

**Two Rivers Trail: Written Comments re MND**

**Last Updated: December 5, 2018**

<b>Commenter</b>	<b>Date</b>	
<b>Agencies</b>		
PG&E	October 23, 2018	
Regional San	October 25, 2018	
Sacramento County Regional Parks	November 5, 2018	
ARFCD	November 9, 2018	
SMUD	November 21, 2018	
Central Valley Regional Water Quality Control Board	November 21, 2018	
Caltrans	November 29, 2018	



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**General Manager**  
Timothy R. Kerr, P.E.

November 9, 2018

Tom Buford  
Principal Planner  
Community Development Department  
300 Richards Boulevard  
Sacramento, CA 95811

Dear Mr. Buford:

Thank you for the opportunity to review and comment on the Two Rivers Trail (Phase II) Initial Study/Proposed Mitigated Negative Declaration. I also thank you for the City's outreach to the District throughout the planning process for this project. The City has gone to great lengths to adhere to the requirements of the American River Flood Control District's Recreational Trails Policy and has invested considerable time and resources into meeting this objective. The result is a trail proposal that preserves the integrity of the levee and protects the safety of the recreating public.

During the review period for the IS/MND, the District has been approached by residents asking if we support the proposed trail alignment detailed in the City document. I would like to clarify that the District supports the City's proposed alignment and also explain why we feel that this alignment is the best feasible alternative for public safety.

The District adopted its Recreational Trails Policy in 2002 to clarify how best to coordinate with recreational trail proposals being developed to interface with the urban levee system. Our policy indicated that the District supports recreational uses of the levee as long as flood control remained the primary purpose within the levee footprint. For that reason, the Policy states that trails are acceptable if, where feasible, they are located at the levee toe. This stipulation is to preserve the District's free access to the levee crown for levee operations and maintenance activity. No obstructions are allowed on a levee crown because that is the essential zone of access and travel for operations, maintenance, inspections, and flood fights. Of the District's 40 miles of levees in the Sacramento region, only 4.8 miles of the levee crown roadway is paved for trails. The rest of the levee crown roadway surface is gravel or chip seal and the majority of trail proposals have been successfully placed at the levee toe.

The trail policy discourages recreational trails on the levee crown because of the potential threat to members of the public. The District's maintenance crews are out on the American River levees using heavy equipment every work day and 24/7 during periods of high water. Just as with a construction site where members of the public are separated from heavy equipment, so it is with levees. Members of the public who choose to recreate on levees need – for their own safety – to be separated from the District's operation of heavy equipment. It is for this reason that the District strongly supports the City's

proposal to have the recreational trail physically separated from and located off of the levee crown in the River Park area.

It is because of this concern for the safety of the recreating public and our awareness of the high risk of dangerous collisions, the District's Recreational Trails Policy requires that where feasible, all trails must be off the levee crown roadway. The City's proposed trail alignment shown in the IS/MND adheres to this requirement and we thank you for making that a key criteria of your proposal.

The second major concern that has been presented to us from the public is the concern with the plan's proposal to construct a mid-slope bench in the waterside slope of the levee. The public is concerned that including such a mid-slope bench, with the associated retaining wall, will diminish the stability of the levee and so endanger public safety. While it is understandable that the public is concerned about levee stability, for the reasons discussed below, that concern is misplaced.

District staff worked early on in the formulation of this effort to help identify an alternate path for the trail, recognizing that there was insufficient space for the trail on the waterside toe of the levee. Of the numerous concepts envisioned, the mid-slope bench was the most feasible outcome that preserved the integrity of the levee section while keeping the crown free from being obstructed. This is made possible by two factors: the precise inclusion of a retaining wall in the levee slope and the fact that the levee in River Park has excess freeboard.

Freeboard is the measure of extra levee height required above the water surface for a design flood event. This is necessary to serve as a buffer to withstand erosion from wind and waves in a flood event as well as to accommodate for the risk and uncertainty introduced from changing soil conditions over time. Excess freeboard means even more height exists than what is required by the US Army Corps of Engineers. It is our understanding that the levee in River Park has approximately 7-feet of freeboard above the design water surface and the Corps of Engineers only requires 3-feet. Due to the extra height on the levee, the levee is also wider than necessary. This extra height and width leaves a section of fill outside the required levee cross section that could be made available to locate the mid-slope bench without impinging on the section for necessary flood control.

Retaining walls are allowed by the US Army Corps of Engineers to be implemented in federal levees as long as the designs comply with Engineering Manual 1110-2-1913, Design and Construction of Levees. This technical guidance governs the design considerations that must be followed to install any feature in a federal levee. The designs developed for the Two Rivers Trail will be required to meet all State and Federal engineering requirements for levees to ensure that there is no reduction in integrity from the necessary level of flood protection. State levee requirements that must be met will include both Title 23 and the Urban Levee Design Criteria, which was adopted to ensure a 200-yr level of flood protection for urban populations. It is a common engineering expectation that retaining walls can be designed to improve the slope stability of an earthen embankment. The development of the City's Two Rivers Trail is a great example of where that is possible.

In short, creating a mid-slope bench with a retaining wall will not impair the structural integrity of the levee. If properly designed in compliance with all applicable state and federal standards, the levee will be stronger with those design elements and will fully meet the most stringent standards to protect the public from flooding. The US Army Corps of Engineers, which supervises the construction and

operation/maintenance of levees, will make sure that the proposed project is properly designed and constructed.

Once again, thank you for the opportunity to review and comment on the IS/MND for the Two Rivers Trail Phase II Project. The District supports the current proposal and applauds the City's team for developing a plan that complies with the District's Recreational Trails Policy. We feel this is the best way to provide a recreation trail and protect public safety.

Please feel welcome to contact me if you require any additional information at (916) 929-4006 or by e-mail at [tkerr@arfcd.org](mailto:tkerr@arfcd.org).

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim Kerr", with a long horizontal flourish extending to the right.

Tim Kerr  
General Manager

Cc: Adam Randolph, City of Sacramento Department of Public Works

**DEPARTMENT OF TRANSPORTATION****DISTRICT 3**

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*Making Conservation  
a California Way of Life.*

November 29, 2018

GTS# 03-SAC-2018-00326  
03-SAC-51 PM 2.623

Tom Buford  
Principal Planner  
City of Sacramento  
300 Richards Blvd  
Sacramento, CA 95819

**Two Rivers Trail – Mitigated Negative Declaration**

Dear Tom Buford:

Thank you for including California Department of Transportation (Caltrans) in the application review for the project referenced above. Caltrans' new mission, vision, and goals signal a modernization of our approach to California's transportation system. We review this local development for impacts to the State Highway System (SHS) in keeping with our mission, vision and goals for sustainability/livability/economy, and safety/health. We provide these comments consistent with the state's mobility goals that support a vibrant economy and build communities.

The proposed project is primarily located along the waterside levee toe of the America River within the confines of the American River Parkway. A portion of the new multi-use trail would pass under the Capitol City Freeway (SR-51) at approximately Post Mile 2.623, on the southern side of the America River. The new multi-use trail proposes to create 3.4 miles of new Class 1 bicycle and pedestrian trails from Sutter's Landing Regional Park to the Sacramento Northern Bikeway Trail at North 18<sup>th</sup> Avenue, and east from the terminus of the Sutter's Landing Regional Park to the H Street bridge. Caltrans provides the following comments based on the Mitigated Negative Declaration (MND) received:

***Encroachment Permit***

An encroachment permit will be required from Caltrans for any work performed on the State Right-of-Way (ROW), if not previously obtained. To apply, a completed encroachment permit application, environmental documentation, and five sets of plans clearly indicating State ROW must be submitted to:

Tom Buford  
City of Sacramento  
November 29, 2018  
Page 2

Hikmat Bsaibess  
California Department of Transportation  
District 3, Office of Permits  
703 B Street  
Marysville, CA 95901

Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this development.

If you have any questions regarding these comments or require additional information, please contact Todd Rogers, Intergovernmental Review Coordinator, by phone (530) 741-4507 or via email to [todd.rogers@dot.ca.gov](mailto:todd.rogers@dot.ca.gov).

Sincerely,



Alex Fong, Branch Chief  
Office of Transportation Planning  
Regional Planning Branch—South



October 23, 2018

Tom Buford  
City of Sacramento  
300 Richards Blvd., 3<sup>rd</sup> Floor  
Sacramento, CA 95811

Ref: Gas and Electric Transmission and Distribution

Dear Mr. Buford,

Thank you for submitting K15125000 plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: [https://www.pge.com/en\\_US/business/services/building-and-renovation/overview/overview.page](https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page).
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team  
Land Management



## Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <http://usanorth811.org/wp-content/uploads/2017/05/CA-LAW-English.pdf>

1. **Standby Inspection:** A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.
2. **Access:** At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
3. **Wheel Loads:** To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [ $24/2 + 24 + 36/2 = 54$ ] away, or be entirely dug by hand.)





Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 12 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible (90° +/- 15°). All utility lines crossing the gas pipeline must have a minimum of 12 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.

11. Cathodic Protection: PG&E pipelines are protected from corrosion with an "Impressed Current" cathodic protection system. Any proposed facilities, such as metal conduit, pipes,



service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.

## Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as "**RESTRICTED USE AREA – NO BUILDING.**"
2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 15 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.
8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for



proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 ([http://www.cpuc.ca.gov/gos/GO95/go\\_95\\_startup\\_page.html](http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html)) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.



September 25, 2018

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

**Subject: Revised Notice of Availability/Intent to Adopt the Proposed Mitigated Negative Declaration for the Two Rivers Trail Project Phase II (K15125000)**

Dear Mr. Buford,

Sacramento Regional County Sanitation District (Regional San) has reviewed the Mitigated Negative Declaration and has the following comments.

The City of Sacramento (City) propose to construct the remainder of Phase 2 of the Two Rivers Trail by extending the Class 1 bicycle and pedestrian trail for 3.4 miles on the south bank of the American River west from Sutter's Landing Regional Park to the Sacramento Northern Bikeway Trail at North 18<sup>th</sup> Street, and east from the eastern terminus of Sutter's Landing Regional Park to the H Street Bridge.

**Regional San Advisories:**

1. Regional San has the 24-inch Mode 2 sewer force main (Regional San operating system S23) located on the northwest side of westbound Business 80 (APN: 001-0170-006) within the proposed project's boundaries. This facility is considered decommissioned by Regional San; however, the subject facility will need to be protected in place during any construction activities.

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

Sincerely,

*Robb Armstrong*

Robb Armstrong  
Regional San Development Services & Plan Check

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[www.regionalsan.com](http://www.regionalsan.com)



**County of Sacramento**

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Tom Buford  
Principal Planner  
Community Development Department  
City of Sacramento  
300 Richards Blvd, Third Floor  
Sacramento, CA 95811

November 5, 2018

RE: Two Rivers Trail (Phase II) Initial Study/Proposed Mitigated Negative Declaration

Dear Mr. Buford:

I am writing to comment on the Two Rivers Trail (Phase II) Initial Study.

**TREE REMOVAL**

The Initial Study examines permanent and temporary tree impacts, but excludes Segments 1 and 2 because construction of those segments will be in the future (Initial Study, p. 38). Segment 1 and a portion of Segment 2 lie within the American River Parkway, approximately ½ a mile. While the impacts were not examined at this time, the Department requests that the City examine the tree impacts when construction on Segments 1 and 2 is expected through an Initial Study addendum.

Construction on Segments 3 through 6 will permanently remove 22 trees and temporarily affect 72 additional trees due to trimming. Mitigation 3-6: Compensate for Permanent Impacts to Riparian Habitat and Protected Trees states "...to compensate for permanent removal of riparian vegetation associated with the trail construction, the City shall purchase off-site credits at a mitigation bank or replant riparian trees and shrubs at 1:1 ratio..." (Initial Study, p. 46). The American River Parkway Advisory Committee (ARPAC) and County Recreation and Park Commission recommends replanting native trees and shrubs on-site, rather than off-site. Removal of invasive plants is also encouraged (ARPAC; June 15, 2018, County Recreation and Park Commission; November 15, 2018).

**ENFORCEMENT**

The description of trail enforcement responsibility in the Initial Study is unclear. "The project site is located within the City of Sacramento and within the Woodlake and Paradise Beach ARPP areas. The Sacramento County Park Ranger Unit is responsible for day-to-day patrol and law enforcement within the Parkway. The City of Sacramento Police (SPD) and Sacramento County Sheriff's Department have concurrent law enforcement responsibilities within their respective jurisdictions where those jurisdictions overlap with the Parkway. ..." (Initial Study, p. 81). Consistent with Phase 1 of the Two Rivers Trail, the enforcement of the Two Rivers Trail is the responsibility of the City of Sacramento and these responsibilities should be defined in a lease agreement with the County for construction and operation of the trail on County land.

November 26, 2018

On June 15, 2018, the ARPAC voted to approve staff recommendation to amend the existing lease of real property and joint use agreement for the Two Rivers Trail or establish a new lease of real property and joint use agreement prior to final approval of 100% construction drawings by County Recreation and Park Commission. The ARPAC and County Recreation and Park Commission recommend the lease and joint use agreement clearly define the responsibilities of the City for maintenance and enforcement activities for the trail. The County Recreation and Park Commission recommends the lease and joint use agreement be approved by the Board of Supervisors prior to review of 100% construction drawings by the County Recreation and Park Commission. (County Recreation and Park Commission; November 15, 2018).

Thank you for the opportunity to comment.

Cordially,



Liz Bellas  
Deputy Director

CC: Adam Randolph, Project Manager, City of Sacramento



*Sent Via E-Mail*

November 21, 2018

Tom Buford  
Community Development Department  
300 Richards Blvd.  
Sacramento, CA 95811  
tbuford@cityofsacramento.org

Subject: Two Rivers Trail Phase II / K15125000 / MND

Dear Mr. Buford:

The Sacramento Municipal Utility District (SMUD) appreciates the opportunity to provide comments on the proposed Mitigated Negative Declaration (MND) for the Two Rivers Trail Phase II Project (Project, SCH K15125000). SMUD is the primary energy provider for Sacramento County and the proposed Project area. SMUD's vision is to empower our customers with solutions and options that increase energy efficiency, protect the environment, reduce global warming, and lower the cost to serve our region. As a Responsible Agency, SMUD aims to ensure that the proposed Project limits the potential for significant environmental effects on SMUD facilities, employees, and customers.

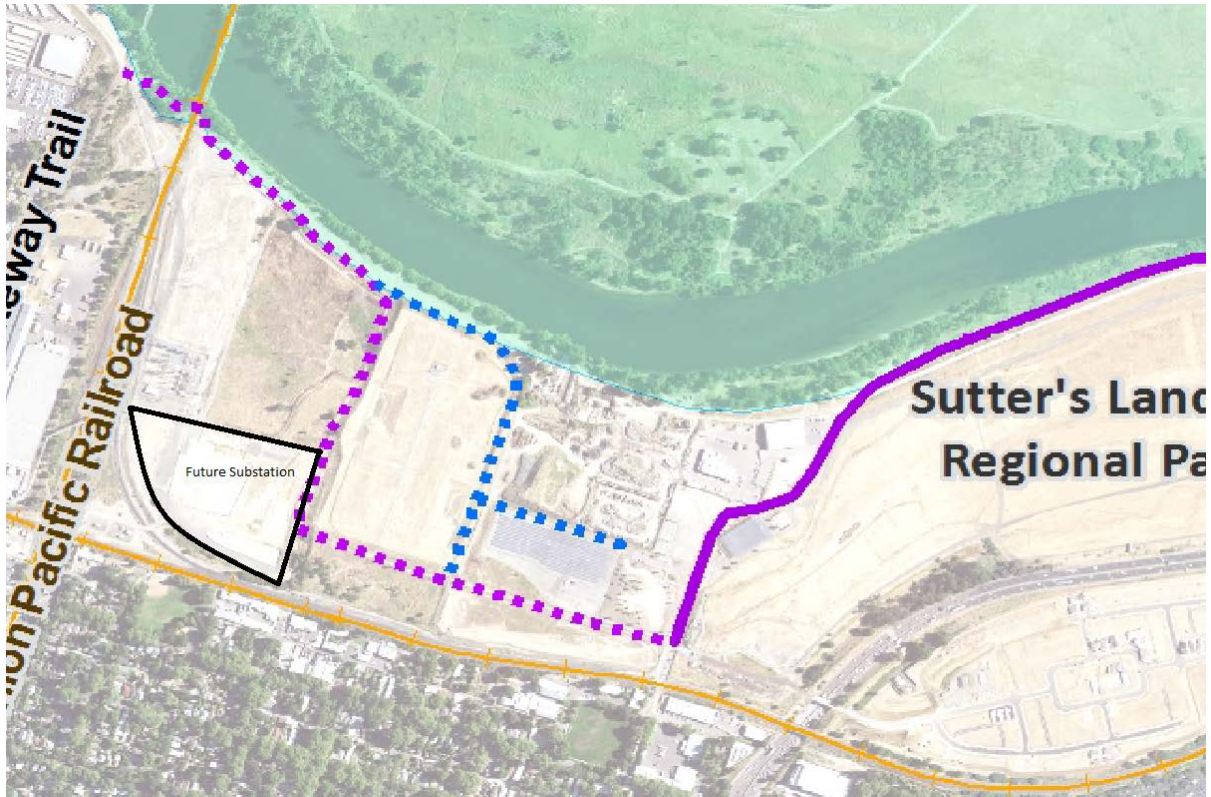
It is our desire that the Project MND will acknowledge any Project impacts related to the following:

- Overhead and or underground transmission and distribution line easements. Please view the following links on smud.org for more information regarding transmission encroachment:
  - <https://www.smud.org/en/Business-Solutions-and-Rebates/Design-and-Construction-Services>
  - <https://www.smud.org/en/Corporate/Do-Business-with-SMUD/Land-Use/Transmission-Right-of-Way>
- Utility line routing
- Electrical load needs/requirements
- Energy Efficiency
- Climate Change
- Cumulative impacts related to the need for increased electrical delivery

More specifically, SMUD would like to have the following details related to the electrical infrastructure incorporated into the project description:



The area defined by this Mitigated Negative Declaration (MND) is within the Sacramento Municipal Utility District's (SMUD) 21kV service territory. The proposed bike trail routes do not impact the existing 21kV infrastructure in the area defined by this MND. SMUD does have a future substation construction project that would border the South-West corner of the preferred planned construction path (black polygon). The alternate planned construction path would not come into contact with the proposed substation site.



The project owner shall submit to SMUD's Real Estate Services an application for transmission encroachment along with detailed project plans. Approval of proposed development is by executed agreement only.

SMUD has three 115 kilo-volt (KV) transmission lines in the project area of Western Segment 1. The project proposes a potential staging area in this segment. The staging area would be located below the 115kV transmission lines. Further SMUD has two lattice steel transmission towers located adjacent to the South Side of the American River Levee.

1. All personnel and boom-operated equipment performing work within SMUD's easement shall obey Electrical Safety Orders of California Title 8, Subchapter 5.
2. Project owner shall protect the lattice steel transmission towers from vehicular impact. This can be accomplished by use of temporary construction barriers.
3. All excavations within 25 feet of any structure will require the submittal of construction procedures, drawings, calculations and shoring plans reviewed and stamped by a licensed California Civil Engineer. Excavations having a depth exceeding 10 feet and

within 50 feet of any structure may also require the submittal of same. In some locations and for some projects a geotechnical report, stamped by a licensed California Geotechnical Engineer may also be required. All excavation work within 25 feet of any structure shall be performed in the presence of a SMUD Inspector.

4. All above ground metallic facilities proposed within the SMUD easement must be properly grounded. Grounding plans should be stamped by a California licensed electrical engineer, meet all National Electric Safety Code requirements, and be submitted to SMUD for review.
5. Add the following note to all applicable drawings:

**WARNING – SMUD 230KV OVERHEAD TRANSMISSION LINES ARE LIVE –** Electrocution Potential. Project owner or Contractor shall take all appropriate safety measures when working near or under lines, including placement of OSHA-required warning signage. On-site SMUD inspection required when working within 25 feet of SMUD facilities. Contractor shall contact SMUD Inspection Services at (916) 732-4990 to schedule inspection. 72-hour advance notice is required. Project owner or Contractor shall protect SMUD facilities during construction and notify SMUD immediately if facilities are damaged. Any damage to existing facilities shall be repaired at the project owner or contractor's expense.

SMUD would like to be involved with discussing the above areas of interest as well as discussing any other potential issues. We aim to be partners in the efficient and sustainable delivery of the proposed Project. Please ensure that the information included in this response is conveyed to the Project planners and the appropriate Project proponents.

Environmental leadership is a core value of SMUD and we look forward to collaborating with you on this Project. Again, we appreciate the opportunity to provide input on this MND.

If you have any questions regarding this letter, please contact SMUD's Environmental Management Specialist, Rob Ferrera, at [rob.ferrera@smud.org](mailto:rob.ferrera@smud.org) or 916.732.6676.

Sincerely,



Nicole Goi  
Regional & Local Government Affairs  
Sacramento Municipal Utility District  
6301 S Street, Mail Stop A313  
Sacramento, CA 95817  
[Nicole.goi@smud.org](mailto:Nicole.goi@smud.org)

Cc: Rob Ferrera



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## Central Valley Regional Water Quality Control Board

21 November 2018

Adam Randolph  
City of Sacramento  
Public Works Department, New City Hall  
915 I Street, Room 2000  
Sacramento, CA 95814

CERTIFIED MAIL  
7018 1830 0001 0062 3237

### COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, TWO RIVERS TRAIL PHASE II PROJECT, SCH# 2018102058, SACRAMENTO COUNTY

Pursuant to the State Clearinghouse's 23 October 2018 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 Two Rivers Trail Phase II 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

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

Control Board (State Water Board), Office of 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/).

### **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 Policy is available on page IV-15.01 at:  
[http://www.waterboards.ca.gov/centralvalleywater\\_issues/basin\\_plans/sacsjr.pdf](http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.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**

### **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 Activities (Construction General Permit), Construction General Permit Order No. 2009-009-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)

#### **Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.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 (USACOE). If a Section 404 permit is required by the USACOE, 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

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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.

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 USACOE at (916) 557-5250.

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

If an USACOE 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.

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

If USACOE 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 Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit2.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml).

**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 Risk General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. 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 Risk 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 Risk Waiver and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2013-0145\\_res.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf)

### **Regulatory Compliance for Commercially Irrigated Agriculture**

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_lands/for\\_growers/apply\\_coalition\\_group/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/for_growers/apply_coalition_group/index.shtml) or contact water board staff at (916) 464-4611 or via email at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).

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

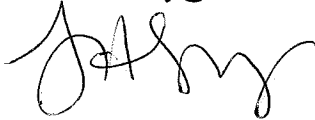
**NPDES Permit**

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:

[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit3.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml)

If you have questions regarding these comments, please contact me at (916) 464-4812 or [Jordan.Hensley@waterboards.ca.gov](mailto:Jordan.Hensley@waterboards.ca.gov).



Jordan Hensley  
Environmental Scientist

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