmland of Statewide Importance as part of the nearby East Franklin Specific Plan. Similarly, as a minimum compensation for this proposed project, protection of a similar acreage of comparable farmland within the local region should be required by the City of Elk Grove.

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In addition, the Service and the refuge have concerns related to water quality and quantity and the potential downstream effects of drainage generated by this project. Runoff from this project will ultimately be received by South Stone Lake, which is already being affected by deteriorating water quality due to increased urban runoff. The South Stone Lake watershed supports critical migratory waterbird and endangered species populations as well as a valuable fishery. Moreover, since Lent Ranch lies within the watershed of the Cosumnes River Preserve and Stone Lakes NWR, project development will increase the volume of runoff we receive and potentially, the frequency and duration of flood events that could in turn negatively impact terrestrial wildlife.

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The Service and Stone Lakes NWR intend to continue to closely monitor this project and actively participate in ongoing regional efforts to protect our important remaining agricultural lands and open space. Thank you for the opportunity to comment on the Lent Ranch project.

Sincerely,

Thomas E. Harvey
Project Leader

1. Letter from United States Department of Interior, Thomas Harvey, dated December 14, 2000

Response 1

Please refer to Draft EIR Section 4.1, Agricultural Resources, Draft EIR Section 8.0, Growth Inducement, **Topical Response 2 - Agricultural Resources**, and **Topical Response 4 - Growth Inducing Impacts**, for discussions regarding the loss of agricultural land and leapfrog development.

Response 2

The effects resulting from the proposed development in the south County area on traffic, air, noise and water quality are discussed in detail in the Draft EIR. The Draft EIR indicated that the project-related conversion of 285 acres of agricultural land to urban use was not considered a significant biological impact given the disturbed nature of the property. With respect to biological resources, noise and automobile traffic impacts resulting from the proposed project are not expected to significantly affect special-status migratory species of wildlife in the area because the project site is already disturbed by historical agricultural-related activity and such impacts are already associated with SR-99 and the immediately adjacent project area. In addition, most of the project-related traffic (and associated impacts) would also be directed to and from the SR-99 corridor and surrounding developed area. As described on page 4.8-13, although increased traffic would adversely affect individuals of common species, such as skunks, raccoons, and rodents, it would not occur to such an extent that it would be considered significant. The Draft EIR did indicate, however, that the cumulative conversion of agricultural property in the area and the cumulative increase in development-generated light and glare would create unavoidably significant cumulative biological impacts.

Air quality emissions resulting from the project would exceed several thresholds, as described in Draft EIR Section 4.3, Air Quality, suggesting that the proposed project may have significant air quality effects on humans. Air quality may have a similar or perhaps greater affect on certain wildlife, due to the permeable skin of amphibians and the greater oxygen needs of birds. Nonetheless, these effects are not easily quantified, because they are almost impossible to assess without long-term studies. Given the transitory nature of migratory waterfowl populations in the area, and the relatively brief period of time that these populations would be exposed to air pollutants, the degradation of air quality is not expected to be such that significant impacts would occur to migratory birds.

The project site does not drain into the Cosumnes River Basin as indicated in the comment. All areas near the project site to the west of SR-99 drain into Beach-Stone Lakes, while the areas east of SR-99 drain into

the Cosumnes River Basin. As such, the project would not affect the Cosumnes Preserve, but may adversely affect water quality and stormwater runoff that ultimately drains into the Stone Lakes National Wildlife Refuge, as described on Draft EIR page 4.8-25 of the Biological Resources section. However, the project contains mitigation measures to regulate stormflow levels and the project would be subject to permit requirements and mitigation measures 4.7-1 and 4.7-3 to control erosion and pollutants, which are expected to reduce these effects to a less-than-significant level.

Response 3

The loss of open agricultural land on the project site was identified in the EIR as resulting in a significant loss of foraging habitat for Swainson's hawk and significantly contributing to the cumulative loss of open space in southern Sacramento County, particularly in association with migrating birds. Mitigation was included in the Draft EIR to mitigate impacts to Swainson's hawk habitat and would include the preservation of 293 acres of Swainson's hawk habitat, or the preparation and implementation of a Swainson's Hawk Mitigation Plan that includes preservation of habitat, or the submitting payment of a Swainson's hawk impact mitigation fee per acre.

Sandhill cranes, white-faced ibis, and long-billed curlew were not addressed specifically because they are not expected to nest on-site, but migratory bird species were addressed generally in the Draft EIR on page 4.8-37 because these species may forage or rest on the site periodically.

Although the project site provides suitable foraging habitat for tricolored blackbirds, no suitable nesting habitat is present on or adjacent to the site; therefore, project implementation is not expected to result in any significant impacts on these species.

The loss during construction of individual birds that may nest on the site, including burrowing owls that may use burrows year-round, was identified in the Draft EIR as a significant impact. Pre-construction surveys, as well as other protective measures for nesting birds and burrowing owls, were included as mitigation to prevent any loss of individuals or active nests. Such measures include flagging burrows, avoiding disturbance, and/or passive relocation.

Response 4

In Draft EIR Section 4.1, Agricultural Resources, issues associated with the future impairment of productivity and land use compatibility are addressed both on a project specific and cumulative basis. Specific issues addressed included agricultural chemical usage, trespassing and pilfering, and

agricultural odors. As presented in the Draft EIR, the implementation of the project and cumulative development would place urban land use within a primarily agricultural area, which may impair agricultural production and result in land use compatibility conflicts. While land use conflicts between the project and cumulative development and agricultural uses can be minimized by existing standards and policies, impacts associated with the viable use of surrounding agricultural land were considered to be significant and unavoidable. Please also refer to **Topical Response 2 - Agricultural Resources**, for a discussion on the loss of agricultural resources and evaluation of proposed mitigation measures.

The development of less intensive uses near the project site would be at the discretion of the individual landowner, and the *CEQA Guidelines* specifically prohibit speculation necessary to determine whether they would prefer to keep farming, or develop with low intensity or high intensity urban or suburban uses. However, land use compatibility and growth pressures anticipated to occur in the project area are addressed in the Draft EIR. The pursuit by adjacent landowners of a less intensive use around the project site does not pertain to the adequacy or completeness of the Draft EIR.

Response 5

The commentor's opinion of the project's inappropriateness is noted. Please note that the project does not involve a modification to the Urban Service Boundary (USB) and the Urban Policy Area (areas anticipated to be developed within a 20 year time frame) and the project is in fact included *within* the area planned for urban development in the City's General Plan, which is the County's General Plan. However, the proposed project, together with the other cumulative projects that are approved, planned or proposed in the area, could result in increasing growth pressure on the City or County to modify the Urban Policy Area and Urban Service Boundary in the future. This increase in pressure, particularly to the south across Kammerer Road, may result in agricultural land being converted to urban type use for the economic benefit of the landowner. Allowing growth beyond the USB would be under the control of the City and County. This issue is addressed in Draft EIR Section 8.0, Growth Inducement, and **Topical Response 4 - Growth Inducing Impacts**. All proposed development projects' that are submitted to the City are evaluated based on consistency with the General Plan.

Response 6

It should be noted that as stated in the Draft EIR, while both the project site and Alternative 5 are within the Urban Development Area (UDA) defined by the General Plan, Alternative 5 would be more consistent with General Plan policy related to a compact urban form. This is based on the fact that Alternative 5 is located adjacent to the approved East Franklin Specific Plan whereas the proposed site is

further south near the boundary of the UDA. Alternative 5 would also be located closer to existing transit routes than the proposed project, so Alternative 5 would be more consistent with policies relating to use of public transportation.

However, development of Alternative 5 will not avoid or minimize project impacts identified in Draft EIR Section 4.0 when compared with the proposed project. Please refer to Table 6.0-2 in Draft EIR Section 6.0 for a summary of alternative impacts. Impacts would merely be relocated to a different site and would actually be worse from a transportation and circulation and air quality perspective. As stated in the Draft EIR:

“...Traffic impacts would be of greater magnitude than under the proposed project because this alternative would place commercial uses near Elk Grove Boulevard and its interchange with SR-99. This roadway and associated ramps are identified as deficient in their ability to carry projected daily traffic volumes.³ Development of proposed commercial uses at this alternative site would place project generated trips (including buses) onto roadways that operate poorly when compared to the roadway facilities near the proposed project site (i.e., Kammerer Road, West Stockton Boulevard, and the portion of SR-99 near the Grant Line Road interchange). Consequently, Alternative 5 is not considered superior to the proposed project from a transportation perspective.” (Draft EIR, page 6.0-34)

In addition, as stated in the Draft EIR:

“ On an operational basis, a similar volume of air emissions would be generated as the proposed project, but the health effect of said emissions could be magnified by placing additional vehicle trips on heavily traveled roadways such as Elk Grove Boulevard. Traffic congested roadways and intersections have the potential for the generation of localized high levels of Carbon Monoxide within approximately 1,000 feet of a roadway. Therefore, Alternative 5 would not be environmentally superior to the proposed project with respect to air quality.” (Draft EIR, page 6.0-34)

Response 7

Please refer to Draft EIR Section 6.0, Alternatives, page 6.0-39, where it is stated that Alternative 1 (No Project) is considered the environmentally superior alternative. Section 15326(d)(2) of the *CEQA Guidelines* indicates that, if the No Project Alternative is the “environmentally superior” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. In this instance, Alternative 4 (Reduced Density) is considered environmentally superior to the proposed project.

³ Fehr & Peers Associates, *Traffic Impact Study for Laguna Ridge Specific Plan*, November 5, 1999.

Response 8

The commentor expresses the opinion that the Draft EIR's analysis of agricultural land loss is untrue, unacceptable, and inadequate, but provides no evidence to support this opinion. Please refer to **Topical Response 2 - Agricultural Resources** for a discussion on the loss of agricultural resources and evaluation of proposed mitigation measures.

Response 9

The proximity of the Lent Ranch site to the Cosumnes River Preserve was considered during the preparation of the Draft EIR in evaluating the effects of the development. The distance, connectivity, habitat quality, and importance of the sites were considered, and examined during the site reconnaissance. No direct impacts to the Preserve are expected to result from the Lent Ranch project, and because drainage from the site flows west and not into the Cosumnes watershed, water quality was considered with respect to the Stone Lakes Wildlife Refuge rather than the Cosumnes River Preserve. Both water quality and runoff issues were addressed within Draft EIR Section 4.8, Biological Resources. As stated in the Draft EIR,

“Construction activity could increase sedimentation in local waterways due to wind and water driven erosion of soil. Compliance with the City's Land Grading and Erosion Control Ordinance as well as use of Best Management Practices outlined in the Storm Water Pollution Prevention Plan required by the NPDES program (refer to Section 4.7, Hydrology and Water Quality, Mitigation Measure MM4.7-1) would minimize biological impacts associated with short term sedimentation both on and offsite to less than significant.

As discussed in Section 4.7, Hydrology and Water Quality, the project would increase the area of impervious surfaces and result in an increase in stormwater runoff. The following discussion addresses the potential impacts of stormwater runoff on biological resources.

Paved surfaces would increase the quantity of runoff entering the large off-site, agricultural ditch system during storm events. Urban runoff contains almost every type of water pollutant, including suspended solids, bacteria, heavy metals, oxygen-demanding substances, nutrients, and oil and grease. Primary sources of urban runoff pollutants include animal droppings, atmospheric fallout, land erosion, lawn runoff (pesticides, herbicides, fertilizers), and parking lot runoff. Depending on the magnitude and frequency of storm events and the overall water quality, this runoff can cause increased eutrophication, depleted oxygen levels, long-term build-up of toxic compounds and heavy metals, and other adverse effects to biological resources associated with the ditch system.

The project is subject to the requirements of the National Pollutant Discharge Elimination System during both construction and operation. As part of this permit process, the applicant is required to prepare a Storm Water Pollution Prevention Plan (SWPPP) containing design features and best management practices (BMPs) appropriate and applicable to the project. The SWPPP would address material storage and handling procedures, equipment operation, storage, maintenance, and repair procedures,

construction site cleanliness, and erosion control measures (refer to Section 4.7, Hydrology and Water Quality, Mitigation Measure MM4.7-3). Through the NPDES program, any commercial use that locates on the site and which may utilize or generate hazardous substances would require permits and be subject to enforcement requiring them to provide primary and secondary containment of such substances to prevent their release into ground or surface water bodies. Finally, the project is subject to the City Land Grading and Erosion Control Ordinance. Implementation of these project design measures would reduce stormwater runoff impacts to a less-than-significant level." (Draft EIR, pages 4.8-25 and 4.8-26)

Short-term Best Management Practices (BMPs) that would be implemented during site grading and construction could include use of straw hay bales, straw bale inlet filters, filter barriers, and silt fences.

Long-term water quality features incorporated into the project that address the removal and/or filtration of pollutants from runoff include the water quality and detention basin (described below). A permanent micro pool may be created at the downstream end of the basin. This permanent micro pool would be supplied by drainage runoff and sized based on summer flow runoff to provide 14-day retention time. The permanent micro pool would be designed such that there would be sufficient flushing to avoid stagnation and replenishment of water lost to evaporation. The removal of pollutants within the detention basin would be accomplished through the sedimentation of solids and the filtration and trapping of pollutants by biofiltration systems, vegetated swales, vegetative strips, and oil/water separators.

Project drainage improvements include an approximately eight-acre water quality and detention basin west of the property boundary, proposed to control urban runoff from the project site. The basin incorporates an existing irrigation water recovery basin within the South Pointe site that has historically been used by Lent Ranch in its agricultural operations. The proposed basin, located along the western side of the adjacent South Pointe project, would be constructed at a sufficient size to reduce peak runoff flows from pre-development levels. The runoff would be released into the existing agricultural ditch system at a rate not to exceed the pre-development levels. Conveyance from the project site to the detention basin would be provided through pipes and an open channel. As such, downstream flow in Stone-Lake NWR would not be significantly impacted.