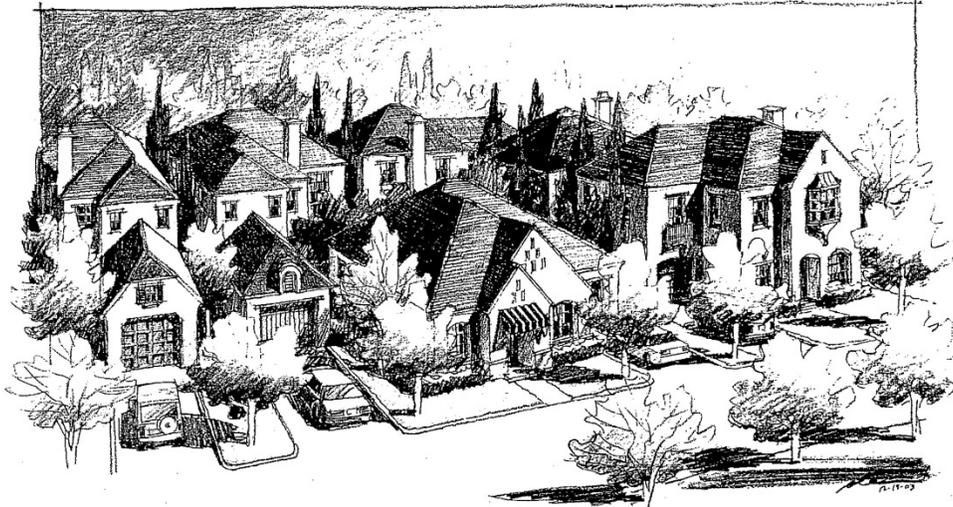


Final Environmental Impact Report

for

River Oaks Park

SCH#2004122052



Prepared by:



110 Maple Street, Suite 100
Auburn, CA 95603

Lead Agency:

City of Sacramento
Development Services Department
2101 Arena Boulevard, Suite 200
Sacramento, CA 95834

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180 Grand Avenue, Suite 250
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August 2005

River Oaks Park

Final Environmental Impact Report

(SCH # 20041224052)

Lead Agency:

City of Sacramento
Development Services Department
2101 Arena Boulevard, Suite 200
Sacramento, CA 95834

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August 2005

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FINAL EIR CHAPTER 1

INTRODUCTION

CHAPTER 1 INTRODUCTION

This document, in combination with the Draft Environmental Impact Report (Draft EIR), dated June 2005, is the Final Environmental Impact Report (Final EIR) for the proposed River Oaks Park Subdivision in the City of Sacramento.

The EIR has been prepared pursuant to the requirements of the California Environmental Quality Act (CEQA). CEQA directs the City of Sacramento, as the Lead Agency with the authority to approve or deny the project, to consult with and solicit comments from public agencies that have jurisdiction over the proposed project, as well as provide the public with opportunity to comment on the Draft EIR. In order to meet this requirement the Draft EIR for the River Oaks Park Subdivision was circulated for a forty-five (45) day public review period between June 24, 2005 and August 8, 2005.

This Final EIR was prepared to respond to all comments on the EIR submitted during the review period. The Final EIR was published on August 25, 2005, and is expected to be reviewed at the Planning Commission hearing on September 9, 2005. The Planning Commission will take action on the EIR and certain project entitlements, and recommend approval or denial of the entitlements requiring City Council action.

1.1 CONTENT AND ORGANIZATION

The CEQA Guidelines Section 15132 establishes that a Final EIR shall include the following components:

- a. The draft EIR or a revision of the draft.
- b. Comments and recommendations received on the draft EIR either verbatim or in summary.
- c. A list of persons, organizations, and public agencies commenting on the draft EIR.
- d. The responses of the Lead Agency to significant points raised in the review and consultation process.
- e. Any other information added by the Lead Agency.

Pursuant to the CEQA guidelines, all written comments received during the public circulation period on the Draft EIR and the Lead Agency's responses to those comments are included in this Final EIR.

The Final EIR for the River Oaks Park Subdivision is organized in four chapters as described below:

Chapter 1 Introduction

This chapter describes the CEQA process as implemented for this project, provides information on the contents of this Final EIR, and summarizes text changes in the Draft EIR that were made in response to public and agency comments. Because the proposed project requires a change to

the South Natomas Community Plan and city code zoning designations of the project site, the authority to approve or deny the project rests with the City Council. The project and EIR will first be reviewed by the City of Sacramento Planning Commission, which will take action regarding certification of the EIR and approval or denial of certain project entitlements. The Planning Commission would also then forward on a recommendation of approval or denial of the entitlements that require City Council action.

Chapter 2 Comments & Responses

This chapter presents the written comments on the Draft EIR, and the Lead Agency's response to those comments. Each comment letter is assigned an alphabetic label (i.e., Letter A), and each individual comment within the letter is numbered (i.e., Comment A1). The corresponding response for each individual comment carries the same number. A direct response to each comment is provided. The analysis presented within each response is supported by existing text within the Draft EIR, revisions to existing text, data corrections, City policy, or other source material.

Chapter 3 Revisions to the Draft EIR

Comments on the Draft EIR necessitated minor revisions to the Draft EIR text. Those revisions are discussed within the responses to each comment found in Chapter 2 of the Final EIR. All text changes, errata, and typographical errors are indexed and identified below in Section 1.4. No changes to the level of significance of impacts or mitigation measures were made. Additional text was added to mitigation measures. No significant new information was added. Those pages from the Draft EIR on which changes were made are reproduced in this Final EIR with the revisions tracked. Text deleted from the Draft EIR is shown in strikethrough type (~~strikethrough~~), while inserted text is underlined.

Chapter 4 Mitigation Monitoring and Reporting Program

Where necessary to lessen potentially significant impacts of the proposed project, mitigation measures were identified in the Draft EIR. Section 21081.6 of the CEQA Statutes requires that a Mitigation Monitoring and Reporting Program (MMRP) be adopted to ensure compliance with the mitigation measures in the EIR during project implementation. The site-specific mitigation measures for the River Oaks Park Subdivision are tied to City issuance of subsequent permits, such as a grading permit, to provide efficient and effective monitoring of the mitigation measures. The MMRP identifies the parties responsible for implementation and monitoring of each mitigation measure, as well as timelines for completion of each.

1.2 FINAL EIR PREPARATION

Public review of the Draft EIR was conducted for the objectives stated in Section 15200 of the CEQA Guidelines. These purposes are:

- a. Sharing expertise,
- b. Disclosing agency analyses,
- c. Checking for accuracy,
- d. Detecting omissions,
- e. Discovering public concerns, and

f. Soliciting counter proposals.

In order to provide sufficient time for public review, the Draft EIR was circulated for 45 days, from June 24, 2005 to August 8, 2005, in accordance with Section 15105 of the CEQA Guidelines. The Guidelines state that the review period “shall not be less than 30 days nor should it be longer than 60 days except under special circumstances.”

The Lead Agency also published a Notice of Availability of the Draft EIR in the City of Sacramento’s official noticing paper, the *Daily Recorder*, to provide notification to the public that the document was available for review. A copy of the Notice of Availability was posted at both the County Clerk’s office located at 600 Eighth Street in Sacramento, and the City Clerk’s office located at 915 I Street. Copies of the Notice of Availability were posted at the project site and mailed to property owners within a 500-foot radius of the project site. A copy of the Draft EIR was available at the Central Library at 828 I Street.

Comments were received from several public agencies and service providers, and one local advocacy group. Chapter 2 of this Final EIR provides the Lead Agency’s response to all comments received. Some responses necessitate minor revisions to the Draft EIR text, and a revision of one mitigation measure. Those pages of the Draft EIR where text revisions were made are provided in Chapter 3 of this document. Some comments received are not related to environmental issues and do not require a response, in accordance with Section 15132(d) of the CEQA Guidelines. In these cases, the comment and the lack of need for response are noted in Chapter 2.

1.3 NEW INFORMATION AND NEED FOR RECIRCULATION

Section 15088.5 of the CEQA Guidelines requires that an EIR be recirculated for public review and comment when “significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review.” The definition of “significant new information” is clarified under subsections 1 through 4 of this Guideline. They include disclosure of a new significant environmental impact, a substantial increase in the severity of an impact, identification of a feasible project alternative or mitigation measure considerably different from those previously analyzed, and fundamental and basic inadequacy in the Draft EIR. For this EIR, none of the comments received require the provision of significant new information or analysis. Therefore, there is no need for recirculation of the Draft EIR.

1.4 TEXT CHANGES IN THE DRAFT EIR

Revisions and changes to the text of the Draft EIR, including the Summary Table, are included in the Draft EIR reprint section of this Final EIR. These revisions are summarized below.

Revisions to the text of the Draft EIR were in **CHAPTER 1 INTRODUCTION AND CHAPTER 3 EXECUTIVE SUMMARY, AND APPENDIX C INITIAL STUDY.**

Table 1.1

Index of Changes made to the Draft EIR

Draft EIR page number	Primary Change Made	Reason for Change
Initial Study page 56	This change entails inserting text requiring the applicant/developer obtain a permit from the SMAQMD prior to construction into Mitigation Measure 5.6 of the River Oaks Park Initial Study (River Oaks Park DEIR Appendix C), and <i>Table 3.2 Impact Summary for Initial Study</i> on page 3-17 of the DEIR.	Response to comment C8
3-5	Change reference to mitigation measure 5.1 to 5.6, the correct mitigation number	Response to Comment C2
3-26	Change "may" to shall in Mitigation Measure 9.8.	Text correction to match Initial Study
1-4 and 1-5	<p>Revise final sentence in Section 1.4 of the introduction to read, "A Mitigation Monitoring and Reporting Program (MMRP) has been prepared in accordance with Section 21081.6 of the Public Resources Code and will be included in the Final EIR. .</p> <p>MMRP will identify the following:</p> <ul style="list-style-type: none"> • <i>Implementing Responsibility</i> • <i>Monitoring Responsibility</i> • <i>Compliance Standards</i> • <i>Timing</i> • <i>Verification of Compliance</i> <p>Proper implementation of this MMRP will ensure that all mitigation measures are implemented and monitored in a timely and effective manner by the appropriate parties in accordance with this EIR."</p>	Response to Comment G1
Initial Study page 84.	Revise Mitigation Measure 9.5: to include the following hazards requirement, "The applicant shall obtain a soils investigation of the area surrounding the site of the former UST for potential contamination from a soils scientist qualified in hazardous materials soils sampling. The soils investigation shall determine whether contamination of the site has occurred and make recommendations to mitigate and/or remediate any potential contamination and/or remove any contaminated soil."	Response to Comment G17
Initial Study page 41	Remove reference to BACT.	Clarification

1.5 EDITS TO MITIGATION MEASURES

In response to some comments, additional text has been added to certain mitigation measures, as noted in the table above. The additional text provides greater specificity regarding

implementation of mitigation measures but does not substantially change the content or substance of the mitigation measures.

1.6 APPENDIX 1 WATER SUPPLY ASSESSMENT

Senate Bill 610 (Chapter 643, Statutes of 2001) and Senate Bill 221 (Chapter 642, Statutes of 2001) amended state law, effective January 1, 2002, as companion measures intended to promote more collaborative planning between local water suppliers and cities and counties. Both statutes require detailed information regarding water availability to be provided to city decision makers prior to approval of specified large development projects. This information will serve as the evidentiary basis for an approval action by the City of Sacramento with regard to sufficient water supply to serve the proposed project. Specifically, the project is a proposed residential development of more than 500 dwelling units (642 units) that will be connected to a public water system that has 3,000 or more service connections. The water supply assessment, as prepared by the City of Sacramento is provided as Appendix 1 to this Final EIR. The City is supplying this information to conform with statutory requirements.

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FINAL EIR CHAPTER 2

COMMENTS AND RESPONSES

CHAPTER 2 COMMENTS AND RESPONSES

Written comments received on the River Oaks Subdivision Draft EIR include:

Letter	Author	Date
A	Terry Roberts, State Clearinghouse	8/9/05
B	Christine Palisoc, California Regional Water Quality Control Board	7/12/05
C	Jeanne Borkenhagen, Sacramento Metropolitan Air Quality Management District	8/8/05
D	Katherine Eastham, Caltrans Office of Planning- Southwest	8/9/05
E	Terry Roberts, State Clearinghouse (second letter)	8/15/05
F	Dee Dee Jones, State Department of Water Resources	8/8/05
G	Rachel Perry, River Oaks Community Association	8/8/05
H	Wendy Haggard, County Sanitation District-1	8/2/05
I	Don Smith, Sacramento Regional Transit District	8/9/05



Arnold
Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit

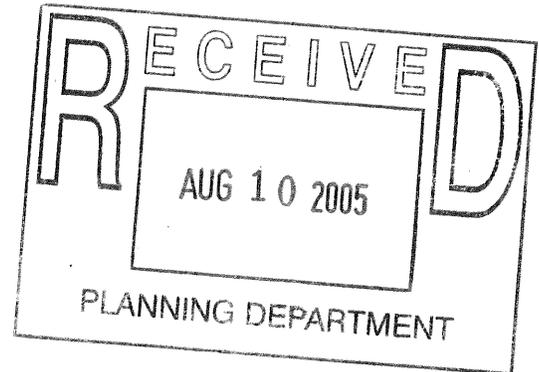


Jan Boel
Acting Director

August 9, 2005

Scott Johnson
City of Sacramento
1231 I Street, Room 300
Sacramento, CA 95814

Subject: River Oaks (P01-132)
SCH#: 2004122052



Dear Scott Johnson:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on August 8, 2005, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2004122052
Project Title River Oaks (P01-132)
Lead Agency Sacramento, City of

Type EIR Draft EIR
Description The project seeks to obtain the necessary entitlements to allow for the development of 654 single-family homes, rezoning the site from Agriculture (A) and Agriculture Planned Unit Development (A-PUD) districts to Single-Family Alternative Planned Unit Development (R-1A-PUD) in order to allow for the construction of single family homes. The project also proposes to construct support infrastructure, a private community recreation center, +/- 9.23 acres of parkland, a trail along the Natomas Main Drainage Canal, and the creation of a Planned Unit Development.

Lead Agency Contact

Name Scott Johnson
Agency City of Sacramento
Phone (916) 808-5842 **Fax**
email
Address 1231 I Street, Room 300
City Sacramento **State** CA **Zip** 95814

Project Location

County Sacramento
City Sacramento
Region
Cross Streets W. El Camino Avenue and Orchard Lane
Parcel No. 225-0220-030, -066, -068, -071, -086, -087, -088, -089
Township 9N **Range** 4E **Section** 22 **Base**

Proximity to:

Highways I-80, I-5
Airports
Railways
Waterways Sacramento River
Schools Leroy Greene Middle School and Two Rivers Elementary
Land Use Existing Use is Vacant, residentially designated. Existing Zoning is A (Agriculture). The existing General Plan Land Use of the site is Low Density Residential (4-15 du/na).

Project Issues Traffic/Circulation

Reviewing Agencies Resources Agency; Regional Water Quality Control Bd., Region 5 (Sacramento); Department of Parks and Recreation; Native American Heritage Commission; Department of Health Services; Department of Housing and Community Development; Department of Fish and Game, Region 2; Department of Water Resources; California Highway Patrol; Caltrans, District 3; Department of Toxic Substances Control; State Water Resources Control Board, Division of Water Rights; State Lands Commission

Date Received 06/24/2005 **Start of Review** 06/24/2005 **End of Review** 08/08/2005

RESPONSES TO COMMENT LETTER A

Submitted by: State of California
Governor's Office of Planning and Research
State Clearinghouse
Terry Roberts, Director

- A1.** This letter acknowledges the completion of the public review comment period. One state agency had submitted comments on the DEIR to the State Clearinghouse as of the writing of the Clearinghouse letter. No response is necessary.
- A2.** This comment cites California Public Resources Code Section 21104 (c) regarding the comments responsible or other public agencies provide. No response is necessary.



California Regional Water Quality Control Board

Central Valley Region

Robert Schneider, Chair



Alan C. Lloyd, Ph.D.
Agency Secretary

Sacramento Main Office

11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114
Phone (916) 464-3291 • FAX (916) 464-4645
<http://www.waterboards.ca.gov/centralvalley>

Arnold
Schwarzenegger
Governor



12 July 2005

Scott Johnson
City of Sacramento
1231 I Street, Room 300
Sacramento, CA 95814

***PROPOSED PROJECT REVIEW, CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA),
DRAFT ENVIRONMENTAL IMPACT REPORT FOR RIVER OAKS, STATE CLEARINGHOUSE
#2004122052, SACRAMENTO, SACRAMENTO COUNTY***

As a Responsible Agency, as defined by CEQA, we have reviewed the Draft Environmental Impact Report for River Oaks. Based on our review, we have the following comments regarding the proposed project.

Storm Water

A NPDES General Permit for Storm Water Discharges Associated with Construction Activities, NPDES No. CAS000002, Order No. 99-08-DWQ is required when a site involves clearing, grading, disturbances to the ground, such as stockpiling, or excavation that results in soil disturbances of one acre or more of total land area. Construction activity that involves soil disturbances on construction sites of less than one acres and is part of a larger common plan of development or sale, also requires permit coverage. Coverage under the General Permit must be obtained prior to construction. More information may be found at <http://www.swrcb.ca.gov/stormwtr/construction.html>

Post Construction Storm Water Management

Manage storm water to retain the natural flow regime and water quality, including not altering baseline flows in receiving waters, not allowing untreated discharges to occur into existing aquatic resources, not using aquatic resources for detention or transport of flows above current hydrology, duration, and frequency. All storm water flows generated on-site during and after construction and entering surface waters should be pre-treated to reduce oil, sediment, and other contaminants. The local municipality where the proposed project is located may now require post construction storm water Best Management Practices (BMPs) pursuant to the Phase II, SWRCB, Water Quality Order No. 2003 – 0005 – DWQ, NPDES General Permit No. CAS000004, WDRS for Storm Water Discharges from Small Municipal Separate Storm Sewers Systems (MS4). The local municipality may require long-term post-construction BMPs to be incorporated into development and significant redevelopment projects to protect water quality and control runoff flow.

For more information, please visit the Regional Boards website at <http://www.waterboards.ca.gov/centralvalley/> or contact me at 916.464.4663 or by e-mail at palisoc@waterboards.ca.gov.



CHRISTINE PALISOC
Environmental Scientist
Storm Water Unit
916.464.4663

cc: Scott Morgan, State Clearinghouse, Sacramento

RESPONSES TO COMMENT LETTER B

Submitted by: Christine Palisoc, California Regional Water Quality Control Board

B1: The comment describes the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activities. The City of Sacramento is issued a Municipal Stormwater NPDES permit by the California Regional Water Quality Control Board. It is the responsibility of the City of Sacramento to comply with this permit.

The Municipal Stormwater Permit includes requirements for new developments and projects under construction including the River Oaks Park project. It is the responsibility of the City of Sacramento Department of Utilities (DOU) to implement and enforce these stormwater quality development standards. Implementation of the stormwater quality development standards is handled through conditioning of projects, improvement plan review and approval, inspection during construction, and maintenance after construction.

B2: The comment describes the NPDES requirements to manage stormwater in a manner that does not allow discharges into existing aquatic resources. All project site stormwater flows generated during construction and entering surface waters must be pre-treated to reduce sediment and other contaminants. In order to achieve this, the Municipal Stormwater Permit requires the City to require post construction storm water Best Management Practices (BMPs) of the proposed project. The City of Sacramento's special permit and/or tentative map conditions of approval require the developer of the River Oak Park project to provide water quality BMPs during construction. The developer is not issued a permit until the improvement plans provide the approved BMPs.

The NPDES Municipal Stormwater Permit Post Construction Storm Water Management BMPs are included on the River Oaks Park project improvement plans (grading plans, drainage plans). The City DOU has reviewed and verified the River Oaks Park project improvement plans comply with the NPDES post construction requirements.

August 8, 2005

Mr. Scott Johnson
Assistant Planner
City of Sacramento
Development Services Department
1231 I Street, Suite 300
Sacramento, CA 95814

RE: Draft EIR for the River Oaks Park Project, P01-132
SAC200400116C

Dear Mr. Johnson:

Thank you for the draft EIR for the River Oaks Park Project. Staff comments follow:

According to the DEIR, the City has determined that the project will have significant air quality impacts for construction and recommends the District's standard construction mitigation. The City also recommends the payment of an off-site mitigation fee for those construction impacts. Relative to that fee, we believe the statement on page 3-5 has a typo in it. The sentence that reads "SMAQMD has determined that implementation of Initial Study mitigation measure 5.1 (payment of fees)..." should actually be referring to mitigation measure 5.6. See page 3-17 for a listing of the mitigation measures. Mitigation measure 5.1 has nothing to do with fees.

The DEIR states the City is requiring the implementation of an air quality mitigation plan designed to reduce those impacts by 15%. We have previously endorsed that plan.

Relative to the proximity of the project to I-80, we believe the document should have some discussion of the CARB Handbook and the issue of toxic air contaminants. The California Air Resources Board (CARB) recently adopted the "Air Quality and Land Use Handbook: A Community Health Perspective" to provide guidance to local planners and decision-makers about land use compatibility issues. The Handbook suggests that, at a minimum, the siting of residential uses should not occur within 500 feet of a freeway. Traffic-related studies referenced in the Handbook reflect that the additional health risk attributable to the proximity effect was strongest within 1,000 feet. Other studies conducted near Southern California freeways indicate a dramatic drop off in the concentration of ultra-fine particulates beyond 300 feet. We urge the City to consider the most recent CARB guidance on air quality and land use prior to making a decision on this project. If the City approves this project, we urge the City to consider locating non-

residential uses in the parts of the project area closest to the freeway, minimizing impacts on residential development. Mitigation measures, such as development guidelines that orient buildings away from the freeway or providing appropriate setback or buffer zones should be included.

All projects are subject to SMAQMD rules and regulations in effect at the time of construction. Please see the attached document describing SMAQMD Rules which may apply to this project.

If you have any questions regarding these comments, please contact me at 916-874-4885.

Sincerely,

A handwritten signature in cursive script that reads "Jeane Borkenhagen".

Jeane Borkenhagen
Mobile Source Division

CC: Ron Maertz, Mobile Source Division
Carol Hill, Beazer Homes

SMAQMD Rules & Regulations Statement

*The following statement is recommended as standard condition of approval or construction document language for **all** construction projects within the Sacramento Metropolitan Air Quality Management District (SMAQMD):*

All projects are subject to SMAQMD rules and regulations in effect at the time of construction. A complete listing of current rules is available at www.airquality.org or by calling 916.874.4800. Specific rules that may relate to construction activities may include, but are not limited to:

Rule 201: General Permit Requirements. Any project that includes the use of equipment capable of releasing emissions to the atmosphere may require permit(s) from SMAQMD prior to equipment operation. The applicant, developer, or operator of a project that includes an emergency generator, boiler, or heater should contact the District early to determine if a permit is required, and to begin the permit application process. Portable construction equipment (e.g. generators, compressors, pile drivers, lighting equipment, etc) with an internal combustion engine over 50 horsepower are required to have a SMAQMD permit or a California Air Resources Board portable equipment registration.

Rule 403: Fugitive Dust. The developer or contractor is required to control dust emissions from earth moving activities or any other construction activity to prevent airborne dust from leaving the project site.

Rule 442: Architectural Coatings. The developer or contractor is required to use coatings that comply with the volatile organic compound content limits specified in the rule.

Rule 902: Asbestos. The developer or contractor is required to notify SMAQMD of any regulated renovation or demolition activity. Rule 902 contains specific requirements for surveying, notification, removal, and disposal of asbestos containing material.

Other general types of uses that require a permit include dry cleaners, gasoline stations, spray booths, and operations that generate airborne particulate emissions.

RESPONSES TO COMMENT LETTER C

Submitted by: Jeane Borkenhagen
Sacramento Metropolitan Air Quality Management District (SMAQMD)

C1: This comment restates the discussion pertaining to construction air quality found in the River Oaks Park Initial Study (River Oaks DEIR Appendix C, pages 50-51). No response to this comment is necessary.

C2: This comment is correct. The DEIR text incorrectly refers to Initial Study mitigation measure 5.1. The correct mitigation measure is numbered 5.6 (payment of fees). The last sentence in the third paragraph on Page 3-5 of Chapter 3 of the DEIR will be changed to read, "SMAQMD has determined that implementation of Initial Study mitigation measure 5.6 (payment of fees) would be sufficient to reduce project related construction emissions to less-than-significant levels." No further response to this comment is necessary.

C3: The comment correctly notes the DEIR requirement of an air quality mitigation plan in this project. However the comment appears to refer to a 15% reduction in emissions in a City wide air quality plan. The actual reduction required of the River Oaks Park project is found in the text of Mitigation Measure 5.2 on page 3-16 of the DEIR, and on page 55 in the Initial Study (River Oaks Park DEIR Appendix C) as follows:

"Mitigation Measure 5.2: The project shall provide a plan for approval by the City of Sacramento and the SMAQMD, demonstrating that the heavy-duty (>fifty horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average twenty percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average at the time of construction."

This mitigation is consistent with the standard SMAQMD conditions of approval. No further response to this comment is necessary.

C4: This comment indicates the DEIR should have some discussion of the California Air Resources Board document titled "*Air Quality and Land Use Handbook: A Community Health Perspective*." The DEIR does contain a discussion of the CARB handbook in paragraph four on Page 47 of the River Oaks Park DEIR Initial Study (River Oaks Park DEIR Appendix C). The discussion uses the following language,

"CARB recently released a document called the Air Quality and Land Use Handbook: A Community Health Perspective (approved by the CARB Board of Directors on April 28, 2005). This document addresses potential cancer risks related to land uses proximate to freeways and other sources of toxic air contaminants. The exposure to toxic air contaminants associated with diesel particulates and other fuel-derived toxics is elevated adjacent to heavily traveled roadways. Air pollution levels can be significantly higher within 500 feet of freeways and roadways with traffic volumes over 100,000 vehicles per day, or heavy-duty diesel truck volumes of over 20,000 trucks per day."

C5:

Both Comments C4 and C5 refer to traffic-related studies and recommendations presented in the California Air Resources Board document titled "*Air Quality and Land Use Handbook: A Community Health Perspective.*" Comment C5 specifically states that the handbook recommends that new sensitive land uses should not be sited within 500 feet of a freeway. In addition, Comments C4 and C5 both address potential health impacts as related to Toxic Air Contaminants (TAC). Passenger vehicles can produce benzene and 1, 3-butadiene, both of which have been identified by the CARB as TAC and as carcinogenic. Diesel particulate matter, which has also been identified by the CARB as a TAC and as carcinogenic, is produced mostly by heavy-duty diesel trucks and accounts for the majority of the TAC risk from freeway traffic.

Due to the zoning of the proposed project for residential and park use, no stationary sources that might contribute TAC would be allowed to develop. Even though the proposed project itself would not generate stationary TAC, it would place sensitive receptors in proximity to existing mobile TAC by building homes adjacent to I-80. I-80 experiences consistent diesel truck traffic.

Also, because no commercial or industrial uses would be part of the proposed project, minimal diesel truck traffic would be generated by the project. Therefore, it is expected that the proposed project would generate a minimal amount of mobile TAC sources, which would primarily be passenger vehicles.

When conducting air quality analyses, including the analysis in the River Oaks Park DEIR, thresholds adopted by SMAQMD are used by the City of Sacramento to determine significance of potential impacts. This is consistent with CEQA Guidelines Section 15064.7, which requires thresholds of significance used as part of the lead agency's environmental review process to be:

- adopted by ordinance, resolution, rule, or regulation,
- developed through a public review process and
- be supported by substantial evidence.

With respect to TAC emissions, the SMAQMD "*Guide to Air Quality Assessment in Sacramento County*" does establish a threshold of significance for TAC from stationary sources, but it does not set a threshold of significance for mobile source TAC. The SMAQMD Guide threshold of significance for TAC from stationary sources is ten excess cancer cases per one million

The CARB "*Air Quality and Land Use Handbook*" does not establish a threshold of significance for mobile source TAC either. This handbook does provide information to local jurisdictions on the potential health effects of locating sensitive uses adjacent to certain sources of air pollution, including freeways. According to the CARB handbook, numerous studies have

indicated that there is a correlation between proximity to a freeway and an increase in health impacts, such as reduced lung function, asthma, and bronchitis.

The CARB document references several studies that concluded that particulate pollution levels show about a 70% drop off at 500 feet from a freeway. While CARB recommends that local agencies avoid approving new sensitive uses within 500 feet of a freeway in order to reduce potential health impacts, CARB did not establish a standard of significance for mobile TAC against which a development project could be evaluated.

While the CARB handbook provides guidance to local agencies and the public on planning issues, neither the CARB nor the SMAQMD have developed or adopted a threshold of significance for TAC from mobile sources. The CARB handbook identifies various steps in the land use approval process in which such concerns can be addressed. These steps include General Plan policies, zoning standards, and the environmental review process. The issue of siting residential uses in the proximity of a freeway is recognized by the CARB as being a planning policy issue as well as an issue that may be evaluated in the CEQA process.

The proposed project would not exceed the established air quality thresholds of the CARB and SMAQMD. Concerns regarding the proximity of residential uses to the freeway are addressed during the land use planning process as policy issues. Consequently, until new thresholds are adopted, a finding of less-than-significant impact occurs using the existing SMAQMD thresholds of significance. No further response to this comment or change to the DEIR is necessary.

- C6:** This comment recommends that the City consider mitigation measures such as locating non-residential uses in the project area closest to the freeway to minimize impacts on residential uses, orienting buildings away from the freeway, and providing setback or buffer zones. The comment is noted as a recommendation. As discussed above in the response to Comment C5, impacts related to air quality are determined to be less than significant using the existing SMAQMD thresholds of significance, and there is no requirement to implement the recommended mitigation measures. Existing City policies currently do not require projects to locate non-residential uses closest to freeways, to orient buildings away from freeways, or to provide setbacks or buffer zones. Although implementation of these recommended measures is not required under CEQA or existing City policy, the Planning Commission and City Council may determine as a matter of policy whether or not such measures are desirable for this project.
- C7:** This comment indicates this project is subject to SMAQMD's rules and regulations in effect at the time of construction. No response to this comment is necessary.
- C8:** This comment states standard conditions of approval are applied to all projects in the SMAQMD jurisdiction. The project will be subject to the

SMAQMD rules and regulations in effect at the time of construction. The project will require a permit from the SMAQMD prior to operating equipment capable of releasing emissions into the atmosphere, such as portable construction equipment with an internal combustion engine over 50 horsepower. Information on how to obtain the District's entire list of rules is provided with a summary of the rules addressing fugitive dust, architectural coatings, and asbestos. Text requiring the applicant/developer obtain a permit from the SMAQMD prior to construction shall be inserted into Mitigation Measure 5.6 of the River Oaks Park Initial Study at page 56 (River Oaks Park DEIR Appendix C), and into *Table 3.2 Impact Summary for Initial Study* on page 3-17 of the DEIR.

DEPARTMENT OF TRANSPORTATION
 DISTRICT 3 - SACRAMENTO AREA OFFICE
 VENTURE OAKS, MS 15
 P. O. BOX 942874
 SACRAMENTO, CA 94274-0001
 PHONE (916) 274-0614
 FAX (916) 274-0648
 TTY (530) 741-4509



*Flex your power!
 Be energy efficient!*

August 9, 2005

05SAC0115
 03-SAC-80 PM 1.355
 River Oaks (P01-132)
 Draft EIR
 SCH#2004122052

Mr. Scott Johnson
 City of Sacramento
 Planning Division
 1231 I Street, Room 300
 Sacramento, CA 95814

Dear Mr. Johnson:

Thank you for the opportunity to review and comment on the River Oaks project DEIR. Our comments are as follows:

- Traffic mitigation measures have been proposed for the Interstate 80/West El Camino Avenue Interchange for this project's traffic impacts. We note that the installation of traffic signals is proposed at the interchange eastbound and westbound offramp intersections and a 250 foot long widening of the northbound West El Camino Avenue intersection approach is planned to allow separate left and right turn lane movements.

Will these interchange infrastructure improvements be built in concert with the proposed 642 unit housing development to help avert near-term traffic impacts at the interchange? A clear and timely mitigation plan appears to be needed in the DEIR. Mitigation measures are listed but implementation dates are not. Mitigation monitoring and traffic infrastructure upgrades at the interchange will need to proceed concurrently with this local land use project's build out and on a timely improvement schedule in accordance with the cooperative freeway agreement (see enclosed), to ensure continued acceptable freeway Level of Service (LOS). Page 15 of City Agreement No. 95-217 specifies that (1) at the occurrence of LOS C at any intersection or ramp queue length of 70 - 80% that the preparation of a Project Report and environmental documentation for phased improvements are to begin; (2) if this interchange incurs LOS E or F conditions at any intersection or any ramp queue length exceeds 90%, then the construction of improvements are to begin within one year. If the City is not prepared to construct the improvements, then the approval of the River Oaks project should be delayed until these mitigation measures are ready to go forward.

Adherence to the Guidelines for Submitting Transportation Information from a Reporting or Monitoring Program to the Department of Transportation (MM Submittal Guidelines), previously enclosed in our letter of April 9, 2004 for all local land use projects that are of

Mr. Scott Johnson
August 9, 2005
Page 3

Please provide us with any further information regarding this project and the timing of improvements. If you have any questions regarding these comments, please contact Ken Champion at (916) 274-0615.

Sincerely,



KATHERINE EASTHAM, Chief
Office of Transportation Planning - Southwest

Enclosures

c: Joyce Horizumi, Sacramento County DERA
Scott Morgan, State Clearinghouse

City Clerk's Copy

JUL 16 2003

03-Sac-80 PM 2.8/4.1
03198 - 308701
Truxel Road IC
District Agreement No. 03-0057

COOPERATIVE AGREEMENT

This Agreement, entered into on Nov 14, 1995 is between the STATE OF CALIFORNIA, acting by and through its Department of Transportation, referred to herein as "STATE", and

CITY OF SACRAMENTO a Municipal Corporation,
referred to herein as "CITY"

City Agreement No. 95-217

Post-it® Fax Note	7671	Date	12/5/03	# of Pages	2/
To	Kend CHAMPION	From	Steve Pyburn		
Co./Dept.		Co.			
Phone #		Phone #	264-7451		
Fax #	274-0648	Fax #			

City Clerk's Copy

City Agreement No. 95-217

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RECITALS

- (1) STATE and CITY, pursuant to Streets and Highways Code Section 130, are authorized to enter into a Cooperative Agreement for improvements to State highways within CITY.
- (2) CITY desires State highway improvements consisting of a new interchange on Route 80 at Truxel Road, referred to herein as "PROJECT", and is willing to fund one hundred (100%) percent of all capital outlay and staffing costs, except for costs of STATE's oversight of project development and construction activities.
- (3) CITY has on deposit with STATE \$9,778.34 and \$12,855.22 collected for reimbursement of STATE oversight costs in accordance with Cooperative Agreements executed on October 21, 1986 between CITY and STATE (Document Numbers 5884 and 5885 respectively).
- (4) CITY desires to prepare the contract documents and advertise, award and administer the construction contract for PROJECT in order to bring about the earliest possible completion date of PROJECT.
- (5) STATE is agreeable to CITY's proposal to prepare the contract documents and advertise, award and administer the construction contract for PROJECT.
- (6) This Agreement supersedes any prior Memorandum of Understanding (MOU) relating to PROJECT.
- (7) The parties hereto intend to define herein the terms and conditions under which PROJECT is to be developed, designed, constructed, financed and maintained. The parties also intend to define future CITY obligations for State highway improvements related to the development associated with the North Natomas Community Plan. (See Attachment A)

SECTION I

CITY AGREES:

- (1) To perform all necessary preliminary engineering, including environmental document (ED), plans and specifications and utility identification and location, and all necessary construction engineering for PROJECT and bear all actual costs thereof.
- (2) To submit to STATE detailed Plans, Specifications and Estimates (PS&E) for review and approval. Final Plans and standard special provisions shall be signed by a Civil Engineer registered in the State of California.

City Agreement No. 95-217

- (3) Personnel who prepare the PS&E and right of way maps shall be available to STATE, at no cost to STATE, through completion of construction of PROJECT to discuss problems which may arise during construction and/or to make design revisions for contract change orders.
- (4) To make written application to STATE for necessary encroachment permits authorizing entry onto STATE's right of way to perform surveying and other investigative activities required for preparation of the ED and/or PS&E.
- (5) To identify and locate all high and low risk underground facilities within the PROJECT area and to protect or otherwise provide for such facilities, all in accordance with STATE's "Manual on High and Low Risk Underground Facilities Within Highway Rights of Way". CITY hereby acknowledges receipt of STATE's "Manual on High and Low Risk Underground Facilities Within Highway Rights of Way". All facilities not relocated or removed in advance of construction shall be identified on PROJECT plans and specifications.
- (6) To furnish evidence to STATE, in a form acceptable to STATE, that arrangements have been made for the protection, relocation, or removal of all conflicting facilities within STATE's right of way and that such work will be completed prior to the award of the contract to construct PROJECT or as covered in the Special Provisions for said contract. This evidence shall include a reference to all required State highway encroachment permits.
- (7) CITY shall require the utility owner and/or its contractors performing the relocation work within the STATE's right of way to obtain a STATE encroachment permit prior to the performance of said relocation work.
- (8) To be responsible, at CITY expense, for the investigation of potential hazardous waste sites outside of the existing State highway right of way that would impact PROJECT.
- (9) To advertise, award and administer the construction contract for PROJECT and include other CITY improvements in accordance with the requirements of the Local Agency Public Construction Act, City of Sacramento Contract Specifications, and the California Labor Code, including its prevailing wage provisions. Workers employed in the performance of work contracted for by CITY, and/or performed under encroachment permit, are covered by provisions of the Labor Code in the same manner as are workers employed by STATE's contractors. CITY shall obtain applicable wage rates from the State Department of Industrial Relations and shall adhere to the applicable provisions of the State Labor Code. Violations shall be reported to the State Department of Industrial Relations.

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- (10) To apply for necessary encroachment permits for required work within State highway right of way, in accordance with the STATE's standard permit procedures, as more specifically defined in Articles (2), (3), (4), (5), and (6) of Section III of this Agreement.
- (11) To require that the construction contractor furnish both a payment and performance bond in CITY name, with both bonds complying with the requirements set forth in Section 3-1.02 of STATE's current Standard Specifications.
- (12) To construct PROJECT in accordance with plans and specifications of CITY to the satisfaction of and subject to the approval of STATE.
- (13) Contract Administration procedures shall conform to the applicable requirements set forth in STATE's Construction Manual, Local Programs Manual and the Encroachment Permit for construction of PROJECT.
- (14) Construction within the existing or ultimate STATE right of way shall comply with the requirements in STATE's current Standard Specifications and PROJECT Special Provisions, and in conformance with methods and practices specified in STATE's Construction Manual.
- (15) If CITY uses own staff or its consultant to perform surveys, such surveys shall conform to methods, procedures, and requirements of STATE's Surveys Manual.
- (16) Material testing and quality control shall conform to the State Construction Manual and the State Material Testing Manual and be performed, at CITY expense by a certified material tester acceptable to STATE. Independent assurance testing, specialty testing, and off-site source inspection and testing shall be performed by STATE, at no cost to CITY except as noted herein. CITY shall reimburse STATE for any additional travel expenses incurred by STATE for off-site inspection and testing performed by STATE which is more than 300 airline miles from both Sacramento and Los Angeles. Approval of the type of asphalt and concrete plants shall be by STATE, at STATE expense.
- (17) To furnish, at CITY expense and subject to approval of STATE, a field site representative who is a licensed Civil Engineer in the State of California, to perform the functions of Resident Engineer. If the PROJECT plans and specifications were prepared by a private engineering company, the Resident Engineer shall not be an employee of that company. The Resident Engineer shall also be independent of the construction contractor.

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- (18) To pay one hundred percent (100%) of the actual costs of construction required for satisfactory completion of PROJECT, including changes pursuant to contract change orders concurred with by the STATE representative and any "State-furnished material".
- (19) At CITY expense, to furnish qualified support staff, subject to approval of STATE, to assist the Resident Engineer in, but not limited to, construction surveys, soils and foundation tests, measurement and computation of quantities, testing of construction materials, checking shop drawings, preparation of estimates and reports, preparation of As-built drawings, and other inspection and staff services necessary to assure that the construction is being performed in accordance with the plans and specifications. Said qualified support staff shall be independent of the design engineering company and construction contractor, except that the PROJECT designer may check the shop drawings, do soils foundation tests, test construction materials, and do construction surveys.
- (20) To approve falsework Drawings in accordance with "State of California Department of Transportation Falsework Manual", subject to review by STATE.
- (21) To make progress payments to the contractor using CITY funds and pay all cost for required staff services as described in Articles (17) and (19) of this Section I. The STATE representative shall review all contract progress pay schedules. STATE does not assume responsibility for accuracy of itemization on progress pay schedules.
- (22) Within sixty (60) days following the completion and acceptance of the PROJECT construction contract, to furnish STATE a complete set of acceptable full-sized film positive reproducible As-Built plans and all contract records, including survey documents and microfilm copy of all structure plans.
- (23) If CITY terminates PROJECT prior to completion of the construction contract for PROJECT, STATE may require CITY, at CITY's expense, to return right of way to its original condition or to a condition of acceptable permanent operation. If CITY fails to do so, STATE reserves the right to finish PROJECT or place PROJECT in satisfactory permanent operation condition. STATE will bill CITY for all actual expenses incurred and CITY agrees to pay said expenses within thirty (30) days or STATE, acting through the State Controller, may withhold an equal amount from future apportionments due CITY from Highway User Tax Fund.
- (24) CITY shall fully fund and construct in a timely manner those projects identified in Attachment A under the section titled "Cost Sharing - City of Sacramento Only".

City Agreement No. 95-217

DUICE

- (25) CITY shall contribute its fair share and will actively pursue project development and construction with Sacramento County for those State highway improvement projects identified in Attachment A under the section titled "Cost Sharing - City/County Shared Responsibility".
- (26) CITY shall contribute its fair share, as identified in Attachment A under section titled "Cost Sharing - Regional Funding", and will strongly support State, Federal and local programming and financing efforts to construct those State highway improvement projects identified in Attachment A under the section titled "Cost Sharing - Regional Funding".
- 27) CITY shall monitor traffic levels at key locations in and around North Natomas annually to determine when and where future State highway improvements are required. Said monitoring shall be conducted in accordance with Attachment A.
- (28) CITY shall ensure that traffic management measures are implemented for special event traffic to mitigate adverse impacts to mainline Interstate 5 and Interstate 80 traffic in accordance with the special events traffic study titled "North Natomas Sports Complex Traffic Operations Plan" dated March 24, 1994.

SECTION II

STATE AGREES:

- (1) To provide, at no cost to CITY, oversight of PROJECT and to provide prompt reviews and approvals, as appropriate, of submittals by CITY, and to cooperate in timely processing of PROJECT.
- (2) To issue, at no cost to CITY upon proper application by CITY, an encroachment permit to CITY authorizing entry onto STATE's right of way to perform survey and other investigative activities required for preparation of the ED and/or PS&E. If CITY uses consultants rather than its own staff to perform required work, the consultants will also be required to obtain an encroachment permit. The permit will be issued at no cost upon proper application by the consultants.
- (3) To issue at no cost to CITY and CITY's contractor, upon proper application by CITY and CITY's contractor, the necessary encroachment permits for required work within State highway right of way, as more specifically defined in Articles (2), (3), (4), (5), and (6) of Section III of this Agreement.

10102

- (4) To provide, at no cost to CITY, a qualified STATE representative who shall have authority to accept or reject structure related work and materials or to order any actions needed for public safety or the preservation of property and to assure compliance with all provisions of the encroachment permit(s) issued to CITY and CITY's contractor.
- (5) To provide, at CITY's expense, any "State-furnished material" as shown on the plans for PROJECT and as provided in the Special Provisions for PROJECT, including sign panel changes on I-5.

SECTION III

IT IS MUTUALLY AGREED:

- (1) All obligations of STATE under the terms of this Agreement are subject to the appropriation of resources by the Legislature and the allocation of resources by the California Transportation Commission.
- (2) Construction by CITY of improvements referred to herein which lie within STATE highway right of way or affect STATE facilities, shall not be commenced until CITY's original contract plans involving such work and plan for utility relocations have been reviewed and accepted by signature of STATE's District Director of Transportation, or the District Director's delegated agent, and until an encroachment permit to CITY authorizing such work has been issued by STATE.
- (3) CITY shall obtain aforesaid encroachment permit through the office of State District Permit Engineer and CITY's application shall be accompanied by twenty (20) sets of reduced construction plans of aforesaid STATE approved contract plans. Receipt by CITY of the approved encroachment permit shall constitute CITY's authorization from STATE to proceed with work to be performed by CITY or CITY's representatives within proposed STATE right of way or which affects STATE facilities, pursuant to work covered by this Agreement. CITY's authorization to proceed with said work shall be contingent upon CITY's compliance with all provisions set forth in this Agreement and said encroachment permit.
- (4) CITY's construction contractor shall also be required to obtain an encroachment permit from STATE prior to commencing any work within STATE right of way or which affects STATE facilities. The application by CITY's contractor for said encroachment permit shall be made through the office of State District Permit Engineer and shall include proof that said contractor has payment and performance surety bonds covering construction of PROJECT.

City Agreement No. 95-217

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- (5) CITY shall provide a right of way certification prior to the granting of said encroachment permit by STATE, to certify that legal and physical control of right of way were acquired in accordance with applicable state and Federal laws and regulations.
- (6) CITY shall not advertise for bids to construct PROJECT until after an encroachment permit has been issued to CITY by STATE.
- (7) CITY's construction contractor shall maintain in force, until completion and acceptance of PROJECT construction contract, a policy of Contractual Liability Insurance, including coverage of Bodily Injury Liability and Property Damage Liability in accordance with Section 7-1.12 of State Standard Specifications. Such policy shall contain an additional insured endorsement naming STATE, its officers, agents and employees as additional insureds. Coverage shall be evidenced by a Certificate of Insurance in a form satisfactory to STATE which shall be delivered to STATE before the issuance of an encroachment permit to CITY contractor.
- (8) Prior to award of the construction contract for PROJECT, CITY may terminate Agreement, for any reason, by written notice.
- (9) In construction of said PROJECT, representatives of CITY and STATE will cooperate and consult, and all work pursuant to PROJECT shall be accomplished according to approved plans, specifications and applicable STATE standards. Satisfaction of these requirements shall be verified by the STATE representative. The STATE representative is authorized to enter CITY's property during construction for the purpose of monitoring and coordinating construction activities.
- (10) Changes to PROJECT plans and specifications shall be implemented by contract change orders reviewed and concurred with by the STATE representative. All changes affecting public convenience, all design and specification changes, and all major changes as defined in STATE's Construction Manual shall be approved by STATE in advance of performing work. Unless otherwise directed by the STATE representative, changes authorized as provided herein will not require an encroachment permit rider. All changes shall be shown on the As-Built plans referred to in Section I, Article (22) of this Agreement.
- (11) Attachment A in its entirety, is incorporated as part of this Agreement.

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- (12) If any existing public and/or private utility facilities conflict with PROJECT construction or violate STATE's encroachment policy, CITY shall make all necessary arrangements with the owners of such facilities for their protection, relocation or removal in accordance with STATE policy and procedure for those facilities located within the limits of work providing for the improvement to the State highway and in accordance with CITY policy for those facilities located outside of the limits of work for the State highway. Total costs of such protection, relocation or removal shall be in accordance with STATE policy and procedure. Any relocated or new facilities shall be correctly shown and identified on the As-Built plans referred to in Section I, Article (22) of this Agreement.
- (13) If a finding is made that Federal and State regulations do not require mitigation of contaminated material in its present condition within the existing State highway right of way, CITY shall be responsible, at CITY expense, for any remedial action required as a result of proceeding with PROJECT. Locations subject to cleanup include utility relocation work required for PROJECT.
- (14) If Federal and State regulations indicate contaminated material within the existing State highway right of way presents a threat to public health or the environment, regardless of whether it is disturbed or not, STATE shall be responsible for the cleanup, at STATE expense. If STATE's cost to mitigate is increased due to PROJECT, the additional cost shall be borne by CITY.
- (15) The party responsible for funding the cleanup shall be responsible for the development of the necessary mitigation and remedial plans and designs. Remedial actions proposed by CITY shall be approved by STATE and shall be performed in accordance with standards and practices of STATE and other Federal and State regulatory agencies.
- (16) If any unforeseen potential hazardous waste sites are encountered during construction of PROJECT, STATE and CITY shall meet and confer on a course of action. The responsibilities and costs for any action shall be covered by amendment to this Agreement.

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- (17) Pursuant to the authority contained in Section 591 of the Vehicle Code, STATE has determined that within such areas as are within the limits of PROJECT and are open to public traffic, CITY shall comply with all of the requirements set forth in Divisions 11, 12, 13, 14 and 15 of the Vehicle Code. CITY shall take all necessary precautions for the safe operation of CITY's vehicles, the construction contractor's equipment and vehicles and/or vehicles of personnel retained by CITY and for the protection of the traveling public from injury and damage from such vehicles or equipment.
- (18) All phases of PROJECT, from inception through construction, whether done by CITY or STATE, will be developed in accordance with all policies, procedures, practices, and standards that STATE would normally follow.
- (19) Upon completion and acceptance of the PROJECT construction contract by CITY to the satisfaction of the STATE representative and subsequent to the execution of a maintenance agreement, STATE will accept control and maintain, at its own cost and expense, those portions of PROJECT lying within STATE's right of way, except local roads delegated to CITY for maintenance. STATE will maintain at STATE expense, the entire structure below the deck surface of any CITY local road overcrossings.
- (20) CITY will accept control and maintain at its own cost and expense, the portions of PROJECT lying outside STATE's right of way. Also, CITY will maintain at CITY expense, local roads within STATE's right of way delegated to CITY for maintenance, and remaining portions of any local road overcrossing structures, including the deck surface and above, as well as all traffic service facilities that may be required for the benefit or control of CITY local road traffic.
- (21) CITY will maintain the traffic control signal system and safety lighting as installed and pay an amount equal to 50% of the total maintenance costs, including electrical energy cost. STATE shall reimburse CITY for STATE's proportionate share of said maintenance costs, such share to be an amount equal to 50% of the total maintenance costs, including electrical energy costs.
- (22) CITY will operate the traffic control signals as installed and pay one hundred (100%) of the operation cost.
- (23) Upon completion of all work under this Agreement, ownership and title to materials, equipment and appurtenances installed within STATE's right of way will automatically be vested in STATE, and materials, equipment and appurtenances installed outside of STATE's right of way will automatically be vested in CITY. No further agreement will be necessary to transfer ownership as hereinabove stated.

- (24) Within thirty (30) days after execution of this Agreement, STATE shall return CITY's deposit collected in accordance with the Cooperative Agreements referred to in Article 3 of the recitals in the amount of \$22,633.56 (Twenty three thousand six hundred and thirty three and 56/100 dollars).
- (25) Nothing in the provisions of this Agreement is intended to create duties or obligations to or rights in third parties not parties to this Agreement or affect the legal liability of either party to the Agreement by imposing any standard of care with respect to the maintenance of state highways different from the standard of care imposed by law.
- (26) Neither STATE nor any officer or employee thereof is responsible for any damage or liability occurring by reason of anything done or omitted to be done by CITY under or in connection with any work, authority or jurisdiction delegated to CITY under this Agreement. It is understood and agreed that, pursuant to Government Code Section 895.4, CITY shall fully defend, indemnify and save harmless the State of California, all officers and employees from all claims, suits or actions of every name, kind and description brought for or on account of injury (as defined in Government Code Section 810.8) occurring by reason of anything done or omitted to be done by CITY under or in connection with any work, authority or jurisdiction delegated to CITY under this Agreement.
- (27) Neither CITY nor any officer or employee thereof is responsible for any damage or liability occurring by reason of anything done or omitted to be done by STATE under or in connection with any work, authority or jurisdiction delegated to STATE under this agreement. It is understood and agreed that, pursuant to Government Code Section 895.4, STATE shall fully defend, indemnify and save harmless CITY from all claims, suits or actions of every name, kind and description brought for or on account of injury (as defined in Government Code Section 810.8) occurring by reason of anything done or omitted to be done by STATE under or in connection with any work, authority or jurisdiction delegated to STATE under this Agreement.
- (28) This Agreement may be terminated or provisions contained herein may be altered, changed, or amended by mutual consent of the parties hereto.
- (29) No alteration or variation of the terms of this Agreement shall be valid unless made in writing and signed by the parties hereto and no oral understanding or agreement not incorporated herein shall be binding on any parties hereto.

10/16/05

(30) Those portions of this Agreement pertaining to the construction of PROJECT shall terminate upon completion and acceptance of the construction contract for PROJECT by CITY with concurrence of STATE, or on December 1, 2000, whichever is earlier in time; however, the ownership, operation, maintenance, liability, and claims clauses shall remain in effect until terminated or modified in writing by mutual agreement.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

CITY OF SACRAMENTO

JAMES W. VAN LOBEN SELS
Director of Transportation

By [Signature]
Mayor CITY MANAGER

By [Signature]
IRENE T. ITAMURA
District Director

Attest [Signature]
City Clerk

Approved as to form and procedure:

[Signature]
Attorney
California Department of Transportation

[Signature]
City Attorney

Certified as to procedures:

61 [Signature]
Accounting Administrator

Certified as to funds availability:

[Signature]
District Resource Manager

10182

Attachment A
Improvement Schedule/Funding for North Natomas Freeway-Related Improvements

Background

The North Natomas Community Plan area is 9,000 acres of largely undeveloped land. Over the next 40 years, this area is expected to develop to a build-out population of about 67,000 people. The area is also expected to provide jobs for about 72,000 people.

The North Natomas Community has been master planned to reduce dependence upon the automobile through a balanced arrangement of mixed land uses, interconnected circulation systems (promoting bicycle and pedestrian usage), and future transit service. However, the area is still expected to generate a significant amount of new vehicular trips.

A study was completed by Kittelson & Associates in November 1994, under contract to the City of Sacramento, to identify all interchange and freeway improvements that would be needed at build-out of the 1994 North Natomas Community Plan. The results of this study were then incorporated into the North Natomas Financing Plan to assure that local funding would be available. The November 1994 Kittelson study and letters of clarification from the City of Sacramento¹ and Caltrans² form the basis for future freeway-related improvements in the area and are incorporated into this agreement by reference. However, any significant changes to the 1994 North Natomas Community Plan may result in the need to re-evaluate the planned improvements and the City's financial obligation.

Purpose/Approach

The City of Sacramento and Caltrans would like to define the timing and sequence of freeway-related improvements with as much certainty as possible. However, the pattern of development in North Natomas is impossible to predict. The pace of development is largely dependent upon the regional economy, the location of development is dependent upon the plans of individual developers and extension of local infrastructure, and the type of development (residential, office, retail, etc.) is dependent upon market forces in the localized area and institutional lending policies.

In recognition of the unpredictability of the development pattern in North Natomas, the following describes the approach to annually monitor traffic levels at key locations and anticipate improvements. This monitoring program will provide the City with the flexibility it needs to respond to changing circumstances, while providing Caltrans with the assurance that improvements will be made in a timely manner. The monitoring plan is described very specifically to minimize interpretation disputes over the lifetime of this agreement.

¹Letters from Terry Moore (City of Sacramento) to Mike Forga (Caltrans) dated 1/9/95, 5/6/95, 5/17/95, and 10/25/95.

²Letter from Mike Forga (Caltrans) to Terry Moore (City of Sacramento) dated 3/13/95.

City Agreement No. 95-217

12/05/2003

13:43

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Measurements-When

Measurements of traffic levels in North Natomas will be made in March of every year, beginning in 1996. The counts will occur over a 3 day period (Tuesday through Thursday) that includes at least one evening special event at the Arena/Stadium³.

Intersection turning counts and ramp volume counts will occur in 15 minute intervals from 6-9 AM and 3-6 PM. If experience indicates that the actual peak hour occurs outside of these time periods, then the time periods will be adjusted to incorporate the peak hour.

Visual observations of ramp queue lengths will be recorded between 6-9 AM and 3-6 PM. Queue lengths will also be observed from 45 minutes before a special event until 15 minutes after it begins.

A report of the findings will be submitted to Caltrans by April 30th of each year.

Measurements-Where

Turning movement counts will be made at the intersections formed by the ramps at all freeway interchanges:

- Northgate Boulevard/Interstate 80
- Truxel Road/Interstate 80 (after construction)
- El Camino Road/Interstate 80
- North Market/Interstate 5 (after construction)
- Del Paso/Interstate 5
- Elkhorn/Highway 99

Those off-ramps, for the interchanges listed above, which are not included in the intersection turning movement counts (i.e. uncontrolled rights and loop on-ramps) will be counted separately for the same time periods.

Queue lengths will be observed and recorded at each of the freeway off-ramps during peak periods and prior to a special event.

Measurements-How

The peak period count data will be summarized to determine the highest single hour (in both the AM and PM) at each intersection.

³ The initial event to be monitored will be a King's game at ARCO Arena. If a stadium is built which accommodates more than 20,000 people, then the monitoring program will be changed to measure conditions before an evening event at the stadium.

Service levels at the intersections will be calculated in both the AM and PM peak hours using the Operations Methodology in the most recent version of the Highway Capacity Manual.

Queue lengths on the freeway ramps will be identified, compared against available queuing lengths, and summarized for the commute peaks and prior to a special event.

The "maximum queue" will be defined as the longest queue of any lane, and the available queuing length will be measured from the intersection stop bar to the end of the deceleration area (which is 600' from the off-ramp gore⁴).

The attached tables (Tables 1, 2A-2C) show the format which will be used to summarize the monitoring results.

Advanced Planning

The following is a schedule to initiate freeway-related improvements in North Natomas based upon the findings of the annual monitoring program:

If: LOS A or B at all intersections during both peak hours and all ramp queue lengths less than 70%.
Then: No action necessary.

If: LOS C at any intersection or any ramp queue length of 70-80%
Then: Begin preparation of Project Report and environmental documentation for next phase of improvements necessary to mitigate anticipated problem. The selected project will be one or more of the phased improvements identified in the November 1994 study by Kittelson & Associates. Secure funding for improvements.

If: LOS D at any intersection or any ramp queue length of 80-90%
Then: Finalize Project Report and environmental documentation, prepare and complete cooperative agreement, and prepare and complete contract plans and specifications. The City's goal will be to complete the P.S. & E. and right-of-way purchase within 18 months of the finding that LOS D has been reached.

If: LOS E or F at any intersection or any ramp queue length exceeds 90%
Then: Begin construction of improvements within one year.

The above schedule does not apply to the following:

1) The HOV lanes and I-5/I-80 eastbound to northbound ramp improvements because they are dependent upon regional traffic issues and the funding sources are not controlled exclusively by the City of Sacramento.

2) Improvements to the westbound off-ramp at Northgate Boulevard are in response to

⁴Assuming 60 MPH design speed from Table 201.1 from the Caltrans Highway Design Manual.

City Agreement No. 95-217

an existing deficiency that the City and County have agreed to remedy when Measure A funds are available.

3) If, and when, a stadium in excess of 27,000 seats is approved, the City will begin to develop the Phase II improvements (N. Market Interchange) regardless of the results of the monitoring plan. The North Market Interchange improvements will be completed prior to use of a 27,000+ seat stadium.

4) The City of Sacramento intends to begin preparing the necessary studies, designs, and contracts to construct the auxiliary lanes on Interstate 80 between Truxel Road and Northgate Boulevard as soon as the Truxel Road Interchange is under construction. The City hopes to construct these auxiliary lanes in 1998 or 1999.

Cost Sharing

All fair share references in this section include project development (PSR, Project Report, Environmental, etc.), design, right-of-way, and construction. Final cost shares for future improvements (City/County Shared Responsibility and Regional Funding) will be identified in the cooperative agreement for the specific improvement. Any significant changes to the 1994 North Natomas Community Plan may result in the need to re-evaluate the City's obligation to provide improvements to the state highway system as identified in this agreement.

City of Sacramento Only

The City of Sacramento (or development interests within the City) will fund 100% of the interchange and associated auxiliary lane improvements at North Market, Del Paso, and W. El Camino. The City will fund 100% of the cost of auxiliary lanes between Truxel Road and Northgate Boulevard. The City will also completely fund the three overcrossings that are entirely in the City (A Street, South Loop, and El Centro).

City/County Shared Responsibility

The following improvements are expected to be jointly funded by the City and County:

- Northgate WB off-ramp safety improvements (Measure A)
- Elkhorn Interchange and associated improvements to Highway 99
- Meister Way Overcrossing

The City of Sacramento has committed that its fair share will be available at the time the improvements are needed and will actively pursue project development and construction with the County. In the event that the County's fair share is not available in a timely manner for the Elkhorn Interchange and/or Meister Way Overcrossing, the City will explore options for funding the improvements with future reimbursement from the County. However, these improvements will not be needed until substantial growth occurs in the County, which should allow the County to collect the necessary funds.

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Regional Funding

The City of Sacramento will participate, and pay a fair share (STIP funding will not count towards the City's fair share unless agreed to by Caltrans), of any regional funding plans for the mainline lanes identified in the 1994 Kittelson & Associates study (one lane in each direction on I-5 from I-80 to Highway 99, I-80 from Northgate to W. El Camino, and Highway 99 from I-5 to Elkhorn) and the eastbound-northbound ramp at the I-5/I-80 Interchange. The City's fair share contribution will be more precisely defined in the future as it is dependent upon the funding source(s) and development patterns, but in no case shall the City's share be less than 33% of the total cost of these improvements. In addition to funding its fair share, the City of Sacramento will strongly support state, federal and local programming and financing efforts to construct these mainline improvements when the facilities reach Level of Service E as determined by Caltrans.

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**Table 1
North Natomas Monitoring Program Results
for Year _____
(Intersections)**

Location	Intersection	AM Peak Hour				PM Peak Hour			
		Volume		LOS		Volume		LOS	
		Prior Year	This Year	Prior Year	This Year	Prior Year	This Year	Prior Year	This Year
Northgate/I-80	EB off-ramp	3,000	3,100	C	D	2,800	2,900	C	C
	WB off-ramp								
Truxel/I-80	EB off-ramp								
	WB off-ramp								
El Camino/I-80	EB off-ramp								
	WB off-ramp								
N. Market/I-5	NB off-ramp								
	SB off-ramp								
Del Paso/I-5	NB off-ramp								
	SB off-ramp								
Elkhorn/I-5	NB off-ramp								
	SB off-ramp								

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Table 2A
North Natomas Monitoring Program Results
for Year _____
(Ramps)

Location	Ramp	AM Peak Hour						
		Volume		Max Queue		Available Queue	Queue (%)*	
		Prior Year	This Year	Prior Year	This Year		Prior Year	This Year
Northgate/I-80	EB off-ramp							
	WB off-ramp							
Truxel/I-80	EB off-ramp							
	WB off-ramp							
El Camino/I-80	EB off-ramp							
	WB off-ramp							
N. Mackay/I-5	NB off-ramp							
	SB off-ramp							
Del Paso/I-5	NB off-ramp							
	SB off-ramp							
Elkhorn/I-5	NB off-ramp							
	SB off-ramp							

* Measured as a percentage of the total available queuing length. Available queuing length is the distance from the intersection stop bar to the end of the deceleration area (which will be defined as 600' from gore point).

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Table 2B
North Natomas Monitoring Program Results
for Year _____
(Ramps)

Location	Ramp	PM Peak Hour						
		Volume		Max Queue		Available Queue	Queue (%)*	
		Prior Year	This Year	Prior Year	This Year		Prior Year	This Year
Northgate/I-20	EB off-ramp							
	WB off-ramp							
Truxel/I-80	EB off-ramp							
	WB off-ramp							
El Camino/I-80	EB off-ramp							
	WB off-ramp							
N. Market/I-5	NB off-ramp							
	SB off-ramp							
Del Paso/I-5	NB off-ramp							
	SB off-ramp							
Elkhorn/I-5	NB off-ramp							
	SB off-ramp							

* Measured as a percentage of the total available queuing length. Available queuing length is the distance from the intersection stop bar to the end of the deceleration area (which will be defined as 600' from gore point).

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Table 2C
 North Natomas Monitoring Program Results
 for Year _____
 (Ramps) -

Location	Ramp	Prior to Special Events						
		Volume		Max Queue		Available Queue	Queue (%)*	
		Prior Year	This Year	Prior Year	This Year		Prior Year	This Year
Northgate/I-80	EB off-ramp							
	WB off-ramp							
Truxel/I-80	EB off-ramp							
	WB off-ramp							
El Camino/I-80	EB off-ramp							
	WB off-ramp							
N. Market/I-5	NB off-ramp							
	SB off-ramp							
Del Paso/I-5	NB off-ramp							
	SB off-ramp							
Elkhorn/I-5	NB off-ramp							
	SB off-ramp							

* Measured as a percentage of the total available queuing length. Available queuing length is the distance from the intersection stop bar to the end of the deceleration area (which will be defined as 600' from gore point).

City Agreement No. 95-217

RESOLUTION NO. 95-653

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF NOV 14 1995

RESOLUTION APPROVING A COOPERATIVE AGREEMENT WITH CALTRANS FOR PROJECT CONSTRUCTION OF THE TRUXEL ROAD INTERCHANGE PROJECT (PN:TH42)

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:

1. The City Manager and City Clerk are hereby authorized and directed to execute, on behalf of the City, the attached Cooperative Agreement with Caltrans concerning construction of the Truxel Road Interchange Project.

JOE SERNA, JR.
MAYOR

ATTEST:

VALERIE BURROWES

CITY CLERK

CERTIFIED AS TRUE COPY
of Resolution No. 95-653

NOV 16 1995

Valerie W. Burrowes
CITY CLERK

KG:ec
ED2-22.E
10.2095

FOR CITY CLERK USE ONLY

RESOLUTION NO.: 95-653
DATE ADOPTED: NOV 14 1995

City Agreement No. 95-217

RESPONSES TO COMMENT LETTER D

Submitted by: Katherine Eastham
Caltrans: Office of Transportation Planning, Southwest

- D1:** The comment is noted. The comment presents a brief note on the traffic mitigation measures that are proposed for the Interstate 80/West El Camino Avenue Interchange. The comment does not raise any issues regarding the adequacy of the DEIR.
- D2:** The traffic mitigation measures identified for the West El Camino Avenue / I-80 eastbound and westbound ramps are proposed for improvement of overall traffic operations at the said locations. As seen in the DEIR Transportation and Circulation section Baseline plus Project Impacts (page 32-39), the subject locations are operating at unacceptable conditions even under the Baseline No Project condition also. Additionally, the required improvements at these regional facilities are intended to serve the regional traffic. The Mitigation Monitoring Plan (MMP) for the Proposed Project will therefore require the developer to pay the fair-share contribution towards the construction of the subject mitigation improvements. It may be noted that the implementation dates for mitigations are typically included in the MMP and not into the DEIR's Summary Table. Accordingly, the timing for compliance of the mitigation measures for the Proposed Project will be clearly stated in the MMP.
- The City is committed towards the implementation of Cooperative Agreement No. 95-217 in regards to freeway related improvements that is mentioned into the comment. We have completed the annual freeway monitoring and analysis for the year 2005 as per the requirements of the subject Agreement. Furthermore, the City is in the process of initiating the required procedure to ensure compliance with above mentioned Cooperative Agreement to address the LOS and queuing at the subject location; the City will coordinate with Caltrans in this regard. Also, we are requiring the other developments near the Interstate 80/West El Camino Avenue Interchange to pay for the fair-share towards the construction of the required improvements.
- D3:** The City will provide Caltrans with a copy of a Mitigation Monitoring Certification upon approval of the Mitigation Monitoring and Reporting Program (MMRP) by the City, and again subsequent to completion of the mitigations pursuant to Section 15206, Article 13 of the California Code of Regulations. The MMRP notes this information as well.
- D4:** The City has required the other development projects namely Downtown Ford, Park View, and River Dale North near the Interstate 80/West El Camino Avenue Interchange to pay for the fair-share towards the construction of the aforementioned mitigations.
- D5:** The project has not proposed construction outside the project boundaries or within the state right of way.

- D6:** Comment noted. The River Oaks project contains a mix of housing types and bicycle and pedestrian facilities, along with transit facilities within close proximity as described in the DEIR. Regarding the bicycle system and pedestrian system mitigation, Table 3.1 is not unclear as it is a summary table only. Additionally, as noted in the comment, the Proposed Project will have No Impact on these systems as described in detail into the DEIR's Transportation and Circulation chapter, the section on Impacts and Mitigations; please refer page 44, 71, 85, 109, and 121.
- D7:** Comment noted. The River Oaks project contains a mix of housing types and bicycle and pedestrian facilities, along with transit facilities within close proximity as described in the DEIR. Regarding the transit system mitigation, the Table 3.1 is not unclear as it is a summary table only. Additionally, as noted by in the comment, the Proposed Project will have No Impact on these systems as described in detail into the DEIR's Transportation and Circulation chapter, the section on Impacts and Mitigations; please refer page 44, 72, 86, 110 and 121.
- D8:** A traffic management plan is required by Mitigation Measure 9.6 on page 85 of the Initial Study (River Oaks Park DEIR, Appendix C). Caltrans' requirement for encroachment permits for electronic warning signs during construction is noted here.
- D9:** The project will not be allowed to cause a net increase in the baseline runoff conditions. The Initial Study addresses stormwater runoff from the proposed project on pages 42-43 (River Oaks Park DEIR, Appendix C). Also see response to Comments D2-D5.



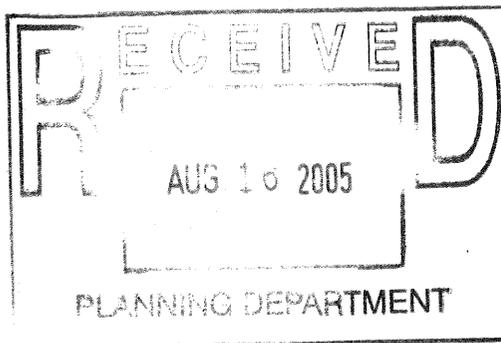
STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Arnold
Schwarzenegger
Governor

Sean Walsh
Director

August 15, 2005



Scott Johnson
City of Sacramento
1231 I Street, Room 300
Sacramento, CA 95814

Subject: River Oaks (P01-132)
SCH#: 2004122052

Dear Scott Johnson:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on August 8, 2005. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2004122052) when contacting this office.

Sincerely,

Terry Roberts
Senior Planner, State Clearinghouse

Enclosures
cc: Resources Agency

RESPONSES TO COMMENT LETTER E

Submitted by: Terry Roberts
State of California, Governor's Office of Planning and Research, State
Clearinghouse and Planning Unit

E1: The comment indicates the Clearinghouse received a comment after the State review period had ended. The comment further recommends that the City incorporate late comments although not required by CEQA. The Clearinghouse recommendation is noted. The additional comment is included in the Final EIR as Comment Letter F.

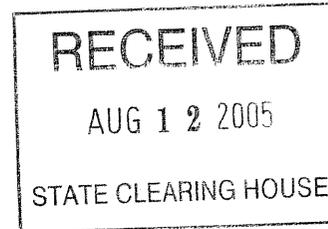
DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791

August 8, 2005



Scott Johnson
City of Sacramento
1231 J Street, Room 300
Sacramento, California 95814



clear
8-8-05
late

River Oaks (P01-132)State Clearinghouse (SCH) Number: 2004122052

Staff for The Department of Water Resources has reviewed the Notice of Completion provided through the SCH and provides the following comments on behalf of the **State Reclamation Board**:

Portions of the proposed Project (a trail along the Natomas Main Drainage Canal) may impact a Federal and State authorized flood control project over which The Reclamation Board has jurisdiction and exercises authority. Section 8710 of the California Water Code requires that a Board permit must be obtained prior to start of any work, including excavation and construction activities, within floodways, levees, and 10 feet landward of the landside levee toes. A list of streams regulated by the Board is contained in the California Code of Regulations, Title 23, Section 112.

Section 8(b)(2) of the Regulations states that applications for permits submitted to the Board must include a completed environmental questionnaire that accompanies the application and a copy of any environmental documents if they are prepared for the project. For any foreseeable significant environmental impacts, mitigation for such impacts shall be proposed. Applications are reviewed for compliance with the California Environmental Quality Act.

Section 8(b)(4) of the Regulations states that additional information, such as geotechnical exploration, soil testing, hydraulic or sediment transport studies, biological surveys, environmental surveys and other analyses may be required at any time prior to Board action on the application.

For further information on where to send the documentation, please contact me at (916) 574-0373 or ddjones@water.ca.gov.

A handwritten signature in black ink, appearing to read "DeeDee Jones".

DeeDee Jones, Chair
Environmental Review Committee

cc: Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Suite 222
Sacramento, California 95814

RESPONSES TO COMMENT LETTER F

Submitted by: Dee Dee Jones
Department of Water Resources comments on behalf of the State
Reclamation Board

F1: The comment notes the project must obtain a permit from the State Reclamation Board for excavation and construction activities affecting the Natomas Main Drainage Canal. Page 2-19 of the River Oaks DEIR notes the project requires a permit from the local district, Reclamation District 1000 (RD-1000). On page 3-15 of the River Oaks DEIR, Mitigation Measure 4.1 requires the applicant to obtain a permit using the following language,

“All bridges constructed over the Canal shall be required to obtain an encroachment permit from the Reclamation District 1000 (RD-1000) “

The mitigation measure adequately addresses the applicant’s requirement to obtain a permit from the Reclamation District.

F2: This comment notes the process by which Reclamation Board permits are issued. The Reclamation Board requires the applicant submit a copy of a certified CEQA document with the encroachment permit application. The permit process is not a CEQA issue to be addressed in the DEIR. No response to this comment is required.

F3: This comment discusses potential additional studies that may be required as part of the encroachment permit process. The permit process is not a CEQA issue to be addressed in the DEIR. No response to this comment is required.



August 8, 2005

Mr. Scott Johnson
Assistant Planner, Planning Division
City of Sacramento
1231 I Street, Room # 300
Sacramento, CA 95814

RE: Comments on the Draft EIR for and Draft Initial Study for the River Oaks Park Project, SCH Number 2004122052

The River Oaks Community Association (ROCA) has reviewed the River Oaks Park Draft Environmental Impact Report (ROP DEIR). After reviewing the ROP DEIR, ROCA believes that the proposed project may have significant impacts that were not adequately addressed.

ROCA is particularly concerned because many of these issues were raised in the January 20, 2005, letter in response to the notice of preparation (NOP) for the project.

ROCA has comments in certain issue areas provided in the ROP DEIR.

Mitigation Monitoring and Reporting Program (pg. 1-4)

The ROP DEIR references the requirements for the mitigation monitoring and reporting program, but merely concludes that issuance of approvals or permits "shall serve as the necessary monitoring of those conditions of approval/mitigation measures that are identified as prerequisites for the listed approvals and permits."

The mere issuance of approvals or permits fails to adequately comply with the requirements of CEQA for monitoring and reporting.

Hydrology and Water Quality (pg. 1-7)

According to the ROP DEIR, "The project will be required to follow the City of Sacramento Department of Utilities guidelines for stormdrain system and stormwater detention basin construction for the proposed onsite detention basin. The applicant shall submit a preliminary drainage plan which contains Best Management Practices (BMP) and incorporates Best Available Control Technology (BACT) meeting Department of Utilities' standards prior to construction. The project will also be required to comply with the City's

Stormwater Management and Discharge Control Ordinance, reducing potential storm water pollution and reducing runoff into the City's stormwater drainage system."

Under the city's Resolution 88-058, regarding the city's general plan, the city council found "that the transport of pollutants to streams would increase from construction activities and runoff from industrial, commercial, and residential development, resulting in a significant adverse environmental impact (DEIR, page W-15)."

The city then found it infeasible to adopt mitigation measures for the following reason: "City CEQA Guidelines require that project-specific analyses be conducted to determine short- and long-term water quality impacts. These analyses include evaluation of measures to avoid or minimize water quality degradation. Because these analyses are conducted on a project-specific basis, the feasibility of mitigating Citywide water quality impacts cannot be determined at this time." This requirement was contained in the Final Supplemental EIR for the SNCP Update and Related Projects, dated April 1988.

The ROP DEIR does not contain a project-specific analysis. The city must prepare such an analysis and specifically identify mitigation measures prior to determining whether there may be significant water quality impacts. Delaying identifying mitigation measures to protect water quality until a Stormwater Pollution Prevention Plan is prepared is not authorized under CEQA. The BMPs that the applicant is required to implement must be identified in the ROP DEIR.

Air Quality (pgs. 1-7 to 1-8)

In April 2005, the California Air Resources Board (ARB) approved the "Air Quality and Land Use Handbook: A Community Health Perspective." In response to the ARB report, the Sacramento Metropolitan Air Quality Management District also notified area planning directors in a letter dated June 20, 2005 that "Housing and other structures and facilities accommodating sensitive receptors within new development projects located within 500 feet of the outside travel lane of a freeway are considered to be exposed to potential increased risk during this initial implementation phase. The District's comments on projects within this distance range will include a caution for sensitive receptors, and local jurisdictions will be advised to avoid siting sensitive receptor projects within this area immediately adjacent to freeways."

The ROP DEIR fails to properly address the above issues. The revised initial study (pg. 47) cites certain report findings and entirely strikes the provision regarding toxic air contaminants. ROCA therefore believes there may be a significant impact that is not addressed and mitigated in the ROP DEIR.

Biological Resources (pgs. 1-8 to 1-10)

According to the ROCA NOP letter, "the project site has recently been altered by the removal of a number of trees and other changes to the site. This is a significant impact on these important resources and must be mitigated. We are very disturbed that the project

applicant and city have allowed this to occur and we want to know how the city intends to address this issue.”

The ROP DEIR identifies this as an area of controversy (pg. 3-2), but does not respond to the concern. A sentence regarding the “baseline condition” does not indicate that the CEQA guidelines recognize that lead agencies may elect to formulate a different baseline in appropriate situations. We believe that alteration of the site prior to the NOP presents such an appropriate situation.

The biological resources discussion indicates the project must adhere to the city’s Heritage tree ordinance by obtaining a permit and adhering to the requirements prior to cutting down a tree at the project site, and that there is therefore a less-than-significant effect on Heritage trees (pg. 1-9). Because there are at least five Heritage trees on the project site, the DEIR must specify whether these trees will be impacted by the project and must specify appropriate mitigation measures or project alternatives.

Hazards (pgs. 1-10)

According to the Downtown Ford mitigated negative declaration (DTF MND) (pg. 37), a Phase I Environmental Site Assessment that was prepared in 1997, was updated in 2001, and the report “concluded that the project site has been undeveloped since 1953 and no indications of environmental hazards were identified.” The DTF MND notes that Sacramento Environmental Health Department (SEHD) records indicate that a 500-gallon underground storage tank is located on the project site, and that SEHD does not maintain records regarding the integrity of underground storage tanks. The DTF MND also notes that the tank was not located on the list of known leaking underground storage tanks included in the Phase I assessment.

The hazards section of the DTF MND relies on the Park El Camino MND (PEC MND). However, according to the PEC MND (pg. 47), the site assessment report “states that a residential property located adjacent to the east of the project site is listed with the [SEHD] as having a 500-gallon underground fuel tank.” According to the PEC MND, “Although the direction of groundwater flow is to the west, towards the project site, there is no evidence that a release of petroleum products ever occurred. However, a future release may potentially impact the project site.”

According to the DTF MND, “During construction, it is anticipated either the removal or safe ‘closure’ of the tank would occur pursuant to County’s requirements.”

Not only do the PEC and DTF MNDs place the underground tank in different locations, the PEC MND indicates that “a future release may impact the project site.”

According to the July 14, 2005, staff report for the DTF (pg. 129), “The 500-gallon underground storage tank listed with the Sacramento County Environmental Health Department is located on residential property adjacent to the eastern boundary of the project site. A revision to the draft MND corrects this error.”

The ROP DEIR does not discuss this issue and the initial study merely cites “evidence of past use of one underground storage tank (UST) and one above ground storage tank (AST) at the project site . . .” (pg. 82).

Without a more detailed site assessment and appropriate mitigation measures, the proposed project may have a significant impact regarding various hazard-related issues (e.g., risk of accidental explosion or release of hazardous substances, creation of health hazard or potential health hazard, exposure of people to potential health hazards).

Public Services (pgs. 1-11 to 1-12)

According to the ROP DEIR, “The project is expected to have a less-than-significant effect on first responder services with mitigation incorporated.” However, according to the SNCP (pg. 49), “The Fire Protection Master Plan anticipates relocating the equipment and staff from the existing station to a new station at the northeast corner of the Natomas Main Drain Canal and West El Camino Avenue. The fire station at Newborough Drive was designed as a temporary facility.” An implementing policy of the SNCP (pg. 51) requires a Facilities Benefit Assessment District (FBA) to be established, “assessing both undeveloped residential and non-residential developments, to fund needed public facilities including a fire station and a library.”

Without information regarding the status of the FBA for the long overdue fire station to serve the area, the proposed project may have a significant impact on fire protection services in the area.

Transportation and Circulation (pg. 1-4, Chapter 4)

We are concerned about increased traffic volumes resulting from the proposed project and elimination of vehicular circulation along a loop road between Gateway Oaks Drive and Orchard Lane, and an additional bike and pedestrian bridge, as required by the South Natomas Community Plan. We are particularly concerned that the absence of any loop road may adversely affect transit services to the community and believe that this potential impact should be analyzed in the DEIR. Also, the baseline conditions for the project are based on a different proposed project at the park El Camino site.

In Table 3.1 the DEIR states that there will be significant and unavoidable impacts between the Orchard and W. El Camino intersection and the I-80 east bound on ramp unless W. El Camino is expanded to 6 lanes at this location. Table 3.1 also states there is no funding or plans to widen W. El Camino at this location. A significant unavoidable impact at the worst intersection in the community is unacceptable. Another alternative should be sought to alleviate traffic at this location.

Significant impacts at this location will also impact existing residents living south of W. El Camino. Residents who now take Orchard to W. El Camino to the I-5 interchange and have to travel through the afore mentioned intersection will change their routes and travel south on Orchard to Garden Highway and east to the I-5 interchange. No traffic analysis

of the increased traffic on Orchard, through the roundabout, or on Garden Highway was completed as part of this analysis.

As part of the description of the traffic analysis on Chapter 4 page 9 the freeway ramps do not include the W. El Camino I-5 southbound on-ramp. The street segment from Gateway Oaks to the on-ramp is used in the tables, but traffic from the existing neighborhoods will become worse at Orchard if the right hand turn lane to W. El Camino is impacted due to traffic light timing changes. That worsening will continue at the Gateway Oaks and W. El Camino intersection. Due to the right hand turn lane into the existing Shell station at the I-5 on-ramp, traffic can get significantly worse from an increase in autos accessing the 1-5 on-ramp at this location.

We look forward to discussing our concerns on the environmental impacts of this proposed project. If you have any questions regarding these comments, please contact Melinda Bradbury at 916.212.6589.

Sincerely,

Rachel Perry
President

RESPONSES TO COMMENT LETTER G

Submitted by: Rachel Perry
River Oaks Community Association

G1: The comment quotes a sentence on page 1-4 of the River Oaks Park DEIR Introduction summarizing the City of Sacramento permit issuance and mitigation monitoring process. The comment states issuance of approvals or permits does not meet CEQA requirements for mitigation and monitoring. Section 1.4 shall be revised as follows:

“A Mitigation Monitoring and Reporting Program (MMRP) has been prepared in accordance with Section 21081.6 of the Public Resources Code and will be included in the Final EIR. The intent of the Plan is to prescribe and enforce a means for properly and successfully implementing the mitigation measures for the project.

The MMRP provides an implementation program for all approved mitigation measures in the Final EIR (including the Initial Study) to be incorporated as conditions of approval for this project. For each approved mitigation, the MMRP will identify the following:

- *Implementing Responsibility*
- *Monitoring Responsibility*
- *Compliance Standards*
- *Timing*
- *Verification of Compliance*

Proper implementation of this MMRP will ensure that all mitigation measures are implemented and monitored in a timely and effective manner by the appropriate parties in accordance with this EIR.”

G2-5: G2 of this letter provides quotes from the EIR Introduction regarding the requirement for project compliance with City guidelines, standards, and ordinance for stormwater drainage and detention. G3 and G4 cite the City’s General Plan Resolution 88-058 and the *South Natomas Community Plan Final Supplemental EIR* regarding the City’s findings of an increase in transport of pollutants to streams and the need to provide project-specific analyses to determine Citywide water quality impacts and mitigation, respectively.

ROCA’s concern in G5 is that the River Oaks Park DEIR does not contain a project specific analysis, and states that the City must prepare such an analysis to specifically identify mitigation measures prior to determining whether there may be significant water quality impacts. The letter further states that delaying the identification of mitigation measures until preparation of a Storm Water Pollution Prevention Plan (SWPPP) is not authorized under CEQA and that

BMPs the applicant is required to implement must be identified in the River Oaks Park DEIR.

The following response by City of Sacramento Department of Utilities' Department includes provisions that ensure implementation of adequate mitigation for stormwater runoff to ensure City and developer compliance with State water quality standards:

1. The City of Sacramento is issued a Municipal Stormwater National Pollutant Discharge Elimination System (NPDES) permit by the State Regional Water Quality Control Board.
2. It is the responsibility of the City of Sacramento to comply with this permit.
3. The Municipal Stormwater Permit includes requirements for new developments and projects under construction. It is the responsibility of the Department of Utilities (DOU) to implement and enforce these stormwater quality development standards.
4. Implementation of the stormwater quality development standards is handled through conditioning of projects, improvement plan review and approval, inspection during construction, and maintenance after construction.
5. Special permit or tentative map conditions require the developer to provide water quality BMPs during construction. These BMPs must be included on the improvement plans which are reviewed and approved by the DOU. The developer is not issued the permit until the improvement plans provide the approved BMPs. Listed below are conditions of approval for the River Oaks Park project (P01-132) which assures compliance with the City's Municipal Stormwater Permit:

A grading plan showing existing and proposed elevations is required. Adjacent off-site topography shall also be shown to the extent necessary to determine impacts to existing surface drainage paths. No grading shall occur until the grading plan has been reviewed and approved by the Department of Utilities.

The project is greater than 1 acre, therefore the project is required to comply with the State "NPDES General Permit for Stormwater Discharges Associated with Construction Activity" (State Permit). To comply with the State Permit, the applicant will need to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and prepare a Stormwater Pollution Prevention Plan (SWPPP) prior to construction. A copy of the State Permit and NOI may be obtained from www.swrcb.ca.gov/stormstr/construction.html. The SWPPP will be reviewed by the Department of Utilities (DOU) prior to issuing a grading permit. The DOU will verify the SWPPP contains the following items: (1) vicinity map, (2) site map, (3) list of potential pollutant sources, (4) type and location of erosion and sediment BMP's, (5) name and phone number

of person responsible for SWPPP and (6) certification by property owner or authorized representative.

The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to show erosion and sediment control methods on the subdivision improvement plans. These plans shall also show the methods to control urban runoff pollution from the project site during construction.

6. The erosion, sediment and pollution controls are enforced by inspection, which is done by the DOU during construction.
7. Special permit and tentative map conditions may also require the developer to construct permanent water quality features. These features must be shown on the improvement plans, which are reviewed and approved by the DOU. The water quality features must be constructed to City standards per the *Guidance Manual for On-site Stormwater Quality Control Measures* and the *Utilities Procedures Manual*, which satisfies the City's Municipal Stormwater Permit. The developer is not issued a construction permit until the improvement plans have been reviewed and approved by the DOU. Listed below is the condition requiring stormwater quality source and/or treatment control BMPs for the River Oaks project (P01-132) which assures compliance with the City's Municipal Stormwater Permit:

Post construction, stormwater quality control measures shall be incorporated into the development to minimize the increase of urban runoff pollution caused by development of the area. The project is required to construct a regional water quality control facility and provide source control measures. Specific source controls are required for

- (1) Commercial/industrial material storage,
- (2) Commercial/industrial outdoor loading/unloading of materials,
- (3) Commercial/industrial vehicle and equipment fueling,
- (4) Commercial/industrial vehicle and equipment maintenance, repair and washing,
- (5) Commercial/industrial outdoor process equipment operations and maintenance and
- (6) Commercial/industrial waste handling.

Storm drain message is required at all drain inlets. Improvement plans must include the source controls measures selected for the site. Refer to the latest edition of the "Guidance Manual for On Site Stormwater Quality Control Measures", for appropriate source control measures.

8. The above condition is enforced during construction by inspection, which is performed by DOU, Building or Development Services. Regional stormwater quality treatment facilities are generally owned and

maintained by the DOU. If a stormwater treatment facility is privately owned, the owner of the treatment facility is required to execute an agreement with the City assuring that the BMP will be maintained by the owner. Maintenance of treatment facilities assures that the measures and devices operate at peak performance. The DOU regularly reviews performance data for treatment control BMPs and conducts BMP effectiveness studies to ensure that the most effective BMPs are being used for development projects.

G6: The comment notes the California Air Resources Board (CARB) approved the *Air Quality and Land Use Handbook: A Community Health Perspective April 2005*. The comment also quotes a letter dated June 20, 2005 sent from CARB to area planning directors. The comment is an observation, is noted, and requires no response.

G7: See response to comment C5.

G8-11: This comment reiterates ROCA's concern expressed during the circulation of the NOP that it considered earlier tree removal significant and stated the need for mitigation of these resources based on the City's Heritage Tree Ordinance (*Note: This is in response to the applicant's removal of trees from the project site prior to issuance of the NOP but after obtaining permits to demolish the single-family home formerly located on the project site and grade the site*). The letter goes on to state that the DEIR "must specify whether these trees will be impacted by the project and must specify appropriate mitigation measures or project alternatives."

The DEIR did include an impact analysis, relying on the City of Sacramento Tree Ordinance to establish the threshold of significance for impacts to trees. According to the *Certified Arborist Assessment for the ±75-acre River Oaks Park project* in Appendix 7 to the Initial Study of River Oaks Park DEIR, the trees removed were not identified as heritage trees as defined by the City of Sacramento Tree Ordinance Section 12.64.050 of the Sacramento City Code. Therefore, no permit was required for their removal. The DEIR does include Mitigation Measures 7.8 through 7.10 requiring the project comply with the tree ordinance (Pages 74-75).

The ROCA letter also questions the DEIR's baseline conditions with regard to site disturbance. In accordance with the CEQA Guidelines, the baseline conditions are those that exist at the time the Notice of Preparation is circulated. For the River Oaks Park DEIR, the baseline reflects the removal of non-heritage trees and structures from the site.

G12-18: The ROCA letter cites previous environmental documents prepared for projects in the vicinity – Downtown Ford and Park El Camino – that included an assessment of the potential for environmental hazards on the River Oaks Park project site. There were inconsistencies noted in the analysis and conclusions of these two mitigated negative declarations with regard to UST locations and potential for future release of petroleum product and contamination. The letter further states the ROP DEIR does not discuss the UST issue and the Initial Study only cites evidence of past use of one UST and one AST at the project site (page

82). The concern is that, without more detailed site assessment and appropriate mitigation measures, significant impacts may result due to hazards related issues including explosion, release of hazardous substances, creation of health hazard or potential health hazard, or expose people to potential health hazard.

Based on the Phase 1 Environmental Site Assessment (ESA) conducted on the project site (Appendix 1), the River Oaks Park DEIR Initial Study found the potential for hazardous materials to be uncovered during demolition and removal of foundations, storage containers, equipment and debris from the site (page 83). Mitigation Measures 9.1 through 9.5 and 9.7 reduce potentially significant impacts to a less-than-significant level. Mitigation Measure 9.5 on page 84 of the Initial Study will be expanded to include the following recommendation from the Phase I ESA:

“The applicant shall obtain a soils investigation of the area surrounding the site of the former UST for potential contamination from a soils scientist qualified in hazardous materials soils sampling. The soils investigation shall determine whether contamination of the site has occurred and make recommendations to mitigate and/or remediate any potential contamination and/or remove any contaminated soil.”

G19-20: The comment cites the SNCP’s reference to the Fire Protection Master Plan for relocating equipment and staff from the existing Newborough Drive “temporary facility” to the northeast corner of the Natomas Main Drain Canal and West El Camino Avenue. The comment also describes the SNCP’s requirement to establish a Facilities Benefit Assessment (FBA) District which would assess both residential and non-residential developments for funding public facilities including a fire station and a library.

The City is continues to collect FBA fees for residential development at a rate of \$2,230.00 per unit. These fees are collected to fund specific projects, including fire protection facilities for the project area, as identified in the *South Natomas Public Facilities Financing Plan and Facilities Benefit Assessment*. The mitigation fees to be paid by the project applicant will be applied toward funding of these fire protection facilities.

G21: The Commenter expresses the concern about increased traffic volumes resulting from the proposed project and elimination of vehicular circulation along a loop road between Gateway Oaks Drive and Orchard Lane, and an additional bike and pedestrian bridge, including the concern that the absence of any loop road may adversely affect transit services to the community. The Transportation and Circulation section has analyzed the traffic conditions within the study area with and without the said loop road in order to provide a comparative evaluation of traffic operations under both the scenarios. However, it may be noted that the decision regarding not extending the subject loop road has not yet been made by the City; and it does not preclude the loop road being built as a City project. Furthermore, elimination of the loop road will require the Community Plan Amendment. However, no such Application to amend the Community Plan is being processed by the City.

- G22:** Regarding baseline conditions for the proposed Park El Camino project site: According to CEQA Guidelines Section 15125 (a), the physical environmental conditions existing at the time the Notice of Preparation is published normally constitute the baseline conditions. Accordingly, the baseline conditions for the proposed Park El Camino project site were considered based on the land uses that were approved at the time of the analysis for Transportation and Circulation was commenced.
- G23:** The potentially significant impact and the unacceptable condition on W. El Camino Avenue between Orchard Lane and I -80 eastbound ramps is due to the inadequate capacity of the subject roadway to serve the anticipated traffic demand. As mentioned in Table 3.1 and the related portions of Transportation and Circulation section, providing adequate capacity by widening the roadway is required to alleviate the traffic conditions. However, for the reasons mentioned in Table 3.1, the subject improvement is considered infeasible and therefore resulting traffic impact has been identified as significant unavoidable.
- G24:** The anticipated traffic conditions on W. El Camino Avenue within the study area could result to some extent, in a different travel pattern for the residents living south of W. El Camino on Orchard Lane who might take the alternate routes to the I-5 interchange as mentioned in to the Comment. However, the distribution of trips associated with the Proposed Project that was derived from the SACMET 2025 travel demand model and the observed travel patterns, does not indicate a substantial change in this regard in context of the Proposed Project. Moreover, since the selection of the particular locations for traffic analysis is usually based on the potential for project-specific significant impacts as per City's standards of significance, no additional analysis on Orchard Lane, through the roundabout, or on Garden Highway was performed.
- G25:** The mitigation recommended for the intersection of Gateway Oaks Drive & West El Camino Avenue would provide overlap phasing for northbound right turning movement. This will allow northbound Gateway Oaks Drive right turning traffic to proceed on a green arrow simultaneously with the westbound West El Camino Avenue left turning movement. This mitigation calls for a phasing change, which would not worsen the traffic at the subject intersection and not worsen the right turning traffic at the northbound approach, but instead it would provide a better level of service in terms of intersection operations. When the northbound right turning movements are proceeding, no other movements are allowed to be traveling on the eastbound segment of West El Camino Avenue between Gateway Oaks Drive and I-5 southbound on-ramp. In addition, the traffic impact studies are usually required to analyze the freeway off-ramps (considering the associated effects on the operating conditions) rather than the on-ramps. In view of this, the traffic analysis did not include the W. El Camino I-5 southbound on-ramp since the proposed project is not anticipated to create the potentially significant impact to the said facility.



August 2, 2005
E225.000

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Scott Johnson
City of Sacramento
Planning Division
1231 I Street, Room 300
Sacramento, CA 95814

**Subject: Notice Of Availability-Draft Environmental Report For
The River Oaks Project (P01-132)
APN: 225-0220-030, 066, 068, 071, 086, 087, 088 and 089
Control No.: P01-132**

**Board of Directors
Representing:**

- County of Sacramento
- City of Citrus Heights
- City of Elk Grove
- City of Folsom
- City of Rancho Cordova
- City of Sacramento

Dear Mr. Johnson,

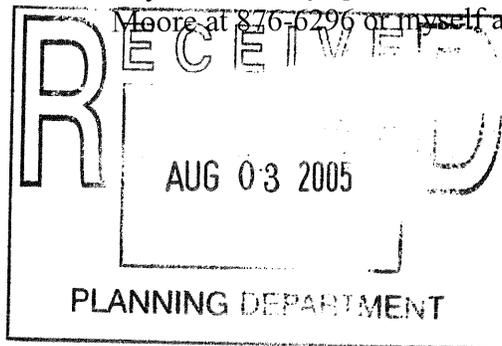
County Sanitation District 1 (CSD-1) reviewed the Negative Declaration for the subject property.

CSD-1 and Sacramento Regional County Sanitation District (SRCSD) do not have any specific concerns. We expect that if the project is subject to currently established policies, ordinances, fees, and to conditions of approval that we will propose after review of entitlement application documents, then mitigation measures within the EIR will adequately address the sewage aspects of the project and we anticipate a less than significant impact to the sewage facilities.

The subject project will not significantly impact CSD-1 and SRCSD Facilities upon complying with District connection requirements.

If you have any questions regarding these comments, please call Stephen Moore at 876-6296 or myself at 876-6094.

- Robert F. Shanks
District Engineer
- Marcia Maurer
Chief Financial Officer
- Wendell H. Kido
District Manager
- Mary K. Snyder
Collection Systems Manager



Sincerely,

Wendy Haggard, P.E.
Department of Water Quality
Development Service

WH/JRO: clm

cc: Christoph Dobson
Amber Schalansky

johnson080205.ltr

RESPONSES TO COMMENT LETTER H

Submitted by: Wendy Haggard
County Sanitation District 1

H1: The comment is standard Sanitation District Language requiring the project to comply with district policies. No response to the comment is necessary.

H2: The comment states the project will not significantly impact CSD-1 and SRCSD facilities upon compliance with district connection requirements. The project is required by Mitigation Measure 12.1 on page 107 of the River Oaks Park DEIR Initial Study to prepare a sewer study meeting CSD-1 standards.



Sacramento Regional
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29th St. Light Rail Station/
Bus 36,38,50,67,68

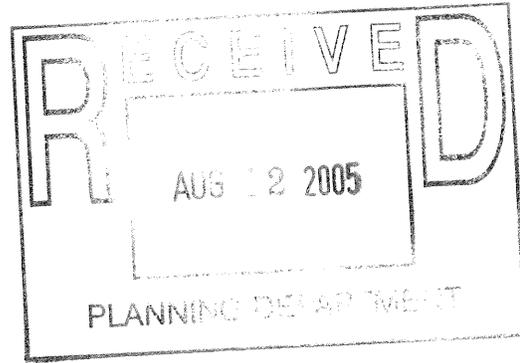
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August 9, 2005

Mr. Scott Johnson
Assistant Planner
Development Services Division
Environmental Planning Services
CITY OF SACRAMENTO
1231 I Street, Room 300
Sacramento CA 95814



Subject: River Oaks Project (Draft Environmental Impact Report)

Dear Mr. Johnson:

Regional Transit (RT) has reviewed the Draft Environmental Impact Report (EIR) for the River Oaks Project (P01-132) in the South Natomas area. Bus Routes 88 and 89 operate within ¼ mile of the proposed development; their nearest stop to the development is at the intersection of Gateway Oaks and West El Camino Avenue. The River Oaks Project will consist of 642 single-family homes, a community recreation center, and parkland on about 80.33 acres.

RT supports approval of the application with the following recommendations:

1. That the applicant join the South Natomas TMA.
2. That transit information is made available in sales offices for employees and prospective buyers.

If there are any questions or comments, they may be addressed to me at (916) 556-0506 or dsmith@sacrt.com

Sincerely,


Don Smith
Senior Planner

c: Deborah K. Maus, Executive Director,
South Natomas TMA
2295 Gateway Oaks Drive, Suite 250
Sacramento, CA 95833

Taiwo Jaiyeoba, Planning Director, RT
Eddie Isaacs, Assistant Planner, RT

RESPONSES TO COMMENT LETTER I

Submitted by: Don Smith
Sacramento Regional Transit District

- I1:** This comment describes the location of bus routes in the project vicinity and is noted here.
- I2:** The Transit District comment recommends the applicant join the South Natomas Transportation Management Agency. The River Oaks Home Owners Association, once formed, may opt to join the TMA. The recommendation is noted.
- I3:** The Transit District comment recommends transit information be made available in sales offices for employees and perspective buyers. The recommendation is noted.

FINAL EIR CHAPTER 3

REVISIONS TO THE DRAFT EIR

- Eliminate or reduce non-storm water discharges to storm sewer systems and other waters;
- Develop and implement a storm water pollution prevention plan (SWPPP);

Perform inspections of storm water pollution prevention measures.

Additionally, construction-related sediment and erosion-control measures have been established under the NPDES permit overseen by the Central Valley RWQCB with the intent to reduce pollutants from entering the storm drain system and protect water quality in the City of Sacramento.

The City's Grading, Erosion, and Sediment Control Ordinance is set forth in Chapter 15.88 of the Sacramento City Code. Erosion and sediment control BMPs for the City of Sacramento have been developed, and are contained in the Administrative and Technical Procedures for Grading and Erosion and Sediment Control (City of Sacramento, 1994). The primary objective of the BMPs is to reduce non-point source pollution into waterways. These practices include structural and source control measures for residential and commercial areas and BMPs for construction sites. BMP mechanisms to prevent soil erosion and sediment transport, and prevent pollutants such as oil and grease from entering the storm water drains. Included in the list of BMPs are hydroseeding and matting for erosion control, and practices such as installation of straw bale barriers and inlet filters, silt fences, and sediment traps and basins for sediment control. The project applicant is required to construct the onsite stormwater drainage system (including the proposed [drainage swale/water quality/detention basin](#)) using BMP ~~and BACT~~ per the specifications in the Department of Utilities construction manual (the manual is available from the Department of Utilities, Engineering Services Division, 1395 35th Avenue, Sacramento, CA). [BMPs are approved by Department of Utilities before construction can begin](#)

The City of Sacramento's construction BMPs include provisions requiring:

- Maintenance of structures and roads;
- Flood control management;
- Comprehensive development plans;
- Grading, erosion and sediment control;
- Inspection and enforcement procedures;
- Educational programs for toxic material management;
- Placing mulch and reseeded/re-vegetating disturbed areas;
- Enforcing strict on-site soil handling rules;
- Collection and removal of pollutants such as petroleum products from the job site;
- Maintaining riparian vegetation to the maximum extent feasible;
- Using appropriate sanitation to avoid bacterial and nutrient contamination;
- Preparation of a spill prevention plan in the event of an accidental materials spill;
- Reduction of pesticide use; and

percent opacity (or Ringelmann 2.0) shall be repaired immediately, the City of Sacramento and SMAQMD, shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any thirty-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this section shall supersede other SMAQMD or state rules or regulations.

SMAQMD Category 3: Controlling reactive organic gasses (ROG) and volatile organic compound (VOC) emissions from architectural coatings:

Mitigation Measure 5.5: Architectural coatings used in construction can be significant contributors of ROG, and wherever possible low-ROG and low-VOC architectural coating products shall be specified for use.

Additional ~~SMAQMD~~ required mitigation measures

Mitigation Measure 5.6: The applicant shall pay fees to the Sacramento Metropolitan Air Quality Management District in the amount of \$58,309, or \$13,600 per ton of mitigated NO_x emissions beyond the district NO_x construction significance threshold, to compensate for the cost of providing vehicle retrofit equipment to reduce vehicle emissions within the district. The project will be subject to the SMAQMD rules and regulations in effect at the time of construction. The project will require a permit from the SMAQMD prior to operating equipment capable of releasing emissions into the atmosphere, such as portable construction equipment with an internal combustion engine over 50 horsepower.

Mitigation Measure 5.7: The project shall be constructed in five separate phases as indicated in the project description. Any variation in the construction phasing must receive prior approval from the City of Sacramento and the Sacramento Metropolitan Air Quality District.

Findings: The project, with mitigation from the Sacramento Metropolitan Air Quality Management District implemented, complies with the air quality plan and ambient air quality standards applicable to the project site.

E) INCREASED FIRE HAZARD IN AREAS WITH FLAMMABLE BRUSH, GRASS, OR TREES?

The project site will be completely graded and cleared of cut brush, grass, and trees prior to development. The project site is separated from the vegetated area along the Canal by the levee. The project is not located in an area with significant organic fuel sources and is therefore at minimal risk from wildfire. The City of Sacramento Fire Department requires the project meet the provisions of the fire code during implementation ensuring reduction of flammable materials at the project site, thereby reducing the potential fire related hazards to less-than-significant levels.

During construction, vegetated areas adjacent to the construction site and cleared vegetation not removed from the site immediately may be flammable. Mitigation Measures 9.9 and 9.10 shall be implemented to reduce the potential hazards of fire from debris and vegetation at the project site to a less-than-significant level.

Mitigation Measures

Mitigation Measure 9.1: Excavations or any sampling activities that come within 10 feet of groundwater shall require a permit from the Sacramento County Environmental Management Department, Hazardous Materials Division (HMD). Any ground cuts associated with project development shall avoid contamination of groundwater.

Mitigation Measure 9.2: Hazardous materials used during implementation of the project which exceed the established reportable quantity must be reported to the HMD. A Hazardous Materials Plan (HMP) must be filed with HMD. The reportable quantity of hazardous materials is as follows:

- 55 gallons or more of a hazardous material in liquid state;
- 200 cubic feet or more of a compressed gas;
- 500 pounds or more of a hazardous material in a solid state.

In addition, any hazardous waste generated by the construction and operation of this project would require a hazardous waste generator permit from HMD. A permit can be obtained by completing a HMP with HMD.

Mitigation Measure 9.3: All potentially hazardous materials and fuel supplies shall be stored on pallets in fenced and secured construction areas to protect them from exposure to weather, incidents of theft, and prevent accidental exposure to people. Incompatible materials shall be stored in separate areas as appropriate.

Mitigation Measure 9.4: Equipment refueling and maintenance shall take place only within designated staging areas prepared to minimize and contain potential spills of fuels, oils, and hazardous substances.

Mitigation Measure 9.5: [The applicant shall obtain a soils investigation of the area surrounding the site of the former UST for potential contamination from a soils scientist qualified in hazardous materials soils sampling. The soils investigation shall determine whether contamination of the site has occurred and make recommendations to mitigate and/or remediate any potential contamination and/or remove any contaminated soil.](#)

Hazardous or contaminated materials may only be removed and disposed from the project site in accordance with the following regulations and requirements:

- A. Chapter 6.5, Division 20, California Health and Safety Code.
California Administration Code, Title 22 relation to Handling, storage, and transfers of hazardous Materials.
City of Sacramento Building Code and the Uniform Building Code, 1994 edition.
- B. Coordination shall be made with the County of Sacramento Environmental Management Department, Hazardous Materials Division, and the necessary applications shall be filed.
- C. All hazardous materials shall be disposed of at an approved disposal site and shall only be hauled by a current California registered hazardous waste hauler using correct manifesting procedures and vehicles displaying a current Certificate of Compliance. The developer shall identify by name and address the site where toxic substances shall be disposed of. No payment for removal and disposal services shall be made without a valid certificate from the approved disposal site that the material was delivered.
- D. None of the aforementioned provisions shall be construed to relieve the developer from the developer's responsibility for the health and safety of all persons (including employees) and from the protection of property during the performance of the work. This requirement shall be applied continuously and not be limited to normal working hours.

Mitigation Measure 9.6: The applicant shall prepare a traffic management plan, a construction schedule, and comply with the City's noticing procedures regarding timing and impacts of construction related activities on the affected roadways. The developer will use lane reductions instead of closures or detours. Construction will be scheduled to limit traffic interruptions. The police and fire departments shall be kept informed of construction activities for use in planning emergency response routing. The traffic management plan and construction schedule shall be approved by the City Fire Department.

Mitigation Measure 9.7: A hazardous materials inspector shall be present during demolition and removal of the existing buildings, storage, foundations, and debris field. If hazardous materials are encountered during demolition and removal, work shall be required to stop until an assessment of the hazard has been made and a plan of action determined.

Removal of hazardous materials shall be conducted in compliance with Chapter 6.5, Division 20, California Health and Safety Code; California Administration Code, Title 22 relation to Handling, storage, and transfers of hazardous Materials; City of Sacramento Building Code and the Uniform Building Code, 1994 edition.

Mitigation Measure 9.8: The water quality basin shall be enclosed with fencing to prevent people from entering the basin during the storm season. The fencing may be decorative in nature and shall comply with City standards.

Mitigation Measure 9.9: Removal of vegetation shall be implemented in a timely manner to reduce the potential for fire hazard.

consideration of mitigation measures and alternatives to the project that could avoid or reduce those impacts. The Draft EIR must be circulated for public and agency review prior to the Lead Agency adopting a decision on the project, as stipulated in Section 15087 of the Guidelines.

Comments received during the public review period for the Draft EIR must be considered by the Lead Agency and a Response to Comments must be prepared for consideration by the decision making body. The Response to Comments becomes a part of the Final EIR, which may also include revisions to the text of the Draft EIR. There is no requirement for a formal public circulation and review period for the Final EIR. CEQA Statute Section 21105 requires that EIRs be available for review and/or purchase by any member of the general public, while Sections 15082, 15083, and 15087 of the Guidelines establish requirements for providing members of the general public with opportunities to review and comment on the scope and content of an EIR.

1.3 TYPE AND PURPOSE OF THE EIR

Guidelines Section 15161 defines a **project EIR** as one that “examines the environmental impacts of a specific development project,” while a **program EIR** is intended to provide a broad and general analysis of environmental effects resulting from “a series of actions that can be characterized as one large project” [Guidelines Section 15168(a)]. This EIR evaluates the environmental effects of the proposed project, which consists of construction of a residential development. Therefore this EIR is a Project EIR, which provides analysis of the specific impacts related to the proposed actions of the project. This EIR addresses the transportation and circulation impacts and identifies necessary mitigation measures, where feasible. Other potentially significant impacts were addressed and mitigated in the Initial Study.

1.4 MITIGATION MONITORING AND REPORTING PROGRAM

A Mitigation Monitoring and Reporting Program (MMRP) has been prepared in accordance with Section 21081.6 of the Public Resources Code and is included in this EIR. The MMRP describes the implementation program for mitigation measures included in this EIR to avoid impacts or reduce them to less than significant levels. The mitigation measures shall be included in the conditions of approval for this project. The City monitors compliance with conditions of approval through a variety of permit processes as listed below.

- Planning Commission Approval
- Improvement Plan Approval
- Encroachment Permit
- Building Permit Approval
- Certification of Occupancy

The issuance of permits or the approval of improvement plans must be preceded by verification from City staff that certain conditions of approval/mitigation measures have been met. [A Mitigation Monitoring and Reporting Program \(MMRP\) has been prepared in accordance with Section 21081.6 of the Public Resources Code and will be included in the Final EIR. The intent of the Plan is to prescribe and enforce a means for properly and successfully implementing the mitigation measures for the project.](#)

The MMRP provides an implementation program for all approved mitigation measures in the Final EIR (including the Initial Study) to be incorporated as conditions of approval for this project. For each approved mitigation, the MMRP will identify the following:

- Implementing Responsibility
- Monitoring Responsibility
- Compliance Standards
- Timing
- Verification of Compliance

Proper implementation of this MMRP will ensure that all mitigation measures are implemented and monitored in a timely and effective manner by the appropriate parties in accordance with this EIR. The issuance of any of the listed City approvals or permits shall serve as the necessary monitoring of those conditions of approval/mitigation measures that are identified as prerequisites for the listed approvals and permits.

1.5 Focus

The focus of this project EIR, as provided for in the Guidelines, is limited to those specific issues and concerns identified by the City of Sacramento as being potentially significant. The City of Sacramento Development Services Department prepared a Notice of Preparation (NOP) of an EIR, which provided a general description of the project and a preliminary evaluation of possible environmental impacts resulting from implementation of the proposed River Oaks Park project. The NOP was circulated in December 2004 and January 2005 to State agencies (via the State Clearinghouse) and local agencies and organizations.

Comments on the NOP were received from the California Department of Transportation (Caltrans), the California Department of Water Resources, the River Oaks Community Association (ROCA), the South Natomas Transportation Management Association, the Sacramento Metropolitan Air Quality Management District, the County Sanitation District-1 (CSD-1), and WELCAM 80 Venture. All NOP comment letters are included in *Appendix C*.

The comments received during the NOP review period served to further refine the Initial Study and focus the EIR. As noted in the Initial Study that accompanied the NOP to the State Clearinghouse, the proposed project is expected to result in potentially significant impacts in the following environmental resource area:

Traffic and Circulation

The development of the proposed project would increase vehicular traffic on the roadway network within the project area. The project-generated traffic is expected to create potentially significant traffic impacts to some of the project area intersections and roadway segments. CHAPTER 4, ENVIRONMENTAL SETTING, IMPACTS & MITIGATION MEASURES - TRAFFIC AND CIRCULATION, contains a technical analysis prepared by the City of Sacramento and Dowling and Associates that examines in detail the project-related impacts to the transportation system. This chapter also provides mitigation measures and an analysis of project alternatives. Based on the review of the baseline operating traffic conditions within the project area and the capacity of the project area roadway system it appears that some of the potential traffic impacts of the proposed project may be significant and unavoidable as per the City's standards of significance for traffic impacts.

3.5 CUMULATIVE IMPACTS

The cumulative analysis for this project is based on “a summary of projections contained in an adopted general plan or related planning documents which is designed to evaluate regional or area-wide conditions...” (Section 15130(b)(1)(B), CEQA Guidelines) which in this case is the cumulative condition presented in the *South Natomas Community Plan EIR* (City of Sacramento, 1988). The past, present, and reasonable foreseeable future projects to be included in the cumulative impact analysis pursuant to CEQA Guidelines, Section 15130 is the buildout of the *South Natomas Community Plan*, as summarized in that Plan. The 2000 U.S. Census reported the average owner occupied household size in the City of Sacramento as being 2.65 persons. Given the average household size, it is estimated 1,733 persons will live at the project site subsequent to construction and full occupancy of its 654 single-family homes. In 2000, according to the City of Sacramento General Plan Housing Element (SGP HE), the entire area of the SNCP was 3,521 persons short of the buildout population of 42,199 persons. The proposed project, if built, would therefore accommodate 49.2% of remaining SNCP buildout population. While the proposed project would accommodate close to half of the remaining SNCP buildout population, this growth is consistent with that called for in the Community Plan.

A stand alone analysis of the project’s effects on the traffic system, including cumulative was prepared by the City of Sacramento and Dowling and Associates and is provided in **CHAPTER 4, ENVIRONMENTAL SETTING, IMPACTS & MITIGATION MEASURES – TRAFFIC AND CIRCULATION**.

The Sacramento Federal Ozone Nonattainment Area (SFNA) is comprised of five air districts in the southern portion of the Sacramento air basin. With two exceptions, this area is in attainment for all state and national ambient air quality standards (AAQS). However, the SFNA is designated a “serious” nonattainment area for the federal eight hour AAQS for ozone, and is also a “serious” nonattainment area for the state one hour ozone standard. As a part of the SFNA, Sacramento County is out of compliance with the state and federal ozone standards.

With respect to the state and federal 24-hour PM10 AAQS, Sacramento County is designated nonattainment, although the four remaining air districts in the Sacramento region are designated nonattainment for the state AAQS and unclassified/attainment areas for the federal AAQS. Additionally, in June 2004, the USEPA proposed to classify Sacramento County in attainment of the new federal PM2.5 standard. Ambient air quality standards define clean air. Specifically, air quality standards establish the concentration above which a pollutant is known to cause adverse health effects to sensitive groups within the population, such as children and the elderly. The amount of pollutants released and the atmosphere’s ability to transport and dilute the pollutants affect a given pollutant’s concentration in the atmosphere. Factors affecting transport and dilution include terrain, wind, atmospheric stability, and, for photochemical pollutants, sunlight. Sacramento’s poor air quality can largely be attributed to emissions, geography, and meteorology. The proposed project will have cumulative effects to air quality in the project area. The total mitigated emissions of summertime ROG, summertime NOx, and wintertime NOx are expected to exceed the SMAQMD thresholds after implementation of standard mitigation measures. SMAQMD has determined that implementation of Initial Study mitigation measure 5.6 (payment of fees) would be sufficient to reduce project related operational emissions to less-than-significant levels.

TABLE 3-2
IMPACT SUMMARY FOR INITIAL STUDY

<i>Significance before Mitigation</i>	Mitigation Measure(s)	<i>Significance after Mitigation</i>
	<p>removed and disposed from the project site in accordance with the following regulations and requirements:</p> <p>A. Chapter 6.5, Division 20, California Health and Safety Code.</p> <p>California Administration Code, Title 22 relation to Handling, storage, and transfers of hazardous Materials.</p> <p>City of Sacramento Building Code and the Uniform Building Code, 1994 edition.</p> <p>B. Coordination shall be made with the County of Sacramento Environmental Management Department, Hazardous Materials Division, and the necessary applications shall be filed.</p> <p>C. All hazardous materials shall be disposed of at an approved disposal site and shall only be hauled by a current California registered hazardous waste hauler using correct manifesting procedures and vehicles displaying a current Certificate of Compliance. The developer shall identify by name and address the site where toxic substances shall be disposed of. No payment for removal and disposal services shall be made without a valid certificate from the approved disposal site that the material was delivered.</p> <p>D. None of the aforementioned provisions shall be construed to relieve the developer from the developer's responsibility for the health and safety of all persons (including employees) and from the protection of property during the performance of the work. This requirement shall be applied continuously and not be limited to normal working hours.</p>	
	<p>Mitigation Measure 9.6: The applicant shall prepare a traffic management plan, a construction schedule, and comply with the City's noticing procedures regarding timing and impacts of construction related activities on the affected roadways. The developer will use lane reductions instead of closures or detours. Construction will be scheduled to limit traffic interruptions. The police and fire departments shall be kept informed of construction activities for use in planning emergency response routing. The traffic management plan and construction schedule shall be approved by the City Fire Department.</p>	
	<p>Mitigation Measure 9.7: A hazardous materials inspector shall be present during demolition and removal of the existing buildings, storage, foundations, and debris field. If hazardous materials are encountered during demolition and removal, work shall be required to stop until an assessment of the hazard has been made and a plan of action determined.</p> <p>Removal of hazardous materials shall be conducted in compliance with Chapter 6.5, Division 20, California Health and Safety Code; California Administration Code, Title 22 relation to Handling, storage, and transfers of hazardous Materials; City of Sacramento Building Code and the Uniform Building Code, 1994 edition.</p>	
	<p>Mitigation Measure 9.8: The water quality basin may shall be enclosed with fencing or post and cable The fencing may be decorative in nature and shall comply with City standards.</p>	
	<p>Mitigation Measure 9.9: Removal of vegetation shall be implemented in a timely manner to reduce the potential for fire hazard.</p>	
	<p>Mitigation Measure 9.10: The developer shall take necessary precautions to</p>	

FINAL EIR CHAPTER 4

**MITIGATION MONITORING
AND REPORTING PROGRAM**

**River Oaks Park
MITIGATION MONITORING AND REPORTING PROGRAM**

This Mitigation Monitoring and Reporting Program (MMRP) has been required by and prepared for the City of Sacramento Development Services Department, Environmental Planning Services, 1231 I Street, Room 300, Sacramento, CA 95814, pursuant to CEQA Guidelines Section 21081.6.

SECTION 1: PROJECT IDENTIFICATION

Project Name / File Number: River Oaks Park (File # P01-132)
Owner/Developer- Name: Beazer Homes Inc., Northern California Division
Address: 3721 Douglas Boulevard, Suite 100
Roseville, CA 95661

Project Location

The project site is located in the City of Sacramento's South Natomas Community in Sacramento County, California. The project site is located on parcels of land bounded by Interstate Highway 80 to the north, West El Camino Avenue to the south, the Natomas Main Drainage Canal to the east, and Orchard Lane to the west.

Project Description:

The River Oaks Park project is located on an ±80.33-acre site approximately one mile northeast of the City's downtown. The project amends City land use plans to allow for the construction of 648 new homes, roads, two parks, trails, recreation facilities, a community pool, and a clubhouse. The project is located within the City's jurisdiction and the City is the Lead Agency pursuant to the California Environmental Quality Act (CEQA) responsible for conducting an environmental review of the proposal.

SECTION 2: GENERAL INFORMATION

This MMRP is designed to aid the City of Sacramento in its implementation and monitoring of mitigation measures adopted for the proposed project. The MMRP includes mitigation for the River Oaks Park project. The intent of the MMRP is to prescribe and enforce a means for properly and successfully implementing the mitigation measures as identified within the Initial Study and EIR for this project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this MMRP shall be funded by the owner/developer identified above.

The mitigation measures have been taken from the Initial Study and EIR and are assigned the same number they have in those documents. The MMRP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions. The developer will be responsible for fully understanding and effectively implementing the mitigation measures contained with the MMRP. The City of Sacramento will be responsible for ensuring compliance. The City will provide Caltrans with a copy of a Mitigation Monitoring Certification upon approval of the MMRP by the City, and again subsequent to completion of the mitigations pursuant to Section 15206, Article 13 of the California Code of Regulations.

**River Oaks Park (File # P01-132)
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Traffic Mitigation Measures		VERIFICATION OF COMPLIANCE				
	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials/Date)
Baseline Plus Project Conditions						
Intersection Impacts						
A) West El Camino Avenue/ I-80 Westbound Off-Ramps (#1)	The project Applicant/ Developer shall contribute a fair-share payment as determined by the City towards implementation of the following mitigation measure: Install a traffic signal at the intersection of West El Camino Avenue and I-80 Westbound Off-Ramps.	Applicant/ Developer	City of Sacramento Development Services Department	Payment of Fair-Share	Prior to issuance of certificates of occupancy for the first phase of development.	
B) West El Camino Avenue/ I-80 Eastbound Off-Ramps (#2)	The project Applicant/ Developer shall contribute a fair-share payment as determined by the City towards implementation of the following mitigation measure: Install a traffic signal at the intersection of West El Camino Avenue and I-80 Eastbound Off-Ramps. Widen the northbound approach for a length of 250 feet to provide a separate left turn lane and a separate right turn lane. Re-stripe the westbound approach from a shared through-right lane to a separate through lane and a right turn lane.	Applicant/ Developer	City of Sacramento Development Services Department	Payment of Fair-Share	Prior to issuance of certificates of occupancy for the first phase of development.	
C) West El Camino Avenue/ River Oaks Way (Proposed)/ West River Drive (#4)	Install a traffic signal.	Applicant/ Developer	City of Sacramento Development Services Department	Construct the required improvements	Prior to issuance of certificates of occupancy for the first phase of development.	
Intersections Impacts						
A) West El Camino Avenue/ Gateway Oaks Drive (#6)	Provide overlap traffic signal phasing to allow northbound Gateway Oaks Drive right turning traffic to proceed on a green arrow simultaneously with the westbound West El Camino Avenue left turning movement, and prohibit U-turns for the westbound left turning movement.	Applicant/ Developer	City of Sacramento Development Services Department	Signal Modification	Prior to issuance of certificates of occupancy for the first phase of development.	

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Cumulative Plus Project with Gateway Oaks Drive Extension Conditions – 4 Lanes on West El Camino Avenue						
<i>Intersections Impacts</i>						
A) West El Camino Avenue/ Orchard Lane (#3)	Reconfigure the northbound and southbound approaches from one left turn lane, one thru lane, and one right turn lane to one left turn lane, one shared left-through lane, and one right turn lane. Change the signal phasing for the northbound/southbound approach from protected phasing to split phasing.	Applicant/ Developer	City of Sacramento Development Services Department	Construct the required improvements	Prior to issuance of certificates of occupancy for the first phase of development.	

River Oaks Park (File # P01-132)
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Mitigation Measures from the Initial Study	VERIFICATION OF COMPLIANCE				
Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials/Date)
From the Initial Study:					
Mitigation Measure 4.1: All bridges constructed over the Canal shall be required to obtain an encroachment permit from the Reclamation District 1000 (RD-1000).	Applicant/ Developer	City of Sacramento Development Services Department and Reclamation District 1000	Obtain encroachment permit	Prior to construction on canal and levee	
Mitigation Measure 4.2: Construction of pedestrian bridges and bridge foundations at the project site shall be prohibited from altering the Canal bed. Note: The Natomas Main Drainage Canal is a structure eligible for listing in the National Register of Historic Places due to its location, materials, and design. Any construction in the Canal bed will require a permit from the United States Army Corps of Engineers (PAR, 2004).	Applicant/ Developer	City of Sacramento Development Services Department and Army Corps of Engineers (if construction occurs within canal bed)	Avoid alteration to canal bed and/or obtain permit from Army Corps of Engineers	Prior to construction on levee	
Mitigation Measure 4.3: The project applicant shall be required to acquire a permit(s), properly abandon and destroy all three onsite wells, and all three onsite septic systems in accordance with City and County standards for well and septic system abandonment.	Applicant/ Developer	City of Sacramento Development Services Department and Sacramento County Environmental Management Department	City Development Regulations and Universal Building Code	Prior to issuance of any grading permits.	

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Mitigation Measures from the Initial Study	VERIFICATION OF COMPLIANCE				
Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials/Date)
<p>Mitigation Measure 5.1: This mitigation measure contains twelve emission reduction factors identified by the project applicant from the Sacramento Metropolitan Air Quality Management District Guide to Air Quality Assessment: Appendix E- Operational Emissions Mitigation, July 2004. Each of the listed items provides a credit to the project as an emissions reduction factor.</p> <ul style="list-style-type: none"> ▪ The entire project is located within a ½ mile of an existing Class 1 or Class 2 bike land and provides a comparable bikeway connection to that existing facility. ▪ Setback distance is minimized between development and existing transit, bicycle, or pedestrian corridor. ▪ Average residential density is seven dwelling units per acre or greater. ▪ Multiple and direct street routing (grid style). ▪ Mixed use has at least three of the following on site and/or within ¼ mile: residential development, retail development, personal services, open space, or office. ▪ Neighborhood serving as focal point with parks, school, and civic uses within ¼ mile. ▪ Separate, safe, and convenient bicycle and pedestrian paths connecting residential, commercial, and office uses. ▪ The project provides a development pattern that eliminates physical barriers such as walls, berms, landscaping, and slopes between residential and non-residential uses that impede bicycle or 	Applicant/ Developer	City of Sacramento Development Services Department and SMAQMD	Emission reduction factors must be demonstrated on the final map and all construction plans. Construction must meet SMAQMD standards and City Development Regulations	Project design elements shall be indicated on the final map prior to final map recordation. Project construction elements (use of ozone destruction catalyst and compliance with Energy Star Home standards) shall be demonstrated on construction plans prior to issuance of building permits.	

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Mitigation Measures from the Initial Study	VERIFICATION OF COMPLIANCE				
Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials/Date)
<p>pedestrian circulation.</p> <ul style="list-style-type: none"> ▪ Install lowest emitting commercially available fireplaces. NOTE: All homes in the project will have no fireplaces. ▪ Install ozone destruction catalyst on air conditioning systems, in consultation with SMAQMD. ▪ Comply with SMUD Advantage Plus (Tier III) or EPA/DOE Energy Star Home energy standards. ▪ Include permanent Transportation Management Association membership and funding requirement. Funding to be provided by Community Facilities District or County Service Area or other non-revocable funding mechanism. 					
<p>Mitigation Measure 5.2: The project shall provide a plan for approval by the City of Sacramento and SMAQMD, demonstrating that the heavy-duty (>fifty horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average twenty percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average at time of construction.</p>	Applicant/ Developer	SMAQMD; City of Sacramento Development Services Department	Demonstration that required emission reductions are achieved	Contractor construction bid documents and contracts shall stipulate the plan requirement. Periodic field inspections shall be conducted prior to grading and/or construction.	
<p>Mitigation Measure 5.3: The project applicant shall submit to the City of Sacramento and SMAQMD, a comprehensive inventory of all off-road construction equipment, equal to or greater than fifty horsepower, that will be used an aggregate of forty or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and projected hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and</p>	Applicant/ Developer	SMAQMD; City of Sacramento Development Services Department	Provide inventory and monthly updates	Contractor construction bid documents and contracts shall stipulate the plan requirement. Periodic field inspections shall be conducted prior to grading and/or construction.	

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Mitigation Measures from the Initial Study	VERIFICATION OF COMPLIANCE				
Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials/Date)
submitted monthly throughout the duration of the project, except that an inventory shall not be required for any thirty-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project representative shall provide SMAQMD with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman.					
Mitigation Measure 5.4: The project shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed forty percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately, the City of Sacramento and SMAQMD, shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any thirty-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this section shall supersede other SMAQMD or state rules or regulations.	Applicant/ Developer	SMAQMD and the City of Sacramento Development Services Department	Submittal of monthly inspection summaries throughout all construction phases	Contractor construction bid documents and contracts shall stipulate the plan requirement. Periodic field inspections shall be conducted prior to grading and/or construction.	
Mitigation Measure 5.5: Architectural coatings used in construction can be significant contributors of ROG, and wherever possible low-ROG and low-VOC architectural coating products shall be specified for use.	Applicant/ Developer	SMAQMD and the City of Sacramento Development Services Department	SMAQMD standards for low-ROG and low-VOC products	Contractor construction bid documents and contracts shall stipulate the architectural coating requirements	

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Mitigation Measures from the Initial Study	VERIFICATION OF COMPLIANCE				
Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials/Date)
<p>Mitigation Measure 5.6: The applicant shall pay fees to the Sacramento Metropolitan Air Quality Management District in the amount of \$58,309, or \$13,600 per ton of mitigated NOx emissions beyond the district NOx construction significance threshold, to compensate for the cost of providing vehicle retrofit equipment to reduce vehicle emissions within the district. The project will be subject to the SMAQMD rules and regulations in effect at the time of construction. The project will require a permit from the SMAQMD prior to operating equipment capable of releasing emissions into the atmosphere, such as portable construction equipment with an internal combustion engine over 50 horsepower.</p>	Applicant/ Developer	SMAQMD and the City of Sacramento Development Services Department	Payment of required fees; compliance with SMAQMD rules and regulations; issuance of permit to operate construction equipment	Fees shall be paid prior to issuance of the first grading permit. Grading and construction plans shall demonstrate compliance with SMAQMD rules and regulations and necessary permits to operate construction equipment shall be obtained prior to issuance of grading and building permits.	
<p>Mitigation Measure 5.7: The project shall be constructed in five separate phases as indicated in the project description. Any variation in the construction phasing must receive prior approval from the City of Sacramento and the Sacramento Metropolitan Air Quality District.</p>	Applicant/ Developer	SMAQMD and the City of Sacramento Development Services Department	Phasing shall be demonstrated on the final map and all construction plans	Prior to final map recordation and issuance of grading and building permits	
<p>Mitigation Measure 7.1: The project applicant/developer shall pay the one-time, up-front NBHCP fee based upon a ratio of 0.5 acres of mitigation land for every 1.0 gross acre of development which funds mitigation land acquisition and associated habitat enhancement, management, endowment, administration, monitoring, etc. Currently the fee is \$10,027 per developed acre; however, the land use agencies may adjust this fee as provided for in the NBHCP. Optionally, the applicant/developer may donate land to TNBC in lieu of payment of some or all of the acquisition component of the fee. In such cases, TNBC, USFWS, and CDFG will determine which lands are acceptable. The applicant/developer shall comply with Sacramento City Code 15.88.091 subsections A through D relating to NBHCP fees.</p>	Applicant/ Developer	City of Sacramento Development Services Department	Payment of fees as required by the Natomas Basin Habitat Conservation Plan	Prior to issuance of first grading permit for the site	

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Mitigation Measures from the Initial Study	VERIFICATION OF COMPLIANCE				
Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials/Date)
<p>Mitigation Measure 7.2: As stated in Sacramento City Code 15.88.091 (D), the project applicant/developer shall execute an agreement, in a form acceptable to and approved by the City Attorney, that requires the applicant and its successors in interest to do the following:</p> <ul style="list-style-type: none"> a. Comply with all provisions of the NBHCP; b. Comply with the Incidental Take Permit and the State Incidental Take Authorization issued in conjunction with the NBHCP; c. Pay all applicable fee increases and additions, whether adopted by the City before or within six months after issuance of the grading permit (but an applicant who has been specifically and expressly asked by the City manager or designee to pay HCP fees earlier than the date of issuance of a grading permit, and who in fact makes the requested early payment, shall not be subject to the “catch up” provision of this clause); and d. Release, defend, and fully indemnify the City and its officers, employees, and agents from and against all costs and damages, including attorney’s fees, that may arise in connection with the City’s issuance of a grading permit to the applicant, including but not limited to claims (procedural or substantive) that relate to HCP fee increases adopted by the City and arise under California’s Mitigation Fee Act (Title 7, Division 1 of the Government Code at Chapters 6, 7, 8, and 9). 	Applicant/ Developer	City Attorney; and City of Sacramento Development Services Department	Natomas Basin Habitat Conservation Plan and City Development Regulations	Grading and construction plans shall demonstrate compliance with all provisions of the NBHCP and the Incidental Take Permit prior to issuance of any grading or building permits. Fees shall be paid prior to issuance of first grading permit for the site, and payment of any fee increases within six months after issuance of the grading permit.	
<p>Mitigation Measure 7.3: Not less than 30 days and not more than 6 months prior to commencement of construction activities on the project site, the applicant shall contract with a qualified biologist to conduct a pre-</p>	Applicant/ Developer	CDFG, USFWS, and City of Sacramento Development Services Department	Surveys shall be completed within the stipulated timeframe; survey reports shall be submitted prior to	Prior to issuance of grading permits	

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Mitigation Measures from the Initial Study	VERIFICATION OF COMPLIANCE				
Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials/Date)
<p>construction survey of the site to determine the status and presence of, and likely impacts to, all Covered Species and their habitat on the site. These species shall include giant garter snake, northwestern pond turtle, and Swainson's hawk. The results of the pre-construction surveys along with the recommended take minimization measures shall be documented in a report and submitted to the City of Sacramento, TNBC, USFWS and the CDFG. Note: Covered Species are defined as the Federally Protected Species, State Protected Species and the Other Species identified within Table I-1 in the NBHCP (22 species total).</p>			<p>issuance of any grading permits</p>		
<p>Mitigation Measure 7.4: The project applicant/developer shall contract with a qualified biologist to conduct pre-construction nesting raptor surveys if construction is planned within the raptor nesting season (February-August). Surveys shall be conducted no more than 30 days prior to the commencement of construction, according to Department of Fish and Game guidelines. If an occupied raptor nesting is identified, the project applicant shall contact Department of Fish and Game to determine appropriate mitigation, which is dependent on species.</p>	<p>Applicant/ Developer</p>	<p>CDFG; and City of Sacramento Development Services Department</p>	<p>CDFG, Natomas Basin Habitat Conservation Plan and City Development Regulations</p>	<p>Prior to issuance of grading permits</p>	
<p>Mitigation Measure 7.5: The project applicant/developer shall implement the following specific measures prior to ground disturbance and during construction to avoid, minimize and mitigate potential impacts to and reduce take of giant garter snake. These measures shall be included as notes on all project construction plans. (Note: The following represents measure V.A.5.a in the NBHCP.)</p> <p>a. Within the Natomas Basin, all construction activity involving disturbance of habitat, such as site preparation and initial grading, is restricted to the period between May 1 and September 30. This is the active period for the giant garter snake and direct</p>	<p>Applicant/ Developer</p>	<p>USFWS, CDFG, and the City of Sacramento Development Services Department</p>	<p>ESA, Natomas Basin Habitat Conservation Plan and City Development Regulations</p>	<p>Grading permits shall include the timing restrictions stipulated in this mitigation measure. Pre- construction survey reports required in sections b & d and USFWS staff training verification shall be provided to the City of Sacramento prior to issuance of any grading permits.</p>	

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Mitigation Measures from the Initial Study	VERIFICATION OF COMPLIANCE				
Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials/Date)
<p>mortality is lessened, because snakes are expected to actively move and avoid danger.</p> <p>b. Pre-construction surveys for giant garter snake, as well as other NBHCP Covered Species, must be completed for all development projects by a qualified biologist approved by USFWS. If any giant garter snake habitat is found within a specific site, the following additional measures shall be implemented to minimize disturbance of habitat and harassment of giant garter snake, unless such project is specifically exempted by USFWS.</p> <p>c. Between April 15 and September 30, all irrigation ditches, Canals, or other aquatic habitat shall be completely dewatered, with no puddle water remaining, for at least 15 consecutive days prior to the excavation or filling in of the dewatered habitat. Make sure dewatered habitat does not continue to support giant garter snake prey, which could detain or attract snakes into the area. If a site cannot be completely dewatered, netting and salvage of prey items may be necessary. This measure removes aquatic habitat and allows giant garter snake to leave on their own.</p> <p>d. For sites that contain giant garter snake habitat, no more than 24-hours prior to start of construction activities (site preparation and/or grading), the project area shall be surveyed for the presence of giant garter snake. If construction activities stop on the project site for a period of two weeks, a new giant garter snake survey shall be completed no more than 24-hours prior to the re-start of construction activities.</p> <p>e. Confine clearing to the minimal area necessary to facilitate construction activities. Flag and designate avoided giant garter snake habitat within or adjacent</p>				<p>Periodic field inspections may be conducted during construction by City, USFWS, and CDFG.</p>	

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Mitigation Measures from the Initial Study	VERIFICATION OF COMPLIANCE				
Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials/Date)
<p>to the project as Environmentally Sensitive Areas. This area shall be avoided by all construction personnel.</p> <p>f. Construction personnel completing site preparation and grading operations shall receive USFWS approved environmental awareness training. This training instructs workers on how to identify giant garter snakes and their habitats, and what to do if a giant garter snake is encountered during construction activities. During this training an on-site biological monitor shall be designated.</p> <p>g. If a live giant garter snake is found during construction activities, immediately notify the USFWS and the project's biological monitor. The biological monitor, or his/her assignee, shall do the following:</p> <p>(a) Stop construction in the vicinity of the snake. Monitor the snake and allow the snake to leave on its own. The monitor shall remain in the area for the remainder of the work day to make sure the snake is not harmed or if it leaves the site, does not return. Escape routes for giant garter snake shall be determined in advance of Construction and snakes shall always be allowed to leave on their own. If a giant garter snake does not leave on its own within 1 working day, farther consultation with USFWS is required.</p> <p>h. Upon locating dead, injured or sick threatened or endangered wildlife species, the Permittees or their designated agents must notify within 1 working day the Service's Division of Law Enforcement (2800 Cottage Way, Sacramento CA 95825) or the Sacramento Fish and Wildlife Office (2800 Cottage Way, Room W-2605, Sacramento, CA 95825, telephone P16 414-6600). Written notification to both</p>					

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Mitigation Measures from the Initial Study	VERIFICATION OF COMPLIANCE				
Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials/Date)
<p>offices must be made within 3 calendar days and must include the date, time, and location of the finding of a specimen and any other pertinent information.</p> <p>i. Fill or construction debris may be used by giant garter snake as an over-wintering site. Therefore, upon completion of construction activities remove any temporary fill and/or construction debris from the site. If this material is situated near undisturbed giant garter snake habitat and it is to be removed between October 1 and April 30, it shall be inspected by a qualified biologist to assure that giant garter snake are not using it as hibernaculae.</p> <p>j. No plastic, monofilament, jute, or similar erosion control matting that could entangle snakes will be placed on a project site when working within 200 feet of snake aquatic or rice habitat. Possible substitutions include coconut coir matting, tactified hydroseeding compounds, or other material approved by the Wildlife Agencies.</p> <p>k. Fences will be constructed along the shared boundary of urban development and the North Drainage Canal and the East Drainage Canal within Sutter's Permit Area, subject to the following guidelines:</p> <p>(a) A minimum of 100 feet will be provided from fence-to-fence and access to the Canals shall be limited by gates.</p> <p>(b) A snake deterrent will be placed along the fences on the North Drainage Canal and the East Drainage Canal (i.e., fence construction that restricts snake movement or an appropriate vegetative barrier either inside or outside of the boundary fence). The design of the deterrent shall</p>					

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Mitigation Measures from the Initial Study	VERIFICATION OF COMPLIANCE				
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<p>be subject to approval by the Wildlife Agencies.</p> <p>(c) The specific fence/snake barrier design adjacent to a given development will be determined within Sutter County's review of the proposed development and the fence/barrier shall be installed immediately after site is completed.</p> <p>At the time of urban development along the North and East Drainage Canals, Sutter shall consult with the Wildlife Agencies to determine design strategies that would enhance conditions for giant garter snake movement through the North and East Drainage Canals. Possible strategies may include expanded buffer areas and modified Canal cross sections if such measures are, in the determination of Sutter and the Water Agencies, found to be feasible.</p>					
<p>Mitigation Measure 7.6: The project applicant/developer shall implement the following specific measures to avoid, minimize and mitigate potential impacts to and reduce take of northwestern pond turtle. These measures shall be included as notes on all project construction plans. (Note: The following represents measure V.A.5.j in the NBHCP.)</p> <p>Take of the northwestern pond turtle as a result of habitat destruction during construction activities, including the removal of irrigation ditches and drains, and ruing ditch and drain maintenance, will be minimized by the dewatering requirement described above (Mitigation Measure 7.5) for giant garter snake.</p>	Applicant/ Developer	USFWS, CDFG, and the City of Sacramento Development Services Department	Natomas Basin Habitat Conservation Plan and City Development Regulations	Contractor construction bid documents and contracts shall include construction practices stipulated by this measure. Periodic field inspections may be conducted during construction by City, USFWS, and CDFG.	
<p>Mitigation Measure 7.7: The project applicant/developer shall implement the following specific measures to avoid, minimize and mitigate potential impacts to and reduce take of Swainson's hawk. These measures shall be included as notes on all project construction plans. (Note: The</p>	Applicant/ Developer	USFWS, CDFG, and the City of Sacramento Development Services Department	Natomas Basin Habitat Conservation Plan	Prior to issuance of the use permit, the City shall certify that the project site is located within the Swainson's Hawk Zone Permit Area	

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<p>following represents measure V.A.5.b in the NBHCP.)</p> <p>Measures to Reduce Cumulative Impacts to Foraging Habitat</p> <p>1) To maintain and promote Swainson's hawk habitat values, Sutter County will not obtain coverage under the NBHCP and incidental take permits, nor will Sutter County grant Urban Development Permit approvals, for development on land within the one-mile wide Swainson's Hawk Zone adjacent to the Sacramento River. The City of Sacramento has limited its Permit Area within the Swainson's Hawk Zone to the approximately 252 acres located within the North Natomas Community Plan that was designated for urban development in 1994 and, likewise, will not grant development approvals within the Swainson's Hawk Zone beyond this designated 252 acres. It should be noted that of these 252 acres of land in the Swainson's Hawk Zone, about 80 acres will be a 250 foot wide agricultural buffer along the City's side of Fisherman's Lake. Should either the City or the County seek to expand NBHCP coverage for development within the Swainson's Hawk Zone beyond that described above, granting of such coverage would require an amendment to the NBHCP and permits and would be subject to review and approval by the USFWS and the CDFG in accordance with all applicable statutory and regulatory requirements.</p> <p>Because the effectiveness of the NBHCP's Operating Conservation Program (OCP) adequately minimizes and mitigates the effects of take of the Swainson's hawk depends substantially on the exclusion of future urban development from the City's and Sutter County's portion of the Swainson's Hawk Zone, approval by the City of</p>					

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<p>future urban development (i.e., uses not consistent with Agricultural Zoning) in the zone beyond the 170 (252 acres minus 80) acres identified above or approval by Sutter of any future urban development in the Swainson's Hawk Zone would constitute a significant departure from the Plan's OCP and would trigger are evaluation of the City's and/or Sutter's Permits and possible suspension or revocation of the City's and/or County's permits.</p>					
<p>Mitigation Measure 7.7 continued: Measures to Reduce Nest Disturbance</p>					
<p>1) Prior to the commencement of development activities at any development site within the NBHCP area, a pre-construction survey shall be completed by the respective developer to determine whether any Swainson's hawk nest trees will be removed on-site, or active Swainson's hawk nest sites occur on or within ½ mile of the development site. These surveys shall be conducted according to the Swainson's Hawk Technical Advisory Committee's (May 31, 2000) methodology or updated methodologies, as approved by the Service and CDFG, using experienced Swainson's hawk surveyors.</p> <p>2) If breeding Swainson's hawks (i.e. exhibiting nest building or nesting behavior) are identified, no new disturbances (e.g., heavy equipment operation associated with construction) will occur within ½ mile of an active nest between March 15 and September 15, or until a qualified biologist, with concurrence by CDFG, has determined that young have fledged or that the nest is no longer occupied. If the active nest site is located within ¼ mile of existing urban development, the no new disturbance zone can be limited to the ¼ mile versus ½ mile. Routine disturbances such as agricultural</p>	<p>Applicant/ Developer</p>	<p>CDFG and City of Sacramento Development Services Department</p>	<p>Surveys shall be completed within the stipulated timeframe; survey reports shall be submitted prior to issuance of any grading permits. Survey reports shall indicate how measures 2 through 5 will be met, if necessary.</p>	<p>Prior to issuance of grading permits</p>	

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<p>activities, commuter traffic, and routine facility maintenance activities within ½ mile of an active nest are not restricted.</p> <p>3) Where disturbance of a Swainson's hawk nest cannot be avoided, such disturbance shall be temporarily avoided (i.e., defer construction activities until after the nesting season) and then, if unavoidable, the nest tree may be destroyed during the non-nesting season. For purposes of this provision the Swainson's hawk nesting season is defined as March 15 to September 15. If a nest tree (any tree that has an active nest in the year the impact is to occur) must be removed, tree removal shall only occur between September 15 and February 1.</p> <p>4) If a Swainson's hawk nest tree is to be removed and fledglings are present, the tree may not be removed until September 15 or until the California Department of Fish and Game has determined that the young have fledged and are no longer dependent upon the nest tree.</p> <p>5) If construction or other project related activities which may cause nest abandonment or forced fledgling are proposed within the ¼ mile buffer zone, intensive monitoring (funded by the project sponsor) by a Department of Fish and Game approved raptor biologist will be required. Exact implementation of this measure will be based on specific information at the project site.</p>					
Mitigation Measure 7.7 continued: Measures to Prevent the Loss of Nest Trees					
<p>1) Valley oaks, tree groves, riparian habitat and other large trees will be preserved wherever possible. The City and Sutter County shall preserve and restore stands of riparian trees used by Swainson's hawks and other animals, particularly near Fisherman's Lake and</p>	Applicant/ Developer	CDFG and City of Sacramento Development Services Department	Natomas Basin Habitat Conservation Plan	Prior to issuance of grading permits	

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<p>elsewhere in the Plan Area where large oak groves, tree groves and riparian habitat have been identified in the Plan Area.</p> <p>2) The raptor nesting season shall be avoided when scheduling construction near nests in accordance with applicable guidelines published by the Wildlife Agencies or through consultation with the Wildlife Agencies.</p>					
<p>Mitigation Measure 7.8: The applicant/property owner shall be responsible for adhering to the protection and maintenance responsibility measures for Heritage Trees as outlined in Sacramento City Code 12.64.020 and 12.64.050.</p>	Applicant/ Developer	City of Sacramento Development Services Department and City Tree Services	Required permits for activities affecting Heritage Trees shall be obtained. Grading and construction plans shall indicate preservation of any Heritage Trees to be saved.	Prior to issuance of grading and/or building permits	
<p>Mitigation Measure 7.9: Prior to any construction or grading on the project site, the applicant/property owner shall consult with the Sacramento City Arborist and acquire a permit from the Director in order to conduct any activities affecting Heritage Trees (as defined by Sacramento City Code 12.64.020). Activities affecting Heritage Trees include removal, pruning of any segment greater than twelve (12) inches in circumference or the placement of any chemical or other deleterious substance by spray, and disturbing the soil or placing any chemical or other deleterious substance or material on the soil within the drip line area (City Code 12.64.050).</p>	Applicant/ Developer	City of Sacramento Development Services Department and City Tree Services	Required permits for activities affecting Heritage Trees shall be obtained	Prior to issuance of grading and/or building permits	
<p>Mitigation Measure 7.10: The tree protection methods listed below shall be implemented, including during grading and construction for the pedestrian bridge, by the applicant/developer and shall be identified on all site construction plans for the project.</p>	Applicant/ Developer	City of Sacramento Development Services Department and City Tree Services	Grading and construction plans shall demonstrate compliance with these provisions. Arborist report shall be submitted	Prior to issuance of demolition, grading and/or building permits, the City of Sacramento shall verify tree protection fencing is installed	

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<p>1) Prior to the issuance of demolition/grading permits a 6 foot chain link fence shall be installed around the dripline of trees within the construction area. The dripline is an imaginary line on the ground directly below the outermost tips of the branches. Orange plastic fencing is acceptable but not recommended because it does not stand up to construction activity and is easily removed. The fencing shall remain in place for the duration of the project except for the temporary removal required to replace existing curb, gutter, and sidewalk.</p> <p>2) No excavation for utilities, trenching, grade changes, storage of materials or parking of vehicles shall be allowed within the fenced area. Boring or hand trenching for utilities shall be allowed within the fenced area under the supervision of the project arborist.</p> <p>3) The contractor shall hire an International Society of Arboriculture (ISA) certified arborist to do any required pruning for building or equipment clearances. The arborist will also perform any root inspections.</p> <p>4) If during excavation for the project or for any necessary sidewalk, curb, gutter repair or driveway construction, tree roots greater than two inches in diameter are encountered work shall stop immediately until project arborist can perform an on-site inspection. All roots shall be cut clean and the tree affected may require supplemental irrigation/fertilization and pruning as a result of root pruning.</p> <p>The contractor shall be held liable for any damage to existing trees. i.e. trunk wounds, broken limb, pouring of any deleterious materials, or washing out concrete under the drip line of the tree. Damages will be assessed using the "Guide to Plant Appraisal" ninth edition published by the</p>			to City at the end of each construction phase.	correctly. The City of Sacramento shall verify that all grading and construction plans are correct.	

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ISA. The project arborist will submit a report to the property owner for review.					
Mitigation Measure 7.11: The applicant/property owner shall design, construct, and implement the pedestrian bridges over the Main Drainage Canal so that all parts of each bridge (including footings and foundations) as well as construction activity during grading and installation shall stay outside of the ordinary high water mark of the Canal. The ordinary high water mark shall be delineated on all construction level drawings and plans. In addition, all construction level drawings and plans for the pedestrian bridges shall be approved by the City Development Services Department prior to construction of each bridge. Note: Non-conformance with this measure would require the applicant/developer to acquire Section 401 Nationwide Permit(s) from the Army Corps of Engineers and a Section 404 Water Quality Certification from the Regional Water Quality Control Board.	Applicant/ Developer	City of Sacramento Development Services Department	Improvement plans shall demonstrate compliance	Prior to approval of improvement plans	
Mitigation Measure 7.12: The applicant/property owner shall obtain a Section 1602 Streambed Alteration Agreement from the California Department of Fish and Game prior to construction of bridge footings, foundations, and trails on the Natomas Main Drainage Canal levees. Note: A Streambed Alteration Agreement would not allow construction to alter the Canal bed (refer to Mitigation Measures 4.5 and 14.3).	Applicant/ Developer	CDFG and City of Sacramento Development Services Department	CDFG Permit Requirements	Prior to construction of bridge footings, foundations, and trails.	
Mitigation Measure 8.1: The applicant shall follow City of Sacramento Energy Conservation Review Checklist and Development Guidelines for project and site plan review.	Applicant/ Developer	City of Sacramento Development Services Department	City Development Regulations, City Energy Conservation Review Checklist, and City Development Guidelines	Prior to issuance of building permits, with additional verification prior to issuance of certificates of occupancy	

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Mitigation Measure 8.2: The developer shall consult with the Sacramento Municipal Utility District's (SMUD), New Construction Service Staff and incorporate SMUD energy conservation recommendations into the project.	Applicant/ Developer	SMUD and City of Sacramento Development Services Department	Conservation measures shall be provided by SMUD	Prior to issuance of building permits, with additional verification prior to issuance of certificates of occupancy	
Mitigation Measure 9.1: Excavations or any sampling activities that come within 10 feet of groundwater shall require a permit from the Sacramento County Environmental Management Department, Hazardous Materials Division (HMD). Any ground cuts associated with project development shall avoid contamination of groundwater.	Applicant/ Developer	City of Sacramento Development Services Department, Sacramento County Environmental Management Department, and City Fire Department	State, County and City Development Regulations	Prior to issuance of grading permits. Periodic field inspections may be conducted by the City during grading and construction.	
Mitigation Measure 9.2: Hazardous materials used during implementation of the project which exceed the established reportable quantity must be reported to the HMD. A Hazardous Materials Plan (HMP) must be filed with HMD. The reportable quantity of hazardous materials is as follows: <ul style="list-style-type: none"> ▪ 55 gallons or more of a hazardous material in liquid state; ▪ 200 cubic feet or more of a compressed gas; ▪ 500 pounds or more of a hazardous material in a solid state. In addition, any hazardous waste generated by the construction and operation of this project would require a hazardous waste generator permit from HMD. A permit can be obtained by completing a HMP with HMD.	Applicant/ Developer	City of Sacramento Development Services Department, Sacramento County Environmental Management Department, and City Fire Department	State, County and City Development Regulations	Prior to issuance of grading and/or building permits. inspections may be conducted by the City during grading and construction.	
Mitigation Measure 9.3: All potentially hazardous materials and fuel supplies shall be stored on pallets in fenced and secured construction areas to protect them from exposure to weather, incidents of theft, and prevent accidental exposure to people. Incompatible materials	Applicant/ Developer	City of Sacramento Development Services Department, Sacramento County Environmental Management Department, and City Fire Department	Hazardous materials storage onsite shall comply with these provisions	Plans for storage shall be included on grading and construction plans prior to issuance of grading and/or building permits.	

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shall be stored in separate areas as appropriate.					
Mitigation Measure 9.4: Equipment refueling and maintenance shall take place only within designated staging areas prepared to minimize and contain potential spills of fuels, oils, and hazardous substances.	Applicant/ Developer	City of Sacramento Development Services Department, Sacramento County Environmental Management Department, and City Fire Department	City Development Regulations	Location of refueling and maintenance shall be indicated on grading and construction plans prior to issuance of grading and/or building permits.	
<p>Mitigation Measure 9.5: The applicant shall obtain a soils investigation of the area surrounding the site of the former UST for potential contamination from a soils scientist qualified in hazardous materials soils sampling. The soils investigation shall determine whether contamination of the site has occurred and make recommendations to mitigate and/or remediate any potential contamination and/or remove any contaminated soil (WKA, 2003).</p> <p>Hazardous or contaminated materials may only be removed and disposed from the project site in accordance with the following regulations and requirements:</p> <p>A. Chapter 6.5, Division 20, California Health and Safety Code. California Administration Code, Title 22 relation to Handling, storage, and transfers of hazardous Materials. City of Sacramento Building Code and the Uniform Building Code, 1994 edition.</p> <p>B. Coordination shall be made with the County of Sacramento Environmental Management Department, Hazardous Materials Division, and the necessary applications shall be filed.</p> <p>C. All hazardous materials shall be disposed of at an approved disposal site and shall only be hauled by a current California registered hazardous waste hauler using correct manifesting procedures and vehicles displaying a current Certificate of Compliance. The</p>	Applicant/ Developer	City of Sacramento Development Services Department, Sacramento County Environmental Management Department, and City Fire Department	State, County, and City Development Regulations	Contractor construction bid documents and contracts shall include disposal practices stipulated by this measure.	

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<p>developer shall identify by name and address the site where toxic substances shall be disposed of. No payment for removal and disposal services shall be made without a valid certificate from the approved disposal site that the material was delivered.</p> <p>D. None of the aforementioned provisions shall be construed to relieve the developer from the developer's responsibility for the health and safety of all persons (including employees) and from the protection of property during the performance of the work. This requirement shall be applied continuously and not be limited to normal working hours.</p>					
<p>Mitigation Measure 9.6: The applicant shall prepare a traffic management plan, a construction schedule, and comply with the City's noticing procedures regarding timing and impacts of construction related activities on the affected roadways. The developer will use lane reductions instead of closures or detours. Construction will be scheduled to limit traffic interruptions. The police and fire departments shall be kept informed of construction activities for use in planning emergency response routing. The traffic management plan and construction schedule shall be approved by the City Fire Department.</p>	Applicant/ Developer	City of Sacramento Development Services Department; and City Fire Department	City Development Regulations	Prior to issuance of grading and/or building permits	
<p>Mitigation Measure 9.7: A hazardous materials inspector shall be present during demolition and removal of the existing buildings, storage, foundations, and debris field. If hazardous materials are encountered during demolition and removal, work shall be required to stop until an assessment of the hazard has been made and a plan of action determined.</p> <p>Removal of hazardous materials shall be conducted in</p>	Applicant/ Developer	City of Sacramento Development Services Department, Sacramento County Environmental Management Department, and City Fire Department	State, County and City Development Regulations	Provisions for an onsite inspector shall be included in contractor construction bid documents and contracts prior to issuance of demolition and/or grading permits	

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compliance with Chapter 6.5, Division 20, California Health and Safety Code; California Administration Code, Title 22 relation to Handling, storage, and transfers of hazardous Materials; City of Sacramento Building Code and the Uniform Building Code, 1994 edition.					
Mitigation Measure 9.8: The water quality basin shall be enclosed with fencing or post and cable. The fencing may be decorative in nature and shall comply with City standards.	Applicant/ Developer	City of Sacramento Development Services Department and Utilities Department	Basin shall be fenced	Prior to issuance of certificates of occupancy	
Mitigation Measure 9.9: Removal of vegetation shall be implemented in a timely manner to reduce the potential for fire hazard.	Applicant/ Developer	City of Sacramento Development Services Department	City Development Regulations	During grading and construction	
Mitigation Measure 9.10: The developer shall take necessary precautions to ensure that defensible space between vegetated areas and the construction site are maintained as required by the State Fire Code. The developer shall also ensure a clear space of at least ten feet shall be maintained between piles of cleared vegetation while in the interim of removing the vegetation.	Applicant/ Developer	City of Sacramento Development Services Department and City Fire Department	City Development Regulations	During grading and construction	
Mitigation Measure 10.1: Construction activities shall adhere to City of Sacramento policies with respect to hours of operation, internal combustion engines shall be equipped with suitable exhaust and intake silencers which are in good working order, and other factors which affect construction noise generation and its effects on noise-sensitive land uses.	Applicant/ Developer	City of Sacramento Development Services Department	City Development Regulations	Prior to issuance of grading and/or building permits the City shall verify that construction contracts identify applicable policies and practices to be followed onsite.	
Mitigation Measures 10.2: Noise barriers shall be constructed at the Interstate 80 and West El Camino Avenue Right of Way to reduce future traffic noise to more acceptable levels. An analysis of noise barrier performance was conducted for this project and the results	Applicant/ Developer	City of Sacramento Development Services Department	City Development Regulations	Noise barriers shall be included on improvement plans and shall be constructed prior to issuance of	

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<p>are provided below in Table 10.6. The Table 10.6 data indicate that the construction of a noise barrier 14 feet in height along I-80 would reduce future traffic noise levels to approximately 65 dB Ldn at the exterior spaces of the residences located closest to that roadway. This level is within the conditionally acceptable range of 60 to 70 dB Ldn for new residential uses, and is consistent with barrier design for other newly constructed residential developments adjacent to this highway.</p>				<p>certificates of occupancy for the affected residences.</p>	
<p>Mitigation Measure 10.3: Following construction of the noise barriers recommended in Mitigation Measure 10.2, 1st floor building facades would be substantially shielded from I-80 traffic noise. As a result, future traffic noise levels within the first floor rooms of residences constructed nearest that roadway are predicted to be approximately 40 dB Ldn. This level is considered acceptable noise exposure for interior spaces of new residential developments. As a result, no improvements over standard construction would be required for the first floor facades nearest to I-80. Due to the lower predicted future traffic noise levels on West El Camino Avenue, a similar conclusion is reached regarding standard building construction for homes proposed near that roadway.</p> <p>The second floor facades of the residences constructed nearest to I-80 would not be completely shielded from view of that roadway by the barrier recommended in Mitigation Measure 10.2. As a result, future plus project traffic noise levels at second floor facades of the residences constructed nearest to I-80 are estimated to be approximately 78 dB Ldn. Based on this level, a building facade noise level reduction of 33 dB would be required to achieve satisfaction of the City's 45 dB Ldn interior noise level standard. Because standard construction practices only provide about 25 dB of traffic noise reduction, the</p>	<p>Applicant/ Developer</p>	<p>City of Sacramento Development Services Department</p>	<p>City Development Regulations</p>	<p>Prior to issuance of building permits, with additional verification prior to issuance of certificates of occupancy</p>	

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<p>following additional measures are recommended to ensure satisfaction of the City's interior noise level standards.</p> <ul style="list-style-type: none"> ▪ All second floor bedroom windows within 125 feet of the I-80 Right of Way shall have a minimum Sound Transmission Class Rating of 33. ▪ All second floor bedroom windows between 125 and 250 feet of the I-80 Right of Way shall have a minimum Sound Transmission Class Rating of 30. ▪ The exterior building facades of all residences constructed within 250 feet of the I-80 Right of Way shall be constructed of stucco. ▪ Air conditioning shall be provided for all residences within this development to allow occupants to close doors and windows as desired to achieve additional acoustical isolation. <p>For all residences constructed within 250 feet of the I-80 right-of-way, all exterior doors shall be fully weather-stripped and all exterior penetrations shall be fully sealed around their perimeters.</p>					
<p>Mitigation Measure 12.1: The project applicant shall provide a project sewer study prepared by a qualified engineer. The sewer study shall contain detailed drawings and information regarding the onsite conveyance system and the existing sewer trunk lines in Orchard Lane. The study shall include provisions for access and maintenance easements as per County Sanitation District 1 (CSD-1) standards. The study shall also meet the approval of the City of Sacramento Department of Utilities and the CSD-1 prior to issuance of a building permit.</p>	Applicant/ Developer	CSD-1, City of Sacramento Department of Utilities, and Development Services Department	City Development Regulations	Prior to improvement plan approval.	
<p>Mitigation Measure 12.2 The project applicant shall prepare a construction material recycling program for the construction site including glass, wood, cardboard, paper,</p>	Applicant/ Developer	City of Sacramento Development Services Department and General Services Department	Construction materials shall be recycled	Prior to issuance of grading and building permits, the City shall approve the recycling plan	

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glass, and metals.				prepared by the developer's contractor.	
Mitigation Measure 13.1: Lighting in project parks and residential areas shall be designed and oriented as not to produce hazardous and annoying glare to motorists on Interstate 80 and West El Camino Avenue, or to occupants of buildings and residents on adjacent properties.	Applicant/ Developer	City of Sacramento Development Services Department	City Development Regulations	Prior to improvement plan approval.	
Mitigation Measure 13.2: Lighting shall be oriented away from adjacent properties and not produce a glare or reflection or any nuisance, inconvenience or hazardous interference of any kind on adjoining streets or property.	Applicant/ Developer	City of Sacramento Development Services Department	City Development Regulations	Prior to improvement plan approval.	
Mitigation Measure 13.3: Building materials and glass used in construction oriented towards Interstate 80 and West El Camino shall have non-reflective, or low-glare properties.	Applicant/ Developer	City of Sacramento Development Services Department	City Development Regulations	Prior to issuance of building permits for buildings oriented towards I-80 or West El Camino	
Mitigation Measure 13.4: The project will be required to participate in a landscape district, or adopt landscape standards in the project Covenants, Conditions, and Restrictions (CC&Rs).	Applicant/ Developer	City of Sacramento Development Services Department	City Development Regulations	Prior to recordation of final map	
Mitigation Measure 14.1: If subsurface archaeological or historical remains are discovered during construction, work in the area shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less-than-significant level before construction continues.	Applicant/ Developer	City of Sacramento Development Services Department	City Development Regulations	Prior to issuance of grading and building permits, the City shall verify that this requirement is included in construction contracts. Periodic field inspections may be conducted by the City during grading and construction.	

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<p>Mitigation Measure 14.2: If human burials are encountered, all work in the area shall stop immediately and the Sacramento County Coroner's office shall be notified immediately. If the remains are determined to be Native American in origin, both the Native American Heritage Commission and any identified descendants must be notified and recommendations for treatment solicited (CEQA Section 15064.5); Health and Safety Code Section 7050.5; Public Resources Code Section 5097.94 and 5097.98.</p>	Applicant/ Developer	City of Sacramento Development Services Department	City Development Regulations	Prior to issuance of grading and building permits, the City shall verify that this requirement is included in construction contracts. Periodic field inspections may be conducted by the City during grading and construction.	
<p>Mitigation Measure 14.3: If the proposed design of either pedestrian bridge or any changes to the project are proposed that would have the potential to change or alter the structure of the Natomas Main Drainage Canal, including the lining of the Canal, or would adversely affect the Canal's eligibility for inclusion on the National Register as a component of the RD 1000 Rural Historic Landscape District, additional evaluation of the project effect and consultation with the California State Preservation Officer (SHPO) would be required. Additional mitigation measures may be required by SHPO to resolve adverse project effects.</p>	Applicant/ Developer	City of Sacramento Development Services Department	City Development Regulations	Prior to improvement plan approval.	

APPENDIX A

WATER SUPPLY ASSESSMENT

Water Supply Assessment

For

River Oaks Project (P01-132)

July 27, 2005

Prepared for:

City of Sacramento

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APPENDICES

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- Appendix C: City of Sacramento Water Service Area
- Appendix D: City of Sacramento Water Forum Water Conservation Plan
- Appendix E: Water Forum Agreement, Purveyor Specific Agreement, City of Sacramento, January 2000
- Appendix F: Calculations of Allowable Diversion at Fairbairn WTP in AF/Y During Hodge Flow Conditions According to Water Forum Agreement
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1. Background

In 1995, the State of California enacted Senate Bill (SB) 901, which amended provisions of the Public Resources Code (relating to the California Environmental Quality Act (CEQA)), the Government Code (relating to subdivision approval), and the Water Code (relating to Urban Water Management Plans (UWMP)). The bill was intended to ensure coordination during the land use planning process between water suppliers and local land use planning agencies (i.e., cities and counties) when considering certain large-scale development projects.

SB 901 established two mechanisms to link water supply availability and development approvals. First, it made certain changes to the requirements for urban water suppliers to prepare UWMPs that contain detailed information regarding their supplies. Second, it obligated cities and counties to request a Water Supply Assessment (WSA) from all potential suppliers of water for any large project requiring an environmental document pursuant to CEQA.

Under SB 901, a city or county is required to obtain a WSA whenever it receives an application for approval of a development project that is subject to CEQA and proposes a residential development of more than 500 units (or other type of development having a similar impact on water supplies). The bill also amended CEQA to require cities and counties to incorporate the procedures set forth in SB 901 into their CEQA review process. Finally, it amended state planning and zoning law to require local governments to work with water agencies when they propose to adopt or amend a general plan.

In January 2001, the State of California adopted SB 610, which amended the SB 901 provisions (and ' 10910 of the Water Code) with respect to UWMPs and WSAs. For WSAs, SB 610 clarified when a WSA is required and what information it must contain. SB 610 requires consideration of water supplies for proposed developments of more than 500 dwelling units/dwelling unit equivalents, or other projects, as defined by SB 610. The analysis is required to consider the proposed project as well as other anticipated growth in the water supplier service area. The content requirements for a WSA include, but are not limited to, identification of existing and future water supplies of the water supplier, quantification of water demand and supply by source in 5-year increments over a 20-year period, description of groundwater conditions if groundwater is to serve as the major source of water, and a determination of whether adequate water supplies will be available over that 20-year period to serve the project, including under drought conditions, given other anticipated demands for water within the water supplier=s service area. SB 610 indicates that the water supplier=s UWMP can be used as a primary source of the information required in the WSA.

The proposed River Oaks project includes about 642 dwelling units, a neighborhood clubhouse, multiple landscape corridor lots, 1.902 acre linear open space lot, two park sites (5.3± and 3.9± acres), a 0.2± acre trail head lot, a linear open space corridor with a bike trail, and a 1.4± acre water quality/detention basin. The project exceeds the 500 dwelling unit / dwelling unit equivalents threshold under SB610, and thus the

preparation of a WSA is required as part of the CEQA process for the project. For this effort, and under the provisions of SB610, the City of Sacramento (City) is identified as both the water supplier and the lead agency for the project. As the water supplier, the City's "governing body" must adopt a WSA for this project. As the lead agency, the City must include the WSA in the environmental impact report (EIR) that has been prepared for the project. Once the WSA is adopted, the City as the water supplier must prepare a Written Verification (WV) of water supply adequacy for inclusion in the administrative record for the project.

2. Site Location and Description

2.1. Project Location

The project site is located in the South Natomas Community Plan (SNCP) area of the City of Sacramento, Sacramento County. The project consists of approximately 80.33± acres in South Natomas, north of West El Camino Avenue, east of Orchard Lane, south of Interstate 80, and west of the Reclamation District 1000's Main Drain Canal. The site is identified as Assessor's Parcel Numbers (APNs): 225-0220-030, -066, -068, -071, -086, -087, -088, and -089. See Appendix A: Regional Setting Map and Appendix B: Tentative Subdivision Map for reference to project location.

2.2. Existing Land Use

The project site is currently vacant land and was once used for agriculture with a couple of dwelling units (one residence within the last several years). Residential development borders the site to the south. To the west is vacant land once used for agricultural purposes, but designated for commercial development. To the north of the site is the existing Interstate 80 (beyond the freeway is more agricultural land and residential development). To the east of the site of the project site is the Main Drain Canal (beyond the canal is a mix of residential, office, and park uses). Existing General Plan and SNCP designations for the site are residential. The existing zoning of the site is Agriculture (A) and Agriculture Planned Unit Development (A-PUD).

2.3. Proposed Development

The proposed River Oaks project includes about 642 dwelling units, a neighborhood clubhouse, multiple landscape corridor lots, 1.902 acre linear open space lot, two park sites (5.3± and 3.9± acres), a 0.2± acre trail head lot, a linear open space corridor with a bike trail, and a 1.4± acre water quality/detention basin. See Appendix B (Tentative Subdivision Map).

3. Water Demand

The City of Sacramento is identified as the water supplier for the project. The project is currently within the City's limits and Water Service Area. This section describes the City of Sacramento's historical water usage and future water demand as described in the City's UWMP. This section also describes the existing and future project-site water demand.

3.1 Historic Water Usage for the City

Historic water usage for the City of Sacramento is calculated in the City's UWMP, which was prepared in December 2001.¹ Historic water usage for the City is presented in Table 1.

Table 1. Historic City Water Usage

Year	Historical Water Use Groundwater (acre-feet/year)	Historical Water Use Surface Water (acre-feet/year)	Historical Water Use Total (acre-feet/year)
1970	14,497	69,495	83,992
1975	15,290	73,586	88,876
1980	18,131	79,860	96,911
1985	19,139	90,328	109,467
1990	19,794	92,016	111,811
1995	23,405	95,712	119,117
1999	24,148	112,546	136,753

Source: City of Sacramento UWMP 2000, December 2001, Table 4-1.

3.2. Future Water Demand for the City

Future water demand for the City of Sacramento is calculated in the City's UWMP. Water use projections for the City at build out (2016) and ultimate build out (2030) were made in 1991 and 1993 by Boyle Engineering Corporation. These projections were based on estimated unit water use factors for a variety of land uses; State Department of Finance population estimates; the City of Sacramento's 1986 General Plan land use projections; available metered water use records; and the City water production figures. Unit water use factors were applied to population and land use projections to arrive at a project total water demand for build out and ultimate build out. Build out is defined according to the land uses defined in the City's General Plan in approximately 2016. Ultimate build out is defined as occurring past 2030. Future water demand for the City is presented in Table 2.

¹ / Water usage described in the UWMP includes only water actually supplied by the City. Some users within the City's limits do not rely on water from the City's water treatment facilities and groundwater wells but rather rely on alternative sources of water. According to the UWMP, this water use by the non-public supplied users is considered to be constant from year to year through 1990 and is estimated to be about 8,300 ac-ft per year. This figure has not been updated since 1990.

Table 2. Future City Water Demand

Year	Authorized Surface Water Use (acre-feet/year)	Projected Total Water Use (acre-feet/year)
2000	183,500	136,776
2005	205,500	150,198
2010	227,500	163,123
2015	257,500	172,824
2020	278,000	175,819

Source: City of Sacramento UWMP 2000, December 2001, Table 4-6

Full use of the City's surface water entitlements is authorized in 2030 at 326,800 acre-feet/ year (af/y). Boyle's estimate of total water use within the City limits at ultimate build out is 189,983 af/y; an additional ultimate build out demand of 106,400 af/y is anticipated outside the City's limits but within its Water Service Area. These numbers are probably slightly high because they have not been adjusted for urban normalization, conservation, and water efficiency efforts. Even assuming the unadjusted higher projected demand, however, the City anticipates demand in 2030 at 296,383 af/y, which is 30,000 af/y less than its authorized surface water entitlement. Therefore, even at ultimate build out, the City of Sacramento has entitlements that are more than sufficient to meet projected future demands. Moreover, the City has several groundwater wells that provide about 25,000 af/y at present.

3.3. Existing Site Water Demand

The site is currently vacant, although historically the site was used for various row crops and a few residences associated with the farmland. There is currently no demand for City water on the site at present.

3.4. Future Site Water Demand Assumed in the UWMP

The River Oaks project is consistent with the General Plan and Community Plan land use designations of residential and is within the City's Water Service Area accounted for in the most recent UWMP.

3.5. Site Water Demand Under the Proposed Project

Water demand for the proposed development is calculated to be 538.7 af/y. See Table 3.

Table 3. Water Demand for Proposed Project

Land Use Type	Gross Acres	Units	Consumption Factor ²		Consumption	Consumption (af/y)
Residential –Low Density	52.1	642	630	gpd/unit	404,460 gpd	453.0
Park	9.2	---	4.2	af/ay	38.85 af/y	38.64
Clubhouse	0.5	---	2.5	af/ay	1.25 af/y	1.25
Detention Basin	1.4	---	4.2	Af/ay	5.88 af/y	5.88
Landscape Corridor / Drainage Canal	9.5	---	4.2	af/ay	39.9 af/y	39.9
Roadways	7.6	---	---	---	---	---
Total	80.3	642	---	---	---	538.7

Water demand for the project identified in Table 3 represents projected demand at full project build out. Project build out will occur around 2008. Therefore, water demand at the project site after 2008 will remain constant at about 538.7 af/y.³

4. Water Supply

4.1. Documentation of Wholesale Water Suppliers

The site will be located within the City of Sacramento Water Service Area. The sole water supplier for the project will be the City of Sacramento.

2/ Source: City of Sacramento's Water Distribution System Design Criteria.

3 / The Water Distribution System Design Criteria, which were used to calculate project demand, provide a conservative estimate of water demand because they were developed for designing infrastructure, which is sized conservatively. As such, they may overestimate project water demand. The Water Forum estimates water demand at about 1,570 acre-feet/year for each square mile, assuming a 25.6% conservation rate. (Peifer, 2004.) Under those estimates, the project demand would be about 197 af/y; however, the project probably cannot achieve 25.6% conservation so 197 af/y is an underestimation of water demand. In sum, the project will have a water demand between 538.7 and 197 af/y, but this report assumes the higher figure to

be more conservative.

4.2. Documentation of Water Supply

The City of Sacramento obtains water from three sources: the American River, the Sacramento River, and groundwater wells. According to the UWMP, treated water is currently produced at two water treatment plants: the Fairbairn Water Treatment Plant (WTP) on the American River, and the Sacramento WTP on the Sacramento River.

4.2.1. Surface Water Rights

All information in this section is taken from the City's Urban Water Management Plan 2000 (UWMP) unless otherwise indicated. The City has an annual surface water entitlement of 81,800 acre-feet from the Sacramento River and 245,000 acre-feet from the American River. The City does not have the facilities or need to exercise this entire entitlement at this time, but at build-out of the requisite facilities and demand the maximum total combined water supply for both the Sacramento and American River by the year 2030, therefore, is 326,800 af/y. Refer to Table 4 for a schedule of authorized surface water supply over the next 20 years. Within this WSA, "Authorized Surface Water Used," which is the language of the UWMP, will be used interchangeably with supply. Authorized supply increases over time based on a contract between the City of Sacramento and the United States Bureau of Reclamation (USBR). The increase in water supply does not assume the acquisition of additional water rights.

As explained elsewhere, the USBR, pursuant to a settlement agreement, has guaranteed Sacramento's water supply with Central Valley Project (CVP) water at certain established rates irrespective of climatic conditions. For this reason, there is no difference in the City's water rights during normal years, single-dry years, or multiple-dry years. Table 4 illustrates the graduated schedule by which the USBR has guaranteed Sacramento's surface water rights.

Table 4. Future City of Sacramento Surface Water Rights

Year	Authorized Surface Water Use (acre-feet/year)
2000	183,500
2005	205,500
2010	227,500
2016	257,500
2020	278,000
2025	304,000
2030	326,800

Source: City of Sacramento UWMP 2000, December 2001, Table 3-1, 4-6 (Citing to City/USBR Contract 1957); Discussion with Dan Sherry, City of Sacramento, Utilities Department, Supervising Engineer, November 29, 2004.

The City has used river water since 1854 and claims pre-1914 rights to divert 75 cubic feet per second (cfs) from the Sacramento River. Additionally, the City currently holds five water rights permits: one for diversion of Sacramento River water and four for diversion of American River water. The Sacramento River permit, Permit 992, has priority of March 20, 1920. Permits 11358 through 11361, on the American River, have priorities ranging from October 1947 to September 1954.

The Sacramento River permit and two of the American River permits (11358 and 11361) authorize direct diversion. The other two permits (11359 and 11360) authorize rediversion and consumptive uses of American River tributaries' water stored and released at the Sacramento Municipal Utility District's (SMUD) Upper American River Project power development reservoirs. The reservoirs (Union Valley, Ice House, Rubicon, Rockbound, Loon Lake, and Gerle) are located in the Crystal Basin area of the Sierra Nevada Mountains east of Sacramento and north of U.S. Highway 50. The applications on which permits 11359 and 11360 were based were originally filed by SMUD and were assigned to the City in June 1957. Water stored and released there may be rediverted to use from either the American River or the Sacramento River.

In 1957, the USBR and the City entered into a settlement agreement and contract that provides that the USBR, through the release of water from CVP reservoirs, will supplement the City's water rights to divert from the American River up to a maximum of 245,000 af/y. In addition, the USBR will supplement the City's water rights to divert from the Sacramento River up to a maximum of 81,800 af/y, regardless of the supply otherwise available to the City under its water rights. This agreement is not dependent on climatic conditions. Therefore, the City's water right is unaffected by single- and multiple-dry years and regardless of climatic conditions the City is guaranteed 81,800 af/y from the Sacramento River and 245,000 af/y from the American River. Under that agreement with the USBR, the City limits its total diversions, including both direct diversions and rediversions from SMUD's upstream reservoirs and from CVP reservoirs, to 225 cfs of Sacramento River water and 675 cfs of American River water and will limit its total diversions from the Sacramento and American Rivers to 326,800 af/y.

The City's permits allow authorized water diversions to be used within specified areas described as authorized places of use (POU). Permit 992 designates lands within the City of Sacramento as the authorized POU. Permits 11358 and 11360 designate a 79,500-acre area within and adjacent to the City as the authorized POU. Permits 11359 and 11360 designate a 96,000-acre area within and adjacent to the City as the POU. Appendix C: City of Sacramento Water Service Area, illustrates the 96,000-acre authorized POU for American River water under Permits 11359 and 11360 and the current City limits for Sacramento River Water under Permit 992. The project is within the City of Sacramento Water Service Area and is thus within the authorized POU. Due to the voluminous nature of the permits, they are not included within this WSA. Permits are on file with the City of Sacramento Utilities Engineering Department, and are available for review by contacting Dan Sherry, Water Supervising Engineer ((916) 808-1419, 1395 35th Ave, Sacramento, CA 95822).

While the UWMP does not provide a detailed single- and multiple-dry year supply scenario, it does present a contingency plan for water shortages of up to 50 percent. The River Oaks project will comply with all aspects of the water contingency plan, which is outlined in Table 5 below.

Table 5. Drought Contingency Plan

Conservation Savings Goal	City Action	Requested Consumer Action
Stage 1 10-20%	Adopt necessary ordinances to: <ul style="list-style-type: none"> • Initiate public information campaign • Ask customers for 10-20% use reduction • Increase efficiency of system operations: <ul style="list-style-type: none"> ➢ Enforce hydrant use regulations ➢ Intensify leak detection and repair program ➢ Reduce watering at parks & cemeteries to designated days and hours • Increase waste water patrols • Shut-off valves on all hoses • 3 day/week outdoor irrigation schedule 	<ul style="list-style-type: none"> • Landscape Irrigation restrictions <ul style="list-style-type: none"> ➢ Odd/Even outdoor watering schedule ➢ No outdoor irrigation on Mondays ➢ 12 noon to 6 pm prohibition during daylight savings period
Stage 2 20-30%	Adopt additional ordinance to: <ul style="list-style-type: none"> • Limit outdoor irrigation to 2 days/week • Allow car washing with bucket only • Further limit park, cemetery, etc., irrigation • Further limit hours for outdoor irrigation • All public water uses not required for health and safety prohibited • Main flushing allowed only for emergency purposes • Further increased water waste patrols • Intensified public education campaign 	<ul style="list-style-type: none"> • Landscape irrigation restrictions <ul style="list-style-type: none"> ➢ 2 days/week schedule ➢ Watering time reduced • Cars washed with buckets only • No washing down of paved surfaces
Stage 3 30-40%	Adopt additional ordinance to: <ul style="list-style-type: none"> • Limit outdoor irrigation to 1 day/week • Prohibit car washing • Further limit park, cemetery, etc., irrigation • Continue vigorous public information campaign • Intensify leak detection program 	<ul style="list-style-type: none"> • Landscape irrigation restrictions <ul style="list-style-type: none"> ➢ 1 day/week manual application ➢ No car washing
Stage 4 40-50%	Adopt additional ordinance to: <ul style="list-style-type: none"> • Prohibit outdoor irrigation of turf areas • Further limit park, cemetery, etc. irrigation • Prohibit irrigation of median strips 	<ul style="list-style-type: none"> • Landscape irrigation restrictions <ul style="list-style-type: none"> ➢ No residential turf watering ➢ No median strip watering ➢ Reduced irrigation to parks

Source: City of Sacramento UWMP 2000, December 2001, Table 8-5.

4.2.2. Groundwater Sources

All information in this section is taken from the UWMP unless otherwise noted. About 15 percent (24,000 af/y) of the City's water demand is currently met through groundwater wells. The City's wells are located in the Sacramento Valley Groundwater Basin, which falls beneath about 248,000 acres. (DWR, 2003.) In the Sacramento area, the Water Forum has divided the groundwater basin into three subbasins: the North Area, the Central Area, and the South Area. (Water Forum, 2003.) The City draws mainly from the North Area, but also from the Central Area. (RTM&M personal communication with McCormick 2004; Peifer 2004; Swartz 2004.) The North Area subbasin has a safe yield of about 131,000 af/y, and the Central Area subbasin has about 273,000 af/y. (RTM&M personal communication with McCormick 2004.) The City's share of the estimated safe yield of these subbasins underlying the American River POU is between 55,000 and 80,000 af/y, which is two to three times the City's recent historical usage.

The Department of Water resources has not identified the groundwater basin as overdrafted, and the groundwater basin underlying the City is not in overdraft conditions and current extractions are within safe yields. (RTM&M personal communication with McCormick 2004; Peifer 2004; Swartz 2004.) Groundwater levels have declined in some areas, particularly in the northern portion of the City's service area. This decline probably represents a localized depression and does not indicate that the basin as a whole is overdrafted. (RTM&M personal communication with Swartz 2004.)

As explained above, the City's 29 active municipal groundwater wells are located primarily in the northern areas of the City. Twenty-seven of the wells are located north of the American River in the North Area subbasin and two are located south of the river in the Central Area subbasin. The total capacity of the existing wells is 30 million gallons per day (mgd), with a sustainable capacity of about 24 mgd (or about 26,900 af/y). The groundwater is generally of good quality. The City focuses on surface water and minimizes reliance on groundwater to avoid water quality problems and reduce the City's contribution to possible groundwater overdraft conditions.

The proposed project will not affect the City's planned use of groundwater. There is sufficient excess surface water to meet the demands of the proposed project in excess of the demands anticipated in the UWMP.

5. Supply Reliability Analysis

5.1. City Supply Reliability

Based on the figures presented in the City's UWMP, Sacramento's water supply is sufficient for the next 20 years. See Table 7 for a summary of the City's supply and demand until 2020. The City's supply is not dependent on a single-dry and multiple-dry year scenarios because of the nature of the City's water rights. Physical limitations associated with the system, however, may limit the City's ability to exercise their water rights in a drought situation. The Sacramento WTP was recently expanded. Table 6 illustrates the ongoing expansion of the Fairbairn WTP.

Table 6. Water Treatment Plant Expansion Schedule⁴

Water Source	2000 Capacity (Before Sacramento WTP Expansion) (af/y)	Current Capacity (af/y)	Fairbairn WTP Expansion 2005 (af/y)
Sacramento WTP	68,000	100,000	100,000
Fairbairn WTP	56,000	56,000	125,000
Groundwater Wells	26,900	26,900	26,900
Total	150,900	182,900	251,900

Source: City of Sacramento, Water Supply Assessment for the College Square PUD, July 2003, Prepared by EDAW, Inc. for the City of Sacramento (citing Discussion with Dan Sherry, City of Sacramento, Utilities Department, Supervising Engineer, July 14, 2003); Update Based on RTM&M Discussions with Jim Peifer, City of Sacramento, Utilities Department, Senior Engineer, November 23, 2004 and with Dan Sherry, City of Sacramento, Utilities Department, Supervising Engineer, November 29, 2004.

The City of Sacramento has entered into an agreement with other water users in the area to voluntarily limit diversions from the American River at the Fairbairns WTP. Under the Water Forum Agreement, under normal conditions the City will limit diversions from the American River at the Fairbairns WTP to about 310 cfs or 224,440 ac/y. (See Appendix G.)

During certain American River flow conditions, known as Hodge Flows,⁵ the City can divert between 100 and 155 cfs depending on the month (about 89,000 af/y) of water from the American River at the Fairbairn WTP. (See Appendix F.)

4 / These numbers are conservative and do not assume that the WTPs are operating at maximum capacity every day. Maximum capacity for the Sacramento WTP would be 160 mgd or 180,000 af/y; maximum capacity at the Fairbairn WTP, in 2005, would be 200 mgd or about 225,000 af/y.

5/ "Hodge Flows" are minimum flow requirements established for the Lower American River by Judge Hodge in EDF vs. EBMUD. They are as follows: October 15 – February 2,000 cubic feet per second; March – June 3,000 cubic feet per second; and July – October 14 1,750 cubic feet per second. (Water Forum Agreement, January 2000, Appendix C.)

In very rare drought conditions, called “Extremely Dry Years” in the Water Forum Agreement, the city may divert 155 cfs up to a maximum of 50,000 af/y. (Water Forum Agreement, p. 203.) In this Water Supply Assessment, single- and multiple-dry year scenarios assume only 50,000 af/y of water is available from the Fairbairn WTP under Extremely Dry Year conditions. It should be noted, however, that the City can extract its American River water entitlement from the Sacramento River at its Sacramento WTP. The City’s ability to extract American River water from its Sacramento WTP is functionally limited at present by the current capacity of the WTP. Because the Sacramento WTP has a current capacity of about 160 MGD, the City can extract at least 18,200 af/y at the Sacramento WTP in excess of its current Sacramento River entitlement of 81,800 af/y. (See Table 6 and footnote 4.)

The Water Code requires the City to calculate water availability to serve the City’s water users and the project under normal, single-dry, and multiple-dry years. As explained elsewhere, the USBR has guaranteed the City’s water rights with water from the CVP, so that the City’s water rights from the American and Sacramento Rivers are not dependent on climatic conditions. That is to say, the City’s water rights are the same in normal, single-dry, and multiple-dry years. As explained immediately above, however, the City has entered into the Water Forum Agreement and in doing so has agreed to limit its diversions from the American River in certain circumstances. Additionally, the City’s current infrastructure, as described elsewhere, places limitations on the City’s ability to divert water. These constraints allow the City to describe limitations on its ability to extract water in drought conditions under a worst-case scenario. That worst-case scenario would be the same for single-dry and multiple-dry years. The worst-case scenario assumes (1) that groundwater use will not substantially increase during drought conditions, (2) Sacramento River water diversions from the Sacramento River will remain at 81,800 afy at the Sacramento WTP, (3) American River water will also be diverted at the Sacramento WTP up to that plant’s full capacity (i.e, 100,000 af/y), or in other words about 18,200 af/y of American River water will be diverted at the Sacramento WTP, and (4) ongoing infrastructure improvements at the Fairbairn WTP will be online in 2005. No other infrastructure improvements are assumed. Given those assumptions, Table 7 illustrates the City’s ability to meet foreseen water demand based on entitlements and physical infrastructure in normal, single-dry, and multiple-dry years. Table 7 illustrates that the City of Sacramento has sufficient water rights and the infrastructure to deliver water in normal, single-dry, and multiple-dry years.

Table 7. City Deliverable Water Supply Reliability

Year	Normal (af/y)	Single-Dry (af/y)	Multiple-Dry (af/y)	Projected Demand (af/y)	Deliverable Water in Excess of Demand	
					Normal Year	Multiple-Dry Year
2000	150,000	144,900	144,900	136,776	14,124	8,124
2005	232,400	176,900 ^b	176,900 ^b	150,198	82,202	26,702
2010	251,900	176,900 ^b	176,900 ^b	163,123	88,777	13,777
2015	251,900	176,900 ^b	176,900 ^b	172,824	79,076	4,076
2020	251,900	176,900 ^b	176,900 ^b	175,819	76,018	1,081

Source: City of Sacramento UWMP 2000, December 2001, p.3-2, Tables 3-1, 4-6; Water Forum Agreement, January 2000, pp 202-214. See Appendix H.

Thus, a shortage of water is not foreseen in Sacramento; however, the City has developed a shortage contingency plan that outlines steps taken in case of drought to reduce water demand by as much as 50 percent. The shortage contingency plan is included in Appendix D: City of Sacramento Water Forum Conservation Plan. The proposed River Oaks development will comply with City water reduction mandates.

5.2. Impact of Proposed Development on Supply Reliability

Build-out demand for the project is assumed in the current UWMP. As illustrated in Table 3, a conservative estimate of build-out demand for the proposed project would be 538.7 acre feet per year. As indicated above in Table 7, in 2020, the City is projected to have a surplus deliverable supply of 76,018 af/y during normal years and 1,081 af/y during both single-dry and multiple-dry years. Hence, the City will have adequate water supply to serve the proposed project demand of 538.7 af/y. Additionally, the City has developed a shortage contingency plan that would be implemented in drought conditions and that would reduce water demand by as much as 50%. This would further ensure that the City has sufficient water supplies to serve its existing and planned future uses as well as the proposed project during the 20 year projection set out in the UWMP during normal, single-dry, and multiple-dry years.

5.3. Supply Reliability Assessment

The City of Sacramento has adequately provided for the reliable supply of water to POUs that it serves. Single- and multiple-dry year supply reliability is assured by the nature of the water rights that the City of Sacramento holds. Regardless, a water conservation plan that reduces water demand by up to 50 percent in times of drought has been adopted. The proposed River Oaks development would require water that was accounted for in the UWMP, and the City of Sacramento would have sufficient water rights and deliverable water supply to support the proposed development because of its surpluses.

^{6/} Reduction in supply assumes intake at Fairbairn WTP limited because of Extremely Dry Year conditions as described in the Water Forum Agreement

References

City of Sacramento, Draft Environmental Impact Report for the West Lakeside Project, February 2004, Prepared by EDAW, Inc. for the City of Sacramento.

City of Sacramento, Urban Water Management Plan 2000, December 2001, Maddaus Water Management, City of Sacramento Department of Utilities.

City of Sacramento, Water Supply Assessment for the West Lakeside Project, February 2005, Prepared by Remy Thomas Moose & Manley (RTM&M) for the City of Sacramento.

City of Sacramento, Water Supply Assessment for the College Square PUD, July 2003, Prepared by EDAW, Inc. for the City of Sacramento.

DWR. Sacramento Valley Groundwater Basin, South American Subbasin. California's Groundwater – Bulletin 118. Public Review Draft. April 2003. <http://www.waterplan.water.ca.gov/groundwater/basindescr/5-21.65%20WQ%20South%20American%20v3.0.pdf>.

RTM&M Personal Communication with the following:

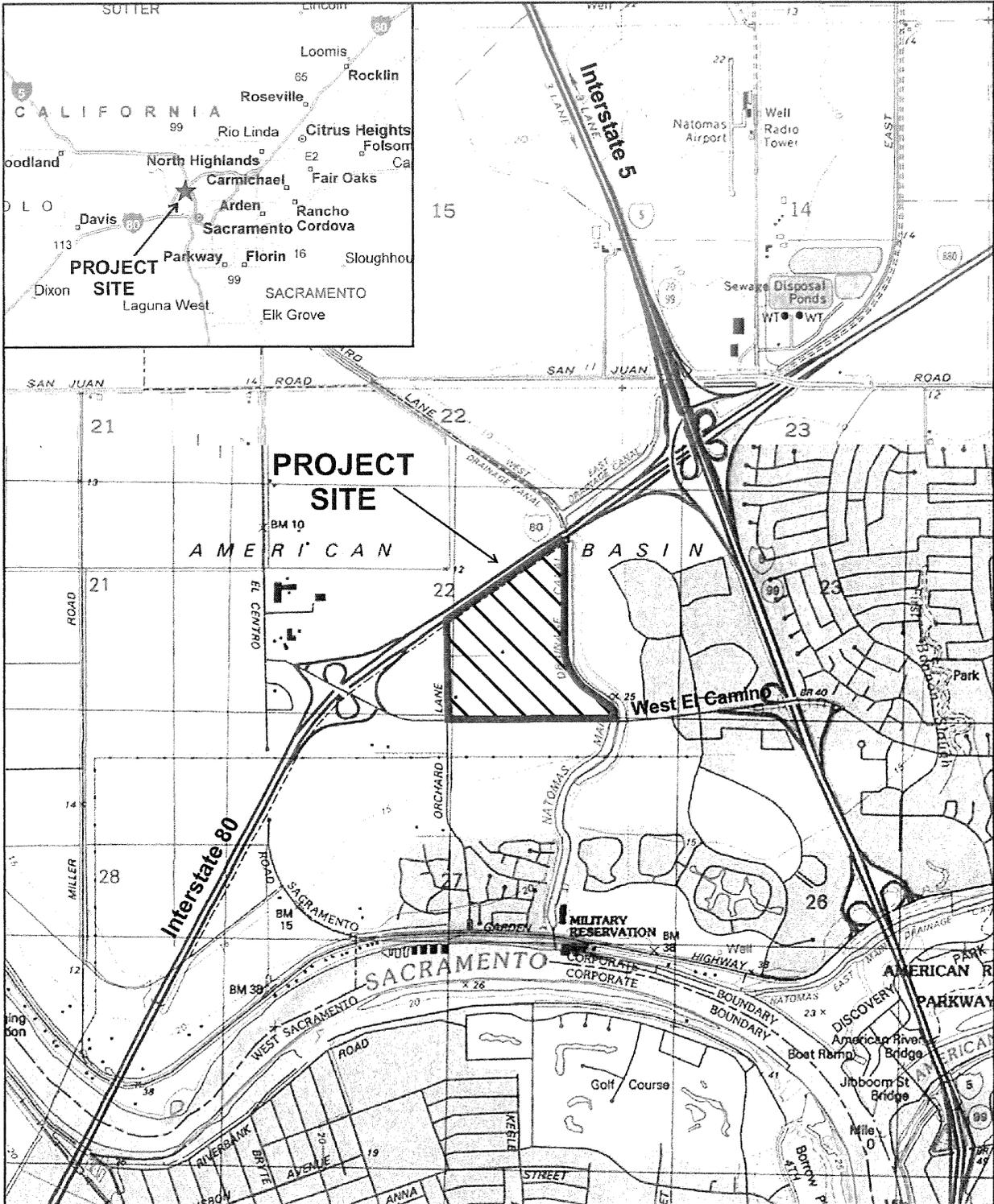
McCormack, Jim Consultant, Water Forum, personal communication, November 23, 2004.

Peifer, Jim, Senior Engineer, City of Sacramento, Utilities Department, personal communication, November 23, 2004.

Sherry, Dan, Supervising Engineer, City of Sacramento, Utilities Department, Personal communication, November 19 and 29, 2004.

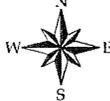
Swartz, Rob, Senior Project Manager, Sacramento Groundwater Authority, personal communication, November 24, 2004.

Appendix A: Regional Setting Map



north
fork
associates

0 1000 2000
Approximate scale in feet



Basemap: Sacramento West, CA USGS
7.5 minute topographic quadrangle

Figure 2.1

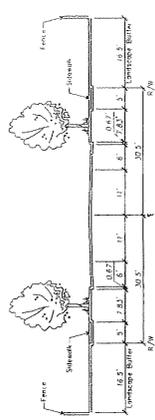
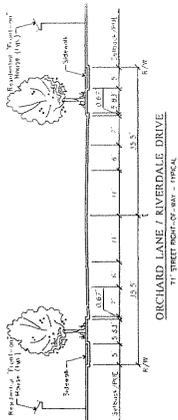
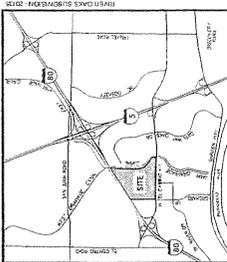
VICINITY AND
LOCATION MAP
River Oaks Park

City of Sacramento, Sacramento County, CA

Appendix B: River Oaks Tentative Map

Beazer - RIVER OAKS

TENTATIVE SUBDIVISION MAP for
RIVER OAKS
CITY OF SACRAMENTO, CALIFORNIA



TENTATIVE MAP INFORMATION

OWNER/DEVELOPER
BEAZER HOMES
1770 DUNLAP BLVD. #1100
ROSELAND, CA 95681
TEL: 916-486-1000
FAX: 916-486-1001

APPLICANT/ENGINEER
ATTS/TONY MEYERS
10000 UNIVERSITY AVENUE
ROCKLIN, CA 95765-4004
TEL: 916-788-3000
FAX: 916-788-3003

APN
225-0228-000, 005, 006, 007, 011,
006, 007, 008 & 009

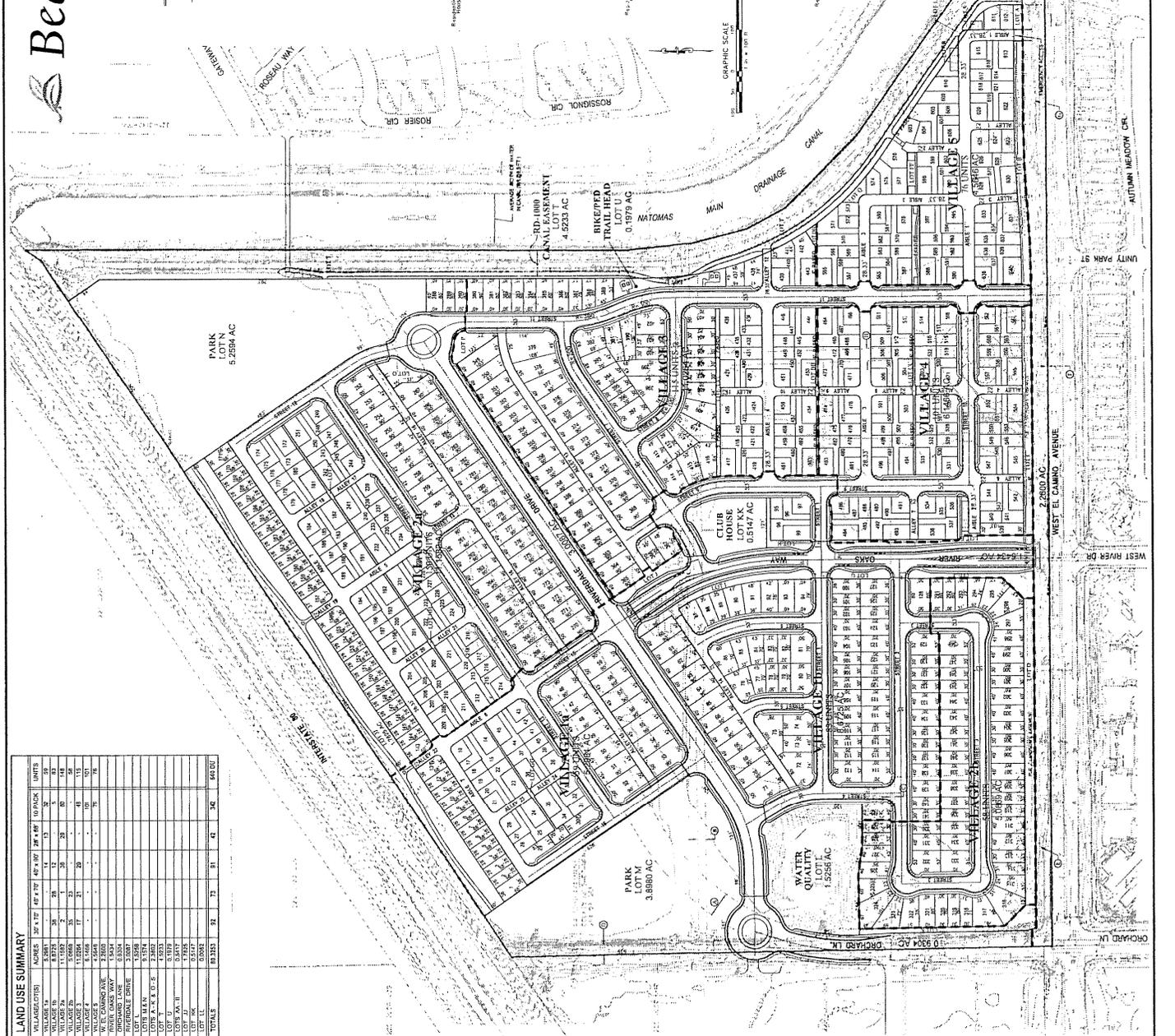
AREA
APPLICANT'S ADDRESS
88.3 AC. NET
81.9 AC. GROSS

EXISTING ZONING
A * APD

PROPOSED ZONING
R1A PUD (BEAZER PROPOSED)
PARKS & RECREATION
AGRICULTURE

EASEMENT LEGEND

- 1. 10' CANAL EASEMENT 6.5M A TO BE ABANDONED
- 2. 10' CANAL EASEMENT 6.5M A TO BE ABANDONED
- 3. 10' CANAL EASEMENT 6.5M A TO BE ABANDONED
- 4. 10' CANAL EASEMENT 6.5M A TO BE ABANDONED
- 5. 10' CANAL EASEMENT 6.5M A TO BE ABANDONED
- 6. 10' CANAL EASEMENT 6.5M A TO BE ABANDONED
- 7. 10' CANAL EASEMENT 6.5M A TO BE ABANDONED
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- 9. 10' CANAL EASEMENT 6.5M A TO BE ABANDONED
- 10. 10' CANAL EASEMENT 6.5M A TO BE ABANDONED
- 11. 10' CANAL EASEMENT 6.5M A TO BE ABANDONED
- 12. 10' CANAL EASEMENT 6.5M A TO BE ABANDONED
- 13. 10' CANAL EASEMENT 6.5M A TO BE ABANDONED
- 14. 10' CANAL EASEMENT 6.5M A TO BE ABANDONED
- 15. 10' CANAL EASEMENT 6.5M A TO BE ABANDONED
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- 26. 10' CANAL EASEMENT 6.5M A TO BE ABANDONED
- 27. 10' CANAL EASEMENT 6.5M A TO BE ABANDONED
- 28. 10' CANAL EASEMENT 6.5M A TO BE ABANDONED
- 29. 10' CANAL EASEMENT 6.5M A TO BE ABANDONED
- 30. 10' CANAL EASEMENT 6.5M A TO BE ABANDONED



LAND USE SUMMARY

VILLAGE (LOTS)	ACRES	30' x 120'	40' x 120'	40' x 150'	50' x 120'	50' x 150'	60' x 120'	60' x 150'	UNITS
VILLAGE 1A	5.8841	14	13	13	13	13	13	13	32
VILLAGE 1B	1.1122	3	3	3	3	3	3	3	10
VILLAGE 1C	1.1122	3	3	3	3	3	3	3	10
VILLAGE 1D	5.8841	14	13	13	13	13	13	13	32
VILLAGE 1E	1.1122	3	3	3	3	3	3	3	10
VILLAGE 1F	1.1122	3	3	3	3	3	3	3	10
VILLAGE 1G	1.1122	3	3	3	3	3	3	3	10
VILLAGE 1H	1.1122	3	3	3	3	3	3	3	10
VILLAGE 1I	1.1122	3	3	3	3	3	3	3	10
VILLAGE 1J	1.1122	3	3	3	3	3	3	3	10
VILLAGE 1K	1.1122	3	3	3	3	3	3	3	10
VILLAGE 1L	1.1122	3	3	3	3	3	3	3	10
VILLAGE 1M	1.1122	3	3	3	3	3	3	3	10
VILLAGE 1N	1.1122	3	3	3	3	3	3	3	10
VILLAGE 1O	1.1122	3	3	3	3	3	3	3	10
VILLAGE 1P	1.1122	3	3	3	3	3	3	3	10
VILLAGE 1Q	1.1122	3	3	3	3	3	3	3	10
VILLAGE 1R	1.1122	3	3	3	3	3	3	3	10
VILLAGE 1S	1.1122	3	3	3	3	3	3	3	10
VILLAGE 1T	1.1122	3	3	3	3	3	3	3	10
VILLAGE 1U	1.1122	3	3	3	3	3	3	3	10
VILLAGE 1V	1.1122	3	3	3	3	3	3	3	10
VILLAGE 1W	1.1122	3	3	3	3	3	3	3	10
VILLAGE 1X	1.1122	3	3	3	3	3	3	3	10
VILLAGE 1Y	1.1122	3	3	3	3	3	3	3	10
VILLAGE 1Z	1.1122	3	3	3	3	3	3	3	10
TOTALS	83.2822	21	21	21	21	21	21	21	242

P01-132
REVISED
7-18-05

NOTE:
ALL PLANS AND SPECIFICATIONS ARE PRELIMINARY AND FOR
CONSTRUCTION AND MUST BE VERIFIED.

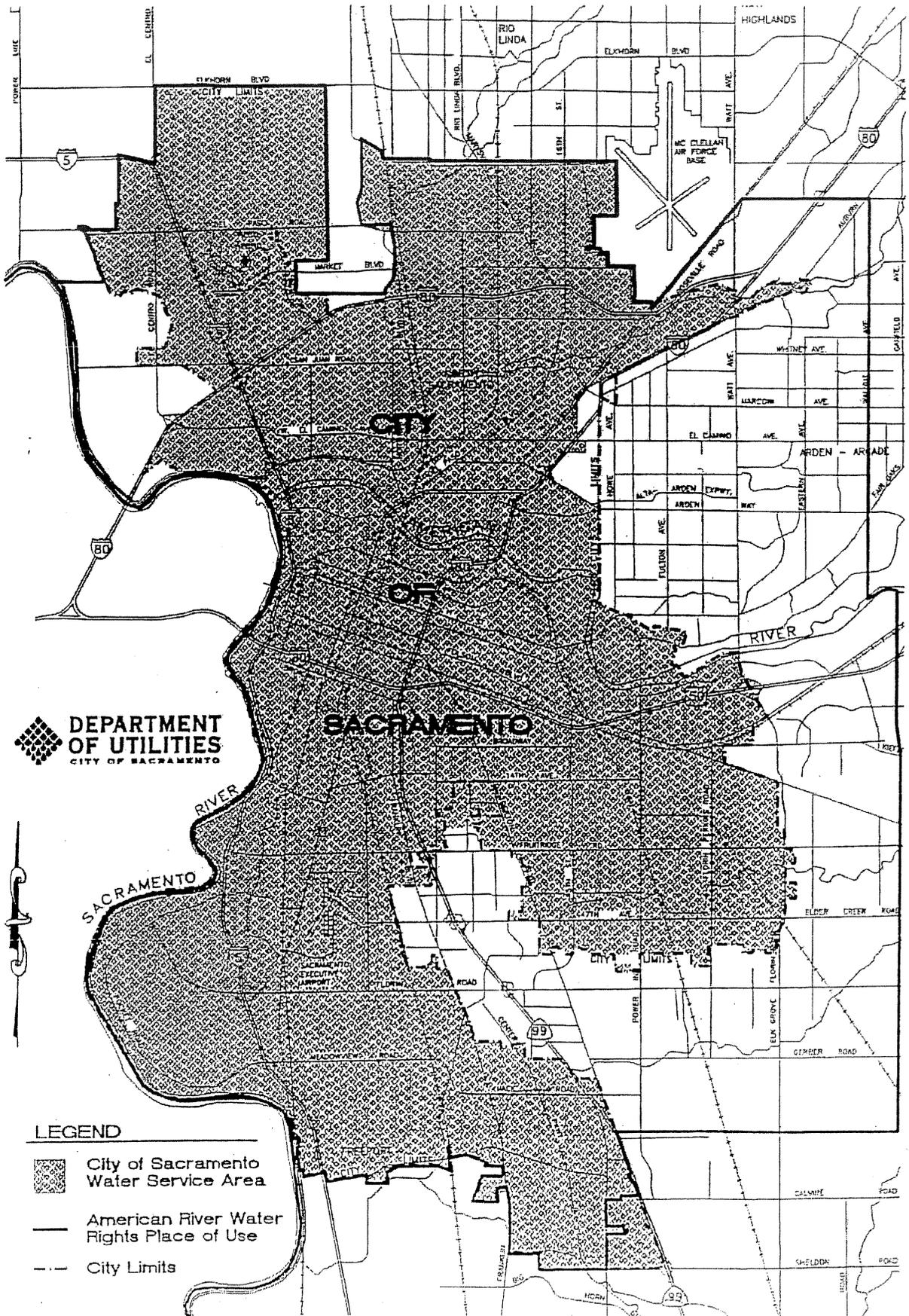


JULY 2005
MRO
Meyers, Rasmussen, O'Connell
Professional Engineers
10000 UNIVERSITY AVENUE
ROCKLIN, CA 95765
TEL: 916-788-3000
FAX: 916-788-3003

Appendix C: City of Sacramento Water Service Area

WATER SERVICE AREA MAP

NO SCALE



 **DEPARTMENT OF UTILITIES**
CITY OF SACRAMENTO

LEGEND

-  City of Sacramento Water Service Area
-  American River Water Rights Place of Use
-  City Limits

C:\UTS\SHAPES\TSC\map\shapereads\AREP.MAPCITY.ZIPMS

Oct 1997

Figure 3-1 City of Sacramento Service Area

**Appendix D: City of Sacramento
Water Forum Water Conservation Plan**

APPENDIX B

CITY OF SACRAMENTO WATER FORUM WATER CONSERVATION PLAN

BMP 1 INTERIOR AND EXTERIOR WATER AUDITS AND INCENTIVE PROGRAMS FOR SINGLE FAMILY AND MULTI-FAMILY RESIDENTIAL, AND INSTITUTIONAL CUSTOMERS

- A. Within three years of agreement signing, the City of Sacramento will have:
1. trained water auditors on staff or available through cooperative agreements with other purveyors;
 2. prepared and made available, as needed, multi-lingual water audit materials for customers;
 3. prepared and made available to customers seasonal climate-appropriate irrigation information; and
 4. investigated opportunities for community based organizations (CBOs) to receive the training and financial incentives necessary for them to implement this BMP for their constituents.
- B. The City of Sacramento will annually:
1. audit all SF and MF accounts which receive a meter, offer audits to all Institutional accounts which receive a meter and promote audits to unmetered SF and MF customers;
 2. offer, through bill inserts or other means, water-use reviews to all customers; and
 3. survey past program participants to determine if audit recommendations were implemented.
- C. The water-use review program will:
1. provide audits conducted by trained auditors;
 2. provide audits that may include device installation by the City of Sacramento or customer (showerheads, faucet aerators, etc.), identification of water-use problems, recommend repairs, instruction in landscape principles (hydrozones, ET, etc.), irrigation timer use and, when appropriate, meter reading;
 3. provide program participants with seasonal irrigation schedules by hydrozone and/or station; and
 4. provide incentives to achieve 12% annual participation of the targeted 20% of customers.
- D. The City of Sacramento will be fully implementing the program described above no later than the beginning of the fourth year after agreement signing.

BMP 2 PLUMBING RETROFIT OF EXISTING RESIDENTIAL ACCOUNTS

- A. Within three years of agreement signing, the City of Sacramento will:
1. provide plumbing retrofit kits to at least 2 percent of residential accounts and, where appropriate, install high quality low-flow showerheads and faucet aerators. The program has an installed retrofit device target of 20 percent of residential customers in ten years;
 2. offer toilet leak test kits to all change of account customers who visit the signatory's office;
 3. work with the local "Welcome Wagon" or equivalent organization to provide water conservation materials to new residents;
 4. work with local hardware/home stores to offer free water conservation information at the check-out; and
 5. investigate partnership programs with local energy utilities to provide water conservation audits, materials and devices.
- B. The City of Sacramento will be fully implementing the program described above no later than the beginning of the fourth year after agreement signing.

BMP 3 DISTRIBUTION SYSTEM WATER AUDITS, LEAK DETECTION AND REPAIR

- A. Within three years of agreement signing, the City of Sacramento will complete and maintain, in the unmetered areas:
1. an annually updated 'system map' of type, size and age of pipes; pressures; and leak history;
 2. installation of devices (such as pressure recorders) or use of other methods designed to identify area with greater than 10% losses;
 3. an ongoing meter calibration and replacement program for all production and distribution meters;
 4. an ongoing leak detection & repair program (as defined in the manual) focused on high probability leak areas identified by the system map; and
 5. a complete system-wide leak detection program, repeated no less often than every ten years; unless there are special circumstances, such as age of system or planned main replacement.
- B. Within three years of agreement signing, the City of Sacramento will complete / maintain, in metered areas:
1. an annual system water audit, determining the difference between production and sales;
 2. an annually updated 'system map' of: type, size and age of pipes; pressures; record of leaks; etc.; with historic data;
 3. an ongoing meter calibration and replacement program;
 4. an ongoing leak detection/repair program focused on high probability leak areas identified by map; and

5. a complete system wide leak detection program, repeated: when the system water audit determines losses to be greater than 10%; when the losses are less than 10% if the program is determined to be cost effective.
- C. The City of Sacramento will be fully implementing the program described above no later than the beginning of the fourth year after agreement signing.

BMP 4 NON-RESIDENTIAL METER RETROFIT

- A. Within three years of agreement signing, the City of Sacramento will:
1. identify all non-residential unmetered customers (does not include MF customers);
 2. provisionally identify any non-residential unmetered customers which may be very difficult and expensive to retrofit;
 3. meter 100 percent of unmetered non-residential within five years; and
 4. consider installing separate landscape meters at non-residential unmetered customer locations.
- B. Within 60 days of meter installation, the City of Sacramento will provide newly metered non-residential customers with:
1. information on how to read their meter and a consumption-based water bill; and
 2. information on the City of Sacramento-provided water conservation programs and services.
- C. The City of Sacramento will be fully implementing the program described above no later than the beginning of the fourth year after agreement signing.

BMP 4 RESIDENTIAL METER RETROFIT

Going as far as possible within the limits of its City Charter, the City of Sacramento would implement a voluntary meter retrofit program.

The goals of the program are to:

- A. Complete 400-555 residential retrofits annually;
- B. Build public understanding and acceptance of alternative water saving programs through education and broad-based community outreach; and
- C. Provide opportunity for each retrofitted service to voluntarily convert to a metered billing via a comparison billing process.

The program elements and participation procedures for the voluntary residential meter retrofit program are as follows:

- A. City allocates \$250,000-\$400,000 for residential meter retrofit program fiscal year xx-xx;

- B. Program is offered to all eligible single-family residential customers and accepted on a first come-first serve basis;
- C. City crews install meter at no cost to customer;
- D. Meter reading occurs monthly by city staff utilizing either two methods: AMR (Automated Meter Reading) or electronic meter books;
- E. Water use consumption data is displayed on customers utility bill for each monthly read, represented in gallons per day, and
- F. After two years, customers will be provided a summary of water use data including a comparison of residential flat rates and residential metered rates. At that time the customer will be asked to choose:

Option A – which is to remain on the residential flat rate structure; or
Option B – which is to change to a residential metered rate structure and bill according to actual water used. Once converted to residential meter rate structure, service to the property is bound to metered rate.

Regardless, customers will continue to receive water use consumption data on a monthly basis and if **Option A** is chosen customer will have the right to choose **Option B** at anytime.

The City will market its voluntary residential meter retrofit program in the following manner:

- A. PRINTED MATERIAL SUCH AS:
 - Program Brochures; Q&A Fact Sheet
 - Application Forms; and
 - Efficient Irrigation Materials.

- B. PAID ADVERTISEMENTS IN THE FOLLOWING PUBLICATIONS SUCH AS:
 - Sacramento Bee Neighbors Sections; The Old City Guardian; Land Park News; East Sac News; Inside East Sac; Natomas Journal; and the Pocket News.

- C. USE OF CITY RESOURCES TO PROVIDE PROGRAM INFORMATION IN:
 - Utility Bill inserts; Billboard on Capitol City

Freeway; Message on utility bills; City Hall display; and on the City Web Site Home Page.

D. DISPLAYS AT COMMUNITY EVENTS SUCH AS:

City services nights and the Thursday night market.

E. DEVELOP TARGETED MAILING TO:

Neighborhood Association Newsletters; Utility Department database; and City neighborhood associations who received Water Forum presentations.

F. DEVELOP HOMEOWNERS PACKETS FOR:

Newcomers to Sacramento and Chamber of Commerce Offices.

Potential incentives that might be offered by the City to encourage residents to participate in the voluntary residential meter retrofit program include:

A. indoor / outdoor audits for single family and multi-family residences;

B. Rebates for:

1. ULF toilets
2. Indoor fixture replacement
3. Indoor appliance replacements
4. Landscape plant material
5. Landscape irrigation equipment

C. financial savings such as a reduction in sewer fees based upon metered water use.

BMP 5 LARGE LANDSCAPE WATER AUDITS AND INCENTIVES FOR COMMERCIAL, INDUSTRIAL, INSTITUTIONAL (CII), AND IRRIGATION ACCOUNTS

A. Within three years of agreement signing, the City of Sacramento will:

1. identify all Irrigation accounts and CII accounts with landscapes of one acre and larger and record that information in the customer database;
2. have certified and/or trained landscape water auditors on staff or available through agreements;
3. prepare and distribute multi-lingual (as appropriate) irrigation system materials, seasonal climate-appropriate information on irrigation scheduling and offer training for customers/landscape workers;

4. develop seasonal climate-appropriate information to determine irrigation schedules, for the three basic hydrozones identified in the DWR *Landscape Water Management Handbook*, and provided that information to the customers with one acre or larger landscapes; and
5. begin installation of climate appropriate water efficient landscaping at landscaped the City of Sacramento facilities, phased in over the five years following agreement signing.

B. The City of Sacramento will annually:

1. directly contact metered Irrigation accounts and CII accounts with one acre and larger landscapes, not previously audited, and offer them landscape water audits;
2. provide landscape audits to all CII and Irrigation accounts at time of metering;
3. survey past program participants to determine if audit recommendations were implemented; and
4. offer program participants with separate irrigation meters information showing the relationship between actual consumption and their ET-based water demand.

C. The City of Sacramento's landscape water-use review program will:

1. provide audits conducted by certified landscape water auditors;
2. provide audits that consist of a system review, to identify necessary irrigation system repairs, and, once repairs have been completed, a water-use review including measurement of landscaped area;
3. provide program participants with seasonal irrigation schedules by hydrozone and/or station;
4. provide program participants with regular reminders to adjust irrigation timer settings; and
5. provide audits to 12 percent of metered greater than 1 acre CII and Irrigation accounts annually. Audit 33 schools each year and provide financial assistance to repair their irrigation systems. Spend \$30,000 on irrigation system improvements at each of five City parks annually for 20 years.

D. The City of Sacramento will be fully implementing the program described above no later than the beginning of the fourth year after agreement signing.

BMP 6 LANDSCAPE WATER CONSERVATION REQUIREMENTS FOR NEW AND EXISTING COMMERCIAL, INDUSTRIAL, INSTITUTIONAL AND MULTI-FAMILY DEVELOPMENTS

A. The City of Sacramento will enact and implement a landscape water efficiency ordinance pursuant to the "Water Conservation in Landscaping Act" (California Code of Regulations, Chapter 2.7), that is at least as effective as the Model Water Efficient Landscape Ordinance described in Chapter 2.7, Sections 490 - 495.

B. The City of Sacramento will:

1. participate in and support a regional landscape task force established by the Water Forum Successor Effort. The Taskforce will include other local governments and water purveyors, the building and green industries and environmental / public interest groups. It will review the existing local ordinances to determine if they are at least as effective as the Model Water Efficient Landscape Ordinance. The Taskforce may suggest revisions to the existing landscape ordinances;
2. as part of the Taskforce, participate in a review of the implementation of the local ordinances, including builder compliance, landscape plan review, final inspection/certification process and actual water use to determine their effectiveness; and
3. as part of the Taskforce, determine if program effectiveness is diminished by city/county staff time constraints, budget or lack of landscape knowledge/expertise, and, if so, recommend and support corrective action.

C. The City of Sacramento will be fully implementing the program described above no later than the beginning of the fourth year after agreement signing.

BMP 7 PUBLIC INFORMATION

A. Within three years of agreement signing, the City of Sacramento program will include:

1. A combination of a City of Sacramento specific program in conjunction with limited participation by the City of Sacramento in the Sacramento Area Water Works Association (SAWWA) Conservation Committee's Public Outreach Program or other equivalent regional program. At this time limited participation in this program is based upon an annual contribution by the City of Sacramento to the SAWWA Conservation Committee for the combined Public Information and School Education program. This program includes programs such as: media advertising campaigns, commercial consumer outreach, promotional materials, community events and fairs, evapotranspiration data availability, a Web site, and allied organizations outreach.
2. The City of Sacramento agrees to spend the difference between the annual per connection SAWWA contribution and their flat annual contribution to SAWWA on an enhanced within-service-area implementation of elements a-f listed below:
 - a) using utility bill inserts or messages on payment notices;
 - b) providing information on residential metered customers' bills showing use in gallons per day for the last billing period compared to the same period the year before;
 - c) providing public speakers to community groups and the media;
 - d) using paid and public service advertising for a water conservation campaign;
 - e) providing public information to promote other water efficient practices;
 and

- f) coordinating with other governmental agencies, industry groups and public interest groups.

BMP 8 SCHOOL EDUCATION

- A. Within three years of agreement signing, the City of Sacramento program will include:
 1. A combination of a City of Sacramento specific program in conjunction with limited participation by the City of Sacramento in the Sacramento Area Water Works Association (SAWWA) Conservation Committee's Public Outreach Program or other equivalent regional program. At this time limited participation in this program is based upon an annual contribution by the City of Sacramento to the SAWWA Conservation Committee for the combined Public Information and School Education program. This program includes programs such as: school outreach, promotional materials, community events/fairs, and a Web site.
 2. The City of Sacramento agrees to spend the difference between the annual per connection SAWWA contribution and their flat annual contribution to SAWWA on an enhanced within-service-area implementation of elements a-d listed below:
 - a) offering tours of the City of Sacramento facilities to elementary schools in the City;
 - b) working with schools served by the City of Sacramento to promote school audits, reduced water bills, and innovative funding for equipment upgrades;
 - c) working with the school districts in the City's service area to provide educational materials promoting efficient water use to one or more grade levels on an annual basis; and
 - d) working with school districts in the City's service area to offer instructional materials and assistance to all teachers of the targeted grade level in order to promote efficient water use.

BMP 9 COMMERCIAL AND INDUSTRIAL (CI) WATER CONSERVATION

- A. Within three years of agreement signing, the City of Sacramento will have:
 1. trained commercial/industrial water auditors on staff or available through cooperative agreements;
 2. the DWR Commercial / Industrial (CI) water-use materials available for CI customers;
 3. established, if possible, cooperative CI audit programs with other utilities; and
 4. a list of available CI water-use consultants.
- B. The City of Sacramento or their representative will annually:
 1. provide audits to all newly metered CI accounts;
 2. offer, through bill inserts or other means, CI water-use reviews to all CI customers;and

3. survey past program participants to determine if audit recommendations were implemented.
- C. The City of Sacramento's water-use review program will:
1. provide audits conducted by trained commercial/industrial water auditors;
 2. provide incentives to achieve at least 20% annual participation of the targeted 10% of customers; and
 3. contact past program participants for a follow-up audit at least every fifth year.
- D. The City of Sacramento will establish policies requiring water intensive commercial and industrial building permit applicants (new, modified or change-of-water-use) to conduct a water-use efficiency review and submit the findings in any required environmental documentation for the commercial or industrial project.
- E. Within three years of agreement signing, the City of Sacramento will:
1. promote the use of efficient water-use technologies by commercial and industrial customers by offering incentives related to the benefits gained by the water and sewer service providers;
 2. consider separate landscape water meter(s) when the combined service require a 1-1/2" meter; and
 3. require efficient cooling systems, recirculating pumps for fountains and ponds, and water recycling systems for vehicle washing as a condition of service.
- F. The City of Sacramento will be fully implementing the program described above no later than the beginning of the fourth year after agreement signing.

BMP 11 CONSERVATION PRICING FOR METERED ACCOUNTS

- A. Within three years of agreement signing, the City of Sacramento will:
1. identify all metered customers by account type (single family, multi-residential, commercial, industrial, institutional, landscape irrigation, reclaimed, wholesale);
 2. establish quantity-based rates for each account type, except SF and MF accounts;
 3. begin educating all customers about the quantity-based rate structure; and
 4. provide metered customers with monthly or bi-monthly information which shows current flat-rate charges, actual water use in gallons, and what charges would have been if based on actual use.
- B. The City of Sacramento will, within ten years of agreement signing, bill all metered customers utilizing rates designed to recover the cost of providing service as well as on quantity of water used.

BMP 12 LANDSCAPE WATER CONSERVATION FOR NEW/EXISTING SINGLE FAMILY HOMES

- A. The City of Sacramento will implement a program which includes:

1. information on climate-appropriate landscape design, plants and efficient irrigation equipment/management provided to change-of-customer accounts and, in cooperation with the Building Industry Association of Superior California, to new customers. The availability of this information will be publicized to all existing SF accounts in the City's service area on an annual basis;
 2. audit all SF/MF accounts which receive a meter and promote audits to unmetered SF/MF customers; and
 3. annual pre-irrigation season notification to Single Family Homes served by the City of City provided landscape assistance (audits/surveys, materials, special offers, etc.).
- B. The City of Sacramento's on-going program, in cooperation with the California Landscape Contractors Association, Sacramento Area Water Works Association, other purveyors, etc., will include:
1. participation in the development/maintenance of a local demonstration garden within five years following agreement signing (does not have to be located within the City of Sacramento's service area but should be convenient to the City of Sacramento's customers);
 2. annual participation at local and regional landscape fairs and garden shows;
 3. annual cooperative education and marketing campaigns with local nurseries;
 4. annual irrigation season landscape media campaign; and
 5. annual post-irrigation season notification, to all customers, of the importance of timer resets/ sprinkler shut-offs.
- C. The City of Sacramento will:
1. participate in and support a regional landscape task force established by the Water Forum Successor Effort. The Taskforce will include other local governments and water purveyors, the building and green industries and environmental / public interest groups. It will review the existing local ordinances to determine if they are at least as effective as the Model Water Efficient Landscape Ordinance. The Taskforce may suggest revisions to the existing landscape ordinances;
 2. as part of the Taskforce, participate in a review of the implementation of local ordinances, including builder compliance, landscape plan review, final inspection/certification process and actual water use to determine their effectiveness; and
 3. as part of the Taskforce, determine if program effectiveness is diminished by city/county staff time constraints, budget or lack of landscape knowledge/expertise, and, if so, recommend and support corrective action.
- E. The City of Sacramento will be fully implementing the program described above no later than the beginning of the fourth year after agreement signing.

BMP 13 WATER WASTE PROHIBITION

Within three years of agreement signing, the City of Sacramento will enact a water waste prohibition ordinance which includes measures and enforcement mechanisms.

- A. The water waste prohibition measures will include:
1. irrigation water shall not be allowed to run off to adjoining property or to a roadside ditch or gutter;
 2. leaking pipes, fixtures, or sprinklers shall be repaired promptly;
 3. open hoses not permitted - automatic shut-off nozzles are required; and
 4. swimming pools, ponds and fountains shall be equipped with recirculating pumps. Pool draining and refilling only for health, maintenance or structural reasons - requires agency approval.
- B. Other measures, such as the following, may be permanent, seasonal or related to water shortage:
1. restricting irrigation hours or days ;
 2. use of a hose to clean sidewalks, driveways, patios, streets and commercial parking lots is not permitted, except for health and safety;
 3. restaurants serving water only on request;
 4. restricting the use of potable water for compaction, dust control or other construction purposes when non-potable water is available; and
 5. limiting the flushing of sewers or fire hydrants, except for health and safety (may be permanent, seasonal or related to water shortage).
- C. The waste prohibitions will include as enforcement mechanisms a graduated series of responses to water wasting customers. Enforcement typically includes: personal notification and an offer of a water-use review / repair service, monetary fees, service termination and, in some unmetered service areas, and mandatory water meter installation / reading.
- D. Within three years of agreement signing the City of Sacramento will:
1. notify all customers at least annually of the waste prohibitions (by newspaper, public notice, mailings, utility billings or a combination of such) prior to the irrigation season;
 2. have staff will respond to reports of water waste in a timely manner;
 3. will have water waste patrols at least during water shortages; and
 4. will cooperate with the city or county in their program enforcement efforts.

BMP 14 WATER CONSERVATION COORDINATOR

The City of Sacramento's water conservation coordinator is Angela Anderson and she is responsible for preparing, implementing and monitoring the Plan.

Within three years of agreement signing, at least one staff member at the City of Sacramento will be an AWWA Certified Water Conservation Practitioner (Level II) or pass equivalent training.

BMP 16. ULTRA-LOW FLUSH TOILET REPLACEMENT PROGRAM FOR NON-RESIDENTIAL CUSTOMERS

- A. Within three years of agreement signing, the City of Sacramento will:
1. identify all non-residential customers, estimate the approximate number of non-ULF toilets at each account, and rank them by high, medium or low use; and
 2. if possible, established a cooperative district / sanitation district ULF rebate program.
- B. The City of Sacramento will annually:
1. provide \$75 ULF rebates vouchers to newly metered non-residential accounts for each 3.5+ gpf toilet; and
 2. A\$75 ULF rebates voucher will be provided to each SF home and MF unit which is audited.
- C. The retrofit program will:
1. offer the necessary incentive to insure that at least 10 percent of non-residential non-ULF toilets are replaced with ULF toilets each year, with a final installation target of 90 percent of all non-residential toilets being ULFs within ten years;
 2. consider larger rebates for the more expensive high-use flushometer-type ULF installations;
 3. investigate opportunities for community based organizations (CBOs) to receive the training and financial incentives necessary for them to implement this BMP for their constituents; and
 4. consider monitoring the change in water use at metered-accounts which install ULF toilets.
- D. The City of Sacramento will be fully implementing the program described above no later than the beginning of the fourth year after agreement signing.

CITIZEN INVOLVEMENT PROGRAM

Broad-based citizen involvement is essential to the implementation of a long-term water conservation program. Although water savings from educational, service-oriented, and outreach programs cannot be quantified, experience has shown that they build public understanding and acceptance throughout the planning process.

The City of Sacramento Department of Utilities is committed to fostering this relationship to encourage early public participation and provide a vital link for local government and neighborhoods to communicate. Establishment of a Citizen Advisory Committee will provide input on both a local and city-wide level with respect to community views and recommendations related to water management issues, to include, but not limited to: conservation, meters, programs, rate structures, water supply, operation and maintenance costs and treatment procedures.

The formation of this Citizen Advisory Committee, organized and managed by the Department of Utilities, will be convened to service in an advisory capacity. Possible members of the committee will be recruited from:

- Neighborhood Association Advisory Group (NAAG)

- Sacramento county Alliance of Neighborhoods (SCAN)
- City of Sacramento Parks and Recreation Committee
- California Landscape Contractors Association (CLCA)
- Environmental Council of Sacramento
- Water Education Foundation
- Business Industry Association

Also, the Sacramento City Council will receive annual progress reports summarizing the Department of Utilities' efforts to encourage water wise management programs that are efficient, cost-effective and affordable for our community.

**Appendix E: Water Forum Agreement,
Purveyor Specific Agreement,
City of Sacramento, January 2000**

CITY OF SACRAMENTO

A. INTRODUCTION

The City of Sacramento (City) purveys water within the City limits and a small area outside the City limits in the Fruitridge area. The City serves approximately 121,000 connections of which about 110,000 are residential customers.

The City of Sacramento has surface water entitlements on both the American and Sacramento Rivers and also uses groundwater. The City has a permanent agreement with the United States Bureau of Reclamation guaranteeing the accessibility of their entitlements. The authorized place of use under the City's water rights do not encompass the entire metropolitan area. The Sacramento River rights apply to the City limits; the American River rights cover an area of approximately 96,000 acres within and adjacent to the City.

The City has existing diversion, treatment, storage and pumping facilities on both of the rivers. The Sacramento River plant is located just downstream of the confluence with the American River. The American River plant known as the E. A. Fairbairn Water Treatment Plant (FWTP) is located near Howe Avenue approximately 16 miles downstream from Nimbus Dam.

B. SEVEN ELEMENTS OF THE *WATER FORUM AGREEMENT*: INTEGRATED PACKAGE

In order to achieve the Water Forum's two coequal objectives, providing a safe reliable water supply and preserving the values of the Lower American River, all signatories to the *Water Forum Agreement* need to endorse and, where appropriate, participate in each of seven complementary actions.

- Increased Surface Water Diversions
- Actions to Meet Customers' Needs While Reducing Diversion Impacts in Drier Years
- Support for an Improved Pattern of Fishery Flow Releases from Folsom Reservoir
- Lower American River Habitat Management Element
- Water Conservation Element
- Groundwater Management Element
- Water Forum Successor Effort

For each interest to get its needs met, it has to endorse all seven elements. Based on this linkage, signatories agree to endorse and, where appropriate, participate in all seven of these elements.

C. BASELINE DIVERSIONS

Baseline diversions represent the historic maximum amount of water diverted annually from the American River through the year 1995.

Although the City has the physical capacity to divert up to 112,000 AF, the baseline for the City's American River diversion is 50,000 AF. The rest of the City's surface water demand is met by Sacramento River diversion.

D. AGREEMENT FOR MEETING THE CITY OF SACRAMENTO'S WATER SUPPLY NEEDS TO THE YEAR 2030

TEXT OF CITY AGREEMENT:

1. Use of E. A. Fairbairn Water Treatment Plant (FWTP) Diversion Capacity

a. In extremely dry years (i.e., years in which the State of California Department of Water Resources [DWR] annual projected unimpaired inflow into Folsom Reservoir would be 550,000 Acre-Feet Annually (AFA) or less, also referenced as the March through November projected unimpaired flow into Folsom Reservoir being less than 400,000 acre feet) the City would limit its diversions of City Water¹² at the FWTP to not greater than 155 cubic feet per second (cfs) and not greater than 50,000 AFA. Any additional water needs would be met by diversions at other locations and/or other sources.

City water diverted at the FWTP in extremely dry years in accordance with the foregoing limitations could be used anywhere within the City's authorized Place of Use (POU) as it exists now and in the future¹³.

b. In all other years, (i.e. when the DWR annual projected unimpaired runoff into Folsom Reservoir is greater than 550,000 AF, or the March through November projected unimpaired inflow into Folsom Reservoir is greater than 400,000 AF) the City may divert City Water at the FWTP in accordance with the following criteria.

(1) Diversion up to 310 cfs (200 mgd) so long as the flow bypassing the diversion at the FWTP is greater than the Hodge Flow Criteria¹⁴.

(2) Whenever flow bypassing the diversion at the FWTP is less than the Hodge Flow Criteria, City diversions may not be greater than the following:

January through May	120 cfs
June through August	155 cfs
September	120 cfs
October through December	100 cfs

c. **Retail Water Service.** City Water diverted at FWTP in accordance with Article (b) of this section may be delivered anywhere: (1) within the City limits as they exist now

¹²The term "City Water" refers to water diverted pursuant to the City's water rights and entitlements.

¹³The City's POU, as it existed on January 1, 1997, is shown on Attachment I.

¹⁴The "Hodge Flow Criteria" is defined in Appendix C.

and in the future, and (2) within the City Retail Service Area¹⁵ as it exists now and in the future but not including the area designated on Attachment II expected to be served by agencies other than the City.

d. **Wholesale Water Service - Above Hodge.** Whenever the flow bypassing the diversion at the FWTP is greater than the Hodge Flow Criteria the City may deliver City Water diverted or treated at the FWTP to public or private water purveyors on a wholesale basis, pursuant to wholesale agreements, anywhere within the POU as it existed on January 1, 1997. If it is proposed in the future to expand the POU this provision will be revisited by the Water Forum Successor Effort.

e. **Wholesale and Wheeling Water Service - Below Hodge.** Whenever flow bypassing the diversion at the FWTP is less than the Hodge Flow Criteria, any water diverted or treated at the FWTP may be delivered on a wholesale (City Water) or wheeling (non-City water) basis to any public or private water purveyors provided the rate of pumpback¹⁶ is equal to or exceeds the rate of delivery for these purposes on a daily basis.

f. **Wholesale Delivery to Arcade and Citizens Utilities - Interim Period.** During the interim period prior to expansion of the FWTP and construction of a pumpback facility, delivery of City water may be provided to Arcade Water District and Citizens Utilities service areas within the City's POU whenever the flow bypassing the diversion at the FWTP is greater than the Hodge Flow Criteria. Such wholesale deliveries may also be made if it can be demonstrated¹⁷ that such delivery does not originate from diversion at the FWTP. Citizens Utilities Southgate Service Area is exempt from this specific restriction.

g. **Environmental Signatories Support.** Environmental signatories' support for wholesale water deliveries from the City under articles d, e, and f of this section is contingent on those purveyors signing and implementing the *Water Forum Agreement*. Citizens Utilities Southgate Service Area is exempt from this contingency.

¹⁵ The "City Retail Service Area" refers to the area where the City provides retail water service.

¹⁶ This Agreement uses the term "pumpback" which assumes the existence of a metered raw water conveyance facility delivering water from near the confluence of the Sacramento and American rivers to the FWTP.

¹⁷ Demonstration would consist of either the FWTP being out of service and/or the water quality of the water delivered having characteristics (i.e. electrical conductivity, total dissolved solids, hardness, etc.) of Sacramento River water.

2. Divert and Treat an Additional 155 cubic feet per second at the Fairbairn Water Treatment Plant.

a. Currently the 310 cubic feet per second diversion capacity at the Fairbairn Water Treatment Plant is constrained to 155 cubic feet per second by the City's ability to treat the water.

The City may rehabilitate its FWTP diversion facility and expand its FWTP treatment capacity by another 100 million gallons per day. This will allow the City to divert and treat an additional 155 cubic feet per second consistent with the terms of Section 1 above.

b. Concurrent with the expansion of the FWTP the City will also construct other facilities such as expansion/rehabilitation of the Sacramento River Water Treatment Plant and river intake to assure that a reliable alternative supply (groundwater, pumpback and/or diversion from the Sacramento River) is available whenever it is needed.

3. Continuing studies of the Lower American River

a. Upon receipt by the City of all necessary regulatory approvals to construct the additional capacity referred to in Section 2(a), above, completion of the City's environmental review for the project, and construction of said additional capacity, the City will commence a study program to monitor and evaluate the impacts of using the additional diversion capacity, in accordance with the diversion limits described in Section 1, upon the public trust values of the American River below the FWTP.

b. Not later than five years after the study program has commenced the results will be evaluated as follows:

(1) If the City and the Water Forum Successor Effort agree that results show that use of the additional diversion capacity pursuant to Section 1 above would have a significant adverse impact not considered in the City's prior environmental review, the City will reduce its use of the additional diversion capacity to levels that will not have such significant adverse impact.

(2) If at some time in the future, the City determines that it needs additional capacity and the Water Forum Successor Effort agrees that results demonstrate that increased diversions will not have significant adverse impacts, the City will have the support of all signatories if it chooses to pursue regulatory approvals for appropriate higher diversion limits and for the construction of more diversion and treatment capacity at FWTP for use within the POU.

(3) If the City and the Water Forum Successor Effort cannot agree on the results of (1) above, the limits will remain as specified in Section 1, the studies will continue and the evaluation of results will be repeated, as above, at intervals not exceeding three years.

E. SPECIFIC AGREEMENTS FOR COMPLYING WITH THE SEVEN ELEMENTS
(Agreements in italics are common in all Specific Agreements.)

1. All signatories to the *Water Forum Agreement* will endorse all water entitlements needed for the diversions specified in each Purveyor Specific Agreement.

2. *All signatories will endorse construction of facilities to divert, treat and distribute water consistent with this Purveyor Specific Agreement and the Water Forum Agreement including diversion structures, treatment plants, pumping stations, wells, storage facilities, and major transmission piping. Endorsement is also to be provided for necessary rights-of-ways, permits, and other endorsements which may be needed, in the context of the following five points:*

a. *All signatories agree that implementation of the Water Forum Agreement including an Improved Pattern of Fishery Flow Releases, the Updated Lower American River flow standard, the Lower American River Habitat Management Element, Actions to Meet Customers' Needs While Reducing Diversion Impacts in Drier Years, and the Water Conservation Element constitute reasonable and feasible mitigation for any cumulative impacts on the Lower American River caused by diversions included in the Water Forum Agreement.*

b. *Environmental impacts of facilities to divert, treat and distribute water will be subject to site-specific environmental review. It is understood that signatories may provide comments on site specific impacts. All signatories will work in good faith to agree on reasonable and feasible mitigation for any site-specific impacts.*

c. *To the extent that the water facilities are consistent with the Water Forum Agreement, signatories agree that they will not object to those water facilities based on the cumulative impacts to the Lower American River. Nor will signatories object to water facilities consistent with the Water Forum Agreement based on the planned growth to be served by those water facilities. (See Section Four IV, Relationship of Water Forum Agreement to Land Use Decision Making.)*

d. *In the planning for new water diversion, treatment, and distribution facilities identified in the Water Forum Agreement, water purveyors signatory to the Agreement will either provide for a public participation process, such as meeting with already established citizen advisory committees, or other appropriate means to help design and implement these projects.*

e. *All signatories retain their existing ability to provide input on specific details of facility design, financing, and construction.*

3. *Endorsement of the water entitlements and related facilities in the Water Forum Agreement means that signatories will expend reasonable efforts to:*

a. *Speak before stakeholder boards and regulatory bodies,*

- b. *Provide letters of endorsement,*
 - c. *Provide supportive comments to the media,*
 - d. *Advocate the Water Forum Agreement to other organizations, including environmental that are not signatory to the Water Forum Agreement, and*
 - e. *Otherwise respond to requests from other signatories to make public their endorsement of the Water Forum Agreement.*
4. *All signatories agree that participation in the Water Forum, and the Successor Effort is in the best interests of water consumers and the region as a whole. Participation in the Water Forum is the most economically feasible method of ensuring that water demands of the future will be met. Furthermore, provisions for groundwater management, conjunctive use, conservation programs, improved pattern of fishery flow releases from Folsom Reservoir, habitat management, and a reliable dry year supply are in the public interest, and represent reasonable and beneficial use of the water resource.*
 5. *All signatories will not oppose and will endorse where appropriate needed rates and fees applied equitably. This includes endorsement at the California Public Utilities Commission for investor owned utilities' ability to recover all costs of conservation programs, including residential meter retrofit, through rates.*
 6. *All signatories will endorse an Improved Pattern of Fishery Flow Releases from Folsom Reservoir and reduced daily flow fluctuations for the Lower American River. (Reference Section Three, III.)*
 7. *All signatories will endorse formal assurances that the diversions will be consistent with the conditions in the Water Forum Agreement and that an Improved Pattern of Fishery Flow Releases from Folsom Reservoir will be implemented.*
 8. *All signatories will endorse and participate where appropriate in all provisions of the Water Forum Agreement, including all agreements pertaining to other signatories and executed as part of this Agreement.*
 9. *All signatories will participate in education efforts and advocate the Water Forum Agreement to regulatory bodies and signatory stakeholder boards as appropriate.*
 10. *All signatories will participate in the Water Forum Successor Effort to oversee, monitor and report on the implementation of the Water Forum Agreement. (Reference Section Three, VII., Water Forum Successor Effort). This includes participating with other signatories in carrying out procedural agreements as identified in the Water Forum Agreement. To the extent that conditions change in the future, all signatories will work together in good faith to identify ways to ensure that the two coequal goals of the Water Forum will still be met.*

11. All signatories will endorse and, where appropriate, financially participate in the Lower American River Habitat Management Element (Reference Section Three, IV., Lower American River Habitat Management Element).

12. All signatories will endorse and, where appropriate, implement the Water Conservation Element of the Agreement (Reference Section Three, V., Water Conservation Element). This purveyor's implementation of water conservation will be as specified in its Water Conservation Plan which is incorporated as Appendix J to the Water Forum Agreement.

13. All signatories will endorse and, where appropriate, participate in implementation of the Sacramento North Area Groundwater Management Authority to maintain a North Area estimated average annual sustainable yield of 131,000 acre feet.

14. All signatories will endorse development of a groundwater management arrangement for the South Area and where appropriate participate in its development, to maintain a South Area estimated average annual sustainable yield of 273,000 acre feet.

15. All signatories will endorse development of a groundwater management arrangement for the Galt Area and where appropriate participate in its development, to maintain a Galt Area estimated average annual sustainable yield of 115,000 acre feet.

16. Signatories authorizing individuals to represent them in matters included within the Water Forum Agreement will ensure that representations made by those individuals are consistent with the Water Forum Agreement and are upheld by the signatories.

17. This Agreement is in force and effect for all signatories for the term of the Memorandum of Understanding, December 31, 2030.

18. Any solution that provides for future needs will have costs. New diversion, treatment, and distribution facilities, wells, conservation programs, and required environmental mitigation will be needed. This Agreement identifies that these solutions must be equitable, fiscally responsible, and make the most efficient use of the public's money.

Water suppliers have both capital costs for facilities and operations and maintenance costs. This Agreement recommends that charges imposed to recover capital costs associated with water acquisition, treatment, or delivery be equitable. Any costs for facilities funded through bonds will be recovered as provided by law. In addition, signatories to the Water Forum Agreement agree that operational, maintenance and replacement costs should be recovered from beneficiaries of the system in accordance with California Government Code Sections 53720 to 53730 (Proposition 62) and California Constitution, Articles XIII, C and XIII, D (Proposition 218) and other laws to the extent they are applicable.

19. All signatories to the Agreement will endorse County/SCWA agreements with the City of Sacramento for wheeling and wholesaling of surface water prior to and after completion of the City's capacity expansion.

20. All signatories agree to endorse, and where appropriate, participate in Sacramento River Supply for North Sacramento County and Placer County (Reference Section Four, III).
21. All signatories will endorse, and where appropriate, participate in the section of the Water Forum Agreement entitled "Relationship of Water Forum Agreement to Land Use Decision Making" (Reference Four, IV).
22. All signatories will endorse, and where appropriate, participate in the Folsom Reservoir Recreation Program (Reference Section Four, V).
23. Purveyors signatory to the Water Forum Agreement will reference the Water Forum Agreement, including agreed upon estimated average annual sustainable yields of each of the three subareas of the groundwater basin in Sacramento County and limits to diversions from the American River in their water master plans and urban water management plans, which are used in providing information to cities and counties as required under Chapter 881 of the Statutes of 1995.
24. Any transfers of American River water by signatories will be delivered in a manner consistent with an Improved Pattern of Fishery Flow Releases as referenced in the Water Forum Agreement.

F. ASSURANCES AND CAVEATS

Because the *Water Forum Agreement* is a comprehensive set of linked elements, it is absolutely essential that adequate assurances be secured for every element. In an agreement that will extend over three decades, the timing of these assurances is critical. Full implementation of all seven elements cannot occur simultaneously. Therefore all signatories agree with the provisions in the Assurances and Caveats Section of this *Water Forum Agreement*.

Two particularly important assurances are the updated Lower American River Flow Standard and Upstream American River Diversion Agreements.

All signatories agree they will recommend to the State Water Resources Control Board an updated American River flow standard and updated Declaration of Full Appropriation to protect the fishery, wildlife, recreational and aesthetic values of the Lower American River. The recommendation will include requirements for U.S. Bureau of Reclamation releases to the Lower American River. In addition, the City of Sacramento's Fairbairn diversion will be required to comply with the diversion limitations of the City's Purveyor Specific Agreement. The *Water Forum Agreement* also includes agreed upon dry year reductions by purveyors upstream of Nimbus Dam. The recommendation for an updated Lower American River standard will be consistent with:

Water Forum Agreement provisions on water diversions including dry year diversions,
and

Implementation of the Improved Pattern of Fishery Flow Releases which optimizes the release of water for the fisheries.

The recommendation will also address related issues such as principles to guide water management in the driest years, flexibility in the standard to allow adaptive management, and amending the existing "Declaration of Full Appropriation for the American River."

Purveyors signatory to the *Water Forum Agreement* who divert from upstream of Nimbus Dam agree they will enter into contract with the Bureau that will provide assurances that the upstream diverters will divert only the agreed upon amounts, which include provisions for reductions in dry year and/or other equivalent measures.

In order to have a durable agreement it is necessary to include the following caveats. These are statements describing actions or conditions that must exist for the *Agreement* to be operative.

1. As specified below, each purveyor's commitment to implementing all provisions of the *Water Forum Agreement* is contingent on it successfully obtaining its water supply entitlements and facilities.

a. If a purveyor receives support from the other signatories to the *Agreement* for all of its facilities and entitlements as shown on the chart in Section Three, I., of the *Water Forum Agreement*, "Major Water Supply Projects that Will Receive Support Upon Signing the *Water Forum Agreement*" and if it receives all necessary approvals for some or all of those facilities and entitlements, then the purveyor will fully support and participate in the following provisions of the *Water Forum Agreement*:

- (1) Support for the Improved Pattern of Fishery Flow Releases
- (2) Water Forum Successor Effort
- (3) Water Conservation Element
- (4) Lower American River Habitat Management Element
- (5) Support for the Updated Lower American River flow standard
- (6) Restriction of diversions or implementation of other actions to reduce diversion impacts in drier years as specified in its Purveyor Specific Agreement.

and

b. If a purveyor is not successful in obtaining all necessary approvals for all of its facilities and entitlements as shown on the chart in Section Three, I., of the *Water Forum Agreement*, "Major Water Supply Projects that will Receive Support Upon Signing the *Water Forum Agreement*," that would constitute a changed condition that would be considered by the Water Forum Successor Effort.

2. All signatories agree that business, citizens, and environmental signatories' obligation to support, and where specified, implement all provisions of the *Water Forum Agreement* is contingent on implementation of those provisions of the *Agreement* that meet their interests.

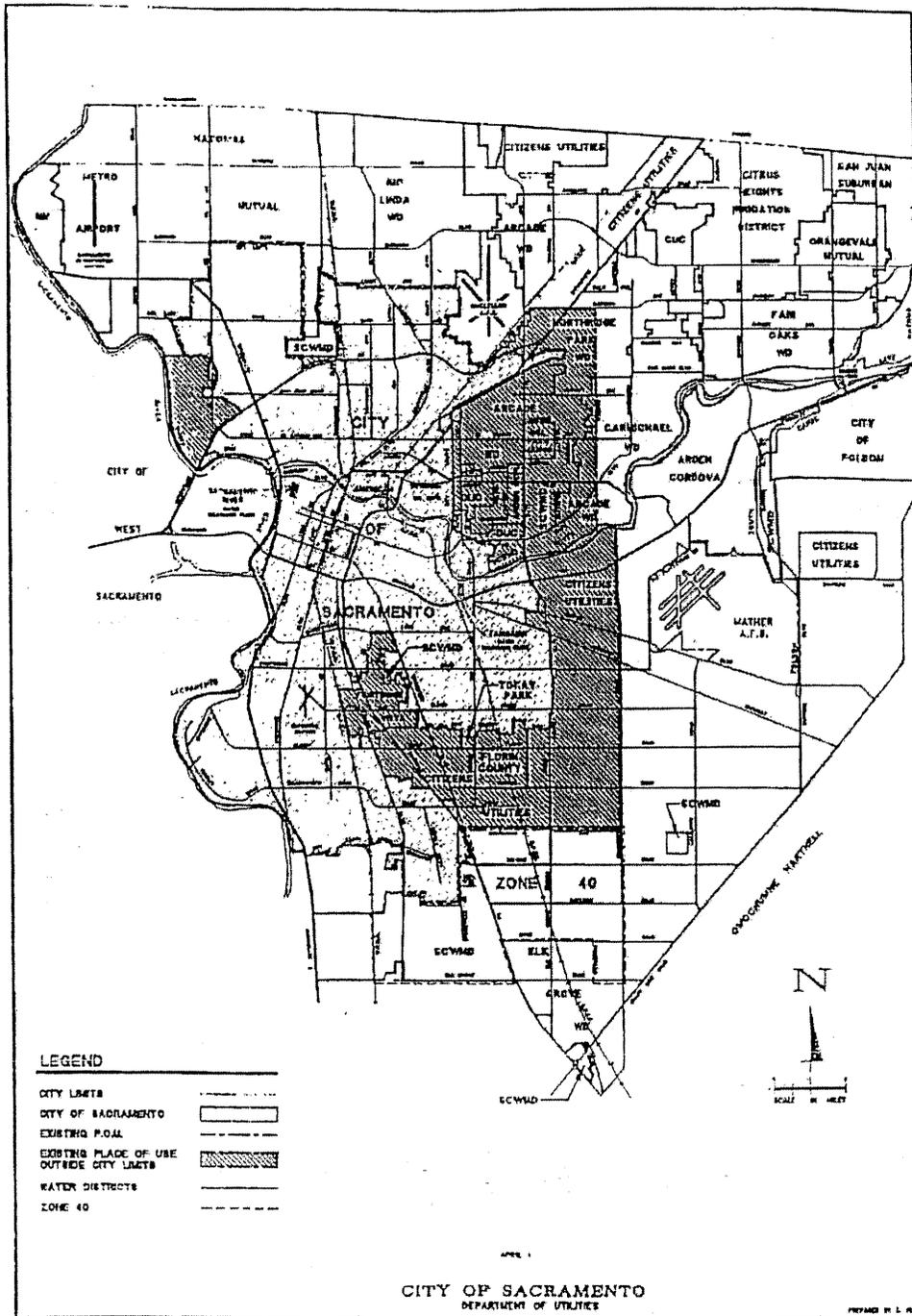
3. A stakeholder's support for water supply entitlements and facilities is contingent on:
 - a. Project-specific compliance with the California Environmental Quality Act, and where applicable, the National Environmental Policy Act, federal Endangered Species Act and California Endangered Species Act.
 - b. Purveyors' commitment in their project-specific EIRs and CEQA findings to: all seven elements of the *Water Forum Agreement*; support for updating the Lower American River flow standard; commitment by those purveyors that divert from upstream of Nimbus Dam to entering into signed diversion agreements with the U.S. Bureau of Reclamation; commitment by the City of Sacramento to inclusion of the terms of the diversion provisions of its Purveyor Specific Agreement into its water rights.
 - c. Signed diversion agreements between purveyors that divert upstream of Nimbus Dam and the U.S. Bureau of Reclamation. Other signatories to the *Water Forum Agreement* shall be third party beneficiaries to the diversion agreements solely for the purpose of seeking specific performance of the diversion agreements relating to reductions in surface water deliveries and/or diversions if Reclamation fails to enforce any of those provisions. The status of a signatory to the *Water Forum Agreement* as a third party beneficiary to the diversion agreements is dependent on that signatory complying with all the terms of the *Water Forum Agreement*, including support for the purveyor specific agreement for the purveyor's project. This is not to intend to create any other third party beneficiaries to the diversion agreements, and expressly denies the creation of any third party beneficiary rights hereunder for any other person or entity.
 - d. Adequate progress on the updated Lower American River standard. The schedule for obtaining the updated standard is in Section Four, I., of the *Water Forum Agreement*.
 - e. Adequate progress in construction of the Temperature Control Device.
 - f. Adequate progress in addressing the Sacramento River and Bay-Delta conditions associated with implementation of the *Water Forum Agreement*.
4. Environmental stakeholders' support for facilities and entitlements is dependent upon the future environmental conditions in the Lower American River being substantially equivalent to or better than the conditions projected in the Water Forum EIR. If the future environmental conditions in Lower American River environment are significantly worse than the conditions projected in the EIR, this would constitute a changed condition that would be considered by the Water Forum Successor Effort. Significant new information on the needs of the Lower American River fisheries, which was not known at the time of execution of the *Water Forum Agreement*, would also constitute a changed condition that would be considered by the Water Forum Successor Effort.

G. REMAINING ISSUES

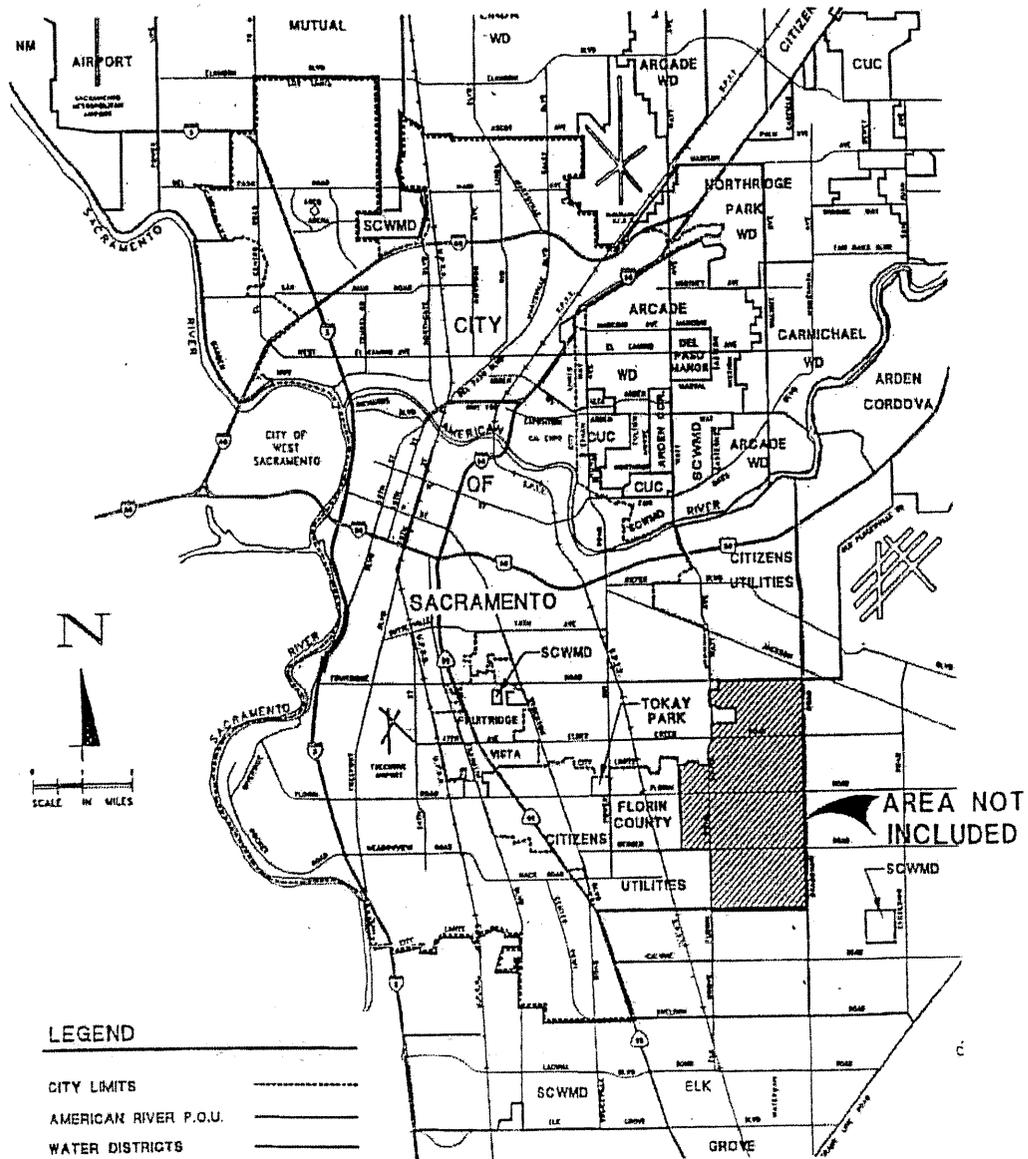
Development of a groundwater management arrangement for the South Area.

Attachment I

Map of City POU as of 1/1/97



Attachment II Retail Service Area Exception



**Appendix F: Calculations of Allowable Diversion
At Fairbairn WTP in AF/Y During
Hodge Flow Conditions
According to Water Forum Agreement**

Appendix F Calculating AF/Y During Hodge Flows According to Water Forum Agreement

Month	Cubic Feet/Second (cfs)	Conversion Factor (Acre-Feet/cfs)	Acre-Feet/Month
January	120	61.50	7,380
February	120	55.50	6,660
March	120	61.50	7,380
April	120	59.50	7,140
May	120	61.50	7,380
June	155	59.50	9,223
July	155	61.50	9,533
August	155	61.50	9,533
September	120	59.50	7,140
October	100	61.50	6,150
November	100	59.50	5,950
December	100	61.50	6,150
TOTAL (af/y)			89,618

Source: Water Forum Agreement, January 2000, pp. 202-214.

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**Appendix G: Calculations of Allowable Diversion
At Fairbairn WTP in of AF/Y
During Normal Years According to
Water Forum Agreement**

Appendix G Calculating AF/Y Diversion at Fairbairn WTP During Normal Years
According to Water Forum Agreement

Month	Cubic Feet/Second (cfs)	Conversion Factor (Acre-Feet/cfs)	Acre-Feet/Month
January	310	61.50	19,065
February	310	55.50	17,205
March	310	61.50	19,065
April	310	59.50	18,445
May	310	61.50	19,065
June	310	59.50	18,445
July	310	61.50	19,065
August	310	61.50	19,065
September	310	59.50	18,445
October	310	61.50	19,065
November	310	59.50	18,445
December	310	61.50	19,065
TOTAL (af/y)			224,440

Source: Water Forum Agreement, January 2000, pp. 202-214.

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Appendix H: Calculations for Water Availability Worst Case Scenario

Appendix H: Calculations for Water Availability Given Current Facilities and Established Water Rights – Normal Year and Worst-Case Scenario (Acre-Feet/Year)

Year	Demand	Groundwater	Sacramento River Water Rights	American River Water			Total Water Availability ¹		Available Water in Excess of Demand	
				Water Rights Normal Year	Maximum Extraction in Extremely Dry Year	Maximum Extraction Hodge Flows ²	Worst-Case Scenario ³	Normal Year	Worst-Case Scenario	Normal Year
2000	136,776	26,900	81,800	101,700	50,000	89,677	144,900	150,900	8,124	14,124
2005	150,198	26,900	81,800	123,700	50,000	89,677	176,900	232,400	26,702	82,202
2010	163,123	26,900	81,800	145,700	50,000	89,677	176,900	251,900	13,777	88,777
2015	172,824	26,900	81,800	175,700	50,000	89,677	176,900	251,900	4,076	79,076
2020	175,819	26,900	81,800	196,200	50,000	89,677	176,900	251,900	1,081	76,081

Source: City of Sacramento UWMP 2000, December 2001, p. 3-2, Tables 3-1, 4-6; Water Forum Agreement, January 2000, pp. 202-214.

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^{1/} These figures assume system constraints (i.e., the WTP's ability to divert and treat water). See Table 6. In 2000, the Sacramento WTP had a capacity of 68,000 af/y and the Fairbairn WTP had a capacity of 56,000 af/y. In 2004, the Sacramento WTP's conservative sustainable capacity was expanded to 100,000 af/y. In 2005, the Fairbairn WTP will have an expanded conservative sustainable capacity of 125,000 af/y. These numbers are conservative and do not assume that the WTPs are operating at maximum capacity every day. Maximum capacity for the Sacramento WTP would be 160 mgd or 180,000 af/y; maximum capacity at the Fairbairn WTP, in 2005, would be 200 mgd or about 225,000 af/y.

^{2/} See Appendix F for calculations of af/y under Hodge Flow Conditions.

^{3/} The City can extract some of its American River water entitlement from the Sacramento River at its Sacramento WTP. The City's ability to extract American River water from its Sacramento WTP is functionally limited by the current capabilities of the WTP. The City can extract about 18,200 af/y at the Sacramento WTP in excess of its current Sacramento River entitlement of 81,800 af/y. These calculations assume no additional improvements in the City's WTPs beyond those currently completed at the Sacramento WTP. This table assumes worst case scenario, which is that the Extremely Dry Year conditions persist for an entire year. These figures are much more conservative than the worst case scenario evaluated in the UWMP in Table 8-3.