



**DRY CREEK ESTATES PROJECT [(P20-040)]**

**INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION FOR ANTICIPATED SUBSEQUENT  
PROJECTS UNDER THE 2035 GENERAL PLAN MASTER EIR**

## **Response to Public Comments**

- Project Name and File Number:** Dry Creek Estates (P20-040)
- Project Location:** 853 Main Ave. & 901 Main Ave.  
Sacramento, CA 95838
- Project Applicant:** The True Life Companies  
110 Blue Ravine Rd. #209  
Folsom, CA 95630
- Project Planner:** Jose Quintanilla, Associate Planner  
(916) 808-5879  
[jquintanilla@cityofsacramento.org](mailto:jquintanilla@cityofsacramento.org)
- Environmental Planner:** Scott Johnson, Senior Planner  
(916) 808-5842  
[srjohnson@cityofsacramento.org](mailto:srjohnson@cityofsacramento.org)
- Public Circulation Dates:** 8/15/2022 - 9/15/2022

## Introduction

This Appendix contains the comments received on the Dry Creek Estates Project (Project) during the agency/public review period for the Initial Study/Mitigated Negative Declaration (IS/MND) from July 15, 2022 to August 15, 2022.

## Comments Received on the Mitigated Negative Declaration

The public comment period for the Project was initiated on July 14, 2022 and was open for 31 days. A summary of the comment letters received is provided below with the individual comment letters and The True Life Company's responses provided on the following pages.

<b>Comment Number</b>	<b>Commenter</b>	<b>Affiliation</b>
1	California Department of Fish and Wildlife	Regulatory Agency
2	Central Valley Regional Water Quality Control Board	Regulatory Agency
3	Regional San Development Services and Plan Check	Utility Provider
4	Sacramento Metropolitan Area Air Quality Management District	Regulatory Agency

**Comment 1: California Department of Fish and Wildlife (Received August 15, 2021)**

**From:** [Wood, Dylan@Wildlife](mailto:Wood_Dylan@Wildlife)  
**To:** [Scott Johnson](mailto:Scott.Johnson)  
**Cc:** [Wildlife\\_R2\\_CFOA](mailto:Wildlife_R2_CFOA); [Torres, Juan@Wildlife](mailto:Torres_Juan@Wildlife); [Garcia, Jennifer@Wildlife](mailto:Garcia_Jennifer@Wildlife); [Thomas, Kevin@Wildlife](mailto:Thomas_Kevin@Wildlife); ["state.clearinghouse@opr.ca.gov"](mailto:state.clearinghouse@opr.ca.gov)  
**Subject:** Comments on the MND for the Dry Creek Estates Project (SCH: 2022070251)  
**Date:** Monday, August 15, 2022 4:19:04 PM  
**Attachments:** [image001.png](#)  
[Attachment\\_1\\_Homegrown\\_Plant\\_List\\_Final-1.pdf](#)

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Dear Mr. Johnson:

The California Department of Fish and Wildlife (CDFW) received the Mitigated Negative Declaration (MND) for the Dry Creek Estates Project (Project) in Sacramento County pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines<sup>1</sup>.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the project that may affect California fish and wildlife.

**CDFW ROLE**

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

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) Although not anticipated, CDFW may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed and to the extent implementation of the Project as proposed may result in take<sup>2</sup> as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

**COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below to assist the Lead Agency in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

A

**Comment 1: Mitigation Measure BIO-5 revisions needed to mitigate impacts to Swainson's hawk nesting to a level of less-than-significant.** As identified in the MND, California Natural Diversity Database (CNDDDB) records indicate a Swainson's hawk nest approximately 1 mile from the Project area. Swainson's hawk is a species listed as *threatened* under CESA, so potential take of the species resulting from the construction

disturbance described in the MND could constitute a potentially significant impact under CEQA. Since onsite surveys have not been completed, CDFW recommends additional assessment of the species prior to Project construction. This assessment would more accurately assess nesting activity onsite and nearby areas where Swainson's hawk could be nesting.

To address this, CDFW recommends making the following additions to Biological Resources Mitigation Measure BIO-5 (or adding as a new measure) to more effectively mitigate to a level-of-less than significant:

*"If equipment staging, site preparation, grading, excavation or other project-related activities are scheduled during the Swainson's hawk nesting season (typically March 1 through September 15) surveys for active nests of such birds shall be conducted by a Qualified Biologist in accordance with the typical survey protocol: Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Technical Advisory Committee 2000). Surveys shall be conducted at the appropriate radius (0.5 miles) and time periods listed in the survey protocol.*

*If an active Swainson's hawk nest is found during project surveys, the Qualified Biologist shall consult with CDFW and demonstrate compliance with CESA. If during consultation it is determined that implementation of the project as proposed may result in take of Swainson's hawk, the project may seek related take authorization as provided by the Fish and Game Code."*

**B**

**Comment 2: Revisions needed to mitigate impacts to Swainson's hawk foraging to a level of less-than-significant.** CDFW notes that the MND states that "due to a lack of suitable nesting habitat, this species is presumed to be absent from the Project area" while also stating that there is "limited foraging potential within the Project area." Due to the CNDDDB occurrence of Swainson's hawk described above and the proximity of the nearby creek and wetland corridors, foraging opportunities are likely to still exist within the Project area, even if suitable nesting trees are not present within the development area. These foraging opportunities could include small mammals (e.g. voles, ground squirrels) which could have burrow networks in unplowed areas of the Project site such as the wetland corridor, insects such as grasshoppers using the plowed areas, and small mammals (field mice, jackrabbits, etc.) which could be living in the creek corridor but can foraging in the plowed fields. As such impacts to Swainson's hawk foraging habitat are currently not mitigated in the MND.

As such, CDFW recommends adding an appropriate analysis and reference to the studies of local Swainson's hawk activity onsite and subsequent determination of an appropriate mitigation ratio (if applicable) and considerations. In the event mitigation for loss of foraging habitat is indicated by further analysis, CDFW recommends indicating that the project proponent shall mitigate by purchasing Swainson's hawk foraging habitat credits at a CDFW-approved conservation site or CDFW-approved mitigation or conservation bank at a ratio appropriate to mitigate the biological impact to a level of less-than-significant.

**C**

**Comment 3: CDFW recommends implementation of a bird impact avoidance strategy.**

The proposed Project footprint will ultimately border existing open space areas within the

City of Sacramento including Magpie Creek and an avoided wetland corridor through the center of the Project area. These open space areas provide suitable habitat for nesting birds. Placement of buildings adjacent to suitable nesting bird habitat may adversely affect bird populations by introducing sources of common bird mortalities such as domestic cats for residents at the facility and reflective windows that birds may collide with. Given declines in segments of the overall bird population<sup>3</sup> and ecological benefits of healthy bird activity<sup>456</sup>, CDFW recommends consideration of bird enhancement and mortality reduction strategies in Project design and implementation. Incorporation of these strategies can reduce anthropogenic effects on birds and promote sustainable development in California.

Local bird populations are severely impacted by domestic cats, which are estimated to cause over one billion bird mortalities every year in the United States and may be the single biggest cause of global bird mortality after habitat destruction<sup>7</sup>. Unlike natural predators, whose populations fluctuate with prey levels, cat populations are artificially sustained through introduction of new individuals or feeding of feral individuals. Therefore, cats can contribute not only to direct bird mortality but also to the imbalance of natural factors in the birds' ecosystem. Keeping domestic cats indoors and out of native ecosystems is a key consideration for reducing environmental impacts and promoting responsible pet ownership in the community.

Collisions with clear and reflective sheet glass and plastic is also a leading cause in human-related bird mortalities<sup>8</sup>. Many types of windows, sheet glass, and clear plastics are invisible to birds resulting in casualties or injuries from head trauma after an unexpected collision. Birds may collide with windows as little as one meter away in an attempt to reach habitat seen through, or reflected in, clear and tinted panes, so even taking small measures to increase visibility of windows to birds can make a substantial difference in minimizing long-term impacts of urban development near natural environments.

As such, CDFW recommends the Project incorporate bird and wildlife friendly strategies:

- An education program for residents to keep domestic cats indoors
- Install screens, window patterns, or new types of glass such as acid-etched, fritted, frosted, ultraviolet patterned, or channel. Additional information can be found at <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds/collisions/buildings-and-glass.php>.

Incorporation of bird and wildlife strategies not only promotes environmental stewardship but also facilitates compliance with State and federal protections aimed at preserving bird populations.

D

**Comment 4: CDFW recommends consideration of available planting and habitat resources.**

CDFW is supportive of public and private landowner efforts to enhance localized habitat value, especially around developments adjacent to open space and creek corridors such as Magpie Creek. Utilizing native plants onsite can lead to increased drought tolerance, decreased water use, and decreased maintenance/replacement costs while simultaneously increasing functionality for pollinators and wildlife, increasing the site's biodiversity and ecosystem health, and increasing carbon sequestration and climate change resilience.

CDFW recommends the City and Project proponent consider utilization of the Homegrown Habitat Plant List (Sacramento Valley Chapter, California Native Plant Society) (Attachment 1) when developing landscaping plans. Further resources, including interactive planting guidance can be found at <https://calscape.org/>.

## ENVIRONMENTAL DATA

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

## CONCLUSION

CDFW appreciates the opportunity to comment and assist the Lead Agency in identifying and mitigating project impacts on biological resources.

Please contact me at 916-358-2384 or [dylan.a.wood@wildlife.ca.gov](mailto:dylan.a.wood@wildlife.ca.gov) if you have any questions.

Sincerely,

**Dylan Wood**

California Department of Fish and Wildlife  
Environmental Scientist  
(916) 358-2384



## References:

- 1 CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.
- 2 Section 86 of the Fish and Game Code defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill"
- 3 Douglas W Tallamy, W Gregory Shriver, Are declines in insects and insectivorous birds related?, Ornithological Applications, Volume 123, Issue 1, 1 February 2021.
- 4 Maas, B., D. S. Karp, S. Burnrungsri, K. Darras, D. Gonthier, J. C.-C. Huang, C. A. Lindell, J. J. Maine, L. Mestre, N. L. Michel, et al. . (2016). Bird and bat predation services in tropical forests and agroforestry landscapes. *Biological Reviews* 91:1081–1101.
- 5 Wenny, D. G., Ç. H. Şekercioğlu, N. J. Cordeiro, H. S. Rogers, and D. Kelly (2016). Seed dispersal by fruit-eating birds. In *Why Birds Matter: Avian Ecological Function and Ecosystem Services* (Ç. H. Şekercioğlu, D. G. Wenny, and C. J. Whelan, Editors). University of Chicago Press, IL, USA. pp. 107–146.
- 6 Fujita, M., and K. O. Kameda (2016). Nutrient dynamics and nutrient cycling by birds. In *Why Birds Matter: Avian Ecological Function and Ecosystem Services* (Ç. H. Şekercioğlu, D. G. Wenny, and C. J. Whelan, Editors). University of Chicago Press, IL, USA. pp. 271–297.
- 7 Dauphine, N. and Cooper, R.J. (2009) Impacts of Free-Ranging Domestic Cats (*Felis catus*) on Birds in the United States: A Review of Recent Research with Conservation and Management Recommendations. Warnell School of Forestry and Natural Resources, University of Georgia.
- 8 Klem, D. (2009). Avian Mortality at Windows: The Second Largest Human Source of Bird Mortality on Earth. Acopian Center for Ornithology, Department of Biology, Muhlenberg College, Allentown, Pennsylvania.

Homegrown Habitat Plant List 2019

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

Homegrown Habitat Plant List 2019

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



**Response 1A:**

Thank you for your comment on the Draft IS/MND. To accurately assess the nesting potential for Swainson's hawk onsite or in neighboring areas, avoidance and minimization measure BIO-10 has been included in the Final IS/MND and reads as follows:

**BIO-10:** Prior to Project construction, surveys for active Swainson's hawk nests shall be conducted by a Qualified Biologist in accordance with the typical survey protocol: *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (Swainson's Hawk Technical Advisory Committee 2000). Surveys shall be conducted at the appropriate radius (0.5 miles) and time periods listed in the survey protocol. If an active Swainson's hawk nest is found during Project surveys, the Qualified Biologist shall consult with CDFW and demonstrate compliance with CESA. If during consultation it is determined that implementation of the Project as proposed may result in take of Swainson's hawk, the Project may seek related take authorization as provided by the Fish and Game Code.

**Response 2B:**

The Project area includes annual grassland habitat that may provide foraging opportunities for Swainson's hawk. However, the Project is an infill development project that is surrounded by suburban development and industrial centers, geographically isolating the Project area from contiguous open grassland areas better suited to the species. In addition, the Project area does not include nesting habitat and is regularly disturbed by agricultural activities; As such, local Swainson's hawk habitat is of low quality and is unlikely to regularly support individuals of the species. However, Swainson's hawk activity within the Project area cannot be entirely ruled out, and the Final IS/MND includes additional discussion evaluating their potential for occurrence.

Documented occurrences of Swainson's hawk within the vicinity of the Project primarily occur along contiguous natural corridors, including Dry Creek to the north, Arcade Creek to the east, and the American River to the south. Swainson's hawk may be transient through the Project area as individuals move between these natural areas, and transient hawks may forage within the annual grassland habitat that currently exists on-site. Due to this potential for occurrence, the Project will mitigate the impacts to annual grassland habitat via the purchase of Swainson's hawk foraging habitat credits from a CDFW-approved mitigation bank or by other approved methods; however, due to the low quality of the habitat present on-site, impacts to annual grassland habitat will be mitigated at a 0.5:1 ratio. A discussion of the quality of potential Swainson's hawk foraging habitat within the project area and measure **BIO-11** have been added to the document:

**BIO-11:** Permanent impacts to potential Swainson's hawk (*Buteo swainsoni*) foraging habitat will be mitigated at a 0.5:1 ratio through purchase of credits at a regulatory agency-approved mitigation bank, or other approved methods, to be determined during the permitting phase of the project.

**Response 2C:**

The Project is an in-fill project that will develop two parcels within a low-density suburban neighborhood and is not adjacent to any parks or open-space corridors as designated in the City's 2035 General Plan. However, the Project area includes or occurs adjacent to natural areas that may support local bird populations, including Magpie Creek to the north and the large wetland swale that divides the proposed housing developments. As such, an advisory note considering the implementation of bird collision avoidance measures on windows facing natural areas will be included in the City's project approval documents. Furthermore, the note will advise the implementation of an education program for residents to keep domestic cats indoors to further reduce the potential for local bird mortality.

**Response 2D:**

Native plants for landscaping can be challenging to find on a commercial scale and will be included to the extent feasible in Project landscaping efforts. An advisory note considering the inclusion of native landscaping in the Project's development plan will be included in the City's project approval documents.

**Comment 2: Central Valley Regional Water Quality Control Board (Received August 15, 2022)**



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Central Valley Regional Water Quality Control Board

15 August 2022

Scott Johnson  
City of Sacramento  
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**COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, DRY CREEK ESTATES PROJECT, SCH#2022070251, SACRAMENTO COUNTY**

Pursuant to the State Clearinghouse's 14 July 2022 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Dry Creek Estates Project, located in Sacramento County.

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

**I. Regulatory Setting**

**Basin Plan**

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

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of

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MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

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Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/)

B

**Antidegradation Considerations**

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

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/sacsjr\\_2018\\_05.pdf](https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf)

In part it states:

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

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

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

**II. Permitting Requirements**

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**Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)

**Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/)

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

**Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

**Clean Water Act Section 401 Permit – Water Quality Certification**

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

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<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/water\\_quality\\_certification/](https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/)

**Waste Discharge Requirements – Discharges to Waters of the State**

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

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

[https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2004/wqo/wqo2004-0004.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf)

**Dewatering Permit**

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf)

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2018-0085.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf)

**Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will

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Sacramento County

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require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2016-0076-01.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf)

**NPDES Permit**

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov.

*Peter Minkel*

Peter Minkel  
Engineering Geologist

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

**Response 2A:**

Thank you for your comment. During the permitting stage of the Project, the developer will acquire a Section 401 Water Quality Certification and will be consistent with the water quality objectives outlined in the Central Valley Regional Water Quality Control Board's (RWQCB) Sacramento River Basin and San Joaquin River Basin Plans. No modifications were made to the document.

**Response 2B:**

The Project will acquire a National Pollutant Discharge Elimination System (NPDES) Permit from the RWQCB. Conditional to the permit, the Project will comply with the Antidegradation Policy and Antidegradation Implementation Policy per the Sacramento River Basin and San Joaquin River Basin Plans.

In order to specifically address the Project's evaluation under the Basin Plan, the following paragraph has been included in the answer to Checklist Question A of Hydrology and Water Quality:


“Conditional to the NPDES permit, the Project must comply with the antidegradation policies and associated water quality guidelines outlined in the Sacramento River Basin and San Joaquin River Basin Plans of the RWQCB. These policies ensure that the Project will apply appropriate preventative and treatment measures to any discharge of waste into high quality waters resulting from construction. The implementation of appropriate water quality BMPS throughout the Project will ensure that construction activities would not substantially degrade water quality and would not violate any water quality objectives by the State Water Resources Control Board. Furthermore, stormwater runoff within the Project area will be diverted into one of four water quality basins included in the site plan, serving to reduce impacts to surface and groundwater quality following construction.”

**Response 2C:**

Prior to the initiation of Project construction, the City will acquire the appropriate permits necessary for the Project, including but not limited to a Construction Stormwater General Permit, a Section 404 Nationwide Permit from the United States Army Corps of Engineers (USACE), a Section 401 Water Quality Certification from the RWQCB, a NPDES Permit from RWQCB, and a Section 1602 Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW). In addition, the Project will operate under the City's existing MS4 permit (#R5-2016-0040-009), which is an amendment to the Central Valley Water Board's Region-Wide MS4 Permit. Additional permits, such as those for necessary for dewatering activities, will be evaluated and acquired as necessary during the permitting phase of the Project. No modifications were made to the document.



**Comment 3: Regional San Development Services and Plan Check (Received July 19, 2022)**



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July 19, 2022

Mr. Scott Johnson  
City of Sacramento – Community Development Department  
300 Richards Boulevard, 3<sup>rd</sup> Floor  
Sacramento, CA 95811

**Subject: Notice of Availability/Intent to Approve a Mitigated Negative Declaration for the Dry Creek Estates Project (P20-040)**

Dear Mr. Johnson,

Sacramento Regional County Sanitation District (Regional San) has the following comments pertaining to the Notice of Availability/Intent to Adopt a Mitigated Negative Declaration for the Dry Creek Estates project. The proposed project requests to subdivide two parcels totaling 29.56-acres into 135 single-family lots and three open space/detention basin lots.

Local sanitary sewer service for the proposed project site will be provided by the City of Sacramento’s (City) local sewer collection systems. Ultimate conveyance of wastewater from the City collection system to the Sacramento Regional Wastewater Treatment Plant (SRWTP) for treatment and disposal will be provided by the Regional San interceptor system.

The City’s service area is provided conveyance via Sump 2/2A and the Regional San City Interceptor system. Cumulative impacts of the proposed project will need to be quantified by the project proponents to ensure that wet and dry weather capacity limitations within Sump 2/2A and the City Interceptor are not exceeded.

On March 13, 2013, Regional San approved the Wastewater Operating Agreement between Regional San and the City. The following limitations are outlined in the subject Agreement as follows:

<i>Service Area</i>	<i>Flow Rate (MGD)</i>
<i>Combined Flows from Sump 2 and Sump 2A</i>	<i>60</i>
<i>Combined flows from Sumps 2, 2A, 21, 55, and 119</i>	<i>98</i>
<i>Total to City Interceptor of combined flows from Sumps 2, 2A, 21, 55, 119, and five trunk connections</i>	<i>108.5</i>

In order to receive sewer service, the project proponent must complete a Sewer Master Plan that includes connection points and phasing information to assess the capacity of the existing sewer system to accommodate the additional flows generated by this project.

Mr. Scott Johnson  
Dry Creek Estates (P20-040)  
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In February 2013, the Regional San Board of Directors adopted the Interceptor Sequencing Study (ISS). The ISS updated the Regional San Master Plan 2000. The ISS is located on the Regional San website at [www.regionalsan.com/ISS](http://www.regionalsan.com/ISS).

Regional San is not a land-use authority. Regional San plans and designs its sewer systems using information from land use authorities. Regional San bases the projects identified within its planning documents on growth projections provided by these land-use authorities. Onsite and offsite environmental impacts associated with extending sewer services to this development should be contemplated within the Mitigated Negative Declaration.

Customers receiving service from Regional San are responsible for rates and fees outlined within the latest Regional San ordinances. Fees for connecting to the sewer system recover the capital investment of sewer and treatment facilities that serves new customers. The Regional San ordinance is located on the Regional San website at [www.regionalsan.com/ordinance](http://www.regionalsan.com/ordinance).

Region Regional San has the 48" Dry Creek Interceptor (Regional San operating system N17) located within the proposed project's boundaries. Connections to this interceptor system will not be allowed.

If you have any questions regarding this letter, please feel free to contact me at (916) 876-6104 or by email at [armstrongro@sacsewer.com](mailto:armstrongro@sacsewer.com).

Sincerely,

*Robb Armstrong*

Robb Armstrong  
Regional San Development Services & Plan Check

**Response 3:**

Thank you for your comment. The sewer heading under the Project Description now identifies the City as supplying sewer services and provides details as to how wastewater will ultimately be conveyed to the Sacramento Regional Wastewater Treatment Plant (SRWTP). Furthermore, the Project developer will be required to complete a sewer study as a condition of the development plan's approval per the City's Design and Procedures Manual.

**Comment 4: Sacramento Metropolitan Air Quality Management District (Received August 15, 2022)**



August 15, 2022

Ron Bess  
Associate Planner  
Community Development Department  
City of Sacramento  
300 Richards Boulevard, 3<sup>rd</sup> Floor  
Sacramento, CA 95811

**Subject: Dry Creek Estates Project (State Clearinghouse #2022070251)**

Dear Ron Bess:

Thank you for providing the Sacramento Metropolitan Air Quality Management District (Sac Metro Air District) with the opportunity to review the [Mitigated Negative Declaration \(MND\) for the Dry Creek Estates Project](#) under the California Environmental Quality Act (CEQA). This project is a request to construct 135 single-family homes, associated utilities, and multiple local roadways on two undeveloped parcels in the Robla Neighborhood of North Sacramento. Sac Metro Air District offers the following recommendations on air quality and climate considerations for project implementation and CEQA review, consistent with methods recommended in our [Guide to Air Quality Assessment in Sacramento County](#) (CEQA Guide), available on our website.

A

- Sac Metro Air District recommends that the MND quantification of emissions of [pollutants regulated by the Clean Air Act](#) (“criteria pollutants”) correspond clearly to modeling runs in its appendices. Table 2, “Anticipated Maximum Project Emissions,” lists these emissions by pounds per day, while the CalEEMod run in Appendix A lists emissions by tons per year. Even after converted from pounds per day to tons per year, the Table 2 list of emissions does not clearly correspond to numbers in the CalEEMod run. A primary purpose of CEQA is public disclosure. To fulfill this purpose, the emissions in the text and tables of environmental documents should clearly correspond to numbers in modeling runs in the appendices.

Sac Metro Air District commends the inclusion of our [Basic Construction Emission Control Practices](#) (BCECP) as mitigation measures in the MND. The MND uses our non-zero thresholds of significance for particulate matter emissions, and under our thresholds of significance, use of the non-zero thresholds requires implementation of our BCECP. Explicit inclusion of these as mitigation measures will ensure that they are implemented.

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AirQuality.org

**B**

- Sac Metro Air District recommends that MND mitigation include all the BCECP measures. Currently, only five BCECP measures are included. Three BCECP measures are missing, including measures on idling, certificate(s) of compliance, and equipment maintenance.

**C**

- MND mitigation measure AQ-1 claims that the “implementing agency will require, as a standard or specification of their contract, the construction contractor(s) to implement basic and enhanced control measures to reduce construction-related fugitive dust.” However, AQ-1 does not actually include measures from Sac Metro Air District’s [Enhanced Fugitive PM Dust Control Practices](#). We recommend that these measures be included, if the aforementioned claim is made.

Sac Metro Air District commends the inclusion of in Tier 1 best management practices (BMPs) from [Sac Metro Air District’s greenhouse gas thresholds](#). In accordance with our CEQA Guide, implementation of these BMPs is requisite to determine in that environmental impacts from project greenhouse gas emissions are less than significant. Explicit inclusion of these BMPs as mitigation measures will ensure that they are implemented.

**D**

- Sac Metro Air District recommends that the MND correct BMP language in mitigation measure AQ-2 so that the last word is “ready,” rather than “nearby,” to accurately reflect the description of BMP 2 in our greenhouse gas thresholds.

**Construction**

As a reminder, all projects are subject to Sac Metro Air District rules and regulations in effect at the time of construction. Please visit our website to [find a list of the most common rules that apply at the construction phase of projects](#).

**Conclusion**

Thank you for your attention to our comments. If you have questions about them, please contact me at [mwright@airquality.org](mailto:mwright@airquality.org) or 279-207-1157.

Sincerely,



Molly Wright, AICP  
Air Quality Planner / Analyst

c: Paul Phillee, AICP, Program Supervisor, Sac Metro Air District

**Response 4A:**

Thank you for your comment on the Draft IS/MND. Data listed in Table 2. Anticipated Maximum Project Emissions has been revised to reflect the most recent Project emission values. Table units match those outlined in the Sacramento Metropolitan Air Quality Management District (SMAQMD) Thresholds of Significance Table. Checklist questions include references to lbs/day when pertinent. The updated table is included below:

**Table 2. Anticipated Maximum Project Emissions**

Pollutant	SMAQMD Threshold of Significance	Project Emissions
<i>Construction</i>		
NO <sub>x</sub>	15.5 tons/year	2.4 tons/year
PM <sub>10</sub>	14.6 tons/year	0.4 tons/year
PM <sub>2.5</sub>	15 tons/year	0.2 tons/year
GHG as CO <sub>2</sub> e	1,100 metric tons/year	593.8 metric tons/year
<i>Operational</i>		
NO <sub>x</sub>	11.9 tons/year	1.2 tons/year
ROG	11.9 tons/year	3.6 tons/year
PM <sub>10</sub>	14.6 tons/year	1.4 tons/year
PM <sub>2.5</sub>	15 tons/year	0.4 tons/year
GHG as CO <sub>2</sub> e	Demonstrate consistency with the Climate Change Scoping Plan by implementing applicable Best Management Practices (BMP), or equivalent on-site or off-site mitigation.	1,844.5 metric tons/year*

Source: CalEEMod, March 2022 (see Appendix A)

\*Refer to Checklist Question H

**Response 4B:**

Avoidance and minimization measure AQ-1 has been expanded to include the missing Basic Construction Emission Control Practices (BCECP) described by the Sacramento Metropolitan Air Quality Management District (SMAQMD). The revised measure is as follows:

**AQ-1:** The implementing agency will require, as a standard or specification of their contract, the construction contractor(s) to implement basic control measures to reduce construction-related fugitive dust. Although the following measures are outlined in the SMAQMD’s CEQA guidelines, they are required for the entirety of the construction area. The implementing agency will ensure through contract provisions and specifications that the contractor adheres to the mitigation measures before and during construction and documents compliance with the adopted mitigation measures.

- During grading activities, water all exposed surfaces two times daily. Exposed surfaces include (but are not limited to) soil piles, graded areas, unpaved parking areas, staging areas, and access roads.
- Cover or maintain at least 2 feet of freeboard space on haul trucks transporting soil, sand, or other loose material on the site. Any haul trucks that would be traveling along freeways or major roadways should be covered.
- Use wet power vacuum street sweepers to remove any visible trackout mud or dirt onto adjacent public roads at least once a day. Use of dry power sweeping is prohibited.

- Limit vehicle speeds on unpaved roads to 15 miles per hour.
- All roadway, driveway, sidewalk, and parking lot paving should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes [California Code of Regulations, Title 13, sections 2449(d)(3) and 2485]. Provide clear signage that posts this requirement for workers at the entrances to the site.
- Provide current certificate(s) of compliance for CARB's In-Use Off-Road Diesel-Fueled Fleets Regulation [California Code of Regulations, Title 13, sections 2449 and 2449.1]. For more information contact CARB at 877-593-6677, doors@arb.ca.gov, or www.arb.ca.gov/doors/compliance\_cert1.html
- Maintain all construction equipment in proper working condition according to manufacturer's specifications. The equipment must be checked by a certified mechanic and determine to be running in proper condition before it is operated.

**Response 4C:**

The Draft IS/MND included a reference to the enhanced fugitive dust control practices described by the SMAQMD; however, the Project is not located in an area that is subject to high winds and does not require the enhanced dust control measures. As such, the reference to the enhanced measures in measure AQ-1 has been removed from the document.

**Response 4D:**

The last word in avoidance and minimization measure AQ-2 has been corrected to accurately reflect the description of BMP 2 in the greenhouse gas thresholds from the Sac Metro Air District.