

Addendum No. 5 to the
Mitigated Negative Declaration for the
**Lower American River Anadromous Fish Habitat
Restoration Project**



Prepared for:
City of Sacramento

September 2021

State Clearinghouse No.
2019069088

Prepared by:



Consulting
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Abbreviations and Acronyms

City	City of Sacramento
CEQA	California Environmental Quality Act
CNEL	community noise exposure level
CVPIA	Central Valley Project Improvement Act
dB	decibels
dBA	A-weighted decibels
EA	Environmental Assessment
EIR	Environmental Impact Report
IS	Initial Study
ITE	Institute of Transportation Engineers
LAR	Lower American River
Ldn	day-night average sound level
Leq	equivalent continuous sound level
MMRP	Mitigation Monitoring and Reporting Program
MND	Mitigated Negative Declaration
ND	Negative Declaration
PCE	passenger car equivalents
Project	Lower American River Anadromous Fish Habitat Restoration Project
Reclamation	U.S. Bureau of Reclamation
Water Forum	Sacramento Area Water Forum

1. Introduction

1.1 Background

In partnership with the Sacramento City-County Office of Metropolitan Water Planning (Water Forum), the City of Sacramento (City), as lead agency under the California Environmental Quality Act (CEQA),¹ publicly distributed the Initial Study/proposed Mitigated Negative Declaration (IS/MND) for the Lower American River (LAR) Anadromous Fish Habitat Restoration Project (Project)² on June 20, 2019, for a 30-day public review period (State Clearinghouse Number [No.] 2019069088). The City adopted the MND and a Mitigation Monitoring and Reporting Program (MMRP) and approved the Project at its City Council meeting on August 20, 2019. The City prepared Addenda No. 1, No. 2, No. 3, and No. 4 to the MND to address minor technical changes or additions (refinements) to the proposed Project that were made to ensure timely implementation of the Project within endangered species constraints and to support continued compliance with restoration requirements specified in the Central Valley Project Improvement Act (CVPIA). Copies of the IS/MND, MMRP, and Addendum Nos. 1, 2, 3, and 4 are available for review at the Water Forum's office at 1330 21st Street, Sacramento, CA 95811, and online at the City's Web site: <https://www.cityofsacramento.org/Community-Development/Planning/Environmental/Impact-Reports>.

The City has now prepared Addendum No. 5 to the MND to address minor technical changes or additions to the proposed Project (hereafter referred to as the Project refinements). These proposed refinements consist of an extension of construction hours on Monday through Friday (up to 12 hours per day from 11 hours per day) and the addition of construction hours on Saturdays and Sundays (up to 12 hours per day). The first hour of work conducted every day of the week would not include heavy construction activities; only quiet activities such as material preparation and equipment maintenance would take place from 6:00 a.m. to 7:00 a.m. Additionally, work on Saturdays and Sundays would not include in-water activities and work on Sundays would not consist of heavy construction activities; only equipment maintenance and material preparation. The proposed refinements are described in Section 2, "Project Refinements." As detailed in the IS/MND, any work anticipated to occur past September 30 in any calendar year would be with approval from the National Marine Fisheries Service.

State CEQA Guidelines Section 15164(b) states that an addendum to an adopted Negative Declaration (ND) (or MND) may be prepared if only minor technical changes or additions are necessary and none of the conditions described in Section 15162 calling for the preparation of a subsequent Environmental Impact Report (EIR) or ND have occurred. The City has determined that the Project refinements (described in Section 2, "Project Refinements") are necessary, but none of the conditions described in State CEQA Guidelines Section 15162 (see Section 1.2, "Regulatory Context") requiring preparation of

¹ CEQA is found at California Public Resources Code, Sections 21000 et seq., and the State CEQA Guidelines are found at California Code of Regulations, Title 14, Section 15000 et seq.

² City of Sacramento and Bureau of Reclamation. 2019 (August). *Environmental Assessment/Initial Study and Proposed Mitigated Negative Declaration for the Lower American River Anadromous Fish Habitat Restoration Project*. State Clearinghouse No. 2019069088. Available: <https://www.cityofsacramento.org/Community-Development/Planning/Environmental/Impact-Reports>. Accessed: September 10, 2019.

a subsequent EIR (or subsequent ND or subsequent MND) would occur with the minor Project changes. Therefore, the City has prepared this Addendum No. 5 to the Project MND in accordance with State CEQA Guidelines Section 15164.

1.2 Regulatory Context

As described in State CEQA Guidelines Section 15162(a), when an EIR has been certified or ND adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- 2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- 3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - a) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

State CEQA Guidelines Section 15164(b) states that a lead agency may prepare an addendum to an adopted ND (or MND) if only minor technical changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR or ND (or MND) have occurred. The analysis in Section 3, “Environmental Analysis,” below, demonstrates based on substantial evidence in light of the Project’s administrative record that the proposed changes to the Project would not result in any of the conditions described in Section 15162. Because none of these conditions have occurred, the lead agency shall determine whether to prepare a subsequent ND (or subsequent MND), an addendum, or no further documentation (State CEQA Guidelines Section 15162[b]).

The City, as lead agency, has determined to prepare this Addendum No. 5 to the MND, in accordance with State CEQA Guidelines Section 15164(a), to present the proposed Project changes, provide the additional CEQA impact analysis and substantial evidence to address the potential environmental effects of the proposed Project changes, and supplement the administrative record for the Project.

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2. Project Refinements

2.1 Extension of Construction Hours

The IS/MND identified that Project-related construction could occur up to 11 hours per day (7:00 a.m. to 6:00 p.m.), 5 days per week (Mondays through Fridays). However, construction delays and permitting limitations may constrain the available period for construction, since construction must be completed prior to the annual fall-run Chinook salmon spawning season. Therefore, to ensure timely completion of the Project within these sensitive species constraints and to support continued compliance with restoration requirements specified in the Central Valley Project Improvement Act (CVPIA), the City is proposing to extend weekday construction hours from 11 hours per day to up to 12 hours per day (from 6:00 a.m. to 6:00 p.m., 5 days per week) and add Saturday and Sunday construction for up to 12 hours per day (from 6:00 a.m. to 6:00 p.m.). The first hour of work conducted every day of the week would not include heavy construction activities; only quiet activities such as meetings, site preparation and equipment maintenance would take place from 6:00 a.m. to 7:00 a.m. Additionally, work on Saturdays and Sundays would not include in-water activities and work on Sundays would not consist of heavy construction activities; only equipment maintenance and site preparation.

The proposed Project refinements would extend construction hours for 1 additional hour on weekdays and add construction on Saturdays and Sundays, but at no point would construction extend into early morning or evening hours and nighttime lighting would not be required or used.

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3. Environmental Analysis

This section of the addendum analyzes the potential effects on the physical environment from implementation of the proposed refinements to the Project. This analysis has been prepared to determine whether any of the conditions in State CEQA Guidelines Section 15162 (described in Section 1.2) would occur as a result of the proposed Project refinements.

The proposed Project refinements would not cause any new significant impacts or a substantial increase in the severity of significant effects previously identified in the IS for the topic areas listed below because the activities associated with the proposed refinements would already occur under the approved Project, were analyzed in the IS/MND, would not be affected to any greater degree than that analyzed in the IS:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Population, Housing, and Employment
- Public Services
- Transportation and Traffic
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

The following topic areas may be affected by the proposed Project refinements and, therefore, are analyzed below:

- Noise
- Recreation

3.1 Noise

As stated in Section 1.13, “Noise,” in the IS, construction noise impacts typically occur when construction activities take place during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours), when construction activities occur immediately adjacent to noise sensitive land uses, or when construction durations last over extended periods of time. Similar to impacts discussed in the

IS, the proposed Project refinements would generate construction noise from equipment operating at the project site and transport of construction workers, construction materials, and equipment to and from the project site. The Project refinements would involve only temporary and short-term construction activities and would not introduce any permanent sources of noise. The proposed Project refinements would not generate operational noise beyond occasional vehicle trips for monitoring activities.

The County's noise ordinance (Section 6.68.070 of the Sacramento County Code) sets a noise standard of 55 decibel equivalent continuous sound level (dB Leq) between 7 a.m. and 10 p.m. However, Section 6.68.090 (Exemptions) exempts construction noise from its noise standards, provided that construction noise occurs between 6 a.m. and 8 p.m. on weekdays, or 7 a.m. and 8 p.m. on weekends. Even with a slight extension of weekday working hours and the addition of Saturday and Sunday construction, all project-related construction activities that would generate noise from heavy construction activities would continue to occur only within the hours specified in the County's code. The first hour of work conducted each day would not include heavy construction activities; only quiet activities such as meetings, site preparation and equipment maintenance would take place from 6:00 a.m. to 7:00 a.m., and work on Sundays would not consist of heavy construction activities; only equipment maintenance and site preparation.

As detailed in Section 1.13, "Noise," in the IS, due to the Project's compliance with the Sacramento County Noise Ordinance, no mitigation was necessary to reduce noise impacts or restoration activities and noise impacts were found to be less-than-significant with no mitigation required. Nonetheless, in an effort to ensure consistency with information contained in previous EAs associated with the Project (Reclamation 2008³), Mitigation Measure NOI-1 was included for consistency with past documents, would be implemented with respect to the Project refinements herein, but was not required to reduce a significant noise impact. Thus, the proposed Project refinements would not violate the County's construction noise standards, this impact would be less than significant, and no mitigation is required.

As discussed in the IS, the U.S. Department of the Interior, Bureau of Reclamation (Reclamation) previously prepared traffic noise modeling on typical roadways that would be used for gravel hauling in the project vicinity, including U.S. Highway 50, Sunrise Boulevard, Hazel Avenue, Folsom Boulevard, Mather Field Road, Sunset Boulevard, Winding Way, and Illinois Avenue (Reclamation 2008). Increased traffic noise generated by the Project ranged from less than 0.1 dB on larger roads (including Sunrise Boulevard, Hazel Avenue, and U.S. Highway 50) to an increase of 3.9 dB on Winding Way. A Project-related noise level increase of 5 dB or greater would be significant where ambient noise levels are less than 60 dB day-night average sound level/community noise exposure level (Ldn/CNEL); an increase of 3 dB would be significant where ambient noise levels exceed 60 dB Ldn/CNEL.

Reclamation found that all incremental traffic noise increases caused by a previous 1-year project in 2008 would be less than significant. Because the volume of material and roadways that would be used for hauling during implementation of the proposed Project refinements is similar to those modeled by Reclamation in 2008, traffic noise impacts for any given year of the proposed Project refinements would similarly be less than significant. Even when carried out from 2019 through 2035, the noise impacts from the proposed Project refinements construction activities would still remain less than significant during the short, annual construction periods. Therefore, the Project refinements would not cause an

³ U.S. Department of the Interior, Bureau of Reclamation (Reclamation). 2008. Lower American River Salmonid Spawning Gravel Augmentation and Sidechannel Habitat Establishment Project Final Environmental Assessment. August.

exceedance of ambient or construction-related noise levels. Therefore, this impact would remain less than significant, as determined in the IS, and no mitigation is required.

Additionally, as detailed in the IS, the overall worst-case combined noise levels are estimated to be close to 50 A-weighted decibels (dBA) equivalent continuous sound level (Leq[h]) at the nearest residence during the peak construction activity. The proposed Project refinements would involve the use of equipment consistent with the equipment analyzed in the IS. Furthermore, activities associated with the proposed extension of weekday construction hours and the addition of Saturday and Sunday construction would not increase the frequency of truck trips on local roadways; they would only extend the hours during which truck trips may occur as analyzed in the IS. Therefore, this impact would remain less than significant, as determined in the IS, and no mitigation is required.

As stated in the IS, the proposed Project refinements would not involve the use of any equipment or processes that would generate potentially high levels of ground vibration, such as pile drivers or blasting. Construction operations associated with the proposed Project refinements would include the same equipment as disclosed in the IS, and no pile driving would occur. Therefore, as determined in the IS, the proposed Project refinements would have a less-than-significant impact with respect to the exposure to or generation of excessive groundborne noise or vibration levels from construction or construction traffic, and no mitigation is required.

3.2 Recreation

As stated in Section 1.12, “Recreation,” in the IS, there may be temporary, short-term impacts to recreational access and safety of recreationists due to construction-related traffic and possible road closures. Access routes have been designed to avoid heavily used recreation areas; however, several possible restoration sites would require partial closures of certain areas, roads, and/or trails during haul and/or construction activities. Thus, this impact was potentially significant in the IS and Mitigation Measure REC-1: Prepare and Implement a Trail/Traffic Control and Road Maintenance Plan was proposed to reduce the impact to less than significant.

Even with the extension of construction hours proposed under the Project refinements, Mitigation Measure REC-1 still provides sufficient protection for the safety of recreationists by requiring the following: limit all heavy construction work to occur only between 7:00 a.m. and 6:00 p.m. on weekdays and Saturday, no in-water work on weekends, avoid hauling on public roads during weekends and holidays, and confine weekend/holiday work to less disruptive tasks using materials previously hauled to the site, to ensure that most construction work occurs when recreational use of the Project area is lightest.

As described in Section 3.1, “Noise,” in compliance with Mitigation Measure REC-1, the Project refinements would exclude heavy construction activities during the first hour of work conducted each day (6:00 a.m. to 7:00 a.m.) and limit this initial hour only to quiet activities such as meetings, site preparation and equipment maintenance. Additionally, as detailed in REC-1, the proposed Project refinements would not involve any hauling activities or in-water work on weekends or holidays; and only work tasks that can be completed with materials previously hauled to the restoration site would occur. Recognizing that the intensity of recreational use varies widely along the Lower American River (LAR) corridor, the extension of construction hours would be in consultation with Sacramento County Parks. Thus, this impact would remain less than significant with mitigation incorporated, as determined in the IS and MND.

As discussed in the IS, the LAR is a river with all the hazards inherent to existing in-river hazards and swiftly flowing cold water. Thus, there is recognition that no project can be built to be completely hazard free, particularly during higher flows, and personal responsibility is involved when recreating in and around the LAR. However, due to the popularity of water-based recreation along certain portions of the LAR, impacts to boater/swimmer safety during and after construction were found to be potentially significant in the IS and Mitigation Measure REC-2: Prepare and Implement a Boater Safety Plan was proposed to reduce this impact to less than significant.

The possible impact to boater safety would not increase due to the proposed Project refinements because construction activities would not change from those described in the IS and would not include in-water construction on weekends. Additionally, continued implementation of safety measures detailed in REC-2, including posted signage alerting recreationists to upcoming work, posting in-river safety personnel upstream of each site when boater traffic is heavy, and radio communication with downstream construction equipment operators to temporarily stop in-river work until boater traffic has safely passed the restoration site would reduce the impact of Project refinements to a less-than-significant level, as determined in the IS.

4. Conclusions

As described in the preceding sections, the proposed Project refinements consist of a slight extension of construction hours on Mondays through Fridays (up to 12 hours per day from 11 hours per day) and the addition of construction on Saturdays and Sundays (up to 11 hours per day).

Based on the analysis in Section 3, “Environmental Analysis,” the proposed Project refinements as described in this addendum would not result in any of the conditions described in Section 15162 of the State CEQA Guidelines calling for preparation of a Subsequent EIR, ND, or MND. In summary, the proposed Project refinements:

- would not result in any new significant environmental effects,
- would not substantially increase the severity of previously identified significant environmental effects,
- would not result in mitigation measures or alternatives previously found to be infeasible becoming feasible, or
- would not result in availability/implementation of mitigation measures or alternatives that are considerably different from those analyzed in the previous document that would substantially reduce one or more significant effects on the physical environment.

These conclusions confirm that a Subsequent EIR or MND is not required, and this addendum to the MND pursuant to State CEQA Guidelines Section 15164 is the appropriate CEQA document to evaluate the proposed refinements to the Project. The environmental analyses herein of the proposed Project refinements show that impact conclusions remain unchanged from the original IS/MND. Mitigation measures included in the original MND and MMRP remain unchanged and fully apply to the Project refinements as applicable. This Addendum No. 5 is added to the administrative record for the Project.

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