

FINAL ENVIRONMENTAL IMPACT REPORT

**SACRAMENTO RIVER PARKWAY
PLAN UPDATE
SACRAMENTO, CALIFORNIA**

State Clearinghouse Number 93 I 0286

City of Sacramento
Planning and Development Department
Environmental Services Division
1231 I Street
Sacramento, California 95814

September, 1996

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I. INTRODUCTION

This document serves as the Response to Comments on the Sacramento River Parkway Plan Draft Environmental Impact Report (DEIR), State Clearinghouse Number 93102086. This document clarifies and revises information included in the Draft Environmental Impact Report (DEIR) prepared for this project and dated February 1996. In combination, the Draft EIR and this Final EIR serve as the public record of disclosure of impacts related to the project in accordance with Section 15088 of the California Environmental Quality Act (CEQA) Guidelines. This document, combined with the draft EIR, comprise the EIR for the project.

This document contains four sections: Introduction

Public Participation and Review

List of Persons and Agencies Providing Comments Responses to
Comments

Letters of Comment

The Public Participation section outlines the various methods the City of Sacramento has used to provide public review and solicit input on the draft EIR. The Response to Comments section contains individual responses to each comment. The Letters of Comment section includes a copy of all letters received from agencies, groups, organizations, and individuals.

It is the intent of the City of Sacramento to include this document in the official public record related to the EIR. Based on the information contained in the public record, decision makers will be provided with an accurate and complete record of all information related to the environmental consequences of the project.

II. PUBLIC PARTICIPATION AND REVIEW

In order to ensure public disclosure of impacts and to solicit comments as to the adequacy of the EIR under the California Environmental Quality Act (CEQA), the City of Sacramento notified all responsible and trustee agencies, interested groups, organizations, and individuals that a draft EIR had been completed for the proposed project. The City also used several methods to solicit input during the review period for the preparation of the draft EIR. The following is a list of actions taken during the preparation, distribution, and review of the draft EIR.

1. A Notice of Preparation (NOP) was distributed to responsible and trustee agencies and interested groups, organizations, and individuals on November 2, 1993. Copies of the NOP and comments are included in the Draft EIR Appendices.
2. The NOP was distributed by the City of Sacramento to all responsible and trustee agencies, interested groups, organizations and individuals.
3. A Notice of Completion (NOC) and copies of the draft EIR were filed with the State Clearinghouse on February 29, 1996. A copy of the NOC and the State distribution list is available for review and inspection at the City of Sacramento, Department of Planning and Development, Environmental Services Division, 1231 I Street, Suite 300, Sacramento, California 95814.
4. An official public review period for the draft EIR was established by the State Clearinghouse. The review period began on February 29, 1996 and was extended to May 22, 1996 in order to accommodate an extended 45 day review period for re-circulation of revisions to Chapter 6.9.
5. A Letter of Availability was distributed to all responsible and trustee agencies, interested groups, organizations, and individuals on February 29, 1996 and again on April 8, 1996 regarding the extended timeframe for review of revision to Chapter 6.9. The complete mailing list of persons notified is included in the appendix to the draft EIR. The mailing list included every address within 500 feet of the Parkway, or approximately 4000 addresses as well as all responsible and trustee agencies and interested groups and associations. The February 29, 1996, Letter of Availability stated that the City of Sacramento had completed the draft EIR and that copies were available at the City of Sacramento, Department of Planning and Development, Environmental Services Division, 1231 I Street, Suite 301, Sacramento, California 95814. The April 8, 1996 letter notified persons that a revisions to Chapter 6.9 were available for review and comment. The letter also indicated that the official public review period for the draft EIR had been revised to conclude on May 22, 1996.
6. A public notice was placed in the Sacramento Bee and the Daily Recorder on February 29, 1996 which stated that the draft EIR for the Sacramento River Parkway Plan Project DEIR was available for review and comment. A second notice was placed in the Sacramento Bee and the Daily Recorder on April 8, 1996 indicating that changes to Chapter 6.9 of the DEIR were available to the public and that the comment period had been extended to May 22, 1996.

III. COMMENTS RECEIVED

The following agencies and persons submitted written comments on the Sacramento River Parkway Plan DEIR. Letters received are organized first by whether or not the letter is an organization or an individual and are presented in order of the date of the comment.

<u>Agency/Person</u>	<u>Date of Comment</u>
Community Organizations	
<u>LETTER 1</u> Ann M. Kohl Citizen's for Safer Parks -- Yes on Measure B 1010 S Street Sacramento, California 95814	April 8, 1996
<u>LETTER 2</u> Anne Furguson American Lung Association 909 12th Street Sacramento, California 95814	April 19, 1996
<u>LETTER 3</u> Roy Swanson Friends of the River 128 J Street (2nd Floor) Sacramento, California 95814-2207	April 22, 1996
<u>LETTER 4</u> Dale A. Secord Sacramento River Parkway Advocates 425 Camelia River Way Sacramento, California 95831	May 10, 1996
<u>LETTER 5</u> Roseanne Chamberlain Sacramento Valley Open Space Conservancy P.O. Box 163351 Sacramento, California 95816	May 14, 1996
<u>LETTER 6</u> Anne Rudin Friends of the Sacramento River Greenway	May 15, 1996

LETTER 7

Steven A. Kahn
Land Park Community Association (LPCA)
P.O. Box 188285
Sacramento, California 9581 8

May 20, 1996

LETTER 8

Phil Hiroshima
Sacramento Riverfront Association
7360 Pocket Road
Sacramento, California 95831

May 20, 1996

LETTER 9 (with attachment)

Charlie Zell
Sacramento Riverfront Association
7360 Pocket Road
Sacramento, California 95831

May 20, 1996

LEITER 10

Ann Goldberg
Sacramento Horsemen's Association
3200 Longview Drive
North Highlands, California 95660

May 21, 1996

LETTER 11

William P. Katen
Rio Linda Elverta Recreation and Park District
810 Oak Lane
Rio Linda, California, 95673

May 23, 1996

Interested Citizens and Residents

LETTER 12 (with attachment)

Walt Seifert
877 53rd Street
Sacramento, California 95819-3527

April 2, 1996

LETTER 13

Dennis MacLane
6406 Surfside Way
Sacramento, California 95831

April 15, 1996

LETTER 14

Vivian Shaw Graza
7454 Pocket Road
Sacramento, California 95831

May 14, 1996

LETTER 15

Diane Truly
925 Piedmont Drive
Sacramento, California 95822

May 20, 1996

LETTER 16

Wayne B. Brown
821 Yacht Court
Sacramento, California 95822

May 20, 1996

LETTER 17

Lorraine Brown
821 Yacht Court
Sacramento, California 95822

May 20, 1996

LETTER 18

Francis J. Silva
1535 Benham Way
Sacramento, California 95831

May 20, 1996

LETTER 19

Joel and Lale Goddard
832 Prow Court
Sacramento, California 95822-2314

May 20, 1996

LETTER 20

Walter Harvey
2111 Garden Highway
Sacramento, California 95833

May 20, 1996

LETTER 21

Grant D. Werschull
3815 Maddison Avenue
Sacramento, California 9581 6-1 550

May 21 , 1996

LETTER 22

Charles E. Zell
968 Piedmont Drive
Sacramento, California 95822-1 779

May 23, 1996

LETTER 23

Janet Gordon-Boyer
7360 Pocket Road
Sacramento, California 95831

May 23, 1996

LETTER 24

Harriet and Mac McKinnis
643 Brickyard Drive
Sacramento, California 95831

Undated

LETTER 25

Ralph E. Virn
8367 Grand Cru Drive
Sacramento, California 95829

Undated

IV. RESPONSE TO COMMENTS

The Sacramento River Parkway Plan Update DEIR was distributed to responsible and trustee agencies, interested groups, organizations, and individuals. The report was made available for public review and comment. The public review period for the draft EIR established by the State Clearinghouse commenced on February 29, 1996 and was extended to May 22, 1996.

Copies of all written and verbal comments received during the public review are included in this Final EIR. Each letter has been analyzed to identify specific comments to the EIR. The comments have been numbered. A response with a correspondingly number is presented. A full copy of the letter of comment is included in Section V, Letters of Comment for reference.

For example, COMMENT 1-1 refers to the first comment in the first letter listed in Section 2. RESPONSE 1-1 refers to the narrative response to COMMENT 1-1 in the Letters of Comment Section.

Responses are provided for each comment which raised a significant environmental issue (CEQA Guidelines Section 15088). Some of the comments do not address the completeness or adequacy of the draft EIR, do not raise significant environmental issues, or do not request additional information. A substantive response to such comments is not appropriate within the context of the California Environmental Quality Act (CEQA). Such comments are responded to with a "comment noted" reference. This indicates that the comment will be forwarded to all appropriate decision makers for their review and consideration.

LETTER 1. ANN M. KOHL, CITIZEN'S FOR SAFER PARKS -- YES ON
MEASURE B

- 1.1. COMMENT: Commenter expresses support for the comments of the Sacramento River Parkway Advocates.
- 1.1. RESPONSE: The comment discusses the relative merits of the proposed project and does not raise substantial issues relative to the adequacy of the EIR under CEQA. No response required. The comment is however, part of the official record of the final EIR which will be considered by the City Council as part of their decision-making process on the proposed project. For responses to comments from the Sacramento River Parkway Advocates, see Letter 4.
- 1.2 COMMENT: The Commenter provides information regarding the positive effects of trails on property values based on studies or information regarding the American River Parkway, the Davis Greenway, and the Lafayette-Moraga trail.
- 1.2 RESPONSE: Comments noted. Chapter 6.9 of the DEIR also found that in many areas trails are a beneficial effect which sustains the worth and desirability of the neighborhood, whereas in other instances neighbors may view the trail as a potential liability. Page 6.9- 15 of the DEIR concludes that: "No clear cause and effect can be established between implementation of the trail system and a loss of property values ... Property values are influenced by a number of conditions including overall market conditions, individual willingness to pay, interest rates, age and condition of housing and many other conditions."
- 1.3. COMMENT: This comment expresses support for the proposed project.
- 1.3 RESPONSE: The comment discusses the relative merits of the proposed project and does not raise substantial issues relative to the adequacy of the EIR under CEQA. No response required. The comment is however, part of the official record of the final EIR which will be considered by the City Council as part of their decision-making process on the proposed project.

LETTER 2. ANNE FURGUSON, AMERICAN LUNG ASSOCIATION

- 2.1 COMMENT: This letter expresses support for the Parkway Plan Update because of the positive effects on health and air quality.
- 2.2 RESPONSE: The comment discusses the relative merits of the proposed project and does not raise substantial issues relative to the adequacy of the EIR under CEQA. No response required. The comment is however, part of the official record of the final EIR which will be considered by the City Council as part of their decision-making process on the proposed project.

LETTER 3. ROY SWANSON, FRIENDS OF THE RIVER

- 3.1. COMMENT: This letter expresses support for the Parkway Plan Update because of the positive effects on habitat restoration and recreational opportunities.
- 3.2. RESPONSE: The comment discusses the relative merits of the proposed project and does not raise substantial issues relative to the adequacy of the EIR under CEQA. No response required. The comment is however, part of the official record of the final EIR which will be considered by the City Council as part of their decision making process on the proposed project.
- 3.3. COMMENT: This comment expresses opposition for Alternative 8 because opportunities for habitat restoration (by virtue of public ownership) would be reduced and because the Commenter suggests that lack of a comprehensive riverfront trail system would reduce regional amenities and regional economic potential.
- 3.3. RESPONSE: The comment discusses the relative merits of the project or an alternative and does not address the adequacy of the EIR. The EIR does not conclude that Alternative 8 would result in less habitat preservation. Under either the proposed project, or any of the alternatives, lands immediately along the river and within the State Lands Commission claim boundary would continue to be under public trust. Under Alternative B, a section of the proposed trail system in the Pocket area would not be acquired. The EIR assumed that new lands acquired in this area would be committed to the trail system. The description of Alternative B does not preclude habitat preservation in this area, but does preclude a public access trail in the area.

The Commenter also notes that a continuous riverfront trail would provide regional social and economic benefits, and that Alternative B which re-routes the proposed riverfront trail would have adverse effects on regional amenities and regional social and economic opportunities. The purpose of an EIR is to evaluate physical environmental effects. Social and economic effects may be discussed if a clear chain of cause and effect between the social or economic effect can be linked to a physical or environmental impact. The EIR did not review regional social economic effects directly because such effects did not appear to result in a clear cause and effect relationship with adverse physical and environmental effects. Page 6.1 -5 of the EIR clarifies this section of CEQA and states: "In accordance with CEQA, this document focuses on potentially significant environmental consequences. Although there are a number of social concerns regarding the proposed project and alternatives, many of these issues relate to socio-economic concerns which do not clearly result in a physical impact. Section 15131 of the CEQA Guidelines states that an EIR may include economic or social information, however, "economic and social effects of a project shall not be treated as significant effects on the environment." An exception to this is in instances where a clear chain of cause and effect between the social or economic issues can be linked to a physical impact. In this case the EIR discusses the physical impact which resulted from the social or economic impact."

- 3.4 COMMENT: The Commenter suggests that the noise generated by pedestrian and bicyclists using the trail corridor would be substantially less than existing noise generated by airplanes, freeways and major road ways.
- 3.4 RESPONSE: In general, intermittent human noise may be less than sustained or significant noise sources resulting from airports and freeways. However, CEQA requires that the EIR assess possible impacts resulting from a project, above and beyond existing conditions. Since airport and roadway background noise are part of the existing ambient conditions, these are not considered impacts of the project. These noise conditions exist with or without project implementation.
- 3.5 COMMENT: The Commenter suggests that more attention be paid to habitat restoration in Table 5-2, "Sacramento River Parkway Development Strategy."
- 3.5 RESPONSE: Comment noted. This is a comment on the proposed project not the EIR. Table 5-2 is excerpted from the Sacramento River Parkway Plan Update document to assist the reader in understanding the implementation steps and timing of the plan. The purpose of the EIR is to analyze the Plan as proposed, rather than re-write the plan. The EIR does however, include mitigation measures to reduce habitat damage resulting from the introduction of recreational facilities in sensitive areas.

LETTER 4. DALE A. SECORD, SACRAMENTO RIVER PARKWAY ADVOCATES

- 4.1 COMMENT: This comment expresses support for the goals of the Parkway Plan and general concurrence with the conclusions of the EIR regarding the assessment of impacts for the proposed project.
- 4.1 RESPONSE: The comment discusses the relative merits of the proposed project and does not raise substantial issues relative to the adequacy of the EIR under CEQA. No response required. The comment is however, part of the official record of the final EIR which will be considered by the City Council as part of their decision-making process on the proposed project.
- 4.2 COMMENT: This comment expresses a concern that Alternative B does not resolve the safety and land use concerns of the proposed project. The commentor notes that similar impacts would occur along the trail regardless of location.
- 4.2 RESPONSE: The Commenter raises an interesting point. It is true that many of the issues related to trail use (safety and land use conflicts) would be similar in any residential area. In this case however, the EIR must assess the new impacts resulting from a proposed project or alternative. Since the majority of the trail alignment outlined in Alternative B is an existing trail system, this does not pose as many new impacts as the proposed project which would involve the development of an entirely new trail segment.
- 4.3 COMMENT: This comment suggests that the same public safety concerns identified for the proposed project may result from implementation of Alternative B. The Commenter also goes on record in opposition to a mitigation measure which was deleted which required a funded security patrol.
- 4.3 RESPONSE: As noted above, a substantial portion of the Alternative B trail corridor is currently open to the public. Providing enhanced connections for a continuous trail system may increase the frequency of use of this trail (Pocket Canal/Seymour Park). Both the proposed project and Alternative B were judged to have potentially significant effects, and the same mitigation measure (Measure 6.9-1 , page 6.9-1 1 and 12) is applied to both the project and Alternative B.
- 4.4 COMMENT: The Commenter suggests that land use conflict related to the proposed project would also result if Alternative B were implemented.
- 4.4 RESPONSE: As noted above, a substantial portion of the Alternative B trail corridor is currently open to the public. Since the majority of the trail alignment outlined in Alternative B is an existing trail system, this does not pose as many new impacts as the proposed project which would involve the development of an entirely new trail segment.

Under Impact 6.9-2 Conflicts of Land Uses, the EIR does note that Alternative B would "avoid conflicts with residential uses located adjacent to the levee in the Pocket and Little Pocket areas. Potential conflicts at access points south of the Pocket Canal would be significant and unavoidable." The EIR applies the mitigation measures to both the proposed project and Alternative B to reduce impacts.

- 4.5 COMMENT: The commenter suggests that if the proposed project adversely impacts property values along the levee, then the Alternative B trail alignment should have similar effects along the Pocket Canal and Seymour Park trail.
- 4.5 RESPONSE: The EIR does not make any final conclusion regarding the impact of trails on property values. Page 6.9-15 of the DEIR concludes that: "No clear cause and effect can be established between implementation of the trail system and a loss of property values Property values are influenced by a number of conditions including overall market conditions, individual willingness to pay, interest rates, age and condition of housing and many other conditions."
- 4.6 COMMENT: This comment discusses two sections of Chapter 6.9 which were included in the first circulation of the EIR. Subsequently, this Chapter of the EIR was revised and recirculated.
- 4.6 RESPONSE: No response necessary. The subject sections of the EIR were deleted and a revised Chapter 6.9 recirculated in accordance with CEQA.
- 4.7 COMMENT: The commenter reiterates the concern that regardless of the location of the trail, impacts would be the same. The commenter notes that the EIR does not discuss construction impacts which might occur if the alignment of Alternative B trail is improved to Class I standards.
- 4.7 RESPONSE: See responses to Comments 4-2 through 4-6. Regarding improvement of Alternative B, major sections (Pocket Canal and Seymour Park areas) are currently Class I. The construction improvements to the on-street section of this alignment are not specified in the project description for the alternative. Since the EIR is a program level assessment of impacts, and since design details such as construction plans and methods are not known, the EIR did not assess such impacts. Section 15146 of the CEQA Guidelines states that "the degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR." This Section goes on to use two examples of the ranges of specificity -- one example, an EIR for a detailed construction project, and the second, an EIR on a comprehensive ordinance or plan. The Section concludes that the latter EIR need not be as detailed as an EIR on the specific construction projects that might follow. The EIR acknowledges in several places that the approach is a program level EIR for a policy plan. An EIR must analyze the proposed project as proposed. Since the proposed project is a policy plan, the level of detail in the DEIR

analysis reflects the specificity of the project description in accordance with Section 15146 of the CEQA Guidelines. Related to this, Section 14145 of the CEQA Guidelines cautions public agencies from speculation in the evaluation of impacts. Since many project specific details are not known, the EIR attempts to avoid speculation as to what precise impacts might occur depending on any number of unknown assumptions regarding the project's detailed design.

LETTER 5. ROSEANNE CHAMBERLAIN, SACRAMENTO VALLEY OPEN SPACE
CONSERVANCY

- 5.1 COMMENT: Commenter supports the Sacramento River Parkway Plan.
- 5.1 RESPONSE: The comment discusses the relative merits of the proposed project and does not raise substantial issues relative to the adequacy of the EIR under CEQA. No response required. The comment is however, part of the official record of the final EIR which will be considered by the City Council as part of their decision-making process on the proposed project.
- 5.2 COMMENT: The Commenter suggests that more attention be paid to habitat restoration in Table 5-2, "Sacramento River Parkway Development Strategy."
- 5.2 RESPONSE: Comment noted. This is a comment on the proposed project not the EIR. Table 5-2 is excerpted from the Sacramento River Parkway Plan Update document to assist the reader in understanding the implementation steps and timing of the plan. The purpose of the EIR is to analyze the Plan as proposed, rather than re-write the plan. The EIR does however, include mitigation measures to reduce habitat damage resulting from the introduction of recreational facilities in sensitive areas.
- 5.3 COMMENT: The Commenter suggests alternative acquisition methods for trail right-of- way or easements in the Private Inholding Areas.
- 5.3 RESPONSE: Comment noted. This is a comment on the Plan and implementation program and not a comment on the adequacy of the EIR.

LETTER 6. ANNE RUDIN, FRIENDS OF THE SACRAMENTO RIVER GREENWAY

- 6.1 COMMENT: Comment 6-1 notes that Alternative C was selected in the EIR as the environmentally superior alternative. The comment notes that this would limit development of the trail corridor to the levee crown as no development would be allowed along the waterside of the levee. The Commenter states that this would limit options for development of the trail along the river. The Commenter requests that the proposed project be re-considered as the environmentally superior alternative.
- 6.1 RESPONSE: Alternative C was selected based on reduced impacts to "plant/animal life, noise, cultural resources and air quality" (page 2-6 of the EIR). A full discussion of the comparative impacts of alternatives is included in the respective impact Chapters of the EIR. Briefly, since this alternative limits the amount of land available for Parkway development, particularly in the sensitive riparian habitat zone immediately along the river, it was chosen as the environmentally superior alternative. Less development would occur there by reducing impacts to habitats, air quality, noise and potential disruption of cultural resources. It does appear that this alternative would limit the flexibility of the City in aligning the trail corridor along the river. However, overall, this limitation also serves to reduce environmental impacts. It is important to note that the selection of an environmentally superior alternative does not mean the alternative is superior from a public policy or socio-economic perspective. The task of the EIR is to identify the alternative with the least physical, environmental impacts. The public hearings and the decision-making process which follows is designed to identify the alternative which is superior in the public's interest including social, economic and physical impacts.
- 6.2 COMMENT: Comment 5-2 references two mitigation measures in Chapter 6.9 which were deleted and or revised in the recirculated DEIR dated April 8, 1996.
- 6.2 RESPONSE: No response necessary. The subject sections of the EIR were deleted and a revised Chapter 6.9 recirculated in accordance with CEQA.
- 6.3 COMMENT: Commenter notes that page 2-5 refers to Alternative C as "Restrict Parkway Development Between the Levee Crown and the River's Edge", but is later referred to in this Chapter as "Remove Parkway Development Between the Levee Crown and the River's Edge".
- 6.3 RESPONSE: Comment noted. The last paragraph of page 2-5 should be amended to read: "Remove Restrict Parkway Development Between the Levee Crown and the River's Edge."

6.4 COMMENT: This comment expresses opposition for Alternative B because opportunities for habitat restoration (by virtue of public ownership) would be reduced and because the commenter suggests that lack of a comprehensive riverfront trail system would reduce regional amenities and regional economic potential.

6.4 RESPONSE: The comment discusses the relative merits of the project or an alternative and does not address the adequacy of the EIR. Chapter 6.9 of the EIR does discuss the impact of the trail on property values. Studies of this issue have differing conclusions. As a result the EIR reports that no clear cause and effect between the trail system and property values can be determined at this time. Similarly, the EIR does not conclude that Alternative B would result in less habitat preservation. Under either the proposed project, or any of the alternatives, lands immediately along the river and within the State Lands Commission claim boundary would continue to be under public trust. Under Alternative B, a section of the proposed trail system in the Pocket area would not be acquired. The EIR assumed that new lands acquired in this area would be committed to the trail system. The description of Alternative B does not preclude habitat preservation in this area, but does preclude a public access trail in the area.

The Commenter also notes that a continuous riverfront trail would provide regional social and economic benefits, and that Alternative B which re-routes the proposed riverfront trail would have adverse effects on regional amenities and regional social and economic opportunities. The purpose of an EIR is to evaluate physical environmental effects. Social and economic effects may be discussed if a clear chain of cause and effect between the social or economic effect can be linked to a physical or environmental impact. The EIR did not review regional social-economic effects directly because such effects did not appear to result in a clear cause and effect relationship with adverse physical and environmental effects. Page 6.1 -5 of the EIR clarifies this section of CEQA and states: "In accordance with CEQA, this document focuses on potentially significant environmental consequences. Although there are a number of social concerns regarding the proposed project and alternatives, many of these issues relate to socio-economic concerns which do not clearly result in a physical impact. Section 15131 of the CEQA Guidelines states that an EIR may include economic or social information, however, "economic and social effects of a project shall not be treated as significant effects on the environment." An exception to this is in instances where a clear chain of cause and effect between the social or economic issues can be linked to a physical impact. In this case the EIR discusses the physical impact which resulted from the social or economic impact."

6.5 COMMENT: The commenter states that impact 6-9-1 (Public Safety) does not address the beneficial impact of neighbors using the trail system thereby providing additional "neighborhood watch" and security. The Commenter concluded that increased positive use of the riverfront may result in a safer environment.

6.5 RESPONSE: CEQA does not require that EIR's disclose beneficial impacts.

6.6 COMMENT: The commenter suggests that the noise generated by pedestrian and bicyclists using the trail corridor would be substantially less than existing noise generated by airplanes, freeways and major roadways. The Commenter requests that more detailed sound measurements be taken prior to a final conclusion.

6.6 RESPONSE: In general, intermittent human noise may be less than sustained or significant noise sources resulting from airports and freeways. However, CEQA requires that the EIR assess possible impacts resulting from a project, above and beyond existing conditions. Since airport and roadway background noise are part of the existing ambient conditions, these are not considered impacts of the project. These noise conditions exist with or without project implementation.

Noise is a very subjective environmental condition. For residential areas, less than 60 dBA is considered acceptable. As an example for comparison, a vacuum cleaner or the noise levels in a department store are both estimated to be approximately 60 decibels 10 feet from the source, whereas a soft whisper is estimated to be 30 decibels at 5 feet. In comparison, a jet take-off at 200 feet is estimated to generate 120 decibels which approaches the pain threshold.¹ Human voices will be an intermittent sound, laughing or calling to one another which is estimated to fall within the 30 to 70 decibel range depending on the distance of the receiver from the noise source. Since many of the homes in the Little Pocket area are situated very close to the proposed trail, and since the EIR must assume a reasonable worst case scenario, the EIR judged that the trail corridor may introduce new noise sources in the vicinity of the trail. It is estimated that the noise may be noticeable, in the same way that school children and pedestrians using sidewalks along the front of houses occasionally generate human noise that is noticeable. These types of noises are often noticeable, but not sustained and overwhelming. Also, since noise is subjective, it is reasonable to assume that noise generating in the night time will be more disturbing to residents than occasional human voices in the daytime. For this reason, the EIR identified mitigation measures to reduce the time of exposure to daylight hours.

6.7 COMMENT: The commenter questions the logic of the Reclamation Board in preferring that trails be built on the waterside berm rather than the levee crown.

6.7 RESPONSE: Page 3-4 of the EIR notes that the Reclamation Board would prefer that trails be built on the waterside berm in order to reduce impacts to the levee structure. The Reclamation Board's main concern is maintenance of the levee structure for public safety. The EIR goes on to state that in developing the Parkway Plan, this preference and many other issues or constraints were considered. The Parkway Plan Update references several policies and areas where the concerns of the Reclamation Board have been accommodated. The EIR determined that these policies adequately address the Reclamation Board's needs for levee maintenance. Pages 6.7-11 and 12 of the EIR summarize the Parkway Plan's policies regarding levee maintenance.

¹ Source: Illington and Rodkin, Inc, Typical Sound Levels Measured in the Environment and Industry

- 6.8 COMMENT: This comment references EIR page 5-7 which states "vegetative screening, fencing and other buffers between uses" as policies of the Plan which are applicable in the Pocket area. The commenter inquires why these Plan policies are not discussed as mitigation options in the EIR.
- 6.9 RESPONSE: The policies of the proposed Parkway Plan Update are referenced throughout the document, both in the project description (Chapter 3) and in Chapter 6.0 in the respective impact Chapters. The Commenter is correct in stating that these policies reduce environmental effects. However, the EIR must analyze any outstanding environmental effects that are estimated to occur should the Parkway Plan and the Policies be adopted and implemented. This approach is necessary insofar as the proposed policies are already part of the proposed project. As such, the policies are not considered mitigation measures of the EIR, but rather a part of the project as proposed.
- 6.10 COMMENT: The Commenter suggests that more attention be paid to habitat restoration in Table 5-2, "Sacramento River Parkway Development Strategy."
- 6.10 RESPONSE: Comment noted. This is a comment on the proposed project not the EIR. Table 5-2 is excerpted from the Sacramento River Parkway Plan Update document to assist the reader in understanding the implementation steps and timing of the plan. The purpose of the EIR is to analyze the Plan as proposed, rather than re-write the plan. The EIR does however, include mitigation measures to reduce habitat damage resulting from the introduction of recreational facilities in sensitive areas.
- 6.11 COMMENT: The Commenter suggests that staff develop a work program for the study of equestrian use to go along with the Final EIR.
- 6.11 RESPONSE: Horses are not allowed on bicycle and pedestrian trails because they are not bridle paths.

LETTER 7: LAND PARK COMMUNITY ASSOCIATION (LPCA)

- 7.1 COMMENT: The letter supports the Parkway Plan Update (proposed project) with the mitigation measures included in the EIR.
- 7.1 RESPONSE: Comment noted. The comment discusses the relative merits of the proposed project and does not raise substantial issues relative to the adequacy of the EIR under CEQA. No response required. The comment is however, part of the official record of the final EIR which will be considered by the City Council as part of their decision-making process on the proposed project.

LETTER 8: PHIL HIROSHIMA, SACRAMENTO RIVERFRONT ASSOCIATION

GENERAL COMMENT: Through-out this letter, the Commenter states that if the EIR is recommending Alternative B, then the comment or concern is satisfied. In order to avoid duplication of responses, a general response to this comment is included below.

GENERAL RESPONSE: The EIR does not recommend Alternative B. The EIR identifies Alternative C as the environmentally superior alternative. It is important to note that the selection of an environmentally superior alternative does not mean the alternative is superior from a public policy or socio-economic perspective. The task of the EIR is to identify the alternative with the least physical, environmental impacts. The public hearings and the decision-making process which follows are designed to identify the alternative which is superior in the public's interest including social, economic and physical impacts.

8.1 COMMENT: This comment concerns how security patrols will be funded and how officers can access private residential property.

8.1 RESPONSE: Under the proposed project, a trail system through some form of public acquisition (fee, easement or other) would be in place which would allow police officers to access public areas. Under Alternative 8, which does re-routes the public trail from the River in sections of the Pocket area, these riverfront sections of the Parkway would continue to be privately owned. Under this alternative, police officers would need authorization to enter private property. (This is currently the situation in the Pocket area. The purpose of the EIR is not to analyze existing situations but to assess the impacts of a proposed project and alternatives.) It is true that the EIR does not specify the funding source for any of the required mitigation measures. Decisions regarding the sources of public funding for a mitigation measure must be made by the City Council as part of the project decision-making process or the annual budget process.

8.2 COMMENT: This comment references a previous EIR which determined that the privacy issues were unmitigable. This comment also addresses the Reclamation Board's requirements for levee maintenance and restrictions.

8.2 RESPONSE: The report preparers assume that the Commenter is referring to the EIR prepared for the City/County Bikeways Master Plan certified by the City Council in March 1995. The Findings of Fact prepared for that EIR indicate only one unavoidable issue under land use impacts. Page 4 of the Findings of Facts states that "Adoption of the Bikeway Master Plan would introduce off-street bikeways in areas where development has preceded the bikeway. Constructing a bikeway in these areas raise concerns about crime nuisance, littering, safety, noise, vandalism, loitering, etc. In some places private property would be bisected by the bikeway or would otherwise be located such that buffering, screening, fencing is not feasible. No feasible mitigation has been identified to reduce these land use effects to less than significant."

Regarding the above listed impact, the EIR was a program level EIR prepared for a larger policy plan which addressed all proposed bikeways in the City and County of Sacramento. In the case of the Parkway EIR, the program level analysis was limited to the proposed Parkway Plan and the policies contained therein. As is often the case, the assessment of impacts may change based on the project description. The proposed Parkway Plan contains a number of policies which, in and of themselves, reduce potential land use conflicts. Additionally, the Parkway Plan includes for the area in question (Little Pocket and North Pocket area) the Private Inholding Designation (PIA). This designation restricts the development of trails and other recreation facilities until specified conditions are met and the PIA classification removed by the City Council (see page 3-6 and 3-7 of the EIR). The PIA further requires that the off-street trail cannot be developed until all possible security and privacy measures are implemented and funding for operations and maintenance of the trail segment secured. This policy coupled with the policies listed on page 6.9-9 and 6.9- 10 help to reduce impacts at a program level. In analyzing the proposed project, the report preparers must assume that the proposed policies will be implemented (they are part of the project description), and the preparers must review the potential for program level impacts which might occur after full implementation of the policies. At a program level, the report preparers concluded that land use and public safety impacts could be reduced to less-than-significant with the application of the policies included in the Plan coupled with the additional mitigation measures included in the EIR.

- 8.3 COMMENT: The Commenter expresses satisfaction with the analysis of the Pocket Canal/Seymour Park by-pass route (Alternative 8).
- 8.3 RESPONSE: No response required.
- 8.4 COMMENT: The commenter restates comment
- 8.4 RESPONSE: See response 8.1.
- 8.5 COMMENT: The Commenter expresses satisfaction in the review of maintenance issues for the narrow strip of land between the homes and the levee.
- 8.5 RESPONSE: No response required.
- 8.6 COMMENT: The Commenter notes that the studies cited regarding trails and property values are not similar to the Pocket area because of the elevation of the levee above the adjacent homes.
- 8.6 RESPONSE: The EIR does note on Page 6.9-4 that "Not all comparable studies have the topographical difference of a levee system which is elevated ..." The conclusion of the EIR is that the proposed project could affect public safety and security of private properties. However, no clear conclusion regarding the impacts to property values was made by the EIR. Page 6.9-15 of the DEIR concludes that: "No clear cause and effect can be established between implementation of the trail system and a loss of property valuesProperty values are influenced by a number of conditions including overall market conditions, individual willingness to pay, interest rates, age and condition of housing and may other conditions."

- 8.7 COMMENT; The comment notes that the Parkway Plan Public Safety policies are commendable but that no source of funding is identified.
- 8.7 RESPONSE: The EIR cites applicable Parkway policies in order to provide background on the project. On page 6.9-9, Policy TS states "Trail segments should be implemented with sufficient funds to provide for operations, maintenance and security of that segment." Should the Parkway Plan be adopted as proposed, this policy would also be adopted. The City Council would then have the responsibility for ensuring that implementation projects are consistent with the policies of the Parkway Plan. As noted in response 8.1, it is not the responsibility of the EIR to identify funding sources, but rather to suggest ways to mitigate environmental impacts.
- 8.8 COMMENT: The commenter notes that it may not be feasible to establish a continuous multi-use trail along the river because of many existing constraints such as development along the riverside of the Garden Highway.
- 8.8 RESPONSE: Comment noted. The comment expresses a concern about the feasibility of the proposed project and does not address the adequacy of the EIR under CEQA.
- 8.9 COMMENT: The Commenter requests that the EIR give a more balanced perspective on the viability of a multi-use trail co-existing with residences when the proposed trail may be 10 to 15 feet above the private properties in question.
- 8.9 RESPONSE; As noted in response 8.6, the EIR does note that the proposed multi-use trail will be elevated if the alignment follows the crown of the levee. (Chapter 2 of the Parkway Plan shows alternative conceptual trail alignments, some of which are on the levee crown and some of which are on either the riverside or the landside of the berm). Depending on the final alignment of the trail, the width and whether or not the PIA designation is removed, impacts may vary greatly. At this stage in the planning process, the final alignment, construction drawings and surveys for the proposed trail are not available. As such, it is not possible to provide further analysis at a program level without speculation. The EIR does note that individual construction and facility projects included in the plan should be subject to further project specific environmental review when more detailed designs are known.
- 8.10 COMMENT: The Commenter expresses support for Alternative B.
- 8.10 RESPONSE: The comment discusses the relative merits of the proposed project and does not raise substantial issues relative to the adequacy of the EIR under CEQA. No response required. The comment is however, part of the official record of the final EIR which will be considered by the City Council as part of their decision-making process on the proposed project.

LETTER 9: CHARLIE ZELL, SACRAMENTO RIVERFRONT ASSOCIATION

- 9.1 COMMENT: The Commenter notes that the Parkway Plan is a specific plan for a specific area, namely the Sacramento River and that there are no possible alternative locations for the planning area, although specific facilities could be omitted.
- 9.1 RESPONSE: Comment noted. Page 4-4, last paragraph of the DEIR does acknowledge that "off-site" alternatives are not feasible for this project because the project is a resource plan for the Sacramento River. This paragraph also notes that: "Where appropriate, to reduce impacts, elements of the proposed plan have been identified which lend themselves to alternative sites. For example, Alternative B identifies "off-site" or off-river and levee alternative routes for the proposed trail through the Little Pocket and Pocket area." As a point of clarification, although the Parkway Plan is specific to an area (i.e., the Sacramento River), the Plan is not a "specific plan" as defined by State Government Code.
- 9.2 COMMENT: The Commenter notes that the DEIR states that subsequent EIR's will be prepared for individual projects. The Commenter further states that it is conceivable that individual Parkway projects may be issued a Negative Declaration since an EIR for the Parkway Plan has been prepared.
- 9.2 RESPONSE: Through-out the EIR, it is stated that the document is a program-level assessment of impacts, and that individual parkway development projects may require further environmental review once detailed design and construction plans are known. In this context, further environmental review means that the project may require an EIR, a Negative Declaration or an exemption depending on the Initial Study prepared for the project in accordance with CEQA. Indeed some projects may qualify for a Negative Declaration, however, this will depend on the individual characteristics and impacts of the project. In accordance with CEQA, a Negative Declaration (ND) must provide written documentation as to why an impact is not considered significant. Similarly, CEQA provides that where impacts are significant, an ND must provide mitigation measures which demonstrate that the impact will be less than significant with mitigation. Further, the ND must be circulated to the public for comment. In many respects, an ND is similar to an EIR, and in fact, may be more stringent, insofar as all impacts must be fully mitigated in an ND, whereas an EIR may determine that an impact is not mitigatable (unavoidable). In an event, an Initial Study will need to be prepared for each subsequent project to determine the most appropriate documentation required by CEQA.
- 9.3 COMMENT: The Commenter inquires why the Bikeway Master Plan EIR determined that impacts to privacy as a result of a trail were significant and unavoidable, whereas, the Parkway DEIR determined that public safety and security to private property were significant and avoidable.

- 9.3 RESPONSE: See Response 8.2, above.
- 9.4 COMMENT: The commentor is concerned that it may not be financially feasible to implement the mitigation measures of the EIR in light of Proposition 13.
- 9.4 RESPONSE: As noted in response 8.1, it is not the responsibility of the EIR to identify funding sources, but rather to suggest ways to mitigate environmental impacts. The EIR does not specify the funding source for any of the required mitigation measures. Decisions regarding the sources of public funding for a mitigation measure must be made by the City Council as part of the project decision-making process or the annual budget process. The Parkway Plan does however, include Policy TS which states "Trail segments should be implemented with sufficient funds to provide for operations, maintenance and security of that segment." Should the Parkway Plan be adopted as proposed, this policy would also be adopted. The City Council would then have the responsibility for ensuring that implementation projects are consistent with the policies of the Parkway Plan.
- 9.5 COMMENT: This comment regards acquisition of public property and the use of eminent domain, and the amount of right-of-way necessary to accomplish the trail. The Commenter is concerned that even the most narrow trail alignment included in the Plan could result in remnant parcels which may not conform to current building standards should the home need to be replaced.
- 9.5 RESPONSE: Comment noted. The Commenter raises an important point. This area of controversy is referenced in the EIR on Page 2-3 which states: "...Also, in the Little Pocket and Greenhaven areas, private land ownership extends to the highwater mark of the Sacramento River and the levee (and trail) would need to traverse the parcel. Clarification of easements and or acquisition of property would need to occur. This may alter land division patterns including setbacks and other requirements of the remaining parcels. Because of widespread concern regarding the on-levee bike trail in the Pocket area, this EIR considers an alternative which avoids levee trail access in those sections of the Pocket area and diverts the trail to inland off-street routes in the Pocket area (See Chapter 4, Alternatives, Alternative 8). Also, this EIR includes a Chapter on trail safety and socio-economic impacts to review possible conflicts in this area." At this point in the planning process, there are no final trail alignments, surveys or construction drawings available which would allow further meaningful (non-speculative) analysis of these types of impacts.
- 9.6 COMMENT: The commentor is concerned about the proposed PIA designation included in the Parkway Plan and believes this may result in "block busting" of riverfront properties.
- 9.6 RESPONSE: The comment regards the merits and feasibility of the acquisition policies of the proposed project and not the adequacy of the assessment of physical environmental effects. The term "block-busting" is not generally defined as an environmental effect.

- 9.7 COMMENT: The Commenter expresses support for an alternative.
- 9.7 RESPONSE: The comment discusses the relative merits of the proposed project and does not raise substantial issues relative to the adequacy of the EIR under CEQA. No response required. The comment is however, part of the official record of the final EIR which will be considered by the City Council as part of their decision-making process on the proposed project.

COMMENTS AND RESPONSES TO THE ATTACHMENT TO LETTER 9

Letter 9, received from Charles Zell representing the Sacramento Riverfront Association, included an attachment which is the report of Samuel J. Cullers and Associates on the EIR. Responses to comments included in the report attached to Letter 9, follow.

- 9.8 COMMENT: The report provides background information on the development of the Parkway Plan Update.
- 9.8 RESPONSE: The comment does not raise issues related to the EIR or adequacy of the EIR under CEQA. No response necessary.
- 9.9 COMMENT: The commenter considers the DEI R inadequate as a program EIR because the Plan will not implement specific construction projects and further environmental review may be required. The commenter further states that the purpose of a program EIR should be to specifically avoid subsequent environmental reviews by providing among other things, for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual basis.
- 9.9 RESPONSE: Page 1-12 of the EIR specifically cites Section 15168 of the CEQA Guidelines which authorizes the uses of a program EIR, for among other things, "in connection with issuance of rules, regulations, plans, or other criteria to govern the conduct of a continuing program." The Parkway Plan Update is a plan with policies governing the resources of the Sacramento River. In accordance with CEQA it is appropriate to conduct a program EIR for a plan.

On page 1 -2 (and through-out the DEIR) it is noted that individual Parkway development projects will be subjected to further site specific environmental review once design and construction plans are determined. This is consistent with Section 21094 of the CEQA Statutes which states that: "Where a prior environmental impact report has been prepared and certified for a program, plan, policy or ordinance, the lead agency for a later project that meets the requirements of this section shall examine the significant effects of the later project by using a tiered environmental impact report, except that the report on the later project need not examine those effects which were either (1) mitigated or avoided as a result of the prior environmental report, or (2) examined at a sufficient level of detail to be mitigated or avoided by site specific revisions, the imposition of conditions or by other means in connection with the approval of the later project." Section (c) of Section 21094 of the CEQA statutes requires that an initial study be prepared to determine whether or not a later

project may cause significant effects on the environment which were not examined in the prior EIR. As can be seen, CEQA specifically requires that further environmental review, based on an Initial Study be conducted, prior to implementation of Parkway projects (unless such an activity is clearly determined to be exempt under CEQA). Given that site specific design plans are not known at this time, it is impossible to determine whether or not such implementation projects will require an EIR, a Negative Declaration or other environmental documentation.

No statute or guideline in CEQA restricts the conduct of additional site specific environmental review where more information or detail becomes available which may result in impacts not previously analyzed. In fact, CEQA specifically acknowledges that subsequent projects may provide more site specific details. For example, Section 15146 of the CEQA Guidelines states that "the degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR." This Section goes on to use two examples of the ranges of specificity -- one example, an EIR for a detailed construction project, and the second, an EIR on a comprehensive ordinance or plan. The Section concludes that the latter EIR need not be as detailed as an EIR on the specific construction projects that might follow. The EIR acknowledges in several places that the approach is a program level EIR for a policy plan. Since the proposed project is a policy plan, the level of detail in the DEIR analysis reflects the specificity of the project description in accordance with Section 15146 of the CEQA Guidelines.

Relative to the public's interest and need for information, Section 15168 (b) of the CEQA Guidelines states that a program EIR may have the advantage of: "(1) providing an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual basis; (2) ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis; (3) avoid duplicative reconsideration of basic policy considerations; (4) allow the lead agency to consider broad policy alternatives and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts, and; (5) allow reduction in paperwork."

It would seem that the public's best interests would be served by providing a program level EIR which affords a more comprehensive look at cumulative effects and alternatives at a plan or program level followed by site specific determination of any additional impacts that may occur once detailed plans are known.

- 9.10 COMMENT: The Commenter notes that Goal 4 of the Plan refers to a bicycle and pedestrian trail whereas the DEIR refers to a bicycle and pedestrian access. The Commenter believes that this is a significant policy change that could permit taking of private property without compensation .
- 9.10 RESPONSE: The preparers of the EIR do not view this as a significant policy change or a change which would affect the adequacy of the EIR. The goal of the plan continues to be to provide legally secured public access in accordance with the Plan for bicyclists and pedestrians. This may be secured through a variety of acquisition methods discussed in Chapter 5 of the Plan. The task of the EIR is to determine the physical environmental effects of the public's pedestrian and bicycle use as described in the Plan. Whether or not the pedestrian/bicycle corridor is termed a trail or accessway does not change the possible physical effects that the Plan may have on

riparian habitat, water quality or other environmental resources². It is important to note that pages 2-4 and 3A of the DEIR state:

"This EIR is based on the Draft Parkway Plan as written. At this time, there are still areas of the Plan that are under consideration for modification. Most of these areas respect the conditions for acquisition and implementation of the bikeway in the Pocket Area and the types of conditions that would need to be met to pursue fee title acquisition. The changes are discussed in Chapter 3.0, Project Description, in the Private Inholding Area discussion. None of the changes affect the environmental consequences of the plan."

9.11 COMMENT: Commenter states that Page 3-4 of the Chapter 3, Project Description is confusing and provides conflicting policy options from various plans. The project description does not recognize that there may be adverse effects if certain ones are implemented.

9.11 RESPONSE: The commenter is encouraged to read all of Chapter 3.0, Project Description, rather than just one page in order to gain a clear understanding of the project. The project description chapter, is descriptive not analytical. An analysis of prospective adverse effects is included in Section 6 (Environmental Impacts) of the EIR. Specifically, there are nine Chapters (Chapters 6.1 through 6.9) devoted to the analysis of the adverse environmental effects of the proposed project and alternatives. This format is explained to the reader in the Table of Contents, and, again in Chapter 1 (Introduction), and, once more in the Introduction to Chapter 6.0 (Environmental Impacts) of the DEIR. Also, Chapter 2.0 contains a Summary of Impacts including a Summary Table which clearly identifies the adverse effects.

In accordance with Section 15125 of the CEQA Guidelines, Chapter 3.0 does include a description of related adopted or proposed local and regional plans, and the relationship of the proposed plan to these plans. A complete discussion of the consistency of the project and alternatives is included in Chapter 5.0 of the EIR. Again, this discussion is required by CEQA. Indeed the vicinity of the Sacramento River is subject to many different plans. In accordance with the requirements of CEQA, the EIR seeks to summarize (in a concise and readable manner) these plans, and to point out the salient areas where the proposed project is consistent or in conflict.

9.12 COMMENT: The Commenter believes that recent Supreme Court decisions would overturn the Subdivision Map Act requirements for land dedications. The Commenter believes that this makes the DEIR inadequate.

9.12 RESPONSE: The referenced page notes that most of the public lands in the South Pocket area were obtained through dedications pursuant to the 1980 Pocket Community Plan. These dedications have been recorded. As such, the dedications are an existing condition. Once again and in accordance with CEQA, the purpose of the EIR is to assess the environmental (physical) impacts of the proposed project, not to interpret or adjudicate varying perspectives on past land

² Section 15358 (b) of the CEQA Guidelines states that "effects analyzed under CEQA must be related to a physical change." Similarly, Section 15382 of the CEQA Guidelines clarifies that a "significant effect on the environment means a substantial, potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise and objects of historic or aesthetic significance."

dedication activities. As a point of reference, the California Subdivision Map Act remains an enforceable piece of legislation. The Map Act does continue to require that access to navigable waters be maintained. (For example, see California Government Code Section 66478.5)

The Commenter also states that recent “Supreme Court decisions” may have had an impact on the “exactions” under the 1980 Pocket Community Plan, and further that such “exactions” may constitute a “taking without compensation”. The Commenter does not identify the environmental (physical) impacts affected by the “Supreme Court decisions.” Further, the Commenter does not identify the “Supreme Court decisions” and does not specify whether those decisions were issued from the California Supreme Court or the United States Supreme Court. As such, the comment does not provide sufficient information to identify environmental issue(s) to which to provide a more detailed response.

9.13 COMMENT: The Commenter states that Page 3-6 of the EIR includes a statement that the PIA designation is "not directed towards mitigation of an environmental impact, but is rather, a modification of a land use designation to facilitate Plan implementation through public acquisition of private property, albeit piecemeal and over time."

9.13 RESPONSE: No such statement is in the DEIR. The DEIR does state on Page 3-6: "The effects of the "PIA" classification are listed below:

Acquisition of property for inclusion in the Parkway is allowed in the "PIA".
Fee title and/or easement will not be acquired through eminent domain except under limited circumstances.

NOTE: The final policy language for these limitations is not yet resolved but concepts include restricting eminent domain activities to actions necessary to preserve prime habitat or restricting eminent domain acquisitions for the multi-use trail until 51% or more of the trail segment is publicly owned. While final policy language is not available, it is important to note that the method of acquisition does not change the physical environmental impacts of the plan at a program level ."

9.14 COMMENT; The Commenter cites a situation where an 8 foot easement between residences was fenced and a sign placed denying public access to control "partying".

9.14 RESPONSE: Comment noted. The comment describes an experience of the Commenter, but does not raise issues with the adequacy of the EIR .

9.15 COMMENT: The Commenter notes that the DEIR (Chapter 6.9) found that there may be significant adverse impacts to the security of private property.

9.15 RESPONSE: Comment noted. Impact 6.9-1 does states that the proposed project could result in significant, but avoidable impacts to security of private property.

9.16 COMMENT: The Commenter believes the EIR is inadequate because of a concentration of land use conflicts and land use policy implementation would prevent an evaluation of relative environmental impacts. The Commenter further believes that conflicting environmental and other requirements between State and federal agencies applicable to implementation of recreational facilities is not addressed.

9.16 RESPONSE: Land use conflicts are one type of environmental effect which is discussed in Chapter 5.0, Land Use Consistency and again in Chapter 6.9, Potential Conflicts Between Users and Safety. In accordance with Section 15125 of CEQA Guidelines, Chapter 5.0 "discusses inconsistencies between the proposed project and applicable general plans and regional plans." Page 5-1, paragraph 2 of Chapter 5.0 specifically states that "Physical environmental impacts which could result from the proposed project or alternatives, or from inconsistencies with adopted policies designed to reduce impacts, are discussed in the respective environmental chapters of this document. " Nine chapters (Chapters 6.1 through 6.9) follow which address the physical impacts of the project and alternatives.

Regarding environmental regulations, Chapter 1.0, pages 6 and 7, outlines the responsible and trustee agencies for the Sacramento River area and describe the areas where each agency has regulatory authority. Indeed the Sacramento River as a major waterway and habitat is subject to various authorities. The fact that several agencies have been assigned authority to protect the public trust does not necessarily create environmental effects, but rather ensures that resources are adequately protected in the public's interest. Since many facilities which are similar to the proposed Parkway facilities currently exist, it appears that implementation of the proposed facilities in accordance with existing regulations is feasible.

9.17 COMMENT: The Commenter states that the DEIR is inadequate because the DEIR devises land use, legal and acquisition strategies with questionable legal justification for implementation and ultimate acquisition of private properties for active trails and bicycle use.

9.17 RESPONSE: The DEIR does not propose or devise acquisition strategies. Acquisition strategies are proposed in Chapter 5 of the Parkway Plan Update (the proposed project). The task of the DEIR is to analyze the physical, environmental impacts of the proposed Parkway Plan Update. The physical and environmental effects of the proposed trails, parks, habitat restoration and nature study areas will be the same whether or not the land for such uses is acquired through fee simple title, an easement or a dedication. For example, the physical or environmental effects (traffic, air quality, shadows, etc.) of a proposed high rise office development would remain the same regard less of whether the underlying land for the development is secured by a ground lease or fee simple title.

If and when the acquisition of land for a trail is made, the acquisition will be made in accordance with applicable law. Public acquisition of private lands can occur by a negotiated transaction between the acquiring entity and the private landowner. Further, public acquisition of private lands in California by condemnation is governed within federal and state constitutional parameters by California's "Eminent Domain Law" (Title 7 of Part 3 of California Code of Civil Procedures, commencing at Section 1230.010.) The Eminent Domain Law requires that public acquisition of private lands by condemnation be compensated. The measure of compensation is outlined in the Eminent Domain Law and is based on the "fair market value" of the property acquired. (See for example CCP Section 1262.310).

LETTER 10: ANN GOLDBERG, SACRAMENTO HORSEMEN'S ASSOCIATION

- 10.1 COMMENT: The Commenter requests that a timeframe for the establishment of equestrian trail use standards be developed, and offers the suggestion that the standards employed on the American River Parkway would be useful guidelines.
- 10.1 RESPONSE: Comment noted. The EIR states that prior to the designation and implementation of the equestrian trail segments that equestrian use guidelines be developed. The inquiry regarding timing of the implementation phase of the project should be referred to the Planning Department. The purpose of the EIR is to analyze (not rewrite) the project or plan as proposed. As such, it is more appropriate for these guidelines to be developed with an appropriate public planning and implementation process.
- 10.2 COMMENT: The comment offers information about the volunteer equestrian patrols which could address safety concerns in the proposed Sacramento River Parkway.
- 10.2 RESPONSE: Comment noted.

LETTER 11: WILLIAM P. KATEN, RIO LINDA AND ELVERTA RECREATION AND
PARK DISTRICT

- 11.1 COMMENT: The Commenter expresses concern that the proposed project includes Policy R8 that states "Equestrian uses shall be allowed in the Parkway where feasible", but that no trail locations or policies were included in the Plan. The Commenter suggests that this study should have been done prior to the EIR. The Commenter also notes that bikeways and pedestrian uses are clearly specified with standards in the Plan. Given this detail for these uses, why weren't equestrian uses also specified?
- 11.1 RESPONSE: Several NOP comments were received from equestrian interests regarding one Alternative proposed at the time, which would entirely eliminate equestrian use in the Parkway. In light of comments opposing the value of the alternative, it was deleted from consideration in the EIR. The suggestion that the EIR establish the standards for equestrian use and designate the trail segments where equestrian use would be allowed was not pursued insofar as this is a planning and implementation issue not an environmental analysis issue. The purpose of an EIR is to analyze a proposed project relative to physical environmental effects and not to add policies or significant planning studies with policy implications not originally contemplated in the original planning effort.
- 11.2 COMMENT: Commenter notes that page 3.3 notes that the goal of the Plan has been changed from multi-use to pedestrian and bicycle access. Commenter further questions why a study of equestrian use as suggested in the NOP was not conducted.
- 11.2 RESPONSE: The October 1993 printing of the Draft Sacramento River Parkway Plan page 28, (Goals and Policies) uses the language "... a continuous, lineal Parkway with a bicycle and pedestrian trail..." The preparers of the EIR none-the-less assumed that the ultimate concept would include sections designated for multi-use in light of Parkway Policy R8 which states that: "Equestrian uses shall be allowed in the Parkway, where feasible. However, specific trail locations and policies to guide equestrian use have not been developed at this time."
- 11.3 COMMENT: Commenter notes that Page 6.2-6 states that the existing plans including the current 1975 Sacramento River Parkway Plan either do not address or prohibit equestrian uses. Commenter states that if a bicycle trail is allowed in narrow areas why would an equestrian trail present an additional problem? Commenter cites an example of area along the American River Parkway where multi-use trails come together and share a narrow corridor. Commenter further notes that there are no standards for equestrian use but there appear to be standards for bicycle and pedestrian use.
- 11.3 RESPONSE: It is true that the current 1975 Parkway Plan specifically excluded equestrian uses. The proposed Parkway Plan update includes a policy (Policy R-8) which would allow equestrian uses where feasible. At this time, the location of such uses has not been specified by the Plan and the criteria for feasibility is not established by the Plan.

The EIR (page 6.2-9) acknowledges that "There are no standards of significance for the impact of equestrian use on river trailways. However, the potential impact of equestrian use on the trail system may be reduced by developing standards for safe multi-use of trails. It is recommended that prior to designation of equestrian trail sections that the City establish a Task Force comprised of equestrian users, other trail users, maintenance and regulatory representatives such as the Reclamation District, park and recreation specialists and adjacent property owners to develop standards for equestrian use. Consideration should be given to identification of trail segments which lend themselves to multi-use; providing separation between the bikeway and the multi-use trail wherever possible, identification of staging areas, and minimization of impacts to the integrity of the levee and natural riparian habitat areas." The recommended mitigation measure does not preclude joint use of trail areas, but rather suggests that standards be developed. The mitigation measure also suggests that a broad range of representation be involved including park specialists familiar with the American River trail and equestrian interests.

- 11.4 COMMENT: Commenter again expresses concern that trail corridors were not designated as part of the planning process and that the recommended Equestrian Trail Task Force was not established prior to the preparation of the EIR. Commenter is concerned that the implementation of the equestrian trail policy may be delayed .
- 11.4 RESPONSE: These comments express concern over the planning and implementation process and do not address the adequacy of the EIR under CEQA.

LETTER 12: WALT SEIFERT (with attachment)

- 12.1 COMMENT: The Commenter is concerned that the EIR did not measure the positive benefits of increased bicycle commuting as an offset to increased vehicle trips to the Parkway area.
- 12.1 RESPONSE: CEQA does not require an EIR to disclose benefits of a proposed project, but rather to disclose potentially significant adverse impacts. Vehicle trips to the Parkway area were estimated based on the number of proposed parking spaces and standard Institute of Transportation Engineers (ITE) trip generation rates for parks and recreation facilities. Based on this analysis, using commonly accepted Levels of Service standards, no significant impact to roadway systems is expected to occur. Page 6.2-1 3 of the EIR, relative to Circulation Impacts, does note that "The Parkway Plan is expected to have minimal effect on vehicle circulation insofar as the emphasis of the plan is on pedestrian and bicycle access."
- 12.2 COMMENT: The Commenter is concerned that the proposed Parkway Plan includes a policy which requires all access points be limited to daylight hours (dawn to dusk). The Commenter believes this will limit commute bicycling and puts an undue emphasis on recreational bicycling.
- 12.2 RESPONSE: The comment discusses the relative merits of the proposed policy included in the proposed Parkway Plan. The EIR preparers assume this policy was devised to reduce safety hazards and the need for night lighting along a trail immediately adjacent to backyards. Since the primary purpose of locating the trail along the river is to provide visual and recreational access to the river, the trail does serve a primarily recreational use. This does not preclude bicycle commuting during daylight hours. Reviewing the City County Bikeway Master Plan, there are alternative on-street routes which commuters might use during non-day light hours.
- 12.3 COMMENT: The attachment to the letter seeks clarification regarding the description of the trail as a "bicycle and multi-use trail" and suggests that the wording be "bicycle/multi use trail and an equestrian trail".
- 12.3 RESPONSE: The October 1993 printing of the Draft Sacramento River Parkway Plan page 28, (Goals and Policies) uses the language "... a continuous, lineal Parkway with a bicycle and pedestrian trail..." The preparers of the EIR none-the-less assumed that the ultimate concept would include sections designated for multi-use in light of Parkway Policy R8 which states that "Equestrian uses shall be allowed in the Parkway, where feasible. However, specific trail locations and policies to guide equestrian use have not been developed at this time."
- 12.4 COMMENT: Commenter inquires if walking, jogging and picnicking should be listed in the allowed uses on page 2-2.
- 12.4 RESPONSE: It appears that walking and jogging would be allowed in the trail corridor by the Plan and that formally picnicking is allowed in areas specified in the Chapter 3.0 Project Description (see maps and legend).

- 12.5 COMMENT: Commenter feels that the policy which prohibits in-line skating, a growing sport, should be listed under areas of controversy.
- 12.5 RESPONSE: Comment noted. This is the only comment received relative to the prohibition on in-line skating, and the City Planning staff did not report this as a controversy during the planning process.
- 12.6 COMMENT: Commenter notes that an off-street trail will reduce conflicts between vehicles and pedestrians and bicyclists, but may increase bicycle/bicycle conflicts and collisions.
- 12.6 RESPONSE: Chapters 6.2 and 6.9 discuss trail safety and suggest that the policies and standards of the recently adopted City/County Bikeway Master Plan be implemented for new trail segments. These comprehensive policies were designed to enhance the safety of bikeways and reduce risks of collision and accidents by and between bikeway users.
- 12.7 COMMENT: Commenter notes that in some areas the term "lineal Parkway with bicycle and pedestrian access" is used, and in other areas "lineal Parkway with a bicycle and multi-use trail" is used.
- 12.7 RESPONSE: See response to comment No. 12.3.
- 12.8 COMMENT: The Commenter questions what the phrase "allow staff to revisit the area" means on page 3-7.
- 12.8 RESPONSE: The EIR quotes this phrase from page 60 of the proposed Parkway Plan. In this context the EIR preparers assume that the phrase "revisit the area" means that the City Planning staff will re-analyze implementation actions in the Pocket area when the conditions specified on pages 60 and 62 of the proposed Parkway Plan are met.
- 12.9 COMMENT: Commenter corrects a typographical error on page 5-9.
- 12.9 RESPONSE: Comment noted. Page 5-9 should read: "City/County Bikeways Master Plan."
- 12.10 COMMENT: Commenter notes that page 5-10 should read "... Master Plan designates a riverside bike...." instead of bikelane.
- 12.10 RESPONSE: Comment noted.
- 12.11 COMMENT: Commenter suggests that the term rollerblades be replaced with the term in-line skates.
- 12.11 RESPONSE: Comment noted. Rollerblades is the term used in the proposed Parkway Plan policy as such it is quoted verbatim in the EIR.

- 12.12 COMMENT: The Commenter re-iterates the concern that the river trail will be limited to daylight time use.
- 12.12 RESPONSE: See response to comment No 12.2.
- 12.13 COMMENT: Commenter suggests that Table 6.9-2 is mislabeled.
- 12.13 RESPONSE: This Table follows Table 6.9-1, and the EIR preparers cannot identify the Commenter's reasons for stating the table is mislabeled.
- 12.14 COMMENT: Commenter again reiterates a desire for the positive air quality benefits of bicycling commuting to be referenced in the EIR.
- 12.14 RESPONSE: See response 12-1.
- 12.15 COMMENT: Commenter suggests that an additional mitigation measure to reduce litter would be to include clean-up days such as the American River Clean-up organized by the American River Parkway Foundation.
- 12.15 RESPONSE: This is an excellent suggestion. However, per CEQA, mitigation measures must be legally feasible. Since clean-up days rely on volunteer efforts and since no similar non-profit agency comparable to the American River Parkway Foundation exists, the EIR preparers did not suggest this as a reliable mitigation measure. Rather other measures which can be assigned to existing public agencies were devised. This however, does not in any way preclude future volunteer clean-up efforts.

LETTER 13: DENNIS MACINTYRE

- 13.1 COMMENT: Commenter expresses opposition to the proposed project for a number of reasons.
- 13.1 RESPONSE: The comment discusses the relative merits of the proposed project and does not raise substantial issues relative to the adequacy of the EIR under CEQA. No response required. The comment is however, part of the official record of the final EIR which will be considered by the City Council as part of their decision-making process on the proposed project.

LETTER 14: VIVIAN SHAW GROZA

- 14.1 COMMENT: Commenter expresses opposition to the proposed project because she feels public access will increase crime and more police protection is needed and because levees should be used for flood protection.
- 14.1 RESPONSE: The comment discusses the relative merits of the proposed project and does not raise substantial issues relative to the adequacy of the EIR under CEQA. No response required. The comment is however, part of the official record of the final EIR which will be considered by the City Council as part of their decision-making process on the proposed project.

LETTER 15: DIANE TRULY

- 15.1 COMMENT: Commenter expresses opposition to the proposed project because she feels the proposed project would adversely impact property values and safety since her backyard would be open to the elevated levee. Commenter also states that the City should be prepared to pay “substantial payment to property owners.”
- 15.1 RESPONSE: The comment discusses the relative merits of the proposed project and does not raise substantial issues relative to the adequacy of the EIR under CEQA. No response required. The comment is however, part of the official record of the final EIR which will be considered by the City Council as part of their decision-making process on the proposed project.

The EIR does note on Page 6.9-4 that "Not all comparable studies have the topographical difference of a levee system which is elevated ..." The conclusion of the EIR is that the proposed project could affect public safety and security of private properties. However, no clear conclusion regarding the impacts to property values was made by the EIR. Page 6.9-15 of the DEIR concludes that: "No clear cause and effect can be established between implementation of the trail system and a loss of property values... Property values are influenced by a number of conditions including overall market conditions, individual willingness to pay, interest rates, age and condition of housing and many other conditions."

Also, the EIR references the proposed policies designed to increase trail safety. These include among others, Policy SE2 which states that: "The Parkway shall be patrolled on a regular basis. Patrols should be increased during summer when the Parkway gets the most use" and Policy T8 which states "Trail segments should be implemented with sufficient funds to provide for operations, maintenance and security of that segment of the Parkway." In addition, the mitigation for public security references the adopted mitigation measures of the City/County Bikeway Master Plan which requires that off street bikeways have proactive patrolling to the extent possible to minimize crime and that prior to implementation of new off-street bikeways the law enforcement agency responsible for ongoing crime prevention will be identified (from City/County Bikeway Master Plan, adopted mitigation measure 5.1).

If and when the acquisition of land for a trail is made, the acquisition will be made in accordance with applicable law. Public acquisition of private lands can occur by a negotiated transaction between the acquiring entity and the private landowner. Further, public acquisition of private lands in California by condemnation is governed within federal and state constitutional parameters by California’s “Eminent Domain Law” (Title 7 of Part 3 of California Code of Civil Procedures, commencing at Section 1230.010.) The Eminent Domain Law requires that public acquisition of private lands by condemnation be compensated. The measure of compensation is outlined in the Eminent Domain Law and is based on the “fair market value” of the property acquired. (See for example CCP Section 1262.310).

16.1 COMMENT: Commenter seeks clarification regarding the Parkway Planning area boundaries. In particular he notes that the Plan boundary is described as an area 10 feet land side of the land ward toe of the levee, yet some areas have already dedicated 40 feet landward. He asks if the City will return 30 feet of the dedicated lands.

16.1 RESPONSE: Page 1-1 of the DEIR states that the "east boundary is either the Interstate 5 Freeway; 10 feet land side of the landward toe of the levee, or the inland boundary of public land along the River, whichever is most appropriate for land use issues." In any event, land that is already dedicated or in public ownership would be included in the Parkway boundaries even if such lands extend more than 10 feet inland of the landward toe of the levee.

16.2 COMMENT: Commenter is concerned that if 40 feet is required for a trail (based on the assumption that a separate equestrian trail would be needed) then 80% of his property would be needed.

16.2 RESPONSE: At this time, the alignment and width of the proposed trail corridor is not known with enough specificity to answer this question. No survey, right-of-way plans or trail construction drawings are available.

If and when the acquisition of land for a trail is made, the acquisition will be made in accordance with applicable law. Public acquisition of private lands can occur by a negotiated transaction between the acquiring entity and the private landowner. Further, public acquisition of private lands in California by condemnation is governed within federal and state constitutional parameters by California's "Eminent Domain Law" (Title 7 of Part 3 of California Code of Civil Procedures, commencing at Section 1230.010.) The Eminent Domain Law requires that public acquisition of private lands by condemnation be compensated. The measure of compensation is outlined in the Eminent Domain Law and is based on the "fair market value" of the property acquired. (See for example CCP Section 1262.310).

16.3 COMMENT: Commenter notes that there is some question regarding the State Lands claim boundary in the area and states that the California Supreme Court has spoken to this issue in August 31, 1995 decision. The Commenter refers to this case as "State Lands Commission versus Robert Lovelace." The Commenter requests that the EIR include this information.

16.3 RESPONSE: The case "State Lands Commission versus Robert Lovelace" does not appear in the reported decisions of the California Supreme Court. Commenter apparently is referring to State of Cal. Ex. rel State Lands Com v Superior Court ([1995] 11 Cal. 4th 50) in which Richard K. Lovelace. et. al appeared as Real Parties In Interest.

Page 2-3 of the DEIR states: "In some cases, the State Lands Commission has not clarified the claim boundary for public trust lands and it is difficult to distinguish between public lands and private lands along the levee (all areas do however have either a maintenance or recreation easement along the levee for levee access and maintenance). Also, in the Little Pocket and Green haven areas, private land ownership extends to the highwater mark of the Sacramento River and the levee (and trail) would need to traverse the parcel. Clarification of easements and or acquisition of property would need to occur. This may alter land division patterns including setbacks and other requirements.

Each easement clarification or property acquisitions present a factual scenario in which applicable law will need to be applied. State of Cal. Ex. rel State Lands Com v Superior Court is a California Supreme Court case involving ownership of land after "artificial accretion" or "natural accretion" under California law. Whether the accretion principles outlined in State of Cal. Ex. rel State Lands Com v Superior Court apply to any given easement clarification or property acquisition is a question of fact in reach particular case.

17.1 COMMENT: Commenter states that, in some sections of the Pocket Area, the proposed trail would traverse private lands and leave severed parcels. The Commenter feels that the EIR did not reference property owners giving up residential lots or guarantees that funding will be available for security.

17.1 RESPONSE: Comment noted. The Commenter raises an important point. This area of controversy is referenced in the EIR on Page 2-3 which states: "...Also, in the Little Pocket and Greenhaven areas, private land ownership extends to the highwater mark of the Sacramento River and the levee (and trail) would need to traverse the parcel. Clarification of easements and or acquisition of property would need to occur. This may alter land division patterns including setbacks and other requirements of the remaining parcels. Because of widespread concern regarding the on-levee bike trail in the Pocket area, this EIR considers an alternative which avoids levee trail access in those sections of the Pocket area and diverts the trail to inland off-street routes in the Pocket area (See Chapter 4, Alternatives, Alternative B). Also, this EIR includes a Chapter on trail safety and socio-economic impacts to review possible conflicts in this area." At this point in the planning process, there are no final trail alignments, surveys or construction drawings available which would allow further meaningful (non-speculative) analysis of these types of impacts.

Regarding security of private property, see response to Comment 23.1.

17.2 COMMENT: Regarding Cumulative Impacts, the Commenter states that the Plan will add to cumulative marina development and river traffic because the private docks in the area, if severed from the residential land, would become public docks.

17.2 RESPONSE: As noted above, the precise alignment and method of acquisition for the proposed trail system has not been established. It is possible that the trail would be accomplished by easement allowing the underlying property dimensions to remain unaltered. The Parkway Plan page 76 does state that the easement approach would "reserve to the landowner, at least to the extent that presently exists, the rights to have a private boat dock within the easement on the river." Also there is no reference in the proposed Parkway Plan regarding any intent of the City of Sacramento to convert private boat docks to public docks. In any event, regardless of whether the existing docks are public or private, the boat traffic generated is part of the existing conditions and would not constitute a new net, additive impact.

If and when the acquisition of land for a trail is made, the acquisition will be made in accordance with applicable law. Public acquisition of private lands can occur by a negotiated transaction between the acquiring entity and the private landowner. Further, public acquisition of private lands in California by condemnation is governed within federal and state constitutional parameters by California's "Eminent Domain Law" (Title 7 of Part 3 of California Code of Civil Procedures, commencing at Section 1230.010.) The Eminent Domain Law requires that public acquisition of private lands by condemnation be compensated. The measure of compensation is outlined in the Eminent Domain Law and is based on the "fair market value" of the property acquired. (See for example CCP Section 1262.310).

18.1 COMMENT: The Commenter expresses opposition to the proposed Parkway Plan .

18.1 RESPONSE: The comment discusses the relative merits of the proposed project and does not raise substantial issues relative to the adequacy of the EIR under CEQA. No response required. The comment is however, part of the official record of the final EIR which will be considered by the City Council as part of their decision making process on the proposed project.

LETTER 19: JOEL AND LALE GODDARD

- 19.1 COMMENT: The Commenter objects to the Sacramento River Parkway Plan because of the impact on private property.
- 19.2 RESPONSE: The comment discusses the relative merits of the proposed project and does not raise substantial issues relative to the adequacy of the EIR under CEQA. No response required. The comment is however, part of the official record of the final EIR which will be considered by the City Council as part of their decision-making process on the proposed project.

If and when the acquisition of land for a trail is made, the acquisition will be made in accordance with applicable law. Public acquisition of private lands can occur by a negotiated transaction between the acquiring entity and the private landowner. Further, public acquisition of private lands in California by condemnation is governed within federal and state constitutional parameters by California's "Eminent Domain Law" (Title 7 of Part 3 of California Code of Civil Procedures, commencing at Section 1230.010.) The Eminent Domain Law requires that public acquisition of private lands by condemnation be compensated. The measure of compensation is outlined in the Eminent Domain Law and is based on the "fair market value" of the property acquired. (See for example CCP Section 1262.310).

- 20.1 COMMENT: The Commenter is concerned that the proposed Parkway Plan designates his private property as "Riparian Habitat Preserve", and is concerned that this would foreclose private development. The Commenter requests that this classification be removed from the property.
- 20.1 RESPONSE: The comment discusses the relative merits of the proposed project and does not raise substantial issues relative to the adequacy of the EIR under CEQA. No EIR response required. The comment is however, part of the official record of the final EIR which will be considered by the City Council as part of their decision-making process on the proposed project.

As a point of information on the proposed Parkway Plan designations, for implementation purposes these designations apply to public lands. Page 38 and 39 of the proposed Parkway Plan states: "Parkway land use designations have been assigned to all property, both public and private, within the boundaries of the Parkway. The purpose behind assigning a designation to all properties is to provide a long-range vision of the Parkway and to plan for Parkway development should private property become public. In the meantime, only the public land within the Parkway will be part of the development strategy for the Parkway. Implementation of Parkway land use designations and policies will apply only to public lands. Existing City zoning and land use designations will remain in effect on private land."

If and when the acquisition of land for a trail is made, the acquisition will be made in accordance with applicable law. Public acquisition of private lands can occur by a negotiated transaction between the acquiring entity and the private landowner. Further, public acquisition of private lands in California by condemnation is governed within federal and state constitutional parameters by California's "Eminent Domain Law" (Title 7 of Part 3 of California Code of Civil Procedures, commencing at Section 1230.010.) The Eminent Domain Law requires that public acquisition of private lands by condemnation be compensated. The measure of compensation is outlined in the Eminent Domain Law and is based on the "fair market value" of the property acquired. (See for example CCP Section 1262.310).

LETTER 21: GRANT D. WERSCHKULL

- 21.1 COMMENT: The Commenter provides information regarding residential uses and the American River Parkway and notes that in 9 years no problems have resulted from the Parkway.
- 21.1 RESPONSE: Comment noted.
- 21.2 COMMENT: The Commenter expresses support for the Parkway Plan as a valuable asset to the community.
- 21.2 RESPONSE: The comment discusses the relative merits of the proposed project and does not raise substantial issues relative to the adequacy of the EIR under CEQA. No response required. The comment is however, part of the official record of the final EIR which will be considered by the City Council as part of their decision-making process on the proposed project.
- 21.3 COMMENT: The comment supports the proposed Sacramento River Parkway as a way to encourage bicycle commuting.
- 21.3 RESPONSE: The comment discusses the relative merits of the proposed project and does not raise substantial issues relative to the adequacy of the EIR under CEQA. No response required. The comment is however, part of the official record of the final EIR which will be considered by the City Council as part of their decision-making process on the proposed project.

- 22.1 COMMENT: The Commenter notes that the Sacramento Housing and Redevelopment Agency has recently adopted the Riverfront Master Plan which includes the concept of water taxis along the river. The Commenter suggests that water taxis be considered as an alternative recreational route along the river in-lieu of the proposed riverfront trail in areas where the riverfront is privately developed (Little Pocket and North Pocket areas).
- 22.1 RESPONSE: The EIR analyzed the Parkway Plan as proposed and reviewed several alternatives. Since water taxis are not specifically proposed as part of the plan, they were not analyzed in the EIR as part of the project.

The Commenter suggests that water taxis could be looked at as an alternative to the proposed project. Substantial consideration of alternatives took place in the preparation of the EIR. The range of alternatives to the proposed project are governed by the rule of reason. CEQA Guidelines, Section 15126(d) states: "Alternatives to the Proposed Action. Describe a range of reasonable alternatives to the project, or to the location of the project, which could feasibly attain the basic objectives of the project and evaluate the comparative merits of the alternatives."

There are five objectives of the proposed project, one of which is to "create a continuous, lineal Parkway with a bicycle and pedestrian trail along the Sacramento River from the city limits at 1-80 and Garden Highway in South Natomas to the City limits at Freeport." A water taxi would not meet the objective of a pedestrian and bicycle trail along the river. Additionally, alternatives must be reasonably feasible. At this point, water taxi service is included in plans, but not fully developed.

To address the need have a feasible alternative which reduces land use conflicts in the Little Pocket Area, the EIR analyzed Alternative B which re-routes the trail in sensitive residential areas, but maintains the balance of the trail along the river. This alternative is reasonably feasible, reduces land use impacts while still maintaining a riverfront trail along major sections of the Sacramento River except in the Little Pocket.

- 23.1 COMMENT: Commenter states that police protection for the multi-use trail will not be adequate given the present budget constraints.
- 23.1 RESPONSE: Comment noted. The EIR concurs page 6.9-1 1 with the need for funding for patrols of the proposed trail system. Also the proposed Parkway Plan includes policy SE2 which states that: "The Parkway shall be patrolled on a regular basis. Patrols should be increased during summer when the Parkway gets the most use." and policy T8 which states: "Trail segments should be implemented with sufficient funds to provide for operations, maintenance and security of that segment of the Parkway." In addition, the mitigation for public security references the adopted mitigation measures of the City/County Bikeway Master Plan which requires that off street bikeways have proactive patrolling to the extent possible to minimize crime and that prior to implementation of new off-street bikeways the law enforcement agency responsible for ongoing crime prevention will be identified (from City/County Bikeway Master Plan, adopted mitigation measure 5.1). These are either previously adopted mitigation measures or proposed policies of the Parkway Plan, and are therefore, not re-iterated as mitigation measures.
- 23.2 COMMENT: Commenter states that acquisition of the private lands along the river is an "insult" to property owners given the amounts mentioned and "a true fair market value" would be too expensive.
- 23.2 RESPONSE: The EIR does not mention any amounts of land or purchase price to be paid. Public acquisition of private lands can occur by negotiated transaction between the acquiring entity and the private land owner. Further, public acquisition of private lands in California by condemnation is governed within federal and state constitutional parameters by California's "Eminent Domain Law" (Title 7 of Part 3 of California Code of Civil Procedures, commencing at Section 1230.010.) The Eminent Domain Law requires that public acquisition of private lands by condemnation be compensated. The measure of compensation is outlined in the Eminent Domain Law and is based on the "fair market value" of the property acquired. (See for example CCP Section 1262.310).
- 23.3 COMMENT: Building a wall or a fence along the trail would inhibit the vision and access of the levee maintenance personnel and block the access and views of the river for homeowners.
- 23.3 RESPONSE: The EIR does not recommend any solid walls. The EIR does however, report the policies which are proposed in the Parkway Plan regarding fences. In summary the Plan does allow private property owners to fence their properties (many have already done so in a manner which allows them access through gates and visibility), and recommends that public areas be clearly identified and separated from private areas. Applicable policy statements from the proposed Plan are:

"The Parkway Plan recognizes that residential property owners along the Parkway are concerned about privacy and security as the Parkway is developed. To that end, the City of Sacramento will not contest applications to the State Department of Water Resources for private fences in the Parkway provided that: 1) the fence is located on private property; 2) the fence request is in an area for which recreation easements are not planned for acquisition in the short term; and 3) the fence does not extend below the mean high water mark below which is the jurisdiction of State Lands Commission (SLC). In addition the following policies are designed to minimize the impact of Parkway development on the security and privacy of residential property owners within and adjacent to the Parkway."

- SE1 All public access points will be closed at sunset.
- SE2 The Parkway shall be patrolled on a regular basis. Patrols should be increased during the summer when the Parkway gets the most use.
- SE3 In order to minimize potential security and privacy problems for land owners adjacent to the Parkway, vegetative screening, fencing or other security measures should be implemented in tandem with Parkway development.
- SE4 The boundary between private and public property within the Parkway boundaries shall be clearly identified with fencing and signage.
- P6 All access points shall have gates to control and prevent vehicle access. The gate design shall conform to Board of Reclamation requirements. The Board and local law enforcement shall have keys to all public access gates.

LETTER 24: HARRIET AND MAC MCKINNIS

- 24.1 COMMENT: The Commenters do not concur with the majority of the findings of the EIR and believe that the EIR is tailored to support a given point of view. They question why the EIR is different from the EIR prepared several years ago.
- 24.1 RESPONSE: The EIR was prepared by Planning Dynamics Group, an independent consulting firm which specializes in the preparation of environmental documents. The report preparers hold no opinions or particular views about the project or the alternatives. Rather the task of the consulting team was to objectively review the project for potential physical environmental impacts in accordance with the standards and procedures set forth in the California Environmental Quality Act (CEQA). The Commenter does not specify which EIR they are referring to which was prepared several years ago. Conclusions of EIRs may differ from time to time depending on the project, the site, information available at the time and other conditions.
- 24.2 COMMENT: The Commenters are concerned about loss of privacy and report several examples of intrusions which occurred during a recent levee reconstruction project.
- 24.2 RESPONSE: These comments address site specific construction period impacts, based on the experience of a previous project. The Parkway Plan DEIR is a program-level EIR for a policy document. It is anticipated that if the Plan is adopted and implemented that future project specific environmental reviews may be required to assess construction period impacts in detail. Section 15146 of the CEQA Guidelines states that "the degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR." This Section goes on to use two examples of the ranges of specificity -- one example, an EIR for a detailed construction project, and the second, an EIR on a comprehensive ordinance or plan. The Section concludes that the latter EIR need not be as detailed as an EIR on the specific construction projects that might follow. The EIR acknowledges in several places that the approach is a program level EIR for a policy plan. Since the proposed project is a policy plan, the level of detail in the DEIR analysis reflects the specificity of the project description in accordance with Section 15146 of the CEQA Guidelines.
- 24.3 COMMENT: The commenters report that a variety of wildlife frequent the area including the Swainson's Hawk, an endangered species. The commenters feel that the EIR takes little note of this.
- 24.3 RESPONSE: The EIR devotes an entire Chapter, Chapter 6.5 to disclosure of impacts to Biological Resources. In particular pages 6.5-11 through 6.5-24 discuss impacts to particular species and habitats including the Swainson Hawk, the Valley Elderberry

Longhorn Beetle, and other special status species such as the Delta Smelt and the Winter Run Chinook Salmon. The mitigation measures were developed in coordination with the State Department of Fish and Game, a trustee agency assigned the responsibility to protect special status species.

24.4 COMMENT: The commenters suggest that there is not mitigation available for effects and state they do not agree with the mitigation measures. They further state that the DEIR ignores private property rights and liability.

24.4 RESPONSE: Comment noted. Based on best available information and an objective analysis, the report preparers reviewed the proposed project for physical environmental impacts and developed feasible mitigation measures in accordance with CEQA. Not all persons agree with the analysis. Some feel the analysis is too stringent and others are concerned that privacy and other social economic issues have not been addressed to their satisfaction. The Commenters do not offer specific comments regarding which impacts and mitigation measures they disagree with. Without further specificity it is difficult to respond specifically regarding the Commenters' areas of disagreement.

While the commenters state that the DEIR "ignores" private property rights, the DEIR recognizes that private property ownership in the plan area does exist. Page 2-3 of the DEIR states, in part, that clarification of easements and/or acquisition of property would need to occur. Similarly, Page 2-3 of the DEIR also states: "Clearly different approaches may be taken to the interpretation as to how to balance the needs for public access, protection of habitat and protection of private property.

If and when the acquisition of land for a trail is made, the acquisition will be made in accordance with applicable law. Public acquisition of private lands can occur by a negotiated transaction between the acquiring entity and the private landowner. Further, public acquisition of private lands in California by condemnation is governed within federal and state constitutional parameters by California's "Eminent Domain Law" (Title 7 of Part 3 of California Code of Civil Procedures, commencing at Section 1230.010.) The Eminent Domain Law requires that public acquisition of private lands by condemnation be compensated. The measure of compensation is outlined in the Eminent Domain Law and is based on the "fair market value" of the property acquired. (See for example CCP Section 1262.310).

LETTER 25: RALPH E. VIRN

25.1 COMMENT: The commenter expresses support for the proposed Parkway Plan.

25.1 RESPONSE: The comment discusses the relative merits of the proposed project and does not raise substantial issues relative to the adequacy of the EIR under CEQA. No response required. The comment is however, part of the official record of the final EIR which will be considered by the City Council as part of their decision-making process on the proposed project.

LETTER 1

Ann M. Kohl

Citizen's for Safer Parks -- Yes on Measure B

1010 S Street

Sacramento, California 95814



CITIZENS FOR SAFER PARKS

YES on Measure B

1010 S STREET • SACRAMENTO, CA 95814
PHONE 916/443-3173 • FAX 916/443-1838

April 8, 1996

Grace Hovey
City of Sacramento
Planning Services Division
1231 I Street, Room 300
Sacramento, CA 95814

RECEIVED

APR 12 1996

PLANNING SERVICES

RE: Draft EIR on the Sacramento River Parkway Plan

Dear Ms. Hovey:

On behalf of the Citizens for Safer Parks Steering Committee, I would like to support the comments submitted by the Sacramento River Parkway Advocates in their March 20, 1996 letter.] / - /

In addition, I would like to address the safety and property value concerns in the DEIR by offering specific information regarding other trails.

This information is from Open Space: The Final Opportunity prepared by the County of Sacramento Open Space Task Force (page 11). "The American River Parkway Recreation Planning Report, (Gold 1985) estimated, using 1985 County Assessors figures that property values increased by approximately \$150 million or \$5,880 per house for homes near the American River Parkway. Tourism is another benefit of the parkway described in the report.

The Davis Greenway Study (Jones, 1988) measures quantifiable benefits of open space as user satisfaction, energy conservation, use of local parks, tourism and increased land values. Non-quantifiable benefits are improvements of mental and physical health, reductions in levels of air and noise pollution, increased opportunities for the disadvantaged, and increased community identity and imageability. The figures demonstrate a favorable benefit/cost ration for this investment of approximately \$1.2 million per year or \$30.5 million over a 25 year span."] - 2

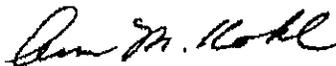
Information about the Lafayette Moraga trail supports the conclusion that land values are increased adjacent to trails. Mrs. Bruno Stolley, a Lafayette resident at 3344 Las Huertas Road, is within a block of the Lafayette Moraga trail. She stated " A few years ago I sold two lots which backed up to the trail. The lots sold at the asking price (\$250,000 each) in less than a month. One of the homes built on the lot sold recently for \$1,025,000. Buyers are anxious to find building sites near the trail. Those with young families want to jog and bike and have access to the trail for their children to get to school." Mrs. Stolley says the narrow trail, formerly used for trains, is now used for horse back riding, biking, jogging and walking. It is extremely popular. Those with fences along the trail, have added gates for access. Safety has increased because of the amount and type of use, and even though the trail goes along the back

of many homes she was not aware of any safety problems since the trail was opened to the public. The neighbors consider the trail a valuable community asset which adds to property values.

We are excited about the Sacramento River Parkway Plan as proposed and feel that it best meets the neighbors' and community's need for enhanced property values and safety and that the proposed project will provide the most benefits for both recreational use and habitat restoration.

1-3

Sincerely,



Ann M. Kohl,
Chair

cc: Sacramento River Parkway Advocates

LETTER 2

**Anne Furguson
American Lung Association
909 12th Street
Sacramento, California 95814**

909 - 12th Street
Sacramento, CA
95814
(916) 444-5864 (LUNG)
1-800-LUNG-USA
Fax: (916) 444-6661
TDD (916) 442-5694



April 19 1996

Our mission is clean air,
healthy lungs and the
elimination of lung disease.

Grace Hovey
City of Sacramento
Planning Services Division
1231 I Street, Room 300
Sacramento, CA 95814

RE: Draft Eir On The Sacramento River Parkway Plan

Dear Ms Hovey,

The American Lung Association of Sacramento - Emigrant Trails is pleased to submit comments regarding the extension of the parkway south along the Sacramento River.

In general we support the extension because it would promote biking and walking, and would help clean up the air in the Sacramento Region which has been declared in severe non-attainment for ozone by the US Environmental Protection Agency.

We believe that any scenario that leads to public ownership of the Sacramento River Bike Trail is both appropriate and an ideal complement to the much used and greatly appreciated American River Parkway System.

We urge that every effort be made to facilitate creation of a continuous, linear trail along the river that is fully accessible to the public.

Sacramento's appeal and quality of life for all residents can only be enhanced by addition of a continuous trail south to Laguna that also meets the American River portion. We favor EIR conditions that protect this approach with a minimum of delay and with consideration of public safety, habitat, and adjacent residences.

In the interests of more options for alternative transportation, of cleaner air and enhanced quality of life, the American Lung Association of Sacramento - Emigrant Trails urges the City of Sacramento to aggressively move forward with the Sacramento River Parkway.

Sincerely yours,

Anne Ferguson
President
Board of Directors

When You Can't
Breathe,
Nothing Else
Matters®

2-1

LETTER 3
Roy Swanson
Friends of the River
128 J Street (2nd Floor)
Sacramento, California 95814-2207

F.O.R.

F R I E N D S O F T H E R I V E R



April 22, 1996

Grace Hovey
City of Sacramento
Planning Services Division
1231 I Street, Room 300
Sacramento, Ca. 95814

RE: Draft EIR of the Sacramento River Parkway Plan

Dear Grace Hovey:

Friends Of The River supports the proposed project for the Sacramento River Parkway Plan. We feel that it presents a flexible overall alternative which could restore the natural habitat of the region while increasing recreational possibilities. However, we realize that there are some areas in the Draft EIR which could be improved for the benefit of this project.

3-1

* We are opposed to Alternative B which would deviate from the proposed project. This would remove the off street river trail from Captain's Table to the Pocket Canal so as to avoid conflict with existing private residential uses. Under this alternative the chance of restoring natural habitat in areas under public ownership would be eliminated. Removal of the trail from these areas would also break up a potential 60 mile trail loop that would include the American River Parkway and Laguna Creek Systems. This would hinder increased economic potential and the general quality of life in the community that could be enhanced by this elaborate trail system. It would be very unfair to the region's environment and economy to let a small group of property owners fragment the trail system in such a significant manner. For these reasons we find Alternative B unacceptable and feel that it should not be used to change the trail system envisioned in the proposed project.

3-2

* The issue of increased noise from bicyclists and pedestrians in the Parkway Area brought up in the DEIR is of concern. We feel that trail use noise would not be significant compared to existing neighborhood noise plus the noise from the local airport and the nearby freeway. The DEIR tends to overplay the significance of possible noise from bicyclists and pedestrians using the Parkway. We suggest that further studies on noise in the area be conducted for the final EIR so as not to thwart the best alternatives for the proposed Parkway.

3-3



* Unfortunately not enough attention is given to habitat restoration in Table 5-2 the "Sacramento River Parkway Development Strategy". The Parkway Plan should be a significant factor in restoring riparian habitat along the Sacramento River. However this current table for strategy focuses on development of recreation and does not include the aspect of riparian restoration which is equally important. Riparian restoration must be included to a greater degree throughout the Parkway Plan and a separate timetable should be included specifically for habitat restoration.

3-4

We hope that our comments can be of use in making the Sacramento River Parkway Plan a reality improving the natural riverside habitat and increasing public enjoyment of the river. Thank you for the opportunity to be involved in this project of great importance to the quality of our urban environment.

Scincerley,



Roy Swanson
Conservation Assistant

LETTER 4

**Dale A. Secord
Sacramento River Parkway Advocates
425 Camelia River Way
Sacramento, California 95831**

Sacramento River Parkway Advocates

425 Camelia River Way * Sacramento, CA 95831 * 916/427-7095

May 10, 1996

RECEIVED

MAY 10 1996

PLANNING SERVICES

Grace Hovey
City of Sacramento
Planning Services Division
1231 I Street, Room 300
Sacramento, CA 95814

Dear Ms. Hovey:

The Sacramento River Parkway Advocates have reviewed the Parkway Plan Environmental Impact Report (EIR). Overall, the EIR provides a comprehensive program assessment of the potential environmental impacts that may be associated with the implementation of the Parkway Plan. The program level EIR documents that most of the potential environmental impacts are less than significant or could be avoided through careful planning and implementation of mitigation measures.

We agree with the goals of the Parkway Plan:

- To recognize the multiple use aspect of the Sacramento River Parkway for recreation, habitat preservation and flood control.
- To preserve, protect and enhance the natural and cultural resources of the Parkway.
- To provide appropriate access and facilities for the enjoyment of the Parkway by present and future generations.
- To complete a continuous, lineal Parkway with a *bicycle and multi use* trail along the Sacramento River from the City limits at I-80 and Garden Highway in South Natomas to the City limits at Freeport.

As pointed out in the EIR, the environmental process should assist decision-makers and the public in 1) identifying the most environmentally responsible alternatives and, 2) making informed decisions regarding means to mitigate impacts regardless of the alternative plan chosen for implementation.

We do not agree that Alternative B (Remove Off-Street River Trail from Captain's Table to the Pocket Canal) ameliorates the potential environmental impacts assumed to occur with the proposed project. This Alternative is just a transfer of any problems from one trail to another.

4-1

4-2

The following discussion of potential impacts clearly illustrates this point.

Impact 6.9-1 Public Safety: Security of Private Property

As pointed out in the EIR, studies conducted for rail trails indicate that safety and security problems do not increase once a trail is open to the public. However, the EIR then claims that due to the limited amount of patrol presence proposed in the Draft Parkway Plan a potentially significant impact to public safety could occur. If these potentially significant impacts to private property could occur wouldn't they also occur in the Alternative B on the proposed alternate bypass route through Seymour Park and the Pocket Canal? The obvious answer is yes. If there is uncertainty for funding patrols for the Parkway, there is also uncertainty for funding patrols on the Alternative B bypass route. The initial Draft EIR that was released recommended a mitigation measure that was subsequently deleted in the revised April 8, 1996 Draft EIR. For the record we would like to comment on the deleted mitigation measure. We agree that it should be deleted. To require that a secure source of funding for police patrols be a requirement prior to construction of the off-street trail is unfeasible. If this policy were adopted for all transportation facilities, commercial facilities, and residential construction then nothing would be built.

4-3

Impact 6.9-2 Conflict of Land Uses

The EIR suggests that there is a potential significant and avoidable impact due to land use conflicts if the Parkway Plan is implemented in the Little Pocket and Greenhaven area because of existing residential development immediately adjacent to the proposed parkway. Would there not be similar land use conflicts with existing residential development along the Alternative B bypass route? Again, the answer is yes. The initial Draft EIR that was released recommended a mitigation measure that was subsequently deleted in the revised April 8, 1996 Draft EIR. For the record we would like to comment on the deleted mitigation measure. We agree that it should be deleted. To require that a secure source of funding for operations and maintenance be a requirement prior to construction of the off-street trail is unfeasible. If this policy were adopted for all transportation facilities then nothing would be built.

4-4

Impact 6.9-4 Impacts to Property Values

A vocal minority of homeowners in the Little Pocket and Greenhaven area have claimed that implementation of the Parkway Plan would have a negative impact on their property values. Rail trail studies have not confirmed this contention. Similarly, residential property values along the American River Parkway have not been negatively impacted by their proximity to that Parkway. The real estate ads will quickly verify this. If the Little Pocket and Greenhaven residential properties adjacent to the proposed parkway would be negatively impacted would not a similar negative impact occur to the existing properties adjacent to the Alternative B bypass route?

4-5

In the initial Draft EIR that was released there were two sections which were subsequently deleted from a revised Draft EIR that was released on April 8, 1996. We would like to comment on these two sections for the record.

Impact 6.9-2 Public Safety: Trail User Personal Safety

Safety for Parkway and trail users is a concern related to unlawful activities. The EIR point out the number of incidents involving criminal activities on existing off-street bikeways is low (less than two tenths of a percent) in comparison to the city wide crimes. The EIR, however, contends that due to the limited patrol proposed in the Parkway Plan and the current uncertainty of funding patrols, implementation of the Parkway Plan is considered a significant impact to public safety. As of 1993, the City had 1.49 police officers per 1000 residents. The national standard (goal) established by the FBI for police protection is 2.0 officers per 1000 residents. Police Sector 2, which includes the Pocket/Greenhaven area, had 0.6 police officers per 1000 residents. The EIR also states police protection is provided by response to calls for service, rather than by patrol. One could question whether any further development should be approved for the Pocket/Greenhaven area since there are limited existing police patrol and the current uncertainty of funding of patrols. This same concern for personal safety would also apply to the Alternative B bypass route.

4-6

Impact 6.9-3 Public Safety: Trail Users - Exposure to Hazards

The EIR illustrates several potential impacts due to trail users exposure to hazards. The EIR fails to point out one of the major potential conflicts that bicyclists have - conflicts with automobiles at intersections. The Alternative B bypass route will create potential bikes versus automobile conflicts at several locations: at Captain's Table Marina and Riverside Boulevard, at 35th and Riverside Boulevard, at Pocket Canal and Rush River Drive and at Pocket Canal and Pocket Road.

4-6

In summary, there are no differences in the potential impacts between the proposed Parkway Plan and Alternative B bypass route. Any potential impacts that would occur would just occur in a different location. Also, the EIR fails to address the need to reconstruct many portions of the bypass route to bring it up to acceptable Class I bikeway standards.

4-7

We hope that the final EIR will satisfactorily address the issues that we have raised in this letter. Should you have any questions please call either Dale Secord at 427-7095 or Aimee Rutledge at 424-6173.

Sincerely,



Dale A. Secord

LETTER 5

**Roseanne Chamberlain
Sacramento Valley Open Space Conservancy
P.O. Box 163351
Sacramento, California 95816**

SACRAMENTO VALLEY OPEN SPACE CONSERVANCY

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MAY 16 1996

PLANNING SERVICES

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May 14, 1996

Grace Hovey
City of Sacramento
Planning Services Division
1231 I Street, Room 300
Sacramento, CA 95814

Dear Ms. Hovey

ADVISORY COUNCIL

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The Sacramento Valley Open Space Conservancy believes that the Sacramento River area included in the City's plan is one of the most valuable park resources in the area. We support efforts to enhance and restore the riparian habitat. We believe that it is desirable to improve access to the corridor and to facilitate linkages to other trail systems, but the main goal of the Parkway should be natural resource protection and enhancement.

5-1

We note that habitat restoration efforts do not appear on table 5-2 and we would like to see these important steps included on this or another table, or in an integrated summary of restoration strategies for the Parkway.

5-2

We acknowledge the controversial nature of the Private Inholdings Area. The city should maintain as a goal the idea of a continuous linear trail along the river, and should not necessarily preclude the option of placing portions of the trail on the river side of the levee crown to accomplish this goal. Ultimately, acquiring easements for the trail in the Private Inholding Area would best accomplish this. Well negotiated easements are a proven method of increasing public-private cooperation and have been proven elsewhere to benefit land owners along trails. Should the City desire the involvement of a land trust to aid in easement negotiations, our organization is interested and qualified to assist as needed.

5-3

EXECUTIVE DIRECTOR
Roseanne Chamberlain

Sincerely,

Roseanne Chamberlain
Executive Director

LETTER 6
Anne Rudin
Friends of the Sacramento River Greenway



Friends of the Sacramento River Greenway

RECEIVED

MAY 16 1996

PLANNING SERVICES

STEERING COMMITTEE

- Anna Rudin*
Chair
- Debra Bishop*
ECOS Natural Resources
- Tom Higgins*
- Ken Mott*
South County Horsemen's Association
- Frank Norton*
- Ray Powell*
- Dan Ramos*
- Alma Rutledge*
- Mike Savino*
- Dale Seard*
- Governmental Affairs Advisor
Charles Warren

May 15, 1996

Grace Hovey
City of Sacramento
Planning Services Division
1231 I Street, Room 300
Sacramento, CA 95814

RE: Draft EIR on the Sacramento River Parkway Plan

Dear Ms. Hovey:

On behalf of the Friends of the Sacramento River Greenway, I would like to submit the following comments.

• We support the proposed project because we feel it is the most beneficial, flexible and viable alternative for the region, providing the most possibilities for both recreational use and habitat restoration. You have initially found that Alternative C, which would eliminate development of a trail on the waterside of the levee, would be the environmentally superior alternative. But, you also note that privacy and security concerns of adjacent landowners might be lessened by developing the trail in this area, and that there is not much significant habitat left on most stretches of river within the City. We believe the more options left available to the City in developing this project, the more likely it is to become a reality, especially in the areas with adjacent homeowners. As these areas are currently claimed to be in private ownership, we believe that any scenario leading to public ownership and/or easement, including implementation of the Parkway Plan, would benefit the long-term health and restoration of riparian habitat in these areas. In light of these circumstances, we ask that you reconsider whether Alternative C is truly the environmentally superior alternative.

6-1

• We have concerns with how the City Council will determine whether several of the mitigation measures have been met (when the project eventually moves forward), chiefly in two areas:

-The mitigation of the impact under Public Safety and Security states that a "secure source of funding for patrols including bicycle patrols" must be established prior to implementation of each project section. We are not sure what the term "secure source of funding" implies. We assume it would mean a dedicated source of funding, and that it would not mean a secured amount of cash. We would suggest adding "identification of a secure source of funding . . ." to clarify the meaning of this statement and make it more realistic to meet.

6-2

-The mitigation of the impact under Conflict of Land Uses states, among other things, that:

Prior to removal of the Private Inholding Area:

- the trail will not significantly impact native riparian habitat;
- all feasible security and privacy measures will be implemented;
- funding for operations and maintenance shall be secured prior to implementing a trail segment.

We agree in spirit with these mitigation measures, but, again, question whether they are written so broadly that it will be difficult to define how to meet them in the future. We suggest the following language additions after each of these sections, "through methods identified in the Sacramento River Parkway Plan". By directly and clearly tying these mitigation measures back to the extensive lists and discussions in the Plan, we believe there will be better definition of their meaning. We also suggest that you change the third element regarding operations and maintenance to state, "funding for operations and maintenance shall be identified secured prior to implementing a trail segment."

• On page 2-5, Alternative C is termed "Restrict Parkway Development Between the Levee Crown and the River's Edge" in boldface. Later, under "Environmentally Superior Alternative", it is referred to as "Remove Parkway Development Between the Levee Crown and the River's Edge". These terms should be reconciled. It seems the first alternative was intended.

• We do not feel that Alternative B, which would eliminate all chance of ever restoring habitat in certain areas or completing a continuous, linear trail along the river is superior in any way, including environmentally, socially, or economically. It would eliminate the possibility of restoring habitat under public ownership in certain significant areas, including the Little Pocket/Chicory Bend. It would merely displace any potential for increased privacy and security problems to other residents whose houses currently back up directly to both the Greenbelt and Canal Trail Systems. (We agree that these problems can be minimized greatly by policies in the Parkway Plan. Merely moving the trail to a less desirable location is not going to solve problems.) Finally, the Sacramento River Trail is planned to be part of a off-street recreational trail loop that will eventually be 50-60 miles long, and encompass the Laguna Creek and American River Parkway Systems. The increased economic potential and stature that has come to Sacramento from the American River Parkway alone, whether from perceived quality of life or from races or events is incalculable. We should not allow such a key break in this regional plan due to a relatively small number of property owners. We think these issues should receive increased attention in the final EIR.

6-2

6-3

6-4

• With regard to the "Public Safety: Security of Private Property" impact, we would like to reiterate our belief that trail users, most of which would most likely be neighbors (especially in the areas with adjacent residential property), would provide a natural "neighborhood watch" and an overall enhancement to security of the area. This aspect is not discussed adequately in the DEIR. The problems that may occur from increased trail use would most likely not be greater than the problems that occur there now, on property treated as privately owned with no police patrols. There is often not even neighbor access, due to the many fences which have been built across the levee, locking out even next door neighbors. The bottom line is the residents will never lock out everyone from what is one of the most prevalent public resources in our region, the Sacramento River. Why not point out that with more friendly, neighborhood traffic, and some police patrols, it will be safer for all?

6-5

• We commented in response to the Notice of Preparation that the noise of bicyclists and pedestrians should not be considered significant compared to existing neighborhood noise, including nearby freeway noise, aircraft noise from Executive Airport traffic, lawnmowers, traffic on streets in front of the houses, neighbors conversing in adjacent backyards, dogs barking at neighborhood goings-on, and boat traffic on the river. After reading the DEIR, we are still not convinced of how incidental trail use noise would be considered a significant addition to the existing noise in the neighborhood. We request clarification or measurement of the real noise levels in the neighborhood prior to final resolution of this issue.

6-6

• On page 3-4, there is a reference to the State Reclamation Board preferring that any trail be built on the waterside berm. We do not understand the logic of this stance, as it seems that a trail on the levee crown would be consistent with their policy on bicycle trails on levees, due to the lessened chance for erosion. It does not seem to be discussed further, and we would request some clarification.

6-7

• On page 5-7, there is a reference to "vegetative screening, fencing, and other buffers between uses" as a mitigation of impacts on existing residential uses. There does not seem to be adequate discussion of these options later, as mitigation possibilities.

6-8

• Table 5-2, the "Sacramento River Parkway Development Strategy", should include in the timetable "habitat restoration". Currently, this table focuses on development of the recreational aspects of the Plan, and needs to include the equally important aspect of riparian habitat restoration.

6-9

• We request that, along with the final EIR, staff develop a work plan on equestrian use, and indicate a date when they will start to study this aspect of the proposed multi-use trail.

6-10

Thank you for the opportunity to comment on this issue which is so important to our city.

Sincerely,

A handwritten signature in cursive script that reads "Anne Rudin".

Anne Rudin, Chair
Friends of the Sacramento River Greenway

LETTER 7

Steven A. Kahn

Land Park Community Association (LPCA)

P.O. Box 188285

Sacramento, California 95818



LPCA

LAND PARK COMMUNITY ASSOCIATION

May 20, 1996

The Honorable Joe Serna, Jr.
and Councilmembers
City of Sacramento
915 I Street
Sacramento, CA 95814

RECEIVED

MAY 21 1996

PLANNING SERVICES

Re: Sacramento River Parkway Plan
Draft Environmental Impact Report

Dear Mayor Serna and Councilmembers:

The Land Park Community Association (LPCA) supported the update of the Sacramento River Parkway Plan when it was first made available for public review. Recently the Draft Environmental Impact Report (DEIR) on the Parkway Plan has been issued for public comment. The LPCA Board of Directors, at its May 15, 1996 meeting, reviewed its support of the Parkway Plan and voted unanimously to continue our strong support of the general goals of the Plan. 7-1

LPCA supports increased public access to the Sacramento River as a recreational resource, improvement of the natural habitat and construction of a continuous bike/pedestrian path from Freeport to Folsom for both recreation and alternative commuting. LPCA also believes that public access and the acquisition of property easements along the levee is necessary if the goals of the Plan are to be attained. However, appropriate mitigation measures must be taken to address the reasonable concerns of land owners adjacent to the levee. 7-2

The creation of a parkway along the shore of the Sacramento River where it aligns with the western boundary of the City will constitute a positive environmental impact that all City residents can be proud of.

Sincerely,

Steven A. Kahn, President
Land Park Community Association

cc: Grace Hovey
City of Sacramento Planning Department

LETTER 8
Phil Hiroshima
Sacramento Riverfront Association
7360 Pocket Road
Sacramento, California 95831

SACRAMENTO RIVERFRONT ASSOCIATION
A Non-Profit Unincorporated Association
7360 Pocket Road
Sacramento, CA 95831

Phil Hiroshima, Co-Chairman
Charlie Zell, Co-Chairman
Rosie Nielsen, Secretary
Janet Gordon Boyer, Treasurer

May 20, 1996

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MAY 23 1996

PLANNING SERVICES

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Rosie Nielsen
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392-0800

Ann O'Neill
391-6274

Charles Zell
441-0428

Grace Hovey
City Planning Services Division
1231 I Street, Room 300
Sacramento, California 95814

Re: **Written Comments on Draft ENVIRONMENTAL IMPACT REPORT**
Sacramento River Parkway Plan Update
State Clearinghouse Number 93102086
February 1996

Dear Ms. Hovey,

Pursuant to a Notice of Preparation issued by the City of Sacramento, I, on behalf of the SACRAMENTO RIVERFRONT ASSOCIATION addressed a letter to you dated December 6, 1993, and specifically requested that you to address six areas of concern in you EIR study (letter attached to the EIR, "Comments Received in Response to the Notice of Preparation").

I have carefully read the EIR report and commend you on an excellent job in most of the areas covered; however, I requested that you study the following in my letter to you dated December 6, 1993:

1. How you will mitigate the security issues in the Little Pocket and Greenhaven/Pocket areas considering the lack of access except at the extreme ends of the PIAs.

COMMENT: The EIR discusses the uncertainties of funding for law enforcement agencies to patrol the area in question. Officer Archer of the Sacramento City Police Department addressed the number of officers required to adequately patrol the area in question, and it was his professional opinion that it would require six full-time officers to patrol the area from Old Sacramento to Freeport because of the difficulties with access. Your report at Page 6.9-10 states, "... The close proximity of private residential property in Greenhaven and the Pocket area

8-1

presents additional concerns regarding the ability of police officers to enter private property for security purposes." The report also discusses having access by the public limited to daylight hours. However, your report does not consider where the funding will come from and/or whether there will be sufficient law enforcement agencies to provide security to the areas in question. If there is criminal conduct taking place in the middle of the PIAs, how would law enforcement agencies timely arrive at the site of said conduct. It did not appear that your EIR addressed this issue.

8-1

If the EIR is making a recommendation that the alternate route be taken bypassing the PIAs, then your report would, in my opinion, satisfy this concern.

2. Please study the issue of privacy in the Little Pocket and Greenhaven/Pocket areas and how it can be mitigated.

COMMENT: In a previous EIR study prepared by the City, the privacy issue was "UNMITIGATABLE." How did this EIR mitigate an unmitigatable condition? The report addressed the issue of screening and vegetation. It discussed that no other trail had the same topography as the Sacramento River Parkway, in that, the levee rises 10 to 15 feet above private residences in the PIAs, with many homes as close as 15 to 20 feet from the toe of the levee, which makes it almost impossible to have adequate screening by vegetation and/or fencing due to the restrictions imposed by the Reclamation Board which Dwight Sanders addressed in his memorandum to you dated January 10, 1994, which is the first comments attached to the February 1996 EIR Report, under section, "Comments Received in Response to the Notice of Preparation."

8-2

If, however, your EIR is recommending the alternative route, bypassing the PIAs, it is my opinion that you report adequately addressed the issue. If not, this most difficult issue still needs to be resolved.

3. I also request that you study how the Seymour Park and Pocket Canal offstreet bike trails can be utilized to go around the private inholding areas in the Little Pocket and Green/Pocket areas.

COMMENT: It is my opinion that you did an excellent workup in this request. It appears that Seymour Park and Pocket Canals, can be a continuous off-street multi-use trail.

8-3

4. Please evaluate the security issues addressed in the draft sacramento River Parkway Plan; more specifically, how the private inholding areas and also insure that the users of the Parkway in the private inholding areas as removed from those areas.

COMMENT: I believe my comments in Section 1 will address this concern, and I do not believe that your EIR Report adequately addresses how the authorities will limit access to daylight hours.

8-4

However, if your recommendation is to bypass the PIAs and use the pocket canals, your report adequately, in my opinion, addresses the issue.

5. Relative to the narrow strip of land between the homes and the private inholding areas and the levee, I request that you address how the configuration, maintenance and integrity of the levee will be affected by the multi-use Parkway.

COMMENT: Concerns adequately addressed.

8-5

6. Please review and study how the parkway in the PIA will effect the value of the homes due to the loss of privacy and increase of security risks.

COMMENT: In review of your EIR, Section 6.9, "Potential Conflicts Between Use and Safety Impacts," you addressed this issue on Pages 6.9-4 through 6.9-6.

8-6

It is my opinion that the reports given, and the comparisons made, appear to be biased in establishing no diminish in property values due to the increase in loss of privacy and increased security risks. There is no similar trail anywhere that imposes the loss of privacy and security that the Parkway Plan would impose on the homes in the PIAs.

You do comment on Page 6.9-4 that "... Not all comparable studies have the topographical difference of a levee system which is elevated, in some instances, above private property and therefore, may pose additional privacy issues." I would submit that there are no studies that have the same topographical issues as this Parkway Plan and the PIAs, considering that the entire length of trail in the PIAs is 10 to 15 feet above the residences, and as close as, 15 to 20 feet from the toe of the levee to the residence, which would significantly affect property values on those who are adjacent to the multi-use trail.

Your study also sets forth at Page 6.9-5, Trail Neighbors Study Results, "... Those living immediately adjacent to the trails did report having more problems and higher rates of problem occurrence than nearby owners." And, those owners in the study are on the same level as the trails, not 15 feet below, and an ear-shot within a whisper.

However, if your report is recommending bypassing the PIAs with the use of Seymour Park and the Pocket Canals, your report will adequately address this issue.

GENERAL COMMENTS

Page 6.9-9 addresses Public Safety: Security of Private Property.

The policies outlined in said section are commendable; however, there are no funds that will make the implementation of the policy a reality.

The concept of a continuous trail along the river, in my opinion, is a fallacy since there are numerous areas which makes it impossible for a

8-6

8-7

8-8

Grace Hovey
May 21, 1996
Page 5

riverfront multi-use trail; moreover specifically, the Garden Highway, businesses along the Garden Highway, Old Sacramento, between Old Sacramento and Miller Park.

I would strongly recommend that the final EIR give a balanced prospective as to the viability of a multi-use trail co-existing with residences along the river in the PIAs that are 10 to 15 feet above the private properties in question, and with many residences within 15 to 20 feet from the toe of the levee. 8-9

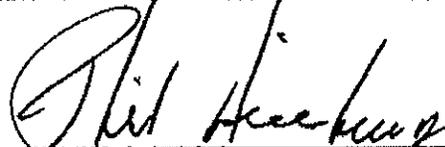
Your EIR report suggests that incompatible uses and unmitigatable issues should not be imposed upon residences at issue. 8-13

I would strongly recommend Alternative B to remove the multi-use trail off of the river from the Captain's Table to Seymour Park and the Pocket Canals. This would avoid the concerns addressed in this letter.

Very truly yours,

SACRAMENTO RIVERFRONT ASSOCIATION

By



PHIL HIROSHIMA, Co-Chairman

cc: Honorable Jimmie Yee
Honorable Robbie Waters

LETTER 9 (with attachment)
Charlie Zell
Sacramento Riverfront Association
7360 Pocket Road
Sacramento, California 95831

SACRAMENTO RIVERFRONT ASSOCIATION

A Non-Profit Unincorporated Association
7360 Pocket Road
Sacramento, CA 95831

OFFICERS

Phil Hiroshima, Chairman
Charles Zell, Co-chairman
Rosie Nielsen, Secretary
Janet Gordon Boyer, Treasurer

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Dennis MacIntire
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391-1334

Rosie Nielsen
421-2130
392-0800

Ann O'Neil
391-6274

Charles Zell
441-0428

20 May 1996

PLANNING AND DEVELOPMENT

MAY 21 1996

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Planning & Development Department
1231 I Street, Room 300
Sacramento CA 95814

RE: Sacramento River Parkway Plan
Draft Environmental Impact Report

The Sacramento River Parkway Plan directly impacts Association's members who own river frontage or abut the Sacramento River levee. In many ways the DEIR involves procedures and concepts beyond the Association's skills to evaluate. We have employed an independent planning consultant, Samuel J. Cullers & Associates, to evaluate the DEIR. The consultant's report is attached, and speaks for its self.

The Association also offers the following comments regarding the DEIR.

1. Although it is stated that the Parkway Plan is a twenty year policy document, it is basically a specific plan. The plan involves a very narrow strip of land and specific facilities are proposed. There are no possible alternate locations although specific improvements and facilities could be omitted. 9-1

2. The DEIR implies that subsequent EIR's will be prepared as individual projects are proposed for implementation, and as noted in the consultant's report this is an invalid interpretation of the CEQA. It is conceivable the subsequent EIR's for individual projects within the Parkway could have a negative declaration as an EIR has previously been approved for the Parkway. 9-2

3. It is not evident how the EIR for the Sacramento City & County Bikeway Master Plan (BMP) and the DEIR, 9-3

for the Sacramento River Parkway Plan can differ so much for the general area between the Captain's Table and Garcia Bend Park. The BMP EIR found the BMP had a significant impact and no mitigation was possible. The DEIR found the impact to be significant, but the impact could be mitigated to less than significant. 9-1

4. The mitigation's stated in the DEIR are not based upon the accomplishments of the City prior to Proposition 13 when funding for parks and recreation was much more plentiful than at the present time. The notations predicated upon the assumptions that state and federal funding will be sufficient to implement the mitigation. This assumption is refutable when considering the current state and federal revenue shortfalls. 9-4

5. The evaluation of the impact on private property is inadequate. City staff has attended an Association meeting where the members were unanimous in their statements that they would not sell an easement on the levee or the underlying land in fee. If the land has to be acquired by eminent domain procedures the entire lot will be involved. The city analysis of the value of an easement on existing residential lot is flawed in that the sample size is small and that assumptions used are not entirely valid. There is no potential for the creation of additional residential river front lots in the city of Sacramento south of the American River. Each river front property converted to public use will increase the value of the remaining lots due to simple supply and demand relationship. 9-5

The full magnitude of the taking of private property for public use was ignored when sufficient factual information is readily available to city staff for analysis. An examination of aerial photography or a field inspection would clearly show that the berm is not continuous along the water side of the levee. Therefor, the placement of a trail on the berm is not realistic. The actual number of privately owned parcels were not counted although this could be easily done from existing maps prepared by the city. The Parkway Plan proposed at least three widths of development: a) a trail on only the crown of the levee, b) the taking of the entire levee and ten feet from the toe of the levee on the land side, and c) the taking the entire levee and 40 feet from the toe of the levee on the land side. Even the first would place the trail at the back door of several homes. The second would involve the taking of several apartments, several homes, and innumerable swimming pools and gardens. Even this narrow taking will be a significant portion of the smaller lots. The third would involve taking so such of a number of homes that the remainder of the lot would be so small that a replacement home could not be constructed on the same lot.

6. The DEIR mentions a land use concept called "Private Inholding Area" (PIA). This concept is entirely new to the city of Sacramento. It should be subject to intensive study and analysis and public hearings held before the concept is adopted as a land use classification, or placed in any plan or planning document. The PIA concept is used in the National Parks and/or National Forests. The concept envisioned to be used in the Parkway Plan is not sound. As noted above river front property is very limited in quantity and there is no other river front property available for development. Only two types of persons would be willing to sell the city an easement or the river front portion of their property. One would be a very uninformed person, and the other would be a vindictive person who hates neighbors. If the concept is applied, it would be the same a "block busting". It should be realized that the city has found it very difficult to manage such properties. At one river access easement the city has had to close it to the public as it was an unmanageable attractive nuisance. 9-6

7. The DEIR proposed an alternate that would keep some or all the private holdings as private property. This alternative is stated in the DEIR as having the least environmental impact. The Association concurs with this alternative, but there are too many unanswered details at this time. This alternative needs additional study and all issues relating to the future use for river front private property be clearly defined. 9-6

In general the Association approves the concept that there should be a plan for the Sacramento River frontage. Two of the Association's officers served on the Parkway Working Group. We recognize that the draft plan is an effort to satisfy many different constituents. When controversial issues arose we were advised that they would have to be resolved through the "political process". However, in the adoption process it is very difficult to adequately address complex issues and make major changes at Planning Commission and City Council meetings. Some process needs to be devised to overcome these public input problems.

Sincerely,



Charles E. Zell
Co-chairperson

EVALUATION OF THE ADEQUACY OF THE "DRAFT ENVIRONMENTAL IMPACT REPORT, SACRAMENTO RIVER PARKWAY PLAN UPDATE"

INTRODUCTION

This evaluation is prepared at the request of the Sacramento Riverfront Association, an organization of river front property owners within the City of Sacramento. The Association members own homes with river frontage in the area between the "Captains Table" and Garcia Bend Park which is impacted by the Sacramento River Parkway Plan as are other private lots which pre-dated planning by the City for development of the river.

Prior to an evaluation of the Draft EIR, it was necessary to briefly review the precipitating document, the "Sacramento River Parkway Plan," produced by the City of Sacramento in 1993. This document is an update of a 1975 "Sacramento River Parkway Master Plan" which was adopted by the City Council and incorporated into the Open Space Element of the General Plan. The policies in this Master Plan have been implemented in the City's General Plan and the Pocket Community Plan and have been instrumental in guiding property acquisition within the Pocket Community Plan area as well as other projects.

The Sacramento River Parkway Plan is described as a twenty year policy document for habitat preservation and restoration and recreational development for lands adjacent to the river. It states that the Plan develops a "vision" for the future and identifies programs and actions for achieving the vision.

The Plan states that "natural resource protection and enhancement is the main goal of the Parkway and will take precedence over public access recreation in the Parkway. Trails and other facilities will be developed so as not to significantly impact the native riparian habitat." "...The Parkway Plan promotes as much access to the River as possible, while maintaining sensitivity to the private residential inholding in the Parkway. The Plan strives to improve public access by developing proposed public access points on public land, building improved trails, and by directing people to public areas and away from private property." (Page 2)

For some time, there has been pressure to utilize the river for public recreation as reflected in a recommendation that all of the area along the River be available for public recreation including hiking and riding trails. This was reflected in the draft City/County Bikeway Master Plan for existing and proposed on-street and off-street bikeways; and the 1993 Draft Parkway Plan is consistent with this document by having a proposed off-street trail along the River levee.

However, this conflicted with the overall policy regarding avoidance of private residential properties in the Little Pocket and Greahaven Pocket areas and necessitated major policy adjustments. In much of the Pocket area, land for this trail along the levee has been obtained by

98

exactions in connection with the new subdivisions. Also, in the older developed stretches along the river, a special deferred acquisition designation was formulated which placed these properties in a category of "Private Inholding." It is the analysis of the impacts of this latter change which will be evaluated in terms of adequacy. 9-8

EVALUATION

The Environmental Impact Report on the Sacramento River Parkway Plan Update states that it was undertaken as a Program EIR because the Plan is regarded as a policy document which will govern future development activities on the public lands immediately adjacent to the Sacramento River. (p. 1-1). No development is intended to take place immediately as a result of Plan approval; subsequent individual projects will be subject to possible further environmental review as well as project specific public budgeting and decision-making (p. 1-2). In the event Federal funds are available to design and construct the trail system and other proposed facilities, the draft notes that any future environmental document 9-9

The DEIR is inadequate as a program EIR. In the section on Use of This EIR, it is stated that it is a Program EIR as defined in CEQA Section 15168; however, on the rationale that the Plan will not implement specific construction projects, further environmental reviews are anticipated by the City as projects are designed and constructed.

A full reading of Section 15168, particularly Sections (b) and (c) reveals that the purpose of a Program EIR should be to specifically avoid subsequent environmental documentation by providing, among other things, for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual basis.

The following specific sections of the D.E.I.R. are evaluated for adequacy in terms of impacts on non-public properties, particularly in the Little Pocket and North Pocket areas.

3.0 PROJECT DESCRIPTION GOALS OF THE PLAN (pp. 3-4)

Goal 4 of the Plan is rephrased in the DEIR. Where the Plan refers to a bicycle and pedestrian trail, the DEIR changes this in italics to: *bicycle and pedestrian access*.

There is no explanation of this significant policy change which could have a significant negative impact upon individual properties by, for example, permitting taking easements without compensation between established homes for public access to the levee even though the issue of ownership remains unresolved. 9-10

The DEIR is inconsistent with the Plan and inadequate and misleading in this instance.

PROJECT DESCRIPTION (p. 3-4)

This section of the DEIR is confusing and unfocused. In an effort to justify often conflicting policy options from various plans, the project description does not recognize that there may be adverse environmental effects if certain ones are implemented.

The DEIR is inadequate by not providing a more complete analysis which would have provided clear guidance to the City when future specific plans are prepared.

9-11

PROPOSED PLANNING CONSIDERATIONS BY PLANNING AREA (p. 3-4 ff.)**Pocket**

This section states that most of the publicly owned land in the South Pocket area is a result of new subdivisions dedicate riverfront property as a condition of approval.

The DEIR is inadequate in not pointing out the impact of recent Supreme Court decisions on such exactions which may constitute a taking without compensation. Certain of the alternatives and impacts would have to be evaluated if this action is taken into consideration.

9-12

Pocket Area Private Inholding Area (PIA) Designation (p. 3-6 ff.)

A serious question arises with the inclusion of this section. The description of the "PIA" designation states that it is not directed towards mitigation of an environmental impact, but is rather a modification of a land use designation to facilitate Plan implementation through public acquisition of private property, albeit piecemeal and over time.

9-13

The City has had previous experience with such acquisition. For example, in a certain location in the area, some time ago the City exacted an 8 foot easement between two residences back to the top of the levee, then across the back of the two affected lots. The easement was then fenced by the City separating it from adjacent residences.

This easement was designed to provide public access to that two-lot wide section of the levee. It should be noted that no provision is possible for public parking except in the front of the residences. When this access became known, certain groups occasionally used the levee and river frontage for "partying" by groups of up to 12 to 15 youths, including use of intoxicants, to the detriment of the peace and tranquility of the adjacent homes; and it was difficult if not impossible to have the City police this little 100+ foot section of the levee. Over time, the fence deteriorated and after a long delay it was rebuilt. Now, the City has placed a sign denying access to the easement as a hazard, and has closed other similar easements.

9-14

An attempt was made to address this problem by the inclusion of a section on "Potential Conflicts Between Uses and Safety Impacts". It is pointed out that despite mitigation in accordance with the PIA designation noted above, there will be significant adverse impacts in

9-15

the Little Pocket and North Pocket areas.

The DEIR is inadequate because this concentration on land use conflicts and land use policy implementation prevents a clear evaluation of the relative environmental impacts resulting from the various proposals for trails, pedestrian access, nature areas, and equestrian access. In addition, there is insufficient attention paid to the conflicting environmental and other requirements between various state and federal agencies in implementing various recommendations for recreational use.

9-14

In summary, this DEIR is inadequate and misleading. It does not briefly and clearly identify and address the environmental effects, and uses the environmental framework in violation of the intent and purpose of the provisions of CEQA by devising land use, legal and acquisition strategies with questionable legal justification for implementation and ultimate acquisition of private property for active trails and bicycle use. This is in conflict with the main goal of the Parkway Concept which is natural resource protection and enhancement which will take precedence over public access recreation in the Parkway.

9-17

By:

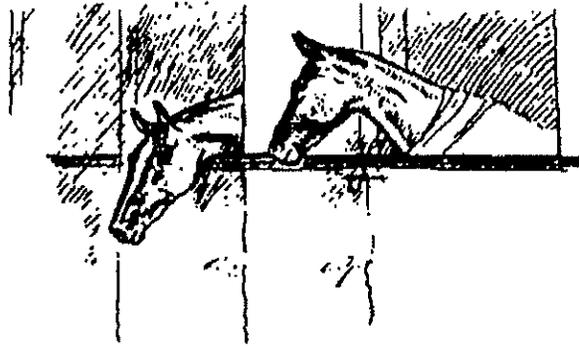
Samuel J. Cullers

Samuel J. Cullers & Associates

May 13, 1996

LETTER 10
Ann Goldberg
Sacramento Horsemen's Association
3200 Longview Drive
North Highlands, California 95660

SACRAMENTO
HORSEMEN'S
ASSOCIATION



3200 LONGVIEW DRIVE, NORTH HIGHLANDS, CA 95660 (916) 489-4101

May 21, 1996

Ms. Grace Hovey
City of Sacramento
Planning Services Division
1231 I Street, Room 300
Sacramento, CA 95814

RECEIVED

MAY 23 1996

PLANNING SERVICES

Re: Draft EIR on the Sacramento River Parkway Plan

Dear Ms. Hovey:

On behalf of the more than 300 members of the Sacramento Horsemen's Association, we wish to raise a number of concerns about the draft EIR of the Sacramento River Parkway Plan. We ask you to note that members of our association have attended numerous meetings and have commented frequently on the need to include equestrian usage in any parkway plan adopted. In reviewing the draft EIR, however, it is apparent that inclusion of a true multi-use trail has been ignored.

Throughout the planning process, equestrian groups have been put off regarding the plans for a multi-use trail. The draft EIR follows that pattern by stating that equestrian uses will be studied at a later date, but establishing no time frame. We have no assurances that a study will be performed, when it will be performed, or that any equestrian uses of the parkway will be found feasible. Truly, if equestrian usage were seriously under consideration, the study could have been concluded during the preparation period of the draft EIR. This would have been the most cost effective, expeditious way of evaluating a multi-use trail option. This situation is particularly frustrating given the excellent example set by our community's other riparian parkway, which was established as a multi-use trail system. Along the American River Parkway, concerns over narrowness, safety hazards and erosion problems have been readily addressed to the satisfaction of the many different types of users. This is the pattern that should be emulated by the Sacramento River Parkway Plan.

There are some real advantages to including equestrian usage in the Sacramento River Parkway Plan given community concerns about security. Members of our association have offered to serve as volunteers for a Sacramento River Parkway Patrol. Our members already participate in the Folsom Lake and newly formed American River Parkway patrols, and we cooperate with the Department of Fish and Game. We are willing to assist with parkway security efforts, thereby assuring a safer environment for all users and surrounding homeowners.

10-1

10-2

In closing, we would urge you to remember that the Sacramento River Parkway was envisioned as a regional project. As a regional project, with connecting links to the Laguna Creek and American River Parkway systems, it should serve all of the communities involved not just the urban population. The draft EIR fails seriously in this respect, and we would hope that this major shortcoming will be corrected.

Sincerely,

A handwritten signature in cursive script that reads "Ann Goldberg". The signature is written in black ink and is positioned to the right of the typed name.

Ann Goldberg
President

AG:KK

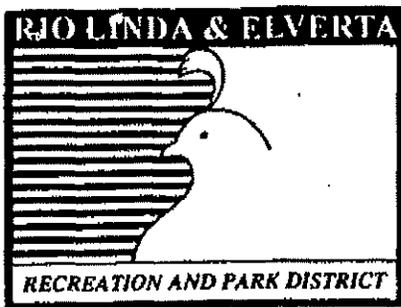
LETTER 11

William P. Katen

Rio Linda Elverta Recreation and Park District

810 Oak Lane

Rio Linda, California, 95673



810 Oak Lane
Rio Linda, CA 95673
916/ 991-5929
916/ 991-2892 FAX

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MAY 23 1996

PLANNING SERVICES

May 20, 1996

Grace Hovey
City of Sacramento
Planning Services Division
1231 I Street, Room 300
Sacramento, CA 95814

Dear Ms. Hovey,

The equestrian community is appreciates that the Draft Environmental Impact Report for the Sacramento River Parkway Plan Update is out for review. As a member of a number of equestrian groups that responded to the Notice of Preparation, we are not happy to see that a multi-use trail has been ignore again and shoved to the side. This is certainly a surprise when you review the Notice of Preparation letters and the concerns expressed by horse groups and owners.

Even though the Sacramento River Parkway Plan goals are "to complete a contiguous lineal parking with a bicycle and multi-use trails along the Sacramento River from the City limits at I-80 and Garden Highway in South Natomas to the City limits at Freeport." The study uses statements such as, "in general", "where feasible", or "will be studied at a future date". The intent is certainly unclear, but it looks like the entire Parkway could be built before the future date arrives. // - 1

How can the study be completed when you exclude one of its viable uses? Especially when an equestrian trail can only be allowed next to a Class I bike trail, how can all alternatives be evaluated with out looking at this important component of the plan?

It states that equestrian uses will be studied at a later date, yet no date has been set or scheduled. This study could have been done prior to the EIR. Policy R8 of the Notice of Preparation states "Equestrian uses shall be allowed in the Parkway, where feasible", yet no trail locations were designated and no policies were done. So that means that after all the comments, no trails locations or policies were identified or discussed. This doesn't sound like an answer to the problem. "Where Feasible", what kind of assurances do we have that we will find any "feasible" areas for equestrian use. ✓

Why weren't details regarding implementation of equestrian facilities done? The entire document talks about bikeways and trails, where is their feasibility study? What details regarding implementation of biking facilities are available?

Under goals of the Plan on page 3.3, has the goal change from multi-use to bicycle and pedestrian access? What happen to multi-use? All of the proposed Parkway land uses exclude equestrian use. Why? Could it be that no study was done? Why was the study not done? It certainly was commented on in the NOP both by letter and verbally.

11-2

On page 6.2-6 under Transportation/Circulation it states that current General Plan and Park Master Plans do not contain equestrian use or facilities in the City. The 1975 Sacramento River Parkway Plan prohibits equestrian use. If a bike trail is allowed, than how can the narrowness, safety hazards and erosion problems for equestrians be any more of a problem? There are many areas in the American River Parkway where the bike and multi-use trails come together and yet narrowness, safety and erosion are not a problem.

11-3

On page 6.2-15 under Bikeway & Trail Safety, R-8 Equestrian Use, what are the Conditions and Standards of Feasibility, to include a multi use trail? How can they be set for pedestrians, bicyclists and maintenance and emergency vehicles and not equestrians? We can not be any more of a problem than one or more of the above mentioned users.

Multi-use (Equestrians) Designation on page 6.2-18 list impact areas with no supporting evidence regarding safety issues, narrow areas, and street routing. If you can build a paved bike trail in narrow areas, you should be able to build a narrow dirt shoulder as well. The American River Parkway is a good example of this. If a 12 foot wide paved bike trail is not an impact to sensitive riparian areas or construction of a bike path on levees and slopes which are unstable, how can a dirt path be any trouble for your engineers?

11-3

Due to the City not including equestrian usage in this document, it will ensure that equestrian use will be at least delayed or even limited to certain trail sections, as mention on the multi-use (equestrian) designation page 6.2-19. This proposed task force could have been done in plenty of time to have the policy and trail location completed for this study.

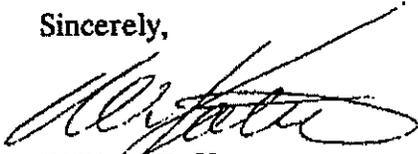
Due to the cost of additional environmental review, which I am sure that the City will have no problem funding for us horse riders, it will be put on the shelf with the rest of the "To Do" list.

11-4

Please remember that the Sacramento River parkway is a regional project and as such the City must take care off all users, not just urban users. There are many groups in the surrounding rural areas that would benefit from a multi-use trail system. As the Administrator for the Rio Linda-Elverta Recreation and Park District, equestrian use and multi-use trails are an integral part of this community.

Have having access to the Sacramento River Parkway allows the equestrians in this area the freedom to explore urban trails on horseback. Your EIR doe not address this issue. I had hope that we would get more than just words from this document, but I can see that only happens "where feasible".

Sincerely,



William P. Katen,
Administrator

covey.596/disc.003(2a)/wp51

LETTER 12 (with attachment)
Walt Seifert
877 53rd Street
Sacramento, California 95819-3527

WALT SEIFERT
877 53RD STREET
SACRAMENTO, CA 95819-3527
e-mail: danf80a@prodigy.com
March 31, 1996

RECEIVED

APR 02 1996

PLANNING SERVICES

Grace Hovey
City of Sacramento
Planning Services Division
1231 I Street, Room 300
Sacramento, CA 95814

Dear Ms. Hovey:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Sacramento River Parkway Plan Update.

I have three main concerns. The foremost is that DEIR doesn't consider the potential for improvements in air quality from having a bike trail along the river. I believe it is likely the trail will result in an increased number of bicycle commuters and bicycle utility trips, as well as more non-motorized recreation. In addition, encouraging recreational cycling also creates a pool of potential utilitarian cyclists.

12-1

The DEIR does not attempt to quantify the air quality benefits (or, of less significance, the noise benefits) or address the possibility that the benefits will outweigh any air quality impacts from motor vehicle trips generated by the parkway. Models could be used to predict the number of bicycle trips resulting from the project. Alternatively, assumptions could be made about high and low usage rates to estimate the number of trips and associated benefits.

Another concern is that the trail will be closed from sunset to sunrise. Use during daylight hours only, especially during winter, will limit the trail's utility for transportation. This, it seems to me, stems from the common conception that bicycling is primarily a means of recreation and that it has little potential for transportation. There are many places in the world where this is not true. Bicycling has shown it can be a significant part of the transportation mix.

12-2

If we are to consider bicycling as a serious transportation mode, we must be very careful about restrictions that reduce its utility. Our community would be safer, quieter, and healthier if we banned motor vehicle use of roads from sunset to sunrise. We don't impose such onerous restrictions because we don't want to limit citizens' freedom of movement, or the movement of goods, even though that movement is by a form of transportation that has serious negative environmental consequences. Yet here we are proposing limiting use of a benign form of transportation to daylight hours, even in winter, which means that it will be unavailable to many bicycle commuters. At the least, I would suggest setting trail hours in the winter from 6:00 a.m. to 8:00 p.m., instead of the more restrictive sunrise to sunset, so that commuters could use the trail.

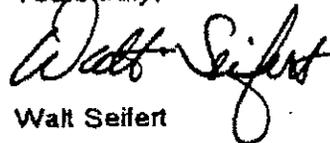
The last concern is not really an environmental issue. It is related to the Private Inholding Associations. I am very pleased with the concept of the PIA, and the fact that in time the entire community will be able to have access to an uninterrupted parkway. However, I also would like to enjoy the entire trail in my lifetime and it may be a very long time before the PIA designation is removed. I believe there may be some options available that would be advantageous both to the neighborhood home owners and the community at large.

Donation of easement to city. Home owners may be able to donate easements or property to the city and claim a charitable deduction. This donation either could be made immediately or be made part of a will. In both cases, there are possible tax benefits.

Donation of easement or property to trust. If donation to the city can't be considered a charitable deduction, it may be possible to establish a charitable trust that would receive the donation. This would be similar to how the Nature Conservancy operates. The trust could be the Nature Conservancy itself. After acquiring the land, the trust would transfer it to the city.

Trust purchase of easement or property. In addition to donations of easements and property by current owners, the trust could purchase easements and property with donations of cash from private individuals, corporations and other businesses, and from environmental groups.

Yours truly,



Walt Seifert

12-3

Additional comments

2.0 SUMMARY.

SUMMARY OF PROJECT DESCRIPTION

Project Description Summary

The Project Descriptive Summary on page 2-1 describes goals including a "lineal Parkway with a bicycle and multiuse trail". It is not clear whether this is a reference to a single trail or two trails (one trail primarily for cyclists and one primarily for equestrians). Since hikers, walkers, and joggers will use the bicycle trail, it will be a multiuse trail. Would another way of stating this be a "bicycle/multiuse trail and an equestrian trail?"

12-4

Should walking, jogging, and picnicking be included in allowed uses listed on page 2-2?

12-5

AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED

An area of controversy not listed is not allowing in-line skating, a sport growing in popularity, on the trail.

12-6

TABLE 2.1, page 2

While the trail may reduce risk of accidents between bicycles/pedestrians and vehicles, the trail may increase the risk of bicycle/pedestrian collisions and bicycle/bicycle collisions.

12-7

3.0 PROJECT DESCRIPTION

GOALS OF THE PLAN

The description of the last goal differs from the goal as stated on page 2-1. Here, the words are "lineal Parkway with bicycle and pedestrian access" instead of "lineal Parkway with a bicycle and multiuse trail".

12-8

PROPOSED PLANNING CONSIDERATIONS BY PLANNING AREA

What does "allows staff to revisit the area" mean on page 3-7?

12-9

5.0 LAND USE AND CONSISTENCY WITH ADOPTED PLANS AND POLICIES

ADOPTED LAND USE PLANS AND CONSISTENCY DETERMINATION

2010 City/County Bikeways Master Plan

12-10

"Bikeways" should be Bikeway in the heading.

↑

In the consistency discussion and determination paragraph, the use of the term bikelane is inaccurate. Either the term path or trail would be better, since a Class I off-road facility is being described. A bikelane is a Class II, on-street facility.

] 12-11

6.2 TRANSPORTATION AND CIRCULATION

On page 6.2-16, I suggest using the generic term in-line skates instead of rollerblades, which is a brand name.

] 12-12

Page 6.2-17 says that all public access will be closed at sunset. If this rule is enforced, bicycle commuting in winter time would be restricted. Even cyclists legally equipped for the road with a visible headlight and reflectors would be not allowed use of the trail. This conflicts with the City's goals stated in the 1995 Transportation Programming Guide, to develop bicycling as a major transportation and recreation mode and to increase mode split by increasing bicycle infrastructure, investing in infrastructure for transportation, whether it is for bicycles, motor vehicles or transit, and then limiting access to that infrastructure, even though there is a demand for its use is questionable.

] 12-13

TABLE 6.9.2 This table is mislabeled

] 12-14

6.3 AIR QUALITY

The section makes no mention of the positive impacts to air quality from the trail. As mentioned, the 1995 Transportation Programming Guide calls for developing bicycling as a major transportation and recreation mode and decreasing auto use to reduce impacts to air quality and traffic congestion

] 12-15

MITIGATION 6.6-4 LITTER

Additional mitigation measures are possible. These include clean up days such as are held for the American River by the American River Parkway Foundation and adopt-a-trail efforts by other organized groups.

] 12-16

LETTER 13
Dennis MacIntyre
6406 Surfside Way
Sacramento, California 95831

SACRAMENTO RIVER PARKWAY PLAN DRAFT EIR

COMMENT FORM

Comments: I SEE THIS PROJECT A VIOLATION OF MY CONSTITUTIONAL RIGHTS TO PRIVACY. LAND USE IN THIS AREA IS NOT ACCEPTABLE FOR THE FOLLOWING REASONS.

① TRANSPORTATION AND CIRCULATION

② AIR QUALITY

③ NOISE

④ BIOLOGICAL

⑤ WATER QUALITY

⑥ LAND USE - SAFETY

⑦ MIS-USE OF STATE - Fed - LOCAL TAXES

⑧ PERSONAL GAIN - GROUPS OR SINGLE PERSON -

THE USE OF THE LAND WAS REQUIRED BY SEVERAL LOCAL AND STATE DEPARTMENTS LONG AGO. A TITLE TO THIS LAND WAS ISSUED. OWNERSHIP WAS ESTABLISHED AND MAINTAINED FOR YEARS. TAXES HAVE BEEN PAID.

THE GENERAL PUBLIC HAS ACCESS TO THE SACRAMENTO RIVER AT NO COST. THEY ALSO HAVE A MULTI PURPOSE TRAIL FOR RECREATIONAL USE. THIS PAST TWO WINTERS, IT WAS UNDER WATER. THE COST TO BUILD AND MAINTAIN IS A BURDEN. TO PAID MORE IS A GUESS AS TO MANAGEMENT OF OUR TAXES. THIS NARROW STRIP HAS, WILL HAVE A MAJOR IMPACT ON THE NESTING SWAINSON HAWK. PAGES CONSTRUCTION DRIVE THEM AWAY, THEY JUST NOW HAVE RETURNED - WHAT VALUE CAN WE PLACE IF WE LOOSE THEM AGAIN? THE EIR SHOWS NO COSTS AT ALL. OUR PARKS TODAY ARE FAILING APART - LACK OF MONEY - LOCAL PEOPLE ARE FILING THEM - STAFF HAS BEEN LOST - OUR POLICE AND FIRE DEPTS DO NOT AGREE WITH THIS PROJECT.

(please print)

Your name: DENNIS MACINTYRE

Address: 6406 SUEFSIDE WAY

SAC CA. 95831

Ph #: (optional) 916 422-3340

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APR 15 1996

PLANNING SERVICES

Please submit all comments to: Grace Hovey
City of Sacramento
Planning and Development
1231 I Street, Room 300
Sacramento, CA 95814

ALL COMMENTS MUST BE SUBMITTED BY MAY 22, 1996 AT 5 P.M.

If you have questions about the environmental review process, please call Grace at 264-7601

LETTER 14
Vivian Shaw Groza
7454 Pocket Road
Sacramento, California 95831

SACRAMENTO RIVER PARKWAY PLAN DRAFT EIR

COMMENT FORM

Comments: I am against the use of my tax dollars being spent by the City to acquire property for the bike trail on the Sacramento River levee.

This trail would be used by a minority of the legal residents of Sacramento.

The city has not shown it can give adequate police protection on the levee to prevent vandalism, theft, destruction of the levee, and invasion of private property.

For the past 10 years or more we have lost over \$25,000 in theft. We have frequent trespassers. All the fruit has been stripped from our fruit trees. Rocks have been thrown at our TV satellite dish. Bicycles, motorcycles, horses and dogs as well as humans have gone up and down the banks of the levee causing great damage to the levee whose main function is flood control.

We have not seen a police officer on the levee for years.

The levee is there for flood control. It needs to be protected, not abused nor misused.

If the city has money to spend, I strongly urge that the money be spent on police protection and used to increase such police force as necessary. This action would serve the majority of the residents of Sacramento, not the minority of bike trail enthusiasts who have already demonstrated their unruly behavior.

14-1

(please print)

Your name: VIVIAN SHAW GROSS

Address: 7454 POCKET ROAD
SACRAMENTO, CA 95831

Ph #: (optional) 392-5456

Is the City of Sacramento for crime or against crime?

Is it for the violence and destruction already shown by the bike trail enthusiasts or is it for the police and the protection the police provide?

where are our moral and ethical values?

Please submit comments to:

RECEIVED

MAY 14 1996

PLANNING SERVICES

Grace Hovey
City of Sacramento
Planning and Development
1231 I Street, Room 300
Sacramento, CA 95814

ALL COMMENTS MUST BE SUBMITTED BY MAY 22, 1996 AT 5 P.M.

If you have questions about the environmental review process, please call Grace at 264-7601

LETTER 15
Diane Truly
925 Piedmont Drive
Sacramento, California 95822

RECEIVED

SACRAMENTO RIVER PARKWAY PLAN DRAFT EIR

MAY 20 1996

COMMENT FORM

PLANNING SERVICES

Comments: There is no question in my mind that there will be a SIGNIFICANT decrease in property value of homes that abut the levee if the Parkway Plan makes the levee public. I bought my house for \$520,000 in September 1994. I know that I would not have paid anywhere near that sum if there were no privacy in my backyard (The view from the levee into my yard is completely open). The backhouse would also not be secure. I don't know what realtors staff consulted but I have to assume they haven't seen the backyards of these homes & their exposure.

Also, the plans staff makes about proximity increase property values in other trail areas does not refer to a trail that is ABOVE the properties so that privacy is destroyed. Having next to a trail where I should have a wooden fence for privacy would be acceptable to me and I would have bought my property if that had been the case. Having people walking on the equivalent of the levee, my neighbor's roof looking down at me is a whole different matter.

If this plan is approved prepare for substantial payments to the property owners because I am convinced that they will materialize. Safety concerns are also too readily dismissed. Since we can't have high fences with locked gates at the toe of the levee due to flood control concerns we are unable to protect ourselves in the same way other property owners can. And we all know that adequate patrolling in this era of too little government revenue will never happen.

(please print)
 Your name: DIANE TRULY
 Address: 925 PIEDMONT DR
SACRAMENTO CA 95822
 Ph #: (optional) 444-7763

15-1

Please submit all comments to: Grace Hovey
 City of Sacramento
 Planning and Development
 1231 I Street, Room 300
 Sacramento, CA 95814

ALL COMMENTS MUST BE SUBMITTED BY MAY 22, 1996 AT 5 P.M.

If you have questions about the environmental review process, please call Grace at 264-7601

LETTER 16
Wayne B. Brown
821 Yacht Court
Sacramento, California 95822

SACRAMENTO RIVER PARKWAY PLAN DRAFT EIR

Comments: I do not believe that the Draft Environmental Impact Report has adequately addressed the impact of land acquisition for the Sacramento River Parkway on the remaining private property in the Little Pocket and North Pocket Areas.

It is impossible to determine the impact on the remaining property unless the amount and scope of the city's acquisition program for the Sacramento River Parkway can be determined. In the past the city has required that property for public access to the Parkway was 40 feet from the landward toe of the levee to the river's edge. The EIR indicates that they are only interested in the properties 10 feet from the landward side of the levee to the river. Has the city any plans to return a strip 30 feet wide to the land owners who were required to dedicate the 40 feet to the Parkway?

It would be helpful to determine Parkway impact to severed property owners if the city would estimate the percentage of each lot that would be needed for the Parkway. It appears the city would need about 70% of my property if they need 10 feet beyond the toe of the levee and about 80% of my property if they need 40 feet from the toe.

The EIR states that an equestrian path separate from the bicycle path will be studied. Since the equestrian path can not be placed on the riverside of the levee because of environmental and space restrictions, and the top of the levee will be used by bicycles, the only place left is to place the equestrian path on the land side of the levee. It looks like 40 feet will be needed after all.

The EIR indicates that there is some question as to who owns some of the land needed for the Parkway, and in fact the State Lands Commission may own some of the land in question. The State Supreme Court has spoken to this issue in their August 31, 1995 decision. (State Lands Commission versus Richard Lovelace) The city staff needs to update the EIR with this latest information.

Wayne B. Brown
Wayne B. Brown
821 Yacht Court
Sacramento, CA 95822

RECEIVED

MAY 20 1996

PLANNING SERVICES

LETTER 17

**Lorraine Brown (with attachment)
821 Yacht Court
Sacramento, California 95822**

SACRAMENTO RIVER PARKWAY PLAN DRAFT EIR

Comments: In the EIR it is stated, "An area of controversy is how the implementation of the Parkway Plan and more specifically, how the recreational trail along the levee, will affect public safety and adjacent and nearby property values." (6.9-4)

In the EIR, private property is referred to as property adjacent to the Parkway. The property referred to is not adjacent. It is privately owned. The Parkway Plan will go through private property and will sever the property. This severance of property will affect the remaining value of the severed piece. 17-

The EIR refers to trails that were constructed near or adjacent to private property. In reading the report, it is clear that these trails were built on unused railroad lines. (6.9-5) Therefore, in the report comparison is made between unused railroad lines and recreational trails. The proposed Sacramento River Trail is on private property that belongs to the home owners and the planned trail will not be adjacent to but on the residential lots. The EIR (6.9-5 and 6.9-6) refers to property owners near and adjacent to the trail. The study makes no reference to property owners giving up their residential lots. The severance of the property in many cases leaves no residential lot; and in some cases, the trail will cut through the residence. With no buffer zone ones privacy and safety is severely affected. After reading the report, there is no guarantee that funds will be available to provide safety and security to property owners. 17-

Section 9.0 Cumulative Impacts refers to the Loss of Riparian and Riverine Habitat. In this section, reference is made that, "The Plan does not contribute to cumulative marina development and river traffic effects." If the city purchases the property, the private docks in the area will become public docks. There will be increased water traffic and the Riparian and Riverine Habitat will be effected both from the land side and waterside. 17-

Lorraine Brown
Lorraine Brown
821 - Yacht Court
Sacramento, CA 95822

LETTER 18
Francis J. Silva
1535 Benham Way
Sacramento, California 95831

May 20 1946
2634 Birkman Way
Lawrence, Calif.
95831

Steve Hovey
City of Lawrence
Planning & Zoning Division
231 J. Stout Room 300
Lawrence, Ct 95-814

There is no need to go into a long, detailed explanation against the plan for a bike trail on the river in the Packet area. Please that it should not be an obvious, being security, privacy, biological, conflict of land uses and property values. These problems are existing now and would get tremendously worse if the plan to be a bike trail on the river. Heaven help us!

Sincerely
F. Bruce Selva

LETTER 19
Joel and Lale Goddard
832 Prow Court
Sacramento, California 95822-2314

SACRAMENTO RIVER PARKWAY PLAN DRAFT EIR

COMMENT FORM

Comments: We object to that portion of the Sacramento River Parkway Plan that would impact our private property. We also do not agree that some one other than ourselves or our agent should have a right to decide what is an impact on our property and what would be a valid mitigation to that impact.

19-1

(please print)

Your name: JOEL AND LALE GODDARD

Address: 832 PROW COURT
SACRAMENTO CA 95822-2319

Ph #: (optional) 444 1967

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MAY 2 1996

PLANNING SERVICES

Please submit all comments to: Grace Hovey
City of Sacramento
Planning and Development
1231 I Street, Room 300
Sacramento, CA 95814

ALL COMMENTS MUST BE SUBMITTED BY MAY 22, 1996 AT 5 P.M.

If you have questions about the environmental review process, please call Grace at 264-7601

LETTER 20
Walter Harvey
2111 Garden Highway
Sacramento, California 95833

PLANNING AND DEVELOPMENT

WALTER HARVEY

MAY 21 1996

2111 GARDEN HIGHWAY
SACRAMENTO, CALIFORNIA 95833
TELEPHONE: (916) 920-2905

RECEIVED

May 20, 1996

CERTIFIED MAIL

Scot Mende
Grace Hovey
Planning Services Division
City of Sacramento
1231 I Street, Room 300
Sacramento, California 95814

Re: Draft Environmental Impact Report
for the Sacramento River Parkway Plan

Dear Ms. Hovey and Mr. Mende:

This letter is written on behalf of myself and the other owners of a 12-acre parcel of undeveloped land we own at Chicory Bend on the Sacramento River. As you know, this property has been the subject of litigation between the California State Lands Commission and ourselves for a number of years. On August 31, 1995, the California Supreme Court rendered a decision in our favor. That court ruled the State's contention that the property was formed by accretions resulting from hydraulic mining did not detract from our fee simple private ownership in its entirety and that the State's interest extends only to the existing high water line as of today.

We are most disturbed to see the proposed designation of our property as outlined in the draft EIR. It appears to us that what the State has been unable to do directly through litigation, it is attempting to do indirectly through down-zoning. As we read the draft EIR, our land is to be designated "riparian habitat preserve," a land classification which the document states "is managed to protect, enhance and restore riparian habitat." This designation would appear to foreclose private development, which is presently available for that property. In other words, the parcel may presently be developed economically so long as appropriate flood control measures are taken. These are problems that are easily overcome. If we are correct in our understanding of the proposed classification, all such development will be precluded now and in the future.

20-1

Scot Mende
Grace Hovey
May 20, 1996
Page 2

We request that our lands be deleted from the proposed reclassification. To adopt what you are proposing will result in an outright taking of the property, for it will then have no reasonable economic value. If such were to occur, we would be forced to pursue claims against the City of Sacramento for the value of the property. While we understand that the City is anxious to create public recreational areas along the Sacramento River, the appropriate method is to purchase land, a practice that the City has followed in the past. We urge that this practice be followed in respect to our 12 acres as well.

I suggest that we meet immediately to mutually resolve this issue prior to the draft EIR going to the Planning Commission for their review.

Very truly yours,

WALTER HARVEY
JOANNA HARVEY
RICHARD K. LOVELACE
STARLA J. LOVELACE
RIVER GARDEN ASSOCIATION, L.P.

By: 

WALTER HARVEY

WH:clb

cc: Richard Lovelace
Washburn, Briscoe & McCarthy, Attorneys at Law

20-1

LETTER 21

**Grant D. Werschull
3815 Moddison Avenue
Sacramento, California 95816-1550**

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MAY 23 1996

May 21, 1996

Ms. Grace Hovey
Planning Services Division
1231 I Street, Room 300
Sacramento, California 95814

PLANNING SERVICES

SUBJECT: DEIR FOR THE SACRAMENTO RIVER PARKWAY PLAN

Dear Ms. Hovey:

I have the following general comments regarding a Sacramento River Parkway and the DEIR.

Access to the River or creation of a continuous trail along the River does not necessarily mean increased problems for adjacent landowners. I am a River Park resident with property adjacent to the American River Parkway. In the 9 years my wife and I have resided at this location, we have not had any problems with parkway users disturbing us or illegally accessing our property.

21-1

A Sacramento River Parkway could be a very valuable asset to the community. Sacramento's river resources are certainly our most precious public amenities. Our rivers define the character of our community, provide an important link to our history and heritage, and offer recreation and aesthetic experiences.

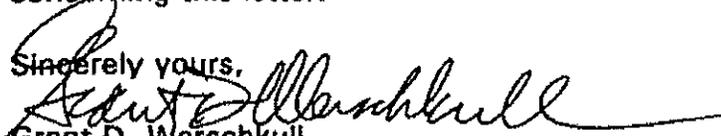
21-2

An extended bicycle path along the Sacramento River could be an important commute and recreation route. As a bicycle commuter (approximately two days per week) to a location near Freeport Blvd. and Fruitridge, I would use a Sacramento River Parkway bike path which extended beyond its current southern terminus. I believe an extended bike trail on the River levee would provide an improved commute route and would thereby offer an added incentive for Sacramento residents in those southern neighborhoods to consider bicycle commuting. Bicycle commuting on a safe and beautiful route can literally be "a walk in the park".

21-3

Thank you for your work on this important subject. I support any measures in the DEIR which will advance a Sacramento River Parkway and a continuous trail along the River. Please feel free to call me (work, 433-6275) if you have questions concerning this letter.

Sincerely yours,


Grant D. Werschkull

3815 Moddison Ave.
Sacramento, CA 95819-1550

LETTER 22
Charles E. Zell
968 Piedmont Drive
Sacramento, California 95822-1779

CHARLES E. ZELL
968 Piedmont Drive
Sacramento CA 95822-1779
441-0428

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MAY 23 1996

PLANNING SERVICES

14 May 1996

Planning & Development Department
1231 I Street, Room 300
Sacramento CA 95814

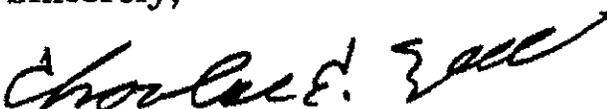
RE: Sacramento River Parkway Plan
Draft Environmental Impact Report

Since the DEIR was written a developer has submitted an application to the city for the construction of a resort hotel and marina. The developers conceptional plan includes water taxi to Old Sacramento. Since the draft Sacramento River Parkway Plan was written the Sacramento Housing and Redevelopment Agency has addicted their River Front Plan. This plan also includes the concept of water taxies on the river.

The recreationist advocate the need for a continous bikeway along both the American and Sacramento Rivers. This can be accomplished by the use of a water taxi or ferry to carry bicyclists and pedestrians across the river. The proposed development at the Captain's Table is opposite the Sacramento Yacht Club. This would be the logical location for a ferry as the Captain's Table is the southern end for the bike path from Miller Park. In Yolo County, South River Road is lightly traveled by cars and is frequently used by bicyclists. The bridge at Freeport would be the southern crossing of the river. 22 -

The Sacramento River Parkway Plan and it environmental impact report should consider the ferry concept as an alternate routing to recreationist along the Sacramento River levees in place of the route through private property.

Sincerely,



Charles E. Zell

LETTER 23
Janet Gordon-Boyer
7360 Pocket Road
Sacramento, California 95831

SACRAMENTO RIVER PARKWAY PLAN DRAFT EIR
COMMENT FORM

Comments: Regarding the EIR:

- ① Adequate police protection for a multi-use trail will not be possible given the present budget constraints of law enforcement. 23-
- ② A proposed purchase of river front properties at "fair market value" is an insult to the property owners since the amounts mentioned are much too low and a true "fair market value" would be too costly. 25-
- ③ Building of walls, levees or protective barriers by the land owners is out of the question since the Board of Reclamation and Dept. of Water Resources must be able to have full access in order to protect the levees. The primary reason most of the homeowners live on the levee is to enjoy the river. 23-

(please print)

Your name:

Address:

Ph #: (optional)

Janet Gordon-Boyer
7360 Pocket Rd
Sacramento, CA 95831
916-393-5933

Please submit all comments to:

Grace Hovey
City of Sacramento
Planning and Development
1231 I Street, Room 300
Sacramento, CA 95814

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MAY 23 1996

PLANNING SERVICES

ALL COMMENTS MUST BE SUBMITTED BY MAY 22, 1996 AT 5 P.M.

If you have questions about the environmental review process, please call Grace at 264-7601

LETTER 24
Harriet and Mac McKinnis
643 Brickyard Drive
Sacramento, California 95831

Planning and Development Department
1231 I Street, Room 300
Sacramento, CA 95814

RE: Draft Environmental Impact Report

As homeowners on the Sacramento River we cannot concur with the majority of the findings in the DEIR. Indeed, we question the validity of this document. It appears to be specifically tailored to support a particular view. How can this DEIR differ so significantly from the EIR on the same area done just several years ago? Nothing has changed except, apparently, the viewpoint of those who prepared the draft.

24-1

A parkway behind our homes -- in our backyards -- would significantly impact upon our lifestyles and perhaps endanger the residents. Can you imagine being constantly "on view"? No backyard activities would have a semblance of privacy. We would barbeque with an audience, swim with an audience, garden with onlookers, entertain very publicly and expose our children and grandchildren to the eyes of all who wander by. A backyard should be a safe haven. Where is our right to privacy on our own property?

24-2

We cannot be screened from prying eyes. The Reclamation Board/Levee Maintenance authorities dictate what we plant and how we prune. The toe of the levee and our backyards must be totally visible for flood protection purposes. We remove trees and plants at their direction -- to help ensure the safety of over 42,000 flood plain acres.

During the period of levee reconstruction we lived with a parkway situation. We experienced the rudeness of the public. Unleashed dogs ran rampant and we were the cleanup crew for the debris left by our "visitors". Gangs of young people wanted to use our pools on hot days and we were subjected to foul language and rocks in the pool as we tried to explain that they were not public pools. The potential liability is frightening. What fence has ever deterred a young person? Private docks became playgrounds and we searched for more insurance. Vigilance was our watchword and normal life was put in abeyance while the "lookie loo's" had a field day examining and commenting on our lifestyles.

Wildlife virtually disappeared under the pressure of equipment, people, bicycles and dogs. In this very narrow strip of land there is little room for coexistence. Today, with the hordes excluded, a Swainsons Hawk will rest on a fence and soar gracefully overhead. The other creatures, great and small are back. Many are on the endangered species list, but this DEIR takes little note of this. Developments are halted for the fairy shrimp; little heed seems to be taken of the plight of the birds, animals, reptiles and people that live here.

24-3

There is no way to mitigate the effects of a parkway on the people who live here, the creatures that call it home and the land itself. The DEIR states that mitigation would be possible but offers no ideas. Would a solution magically appear? The DEIR reflects the dreams and desires of some but is completely divorced from reality and ignores private property rights and the tremendous liability that could be incurred.

24-4

Sincerely,

Harriet McKinnis B.J. "Mac" McKinnis

Harriet and Mac McKinnis
643 Brickyard Drive
Sacramento, CA 95831

The following is a compilation of the events that occurred during levee reconstruction when the public had access. It may be assumed that many of the same would happen if the area were to become a parkway.

- * window shot out
- * pool equipment stolen
- * fires set

Small fires and bonfires set at various locations on the levee

Fire set on a boat and dock.

Fire set next to an 'endangered shrub', marked with orange plastic mesh and posted that there was a \$50,000 fine for harming it.

- * boat vandalized, valuable items stolen (police report # 91-10905)
- * attempted burglary - suspect ran down levee to a waiting car and driver at a levee access point (homeowner followed him)
- * transients/vagrants/homeless used levee as a highway.
 - camped out on occasion
 - went door to door soliciting in convient areas (particularly near Garcia Bend)
 - may have been responsible for some of the fires
- * graffitti painted on boat and dock, ramp damaged. same area repeatedly attacked. Homeowners in area formed 'private watch'
- * fishing tackle stolen from patio
- * dog taken from a back yard
- * rocks thrown at and hit living room windows
- * rocks thrown on satellite dish

- * fruit picked from trees
- * sprinkler heads broken
- * dogs teased, rocks thrown at them
- * people on levee at all hours of day and night
 constant dog barking, sleep disturbed
- * loose dogs chased indigenous animals
- * rocks thrown in most pools
- * trash (bottles, cans, paper, assorted garbage and
condoms) -- homeowners were the clean-up crew
- * back yard privacy was non-existent
- * gangs of kids wanted to use pools; polite NO (safety
and liability) met with abusive language

- * Dinners eaten with misc. strangers staring and pointing

Riverfront Homeowners Association.

LETTER 25

**Ralph E. Virgven
8367 Grand Cru Drive
Sacramento, California 95829**

The way the property
owners can keep the
Public from the River
front property with their
illegal fences.

25-1

As a tax payer I want
to be able to ride my
bike closer to the River as
I can.

I support the bike
trail

I can not believe
that Council members Yee
& Waters support the fence
owners that own some property
near the River.

and not the Rest of the
Citizens of this City & County

Ralph E. VIRGIL

Phone 689 5323 8367 GRAND CREEK

-OVER-

Sacramento CA 95829

I give you permission to
read this letter at any Council
meeting or Hearing in front of
the Draft Environmental Report

Ralph E. Juge

as shown

6895323

and all other
City Council members

RECEIVED

APR 16 1996

PLANNING SERVICES