

APPENDICES

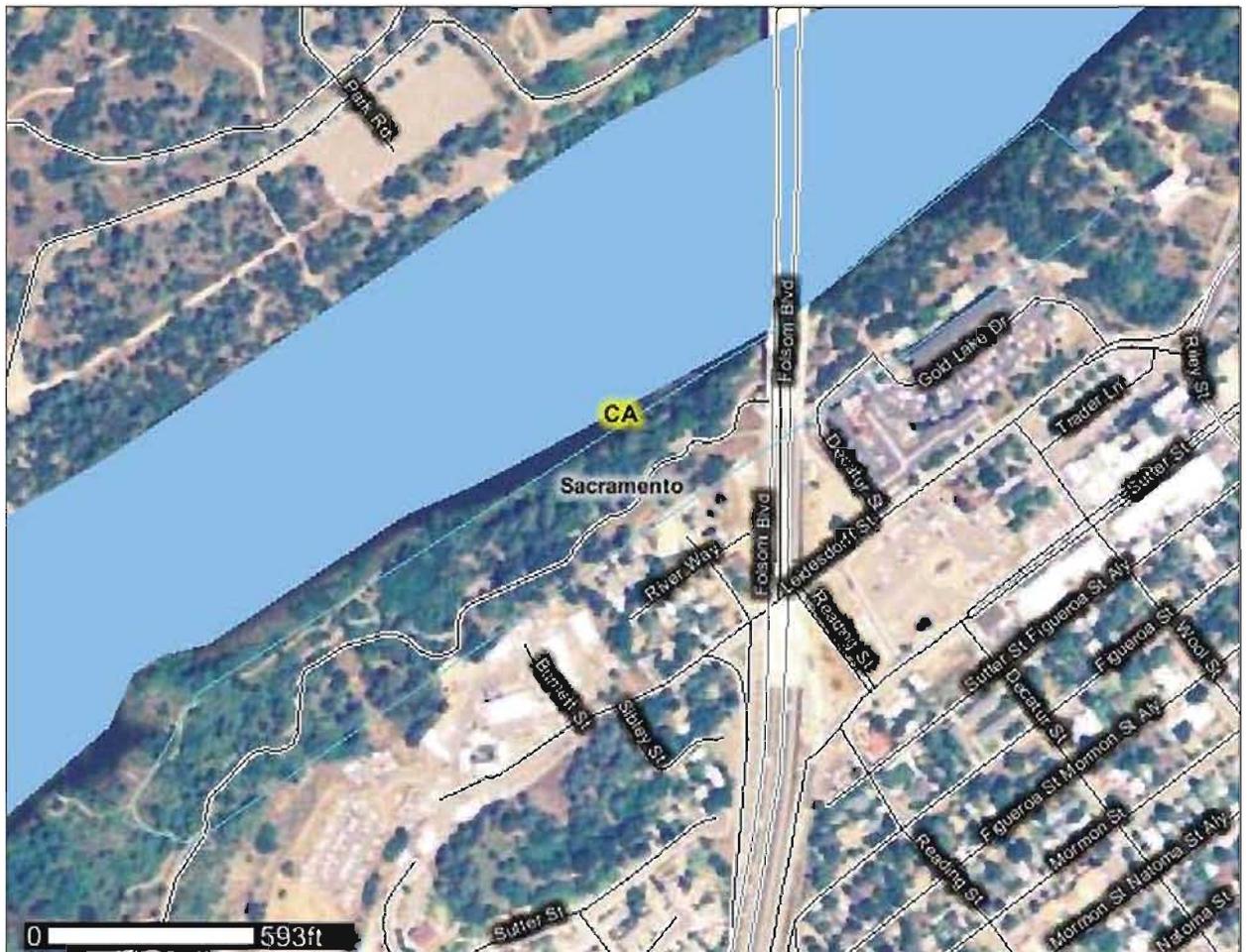
APPENDIX A

SOILS REPORT



A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for Sacramento County, California



Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://soils.usda.gov/sqi/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<http://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://soils.usda.gov/contact/state_offices/).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Soil Data Mart Web site or the NRCS Web Soil Survey. The Soil Data Mart is the data storage site for the official soil survey information.

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage, the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil scientists classified and named the soils in the survey area, they compared the

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individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

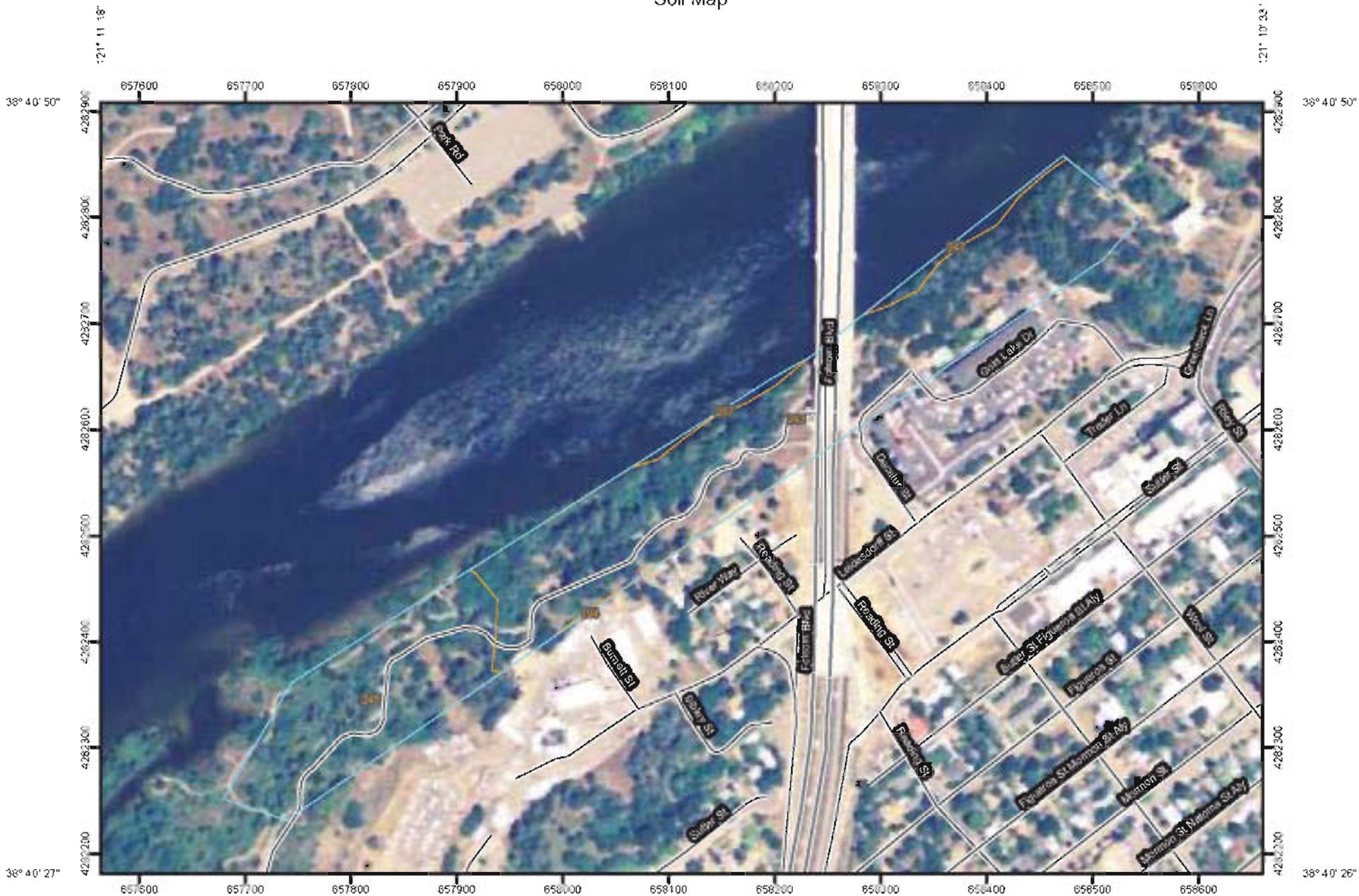
Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit

Custom Soil Resource Report Soil Map



121° 11' 18"



Map Scale: 1:5,200 if printed on A size (8.5" x 11") sheet



121° 10' 34"

38° 40' 50"

38° 40' 50"

38° 40' 27"

38° 40' 26"

MAP LEGEND

 Area of Interest (AOI)	 Very Stony Spot
Soils	 Wet Spot
 Soil Map Units	 Other
Special Point Features	Special Line Features
 Blowout	 Gully
 Borrow Pit	 Short Steep Slope
 Clay Spot	 Other
 Closed Depression	Political Features
 Gravel Pit	 Cities
 Gravelly Spot	Water Features
 Landfill	 Streams and Canals
 Lava Flow	Transportation
 Marsh or swamp	 Rails
 Mine or Quarry	 Interstate Highways
 Miscellaneous Water	 US Routes
 Perennial Water	 Major Roads
 Rock Outcrop	 Local Roads
 Saline Spot	
 Sandy Spot	
 Severely Eroded Spot	
 Sinkhole	
 Slide or Slip	
 Sodic Spot	
 Spoil Area	
 Stony Spot	

MAP INFORMATION

Map Scale: 1:5,200 if printed on A size (8.5" x 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
 Coordinate System: UTM Zone 10N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Sacramento County, California
 Survey Area Data: Version 11, Mar 19, 2012

Date(s) aerial images were photographed: 6/29/2005

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Sacramento County, California (CA067)			
Map Unit Symbol	Map Unit Name	Acres In AOI	Percent of AOI
194	Red Bluff-Urban land complex, 0 to 5 percent slopes	0.0	0.1%
243	Xerolls, 30 to 70 percent slopes	15.1	67.2%
245	Xerorthents, dredge tailings, 2 to 50 percent slopes	6.7	29.8%
247	Water	0.7	3.0%
Totals for Area of Interest		22.5	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If

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intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Sacramento County, California

194—Red Bluff-Urban land complex, 0 to 5 percent slopes

Map Unit Setting

Elevation: 200 to 800 feet

Mean annual precipitation: 30 inches

Mean annual air temperature: 63 degrees F

Frost-free period: 250 to 280 days

Map Unit Composition

Red bluff and similar soils: 50 percent

Urban land: 35 percent

Minor components: 15 percent

Description of Red Bluff

Setting

Landform: Terraces

Landform position (two-dimensional): Toeslope

Landform position (three-dimensional): Tread

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Alluvium

Properties and qualities

Slope: 0 to 5 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.57 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Available water capacity: Moderate (about 7.9 inches)

Interpretive groups

Land capability (nonirrigated): 3e

Typical profile

0 to 8 inches: Loam

8 to 25 inches: Clay loam

25 to 43 inches: Clay loam

43 to 68 inches: Gravelly clay loam

Description of Urban Land

Interpretive groups

Land capability (nonirrigated): 8

Typical profile

0 to 6 inches: Variable

Minor Components

Hicksville

Percent of map unit: 4 percent

Redding

Percent of map unit: 4 percent

Xerorthents

Percent of map unit: 4 percent

Unnamed

Percent of map unit: 1 percent

Landform: Depressions

Hardpan below 40 inches

Percent of map unit: 1 percent

Steeper slopes, unnamed

Percent of map unit: 1 percent

243—Xerolls, 30 to 70 percent slopes

Map Unit Setting

Elevation: 500 to 2,500 feet

Mean annual precipitation: 18 to 20 inches

Mean annual air temperature: 61 degrees F

Frost-free period: 250 to 300 days

Map Unit Composition

Xerolls and similar soils: 90 percent

Minor components: 10 percent

Description of Xerolls

Setting

Landform: Terraces

Landform position (two-dimensional): Toeslope

Landform position (three-dimensional): Riser

Down-slope shape: Concave

Across-slope shape: Convex

Parent material: Colluvium derived from granite

Properties and qualities

Slope: 30 to 70 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Available water capacity: Very low (about 0.0 inches)

Interpretive groups

Land capability (nonirrigated): 7e

Typical profile

0 to 60 inches: Variable

Minor Components

Andregg

Percent of map unit: 2 percent

Auburn

Percent of map unit: 2 percent

Fiddymment

Percent of map unit: 2 percent

Kaseberg

Percent of map unit: 2 percent

Red bluff

Percent of map unit: 1 percent

Gentler slopes,, unnamed

Percent of map unit: 1 percent

245—Xerorthents, dredge tailings, 2 to 50 percent slopes

Map Unit Setting

Elevation: 80 to 400 feet

Mean annual precipitation: 18 to 20 inches

Mean annual air temperature: 61 degrees F

Frost-free period: 250 to 300 days

Map Unit Composition

Xerorthents, dredge tailings, and similar soils: 90 percent

Minor components: 10 percent

Description of Xerorthents, Dredge Tailings

Setting

Parent material: Mine spoil or earthy fill

Properties and qualities

Slope: 2 to 50 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Somewhat excessively drained

Capacity of the most limiting layer to transmit water (Ksat): High to very high (5.95 to 19.98 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Available water capacity: Very low (about 1.2 inches)

Interpretive groups

Land capability (nonirrigated): 8s

Typical profile

0 to 60 inches: Fragmental material

Minor Components

Natomas

Percent of map unit. 2 percent

Red bluff

Percent of map unit. 2 percent

Rossmoor

Percent of map unit. 2 percent

Riverwash

Percent of map unit: 1 percent

Landform. Channels

Slickens

Percent of map unit. 1 percent

Landform. Depressions

Xerofluvents

Percent of map unit. 1 percent

Landform: Flood plains

Landform position (two-dimensional): Toeslope

Landform position (three-dimensional): Tread

Redding

Percent of map unit. 1 percent

247—Water

Map Unit Composition

Water. 100 percent

Soil Information for All Uses

Soil Reports

The Soil Reports section includes various formatted tabular and narrative reports (tables) containing data for each selected soil map unit and each component of each unit. No aggregation of data has occurred as is done in reports in the Soil Properties and Qualities and Suitabilities and Limitations sections.

The reports contain soil interpretive information as well as basic soil properties and qualities. A description of each report (table) is included.

Water Features

This folder contains tabular reports that present soil hydrology information. The reports (tables) include all selected map units and components for each map unit. Water Features include ponding frequency, flooding frequency, and depth to water table.

Water Features

This table gives estimates of various soil water features. The estimates are used in land use planning that involves engineering considerations.

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The four hydrologic soil groups are:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

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Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas.

Surface runoff refers to the loss of water from an area by flow over the land surface. Surface runoff classes are based on slope, climate, and vegetative cover. The concept indicates relative runoff for very specific conditions. It is assumed that the surface of the soil is bare and that the retention of surface water resulting from irregularities in the ground surface is minimal. The classes are negligible, very low, low, medium, high, and very high.

The *months* in the table indicate the portion of the year in which a water table, ponding, and/or flooding is most likely to be a concern.

Water table refers to a saturated zone in the soil. The water features table indicates, by month, depth to the top (*upper limit*) and base (*lower limit*) of the saturated zone in most years. Estimates of the upper and lower limits are based mainly on observations of the water table at selected sites and on evidence of a saturated zone, namely grayish colors or mottles (redoximorphic features) in the soil. A saturated zone that lasts for less than a month is not considered a water table.

Ponding is standing water in a closed depression. Unless a drainage system is installed, the water is removed only by percolation, transpiration, or evaporation. The table indicates *surface water depth* and the *duration* and *frequency* of ponding. Duration is expressed as *very brief* if less than 2 days, *brief* if 2 to 7 days, *long* if 7 to 30 days, and *very long* if more than 30 days. Frequency is expressed as none, rare, occasional, and frequent. *None* means that ponding is not probable; *rare* that it is unlikely but possible under unusual weather conditions (the chance of ponding is nearly 0 percent to 5 percent in any year); *occasional* that it occurs, on the average, once or less in 2 years (the chance of ponding is 5 to 50 percent in any year); and *frequent* that it occurs, on the average, more than once in 2 years (the chance of ponding is more than 50 percent in any year).

Flooding is the temporary inundation of an area caused by overflowing streams, by runoff from adjacent slopes, or by tides. Water standing for short periods after rainfall or snowmelt is not considered flooding, and water standing in swamps and marshes is considered ponding rather than flooding.

Duration and *frequency* are estimated. Duration is expressed as *extremely brief* if 0.1 hour to 4 hours, *very brief* if 4 hours to 2 days, *brief* if 2 to 7 days, *long* if 7 to 30 days, and *very long* if more than 30 days. Frequency is expressed as none, very rare, rare, occasional, frequent, and very frequent. *None* means that flooding is not probable; *very rare* that it is very unlikely but possible under extremely unusual weather conditions (the chance of flooding is less than 1 percent in any year), *rare* that it is unlikely but possible under unusual weather conditions (the chance of flooding is 1 to 5 percent in any year); *occasional* that it occurs infrequently under normal weather conditions (the chance of flooding is 5 to 50 percent in any year); *frequent* that it is likely to occur often under normal weather conditions (the chance of flooding is more than 50 percent in any year but is less than 50 percent in all months in any year); and *very frequent* that it is likely to occur very often under normal weather conditions (the chance of flooding is more than 50 percent in all months of any year).

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The information is based on evidence in the soil profile, namely thin strata of gravel, sand, silt, or clay deposited by floodwater; irregular decrease in organic matter content with increasing depth, and little or no horizon development.

Also considered are local information about the extent and levels of flooding and the relation of each soil on the landscape to historic floods. Information on the extent of flooding based on soil data is less specific than that provided by detailed engineering surveys that delineate flood-prone areas at specific flood frequency levels.

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Water Features— Sacramento County, California										
Map unit symbol and soil name	Hydrologic group	Surface runoff	Month	Water table		Ponding			Flooding	
				Upper limit	Lower limit	Surface depth	Duration	Frequency	Duration	Frequency
				<i>Ft</i>	<i>Ft</i>	<i>Ft</i>				
194—Red Bluff-Urban land complex, 0 to 5 percent slopes										
Red bluff	C	Medium	Jan-Dec	—	—	—	—	None	—	—
Urban land	—	—	Jan-Dec	—	—	—	—	None	—	—
243—Xerolls, 30 to 70 percent slopes										
Xerolls	—	—	Jan-Dec	—	—	—	—	None	—	—
245—Xerorthents, dredge tailings, 2 to 50 percent slopes										
Xerorthents, dredge tailings	A	Low	Jan-Dec	—	—	—	—	None	—	—
247—Water										
Water	—	Very high	Jan-Dec	—	—	—	—	None	—	—

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APPENDIX B

BIOLOGICAL ASSESSMENT

Appendix B
Regionally Occurring Special Status Species

SCIENTIFIC NAME COMMON NAME	FEDERAL/ STATE/ CNPS STATUS	DISTRIBUTION	HABITAT REQUIREMENTS	IDENTIFICATION PERIOD	POTENTIAL TO OCCUR WITHIN PROJECT SITE
PLANTS					
<i>Balsamorhiza macrolepis</i> var. <i>macrolepis</i> big scale balsamroot	--/--/IB	Known from Alameda, Butte, Colusa, El Dorado, Lake, Mariposa, Napa, Placer, Santa Clara, Solano, Sonoma, Tehama counties (CNPS, 2012).	Perennial herb found in chaparral, cismontane woodland, valley and foothill grassland, sometimes on serpentinite, from 90 to 1,555 meters (CNPS, 2012)	March-June	No. The project site does not occur within the known elevation range and was not observed during the April 15 and 17, 2011 and May 2, 2011 botanical surveys conducted within the evident and identifiable bloom period for this species. This species does not occur within the project site.
<i>Calystegia stebbinsii</i> Stebbins' morning glory	FE/CE/IB	Known from El Dorado and Nevada counties (CNPS, 2012).	Perennial rhizomatous herb found on gabbroic or serpentinite soils in cismontane woodland and chaparral, often in openings, from 185 to 730 meters (CNPS, 2012)	April-July	No. The project site does contain suitable soils, does not occur within the known elevation range for this species. This species was not observed during the April 15 and 17, 2011 and May 2, 2011 botanical surveys conducted within the evident and identifiable bloom period. This species does not occur within the project site.
<i>Ceanothus roderickii</i> Pine Hill ceanothus	FE/CR/IB	Known from El Dorado County (CNPS, 2012).	Evergreen shrub found on serpentinite or gabbroic soils in chaparral and cismontane woodland from 260 to 630 meters (CNPS, 2012).	April-June	No. The project site does contain suitable soils, does not occur within the known elevation range for this species. This species was not observed during the April 15 and 17, 2011 and May 2, 2011 botanical surveys conducted within the evident and identifiable bloom period. This species does not occur

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					within the project site.
<i>Chlorogalum grandiflorum</i> Red Hills soaproot	--/--/1B	Known from Amador, Calaveras, El Dorado, Placer, and Tuolumne counties (CNPS, 2012).	Perennial bulbiferous herb found on serpentinite, gabbroic, and other soils in chaparral, cismontane woodland, and lower montane coniferous forest from 240 to 1,170 meters (CNPS, 2012).	May-June	No. The project site does contain suitable soils and does not occur within the known elevation range for this species. This species was not observed during the May 2, 2011 botanical survey conducted during the evident and identifiable blooming period. This species does not occur within the project site.
<i>Chloropyron molle</i> ssp. <i>hispidum</i> Hisbid bird's beak	--/--/1B	Known from Alameda, Fresno, Kern, Merced, Placer, and Solano counties (CNPS, 2012)	Annual hemiparasitic herb usually found in alkaline substrate in meadows and seeps, playas, and valley and foothill grassland from 1 to 155 meters (CNPS, 2012).	June-September	No. This project site does not provide habitat and is outside of the known geographical range for this species. This species does not occur within the project site.
<i>Clarkia biloba</i> ssp. <i>brandegeae</i> Brandegee's clarkia	--/--/1B	Known from Butte, El Dorado, Nevada, Placer, Sacramento, Sierra, and Yuba counties (CNPS, 2012).	Annual herb found in chaparral and cismontane woodland, often in roadcuts; from 73 to 915 meters (CNPS, 2012).	May-July	No. The project site does not occur within the known elevation range for this species. This species was not observed during the May 2, 2011 botanical survey conducted during the evident and identifiable blooming period. This species does not occur within the project site.
<i>Downingia pusilla</i> Dwarf downingia	--/--/2	Known from Fresno, Merced, Napa, Placer, Sacramento, San Joaquin, Solano, Sonoma, Stanislaus, Tehama, and Yuba counties in California and in South America (CNPS, 2012).	Annual herb found in valley and foothill grassland occasionally on mesic soils, and in vernal pools from 1 to 445 meters (CNPS, 2012).	March-May	No. The project site does not provide habitat for this species. This species does not occur within the project site.
<i>Eryngium pinnatisectum</i>	--/--/1B	Known from Amador, Calaveras, Sacramento, Sonoma, and Tuolumne	Annual/perennial herb found in mesic cismontane woodland, lower	June-August	No. The project site does not occur within the

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Tuolumne button-celery		counties (CNPS, 2012)	montane coniferous forest, and vernal pools from 70 to 915 meters (CNPS, 2012).		known elevation range for this species. This species does not occur within the project site.
<i>Fremontodendrom decumbens</i> Pine Hill flannelbush	FE/CR/IB	Known from El Dorado, Nevada, and Yuba counties (CNPS, 2012).	Evergreen shrub found on rocky, gabbroic or serpentinite soils in cismontane woodland and chaparral from 425 to 760 meters (CNPS, 2012).	April-July	No. The project site does contain suitable soils and does not occur within the known elevation range for this species. This species does not occur within the project site.
<i>Galium californicum</i> ssp. <i>sierrae</i> El Dorado bedstraw	FE/CR/IB	Known from El Dorado County (CNPS, 2012).	Perennial herb found on gabbroic soils in chaparral, cismontane woodland, and lower montane coniferous forest from 100 to 585 meters (CNPS, 2012)	May-June	No. This project site is outside of the known geographical and elevation ranges for this species. This species does not occur within the project site.
<i>Gratiola heterosepala</i> Boggs Lake hedge-hyssop	--/CE/IB	Known from Fresno, Lake, Lassen, Madera, Merced, Modoc, Placer, Sacramento, Shasta, Siskiyou, San Joaquin, Solano, and Tehama counties in CA and in Oregon (CNPS, 2012).	Annual herb found on clay soils in vernal pools and marshes and swamps, which are occasionally along the lake margins, from 10 to 2,375 meters (CNPS, 2012).	April-August	While the marsh provides habitat within the project site, this species was not observed to the April 15 and 17, 2011 botanical surveys conducted within the evident and identifiable bloom period. This species does not occur within the project site.
<i>Helianthemum suffrutescens</i> Bisbee Peak rush-rose	--/--/3	Known from Amador, Calaveras, El Dorado, Mariposa, Sacramento, and Tuolumne counties (CNPS, 2012).	Evergreen shrub often found on gabbroic, lone, or serpentinite soils in chaparral from 45 to 840 meters (CNPS, 2012).	April-June	No. The project site does not provide habitat for this species. This species does not occur within the project site.
<i>Juncus leiospermus</i> var. <i>ahartii</i> Ahart's dwarf rush	--/--/IB	Known from Butte, Calaveras, Placer, Sacramento, Tehama, and Yuba counties (CNPS, 2012).	Annual herb found on mesic soils in valley and foothill grassland from 30 to 100 meters (CNPS, 2012).	March-May	No. The project site does not provide habitat for this species. This species does not occur within the project site.
<i>Juncus leiospermus</i> var. <i>leospermus</i>	--/--/IB	Known from Butte, Placer, Shasta, and Tehama counties (CNPS, 2012)	Annual herb usually found in vernal mesic areas in chaparral,	March-May	While the oak woodland provides habitat within the

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Red Bluff dwarf rush			cismontane woodland, meadows and seeps, valley and foothill grassland, and vernal pools from 35 to 1,020 meters (CNPS, 2012).		project site, this species was not observed to the April 15 and 17, 2011 botanical surveys conducted within the evident and identifiable bloom period. This species does not occur within the project site.
<i>Lathyrus sulphureus</i> Dubious pea	--/--/3	Known from Calaveras, El Dorado, Nevada, Placer, Shasta, and Tehama counties (CNPS, 2012).	Perennial herb found in cismontane woodland, and lower and upper montane coniferous forests from 150 to 305 meters (CNPS, 2012).	April-May	No. The project site does not occur within the known geographic and elevation ranges for this species. This species does not occur within the project site.
<i>Legenere limosa</i> Legenere	--/--/1B	Known from Alameda, Lake, Napa, Placer, Sacramento, Santa Clara, Shasta, San Joaquin, San Mateo, Solano, Sonoma, Stanislaus, Tehama, and Yuba counties (CNPS, 2012).	Annual herb found in vernal pools from 1 to 880 meters (CNPS, 2012).	April-June	No. The project site does not provide habitat for this species. This species does not occur within the project site.
<i>Navarretia myersii</i> ssp. <i>myersii</i> Pincushion navarretia	--/--/1B	Known from Amador, Calaveras, Merced, Placer, and Sacramento counties (CNPS, 2012).	Annual herb often found in vernal pools from 20 to 330 meters (CNPS, 2012).	May	No. The project site does not provide habitat for this species. This species does not occur within the project site.
<i>Orcuttia tenuis</i> Slender Orcutt grass	FT/CE/1B	Known from Butte, Lake, Lassen, Modoc, Plumas, Sacramento, Shasta, Siskiyou, and Tehama counties (CNPS, 2012)	Annual herb found in vernal pools from 35 to 1,760 meters (CNPS, 2012).	May-September	No. The project site does not provide habitat for this species. This species does not occur within the project site.
<i>Orcuttia viscida</i> Sacramento Orcutt grass	FE,CH/CE/1B	Known from Sacramento County (CNPS, 2012).	Annual herb found in vernal pools from 30 to 100 meters (CNPS, 2012).	April-July	No. The project site does not provide habitat for this species. The project site does not occur within designated critical habitat for this species. This species does not occur within the project site.

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<i>Packera layneae</i> Layne's ragwort	FT/CR/IB	Known from Butte, El Dorado, Tuolumne, and Yuba counties (CNPS, 2012).	Perennial herb found on rocky, gabbroic or serpentinite soils in chaparral and cismontane woodland from 200 to 1,000 meters (CNPS, 2012).	April-August	No. The project site does not occur within the known geographic and elevation ranges for this species. This species does not occur within the project site.
<i>Sagittaria sanfordii</i> Sanford's arrowhead	--/--/IB	Known from Butte, Del Norte, El Dorado, Fresno, Merced, Mariposa, Orange, Placer, Sacramento, Shasta, San Joaquin, Tehama, and Ventura counties (CNPS, 2012).	Rhizomatous herb emergent found in assorted shallow freshwater marshes and swamps from 0 to 650 meters (CNPS, 2012).	May-October	Although the marsh provides habitat, this species was not observed during the May 2, 2011 botanical survey conducted within the project site. This species does not occur within the project site.
<i>Wyethia reticulata</i> El Dorado County mule ears	--/--/IB	Known from El Dorado County (CNPS, 2012).	Perennial herb found on clay or gabbroic soils in chaparral, cismontane woodland, and lower montane coniferous forest from 185 to 630 meters (CNPS, 2012).	April-August	No. The project site does not provide habitat and is outside of the known geographic range for this species. This species does not occur within the project site.
ANIMALS					
Invertebrates					
<i>Branchinecta conservatio</i> Conservancy fairy shrimp	FE/--/--	Known in isolated populations from Butte, Colusa, Glenn, Merced, Solano, Stanislaus, Tehama, Ventura, Yolo, and Yuba counties (Eriksen and Belk, 1999).	Found in ephemeral wetland habitats and vernal pools on clay, volcanic, and alluvial soils within annual grassland and pine forests from 5 to 1,700 meters. Found in water temperatures as high as 23°C (Eriksen and Belk, 1999).	Wet season: November-April (adults) Dry season: May-October (eggs)	No. The project site does not provide habitat for this species. This species does not occur within the project site.
<i>Branchinecta lynchi</i> Vernal pool fairy shrimp	FT/--/--	Known from Alameda, Butte, Contra Costa, Colusa, El Dorado, Fresno, Glenn, Kings, Lake, Los Angeles, Madera, Merced, Monterey, Napa, Placer, Sacramento, San Benito, San Joaquin, San Luis Obispo, Santa Barbara, Shasta, Solano, Stanislaus, Tehama, Tulare, Riverside, and Yuba counties in California and in southern Oregon (Eriksen and Belk,	Found in ephemeral wetland habitats and vernal pools within sandstone, alkaline soils, and alluvial fan terraces, within annual grassland and pine forests from 10 to 1,700 meters (Eriksen and Belk, 1999).	Wet season: December-May (adults) Dry season: June-November (eggs)	No. The project site does not provide habitat for this species. This species does not occur within the project site.

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		1999).			
<i>Desmocerus californicus dimorphus</i> Valley elderberry longhorn beetle	FT/--/--	Known from Amador, Butte, Calaveras, Colusa, El Dorado, Fresno, Glenn, Kern, Madera, Mariposa, Merced, Napa, Placer, Sacramento, San Joaquin, Shasta, Solano, Stanislaus, Sutter, Tehama, Tulare, Yolo, and Yuba counties (NatureServe, 2012).	Found in riparian forest communities from 0 to 762 meters. Exclusive host plant is elderberry (<i>Sambucus</i> species), which must have stems at least 1-inch diameter for the beetle (NatureServe, 2012).	All Year	Yes See text.
<i>Lepidurus packardii</i> Vernal pool tadpole shrimp	FE/--/--	Known from the Central Valley and the San Francisco Bay area from Alameda, Butte, Colusa, Contra Costa, Fresno, Glenn, Kings, Merced, Placer, Sacramento, San Joaquin, Shasta, Solano, Stanislaus, Sutter, Tehama, Tulare, Yolo, and Yuba counties (NatureServe, 2012).	Wide variety of ephemeral wetland habitats. Typically vernal pools on High Terrace landforms within annual grassland with clear to highly turbid water (NatureServe, 2012).	Wet season: typically November-April (adults) Dry season: typically May-October (cysts)	No. The project site does not provide habitat for this species. This species does not occur within the project site.
Fish					
<i>Hypomesus transpacificus</i> Delta smelt	FT/CT/--	Known from Contra Costa, Sacramento, San Joaquin, Solano, and Yolo counties. May also occur in the San Francisco Bay. Occurs almost exclusively in the Sacramento-San Joaquin estuary, from the Suisun Bay upstream through the Delta (NatureServe, 2012).	Found in estuarine waters. Majority of life span is spent within the freshwater outskirts of the saltwater-freshwater mixing zone within the Delta (NatureServe, 2012).	Consult Agency	No. The project site does not provide habitat for this species. This species does not occur within the project site.
<i>Oncorhynchus mykiss</i> steelhead Central Valley ESU	FT, CE/--/--	Spawn in the Sacramento and San Joaquin rivers and tributaries before migrating to the Delta and Bay Area (Moyle et al., 2008).	Found in cool, clear, fast-flowing permanent streams and rivers with riffles and ample cover from riparian vegetation or overhanging banks. Spawning: streams with pool and riffle complexes. For successful breeding, requires cold water and gravelly streambed (Moyle et al., 2008).	Consult Agency	No. The project site does not provide habitat for this species. This species does not occur within the project site. The project site does not occur within designated critical habitat for this species.
<i>Oncorhynchus tshawytscha</i> Chinook salmon Central Valley spring-run	FT/CT/--	Spawn in the Sacramento river and some of its tributaries. Juveniles migrate from spawning grounds to the Pacific Ocean (Myers et al., 1998).	Spawning occurs in large deep pools in tributaries with moderate velocities and a large bubble curtain at the head (Myers et al., 1998).	Consult Agency	No. The project site does not provide habitat for this species. This species does not occur within the project site.
<i>Oncorhynchus tshawytscha</i> Chinook salmon winter-run	FE/CE/--	Spawn in the upper Sacramento River. Juveniles migrate from spawning grounds to the Pacific Ocean (Myers et al., 1998).	Returns to the Upper Sacramento River in the winter but delay spawning until spring and summer. Juveniles spend five to nine months	Consult Agency	No. The project site does not provide habitat for this species. This species does not occur within the

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Sacramento River			in the river and estuary before entering the ocean (Myers et al., 1998).		project site.
Amphibians					
<i>Ambystoma californiense</i> California tiger salamander	FT/CT/--	Known from Alameda, Butte, Contra Costa, Fresno, Glenn, Kern, Madera, Merced, Monterey, Sacramento, San Benito, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Solano, Sonoma, Stanislaus, Tulare, and Yolo counties (Stebbins, 2003).	Found in vernal pools, ephemeral wetlands, and seasonal ponds, including constructed stockponds, in grassland and oak savannah plant communities from 3 to 1,054 meters (Stebbins, 2003).	November-February (adults) March 15-May 15 (larvae)	No. The project site does not provide habitat for this species.
<i>Rana aurora draytonii</i> California red-legged frog	FT/CSC/--	Known from Alameda, San Francisco, Placer, Riverside, Santa Barbara, San Luis Obispo, San Mateo, Santa Cruz, Santa Clara, Marin, Sonoma, and Contra Costa counties (NatureServe, 2012).	Found in lowlands and foothills in or near permanent sources of deep water with dense shrubby or emergent riparian vegetation (NatureServe, 2012).	November-March (breeding) June-August (non-breeding)	Yes. See Text.
Reptiles					
<i>Emys marmorata</i> Western pond turtle	--/CSC/--	Known from north of the San Francisco Bay Area and west of the Sierra Nevada Range in California (CaliforniaHerps.com, 2012).	Ponds, marshes, rivers, streams, and irrigation ditches with aquatic vegetation. Requires basking sites and suitable upland habitat for egg laying. Nest sites most often characterized as having gentle slopes with less than 15 percent gradient with little vegetation or sandy banks; from 0 to approximately 1,525 meters (CaliforniaHerps.com, 2012).	March-October	Yes. See text.
<i>Spea hammondi</i> Western spadefoot toad	--/CSC/--	Known from Redding, throughout the Central Valley and adjacent foothills, south along the coast range from Point Conception into northern Baja California (Morey and Reznick, 2000).	Prefers open areas with sandy or gravelly soils, in a variety of habitats including mixed woodlands, grasslands, chaparral, sandy washes, lowlands, river floodplains, alluvial fans, playas, alkali flats, foothills, and mountains from 0 to 1,200 meters. Rainpools containing minimal numbers of bullfrogs, fish, or crayfish are necessary for breeding.	Year round	No. The project site does not provide habitat for this species. This species does not occur within the project site.
<i>Thamnophis gigas</i>	FT/CT/--	Known from Butte, Colusa, Contra Costa,	Inhabits agricultural wetlands and	March-October	No. The project site does

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<i>Thamnophis gigas</i> Giant garter snake	FT/CT/--	Known from Butte, Colusa, Contra Costa, Fresno, Glenn, Kern, Madera, Merced, Sacramento, San Joaquin, Solano, Sutter, Yolo, and Yuba counties (Stebbins, 2003).	Inhabits agricultural wetlands and other waterways such as irrigation and drainage canals, sloughs, ponds, small lakes, low gradient streams, and adjacent uplands. Requires adequate water during its active season (early spring through mid-fall) to provide food and cover, emergent, herbaceous wetland vegetation for foraging and cover, grassy banks and openings in waterside vegetation for basking, and higher elevation uplands for cover and refuge from flood waters during its dormant season (winter). Inhabits small mammal burrows and other soil crevices with sunny exposure along south and west facing slopes, above prevailing flood elevations when dormant (Stebbins, 2003).	March-October	No. The project site does not provide habitat for this species. This species does not occur within the project site.
Birds					
<i>Agelaius tricolor</i> Tricolored blackbird	--/CSC/--	Known from the Central Valley and surrounding foothills, throughout coastal and some inland localities in southern California, and scattered sites in Oregon, western Nevada, central Washington, and western coastal Baja California (NatureServe, 2012).	Tricolored blackbirds nest in large flocks, with greater than 50 breeding pairs, in dense vegetation near water or by emergent wetlands. Found nesting in dense thickets of cattails, tules, willow, blackberry, wild rose, and other tall herbs near fresh water. Feeds in grass and cropland habitats (NatureServe, 2012).	All Year	While the project site provides foraging habitat for this species, it does not provide a sufficient amount of the specified riparian vegetation for 50 pairs to nest. This species is not likely to nest within the project site
<i>Ammodramus savannarum</i> Grasshopper sparrow	--/CSC/--	Breeding range occurs in portions of western California, including most coastal counties south to extreme northwest Baja California (where resident). Wintering range is extreme Southern California and Baja (NatureServe, 2012).	Consists of moderately open grasslands and prairies with patchy bare ground. Selects different components of vegetation depending on grassland ecosystem. In the southwest and west, occupies more lush areas with shrub cover in arid grasslands (NatureServe, 2012).	May-July Year Round	No. The project site does not provide habitat for this species. This species does not occur within the project site.
<i>Athene cunicularia</i>	--/CSC/--	Formerly common within the described	Yearlong resident of open, dry	All Year	No. The project site does

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Burrowing owl		habitats throughout the state except the northwest coastal forests and high mountains (NatureServe, 2012).	grassland and desert habitats, as well as in grass, forb and open shrub stages of pinyon-juniper and ponderosa pine habitats (NatureServe, 2012).		not provide habitat for this species. This species does not occur within the project site.
<i>Buteo swainsoni</i> Swainson's hawk	--/CT/--	In California, breeds in the Central Valley, Klamath Basin, Northeastern Plateau, Lassen County, and Mojave Desert. Very limited breeding reported from Lanfair Valley, Owens Valley, Fish Lake Valley, Antelope Valley, and in eastern San Luis Obispo County (NatureServe, 2012).	Breeds in stands with few trees in juniper-sage flats, riparian areas, and in oak savannah. Requires adjacent suitable foraging areas such as grasslands, alfalfa, or grain fields supporting rodent populations (NatureServe, 2012).	March–October	Yes See text.
<i>Elanus leucurus</i> White-tailed kite	--/CFP/--	Permanent resident of coastal and valley lowlands (NatureServe, 2012)	Habitats include savanna, open woodland, marshes, partially cleared lands and cultivated fields, mostly in lowland situations Nesting occurs in trees (NatureServe, 2012)	Year round	Yes See text.
<i>Haliaeetus leucocephalus</i> Bald eagle	--/CE/--	Known commonly within the northwest (Cornell Lab of Ornithology, 2012).	Breeds in forested areas near large bodies of water staying away from heavily developed areas when possible. Nests in sturdy conifers that protrude above the forest canopy, providing easy flight access and good visibility. Winters in coastal areas, along large rivers, and large unfrozen lakes (Cornell Lab of Ornithology, 2012)	Year round	The project site does not provide habitat for this species. Lake Natoma in the vicinity of the project site provides habitat for this species, however, there are no individual trees that extend above the other trees in the riparian and oak woodland for the species to nest. There are no CNDDB records for this species documented within 5 miles of the project site. This species is not likely to nest within the project site
<i>Laterallus jamaicensis coturniculus</i> California black rail	--/CT/--	In coastal California during breeding season, presently found at Bodega Bay, Tomales Bay, Bolinas Lagoon, San Francisco Bay Estuary, and Morro Bay. Overwhelming majority of birds in northern San Francisco Bay (San Pablo Bay) at relatively few sites. Occurs	Nests in high portions of salt marshes, shallow freshwater marshes, wet meadows, and flooded grassy vegetation. Uses sites with shallower water than other North American rails. Most breeding areas vegetated by fine-stemmed	All Year	No. The project site is outside of the known breeding range for this species. This species is not likely to nest within the project site.

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		irregularly south to Baja California. Inland in small numbers in Salton Trough and on lower Colorado River from Bill Williams River (historically) to Laguna Dam (NatureServe, 2012).	emergent plants, rushes, grasses, or sedges. Sites used in coastal California characterized by taller vegetation, greater coverage and height of alkali heath (<i>Frankenia grandifolia</i>) (NatureServe, 2012).		
<i>Progne subis</i> Purple martin	--/CSC/SC	Known from Mendocino, Napa, Sonoma, Lake, Riverside, Sacramento, San Luis Obispo, Placer, Shasta, San Diego and Monterey counties (NatureServe, 2012).	Found in a variety of wooded, low-elevations habitats. Uses valley foothill and montane hardwood, valley foothill and montane hardwood-conifer, and riparian habitats. Also occurs in coniferous habitats, including closed-cone pine-cypress, ponderosa pine, Douglas-fir, and redwood. Inhabits more open areas in winter (NatureServe, 2012).	All Year	Yes See text.
<i>Riparia riparia</i> Bank swallow	--/CT/--	Known from Siskiyou, Shasta, and Lassen counties, south along the Sacramento River to Yolo County (NatureServe, 2012).	Inhabits primarily riparian and other lowland habitats west of the deserts from spring through fall. Inhabits riparian, lacustrine, and coastal areas with vertical banks, bluffs, and cliffs with fine-textured or sandy soils, into which it digs a nesting hole, during the summer (NatureServe, 2012).	April-July	No. The project site does not contain habitat for this species. This species is not likely to nest within the project site
Mammals					
<i>Antrozous pallidus</i> Pallid bat	--/CSC/--	Known from arid and semi-arid regions across much of the American west, up and down the coast from Canada and Mexico (Arizona-Sonora Desert Museum, 2006-2009).	Found in grasslands, shrublands, woodlands, and forests from sea level up through mixed conifer forests to 2,000 meters. The species is most common in open, dry habitats with rocky areas for roosting. Roosts also include cliffs, abandoned buildings, bird boxes, and under bridges (Harris, 2000).	Year round	Yes. See text.
<i>Taxidea taxus</i> American badger	--/CSC/--	Known throughout most of California except in the northern North Coast (Ahlborn, 2005).	Found in the drier open stages of most shrub, forest, and herbaceous habitats with friable soils. Badgers are generally associated with treeless regions, prairies, parklands,	Year round	No. The project site does not provide habitat for this species. This species is not likely to occur within the project site.

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			and cold desert areas. Cultivated lands have been reported to provide little usable habitat for this species (Ahlborn, 2005).		

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Lake Natoma Waterfront and Trail Access Enhancement Project

Biological Resources Assessment

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June 28, 2011

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INTRODUCTION

PROJECT LOCATION AND DESCRIPTION

Parus Consulting, Inc. was retained by the City of Folsom Parks and Recreation Department to conduct a biological resources assessment for the Lake Natoma Waterfront and Trail Access Enhancement Project in the City of Folsom, Sacramento County, California (Figure 1). The 9.5-acre project Study Area is located on federal lands administered by the United States Bureau of Reclamation and is adjacent to Lake Natoma at the Natoma Crossing Bridge, the Lake Natoma Inn, and the City of Folsom's Historic District and corporation yard (Figure 2).

The project is proposed by the City of Folsom in partnership with the California Department of Parks and Recreation and the United States Bureau of Reclamation. The proposed project would entail construction of a paved multi-use trail along the Lake Natoma shoreline, native plant restoration, scenic overlooks, interpretive kiosks and signs, and a lighted walkway that extends from the existing Natoma Crossing Bridge on Folsom Boulevard to a scenic overlook below the bridge and is compliant with the Americans with Disabilities Act (ADA) of 1990. The new trail will replace an approximately 3,100-foot (944-meter) existing dirt trail and connect at its western extent to the existing multi-use, paved American River Parkway Trail. Current plans call for a concrete walking surface of 6 feet (1.8 meters) in width. The lighted walkway will descend from the Natoma Crossing Bridge to the level of the existing dirt path on the lower terrace above the lakeshore.

PURPOSE AND SCOPE

In support of the environmental review process, Parus Consulting, Inc. has prepared this assessment to provide information on biological resources within the Study Area. This assessment identifies the biological resources within the Study Area, the regulatory environment affecting such resources, any potential project-related impacts upon these resources, and identifies mitigation measures to reduce these impacts. The specific scope of services performed for this Biological Resources Assessment consisted of the following tasks:

- Compile all readily-available historical biological resource information about the Study Area;
- Spatially query state and federal databases for any historical occurrences of special-status species or habitats within the Study Area and vicinity;
- Perform a reconnaissance-level field survey of the Study Area, including photographic documentation;
- Inventory all flora and fauna observed during the field survey;
- Characterize and map the habitat types present within the Study Area, including any potentially-jurisdictional water resources;
- Evaluate the likelihood for the occurrence of any special-status species;
- Assess the potential for the project to adversely impact any sensitive biological resources;
- Recommend mitigation measures designed to avoid or minimize project-related impacts; and
- Prepare and submit a report summarizing all of the above tasks.

The scope of services is limited to those outlined above, and does not include other services, such as focused or protocol-level surveys for special-status species.

REGULATORY SETTING

The following section summarizes applicable regulations of biological resources on real property in California.

Special-status Species Regulations

The United States Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service implement the Federal Endangered Species Act of 1973 (FESA) (16 United States Code [USC] §1531 *et seq.*). Threatened and endangered species on the federal list (50 Code of Federal Regulations [CFR] §17.11, 17.12) are protected from “take” (direct or indirect harm), unless a FESA Section 10 Permit is granted or a FESA Section 7 Biological Opinion with incidental take provisions is rendered. Pursuant to the requirements of FESA, an agency reviewing a proposed project within its jurisdiction must determine whether any federally listed species may be present in the project area and determine whether the proposed project will have a potentially significant impact upon such species. Under FESA, habitat loss is considered to be an impact to the species. In addition, the agency is required to determine whether the project is likely to jeopardize the continued existence of any species proposed to be listed under FESA or result in the destruction or adverse modification of critical habitat proposed to be designated for such species (16 USC §1536[3], [4]). Therefore, project-related impacts to these species or their habitats would be considered significant and would require mitigation. Species that are candidates for listing are not protected under FESA; however, USFWS advises that a candidate species could be elevated to listed status at any time, and therefore applicants should regard these species with special consideration.

The California Endangered Species Act of 1970 (CESA) (California Fish and Game Code §2050 *et seq.*, and California Code of Regulations [CCR] Title 14, §670.2, 670.51) prohibits “take” (defined as hunt, pursue, catch, capture, or kill) of species listed under CESA. A CESA permit must be obtained if a project will result in take of listed species, either during construction or over the life of the project. Section 2081 establishes an incidental take permit program for state-listed species. Under CESA, the California Department of Fish and Game (CDFG) has the responsibility for maintaining a list of threatened and endangered species designated under state law (California Fish and Game Code §2070). CDFG also maintains lists of species of special concern, which serve as “watch lists.” Pursuant to requirements of CESA, an agency reviewing proposed projects within its jurisdiction must determine whether any state-listed species may be present in the Study Area and determine whether the proposed project will have a potentially significant impact upon such species. Project-related impacts to species on the CESA list would be considered significant and would require mitigation.

California Fish and Game Code sections 4700, 5050, and 5515 designate certain mammal, amphibian, and reptile species “fully protected,” making it unlawful to take, possess, or destroy these species except under issuance of a specific permit. The California Native Plant Protection Act of 1977 (California Fish and Game Code §1900 *et seq.*) requires CDFG to establish criteria for determining if a species or variety of native plant is endangered or rare. Section 19131 of the code requires that landowners notify CDFG at least 10 days prior to initiating activities that will destroy a listed plant to allow the salvage of plant material.

Many bird species, especially those that are breeding, migratory, or of limited distribution, are protected under federal and state regulations. Under the Migratory Bird Treaty Act of 1918 (16 USC §703-711), migratory bird species and their nests and eggs that are on the federal list (50 CFR §10.13) are protected from injury or death, and project-related disturbances must be reduced or eliminated during the nesting cycle. California Fish and Game Code (§3503, 3503.5, and 3800) prohibits the possession, incidental take, or needless destruction of any bird nests or eggs. Fish and Game Code Section 3511 designates certain bird species —fullyprotected,” making it unlawful to take, possess, or destroy these species except under issuance of a specific permit. The Bald and Golden Eagle Protection Act (16 USC §668) specifically protects bald and golden eagles from harm or trade in parts of these species.

California Environmental Quality Act (CEQA) (Public Resources Code §15380) defines —are” in a broader sense than the definitions of threatened, endangered, or fully protected. Under the CEQA definition, CDFG can request additional consideration of species not otherwise protected. CEQA requires that the impacts of a project upon environmental resources must be analyzed and assessed using criteria determined by the lead agency. Sensitive species that would qualify for listing but are not currently listed may be afforded protection under CEQA. The CEQA Guidelines (§15065) require that a substantial reduction in numbers of a rare or endangered species be considered a significant effect and provide for assessment of unlisted species as rare or endangered under CEQA if the species can be shown to meet the criteria for listing (§15380). Plant species on the California Native Plant Society (CNPS) Lists 1A, 1B, or 2 are typically considered rare under CEQA. California —Species of Special Concern” is a category conferred by CDFG on those species that are indicators of regional habitat changes or may be protected species in the future. While they do not have statutory protection, Species of Special Concern are typically considered rare under CEQA and thereby warrant specific protection measures.

Jurisdictional Water Resources

Real property that contains water resources are subject to various federal and state regulations and activities occurring in these water resources may require permits, licenses, variances, or similar authorization from federal, state and local agencies, as described next.

The Federal Water Pollution Control Act Amendments of 1972 (as amended), commonly known as the Clean Water Act (CWA), established the basic structure for regulating discharges of pollutants into —waters of the United States.” Waters of the United States includes essentially all surface waters, all interstate waters and their tributaries, all impoundments of these waters, and all wetlands adjacent to these waters. CWA Section 404 requires approval prior to dredging or discharging fill material into any waters of the United States, especially wetlands. The permitting program is designed to minimize impacts to waters of the United States, and when impacts cannot be avoided, requires compensatory mitigation. The United States Army Corps of Engineers (USACE) is responsible for administering Section 404 regulations. Substantial impacts to jurisdictional wetlands may require an Individual Permit. Small-scale projects may require only a Nationwide Permit, which typically has an expedited process compared to the Individual Permit process. Mitigation of wetland impacts is required as a condition of the CWA Section 404 Permit and may include on-site preservation, restoration, or enhancement and/or off-site restoration or enhancement. The characteristics of the restored or enhanced wetlands must be equal to or better than those of the affected wetlands to achieve no net loss of wetlands.

Under CWA Section 401, every applicant for a federal permit or license for any activity which may result in a discharge to a water body must obtain State Water Quality Certification that the

proposed activity will comply with State water quality standards. The California State Water Resources Control Board is responsible for administering CWA Section 401 regulations. Any construction project that disturbs at least one acre of land requires enrollment in the state's general permitting program under the National Pollutant Discharge Elimination System and implementation of a storm water pollution prevention plan.

Section 10 of the Rivers and Harbors Act of 1899 requires approval from USACE prior to the commencement of any work in or over navigable waters of the United States, or which affects the course, location, condition or capacity of such waters. Navigable waters of the United States are defined as waters that have been used in the past, are now used, or are susceptible to use as a means to transport interstate or foreign commerce up to the head of navigation. Rivers and Harbors Act Section 10 permits are required for construction activities in these waters.

California Fish and Game Code (§1601-1607) protects fishery resources by regulating *any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake.*" CDFG requires notification prior to commencement, and issuance of a Lake or Streambed Alteration Agreement, if a proposed project will result in the alteration or degradation of *waters of the State.*" The limit of CDFG jurisdiction is subject to the judgment of CDFG; currently, this jurisdiction is interpreted to be the *stream zone,*" defined as *that portion of the stream channel that restricts lateral movement of water*" and delineated at *the top of the bank or the outer edge of any riparian vegetation, whichever is more landward.*" CDFG reviews the proposed actions and, if necessary, submits to the applicant a proposal for measures to protect affected fish and wildlife resources. The final proposal that is mutually agreed upon by CDFG and the applicant is the Streambed Alteration Agreement. Projects that require a Streambed Alteration Agreement may also require a CWA 404 Section Permit and/or CWA Section 401 Water Quality Certification.

Local Ordinances, Regulations, and Statutes

No applicable local ordinances, regulations, or statutes were identified that would apply to the Study Area; the Study Area is on federal land.

ENVIRONMENTAL SETTING

The Study Area is located at the boundary between the Sacramento Valley geographic subregion and the Sierra Nevada Foothills geographic subregion, both of which are contained within the larger California Floristic Province (Hickman, 1993). This region has a Mediterranean-type climate, characterized by distinct seasons of hot, dry summers and wet, moderately-cold winters with occasional frosts.

The project is located along the Lake Natoma shoreline, and adjacent to the Natoma Crossing Bridge, the Lake Natoma Inn, and the City of Folsom's Historic District. The Study Area is located in an unsectioned portion of Township 10 North, Range 7 East on the 1980 Folsom USGS 7.5-minute topographic map (Mount Diablo Base); the elevation ranges from approximately 140 feet to 160 feet above mean sea level. The Study Area is divided into two terraces rising above Lake Natoma and sloping downward from south to north with slopes ranging from 5 to 65 degrees. There is an existing paved multi-use trail (American River Parkway Trail) that sits on the upper terrace and numerous dirt trails along the lower terrace. At present, a stepped walkway made of railroad-ties descends from the upper terrace to the dirt trail on the lower terrace, and there is a series of six wooden bike/pedestrian bridges along the dirt trail.

The surrounding land uses are as follows: to the south, residential areas and the Historic Folsom commercial district; to the west, the city's Corporation Yard and residential areas; to the north, Lake Natoma, Negro Bar State Recreation Area, and residential and commercial districts; and to east, Folsom Powerhouse State Park and residential areas.

METHODOLOGY

PRELIMINARY DATA GATHERING AND RESEARCH

Prior to conducting the field survey the following information sources were reviewed:

- Any readily-available previous biological resource studies pertaining to the Study Area or vicinity;
- United States Geologic Service (USGS) 7.5 degree-minute topographic quadrangles of the Study Area and vicinity;
- Aerial photography of the Study Area; and
- California Natural Diversity Database (CNDDDB), electronically updated monthly by subscription to CDFG.

FIELD SURVEY

Numerous reconnaissance-level field surveys were conducted. On February 3 and 12, 2011, Dr. G.O. Graening and Allison Ferkovich (both with California State University, Sacramento, Department of Biological Sciences) conducted the first site surveys. Dr. Graening also performed site surveys on March 14, and April 18, 2011. A focused botanical survey was performed on April 15, 2011, by Dr. Mike Baad and Jim Alford (both with California State University, Sacramento, Department of Biological Sciences), with Dr. Graening assisting and performing a concurrent wildlife survey. A follow-up botanical survey was performed on April 17 and May 2, 2011, by Jim Alford, to identify to species those plants with later blooming periods, such as *Clarkia*.

The site surveys were complete coverage, variable-intensity pedestrian surveys. All visible fauna and flora observed were recorded in a field notebook, and identified to the lowest possible taxon. Binoculars and field lenses were used as needed. Survey efforts emphasized the search for any special-status species that had documented occurrences in the CNDDDB within the vicinity of the Study Area. When a specimen could not be identified in the field, a photograph or voucher specimen (depending upon permit requirements) was taken and identified in the laboratory using a dissecting scope where necessary. Taxonomic determinations were facilitated by referencing museum specimens or by various texts, including the following: Powell and Hogue (1979); Pavlik (1991); Hickman (1993); Brenzel (2001); Stuart and Sawyer (2001); Laner (2002); Sibley (2003); Calflora (2007); CDFG (2007b,c); NatureServe 2007; and University of California at Berkeley (2007a,b).

The locations of any special-status species sighted were marked on aerial photographs and/or georeferenced with a geographic positioning system receiver. Habitat types occurring in the Study Area were mapped on aerial photographs, and information on habitat conditions and the suitability of the habitats to support special-status species was also recorded. The Study Area was also informally assessed for the presence of potentially-jurisdictional water features, including riparian zones, isolated wetlands and vernal pools, and other biologically-sensitive aquatic habitats.

MAPPING AND OTHER ANALYSIS

Locations of species' occurrences and habitat boundaries within the Study Area were recorded on color aerial photographs, and then digitized to produce the final habitat maps. The boundaries of potentially jurisdictional water resources within the Study Area were identified and measured in the field, and similarly digitized to calculate acreage and to produce informal delineation maps. Geographic analyses were performed using geographical information system software (ArcGIS 9.3, ESRI, Inc.). Vegetation communities (assemblages of plant species growing in an area of similar biological and environmental factors), were classified by Vegetation Series (distinctive associations of plants, described by dominant species and particular environmental setting) using the CNPS Vegetation Classification system (Sawyer and Keeler-Wolf, 1995). Wetlands and other aquatic habitats were classified using USFWS National Wetlands Inventory Classification System for Wetland and Deepwater Habitats, or "Cowardin class" (Cowardin et al. 1979; USFWS 2007). Informal wetland delineation methods consisted of an abbreviated, visual assessment of the three requisite wetland parameters (hydrophytic vegetation, hydric soils, hydrologic regime) defined in the USACE Wetlands Delineation Manual (Environmental Laboratory 1987). Wildlife habitats were classified according to the CDFG's California Wildlife Habitat Relationships System (CDFG 2007c). Species' habitat requirements and life histories were identified using the following sources: Hickman (1993); CNPS (2009), Calflora (2009); CDFG (2009a,b,c); and University of California at Berkeley (2009a,b).

RESULTS

INVENTORY OF FLORA AND FAUNA FROM FIELD SURVEYS

All plants and animals sighted during the reconnaissance-level field surveys of the Study Area are listed in Table 1 and Table 2, respectively. Note that the dates of field surveys may not coincide with every blooming period of regionally-occurring special-status plant species. Secretive wildlife species that require long observation periods to detect may not have been observed due to the limited survey time and constant movement of the survey team. In addition, nocturnal species were not observed because the survey was conducted during daylight hours.

VEGETATION COMMUNITIES AND HABITAT TYPES

The Study Area contains three primary vegetation communities and corresponding habitat types: ruderal/developed; blue oak/gray pine woodland; and riparian woodland. These habitat types are discussed in detail in the following text and are delineated in Figure 3A and Figure 3B.

Developed/Ruderal

Vegetation within this habitat type consists primarily of nonnative weedy or invasive ruderal species or agricultural/ornamental plants lacking a consistent community structure. This habitat is classified as Holland vegetation type "Urban-11100," and "Urban and Barren" wildlife habitat types by the California Wildlife Habitat Relationships classification scheme. This habitat type provides limited resources for wildlife and is utilized primarily by species tolerant of human activities. The disturbed and altered condition of these lands greatly reduces their habitat value and ability to sustain rare plants or diverse wildlife assemblages. However, common, disturbance-tolerant species do occur in these lands. Small patches of annual grassland are also present, and consist of non-native pasture grasses such as barley (*Hordeum* sp.), bromes (*Bromus* spp.), oats (*Avena* spp.), and fescue (*Festuca* sp.) and forbs such as filaree (*Erodium botrys*) and

turkey mullein (*Eremocarpus setigerus*). Numerous wildlife species use grasslands for foraging and breeding.

Blue Oak/Gray Pine Woodland and Mixed-Oak Woodland

In oak-pine woodland habitat, the dominant canopy trees are usually interior live oak (*Quercus wislizenii*), blue oak (*Q. douglasii*), and gray pine (*Pinus sabiniana*). Other prominent vegetation included Himalayan blackberry (*Rubus discolor*), poison oak (*Toxicodendron diversilobum*), blue elderberry (*Sambucus mexicanus*), toyon (*Heteromeles arbutifolia*), and wild grape (*Vitis californica*). This habitat provides important refuge and foraging areas for wildlife.

Riparian Woodland

Riparian woodland is found along the shores of Lake Natoma on the lower terrace of the Study Area. The overstory tree species were cottonwood (*Populus fremontii*), willows (*Salix* spp.), box elder (*Acer negundo*), white alder (*Alnus rhombifolia*), and some oaks (*Quercus* spp.). The primary understory vegetation is wild grape and Himalayan blackberry. This habitat provides important resources for wildlife.

Special-status Habitats

No special-status habitats were detected within the Study Area other than elderberry shrubs (Figure 4). The following special-status habitats were reported by CNDDDB (CDFG 2011) within the surrounding quadrangles: Alkali Meadow, Alkali Seep, Northern Hardpan Vernal Pool, Northern Volcanic Mud Flow Vernal Pool, and Valley Needlegrass Grassland (Figure 5).

The Study Area is not located within any adopted Habitat Conservation Plan or Natural Community Conservation Plan.

SPECIAL-STATUS SPECIES

For the purposes of this assessment, —special status” is defined to be species that are of management concern to state or federal natural resource agencies, and include those species that are:

- Listed as endangered, threatened, proposed, or candidate for listing under FESA;
- Listed as endangered, threatened, rare, or proposed for listing, under CESA of 1970;
- Designated as endangered or rare, pursuant to California Fish and Game Code (§1901);
- Designated as fully protected, pursuant to California Fish and Game Code (§3511, §4700, or §5050);
- Designated as a species of special concern by CDFG; or
- Plants listed as rare under the California Native Plant Protection Act.

Historical Special-status Species' Occurrences

A list of special-status plant and animal species that historically occurred within the Study Area and vicinity was compiled based upon the following:

- Any previous and readily-available biological resource studies pertaining to the Study Area;
- Informal consultation with USFWS by generating an electronic Species List (available on the applicable Field Office website); and
- A spatial query of the CNDDDB.

To determine which special-status plant species have been reported in the vicinity of the Study Area, CDFG's CNDDDB was spatially queried using geographic information system software for the USGS 7.5 degree-minute topographic quadrangle of the Study Area—Folsom—and the surrounding 8 quadrangles: Roseville, Rocklin, Pilot Hill, Citrus Heights, Clarksville, Carmichael, Buffalo Creek, and Folsom SE. All reported occurrences of special-status species were plotted in relation to the Study Area boundary (Figure 5). The combined species list is presented in Table 3.

Special-status Species Observed During Field Survey

During the field surveys in February, March, and April 2011, no special-status species were observed within the Study Area. The botanical survey report by Dr. Baad and J. Alford (2011) made the following conclusions and recommendations:

—No rare species were detected during these botanical surveys. It is our opinion that no further botanical surveys need to be performed for rare or protected plants.”

However, on April 4, 2011, a valley elderberry longhorn beetle (VELB; *Desmocerus californicus dimorphus*) was sighted and photographed on an elderberry shrub in the Study Area (on the paved bike path junction just west of the Natoma Crossing Bridge) by the project's architectural staff—Erik Smith and Joy Reinsch (both with Callander Associates)—their photo is presented below. Ten blue elderberry shrubs exist within the Study Area (Figure 4).



Analyses of Likelihood of Occurrence of Special-status Species

The special-status species identified through records review were further assessed for their likelihood to occur within the Study Area based upon previously documented occurrences, field surveys, their habitat requirements, and the quality and extent of any suitable habitat within the Study Area. Each species was ranked for its likelihood to occur within the Study Area: a “high” rank was given for species where current field surveys have positively identified the species within the Study Area, where there have been previously documented occurrences within the Study Area, and/or where essential habitat elements exist within the Study Area; a “moderate” rank was given for species that were not detected during current field surveys, but where there have been previously documented occurrences within the Study Area or vicinity, and where preferred habitat elements exist within the Study Area; a “low” rank was given for species with

no known observations within the Study Area or vicinity, as well as where habitat elements exist within the Study Area or vicinity, but the quality of that habitat is degraded or of poor quality, and/or where Study Area conditions and land uses deter use of the Study Area; and an “unlikely” rank was given for species with no known observations within the Study Area or vicinity, and where no suitable habitat exists within the Study Area. The results of these analyses are summarized in Table 3.

The following special-status species were determined to have a moderate or high likelihood of occurrence within the Study Area: Cooper's hawk (*Accipiter cooperii*), northwestern pond turtle (*Actinemys marmorata marmorata*), tricolored blackbird (*Agelaius tricolor*), great egret (*Ardea alba*), great blue heron (*A. herodias*), Swainson's hawk (*Buteo swainsoni*), Brandegee's clarkia (*Clarkia biloba brandegeae*), VELB, white-tailed kite (*Elanus leucurus*), merlin (*Falco columbarius*), bald eagle (*Haliaeetus leucocephalus*), silver-haired bat (*Lasionycteris noctivagans*), California black rail (*Laterallus jamaicensis coturniculus*), double-crested cormorant (*Phalacrocorax auritus*), California red-legged frog (CRLF; *Rana draytonii*), and bank swallow (*Riparia riparia*).

POTENTIALLY JURISDICTIONAL WATER RESOURCES

An informal assessment for the presence of potentially-jurisdictional water resources within the Study Area was also conducted during the field surveys. The various water resources detected within the Study Area are mapped in Figure 6 and consist of the following:

- Lacustrine wetlands occur along the entire shoreline of Lake Natoma within the Study Area. The boundary consists of the lower and upper pool heights of Lake Natoma, depending upon releases from Nimbus Dam. Dominant hydrophytes include diffuse rush, iris leafed rush, horsetail, common reed, and cattail. Where the lacustrine wetlands end, the riparian gallery forest begins. These features are anticipated to be jurisdictional under federal and state law.
- A freshwater marsh is located on the western end of the Study Area, and is an extension of the lacustrine wetlands. This low area is probably a depression formed from historical placer dredge mining. Brambles (Himalayan and California blackberry [*Rubus ursinus*]) are the dominant vegetation; willows are also common. This feature is anticipated to be jurisdictional under federal and state law.
- At least three springs discharge perched groundwater that apparently originates within fractured bedrock and placer mining tailings. This groundwater does not appear to be connected to the city's municipal stormwater system, according to Betty Marchbanks (Engineering Technician, City of Folsom Public Works Department), who provided utility maps of their municipal stormwater system. These features are anticipated to be jurisdictional under federal and state law.
- An intermittent stream is located on the eastern boundary of the Study Area. The city's municipal stormwater system does discharge stormwater via corrugated metal pipes into the intermittent stream on the eastern boundary of the Study Area, apparently at three different outfalls. This feature is anticipated to be jurisdictional under federal and state law.
- Municipal Stormwater System. The City's municipal stormwater system discharges stormwater via corrugated metal pipes into the intermittent stream on the eastern boundary of the Study Area, as well as another location at the Light Rail Station parking

lot just west of the Natoma Crossing Bridge. Stormwater is also discharged to a detention pond under the Natoma Crossing Bridge at the south abutments. Stormwater features are not expected to be jurisdictional under federal or state law.

No vernal pools or other isolated wetlands were identified within the Study Area.

Note that Lake Natoma has previously been determined to be a navigable waterbody as defined by the CWA and subject to the jurisdiction of USACE. Lake Natoma is also a water of the state, and is protected under the Porter-Cologne Act, and the stream zone (to the outer limit of riparian vegetation) is protected under Section 1600 of the Fish and Game Code.

IMPACT ANALYSES AND MITIGATION MEASURES

This section establishes the impact criteria, analyzes potential project-related impacts upon the known biological resources within the Study Area, and then suggests mitigation measures to reduce these impacts to a less-than-significant level.

IMPACT SIGNIFICANCE CRITERIA

The significance of impacts to biological resources depends upon the proximity and quality of vegetation communities and wildlife habitats, the presence or absence of special-status species, and the effectiveness of measures implemented to protect these resources from project-related impacts. As defined by CEQA, the project would be considered to have a significant adverse impact on biological resources if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a special-status species in local or regional plans, policies, or regulations, or by USFWS or CDFG;
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by USFWS or CDFG;
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- Conflict with any county or municipal policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; and/or
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved governmental habitat conservation plan.

IMPACT ANALYSIS

The final designs for the bike/pedestrian trail and the ADA-compliant walkway are currently underway. This impact analysis evaluates the general potential for project implementation to adversely affect biological resources based on the criteria set forth above. Two development scenarios were analyzed: 1) no construction or development activities would occur within, or create a disturbance to, waters of the United States or waters of the State; and 2) construction and

development activities would require in-stream work, such as the placement of culverts at stream crossings or the installation of a boat ramp.

Potential Impact #1 – Impacts to Special-status Habitats

No special-status habitats were detected within the Study Area other than elderberry shrubs (Figure 4) and riparian habitat. Potential impacts to valley elderberry longhorn beetle are discussed in the special-status species impact category. The Study Area is not located within any adopted Habitat Conservation Plan or Natural Community Conservation Plan.

Lake Natoma and its tributary channels are waters of the United States, and the channels and banks (up to the ordinary high water mark) are protected under the CWA. Project construction may require the modification of channels or the lakeshore, or require the placement of fill, all of which are potentially significant impacts.

Lake Natoma and its tributary channels are also waters of the State, and their riparian habitats are protected under Section 1600 et seq. of the Fish and Game Code. This regulation protects the "Stream Zone," which is defined as the habitat from the edge of the waterbody to the outer edge of its riparian vegetation. Project construction may require the destruction of riparian vegetation, which is a potentially significant impact.

Recommended Mitigation Measures For Impact #1

Project design and implementation would ideally avoid all water resources and riparian vegetation. Construction or development activities that occur with the ordinary high water mark of channels and reservoirs will require a CWA 404 Section Permit and CWA Section 401 Water Quality Certification. A formal delineation report of jurisdictional waters should be performed to demarcate and enumerate the exact boundaries of channels and lake levels. Impacts to channels and banks should be calculated, and mitigation proposed according to USACE guidelines.

Any significant destruction of riparian vegetation within the stream zone will require permission from CDFG. A formal delineation report of jurisdictional waters should be performed to demarcate and enumerate the exact boundaries of channels and stream zones. Impacts to channels and stream zones should be calculated, and mitigation proposed. When the project proponent and CDFG agree upon the conditions of the permit, the conditions are formalized into a Streambed Alteration Agreement.

Implementation of the avoidance, minimization, and compensatory mitigation measures specified in the Streambed Alteration Agreement and/or CWA permits will reduce impacts to riparian habitats and stream zones to a less than significant level.

Potential Impact #2 – Impacts to Oak Trees

Preparation of the Study Area for trail development will involve site grading and other ground disturbances that may require removal of existing trees, pruning of tree limbs, trenching of tree roots, or soil compaction within the drip zone of trees. This is a potentially significant impact.

The United States Bureau of Reclamation typically requires mitigation for native oak trees, but does not have a standard policy for defining impacts and mitigation; instead, local tree ordinances are often used. Therefore, the City of Folsom's Tree Preservation Ordinance (Folsom Municipal Code 12.16 et seq.)(City of Folsom, 2007) was applied as the impact and mitigation criteria. The city's Tree Preservation Ordinance protects the following tree resources:

- "Heritage tree" - a native oak tree over 19 inches in diameter at breast height (DBH) or a multi-trunked native oak tree having an aggregate diameter of 38 inches or more DBH;

- "Landmark tree" - a tree or group of trees determined by the City Council to be a significant community benefit;
- "Native oak tree" - any oak tree over 6 inches DBH of the species valley oak (*Quercus lobata*), blue oak, interior live oak, or hybrids thereof, or a multi-trunked native oak tree having an aggregate diameter of 20 inches DBH or more; or
- "Street tree" - any tree growing within the City's tree maintenance strip and contained on the master tree list.

Removal of protected trees or ground disturbance within a protected tree's protected zone (defined as the protected tree's dripline plus 1 additional radial foot) would be considered a significant impact under this ordinance.

Recommended Mitigation Measures For Impact #2

Project implementation may require removal of protected trees or ground disturbance their protected zones. Such activities require a City Tree Permit and compensatory mitigation for loss of tree resources. Compensatory mitigation off-site consists of one of the following mitigation measures:

- Payment into the Tree Planting and Replacement Fund of an inch-for-diameter-inch replacement in-lieu fee, as set by city council resolution;
- Dedication of property for the purpose of planting trees based on the following ratio: 1 diameter inch = .004 acres of land (175 square feet) - the minimum area of dedication for such property shall be 5 acres of land, unless the property is contiguous to existing or planned open space, in which case the minimum dedication is 1 acre of land; off-site mitigation of this type must be approved by the city council; or
- Planting of trees on either public property, property with a conservation easement, or on property with an irrevocable offer of dedication to the city, pursuant to the ratios set forth in the Tree Ordinance.

Obtaining a City Tree Permit and implementing compensatory mitigation will reduce adverse impacts upon oak tree resources to a less than significant level.

Potential Impact #3 – Impacts to Special-status Species

The following special-status species were determined to have a moderate or high likelihood of occurrence within the Study Area: VELB, Cooper's hawk, northwestern pond turtle, tricolored blackbird, great egret, great blue heron, Swainson's hawk, Brandegee's clarkia, white-tailed kite, merlin, bald eagle, silver-haired bat, California black rail, double-crested cormorant, CRLF, and bank swallow. Although most of these species were not detected in field surveys, they could be present at the time of construction and may result in take (harassment, injury, or mortality) by construction activities. This is a potentially significant impact.

Impacts to Federally Threatened Special-status Species

VELB is federally listed as threatened. Its obligate host plants are a species of elderberry shrub, and suitable habitat is considered to be any stems greater than 1 inch on these multi-stemmed plants. The CNDDDB reported several historical VELB occurrences within 2 miles of the Study Area, and ten blue elderberry shrubs exist within the Study Area (Figure 4). One VELB was spotted on an elderberry shrub on the paved bikepath junction just west of the Natoma Crossing Bridge. Ground-disturbing activities may be necessary for project implementation within 100 feet of an elderberry shrub, which is the threshold distance that USFWS has determined might

result in take (harassment, injury, or mortality) of this listed species. This is a potentially significant impact.

CRLF is federally listed as threatened. Suitable habitat (marshes; slow-moving water; areas with plant cover such as willows and cattails) exists with the Study Area. Project construction areas are adjacent to suitable habitat, and project construction areas may function as dispersal corridors. Proposed trails cross three intermittent/ephemeral streams. Ground disturbance and other construction areas could result in take of CRLFs or disturb suitable habitat; this is a potentially significant impact.

Recommended Mitigation Measures For Impact #3

A pre-construction survey for special-status species is recommended to ensure that the construction footprint is clear of protected species.

USFWS (1999) guidelines state that consultation with the USFWS is necessary if construction-related disturbance will occur within 100 feet of elderberry shrubs. This consultation process should begin with correspondence with the USFWS to develop a habitat conservation plan that minimizes the project's direct and indirect impacts to VELB and compensates for any project-related loss of habitat. USFWS (1999) established mitigation requirements for the loss of VELB habitat. The guidelines specify, in the following order, avoidance, protection, transplantation, and compensatory mitigation, as measures to mitigate for impacts to VELB. An incidental take permit is typically not required as long as ground disturbance activities occur outside of the VELB emergence and mating period (March 15 – June 15) and the disturbance remains at least 20 feet from the shrub, and avoidance and protection measures are implemented, including the installation of exclusionary fencing and signage around the shrub and performing worker awareness training. Implementation of these USFWS-approved mitigation measures will reduce any adverse impacts upon VELB to a less than significant level. With implementation of these mitigation measures, the recommended USFWS consultation determination is “No Effect” upon VELB.

To ensure that no CRLFs are present in the study area when construction begins, a preconstruction survey should be conducted within the area to be disturbed, including under all construction vehicles that have been on the site overnight. If any CRLFs are found during pre-construction surveys or during construction, all construction activities should cease and USFWS should be notified. To prevent CRLFs from moving through the project site during construction, temporary exclusion fencing should be placed around all defined work areas two days prior to the start of construction activities and immediately after the pre-construction survey, under the supervision of a qualified biologist. The fence should be made of a material that does not allow CRLFs to pass through, and the bottom should be buried to a depth of 2 inches so that this species cannot crawl under the fence. To avoid potential entanglement, the use of plastic monofilament netting should be prohibited. Any frogs found along and outside the fence should be closely monitored until they move away from the construction area. Biologists handling the species must be in possession of appropriate federal and state permits to move the species. Implementation of these mitigation measures will reduce any adverse impacts upon CRLFs to a less than significant level. With implementation of these mitigation measures, the recommended ESA consultation determination is “No Effect” upon CRLF for a project description that has no in-stream work and requires no jurisdictional waters permits. If the project description has in-stream work and requires jurisdictional waters permits, the recommended ESA consultation

determination is —Not Likely To Adversely Effect” with implementation of these mitigation measures.

Potential Impact # 4 – Direct/Indirect Adverse Effects on Nesting Birds (and Bats)

Special-status bird and bat species were reported by the CNDDDB or USFWS in the vicinity of the Study Area, including Cooper's hawk, tricolored blackbird, great egret, great blue heron, Swainson's hawk, white-tailed kite, merlin, bald eagle, California black rail, double-crested cormorant, and bank swallow, as well as silver-haired bat.

The Study Area contains suitable nesting habitat for many bird species (and some bat species) because of the presence of trees, poles, mature oak/pine forest, and riparian canopy. Previously-used/abandoned nests were sighted within the Study Area; no active nests were observed during field surveys. If construction activities are conducted during the nesting season, nesting birds (or bats) could be directly impacted by removal of trees, and indirectly impacted by noise, vibration, and other construction-related disturbance. Therefore, project construction is considered a potentially significant adverse impact.

Recommended Mitigation Measures For Impact # 4

If construction activities occur during the nesting season (usually March to September), pre-construction surveys for the presence of special-status bird or bat species, or any nesting bird species should be conducted by a qualified biologist within 500 feet of proposed construction areas. If active nests are identified in these areas, CDFG should be consulted to develop measures to avoid “take” of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site.

Potential Impact # 5 – Impacts to Jurisdictional Water Resources

The informal assessment of the Study Area identified several potentially-jurisdictional water features in the Study Area:

- Lacustrine wetlands occur along the entire shoreline of Lake Natoma within the Study Area; a freshwater marsh is located on the western end of this shoreline.
- Three springs discharge groundwater and feed ephemeral or intermittent streams that flow to Lake Natoma.
- An intermittent stream is located on the eastern boundary of the Study Area and flows to Lake Natoma.

Note that Lake Natoma has previously been determined to be a navigable waterbody as defined by the CWA and subject to the jurisdiction of USACE. Lake Natoma is also a water of the State, and is protected under the Porter-Cologne Act, and the stream zone (to the outer limit of riparian vegetation) is protected under Section 1600 et seq. of the Fish and Game Code.

Project construction areas are adjacent to potentially jurisdictional water resources as well as Lake Natoma, which is subject to federal and state jurisdiction and protection. Proposed trails cross three intermittent/ephemeral channels that are potentially jurisdictional water resources. Unless project design and implementation can completely avoid the water resources in the Study Area, the project may result in the alteration of channels and/or the discharge of fill material into potentially jurisdictional waters (intermittent/ephemeral channels), which would be a significant adverse impact.

During construction of the proposed project, surface water or ground water quality has the potential to be degraded due to storm water transport of sediment from disturbed soils or by accidental release of hazardous materials or petroleum products from sources such as heavy equipment servicing or refueling. This is a potentially significant impact.

However, because the proposed project's construction footprint is larger than 1 acre in area, such construction is regulated by the State Water Resources Control Board's National Pollutant Discharge Elimination System General Permit For Storm Water Discharges Associated With Construction And Land Disturbance Activities (Order No. 2009-0009-DWQ). The city and its general contractor must file a Notice of Intent to enroll under the permit prior to the initiation of construction. In conjunction with enrollment under this permit, a Storm Water Pollution Prevention Plan, Erosion Control Plan, and a Hazardous Materials Management/Spill Response Plan must be created and implemented during construction to avoid or minimize the potential for erosion, sedimentation, or accidental release of hazardous materials. Implementation of these measures will reduce potential construction-related impacts to water quality to a less than significant level. No mitigation is necessary.

Recommended Mitigation Measures For Impact # 5

Project design and implementation would ideally avoid all water resources. Bridges that span the intermittent or ephemeral drainages could be designed and installed to avoid the channels entirely. This would entail building abutments in uplands beyond the high water mark and spanning the channels with pre-formed or pre-cast bridges.

Any alteration or degradation of a streambank or the placement of fill within the ordinary high water mark, will require permits from the USACE. A formal delineation report of jurisdictional waters should be performed to demarcate and enumerate the exact boundaries of channels and stream zones. The jurisdictional water delineation should be verified by USACE. Impacts to channels and stream zones should be calculated, and mitigation proposed according to USACE guidelines.

A CWA 404 permit must be obtained (Nationwide Permit or Individual Permit) before construction begins. CWA 401 water quality certification by the SWRCB will also be necessary if a federal permit is to be issued. A Streambed Alteration Agreement will also be needed if channels or stream zones are impacted. Mitigation measures must ensure that project impacts are minimized, and that compensatory mitigation results in no net loss of jurisdictional waters. Implementation of the mitigation measures required for permit issuance will reduce impacts to channels and stream zones to a less than significant level.

SUMMARY

Parus Consulting, Inc. has prepared a biological resources assessment for the proposed Lake Natoma Waterfront and Trail Access Enhancement Project, which involves construction of a paved multi-use trail along the Lake Natoma shoreline, native plant restoration, scenic overlooks, interpretive kiosks and signs, and an ADA-compliant walkway. The Study Area is approximately 9.5-acres, and is located along the Lake Natoma shoreline adjacent to the Natoma Crossing Bridge, the Lake Natoma Inn, and the City of Folsom's Historic District, in Sacramento County, California. Field surveys were conducted by Dr. G.O. Graening on February 3 and 12, March 14, and April 18, 2011. A focused botanical survey was performed on April 15 and 17, 2011, by Dr. Mike Baad and Jim Alford.

It should be noted that the project's architectural design was not available at the time that this assessment of biological resources was conducted. Therefore, the impact analysis evaluates the general potential for project implementation to adversely affect biological resources. Additional study of the special-status habitats identified in the Study Area (elderberry shrubs and wetland features) is recommended, as well as a pre-construction survey for special-status species.

Habitat types occurring on the property were mapped and consist primarily of ruderal/developed, blue oak/gray pine woodland, and riparian woodland. Preparation of the Study Area for trail development will involve site grading and other ground disturbances that may impact native oak trees; this is a potentially significant impact. It is anticipated that a City Tree Permit and compensatory mitigation will be required for removal or other impacts to oak tree resources.

A list of 55 regionally occurring special-status plant and animal species was compiled based on a review of pertinent literature, informal consultation with the USFWS, and database queries. Habitat requirements were assessed for each species and compared to the habitats occurring within the property and surrounding vicinity. This analysis determined that the Study Area contains a moderate to high potential for 15 special-status species to occur, primarily bird species.

During field assessments, no special-status plant species were detected, and no additional botanical surveys were recommended by the consulting botanists. Additionally, with the exception of one VELB that was sighted on an elderberry shrub in the Study Area (on the paved bikepath junction just west of the Natoma Crossing Bridge), no special-status animal species were detected. However, the various special-status species determined to have a moderate or high likelihood of occurrence within the Study Area that were not detected in field surveys could still be present at the time of construction. This is a potentially significant impact. A pre-construction survey for special-status species is recommended to ensure that the construction footprint is clear of protected species.

Based upon significance criteria and available data, VELB and CRLF were determined to be potentially adversely impacted by the proposed project. Ground-disturbing activities within 100 feet of an elderberry shrub may be necessary for project implementation, which is the threshold distance that USFWS has determined might result take of this listed species. This is a potentially significant impact. USFWS should be consulted; implementation USFWS-approved mitigation measures will reduce any adverse impacts upon VELB to a less than significant level.

Project construction areas are adjacent to suitable CRLF habitat and may function as dispersal corridors. Construction, including ground disturbance, could result in take of CRLF or disturbance of suitable habitat; this is a potentially significant impact. To ensure that no CRLF are present in the study area when construction begins, a preconstruction survey should be conducted. To prevent CRLF from moving through the project site during construction, temporary exclusion fencing should be installed and biological monitoring employed. Implementation of these mitigation measures will reduce any adverse impacts upon CRLF to a less than significant level.

The Study Area contains suitable nesting habitat for many bird species (and one bat species). Previously-used/abandoned nests were sighted within the Study Area; no active nests were observed during field surveys. If construction activities are conducted during the nesting season, nesting birds (or bats) could be directly impacted by removal of trees, and indirectly impacted by noise, vibration, and other construction-related disturbance. Pre-construction surveys for the presence of special-status bird or bat species, or any nesting bird species, should be conducted by

a qualified biologist. If active nests are identified, CDFG should be consulted to develop measures to avoid "take" of active nests prior to the initiation of any construction activities.

An informal assessment for the presence of potentially-jurisdictional water resources identified several potentially jurisdictional water features in the Study Area: lacustrine wetlands and one marsh occur along the entire shoreline of Lake Natoma within the Study Area; three springs discharge groundwater and feed ephemeral or intermittent streams that flow to Lake Natoma; and an intermittent stream is located on the eastern boundary of the Study Area and flows to Lake Natoma. Riparian habitats are protected under state law, and project construction may require the destruction of riparian vegetation, which is a potentially significant impact. Project design and implementation would ideally avoid all water resources and riparian vegetation. Any significant destruction of riparian vegetation within the stream zone will require a Streambed Alteration Agreement with CDFG and mitigation measures. A formal delineation report of jurisdictional waters should be performed, as well as a CWA 404 Section Permit and Section 401 Water Quality Certification. Implementation of the mitigation measures specified in the agreement (and any other permits) will reduce impacts to riparian habitats and stream zones to a less than significant level.

Further, unless project design and implementation can completely avoid the water resources in the Study Area, the project may result in the alteration of channels and/or the discharge of fill material into potentially jurisdictional waters (intermittent/ephemeral channels), which would be a significant adverse impact. Bridges that span the intermittent or ephemeral drainages could be designed and installed to avoid the channels entirely. This would entail building abutments in uplands beyond the high water mark and spanning the channels with pre-formed or pre-cast bridges.

Any alteration or degradation of a streambank, or the placement of fill within the ordinary high water mark, will require permits from regulatory agencies. As discussed above, a formal delineation report of jurisdictional waters should be performed and verified by USACE, and a CWA 404 permit must be obtained (Nationwide Permit or Individual Permit) before construction begins. CWA 401 water quality certification by the SWRCB will also be necessary if a federal permit is to be issued. A Streambed Alteration Agreement with CDFG will be needed if channels or stream zones are impacted. Mitigation measures must ensure that project impacts are minimized, and that compensatory mitigation results in no net loss of jurisdictional waters. Implementation of the mitigation measures required for permit issuance will reduce impacts to channels and stream zones to a less than significant level.

During construction of the proposed project, surface water or ground water quality has the potential to be degraded from storm water transport of sediment from disturbed soils or by accidental release of hazardous materials or petroleum products from sources such as heavy equipment servicing or refueling. This is a potentially significant impact. However, because the proposed project's construction footprint is larger than 1 acre in area, such construction is regulated by the State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction (Order No. 2009-0009-DWQ). The City and its general contractor must enroll under this permit, and create and implement a Storm Water Pollution Prevention Plan, Erosion Control Plan, and a Hazardous Materials Management/Spill Response Plan to avoid or minimize the potential for erosion, sedimentation, or accidental release of hazardous materials. Implementation of these measures will reduce potential construction-related impacts to water quality to a less than significant level.

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Figure 2. Study Area and Proposed Trails on Aerial Photo Background

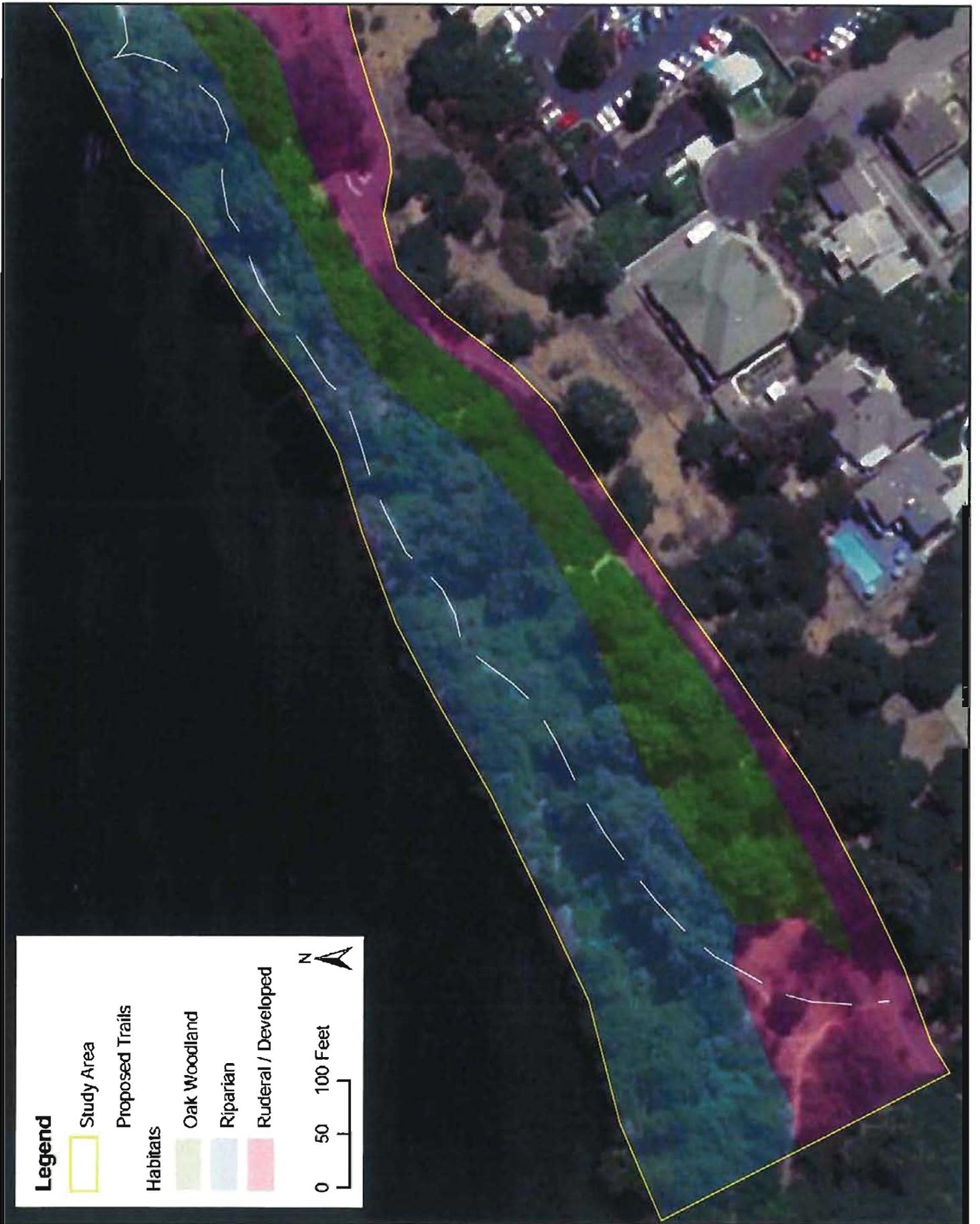


Exhibit 3a. Habitats / Vegetation Communities in Study Area, West Half

APPENDIX C

***CONFIDENTIAL CULTURAL RESOURCE EVALUATION/STATE
HISTORIC PRESERVATION OFFICE CONCURRENCE LETTER***

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

1725 23rd Street, Suite 100
SACRAMENTO, CA 95816-7100
(916) 445-7000 Fax: (916) 445-7053
calshpo@parks.ca.gov
www.ohp.parks.ca.gov

BUREAU OF RECLAMATION OFFICIAL FILE COPY RECEIVED		
AUG 17 2011		
CODE	ACTION	SURNAME & DATE
150	✓	Aug 8/18/2011



August 15, 2011

Reply in Reference To: BUR110617A

Anastasia Leigh - Acting Regional Environmental Officer
United States Department of the Interior
Bureau of Reclamation, Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825-1898

Re: MP-153, ENV-3.00; Proposed Improvements to the *Lake Natoma Waterfront Trail near downtown Folsom, Folsom, California* (Project No. 11-CCAO-071)

Dear Ms. Leigh:

Thank you for consulting pursuant to 36 CFR Part 800 (as amended 8-05-04) regulations implementing Section 106 of the National Historic Preservation Act (NHPA). The Bureau of Reclamation (BUR) is the lead Federal agency for the current undertaking and is seeking concurrence on (1) the delineation of the Area of Potential Effect (APE), (2) resource identification efforts, (3) concurrence on the ineligibility of historic sites P-34-1388 and -2256, and (4) concurrence on a finding of "No Adverse Effect" pursuant to 36 CFR Part 800.5(b) for the above undertaking.

Your report titled *Cultural Resources Inventory and Evaluation for the Proposed Lake Natoma Waterfront Trail Access Project, City of Folsom Parks and Recreation Department, Sacramento County, California* prepared by Sikes and Arrington (2011) documents cultural resource management work completed for the above referenced undertaking. As proposed, the undertaking is adjacent the south shore of Lake Natoma and involves upgrading recreation facilities to ADA specification by asphalt paving 0.6-of a mile of existing trail, installing an unspecified number of scenic overlooks and interpretive kiosks, and planting native plant species.

The current undertaking is divided into direct and indirect APEs with the former encompassing the above mentioned construction activities and the latter comprising an additional 0.25-of a mile radius of land. Resource identification efforts involved historic and prehistoric research; searches of pertinent records on file at the North Central Information Center; a Native American Heritage Commission (NAHC) search for sacred-lands and contacts; consultation with the (eight) NAHC identified tribes; field-survey; site record updates; and, National Register evaluations. Background research and field-work identified the following nine previously recorded historic sites:

Direct APE

- Ca-Sac-426H The remains of Folsom China Town
- Ca-Sac-308H A historic mining site
- P-34-1388 A historic dump
- P-34-2256 Remnants of the Negro Bar Community
- P-34-2267 A mid-19th century granite quarry
- P-34-2271 Historic placer mining features

Indirect APE

- Ca-Sac-429H Old Folsom Powerhouse
- P-34-2434 Rainbow Bridge
- PHI-798 Negro Bar California

Class	PHI No. 798-300
Project	214
Control No.	11064349
Project I.D.	11419821
Date Input & Initials	8/15/2011 [Signature]

After reviewing the aforementioned report, I have the following comments:

1. Pursuant to 36 CFR Parts 800.4(a)(1) and 800.16(d), I find the Area of Potential Effect (APE) for the current undertaking properly determined and documented.

2. Pursuant to 36 CFR Part 800.4(b)(1), I find the *Level of Effort* discussed above appropriate for identifying historic properties in the APE.
3. I find the undertaking will not affect historic sites P-34-2256 and -2271 as field-survey could not relocate their archaeological remains and concluded the sites had been obliterated by a combination of historic and contemporary activities.
4. I **concur** with the ineligibility of historic sites P-34-1388 and -2267 as the BUR applied the *Criteria for Evaluation* found at 36 CFR Part 60.4 and found the sites ineligible due to their limited data potentials. Site P-34-1388 is a relatively small (2710.0-m²) historic dump associated with the city of Folsom that dates between the late 1800s and 1940. Field-survey indicated the site had been heavily looted and largely contains machine made bottles and jars, and sanitary cans. Site P-34-2267 consists only of two granite boulders (one split and both exhibiting drill holes) that might be the sole remains of the mid-19th century quarry.
5. I find the undertaking will not impact the consensus determined eligibility of Ca-Sac-308H as a search of pertinent OHP files indicated the singular locus affected by proposed work (Locus-5) was previously determined ineligible with SHPO concurrence under BUR090237. Please be advised the BUR will have additional future responsibilities for the undertaking if the project is redesigned to involve other loci of the site.
6. As I understand, the proposed undertaking will avoid site components of Ca-Sac-426H and archaeological monitoring will be implemented during project work. As such, I find the undertaking will not affect the properties contributing to the site's eligibility. Please be advised the BUR will have additional future responsibilities for the undertaking if the project is redesigned to involve components (features, artifacts, etc.) of the site and/or monitoring results in post-review discoveries of archaeological remains.
7. Historic resources Ca-Sac-429H, P-34-2434 and PHI-798 located in the indirect APE will not have their National Register values affected by the undertaking's activities.
8. Please be advised the BUR may have additional responsibilities for compliance with 36 CFR Part 800 should the current project design change in methodological and/or geographical scope from that described in the current submittal.
9. Based on the above comments, I **concur** with the BUR's finding of "*No Adverse Effect*", pursuant to 36 CFR Part 800.5(b), for the current undertaking.
10. Please be advised that whenever a submittal states a property has been previously determined eligible or ineligible, it should always include copies of the SHPO review letter as verification of consensus determination.

Thank you for considering historic properties as part of your project planning. Please contact Tristan Tozer at (916) 445-7027 or by email at ttozer@parks.ca.gov, or Jeff Brooke at (916) 445-7003 or by email at jbrooke@parks.ca.gov of my staff if you have any questions or concerns.

Sincerely,



Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

APPENDIX D

COMMENTS ON EA/IS AND RESPONSES

LAKE NATOMA WATERFRONT AND TRAIL ACCESS ENHANCEMENT PROJECT

SECTION 1: PUBLIC REVIEW COMMENTS

This Response to Comments document has been prepared to address comments received by Department of the Interior, Bureau of Reclamation (Reclamation) and the City of Folsom (City) on the Environmental Assessment/Initial Study (EA/IS) for the Lake Natoma Waterfront and Trail Access Enhancement Project (Proposed Project). The EA/IS was published by the State Clearinghouse on May 16, 2012, initiating a 30-day public review period. Thirty comment letters were received on the Proposed Project (Refer to Table 1). The bracketed comment letters are provided on the following pages and the responses are included in Section 2 of this Response to Comments document. Since completion of the EA/IS, the 75% Design Plans have been completed for the Proposed Project. Accordingly, the EA/IS has been revised to incorporate changes presented in the 75% Design Plans and well as to incorporate the development of a Tree Removal Plan, Grading and Drainage Plan, Irrigation Plan, and Planting Plan and a Final EA/IS. No changes to the impacts or mitigation measures were necessary as a result of the update to the EA/IS. These responses to comments received on the EA/IS together with the Final EA/IS, Reclamation's Finding of No Significant Impact (FONSI), and the City's Mitigation Monitoring and Reporting Program will be incorporated into the public record for the Approved Project.

TABLE 1 PERSONS, ORGANIZATIONS, AND PUBLIC AGENCIES COMMENTING IN WRITING

Comment Letter Number	Name/Individual(s)	Agency/Organization	Date
State Agencies			
S-1	Genevieve Sparks	Central Valley Regional Water Quality Control Board	May 31, 2012
Private Entities and Organizations			
P-1	LJ Laurent	Private Citizen, Via Email	May 17, 2012
P-2	LJ Laurent	Private Citizen, Via Email	May 19, 2012
P-3	No Contact Information	Private Citizen, Via Email	May 20, 2012
P-4	LJ Laurent	Private Citizen, Via Email	May 17, 2012
P-5	LJ Laurent	Private Citizen, Via Email	May 17, 2012
P-6	LJ Laurent	Private Citizen, Via Email	May 17, 2012
P-7	LJ Laurent	Private Citizen, Via Email	May 17, 2012
P-8	LJ Laurent	Private Citizen, Via Email	May 18, 2012
P-9	LJ Laurent	Private Citizen, Via Email	May 30, 2012
P-10	LJ Laurent	Private Citizen, Via Email	May 24, 2012
P-11	LJ Laurent	Private Citizen, Via Email	May 23, 2012

Comment Letter Number	Name/Individual(s)	Agency/Organization	Date
P-12	LJ Laurent	Private Citizen, Via Email	June 4, 2012
P-13	LJ Laurent	Private Citizen, Via Email	June 4, 2012
P-14	LJ Laurent	Private Citizen, Via Email	June 9, 2012
P-15	LJ Laurent	Private Citizen, Via Email	June 8, 2012
P-16*	Mary Tappel	Private Citizen, Via Email	June 15, 2012
P-17	Cindy Baker	PAR Environmental, Via Email	June 13, 2012
P-18	Clyde Macdonald	Save the American River Association (SARA)	June 14, 2012
P-19*	Stephen Greent	Lake Natoma Heights Neighborhood Association	June 15, 2012
P-20	Daniel Winkelman	Private Citizen	June 7, 2012
P-21	Deborah Grassl	Private Citizen	May 23, 2012
P-22	Harry Azar	Private Citizen	May 23, 2012
P-23	Valarie Cazaux	Private Citizen	May 23, 2012
P-24	Laurette Laurent	Private Citizen	May 23, 2012
P-25	LJ Laurent	Private Citizen	May 16, 2012
P-26	Ronald B. Mooney	Council, SARA	June 14, 2012
P-27	LJ Laurent	Private Citizen	June 12, 2012
P-28	LJ Laurent	Private Citizen	June 1, 2012
P-29*	Warren V. Truitt	Private Citizen	June 20, 2012
P-30	Alan Wade	Private Citizen	May 23, 2012

*Received after the close of the comment period.

STATE AGENCIES (S)

COMMENT LETTERS



Central Valley Regional Water Quality Control Board

31 May 2012

Jim Konopka
Bureau of Reclamation and
City of Folsom
50 Natoma Street
Folsom, CA 95630

CERTIFIED MAIL
7011 2970 0003 8939 5857

COMMENTS TO THE DRAFT MITIGATED NEGATIVE DECLARATION, LAKE NATOMA WATERFRONT AND TRAIL ACCESS ENHANCEMENT PROJECT, SCH NO. 2012052044, SACRAMENTO COUNTY

Pursuant to the State Clearinghouse's 16 May 2012 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the Draft Mitigated Negative Declaration for the Lake Natoma Waterfront and Trail Access Enhancement Project, located in Sacramento County.

S1-01

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.

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).

S1-02

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.

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

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.

S1-03

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/.

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. 97-03-DWQ.

S1-04

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.

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 drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

S1-05

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, or any other federal permit, 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.

S1-06

¹ 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.

Waste Discharge Requirements

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 will 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.

If you have questions regarding these comments, please contact me at (916) 464-4745 or gsparks@waterboards.ca.gov.

S1-07



Genevieve (Gen) Sparks
Environmental Scientist
401 Water Quality Certification Program

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

PRIVATE ENTITIES AND ORGANIZATIONS (P)

COMMENT LETTERS

Comment Letter P-1

From: LJ Laurent [ljl Laurent@att.net]
Sent: Thursday, May 17, 2012 4:25 PM
To: See, Matthew A
Cc: Warren V. Truitt; sleavenworth@sacbee.com; plopez@sacbee.com;
Betsy Weiland; DAN Winkelman
Subject: Access for city proposed "handcap access" trail and trailhead
Attachments:

DSCF1661.JPG



DSCF1667.JPG



DSCF1663.JPG



Please print and attach to public record for Folsom trail on Reclamation land, which trail is claimed to be friendly for those in a wheelchair.

P1-01

These photos are DIRECTLY relevant to the claims of Mr. Miller in the Negative Declaration findings of fact. He states that construction on Gold Lake will be obstructed by construction vehicles. City law mandates such dense commercial zone uses to have streets at least 82' wide with full channelization and improvements for safety.

P1-02

Mr. Miller further states that the construction equipment required for 1/4 mile of concrete ramp construction will create sparks and increased fire potential. The risk is admitted and yet the findings are "negative declaration."

P1-03

Is this where the federal government wishes to enable, allow, and empower developers to destroy the conservation zone and put the handicapped in wheelchairs?

P1-04

Note that only one truck can occupy the travel lane(s) on 38 foot wide Gold Lake. The other end of this alley-width pavement is even narrower. It comes off Leidesdorff Street and enters a considerable downslope.

P1-05

There is absolutely no way large fire fighting equipment can enter in emergency. Access for police support vehicles and emergency vehicles such as ambulance are similarly impacted.

P1-06

Comment Letter P-2

From: LJ Laurent [ljl Laurent@att.net]
Sent: Saturday, May 19, 2012 12:12 PM
To: Jim Konopka
Cc: See, Matthew A; alan wade; flweiland@yahoo.com; wvl@infomania.com; winkdan267@yahoo.com; michael.g.nepstad@USACF.army.mil; kathleen.a.dadey@usace.army.mil; Brooks, Peggi S; Vignau, Melissa A; slcavenworth@sacbec.com; plopez@sacbec.com; ljl Laurent@att.net; donc@goldcountrymedia.com; febesmith@sbcglobal.net; GSG444@SBCGlobal.net; Michcaels Jim; SNAKAJI@parks.ca.gov; Johnson, Charles B Jr.

Subject: Bob Blaser, 'former officials warnings unheeded'

Attachments:

DSCF2018.JPG



DSCF2019.JPG



To: Jim Konopka, Folsom Parks & Rec. Sr. Planner, contact for Promenade project

From: LJ Laurent

May 18, 2012

Re: Submission in objection to Draft Initial Study/NOI Negative Declaration

Jim, Being excellent at trail blazing, not engineering, this information may be helpful, especially since you too were a friend of Bob Blaser, the last Folsom City Engineer the city had. The attachments can be zoomed so you can read what the Sacramento Business Journal said about the city and its infrastructure oversight.

P2-01

Bob testified he was no longer involved in approving and examining public infrastructure, when he was still titled City Engineer and Public Works Director. Actually his typist assistant was given the PW Director title by the time Lake

P2-02

Natoma Shores residents complained about inadequate infrastructure in our subdivision. He knew nothing about enforcing the Municipal Code and inspecting public infrastructure; he gave us the 750,000 gallon raw sewage spill over 3 days. } P2-02

I am submitting this information for the public record on the 'promenade' project because it is easily demonstrable the city still does not have a city engineer tasked with public infrastructure oversight pursuant to the Municipal Code chapters who could control this project's scope (if he found it all feasible to bring in concrete, graders, dump trucks, material haulers via Gold Lake, and the wooded cliff.) } P2-03

Rich Lorenz has the title of Public Works Director with the duty to enforce the Hillside Ordinance, Grading Ordinance, and other chapters, but it is evident the I.S. does not cite any input nor response to the dire warnings the contracting biological experts and others note. Steve Krahn, engineer in Community Development which "certified the Neg Dec" told me at city hall May 14, he has no oversight whatsoever on public infrastructure, as his bailiwick is only private development. (Why is his boss certifying CEQA compliance anyway rather than someone with a CA license to lose?) } P2-04

There is not now, and there has not been for years, a CA licensed engineer who can address the dire consequences of the proposed project as raised by the experts in the I.S. A licensed civil engineer with all the proper endorsements and experience is not employed pursuant to the law to enforce multiple chapters of the Folsom Municipal Code and the Folsom Standards for development, Streets, sanitary collection systems, storm drainage, hillside destruction, grading prohibitions, et al. The same people sit on council and in the front row. Development unhampered by proper engineering and safety-based laws continue. Nothing has changed except the date on the calendar. } P2-05

This is formal submission underscoring what I consider to be a spurious, inaccurate, and improper intention to declare there is absolutely NO SIGNIFICANT IMPACT on the federal lands and waters. This glorified skateboard ramp is dangerous for all, especially those whom our politicians claim it will serve. This proposal was granted monies under ugly circumstances and assigned a certification of negative impact without any engineering input being given to the residents, conservationists, users, and handicapped advocates who demand it. Were Bob Blaser still alive he would agree nothing has changed. } P2-06

If you have any questions or wish better hardcopy, please contact me or the annals of the Sacramento Business Journal. The Sacramento Bee also did excellent coverage of Bob's role. } P2-07

Comment Letter P-3

From: apple1401@ameritech.net [mailto:apple1401@ameritech.net]

Sent: Sunday, May 20, 2012 8:14 PM

To: See, Matthew A

Cc: jkonopka@folsom.ca.us

Subject: concerns about ramp

I had a son who became handicapped at age of 15 he required a wheelchair until he passed away at the age of 28. I used to take him on various trails in urban parks and to lakes where it was level and they had blacktop trails. Then after his passing my wife had a stroke and became wheelchair bound.

} P3-01

When you are pushing someone in a wheelchair who weighs 120 to 180 pounds, it becomes a real problem.

} P3-02

When you start getting into any elevation up or down it has to be minimal otherwise it is a strain on the person pushing and trying to control the wheelchair is a real issue.

} P3-03

Your plan is where there is a serious elevation problem which would make it quite difficult to push a wheelchair up or down these extreme elevations which requires a very lengthy ramp.

} P3-04

When a person as they are aging, it becomes a lot more difficult to push a wheelchair. I'm 64 and in good health, but when I was younger it still would have been and I could not push someone up and down your proposed trail without it being a real danger.

} P3-05

Trying to keep control of a wheelchair going downhill would be totally unsafe, because as you go down hill you have to pull back on it. It's unsafe to go uphill with it for such a length. That's a real strain on the person pushing someone uphill as compared with going downhill pulling it back. You have 2 physical extremes, pulling and pushing, and you have to keep the wheelchair under control. Uphill requires stamina to push it a considerable distance.

} P3-06

Comment Letter P-4

From: LJ Laurent [ljlaurent@att.net]
Sent: Thursday, May 17, 2012 4:11 PM
To: See, Matthew A
Cc: Warren V. Truitt
Subject: Fw: Corp Yard Fire in Folsom Life newspaper 6 28 07; fire not fought on corp yd
Attachments: 2009_1113Folsom Life 6 28 07 fire 1.JPG; 2009_1113Folsom Life fire 2.JPG;
2009_1113Folsom Life fire 3.JPG

2009_1113Folsom Life 6 28 07 fire 1.JPG



2009_1113FolsomLife fire2.JPG



2009_1113Folsom Life fire 3.JPG



----- Forwarded Message -----

From: LJ Laurent <ljlaurent@att.net>
Sent: Fri, November 13, 2009 12:48:52 PM
Subject: Corp Yard Fire in Folsom Life newspaper 6 28 07; fire not fought on corp yd
Attachments:

Folsom Life Newspaper June 28, 2007

16 acre blaze near Folsom Historical District threatens neighborhood
Neighbors take action to protect property

BURNING FROM THE LAKE NATOMA SHORELINE to the top of the corporation yard, the fire captured a waste disposal storage unit. *Folsom Life* photo by Tom Paniagua

Neighbors take action to protect property: 16-acre blaze near Folsom Historical District threatens neighborhood

P4-01

By Marc Maloney, Staff writer

An intense, intentionally-set grass fire destroyed a storage building in the city corporation yard and snarled traffic in and around the Folsom Historic District Thursday night, June 21.

Around 5:45 p.m., 911 dispatchers received a report of a fire on California State Parks land along the bike trail near Young Wo Circle, west of the Folsom Historic District and behind the corporation yard.

Crews arrived to find a very active grass fire burning primarily east up into the city corporation yard and along the bike trail, reported Folsom Fire Department Deputy Chief of Operations Ron Phillips.

The blaze burned during the Thursday Night Market on Sutter Street, creating some traffic problems.

The Folsom Police Department employed its Mobile Command Center and assisted with traffic control.

The fire eventually spread to about 16 acres and consumed a storage shed used by the city's household hazardous waste team.

There was no hazardous waste in the building, Phillips said. It was used as a place for equipment storage.

A total of 21 units responded to the fire, including units from the Sacramento Metropolitan Fire District, the United States Bureau of Land Management, and CAL FIRE, the department formerly known as the California Department of Forestry and Fire Protection. Two air tankers and a helicopter helped extinguish the blaze, which Phillips said was contained around 9 p.m.

While some residents opted to leave their homes during the fire, Phillips said no mandatory evacuations were ordered.

There was a spot fire behind one of homes along River Way, but there were no injuries, he said. Overall, we were very fortunate. Some area homeowners took matters into their own hands, using garden hoses to soak buildings and patches of dry brush in the fire's path.

We were wetting down the side of the corporation yard that fronts on Young Wo Circle, said Young Wo Circle resident Deborah Grassl. The residents on that side of the street were very frightened. We were all getting the weeds and grass as wet as possible.

Grassl recalled finding herself in a similar position a few summers ago.

Four years ago, our home got hit with cinders from another fire in the same

P4-01

area, she said. In that case, we werent home at the time, so our neighbors jumped into our back yard with our hoses and started wetting things down.

Tuesday afternoon, June 26, fire investigators announced while they had concluded that the fire had been set intentionally, they were still searching for the person(s) responsible for the blaze.

Investigators have looked at the area of origin and have eliminated all the accidental sources like lightning, power lines, and campfire, Phillips said.

Phillips asked that anyone with information about the cause of the fire call the Folsom Fire Department at 984-2280.

Thats a pretty active area along the bike path, and were hoping someone may have seen something, he said.

Phillips also cautioned that firefighters are worried this will be a particularly active fire season this year and urged residents to keep the environmental conditions in mind.

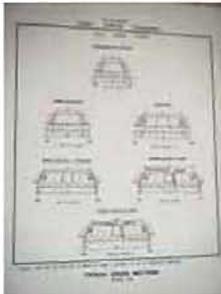
Weve had an early fire season this year, because the fuel moisture across Northern California is extremely dry when compared to recent years, he said. This incident was almost a prelude to the (Angora Fire) near Tahoe. These fires just took off.

Story created Jun 28, 2007 - 16:46:12 US/pacific.

P4-01

Comment Letter P-5

From: LJ Laurent [ljl Laurent@att.net]
Sent: Thursday, May 17, 2012 4:09 PM
To: See, Matthew A
Cc: Warren V. Truitt
Subject: Exhibit for public record in re trail project Draft EA 5 23 2012, add Peddler Faire photos
Attachments: DSCF1678.JPG
DSCF1678.JPG



----- Forwarded Message -----

From: LJ Laurent <ljl Laurent@att.net>
Sent: Fri, November 13, 2009 12:48:52 PM
Subject: Corp Yard Fire in Folsom Life newspaper 6 28 07; fire not fought on corp yd
Attachments:

This may not mean much to a non-professional, but to a Licensed Civil Engineer proposing a municipal construction project, it proves that Gold Lake "Drive" at a width of approx. 38 feet, is NOT adequate to provide regular and emergency access for any civil project. } P5-01

Moreover, the city law mandates that all hotels and shopping centers (and underlying Commercial Zones) have a Statutory Requirement for 82 (eighty-two foot) wide fully improved roads in order to provide full safety access. } P5-02

Please attach the photos I submitted taken at the April 2012 Peddlers' Faire when Sutter Street and Leidesdorff (the project feeders) were closed at one end and there were in excess of 5,000 souls on these streets. } P5-03

You will shortly receive photos showing June 2007 fire in Reclamation - State Park land. The city fought the fire from the rear. It has no plans for fighting wild fires. A swath of Reclamation land was destroyed by the unstopped fire, which was fed by the fuels (diesel, gasoline, hazardous materials) on the city property. } P5-04

CA Code Section 1805 "width of all city streets....shall be at least 40 feet..."

City Street Standard illustration attached.

Subject: CA Code Section 1805 "width of all city streets....shall be at least 40 feet..."

CAL. SIIC. CODE § 1805 : California Code - Section 1805

Search CAL. SHC. CODE § 1805 : California Code - Section 1805

- The width of all city streets, except state highways, bridges, alleys, and trails, shall be at least 40 feet, except that the governing body of any city may, by a resolution passed by a four-fifths vote of its membership, determine that the public convenience and necessity demand the acquisition, construction and maintenance of a street of less than 40 feet and, after such determination, proceed with the acquisition, construction or maintenance of any such street. The width of all private highways and by-roads, except bridges, shall be at least 20 feet. This section does not require that the width of city streets established or used as such prior to September 15, 1935, be increased or diminished.

P5-05

Comment Letter P-6

From: LJ Laurent [ljlaurent@att.net]
Sent: Thursday, May 17, 2012 4:13 PM
To: See, Matthew A
Subject: Picasa: submitting Gold Lake photo as public record exhibit

Please print the photos of Gold Lake alley-width pavement for Draft EA meeting.

----- Forwarded Message -----

From: LJ Laurent <ljlaurent@att.net>
To: ljlaurent@att.net
Sent: Thu, May 17, 2012 1:57:17 PM
Subject: I.J Laurent shared an album with you.

You are invited to view LJ Laurent's photo album: [Promenade 5-2012](#)



Promenade 5-2012

Lake Natoma, site/views of Reclamation land proposed for city "trail enhancement" and "ADA 1,500' lo -
May 17, 2012

by **I.J Laurent**

[View Album](#)

[Play slideshow](#)

If you are having problems viewing this email, copy and paste the following into your browser:

<https://picasaweb.google.com/lh/sredir?uname=108881211311560758236&target=ALBUM&id=5743580136499026193&authkey=Gv1sRgCM-ogZ-uuJzelg&feat=email>

To share your photos or receive notification when your friends share photos, [get your own free Picasa Web Albums account](#).



P6-01

Comment Letter P-7

From: LJ Laurent [ljl Laurent@att.net]
Sent: Thursday, May 17, 2012 4:51 PM
To: See, Matthew A
Cc: kathleen.a.dadey@usace.army.mil; Mike Nepstad; alan wade;
wvt@infomania.com; flweiland@yahoo.com;
winkdan267@yahoo.com; ljl Laurent@att.net;
sleavenworth@sacbee.com; plopez@sacbee.com
Subject: Public Record Submission for Folsom project, Lk Natoma and
American River waters

Biological Resources determination contained in Negative Declaration of environmental impact document for Folsom project on federal land and in federal waters:

Under *b. "have substantial adverse effect on any riparian habitat or sensitive natural community identified in local or regional plans, policies, or regulations, or by CA F&G or US FWS."*

Folsom's Mr. Miller checks off "less than significant with mitigation."

COMMENT: How is it possible to move in construction equipment and construct an 8 to 10 foot wide concrete road, for a length of 1,500 feet (>1/4 mile), construct in within the high water point of the American River, remove the existing trees and protected species and habitat -- and claim you are doing this to more than 5 acres of this small habitat WITHOUT DEVASTATING IT. How can anyone believe a Neg Dec is believable. Where did he get his civil engineering degree, biological degree, and common sense -- or not? NEG DEC???? Know whom you are yoked to.

P7-01

c. Have a substantial adverse effect on federal protected wetlands (404)... including but not limited to, marsh, vernal pond, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Mr. Miller checked "less than significant with mitigation."

COMMENT: He did another typical Folsom Neg Dec with no regard for law, science, or fact. I have never seen a full EIR since the city eliminated the City Engineer position. The city's own Biological Report in an appendix warns of irreversible damage to the riparian habitat. Moreover, the project is built in the waters and fringe of the American River. NEG DEC? The world can see the nature of the micromanagers who never permit a full Environmental Impact Report. Avoid proposers like this or suffer the costs (and blame).

P7-02

The plan is for uncalculated amount of concrete poured below the high water mark!!! The plan requires heavy equipment to enter and destroy. This is commercialization and more urban development of the only remaining natural feature adjoining this city.



P7-03

Comment Letter P-8

From: LJ Laurent [ljlaurent@att.net]
Sent: Friday, May 18, 2012 12:03 PM
To: Jim Konopka
Cc: Christa Saunders; tfrey@folsom.ca.us; See, Matthew A; wvt@infomania.com; flweiland@yahoo.com; winkdan267@yahoo.com; febesmith@sbcglobal.net; michael.g.nepstad@USACE.army.mil; sleavenworth@sacbee.com; ljlaurent@att.net; alan wade
Subject: request for engineering facts of Promenade project proposal at Lake Natoma

Jim,

I hope your mailboxes for email and phone are not still rejecting contacts because they are full, as I have questions for the May 23 meeting on the city "Promenade" project.

I have read the entire document distributed via Reclamation and the city. The biological sections and IS affirmations contain dire warnings about:

1. habitat destruction
2. fire danger from construction equipment
3. alteration and disturbance of the natural watercourse and riparian habitat
4. warnings about incredibly steep slopes and impaired access
5. blocking the 38' wide Gold Lake which has parking on both sides and affords the sole access to the Gold Lake Inn (4 story older wood structure next to forest); as well as the shopping center.
6. items 1-4 above lead to water quality degradation.
7. Item 5 is a huge concern and obstacle with respect to the protection of human life in the Lake Natoma Inn and all local Commercial Zone usages served by the extremely narrow 38 to 43 foot wide "streets."

P8-01

Since the city declared yet another Negative Declaration of Environmental Impact, I would once again like to request access to all engineered drawings for this. May 3, 2012, I filed a formal Public Records Act request for the *engineering consideration documents*. City Clerk office told me they were still working on obtaining the documents.

P8-02

Since Folsom issued a Neg Dec intent (the usual practice since eliminating the City Engineer and his position), then I would request the satisfaction of my PRA Request by means of a formal communication stating there are no such engineering documents in support of the "trail enhancement, dock, ADA concrete, et al. This is the only method by which the Neg Dec formulation can be evaluated from an engineering point of view as well as health and safety. (I have the IS/EA circulated by Reclamation Public Affairs.)

P8-03

Thanks for your attention to this matter. It certainly is not trivial. Happy trails to you too.

Laurie Laurent

Comment Letter P-9

From: LJ Laurent [<mailto:lilaurent@att.uct>]
Sent: Wednesday, May 30, 2012 6:14 PM
To: See, Matthew A
Subject: Public Comment, Promenade trail, EA as I.S., deficiencies

The attached document is submitted by LJ Laurent as a part of the public record for this project, as comment for the Initial Study, draft Environmental Assessment, and comment on due process.

P9-01

Laurie Laurent

This document is submitted in objection to the city of Folsom NOI of Negative Declaration of environmental impact, which Reclamation has not characterized as insufficient, despite the fact that the Initial Study is based Solely upon a "30% completed", unsigned, undated set of landscape architects drawings. These documents are not certified, incomplete and unreliable for such a conclusion.

P9-02

Evidence of this is found in the Biological Resources Assessment which was done a year prior to the release of the drawing. The BRA states "should be noted that the project's architectural design was not available at the time that this assessment of biological resources was conducted." What we have is a city certification the project is feasible and it will not harm the federal assets to any significant degree -- despite the fact that the science is based upon an unknown plan. The BRA also recommends that bridges and other structures be elevated on some sort of piers which are not fully described (but sound ugly, expensive, and destructive of the riparian habitat.)

P9-03

Quotations from Biological Resources Assessment Lake Natoma ...project,
By Parus Consulting June 28, 2011, Page 15 et seq.

Parus prepared biological assessment for the proposed ...Project, which involves construction of a paved multi-use trail along the Lk Nat shoreline, native plant restoration, scenic overlooks, kiosks and signs, and ADA compliant walkway. Approx. 9.5 acres.... conducted by GO Graening (I remember him.)

P9-04

"It should be noted that the project's architectural design was not available at the time that this assessment of biological resources was conducted.Additional study of the special-status habitats defined in the Study Area (elderberry shrubs and wetland features) is recommended...."

Comment: do you feel comfortable with the Negative Declaration given this info?

Study noted it also found: "blue oak, gray pine woodland, riparian woodland. Preparation of the Study Area for trail development will involve site grading and other ground disturbances that may impact native oak trees;; this is potentially significant

P9-05

impact. It is anticipated that a City Tree Permit and compensatory mitigation will be required for removal or other impacts to oak tree resources.

Comment: Again, Neg Dec (No significant impact) and City urban tree policy is the rule of the day. They can destroy what the city pleases, as long as the city assesses itself a paltry mitigation fee for loss of trees.

P9-05

A list of 55 ... species was compiled ... "This analysis determined that the Study Area contains a moderate to high potential for 15 special-status species to occur, primarily bird species.

P9-06

Comment: how is a Neg Dec justified? The study covered 9.5 acres and the amount of concrete for the ramp alone (excluding staircases, and feature pieces and dock into river) would be 20 full truck loads placed over a 90% compacted aggregate base. The ramp area alone would amount The thick compacted base is far heavier than the concrete. All material must enter from Gold Lake. How??? The square footage-coverage of the 1,500' ramp alone is one half-acre, in the most sensitive locations near water resources. Moreover, the drawings make it clear the concrete ramp must be at least 1,774 linear feet to go to the watercourse on the eastern boundary and double back to the Lake Natoma Bridge.

P9-07

At the open house, a friend was told the federal area impacted would be twenty two (22) acres and perhaps more for staging.

VELB and CRLF were determined to be potentially adversely impacted by project. Ground-disturbing activities within 100' of an elderberry shrub may be necessary for project implementation (Comment: only if they do the ramp and staircases as proposed)...

P9-08

Construction, including ground disturbance, could result in take of CRLF or disturbance of suitable habitat; ...potentially significant impact.

Comment: perhaps the city should have done some form of plans prior to having this "biological guessimation" done.

The Study Area contains suitable nesting habitat for many bird species (and one bat). (Both) could be "directly impacted by removal of trees, and indirectly impacted by noise, vibration, and other construction-related disturbance." Qualified biologist should do a study.

P9-09

Comment: these impacts were also given the Neg Dec by the city. No more studies to be done after the formal finding of Negative Declaration and application of City Tree Permit policies.

"An informal assessment for the presence of potentially-jurisdictional water resources identified several potentially jurisdictional water feature in Study Area"... Riparian habitats are protected under State law, and project construction may require the destruction of riparian vegetation potentially significant. ...as well as Streambed Alteration Agreement with CDRG and mitigation measures. CWA 404 Section Permit

P9-10

... Section 401 Water Quality Certification.measures in the agreement will reduce impacts to less than significant.

Comment: without benefit of any plans, this "expert" declares all the destruction could be accomplished without significant impact.

Any alteration or degradation of a streambank, or ...fill within the ordinary high water mark, will require permits ...USACE ... CWA404, CWA 401, Streambed Alteration Agreement with CDFG. avoid net loss of jurisdictional waters.

No Comment, speaks for itself.

P9-10

...surface water or ground water quality has the potential to be degraded from storm water transport of sediment from disturbed soils or by accidental release of hazardous materials or petroleum products from sources such as heavy equipment servicing or refueling..... City must enter into Storm Water Pollution Prevention, Erosion Control Plan, and Hazardous material Management/Spill Response Plan...

Comment: Parus states these will "reduce impacts to water quality to less than significant level." In other words, if federal and state agencies have the manpower to inspect the city's construction constantly, we can trust the city will not harm the environment. It's repeated sewage problems were just a fluke, trust them. The water course is identified by Graening as "intermittent stream." Anyone very familiar with the area knows this is inaccurate. On the date of an inspection tour, after a very dry winter of 30% of normal rainfall, the stream was flowing quite well months after rain had last occurred. I have personally never seen this streambed dry, not over 17 years of observations.

P9-11

USBR did a General Plan update for the entire Folsom Lake SRA, with CA State Parks. In that document the participation of USBR was to make text changes to the document produced by State Parks. The document had validity and the vetting process by State Parks included tours of all public access points and recreation areas. One primary guide was Scott Nakaji who was able to answer all pertinent questions from his extensive expertise and knowledge of the study site.

For the Promenade project, the NEPA draft EA is the Initial Study of the city of Folsom. When the city had "tours" (actually walkabouts with no official) of a portion of the Promenade sites, several groups asked and formally submitted concerns which were OMITTED from the final comments. All of my comments about access, severity of slope, suitability for urban improvements, destruction, were omitted from the comments. When the final statement was issued it was a collection of comments by the group which included a local developer of commercial property, Robert Goss of Folsom Parks Dept., and Chamber of Commerce representation. These statements were used to construct the platform for the city's Initial Study, which was issued with the Notice of Intent to adopt the standard city "declaration of no significant impact" on the site.

P9-12

At the open house the two men representing USBR either refused to answer questions I asked or gave me misleading information. The elder one insisted the Promenade concrete walks would ALWAYS be above high-water of the American River. I have

P9-13

taken photos which refute this assertion from an official. The younger fellow did not give me any official citations which I could use to formulate relevant questions. His counterpart gave me actual CFR citations, after the meeting, and more than an hour after he actually stone-walled me on engineering issues, regulations, and other technical knowledge I thought he was present to elaborate or provide the arcane citations I required.

P9-13

My experience was repeated by others present at the open house. Information was not provided, nor the manner of acquiring it. The elder USBR man told me the technical issues were totally addressed by the large size papers on the tables. I told him to look again, because the "technical drawings" were mere flat line drawings by a landscape ARCHITECT who did not even sign them. USBR said "they are only 30% complete." He said engineering concerns like mine could be addressed later in the process, right before the construction in this sensitive environment. He went away to tell another man the city "will provide" all of the construction, maintenance, and police actions for the trail. This man came to me and stated he knows the city does not employ anyone with the expertise and training to do this, and is too broke to hire such persons.

P9-14

This illustrates that the discussions of an agreement for the city to provide insurance, bond monies, and funds were never told to any of the participants. Dealing with the State Park planner was like pulling teeth from a shark, and obtaining as many as you could get from a hen. In short, the open house did not address any of my questions. If Peggy had not come and told me about 43CFR, I would never have learned the standards for granting a required USBR land use authorization. No USBR person has addressed putting the cart before the horse.

P9-15

The city, according to Mr. See, would have to obtain State of California permits for the project. The city did not prepare to address this, and cannot answer ordinary and preliminary questions about the CA permitting processes, and the Sacramento County agency permits as well. It said the city Tree Permits will govern tree removal and "mitigation." The city has no city engineer in residence, so the significant oversight of a CA licensed engineer is totally lacking. The city's sole access point is relevant to the level of destruction which will occur. The city's failure to abide by its own and CA enabling legislation are evident. Yet Mr. See told me this is irrelevant to USBR's role.

P9-16

Based upon experiences with the men from USBR, I turned my attention to the existing wide asphalt trail from south of the Folsom Corporation Yard property to below the Lake Natoma Inn. A granite path was paved over, according to Mr. See, in the late 1990's by State Parks. He would not provide further information or answers. I watched the twisted trail through marshes deep in water in wet years get paved over in a day. It had no public process whatsoever.

P9-17

May 23, 2012, I was received a letter informing me that mile and a half of road was not constructed with a CWA permit. A permit was applied for (by CA State Parks) and withdrawn. Then the permanent pavement was laid as fast as a jack rabbit. I recently learned from USBR that it is USBR which must apply for all the federal permits required

P9-18

for construction on USBR land. Well, they did NOT do their duty on the asphalt road which led to the struggle for more asphalt and even a concrete ramp descending 70 vertical feet to the enter the American River. I do not believe USBR applied for the necessary federal permits for this large asphalt roadway, depriving us of due process and failing to protect the American River assets.

P9-18

I can assure USBR Laura Caballero shared my concerns for riparian features and habitat. She wanted monitoring wells below the city Corporation Yard. The city dumped debris and spilled hazardous materials for years. She asked the city if she could walk the industrial Corporation Yard, and the city refused her access. Her management did not pursue monitoring for runoff waters, nor enforce federal regulations to protect this area, nor ask the EPA local enforcement agency, RWQCB to do an inspection after the Corporation Yard fire destroyed acres of federal land abutting the Yard. The RWQCB inspection of the FCY revealed hazardous and damaging materials on land where the city stored electronic garbage and other materials such as diesel, gasoline, cleaning agents for sewage trucks, etc.

P9-19

It is abundantly obvious the conservation community and enforcement advocates such as myself, must adopt an adversarial position in order to achieve proper protection of the American River, its watercourse, filtering watershed, and its users. It is obvious USBR did not obtain federal permits prior to construction of asphalt road which is the causation for seeking concrete structures and destruction of trees on an industrial scale. It appears structure, personnel and process by which USBR local office enforces federal laws is lacking at this level and for such projects.

P9-20

It is clear that the Initial Study and NOI Negative Declaration are offensive and injurious to the citizens of the United States and their assets. This project is labeled ADA driven, but it is not. Where are the people in wheelchairs screaming to go downhill struggling against gravity and in rattlesnake and mountain lion habitat, then gasping to go back uphill the entire 70 foot vertical distance. CA State Parks provides easy access and policing to ADA facilities directly across the river and down river within the city limits. Where is the need to destroy the "conservation area" as well, and pave over acres of the 9 acres total?

P9-21

USBR needs to consult with federal expertise before approving any portion of the Folsom Initial Study, sole access points, legal compliance by both agencies, and one more thing.

P9-22

USBR Sacramento area management need to have a meeting with the organizations and individuals opposed to this proposal. Lip service has failed to serve the citizens of the United States and ensure legal compliance. Failure to enforce serves only the basest motivations to commercialize and urbanize national treasures. I agree with the written opinion of Scott Nakaji, previously submitted.

P9-23

Comment Letter P-10

To: US Bureau of Reclamation

From: LJ Laurent

May 24, 2012

Re: information given by USBR employees at May 23, 2012 draft EA open house

At the open house, Reclamation and State Parks personnel were not wearing any identification. I saw Mr. See's badge top in his pocket, but I recognized him anyway. Mr. Hoseapple never identified himself until I and others asked who he was. I asked Mr. Hoseapple to direct me to Reclamation opinion, response, or their evidence regarding engineering aspects of the city proposal Initial Study. He said: "there's the plan laid out on the table." I had looked at all large drawings 48X24, not finding any which were acceptable. I asked him why he was directing me to the illustrations of a landscape architect, whose drawings were NOT embossed with a license-seal, not dated, and were not those of a CA Licensed Engineer with civil engineering credentials. He said: "these are 30% plans; they're not done." How I asked, is the public able to respond to this proposal to destroy American River assets/riparian habitat from landscape pictures.

P10-01

His demeanor became instantaneously more imperious. I asked him if he had read the supporting materials to the city's Initial Study which concluded with yet another Negative Declaration/no impact of significance on the environment. The city consultants made strong statements of major significance: 1. presence of protected species in the project area; 2. habitat of protected and regular species in the habitat area; 3. likelihood of destruction of flora; 4. destruction of natural features; 5. warnings about project entering low-level waters of river; 6. necessity for expert engineering and biological investigations by professionals; 7. the preliminary nature of the project scope and a description of project envelope; 8. dangers of proposed imperious roads/walkways in sensitive locations; 9. altering permanently water courses.

P10-02

He turned away from me, making unsuitable commentary on my request. I questioned whether supporting I.S. Materials had been read and could be addressed by Reclamation staff with concrete expertise and evidence. I have attempted to educate Reclamation staff about the city's firing of Bob Blaser (last city engineer), and the termination of this position which is responsible for all public construction projects and infrastructure; this position is designated in multiple parts of city law as the sole enforcer. Bob was my mentor; he testified in my private enforcement litigation; he never put his seal to improprieties suggested by non-engineers/ local politicians.

P10-03

Thus far city residents are bankrolling this 1/3 to 1/2 mile long ramp, yet no engineered evidence was presented. I strongly suggest Reclamation alter its legal guidelines for applications for land use authorization to require that all governmental agencies must supply certified engineered documents with their submitted applications. This will save all governmental agencies much time and money. It will also ensure unrealistic proposals will stop quickly. My objection to this process is that Reclamation is the land/water protector and yet the staff sent to answer questions had obviously not read the city's Initial Study and supporting documentation. If Peggi Brooks had not arrived late, and been willing to stay later to listen to me, I would never have had access to the most basic, rudimentary Codes. She, unlike the males, immediately cited the Code of Federal Regulations applicable. She alone enabled me to address the issues directly and object to this first Reclamation public participation process. She listened politely.

P10-04

My statement is Reclamation has not evaluated the entire Negative Declaration legal findings of Folsom, and thereby not reacted appropriately to protect the American River assets and U.S. Citizens. Combined with the April 26, 2012, Reclamation letter, this agency appears to have rushed to the wrong conclusions and offered them to the public.

P10-05

Comment Letter P-11

To: Reclamation
From: Laurette Laurent
May 23, 2012

Re: Promenade aka Folsom trail “enhancement/ADA ramp” Public Comment

429.14 What criteria will Reclamation consider when reviewing applications? (For land use in this case)

Reclamation will consider the following criteria when reviewing applications:

- (a) Compatibility with authorized project purposes, project operations, safety, and security;
- (b) Environmental compliance;
- (c) Compatibility with public interests;
- (d) Conflicts with Federal policies and initiatives;
- (e) Public health and safety;
- (f) Availability of other reasonable alternatives; and
- (g) Best interests of the United States.

P11-01

For a long time Mr. See has told me my objections based upon the city of Folsom's violations of its own laws were irrelevant to the Promenade trail with ADA ramp. At the open house he demurred to all of my technical questions of any nature. When I encountered Peggi Brooks, pertinent information flowed from her like a miracle. I now submit information critical to the city's occupancy of Reclamation land and water.

The city of Folsom is in direct violation of a number of city Municipal Code sections. This is regular practice since the city fired the last City Engineer in residence, Bob Blaser, and eliminated his position entirely. Consequently the single person charged in law with enforcing several chapters of the Municipal Code and underlying empowering legislation doesn't exist in this city. Public infrastructure is not overseen by an engineer with full license capabilities and the full knowledge of the city's other Municipal Code chapters such as Zoning, Subdivision, Grading Ordinance, Hillside Ordinance, etc.

P11-02

This has direct consequences for the proposed ramp on Reclamation land. The city is in direct violation of the extremely important Folsom Street Standards and a Code Chapter specifying that the minimum street width in all Commercial and Industrial Zones must be 82' Right of Way improved with a minimum of two lanes in each direction. These minimums are essential for the public health, safety and welfare, both according to city law and other higher levels of government enabling legislation.

P11-03

The city is a member of an insurance pool administered by a Risk Management agency. I have documented dire problems resulting from the city's regular violations of its own laws, and this

P11-04

agency has attempted to reason with the city, to no avail. The net result was that the city will not have insurance coverage for any event or incident where harm results, if said harm involved the city's failure to abide by its own laws and standards. The city is called euphemistically "self-insured" when there is a known failure of the city to obey laws. Being the victim of egregious violations myself, I have my own contact with the Risk Management people, and have made known my intent to seek a remedy in court. My attorney put the city on notice. } P11-04

If Reclamation chooses to involve itself with the city at Gold Lake Drive, a 38' wide lane, not the mandatory 82' wide Commercial Zone street, then the terms of the agreement and land use authorization must include a huge bond amount, as well as insurance which will cover the city's liability and Reclamation's, and State Parks by extension. If the city applies for an insurance policy without disclosing the substandard street access points to this ramp and trail, it is fraud (again). Is there any insurer who will cover a city which violates its own primal health and safety laws? } P11-05

I have numerous objections to the city's methods and intentions which are demonstrably in favor of unfettered development at any cost. That is why the city became the subject of public and media scrutiny when its lack of a city engineer resulted in substandard improvements and the release of over a million gallons of raw sewage into the American River and in other wetlands. } P11-06

Reclamation has the burden of fully vetting the city's land use authorization, and this is fair warning to you. Ask your legal staff to investigate the issues and you will find exactly what I have told you in this objection and comment. } P11-07

Consult yourselves the City of Folsom Street Standards, and the City Municipal Code sections relevant to it. Look at the Picasa albums I sent to Mr. See, which he summarily dismissed as "not relevant". My objections go to the heart of this matter and the junior staff person is temperamentally and professionally unsuited to adjudicating this matter for Reclamation and State Parks. Breaking your own essential health and safety laws is not in the public interest, and mendacity should not be rewarded. } P11-08

If you were familiar with the city's current budget short-falls, and the reasons for them in certain departments, you might be appalled at the layers of this reeking onion. } P11-09

Comment Letter P-12

From: L.J Laurent [<mailto:ljlaurent@att.net>]

Sent: Monday, June 04, 2012 11:15 AM

To: See, Matthew A

Subject: draft EA comment, incomplete IS/EA, lack of answers, historical problem

To: USBR, per M. See

From: LJ Laurent

Comment: Folsom "ADA ramp," retaining walls. answers and engineering NOT provided

A concrete contractor told me just the concrete itself for the ramp of 1,500' would take at least 20 truck loads of concrete. The actual ramp is now speculated to be closer to 2,200' total (per open house information). Concrete could be blown in if there were public access along the route, but there is not.

He stated the base for this concrete would weigh many many tons more than the concrete. Base must be a guaranteed 90% compacted material, so the rocks, aggregate and other components need to be pounded to hell.

He said an engineer MUST address the feasibility of the concrete alone, and the retaining walls are TOTALLY separate. The walls would require very firm bases to support the heavy weight required to hold back the slope. All the native hillside must be held back.

Naturally, this will impact the manner in which storm drainage filtering and flow goes into the river. Engineering retaining walls would be a huge endeavor. I was referred to experienced CA licensed engineering company. I took notes when speaking with potential suppliers, so all my information can be verified.

There are additional huge problems associated with grading and the methods by which it can be legally accomplished, but no doubt USBR does not know this and will claim they do not care because "we don't enforce."

Other permitting federal agencies do not agree with this, as USBR is responsible for all federal permits necessary for their land. At the open house USBR men told me the city would be responsible for things like grading and engineering. The legal issues cast extreme doubts upon this being accomplished properly.

Also the city stated the fill will come from the Folsom Corporation Yard. I truly doubt whether the city has consulted with all the agencies that have oversight of this potentially riparian habitat. In fact, the official federal wetlands documents indicate part of the Corp Yard is indeed heavily regulated because of its sensitive location at the American River and wetlands area.

I have contacted the head of Reclamation in DC, and sent a hard copy to Ken Salazar of Dept of the Interior. My concerns center on the lack of due process for us to bring forth these issues to USBR. As of the open house it was made clear to me and three others (in

P12-01

P12-02

P12-03

P12-04

P12-05

P12-06

a very rude fashion) that USBR is in consonance with the city's Initial Study and will adopt it as its EA.

P12-06

This is reminiscent of the efforts I made to protest the mile of asphalt road put below the Folsom Corp Yard, all the way to below Lake Natoma Inn, without the public process and without the required federal, state, county, and other permits required for this impervious road in the "conservation zone."

By failing to get all required permits for its land, USBR has deprived us of our due process and open hearings, and they may do it again by extending the road.

This existing asphalt road about 1.4 miles long is an essential basis for connecting the concrete trail and "ADA" concrete ramp. The asphalt road created this problem when it magically appeared below the Folsom Corp Yard boundary.

P12-07

I have a USACE letter stating the 404 Permit was applied for by CA State Parks, and then withdrawn, and the pavement appeared without any public involvement. No Permit was issued.

I'm certain USBR cannot produce the permit applications which I have requested via FOIA.

I don't much care about USACE Permits and the statute of limitations per se. I am concerned with the obvious historic omissions by USBR. I want Dept of Interior or USBR itself to remedy their past negligence which has led to obvious damage to the land/water. Environmental justice and due process for US citizens have and are being withheld if USBR accepts the IS and NOI Neg Dec.

P12-08

I put research into this situation, which obviously made my relationship with local USBR 'draft EA point of contact' tenuous as best. I have suggested USBR arrange to meet with local organizations and private enforcers such as me, but to no avail. What occurred at the open house was unlike any such USBR event I have ever witnessed. Given the open house and the failure of the USBR to produce even the most basic of public documents, it appears this federal agency has taken an adversarial position to concerned citizens. Below is an example of this.

April 25, 2012, I formally requested from the local USBR office "a USBR wetlands map" for the area near their office. I also requested the name of a Reclamation coordinator for improvements to USBR lands. I was asked by USBR downtown to clarify (what I did not know.)

P12-09

May 31, 2012, I received a letter stating that the deadline had passed for me to "clarify" my request. The file was closed by Reclamation. I had easily obtained the information from other federal agencies and did not wish to waste the time of helpful people downtown.

Prior to the formal request, I had asked Mr. See for several months to tell me precisely how

Reclamation categorized the city's project area on Reclamation land. I wished to know where are the wetland areas which are protected by federal law. I wanted to know if Folsom office USBR had considered this and applied it to the city's destructive proposal prior to forcing city and CA state residents to pay for work which could never be done (legally with USBR obtaining permits).

I was forced into the formal FOIA process at the USBR downtown office. They go back to the local office, they said, for the information. I never got any USBR answer explaining to a concerned citizen exactly where the protected areas lie. I obtained the information in minutes from other federal agencies, over the phone and Internet. The employees were informed, polite, concerned, and extremely helpful to me. They cautioned me I should be certain to obtain this identical information from USBR in order to ENSURE I was using the USBR-approved information.

I asked for the local office coordinator involved when construction occurs, requiring federal permits pulled by USBR. I obtained no answer from the local Point of Contact whom I was given formal instructions to continue asking. By doing an incredible amount of time-consuming research, I finally learned whom to call at which federal agencies. They assisted me with correct answers immediately via email publication. They educated me and enabled me to obtain answers. Once again, I was cautioned that USBR's local office had the position of providing the definitive answers, but the point of contact did not, and in fact told me once on the phone "I'm too busy for you." On another call, "I was sick" was the reason my call was not returned for a long period. The final straw was what occurred at the open house.

P12-09

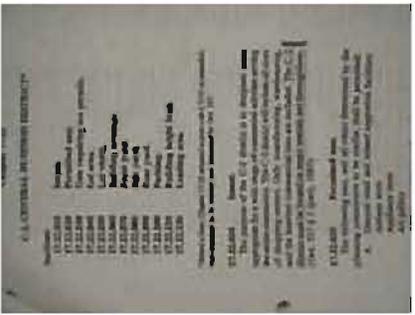
Comment Letter P-13

From: LJ Laurent [mailto:ljl Laurent@att.net]
Sent: Saturday, June 09, 2012 5:43 PM
To: See, Matthew A
Subject: Public Comment on trail, support evidence attached

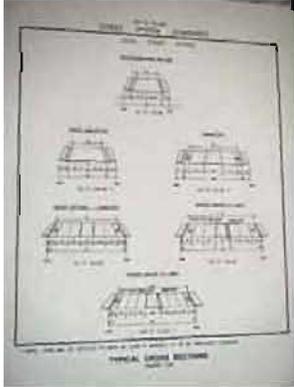
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To: USBR From: LJ Laurent June 9, 2012

Re: Folsom trail and ramp proposal

In several submissions, I referenced the Folsom Municipal Code and Street Standards.

The city proposes a trailhead and ADA ramp to be constructed from a point where the sole and only access for the project is located, on Gold Lake drive, a 38' wide roadway. As shown, 38' is not adequate for even a city residential street. Yet this tiny lane is the sole access for a large 4 story hotel and two shopping centers. This is where the city proposes access for construction, emergency, crowd control, fire fighting, evacuations, and other civil disruptions.

P13-01

Attached please find copies of the Folsom Municipal Code Chapter 17.24 General Commercial District which is where all hotels and shopping centers are located. These copies reflect Ordinance 537.

The important words are "The C3 district uses must be located on major arterials and thoroughfares. Ordinance 537."

Online text has the word "should" (instead of "must" or "shall") however this word has no legal definition. For further clarification one can refer to the enabling legislation of California.

P13-02

There is no section of Folsom Municipal Code which expressly permits general Commercial Zone uses to be located on roads or streets which are smaller in width than the standard for Residential Zone streets (which is minimum 44' width).

There is no language in the health and safety codes which enable 4 story hotels and shopping centers to be located on 38' or 43' wide roadways.

Comment Letter P-14

From: LJ Laurent [mailto:ljlaurent@att.net]
Sent: Monday, June 11, 2012 9:54 AM
To: See, Matthew A
Subject: Public Comment Folsom trail

To: M. See, USBR, point of contact, Folsom trail proposal on USBR land at Lake Natoma

From: L J Laurent

June 11, 2012

Re: Ultimate objection clarification, a public comment

Previously submitted was a public comment citing 43 CFR 429.29 Subpart G ss 6, defining the withdrawal by USBR/US any authorization if the grantee fails to comply with laws, regs, etc.

While I made a reference to the city of Folsom's Street Standards and Municipal Code, I subsequently noticed the city altered some language in certain chapters of its law and has removed the Street Standards from the website. This city does a lot of that sort of thing because it has no City Engineer to enforce the legal mandate for licensed engineers' oversight. (The city lacks a City Engineer performing these legal duties).

P14-01

To my comment: while the city has obfuscated certain sections of its law, and ignored certain legal mandates, there are multiple laws violated which impact this proposal directly. Therefore, my comment is the city remains in violation of laws and regulations at various governmental levels. If I were to enumerate the ones I have uncovered thus far, USBR would be busy for months analyzing comments for completeness and accuracy. However, as I informed USBR employees last week, the city is on notice legal action is a remedy to resolve issues where the city violates its own and others laws at the abutment with city land and privately owned land, exactly where city jurisdiction abuts USBR land/waters at Lake Natoma.

P14-02

This clarification is made to ensure USBR is aware the threat of litigation exists, the violations exist, and these issues will wend their way through the legal system in court.

Meanwhile any U. S. citizen can rely upon the evidence observed with their own eyes: there is an alley-size-access point for this so-called ADA trail, not a fully improved "street" appropriate for gatherings of thousands of people. In case of emergency, there is no access/evacuation route except narrow lanes serving a four story hotel, two shopping centers, and the proposed "trail enhancements." For construction and the fires which the machinery can cause (see city Biological Study), there is equally no access for equipment to control a holocaust.

P14-03

Comment Letter P-15

From: LJ Laurent [<mailto:ljl Laurent@att.net>]

Sent: Friday, June 08, 2012 1:34 PM

To: Vignau, Melissa A

Subject: Objections to Folsom Neg Dec NOI based upon faulty IS

Public Comment: draft EA USBR: apparent inadequacy of city's information.

This is submitted in objection to the city of Folsom NOI of Negative Declaration of environmental impact, which Reclamation has not rejected as insufficient, despite the fact that the Initial Study is based Solely upon a "30% completed", unsigned, undated set of landscape architects drawings. These documents are not certified, incomplete and unreliable for such a conclusion. Evidence of this is found in the Biological Resources Assessment which was done a year prior to the release of the drawing. The BRA states **"should be noted that the project's architectural design was not available at the time that this assessment of biological resources was conducted."** What we have it a city certification the project is feasible and it will not harm the federal assets to any significant degree -- despite the fact that the science is based upon an unknown plan. The BRA also recommends that bridges and other structures be elevated on some sort of piers which are not fully described (but sound ugly, expensive, and destructive of the riparian habitat.)

P15-01

Quotation from Biological Resources Assessment Lake Natoma ...project,
By Parus Consulting June 28, 2011, Page 15.

Parus prepared biological assessment for the proposed ...Project, which involves construction of a paved multi-use trail along the Lk Nat shoreline, native plant restoration, scenic overlooks, kiosks and signs, and ADA compliant walkway. Approx. 9.5 acres.... conducted by GO Gracning (remember him?).

P15-02

"It should be noted that the project's architectural design was not available at the time that this assessment of biological resources was conducted.Additional study of the special-status habitats defined in the Study Area (elderberry shrubs and wetland features) is recommended...."

Comment Letter P-16

-----Original Message-----

From: Mary E Tappel [<mailto:marye.tappel@jps.net>]

Sent: Friday, June 15, 2012 11:38 AM

To: Jim Konopka; Mary E Tappel

Subject: Folsom Promenade Comments: One Day Late

Just in case you are curious what my comments are, although I'm a day late - I wrote it down wrong in scheduling notes. I did attend your earlier meeting with the maps, thank you very much for that opportunity.

I biked along the trail on the other side of Lake Natoma and do feel strongly on reconsideration that the number of high retaining walls proposed would be way too intrusive visually, as well as in some respects ecologically, to be built as planned so far. The entire south bank was all greenery, with a few rocky outcroppings, looking very natural to me from my bicycle view.

Again, the formal title of this proposed project is: Lake Natoma Waterfront and Trail Access Enhancement Project'.

By the way, I checked out the wheelchair access at the river parkway some time ago when my grandmother was coming out for a longer visit, so I am familiar with it, & do observe the use frequency to be very low. I feel safer and more used wheelchair/differently abled people's access can be built at the top of the bank in an overlook with a ramp up, which would also be less expensive than all those retaining walls, and far easier to patrol and maintain for everyone's safety and joint enjoyment.

} P16-01

} P16-01

Comment Letter P-17

From: folsomjtc@aol.com [mailto:folsomjtc@aol.com]

Sent: Wednesday, June 13, 2012 7:12 PM

To: See, Matthew A

Subject: Cultural Resources Concerns for Lake Natoma Trail Improvements Project

Dear Mr. See,

I have reviewed the environmental documents for the Lake Natoma Trail improvement project and I have some concerns that there could be significant adverse effects to cultural resources within the project area. I am the senior historian with PAR Environmental Services, a firm that has conducted numerous archaeological investigations and documentation in the city of Folsom. Based on our experiences and my knowledge of this area, I think there is a strong probability that important archaeological deposits may still remain in this area.

P17-01

There were a number of previously recorded historic sites/resources within the area. These include three that are of concern to me:
P-34-2256 (the site of the Negro Bar townsite)
P-34-2267 (the site of the Meredith Brothers Quarry)
and
CA-SAC-426H (remnants of Folsom's Chinatown).

P-34-2256

The Negro Bar townsite was the first known and documented settlement location in Folsom. It was developed in 1850 and continued to be occupied at least as late as February 1856, at which time the majority of its occupants moved up to what is today Sutter Street upon the construction of the Sacramento Valley Railroad. Historic descriptions and maps show that the Negro Bar townsite had a main street with at least 15 large buildings, as well as two two-story structures. Negro Bar had a hotel, numerous dry goods and grocery stores, saloons, a post office, and a doctor's office. This pre-civil war settlement is ground zero for Folsom's history and few Gold Rush townsites of this period have ever been the subject of archaeological investigation. The environmental document indicates that their survey could not find any remains of the town and then concludes that they must have been obliterated and no mitigations are suggested. I would disagree with this conclusion. Our firm recently completed archaeological studies of Folsom's railroad plaza (a highly developed parcel of land in Folsom that has been occupied and used for industrial purposes for over 150 years) and were amazed by the intact subsurface deposits we encountered, including materials from the 1850s. Work we conducted nearby of a portion of the old Chinatown area was equally rich in intact subsurface deposits.

P17-02

The Negro Bar townsite has never been dredged and there is no indication that it was ever mined using placer or hydraulic mining techniques. Subsequent to the mining era, there has been no other known ground disturbance in this area that would have obliterated potential subsurface remains. Archaeological surveyors looking for evidence of this townsite more than 160 years after it was largely abandoned would, of course, find no

evidence on the surface. However, there is a great potential for subsurface deposits. Maps from 1855 clearly show exactly where the individual buildings were located within the context of the city plat map, so it would not be difficult to test or, at a minimum, monitor the site.

I feel strongly that an historic archaeologist should be on site to monitor all ground disturbing activities in this area during the project. We had an incident recently where a prehistoric archaeologist monitoring an important Folsom site failed to recognize the importance of a resource and, as a result, failed to adequately record its location and other important data.

P-34-2267

The Meredith Brothers were important residents of early Folsom and California. Little is known about the quarry, which pre-dates the granite quarry located at current Folsom Prison. This early quarry has been subsequently obscured by vegetative overgrowth and there is a good probability of finding other evidence of the original quarry operations, something very little is known about in state or local history.

I would request that before ground disturbance occurs in this area, that an historic archaeologist be present when vegetation is cleared from around the two boulders and that an historic archaeologist be present during all ground disturbance in this area.

CA-SAC-426H

Folsom's Chinatown was quite large by California standards and spread over three blocks in the platted portion of the town. Chinese who lacked either an association or were poverty-stricken were left to seek refuge in shanties along the embankment above the river and out of site of the rest of the community. Little is known about this fringe population of the Chinese overseas community.

I would request that an historic archaeologist be on site to monitor all ground disturbing activities in this area.

I appreciate your attention to my comments.

Thank you,

Cindy Baker

Cindy Baker

PAR Environmental Services, Inc.

1906 21st Street

Sacramento, CA

916-739-8356

P17-02
Continued

P17-03



Save the American River Association

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Comment Letter P-18

June 14, 2012

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Parks and Recreation Department
50 Natomas Street
Folsom, California 95630

RE: Lake Natoma Waterfront and Trail Access Enhancement Project

Dear Sirs,

Staff

Sara Stephens, *Office Mgr.*

The City of Folsom has prepared an Environmental Assessment/Initial Study for the above mentioned Proposed Project. The City apparently intends this to lead to the preparation and adoption of a Mitigated Negative Declaration.

P18-01

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SAVE THE AMERICAN RIVER ASSOCIATION'S (SARA) OVERALL VIEW:

SARA has very serious concerns about this project, both about the site impacts and the impacts on the entire American River Parkway. Our overriding concern is that this project is so different from the "look and feel" of the American River Parkway. While the project has only been designed to the 15% level, the project would clearly create a very different "look and feel" that we think would cause substantial harm to the integrity and uniformity of the Parkway.

P18-02

One of the main reasons that we think the Parkway has been so amazingly successful has been the uniform "look and feel" of the facilities in the Parkway. The Parkway is not a string of parks, but a single park, one of the best river parkways in the Western United States. The Proposed Project sets a dangerous precedent by establishing an entirely different "look and feel" with its concrete paths, seven story-high concrete stairs, the arena style swooping concrete ramp with huge retaining walls. While these might produce a nice, stand-alone mini-park, our concern is that this architecture is totally different from the rest of the Parkway. If individual jurisdictions build projects that are substantially "different," the Parkway will end up being a string of parks instead of being THE wonderful American River Parkway, with its common architectural look and feel.

P18-03

Just to be clear, we don't think that the City wants to damage the American River Parkway – a Parkway that has taken fifty years to establish, the work of many hands.

P18-04

We think that an appropriate project, accomplishing much of what Folsom City wants to accomplish, could be designed for this site. If the City is interested, we would be willing to assist in an effort to redesign the project to be consistent with the look and feel of the Parkway and consistent with the American River Parkway Plan. Other parties that should be involved are the California State Department of Parks and Recreation, Sacramento County Regional Parks, and the Bureau of Reclamation. As described in the EA/IS, the project is only 15% designed, so not that much has been invested in the design.

P18-05

If the City intends to continue with the current design, we think that the EA/IS must describe and analyze the impact on the look and feel of the rest of the Parkway. If the current design is retained, the impact on the rest of the Parkway cannot be mitigated and a Negative Declaration would not be appropriate.

P18-06

Thank you for the opportunity to review and comment on the EA/IS. See attached comments.

Sincerely,



Clyde Macdonald
President, Save the American River Association

cc: Matt See, Natural Resource Specialist
Bureau of Reclamation

Jim Micheaels, Staff Park and Recreation Specialist
Department of Parks and Recreation

Jeffrey Leatherman, Director
Sacramento County Regional Parks

Roberta MacGlashan, District 4 Supervisor
County of Sacramento

Save the American River Association Board of Directors

Don Mooney, Attorney at Law

BACKGROUND

Save The American River Association (SARA) respectfully urges the City of Folsom to withdraw the Environmental Assessment/Initial Study for the Lake Natoma Waterfront and Trail Access Enhancement Project because the document fails to provide sufficient detail and information to make the determinations regarding impacts to certain resources including land use and planning, scenic, and recreation. The project changes a steep, wooded slope of the American River Parkway on the southern shore of the American River/Lake Natoma below Historic Old Town Folsom from a minimally developed recreation/ nature area to a more urban park experience. The land is owned by the Bureau of Reclamation and managed and operated by California State Parks for the next 25 years under a recently signed management agreement. The Proposed Project is in the Lake Natoma sub-unit of Folsom Lake State Recreation Area and Folsom Powerhouse State Historic Park. In the American River Parkway Plan 2008 this area is described as the Lake Natoma Area. The California State Parks and Bureau of Reclamation's recently updated and adopted General Plan/Resource Management Plan is adopted by reference into the American River Parkway Plan. (*American River Parkway Plan 2008, Chapter 10, Page 204*)

P18-01

We urge the City to significantly redesign the project to be compatible with and enhance the existing wildlife, aesthetic, and recreational values of the American River Parkway and the American River/Lake Natoma, an important sub-unit of the Folsom Lake State Recreation Area. Unfortunately, the current proposal does the opposite.

P18-02

Among other things, the project converts 3100 linear feet of native soil trail designed to lead trail runners, mountain bikers, hikers and equestrians along the shore of Lake Natoma to a combination of concrete ramp and sidewalk and a compacted crushed rock pathway creating a pedestrian Promenade. It further introduces a concrete staircase descending 110 feet down the face of a steep slope ending just at the Lake Natoma shoreline, and a concrete ramp to the water.

P18-03

Instead of adopting a Mitigated Negative Declaration, the City should prepare a full environmental impact report. CEQA enables City leaders and the public to review and consider the potential adverse impacts of the project and a range of alternatives to avoid or mitigate those impacts. While we support increasing all of the public's ability to enjoy the benefits of the Parkway and American River/Lake Natoma, locating facilities in the proper places is critical to avoiding the type of adverse environmental impacts that are subject to the provisions of CEQA, the California Endangered Species Act, the Urban American River Parkway Preservation Act, the American River Parkway Plan 2008 and other laws.

P18-04

SAVE THE AMERICAN RIVER ASSOCIATION

SARA was founded in 1961 to establish the American River Parkway. Beginning with a band of seven, including Effie Yeaw, the long held vision to preserve the natural landscape and create recreation opportunities along the American River took years to achieve. A Sunset Magazine article written to commemorate the Parkway's dedication in the summer of 1964, described a county official as saying "Thus far, everybody but the United Nations has had a hand in the

P18-05

parkway.” (Sunset, October, 1964) The American River Parkway is the gift far thinking, civic minded community members and leaders gave to us, the residents of a rapidly expanding urban area who increasingly understand the value of the places that give us relief from our fast paced and over built world. SARA continues today, as we have for the past 51 years, to be the lead voice and advocate protecting the natural and recreation values of the American River and Parkway.

P18-05

In 2009, Save The American River Association was approached by a long time member, retired Sacramento County and California State Ranger, Folsom resident and most importantly, a 10-year steward of the area within the Proposed Project site, Mr. Dan Winkleman. He shared his concerns with us about the Proposed Project, and we agreed. At the time we tried to influence the project by sending letters of concern regarding the Proposition 50 California Rivers Parkway Grant awarded to the City of Folsom, to appropriate decision makers, and by participating in the public outreach meetings convened to solicit input on the project. We were very disappointed that the project described in the Environmental Assessment/Initial Study failed to seize the opportunity to re-think the project in light of its natural, aesthetic and recreation impacts.

P18-06

AMERICAN RIVER PARKWAY

The American River Parkway is a vital environmental, recreation, aesthetic and economic resource for the Sacramento region. The Parkway spans 31 miles from the confluence of the American and Sacramento Rivers to Folsom Dam, providing a critical wildlife corridor important to numerous wildlife species and scenic lands. It boasts more than 8 million visits per year – even more than Yosemite.

Highlighting its importance is the recent honor awarded the American River Parkway by the California Parks and Recreation Society, District 2, naming the Parkway to its Hall of Honor 2012 as a Regional Treasure.

The American River Parkway is protected under federal and state law through designation as a National and State Wild and Scenic River; through state law including the Urban American River Parkway Preservation Act (Public Resources Code Section 5840, et al); and, other applicable laws. The Parkway uses are governed by the American River Parkway Plan, which was adopted by the County of Sacramento in 2008. The Parkway Plan recognizes that “In fact, the American River Parkway is often referred to as “the jewel” of the Sacramento Region.” (*American River Parkway Plan 2008, Page 9*).

P18-07

Furthermore, the State of California’s Urban American River Parkway Preservation Act provides for the following:

- “The Legislature hereby adopts the American River Parkway Plan so as to provide coordination with local agencies in the protection and management of the diverse and valuable natural land, water, native wildlife, and vegetation of the American River Parkway.
- “Actions of state and local agencies with regard to land use decisions shall be consistent with the American River Parkway Plan...”

(Public Resources Code Section 5842)

The American River Parkway Plan 2008 is an important state law land use and policy document. The Concept Policies state:

***1.1. BALANCED MANAGEMENT**

The American River Parkway is a unique regional asset that shall be managed to balance the goals of controlling flooding; preserving and enhancing native vegetation, native fish species, the naturalistic open space and environmental quality within the urban environment; maintaining and improving water flow and quality; providing adequate habitat connectivity and travel corridors to support migratory and resident wildlife; providing recreational opportunities; and ensuring public safety.

***1.2 RECREATION**

The Parkway shall be oriented to passive, unstructured water-enhanced recreation activities which are appropriate in a natural environment, and which are not normally provided by other County recreational facilities. To this end, development in the Parkway shall be minimal, and facilities which are primarily visitor attractions should be placed in less sensitive areas within the County Park system.

***1.3 RESOURCE PROTECTION**

Limitation on the use of the Parkway through design and management tools to prevent overuse of the Parkway and preserve the environmental quality, thereby ensuring the integrity of the Parkway for future users.

***1.4 LAND USE**

No existing publicly owned Parkway lands shall be disposed of through sale, lease, or de facto uses adverse to the goals and policies of this Plan, in order to insure the long-term protection and integrity of the present boundaries of the Parkway.

***1.5 COOPERATION**

Coordination and cooperation in the Parkway planning and management is essential, especially in recognizing the many important roles of jurisdictions and agencies with regulatory responsibilities within the Parkway.

(*American River Parkway Plan 2008, Pages 15, 16*)

P18-07

COMMENTS ON THE ENVIRONMENTAL ASSESSMENT/INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

CONSTRUCTION

At 15% of design, the Proposed Project did not identify the Construction Staging Area. Without knowing where the staging area is the EA/IS cannot conclude that there will be no impacts or less than significant impacts to Air Quality, Traffic, Water Quality, Natural Resources, residents

P18-08

and businesses, etc. Without knowing where the Construction Staging Area is, it is absurd and inappropriate for the EA/IS to ask the public, interested parties and agencies to accept the following conclusions:

P18-08

“Construction worker and material delivery trips during the construction phase would account for approximately 16 round trips per day, which would be less than one percent of the existing traffic on Folsom Boulevard. This includes trips to import fill from existing stockpiles located at City corporation yards, worker trips, and delivery of construction materials. These delivery trips would not substantially increase the existing traffic load and capacity or cause an exceedance of the existing LOS during the construction phase of the Proposed Project. A negligible impact would occur to the existing roadways and intersection in the vicinity of the Proposed Project.” (EA/IS, Page 43)

P18-09

Furthermore, at 15% of design, the Proposed Project cannot offer any support for the statement that “Construction worker and material delivery trips during the construction phase would account for approximately 16 round trips per day.” There are no specific numbers of workers and no specific numbers of equipment. There are no details regarding the amounts of cement, crushed rock, base materials, fill, rip rap and boulders. There are no details regarding the tree and vegetation replacement numbers and the irrigation materials. What about the amount of decomposed granite needed for the 1200 feet, four-foot wide shoulder adjacent to the bike trail? And this is only material delivery. What about the trips generated from the construction site preparation phase? Where are estimations on trips necessary to haul excavation material away? Trips necessary to remove trees, vegetation, old pavement, etc.? Where are the access roads?

P18-10

The EA/IS cannot conclude that there is no impact or less than significant impact from Construction.

P18-11

The EA/IS failed to describe the complete Proposed Project.

P18-12

NATIVE SOIL TRAIL

The native soil trail, as it appears on a map at the May 23, 2012 public meeting, is significantly re-designed from the trail pictured in the EA/IS, (*Figure 4c, Figure 4d*). The alignment is changed and it now appears to include a retaining wall.

P18-13

At 15% of design the Proposed Project is too unstable for the public, interested parties and agencies to determine potentially significant impacts from the Proposed Project.

P18-14

AESTHETICS

“ . . . To the casual user of the Parkway, there is little difference between the Natoma State Recreation Area and the County-operated American River Parkway, largely because of the similar natural amenities in the two areas, and because the State of California and the County of

P18-15

Sacramento have similar policies for protecting these amenities . . . ” (*American River Parkway Plan 2008, Page 212*)

P18-15

“Lake Natoma . . . The 500-acre Lake is the primary attraction in the Lake Natoma sub-unit. Lake Natoma is a long, narrow and highly scenic waterway . . . ” (*American River Parkway Plan 2008, Page 205*)

“b. Lake Natoma

As the afterbay to Folsom Dam, Lake Natoma is essentially a wide spot in the American River characterized by sheltered waters and a highly scenic setting (refer to Figure II-3). As on Folsom Lake, the primary visitor areas on Lake Natoma accommodate multiple recreation uses and are separated by undeveloped shoreline.” (*FLSRA Final General Plan and Resource Management Plan, Page II-5*).

“The SRA’s most significant scenic resources are the dramatic and high quality panoramic views that are available. These panoramas include views across the lake, views from the lake, as well as views out over the surrounding non-SRA landscape...”

“The most distinctive landscape features in the SRA include: . . . the Lake Natoma Bluffs rising 150 feet above the western shoreline of Lake Natoma between Negro Bar and Mississippi (Bar); and the heavily vegetated shoreline of Lake Natoma that provides visual relief from the surrounding urban development.”

(*FLSRA Final General Plan/Resource Management Plan, Page II-31*)

“The project area is located within the FLSRA, which is considered a visual and scenic resource, as many of the FLSRA’s shoreline coupled with its hilly topography provide significant variety in both viewpoint orientation and available viewsheds to create a wealth of viewing conditions and opportunities (U.S. Bureau of Reclamation, 2007).” (*EA/IS, Page 23*)

P18-16

“At Lake Natoma, aquatic activities account for about half of all recreation visits. The sheltered waters-combined with the 5 mph speed limit for motorized watercraft-provide the perfect setting for paddling, rowing, and fishing. In fact, Lake Natoma is considered one of the best rowing locations in the world . . . ”

(*FLSRA Final General Plan/Resource Management Plan, Page II-32*)

“During the General Plan/Resource Management Update process, Community Workshop #1: “Issues and Opportunities”, held in November of 2002, stakeholder feedback identified the following as a Key issue:

Re-designing Lake Natoma as a separate State Park unit from Folsom Lake State Recreation Area as a way to protect and enhance its peaceful and picturesque character; . . . ” (*FLSRA Final General Plan/Resource Management Plan, Page II-64*)

“12. Upper Lake Natoma (AQ)

Statement of Management Intent

This aquatic management zone represents the upper two thirds of the Lake Natoma from Willow Creek north to Rainbow Bridge. As with the lower zone, this zone offers a sheltered and scenic location for paddling, rowing and fishing . . . The management intent for this zone is to

maintain and enhance the area as a paddling and rowing destination while increasing non-motorized watercraft access in a serene and scenic setting.” (FLSRA Final General Plan/Resource Management Plan, Page III-161)

Upper Lake Natoma Management Zone (AQ)

Land Use Designation Low Intensity Recreation/Conservation

Primary Goal . . . ”Provide for recreation activities in a largely undeveloped setting on waters suitable for low-intensity use and fair access.

(Final General Plan/Resource Management Plan, Page III-161)

P18-16

Key resource management strategies include:

- Prevent habitat fragmentation by visitor use.
- Prevent possible additional disturbance to resources through education, management guidelines, regulation enforcement, limited access, and sustainable design.
- Natural processes take precedence over visitor use.

(FLSRA Final General Plan/Resource Management Plan, Appendix A, Page A-4)

The environmental document fails to describe potentially significant impacts from the Proposed Project by not providing any support for the conclusion that the Proposed Project will have a less than significant impact on the scenic vista and visual quality of the American River/Lake Natoma, from the lake as well as from across the lake to the shoreline and from the bluffs. No conceptual drawings with sight lines were provided to help the public, interested parties and agencies determine the potentially significant visual impacts from a 1500 foot concrete ramp averaging 5 feet in width, 600 feet of concrete sidewalk averaging 5 feet in width, unspecified numbers and profiles of concrete retaining walls, a concrete staircase descending 110 feet down the face of a steep slope to the lake’s shoreline, railings attached to the ramp/sidewalks and staircase, benches, rip rap and boulder retaining walls, paved overlooks at the staircase and the shoreline, and the removal and reconstruction and/or realignment of 4 bridges.

P18-17

The project at 15% of design does not describe the extent of grading, excavation and fill required, potentially causing a significant alteration to the “hilly topography” which “provide significant variety in both viewpoint orientation and available viewsheds, creating a wealth of viewing conditions and opportunities . . . ” (FLSRA Final General Plan/Resource Management Plan, Page II-31)

P18-18

The proposed action neglects the visual and aesthetic impacts of the excavated and constructed rip rap and boulder retaining wall on views from the lake and from across the lake both at the shore and on the bluffs at the canoe/ kayak ramp. It forgets to mention at all the rip rap and boulder retaining wall at the western most overlook of the Proposed Project, which also faces the lake.

P18-19

EROSION CONTROL PROGRAM

“ . . . Each project must consider the nature of the erosion threat and the most effective method for controlling erosion with the least damage to riparian vegetation, wildlife, and the aesthetics of the final product . . . ” (*American River Parkway Plan 2008, Chapter 4, Page 88*)

Revetments

Revetments involve the use of engineered rock to armor eroding banks and levee slopes . . . When applied to berms and banks, the impacts of this measure may be substantial, generating relatively high costs for on-site and off-site mitigation . . . (*American River Parkway Plan 2008, Chapter 4, Page 88*)

“...erosion control projects, which may include efforts to anchor berms and banks with rock revetment, shall be designed to minimize damage to riparian vegetation and wildlife habitat, and should include a revegetation program that screens the project from public view, provides for a naturalistic appearance to the site, and restores affected habitat values.” (*American River Parkway Plan 2008, Chapter 4, Policy 4.16, Page 85*)

The project, at 15% of design determines that the public, interested parties and agencies cannot rely on the assertion in the EA/IS that the project “will not be visible due to vegetation” because no tree removal/replacement plan or vegetation removal/replacement plan is offered in the document. No work plan for continued vegetation removal was provided for maintaining overlook views at the American River/Lake Natoma shoreline and the concrete staircase.

The project description failed to note a Valley Oak and a Cottonwood tree along the shoreline featuring outstanding form and age. Both trees appear to be within the area of disturbance for pathway and bridgework.

“Construction and grading activities would occur along the eastern portion of the project site which will be partly visible to several sensitive receptors to the south, southeast and across Lake Natoma. With the exception of a segment near the eastern boundary of the project site, the trail will be screened from view by vegetation and down-sloping terrain. However, development of the Proposed Project that would not alter the scenic vista and visual quality of the area and would not adversely effect, damage or degrade the current visual characteristics of the project area through the addition of handrails, retaining walls, or paved pathways.” (*EA/IS, Page 24*)

The document admits that there will be a segment near the eastern boundary of the project site that will not be screened. This steeply sloped area faces the lake, with views from the lake and from across the lake. This unscreened view has potentially significant impacts as this is the area where the concrete ramp, averaging 5 feet in width with railings and retaining walls will be constructed. From a tour of the site with Folsom City Parks and Recreation staff, SARA learned that a portion of the down slope retaining wall facing the lake will achieve 8 feet in height. The proposed action relating to Aesthetics neglects to mention at all the potentially significant visual impacts viewed both from the lake as well as from across the lake – both at the shore and from the bluffs – of a 110-foot concrete staircase with poured in place cheek walls, railings and an overlook, descending down the face of a steep slope.

The project at 15% design lacks critical details necessary to determine the potentially significant visual and aesthetic impacts of the Proposed Project. Both during and after the public meeting on May 23, 2012 SARA requested and never received the answers to the following:

P18-20

P18-21

P18-22

P18-23

P18-24

P18-25

- Amount of concrete being poured and total square feet. Amount of base material required.
- Amount of compacted crushed rock. Amount of base material required.
- Tons of rip rap and boulders for bank armor.
- Conceptual map portraying contour grading/slope alteration. Details of the area to be re-graded to match slope elevations at the staircase site. Details of the steep, very narrow, exposed and vegetated slope to be re-graded to build the concrete ramp.
- Cross sections anywhere a retaining wall is more than one foot on either side.
- Description of the retaining walls being used in each component of the Proposed Project as applicable. Length. Height. Thickness. Colored and textured concrete or other material? Description of retaining walls as viewed from on the lake, and across the lake on the shoreline and from the bluffs, and within the project site.
- Number, width and depth of the steps in the staircase.
- Size of the overlook off the staircase. At finished grade and/or elevated? Supported by retaining walls? Benches at 18 inches high?
- Disturbance widths needed around construction of retaining walls, staircase, concrete ramp and sidewalks, compacted crushed rock pathway, overlooks, bridges, and concrete canoe/kayak ramp to the water.
- Height, material and color of handrails.
- Concept rendering with sight lines from the lake and from across the lake both on the shoreline and from the bluffs.

P18-25

The environmental document cannot conclude that there would be no significant environmental impacts on the scenic and visual quality of the Proposed Project area because it failed to offer any supported analysis, either visual or written, that there would be no significant visual and scenic impacts from the perspective of visitors and residents from the lake, and from across the lake at the shoreline and/or on the bluffs.

P18-26

The environmental document cannot conclude that there will be no significant environmental impacts on the scenic and visual quality of the Proposed Project because it failed to discuss at all the potentially significant impacts to users' aesthetic experiences from the re-designed project. Instead of hiking on native soil trails enjoying the feel of land beneath their feet, along trails and shore strewn with river cobbles artfully placed by Mother Nature, users will walk on a concrete ramp/sidewalk and eventually a ½" compacted crushed rock pathway. A 2100 linear foot cement ramp/sidewalk averaging 5 feet wide, cement retaining walls at one point reaching 8 feet high, a concrete staircase dominating the slope where a discreet wooden staircase with dirt risers and no railings is tucked in the hillside now, and a concrete ramp to the water will take precedence over the experience of escaping to a time when one could still trudge a trail and expect to find nature's surprises and treasures around each corner.

P18-27

There is no analysis of the change in the visual quality of the views from inside the project area. What are the views from different vantage points when you replace native soil trails and a wooden staircase with dirt risers and no railings, with a concrete staircase descending 110 feet down the face of a steep slope, 2100 linear feet of concrete ramp/sidewalk, retaining walls with railings, and a concrete ramp to the water?

P18-28

The environmental document cannot conclude that there would be no significant environmental impacts on the scenic and visual quality of the Proposed Project area because it failed to adequately describe and analyze the Proposed Project.

P18-29

WATER QUALITY

The EA/IS cannot conclude that “the existing drainage pattern of the site or area would remain the same” There are no engineering reports or even concept level plans describing the grading/slope alteration required to build the Proposed Project. No details regarding excavation/cut, quantity/composition of fill or quantity/composition of export/import material. No details regarding the retaining walls: heights and lengths. We are assuming all of the retaining walls are concrete. There are not enough details regarding the concrete staircase.

P18-30

The reader has no idea what is meant by “a minimal increase in impermeable surfaces.” The project is adding a concrete ramp and sidewalk, averaging 5 feet in width, for a total of 2100 linear feet of impermeable surface. The remaining 1,025 linear feet of ½ inch compacted crushed rock trail is not described for either permeability or impermeability. Both of these facilities are being built over sometimes more narrow native soil trails or in the case of the concrete sidewalk, in part over ground where no trail previously existed. There is a new 110 foot concrete staircase descending down the face of the slope. There is a new 3-foot wide native soil trail, running uphill for 450 feet for mountain bikes, equestrians and hikers.

P18-31

The EA/IS cannot conclude that the Proposed Project will not impede or redirect flood flows. There are no engineering reports describing the grading/slope alterations, the rip rap and boulder bank revetments, the retaining walls, the staircase, and the in-stream construction that may be necessary from reconstructing and/or realigning the bridges.

P18-32

The environmental document cannot make a determination regarding potential impacts associated with water quality, drainage and flooding because it did not adequately describe the Proposed Project.

P18-33

LAND USE

“Land use designations provide the fundamental framework to regulate the types of use, location, level of facility development, or degree of natural resource protection throughout the Parkway. Land use designations create the broader vision of what activities may be permitted and locations where protection of the aesthetic, cultural, historical and natural resources of the Parkway are of the utmost importance.” (*American River Parkway Plan 2008, Chapter 7, Page 109*)

P18-34

“Facilities and improvements shall not be installed within the Parkway unless consistent with an adopted Parkway area plan.” (*American River Parkway Plan 2008, Chapter 7, Policy 7.1, Page 109*)

The Proposed Project is in the Lake Natoma Area of the American River Parkway. (*American River Parkway, Chapter 10, Page 204*).

P18-34

The Proposed Project is in the Upper Lake Natoma (AQ) Aquatic Management Zone

The Upper Lake Natoma (AQ) land use designation is Low Intensity Recreation/Conservation (Refer to this document’s AESTHETICS for details discussing the EA/IS failure to conclude that the Proposed Project is not consistent with this land use designation.)

P18-35

The Proposed Project is in the Lake Natoma Management Zone.

The Proposed Project is managed under the land use designation Low Intensity/Conservation. Low Intensity Recreation/Conservation: “Areas whose natural and cultural resource values will be protected and restored while accommodating lower intensity recreation and interpretation that is compatible with and dependant on the resource values. Recreation use and facilities occur in these areas, however the level of use is generally lower intensity than Recreation areas. While some developed facilities are located in these areas, there tend to be fewer and less developed facilities than in Recreation areas and direct vehicle access may not always exist. Recreation use and facilities while present, do not dominate these areas. These areas offer opportunities for more challenging recreational activities in a natural setting. Resource management in Low Intensity Recreation/Conservation areas emphasizes protecting and restoring natural processes with only minor modification of non-sensitive resources permitted to accommodate additional visitor use as appropriate”. (*FLSRA Final General Plan/Resource Management Plan, Page III-9, Figure III-2*)

P18-36

The Proposed Project is in the Natoma Shore North Management Zone

Statement of Management Intent

“The Natoma Shore North management zone stretches along the eastern shore of Lake Natoma from the Powerhouse south to Willow Creek. The Lake Natoma paved bike path and dirt multi-use trail, and the trailhead accessing them at Parkshore, are the only existing facilities in the zone. The shoreline area of this zone includes heavy riparian vegetation while the upland areas consist largely of interior live oak woodland. The management intent for this zone is to maintain its role as a natural and scenic link for trail users between the northern and southern ends of Lake Natoma.” (*FLSRA Final General Plan/Resource Management Plan, Page III-148*)

The Proposed Project is not consistent with existing Land Use Plans and Policies adopted for the purpose of avoiding or mitigating the environmental effects of development and uses within the Lake Natoma Area of the American River Parkway.

P18-37

The EA/IS failed to determine the potentially significant impacts of the Proposed Project from the management intent of the FLSRA Final General Plan/Resource Management Plan regarding land use in a Low Intensity Recreation/Conservation area:

- Slight modification and management of non-sensitive natural and cultural resources as necessary to support moderate to low-intensity visitor use with natural features retained as necessary to reflect mostly- natural setting.
- Protect, enhance, and restore sensitive natural resources as necessary.
- Minimize/prevent habitat fragmentation by visitor use.

P18-38

- Prevent possible additional disturbance to resources through . . . regulation enforcement, limited access, and sustainable design.
- Natural processes take precedence over visitor use.

(FLSRA Final General Plan/Resource Management Plan, Appendix A, Page A-3)

P18-38

The EA/IS failed to prove that the Proposed Project constitutes a “slight modification” of the natural resources by issuing an environmental document at only 15% of design. The public, interested parties and agencies can make no determination as to the potentially significant effects of the project because there are no engineering reports describing the extent of the grading/excavation activities on the slope, no tree removal/replacement/irrigation plans, no vegetation removal/replacement/irrigation plans, no ongoing maintenance plans for vegetation management to retain lakeside views from the overlooks, no details regarding the number and profiles of the retaining walls required – especially for the concrete ramp and staircase – and no details regarding the extent of the work needed to build the two rip rap and boulder retaining walls, etc.

P18-39

The EA/IS failed to determine the potentially significant impacts of the Proposed Project from the management intent of the Final General Plan/Resource Management Plan regarding land use in the Natoma Shore North management zone:

P18-40

NATSHORE/N-3: Improve access to Lake Natoma from the City of Folsom Historic District where appropriate and feasible. Evaluate the feasibility and suitability of providing...landing of small boats at this location...

NATSHORE/N-4: When there is a change in land use of the City-owned Corporation Yard property adjacent to the SRA, coordinate with the City of Folsom, interested members of the community and others planning and creating appropriate public access and trail connections from the Corporation yard property to the SRA.

At 15% of design the EA/IS failed to determine that the Proposed Project’s “improved access to Lake Natoma” is appropriate or feasible. Refer to all of the comments in this response.

P18-41

The EA/IS did not evaluate the feasibility and suitability of providing . . . landing of small boats at this location.

P18-42

“ . . . a kayak rack area may be provided.” *(EA/IS, Page 16)*

The EA/IS has provided no support for the conclusion that the cement canoe/kayak ramp will be utilized as envisioned. It does not appear that the paddlers on the lake, and existing State Park concessionaires who operate trips on the Lake, the Aquatic Center and others were surveyed regarding whether or not lake users would land at the ramp, leave their craft unattended and walk to the City’s historic district or have a meal in paddling garb. People can get a bit wet paddling a canoe or kayak. Often paddling garb is not suited for walking City streets or visiting a restaurant. The vision of public use at this location may not be consistent with the actual activities of the majority of State Parks’ aquatic users.

P18-43

The Proposed Project does not identify where people would leave their canoes or kayaks. No location for a kayak rack was identified. The area does not appear to have sufficient room to accommodate kayaks, canoes, pedestrians walking the sidewalk and pathway and visitors descending the staircase which terminates adjacent to the cement ramp to the water. Paddlers would likely be reluctant to leave a plastic or composite canoe or kayak – with a value anywhere from \$300.00 to \$3,000.00 – out of their sight and unattended while they walk around the Old City area. This is especially true if the area is being used as an attraction for many people wishing to access the Lake Natoma shore.

P18-44

CITY OWNED CORPORATION YARD

The City of Folsom is proposing public access and trail connections before there is a change in land use at the City-owned Corporation yard property adjacent to the Proposed Project site. Without knowing what kind of project will eventually be built at the Corporation Yard, the Proposed Project could preclude planning of appropriate and feasible public access and trail connections creating potentially significant impacts on any future development at the Corporation Yard site. Future development at the Corporation Yard may create potentially significant impacts on the Proposed Project.

Resource Management

NATSHORE/N-5: Eliminate off-trail access to shoreline areas, as appropriate, for the purposes of natural Resource protection and visitor safety . . . Methods of eliminating off-trail access to shoreline areas include:

P18-45

- Blocking and rehabilitating existing commonly-used points of access along trails;
- Closing areas to public use that are particularly sensitive to environmental damage and/or impact and signing these areas as closed. This could include seasonal closures during the nesting season;
- Increased patrols and enforcement of regulations prohibiting rope swings and jumping/diving from rocks; . . .

(FLSRA Final General Plan/Resource Management Plan, Page III-150)

The EA/IS provided no plan for blocking and rehabilitating at least two “rogue” trails that descend the steep slope in the area of the proposed cement ramp/sidewalk.

P18-46

The EA/IS provided no plan for closing areas to the public when necessary to protect the natural resources. What is the plan? Who is responsible for financing and implementing the plan? Who will enforce the plan?

P18-47

The EA/IS did not identify a plan for increasing the patrols and enforcement of regulations prohibiting dangerous activities such as rope swings and jumping/diving from rock. Who is responsible for financing and implementing the plan? Who will enforce the plan?

P18-48

While the Proposed Project may be consistent with the City of Folsom General Plan Policy 1.6 which promotes the enhancement and maintenance of the Historic District, it nevertheless

P18-49

remains a fact that the Proposed Project site is first and foremost in the American River Parkway, a County-wide regional park and California State Park asset maintained and operated for its 8 million user visits per year.

P18-50

The County and State manage and operate the Parkway under a shared vision to coordinate uses and facilities to better serve and protect the people, plants, animals, lands and waters of the American River Parkway.

P18-51

The Plan states that “The American River Parkway is a regional open space greenbelt which crosses jurisdictional boundaries. The Parkway Plan addresses the entire length of the Parkway which includes areas in the unincorporated County, the City of Sacramento, the City of Rancho Cordova and the Lake Natoma portion of the Folsom Lake State Recreational Area.” (*American River Parkway Plan Update 2008, Chapter 1, Page 9*)

Implementation Policies

11.1 All planning activities and projects in the Parkway shall be consistent with the goals and policies of this Plan.

11.2 All uses and facilities in the Parkway shall be compatible with the goals and policies of this Plan.

11.3 Implementation of any physical development proposal which is not consistent with the existing approved Area Plan shall not proceed to the contract drawing stage until the project proposal has been approved in accordance with the planning and development processes described in Section 3.0 and elsewhere in the Plan.

P18-52

11.5 New facilities and programs shall not be developed unless the financial resources to operate and maintain them are identifiable and available.

11.6 Adoption or modification of an Area Plan or any of its components shall be approved by the Board of Supervisors in accordance with the planning and development process described in this Plan.

11.7 Modification to the land use designations on the General Land Use Map, Parkway-wide policies or their associated text shall be approved in accordance with the local adoption process as described in Section 3.0 and elsewhere in this Plan.

11.9 The various agencies with jurisdictions in the Parkway shall coordinate planning and its implementation for the Parkway.
(*American River Parkway Plan 2008, Chapter 11, Page 213*)

The American River Parkway Plan 2008 and the Final General Plan/Resource Management Plan both state that “In order to facilitate coordination in the planning and management of the American River Parkway, it should be the responsibility of the respective State and County agencies to inform each other of any large scale public or private improvement proposals, requests for entitlement of use, plans for large scale events, or proposed policy changes which

P18-53

would affect the Parkway. (*American River Parkway Plan 2008, Chapter 10, Page 212*) (*FLSRA Final General Plan/Resource Management Plan, II-53*)

P18-53

The City of Folsom’s own General Plan has policies that relate to “Working cooperatively with the County Department of Parks and Recreation, State Parks, Department of Corrections, and Department of Fish and Game in coordinating facility development and program offerings.” (*FLSRA Final General Plan/Resource Management Plan, Page II*)

P18-54

The Proposed Project was not developed in cooperation with the Sacramento County Department of Parks and Recreation. In fact, it appears that Sacramento County, having incorporated the American River Parkway Plan as an element in its General Plan, was not even informed of the Proposed Project which envisions a significant change to the area plan and land uses and a request for an entitlement of use from the Bureau of Reclamation, in this case the issuance of a Land Use Authorization license to the City to develop the Proposed Project.

P18-55

Furthermore, the Bureau of Reclamation is requiring an associated operation and management agreement between Reclamation, the City, and the California Department of Parks and Recreation (State Parks). The EA/IS fails to provide even a rudimentary outline of an operation and management agreement between State Parks who is the Bureau’s managing partner and the City of Folsom. The operation and management agreement is necessary for the public, interested parties and agencies to assess the potentially significant impacts, specifically but not limited to, the financial and human resources of State Parks. SARA, better than most, is fully aware of the severe financial and human resources’ constraints limiting Sacramento County Department of Parks and Recreation and the California Department of Parks and Recreation’s abilities to keep the American River Parkway’s facilities well maintained and improved, the natural resources protected, and the public safe. Severe budget cuts to both Parks Departments have left the Parkway vulnerable to deteriorating conditions growing worse by the day. SARA receives calls on a regular basis from people recreating in the Lake Natoma area of the American River Parkway reporting poor to dangerous conditions on the bike trail, and graffiti, just to name two. The lack of adequate Ranger presence in the County managed and operated portion of the American River Parkway is creating increased public safety and resource protection issues. We believe that State Parks faces the same Ranger deficits. The operation and management agreement is needed before the Proposed Project increases State Parks responsibilities, creating potentially significant impacts to public safety, resource protection and fiscal bottom line.

P18-56

CUMULATIVE IMPACTS

The EA/IS failed to analyze the potentially significant cumulative impacts from the development and activities led by the Folsom Economic Development Corporation, the Folsom Historic District Association, and the Historic Revitalization Program. All of these groups and programs consider access to the Lake Natoma shoreline important, and the Chamber of Commerce markets the shoreline to tourists as part of their campaign to attract people to Folsom to enjoy the trails. They call the campaign "Stay and Play in Folsom." "The Folsom District Historic Society is very excited about the pedestrian promenade and are already talking about integrating the new trail system into the historic walking tours to connect the Folsom Powerhouse site with the Folsom History Museum." (*City of Folsom's 2007 California River Parkway Grant Program Application, Pages 7,8,9*)

P18-57

This conversion of the American River/Lake Natoma shoreline below Folsom Historic District to a pedestrian promenade is not consistent with the land use designation nor the area plan for the Lake Natoma Management Zone, The Natoma Shore North Management Zone, and the Upper Lake Natoma (AQ) Aquatic Management Zone. It changes the intent of an undeveloped shoreline, serene, highly scenic and picturesque, to a more urban park experience by introducing a 1500 linear feet concrete ramp, 600 linear feet concrete sidewalk, a concrete ramp to the water, a 110 feet concrete sidewalk descending down a steep slope to the shoreline, etc. The cement ramp/sidewalk and compacted crushed rock pathway also change the use of the current native soil trails by trail runners, mountain bikers, equestrians, and hikers to a sidewalk and pathway restricted to large numbers of pedestrians attracted to the restaurants, shops, museums, and events in the Folsom Historic District, from residents and businesses in the historical railroad block, and future residents and/or businesses at the Corporation Yard. It assumes that no impacts to current users result from this diversion away from the shoreline and onto a new native soil trail bypassing the shoreline altogether.

P18-58

The EA/IS failed to analyze the potentially significant cumulative impacts from the redevelopment of the Folsom historical railroad block. The Proposed Project's shoreline improvements coincide with the redevelopment of the Folsom historical railroad block, which includes a mixed use development with new retail, restaurants, resident and office space. The development will include 46,000 square feet of new retail; 58,000 square feet of residential and 60 new housing units. (*City of Folsom's 2007 California River Parkway Grant Program Application, Pages 8,9*)

P18-59

The EA/IS failed to consider the potentially significant cumulative impacts from the future development of the Folsom City's Corporation Yard.

P18-60

For all of the above the EA/IS cannot conclude that the Proposed Project is consistent with applicable land use plans, policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

P18-61

It cannot conclude that No Impact would occur.

P18-62

LAND RESOURCES

"The topography of the surrounding area consists of steep slopes that lead to the American River/Lake Natoma . . . "

(EA/IS, Page 3)

"The topography of the project site is defined by the sloping eastern shore of Lake Natoma . . . "

(EA/IS, Page 34)

"The project area is located within the FLSRA, which is considered a visual and scenic resource, as many of the FLSRA's shoreline coupled with its hilly topography provide significant variety in both viewpoint orientation and available viewsheds to create a wealth of viewing conditions and opportunities (U.S. Bureau of Reclamation, 2007)." (EA/IS, Page 23)

"The topography in the area is very challenging and the options are very limited . . . "

(Folsom City's Application for Transportation and Utility Systems and Facilities on Federal Lands)

P18-63

Policies relevant to land resources contained within the Final General Plan/Resources Management Plan for the Folsom State Recreation Area:

GEO-5 Site facilities to avoid geological hazards. Where existing facilities are already located in hazardous areas, examine the feasibility of relocating the facility or mitigating any risks to human life or property.

SOILS-1 Minimize soil excavation, erosion and soil migration in the construction and operation of facilities. Minimize human-induced erosion by reducing concentrated run-off, avoiding over-watering with irrigation systems and limiting disturbance to fragile soils.

(EA/IS, Page 34)

The Proposed Project deliberately sites a 1500 linear feet concrete ramp, a 110 linear feet concrete staircase, and retaining walls on a steep slope requiring grading/slope alteration, excavation and fill, all of which have not been described. The EA/IS has provided no geotechnical reports rating the project site soils for soil expansiveness or susceptibility to sheet and rill erosion. The EA/IS Proposed Action cannot determine that "Although parts of the project site have some susceptibility for landslides, incorporation of the retaining walls in the project design would reduce the potential for landslides to a minimal level" because the project description has provided no details describing the retaining walls that would make a difference as to whether they can reduce the potential for landslides: Exact location of each retaining wall with its attendant height, length and construction standard at the minimum.

P18-64

According to the Grant Application submitted by Folsom City for a Proposition 50 California River Parkways Grant, the Proposed Project will restore three acres of habitat. The EA/IS does not describe the irrigation system and a plan for monitoring its operation and maintenance to prevent over-watering. According to the EA/IS Proposed Project description in the area of the concrete staircase "invasive species would be removed, and the hillside would be re-vegetated with native species." (EA/IS, Page 15) According to the Grant the project proposes to "establish three defined terraces: Oak Woodland Riparian Terrace, Cottonwood Riparian Terrace and

P18-65

Floodplain Riparian Terrace . . .” (City of Folsom Proposition 50 California River Parkways Grant, Page 10) This habitat restoration will require an extensive irrigation system that needs to be fully described in order to assess the potentially significant impacts that can occur from leaks, run-off, and an inadequate operations and management plan that can result in de-stabilized slopes and bank failures. The irrigation system management plan at the end of the tree/vegetation establishment period also needs to be addressed. } P18-65

There is no support for the EA/IS conclusion that there will be no changes in the existing drainage patterns – refer to discussion on Water Quality – and therefore no conclusions can be drawn as to the potentially significant impacts on soil erosion. } P18-66

The EA/IS did not provide a tree removal/replacement plan and vegetation removal/replacement plan and therefore no conclusions can be drawn as to the potentially significant impacts on soil erosion. } P18-67

The EA/IS cannot conclude that there will be no impacts or less than significant impacts with mitigations on Land Resources because it failed to describe and analyze the complete Proposed Project. It failed to provide support for its conclusions. } P18-68

TRAFFIC AND TRANSPORTATION

As previously noted under Construction, pages 3 and 4 of this response, the EA/IS failed to identify the Construction Staging Area. The public, interested parties and agencies cannot determine the extent of impacts on Air Quality, Traffic, Natural Resources, Residential Neighborhoods and Businesses and LOS on roads adjacent to the Construction Staging Area. } P18-69

The EA/IS does not identify the location of access roads. } P18-70

The Proposed Project is creating new internal circulation patterns. The project creates/reconfigures four new intersections – where potentially dangerous user conflicts can occur. Bikes, pedestrians and/or mountain bikers and equestrians will cross paths at the newly created intersection at Gold River Drive and the terminus of the paved bike trail, an intersection where the 110 linear feet concrete staircase is interrupted by the paved bike trail, at the native soil trail and paved bike trail and at the intersection of the compacted crushed rock pathway and paved bike trail. The EA/IS fails to discuss these new traffic patterns. } P18-71

The EA/IS failed to describe a traffic enforcement plan for an internal circulation pattern that restricts the concrete ramp/sidewalk to pedestrians, re-routing other users such as trail runners, mountain bikers, and equestrians to the new native soil trail. This is a significant change from the existing user circulation pattern. Conditions today provide a native soil trail that loops from the paved bike trail, along the Lake Natoma shore and back up. The existing trail is used today by trail runners, hikers, mountain bikers and equestrians. } P18-72

Cumulative Impacts

The EA/IS failed to provide any support analysis to conclude that there are minimal cumulative impacts on traffic and transportation from the concurrent construction of the Proposed Project and the Public Plaza at the Historic Folsom Station. } P18-73

The EA/IS cannot conclude there will be less than significant impacts on Traffic and Transportation because it failed to fully describe the Proposed Project. } P18-74

PUBLIC SERVICES

Parks

"The project site is located within the American River Parkway and the FLSRA. The City General Plan designates this area as open space." (EA/IS, Page 46)

Under the California Public Resources Code, State Recreation Areas are ". . . selected and developed to provide multiple recreational opportunities to meet other than purely local needs...The Public Resources Code also states that each unit in the State Parks System must have its own Declaration of Purpose that describes the purpose of the unit, as determined by its prime resource values and opportunities, and the significance it represents to California and the State Park System (PRC & 5002.2 (b)).

The project site is in the Lake Natoma Area of the American River Parkway. The Lake Natoma Area is a sub-unit of the Folsom Lake State Recreation Area. (American River Parkway Plan 2008, Chapter 10, Page 204)

VISIT-3: Ensure that new and existing visitor facilities and associated services reflect the intent of the SRA land use designations with respect to resource protection, permitted uses, intensity of uses and access.

VISIT-4: Ensure that new and existing visitor facilities are designed to minimize dependence on regular, on-going maintenance operations and avoids activities that would be environmentally damaging to keep them operational.

VISIT-53: Expand opportunities in the trail system for people with disabilities by providing ADA compatible facilities wherever feasible. (EA/IS, Page 44)

P18-75

Please refer to the previously cited American River Parkway Plan 2008's Concept Policies, the discussion under Land Use regarding the Proposed Project site's land use designations, including aquatic, and the Parkway Plan Land Use Policy 7.1 to conclude that the Proposed Project is not consistent with adopted management zones.

P18-76

The Proposed Project's concrete ramp/sidewalk, concrete ramp to the water, and four reconstructed bridges are not consistent with the Folsom Lake State Recreation Transition Area Plan Work List May 2012. These proposed project facilities were not studied or planned as part of this Transition Area Plan Work List May 2012.

P18-77

The EA/IS did not provide any support for the conclusion that the Proposed Project would enhance the existing recreation facilities through the creation of a new pedestrian promenade. It ignored studying potentially significant impacts to current users from the newly created circulation pattern, and the major changes to the aesthetic, visual and scenic quality of the nature area from a concrete ramp/sidewalk, retaining walls, concrete staircase, concrete ramp to the water, compacted crushed rock pathways and four re-constructed bridges.

P18-78

As previously stated the Bureau of Reclamation's required operations and management agreement between Folsom City and State Parks has not been executed. The Proposed Project

P18-79

is constructing a concrete ramp/sidewalk, a concrete ramp to the water, a compacted crushed rock pathway, retaining walls, installing overlooks, laying asphalt, restoring decomposed granite paved bike trail shoulders, installing interpretive signage and kiosks, traffic signs, 4 reconstructed bridges, a new 450 feet native soil trail, new native plant landscapes, an extensive irrigation system, and anticipating ongoing maintenance to keep the shoreline overlooks free of screening trees/vegetation and the newly installed native plant landscapes protected, weeded, watered and inspected for replacement of dead or failure to thrive trees/vegetation. According to the Folsom City Proposition 50 Grant Application it is the intent of the City to market the new pedestrian promenade far and wide, encouraging many people to access the Lake Natoma Shore. The Proposed Project introduces a very different user circulation pattern that will require regulation. In the absence of this agreement the EA/IS cannot conclude that the project will not have potentially significant impacts on regular on-going maintenance operations, the environment to keep them going, Rangers and law enforcement.

P18-79

The EA/IS cannot conclude that there will be no impacts or less than significant impacts on Public Services because the Proposed Project did not describe the complete project and there is no operations and management agreement.

P18-80

RECREATION

The Proposed Project includes recreational facilities and requires construction and expansion of recreational facilities that will have potentially significant effects on the environment. SARA believes that all of the discussion in this Response supports that statement and denies the EA/IS assertion that there are less than significant impacts.

P18-81

The EA/IS cannot conclude that the Proposed Project will have a less than significant impact on the environment because it did not describe a stable and complete project at 15% design.

P18-82

BIOLOGICAL RESOURCES

At 15% design there is no support for the statement that the Proposed Project will remove <1 acre of riparian habitat. The EA/IS did not describe areas of disturbance, tree and vegetation removal/ replacement plans, or excavation and construction of the rip rap/boulder retaining walls.

P18-83

The EA/IS did not describe special mitigations for protecting a heritage status oak and sycamore tree that appear to be in the construction zone of the pathway and a bridge at the shoreline.

P18-84

The EA/IS cannot conclude that wildlife movement and migratory corridors will not be potentially significantly impacted by the Proposed Project. The project at 15% design did not show the details of grading/slope alteration and heights, widths and lengths of the retaining walls. There is no support for the conclusion that the concrete ramp/sidewalk and 110 feet concrete staircase will not impede wildlife movement and disrupt migratory corridors. No biological surveys were conducted at night to determine the presence of nocturnal animals.

P18-85

Black-tailed deer, raccoons, skunks, opossums, gray foxes and coyotes are often seen in the park. Mountain lions and bobcats may occasionally be seen.

P18-86

Frankly, given the extreme topography of this 5.1 acre site, and to the extent that we know the construction planned, SARA seriously doubts and raises a real question regarding the feasibility of the mitigations to protect the riverine and terrestrial habitats and wildlife movement and migratory corridors.

P18-87

CONCLUSIONS

The City of Folsom should withdraw the EA/IS because:

- At 15% design the EA/IS does not provide a stable and complete project description, allowing the public, interested parties and agencies to truly know the potentially significant environmental impacts from the Proposed Project.
- It does not comply with the Urban American River Parkway Preservation Act (*Public Resources Code Section 5842*)
- It is inconsistent with the goals, policies and text of the American River Parkway Plan 2008 and FLSRA Final General Plan/Resource Management Plan, the land use plans governing the planning for the site proposed for development.
- The Proposed Project was not studied and planned as part of Folsom Lake State Recreation Area Transition Plan Work List May 2012.

P18-88

The Bureau of Reclamation should not consider an EA/IS sufficient to determine if the City of Folsom's Proposed Project, on land it is charged to conserve and manage for the People of the United States, is consistent with the Bureau's Resource Management Plan for the Folsom Lake State Recreation Area, in particular the Lake Natoma sub-unit, and compatible with the public interests. The Bureau, we believe, does not have sufficient information in regards to the project design and its potentially significant impacts on the environment, recreation and administration to even consider a Land Use Authorization license with the City of Folsom at this time.

END

REC'D JUN 15 2012

LAKE NATOMA HEIGHTS NEIGHBORHOOD ASSN.

(Representing owners of 400 homes)

**4429 Las Encinitas Dr.
Fair Oaks, CA 95628
June 14, 2012**

**Mr. Robert Goss, Director
Parks & Recreation Dept.
City of Folsom
50 Natomas St.
Folsom, CA 95630**

**Jim Konopka
Dept. of Parks and Recreation
City of Folsom
50 Natoma St.
Folsom, CA 95630**

**RE: Environmental Assessment/Initial Study
Lake Natoma Waterfront and Trail Access Enhancement Project**

Dear Sirs:

The Lake Natoma Heights Neighborhood Association is the largest Neighborhood/Homeowner Association in Fair Oaks. Our homes are situated on the bluffs above Lake Natoma.

P19-01

Save the American River Association (SARA) has submitted extensive comments on the Environmental Assessment/Initial Study. Our Neighborhood Association is in support of SARA's comments.

P19-02

A full Environmental Impact Statement/Environmental Impact Report must be completed before this project can proceed. A mitigated negative declaration would be inadequate given the scope and the potentially adverse impacts of this project.

P19-03

Sincerely,


Stephen Green
Immediate Past President

Cc: Matt See, U.S. Bureau of Reclamation
Jim Michaels, California Dept. of Parks and Recreation

Comment Letter P-20

URR# CC-AD (FOLSOM) OFFICIAL FILE COPY RECEIVED		
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410B		

June 5, 2012

Mr. Matt See

Bureau of Reclamation

7794 Folsom Dam Road

Folsom, CA 95630

Comments: Lake Natoma Waterfront and Trail Access Enhancement Project

My comments are based upon 30 years of field experience in county and state parks. Those who design infrastructure for parks do so without any real experience of operational impacts. These issues are eventually discussed as "unforeseen costs" that are easily forecasted by field personnel who are not consulted during the planning process. I will now discuss what I see as the excessive cost and failures of the Lake Natoma Waterfront and Trail Access Enhancement Project.

P20-01

Issue: What is the erosion and trail damage potential of this installation?

This project will alter a cliff area next to a lake that has very stable soil with extensive root systems and cause massive ground disturbance leading to extensive erosion in and around the project. I predict unforeseen maintenance cost as having devastating consequences to already limited budgets.

The soil at the proposed ramp and trail along the shoreline currently experiences little or no erosion into the lake. Once root systems are disturbed by grading and paving, the area is vulnerable to rain gullyng and undercutting of installed structures. Replacement and stabilizing of this damaged trail could be required following the first heavy rain winter. The nature of the soil in the area and the steepness of the trail make erosion of destabilized soil a certainty. What will be the cost of these repairs? State Parks has selected two areas near the project, Willow Creek and Negro Bar, which are appropriate sites for ADA accessibility construction. The area of the proposed project is seriously inappropriate.

P20-02

The City of Folsom scheduled a showing of the project to potential contractors. I took note of side comments made by contractors. They looked at the cliff area and immediately saw the difficulty of establishing a firm ramp foundation. The contractors saw erosion and destabilization of the ramp as a major concern, and prompted a suggestion that installation of an elevator is a superior design solution.

P20-03

Issue: The project will create a boat ramp for use by canoers and kayakers.

A boat ramp at the bottom of a 40 foot cliff? The support comments for this element of the project have reached the limits of credibility. This is just more urban park amenities that are not appropriate in a "Low Intensity Recreation/Conservation" area. Note: Folsom Lake SRA general plan.

P20-04

Classification	ADM-110
Project	3437
Control No.	12037505
Folder I.D.	1196496

Issue: The project includes a 1500 foot ramp with a 40 foot drop to meet ADA standards.

I reference Mountains without Handrails by Joseph L. Sax, a National Park Service publication:

"The concern that has been expressed for the elderly and the infirm in debate over parkland developments must be taken with a measure of skepticism. . . .Neither the elderly nor the infirm, if they were active at other times, are in the forefront of those advocating intense development of parklands. Rather, those who urge development have put the elderly and the handicapped on their frontline."

P20-05

Some thought needs to be given to the real demand from the disabled community for this project. Since no support was obtained from disability advocate groups, the use of their requirements for project justification is not valid and is a fabrication by those with other objectives. Is this project ADA compliant to justify ADA funding, but not in the interest of the disabled. Is ADA compliance used to create an opportunity to develop the shoreline of Lake Natoma?

One Folsom developer is the source of advocacy for this project. Apparently accessibility for the disabled is not the first concern on his agenda. I told him that the project is inconsistent with the mission of the state park system. His reply was, "You are costing me money." Now this project is being presented to community organization groups in distorted presentations that use disability access to garner support and ADA funding.

P20-06

The 1500 foot ramp with a 40 foot drop is an excessive experience for disabled visitors to endure. Especially when closest level parking is available up by Leidesdorff Street, another 30 foot of elevation 700 feet away from the park. Is this location an inappropriate endurance test for the disabled? The project area needs to be reviewed by those who are recognized experts in determining appropriate sites for ADA accessibility.

P20-07

Will extensive damage to the resource caused by this project yield positive results? Will the disabled continue to use nearby Willow Creek and Negro Bay with drive up shoreline access and ADA rest rooms and avoid the trap of the proposed project area? If the trail and ramp are used by the disabled, will they be able to return up the steep grade and long trail or will they require rescue or even medevac? Are resources available to assist/rescue/medevac these stranded disabled visitors and if so, at what cost?

P20-08

I am empathetic to the needs of the disabled. That is one more reason I oppose this inappropriate location for ADA accessibility.

P20-09

Issue: The project creates increased safety and enforcement issues in the area.

This project would create a paved trail over a dirt trail currently being used by mountain bikes. Closing the paved area for cyclists is an attempt to separate pedestrian and bicycle traffic. Volunteers are attending meetings to discuss their role in making interpretive enforcement contacts to enforce the trail closure. Volunteers will need to be backed up by ranger personnel responding to deal with scofflaw violators. What will be the cost of increased peace officer response to enforce the closure order? Use of Folsom Police Officers to enforce State Park law is certainly out of their training sphere.

P20-10

Volunteers will not be available at all times to contact trail closer violators. Cyclists who violate the closure will also be able to ride at a higher speed on pavement. The area of the proposed ramp is a steep paved trail with a blind curve. Bicycle versus pedestrian visitor accidents would be catastrophic. What will be the cost of increased emergency response to the project area?

Issue: The project claims to restore the environment by planting native vegetation.

This attempt at mitigation is being proposed by the City of Folsom, a government that has no resource ecologist staff and has submitted no plan for environment restoration. What is the city's plan to survey the project area for exotic and native plants? What plan is proposed to remove exotic vegetation and continually monitor its removal to ensure exotics do not return? What follow up service will be performed to ensure that the native plants survive? What is the cost of these plans? The City of Folsom's plan is to remove a few exotics and plant a few natives along the trail. This is hardly equivalent mitigation for all the native plants impacted or destroyed by this project. Who will be responsible for ongoing resource maintenance created by this project? Whatever agreement is reached between the participating agencies, money is not available for this plan that has yet to be created. Where is the EIR?

P20-11

Issue: The Folsom Lake SRA General Plan is inconsistent about the project area.

The general plan for the project area section 4.2.3:

Low Intensity Recreation/Conservation

These areas offer opportunities for more challenging- and adventure based recreation activities in a more natural setting.

P20-12

An addition to this section of the plan reads:

Improve access to Lake Natoma from the City of Folsom Historic district where appropriate and feasible.

This inconsistent addition to the plan was preceded by the approval of the project grant by the Resources Agency.

I repeat myself by saying that a 40 foot cliff area is NOT APPROPRIATE AND FEASIBLE for creation of ADA access. Cost: approximately \$1 million

P20-13

I testified before the California Parks and Recreation Commission to point out the plan inconsistencies and baseless addition of shoreline enhancement in the project area. A five minute time limit makes presentation of all issues in clear form difficult. The commission had been predisposed to accept the plan without giving attention to opposition.

P20-14

Finally, I am an older and infirm visitor to the area of the proposed project. I would not use a 1500 foot ramp and would prefer to use the existing stairs to access the shoreline. State Parks are in the position of providing for visitor needs while preserving and protecting natural and cultural features of parks. My needs are to escape the pavement of the city and walk slowly through a wilderness while touching the earth directly. This paved trail will destroy my and many more visitors' park experience by using disabled access as a trump card to end project opposition without critical thought.

P20-15

Save our narrow trail that is habitat for Dutchman's pipevine and its butterfly the pipevine swallowtail. Stop the destruction of the archeology site near bridge #8 where pottery shards are brought to the surface by rodents. Save the trees that are marked for removal to meet paved trail width standards. Preserve habitat for the deer, coyote, raccoon, beaver, and river otter that live in the project area.

P20-16

The proposed ramp and trail will create an elevated set of concrete walls along the shoreline of Lake Natoma. The view shed in this area will suffer dramatically from this intrusion.

P20-17

I personally have cared for this area for ten years, removing litter, taking out exotic plants, reporting archeology finds, clearing trails, reporting crimes, and assisting park visitors. It is a joyful beautiful place that I tend, called one of the premier places in the world for paddle and row boats. Why damage what I have loved and cared for all these years?

P20-18

Protect our state park wilderness; it is so rare to find a treasure like Lake Natoma in the heart of a city. It is not an urban park even though it is in an urban area. Clearly the current evaluation process allows for any contrived project support statement to be accepted without critical review. The City of Folsom is on course to set precedent for this and future urban park development at Lake Natoma.

P20-19

Former Superintendent of Gold Fields District, Scott Nakaji, was asked to comment on this project grant. He wrote, "This project is inconsistent with the mission of the State Parks System. . . I cannot support it at this time." The City of Folsom simply modified the scope of the project without contacting the superintendent and submitted the grant application saying, "State Parks is one of the biggest supporters of the project." Does this act constitute defrauding the State of California? Apparently no one in the Resources Agency is responsible or has authority to make that decision. The Bureau of Reclamation ignores this issue saying it is for the state to resolve.

P20-20

Someone must take action to stop this hoax project now. Please restore integrity to the City of Folsom, the Resources Agency, and the Bureau of Reclamation by curtailing this destructive waste of tax payer money.

P20-21



Daniel Winkelman, California State Park Ranger (retired)

Member of Save the American River Association

Member of Friends of the Folsom Powerhouse

1374 Young Wo Circle

Folsom, CA 95630

Lake Natoma Waterfront and Trail Access Enhancement Project

Comment Form

Please provide written comments below:

Name: Deborah Grassl

Address/Email address: info@artpass.net

Comments: I like the planned waterfront and trail project. I use this trail constantly and know it well. The proposed route encompasses some of Folsom's finest, untouched riparian forest. Creating a natural experience that is ADA accessible is forward thinking and adds to the quality of the Historic District experience.

P21-01

The CEQA and EIR statements did not include a comprehensive list of bird, fish, mammal and invertebrate habitat that are indispensable to the success of the project. Our 'common' fauna, eg. otter, beaver, fish, pheasant, deer, coyote, bumble bee, native bees, etc. were disregarded. If these animals flee, or are destroyed, during construction, restoring their natural habitat after the fact would be tremendously short-sighted.

P21-02

I'd like to see an inventory of the fauna and a plan to mitigate their disturbance during project construction.

Written comments must be received by close of business Thursday, June 14, 2012, and should be sent to either Jim Konopka, Folsom Parks and Recreation Department, 50 Natoma Street, Folsom, CA 95630, fax 916-351-5931, or email jkonopka@folsom.ca.us, or Matt See, Reclamation, CCAO, 7794 Folsom Dam Road, Folsom, CA 95630, fax 916-989-7109, or email msee@usbr.gov.



Bureau of Reclamation
Mid-Pacific Region



CITY OF FOLSOM
CREATED BY NATURE

Lake Natoma Waterfront and Trail Access Enhancement Project

Comment Form

Please provide written comments below:

Name: HARRY AZAR

Address/Email address: HARRY@HARRYAZAR.COM

Comments: PROS FOR PROJECT: 1) ADA MANDATE FULFILLED
CONS FOR THE PROJECT:

P22-01

1) - HYDROLOGICAL DEFICIENCY: PAVED SURFACES WILL NOT
OR SOBB RUN OFF.

P22-02

2) - HIGHER DEGREE OF ACCESS WILL INCREASE POLLUTION,
GARBAGE & DISREGARD FOR NATURAL BALANCE.

P22-03

3) - EROSION CONTROL IS TEMPORARY & CITY OF FOLSOM WILL
END UP HOLDING THE BAG FOR PERPETUAL MAINTENANCE PAID TO STATE.

P22-04

4) - "PRESERVING THE NATURAL BEAUTY" WILL BE LOST
WITH THE ASPHALT & CONCRETE.

P22-05

5) - IT IS NOT NECESSARY TO PROVIDE ADA ACCESS
TO LOCALS WHERE BELONGS TO NATURE & MUST BE
PRESERVED FOR FUTURE GENERATIONS. THIS IS THE
ESSENCE OF NATURAL SUSTAINABILITY IN ACCORDANCE
WITH "AGENDA 21 OF UNITED NATIONS MANDATE" SIGNED
BY PRES. CLINTON.

Written comments must be received by close of business Thursday, June 14, 2012, and should be sent to either Jim Konopka, Folsom Parks and Recreation Department, 50 Natoma Street, Folsom, CA 95630, fax 916-351-5931, or email jkonopka@folsom.ca.us, or Matt See, Reclamation, CCAO, 7794 Folsom Dam Road, Folsom, CA 95630, fax 916-989-7109, or email msee@usbr.gov.



Bureau of Reclamation
Mid-Pacific Region



CITY OF
FOLSOM
CALIFORNIA'S CAPITAL CITY

Lake Natoma Waterfront and Trail Access Enhancement Project

Comment Form

Please provide written comments below:

see attached

Name: Valerie Cazaux 9

Address/Email address: 81698 Winding Way,
Winding Way, #D. 95628

Comments: _____

Written comments must be received by close of business Thursday, June 14, 2012, and should be sent to either Jim Konopka, Folsom Parks and Recreation Department, 50 Natoma Street, Folsom, CA 95630, fax 916-351-5931, or email jkonopka@folsom.ca.us, or Matt See, Reclamation, CCAO, 7794 Folsom Dam Road, Folsom, CA 95630, fax 916-989-7109, or email msee@usbr.gov.



Bureau of Reclamation
Mid-Pacific Region



CITY OF
FOLSOM
ESTABLISHED BY ACT OF 1852

V C, have lived along the AMERICAN RIVER PARKWAY for over 50 yrs.

This parkway and its natural terrain has been the model of success for all this timet, known throughout the nation and even internationally as a very special place—Let's SUSTAIN that model.

Concrete walkways and walls are unnecessarily expensive, and likely to send more flood waters down to Sacramento in bad years

Concrete structures do not really "upgrade or prettify" what's already is naturally inviting: relaxing, beautiful, spiritual. The natural like Yosemite, Mount Everest, Central Park is what pulls us away from our normal concrete worlds. More true as we get more crowded.

Simply, let's sustain what we already have.

*70s had a
chance for
"upgrades"
SB - we
didn't*

Valerie Cazaux
8698 Winding Way
Fair Oaks, CA

966-1661

vcauz@sbcglobal.net

Lake Natoma Waterfront and Trail Access Enhancement Project

Comment Form

Please provide written comments below:

Name: LAURETTE LAURENT

Address/Email address: ljlaurent@att.net

Comments: The concrete skateboard ramp 1,500' long is an abomination, placed where no wheelchair-bound person would be safe.

P24-01

① I am leaving an alternate proposal
② & list of questions which must be answered.

P24-02

③ The statement of an expert on recreation & Folsom.

P24-03

④ Photos of alternate proposal site

P24-04

Written comments must be received by close of business Thursday, June 14, 2012, and should be sent to either Jim Konopka, Folsom Parks and Recreation Department, 50 Natoma Street, Folsom, CA 95630, fax 916-351-5931, or email jkonopka@folsom.ca.us, or Matt See, Reclamation, CCAO, 7794 Folsom Dam Road, Folsom, CA 95630, fax 916-989-7109, or email msee@usbr.gov.



Attachment

Draft Environment Assessment Open House

USBR May 23, 2012 Folsom Community Center

Formal submission of questions to land owner USBR and its exclusive operator (CA State Parks) which require answers prior to finalization of Environmental Assessment for "trail enhancement", ADA ramp 1/3 mile long, including areas below high-water mark level of American River.

Request for consideration: rehabilitation of area burned and likely containing contaminants from Folsom Corporation Yard explosions, fire, dumping, leakage, drainage from Industrial Zone operations; in lieu of further destruction of USBR/State Park riparian lands.

P24-05

Photos and videos previously submitted to Matt See USBR: sole access points, environment.

DRAFT EA MEETING: Public submission of questions to USBR as owner.

Promenade open house/USBR May 23, 2012

How will the proposed trails and concrete ramp at the river edge be patrolled by State Parks, given the remote location of them – away from all ranger access and patrol pavements. | P24-06

Can State Parks afford to maintain concrete ramps, retaining walls which must be huge and located below the high-water level (damp and corrosive to mortar). | P24-07

How can Reclamation claim the ramp can be built in the sensitive wetland and river areas “without harming the environment.” | P24-08

How will construction equipment get to sites almost ½ mile from Gold Lake lane (mere 38' wide)?
How will fire fighters and emergency first responders access the wheelchair ramps which are at least 1/3 mile north of the access point (on private property), and about 1/3 to ½ mile east of access points.
Can State Parks afford to bring in air rescue units, and can air rescue access the remote ramps. |

What caused the failure of any plants to regenerate below the city Corporation Yard after the June 21, 2007 devastating fire? | P24-09

What are the levels of contaminants in this destroyed and still-barren area? Heavy metals were found above this area, and soil was removed. Reclamation never approached RWQCB for a similar inspection and analysis after the June 21, 2007 Corp Yard explosions/fire. | P24-10

Why can't the city grant monies be directed at restoring native plants, restoring the still-barren fire plain below the Corp Yard, and installing educational signage about fires, pollution, and riparian habitat? | P24-11

Why has the city been allowed to totally ignore soils investigations, yet declaring neg dec.
Why has the city been allowed to totally ignore elevation investigations and proof of feasibility? | P24-12

Why did USBR issue a letter April 26, 2012 which states the entire proposal is “feasible?” | P24-13

The city has never developed emergency evacuation and response plans for the Corporation Yard abutting this forest. Why has Reclamation failed to demand this as a condition of applying for access to Reclamation land and waters? | P24-14

Why is Reclamation considering a huge concrete ramp in the American River and on unstable materials in the area below the high-water levels, on soil likely contaminated by the fuels leached by FCY. | P24-15

Will Reclamation ignore expert opinions of Scott Nakaji? His development opinions? Attached.
Will Reclamation consider the depositions of the last City Engineer Bob Blaser which attest the city eliminated a lawful enforcement position and oversight? (submitted in part). | P24-16

How will Reclamation & State Parks enforce “pedestrian” & “wheelchair” use only from high speed bicycle riders travelling up to 30 mph. What about liability issues? | P24-17

What weight will USBR assign to the proven lies in the grant application funding this? | P24-18

If answers are not provided by land owner/operator, other remedies must be sought. | P24-19

Nakaji, Scott

From: Nakaji, Scott
Sent: Tuesday, June 24, 2008 9:03 AM
To: Robert Schroeder; Laura Caballero; Mike Finnegan; Richard Johnson
Subject: City/Lake Natoma Issues
Attachments: The grant application characterizes State Parks as one of the biggest supporters of the project.doc

FYI. Attached is a document that I gave to Folsom City Manager Kerry Miller at our meeting on January 3rd voicing State Parks concerns about the application that was submitted to the Resources Agency. This prompted the City to consider pulling their application or modifying the scope. They chose to modify the scope, but we did not receive a copy of the final document.

P24-20

Scott

L L. Laurent
1212 Forrest St.
Folsom, CA 95630

- The grant application characterizes State Parks as one of the biggest supporters of the project. Although we have discussed potential concepts, State Parks does not endorse or support several of the concepts presented in the application. In fact State Parks withheld providing a letter of support for the application (requested by the City) because we were not satisfied with the resolution of numerous issues.

P24-21
- Development status was characterized in the application as "have received commitments from State Parks and the US Bureau of Reclamation (Reclamation) to proceed with the project." The application further states that "the City has an agreement from the US Bureau of Reclamation and State Parks Department," and that the "Bureau of Reclamation has provided a letter approving the project."

P24-22
- State Parks has made no commitments to the City to proceed with the project. In speaking with Reclamation personnel, there are also no current or conceptual agreements that have been discussed between the City and Reclamation. No approvals or permits of any kind have been obtained from either State Parks or the US Bureau of Reclamation.

P24-23
- The application states "State Parks has indicated that when the trail is completed they will conduct regular guided nature walks for all age groups along this new section of trail." State Parks has made no such indication of staffing and funding interpretive efforts such as guided nature walks on this proposed portion of trail.

P24-24
- The application states "The boat launch area will provide a service that is not currently available on the south side of Lake Natoma." This is not an accurate statement as the Willow Creek sub-unit of Folsom Lake State Recreation Area, which is located within the City, has a boat launch area. In fact, the Willow Creek boat ramp and parking area will be undergoing an improvement project in the near future to better serve the public within the city limits.

P24-25
- The dock proposed in the City grant application will require some regular patrol and enforcement presence. State Parks is not necessarily interested in creating this use dynamic at this site and the subsequent management burden. State Parks is not sure that it best serves park visitors to have the City operate this boat dock – this may create confusion on who is responsible for management and enforcement.

P24-26
- State Parks is concerned that use on a boat launch/boat dock will not actually be utilized as the City envisions. It does not appear that the City has surveyed paddlers on the lake, existing State Park concessionaires who operate trips on the Lake, the Aquatic Center or others regarding whether or not lake users would land at the dock, leave their craft

P24-27

unattended and walk to the City's historic district or have a meal in their paddling garb. People can get a bit wet paddling a canoe or kayak. Often paddling garb is not suited for walking City streets or visiting a restaurant. The City's vision of public use at this location does not appear to be consistent with the actual activities of the majority of our aquatic lake users.

P24-27
Cont'd

- The proposal does not identify where people would leave their canoes or kayaks. The small dock identified in the project would not have sufficient room to leave boats on the dock or tied to the dock, it would prevent others from accessing the dock. These problems are compounded if the City envisions small motorboats mooring at this dock. Paddlers would likely be reluctant to leave a plastic or composite canoe or kayak – with a value of anywhere from \$500 to \$3000 – out of their sight and unattended while they walk around the City. Particularly if the dock is being used by people swimming or hanging out, which is one of the uses that we have found consistently occurs on our other docks around Lake Natoma (see below).

P24-28

- Our experience at other docks we have developed and manage at Lake Natoma is that these facilities get used for unintended purposes as much (if not more in some cases) as for their intended boat launching and landing function. This includes use as a platform for swimming and diving, fishing, model boat use, sunbathing, and as a location to install temporary ramps for kids on bikes to use as a jump into the water. The docks at Lake Natoma often attract large numbers of young people to swim, play and hang out on the docks. The rocks on both sides of the Lake in the area of this proposed dock already attract many young people for swimming and sunbathing – they will likely usurp this dock.

P24-29

- In previous discussions with the City, staff has indicated that the proposed boat dock would be for people wishing to land and access the Historic District. The grant application characterizes the dock as a boat launching facility. If that is the intended use, there is no location identified for people to park their vehicles and stage their equipment to launch at this site. We previously expressed to the City that we do not think the site under the Bridge on the south side of the Lake is an appropriate boat launching location: a long walk down a steep bank (or trail); there are inadequate parking and staging areas; there are no restroom facilities; etc.

P24-30

- The application states that “State Parks and Folsom have worked together to put this application together and will continue to work together to prepare final design and construction.” Gold Fields District Planner Jim Micheaels provided State Parks' input to Folsom City Senior Planner Jim Konopka for this document. Unfortunately, State Parks' input expressing concerns regarding project scoping and the concepts contained in the

P24-31

application was ignored (see attached e-mail correspondence from Jim Micheaels to Jim Konopka). We presume that State Parks' concerns were relayed to City management prior to the submission of the application.

P24-32

- The application states that "The City and California State Parks have been working together for many years to complete this segment of trail and fulfilling long term goal of providing barrier free access to the Lake Natoma shoreline and improving recreational opportunities." This is not the segment of trail that the City and State Parks has been working together on for years. The segment of trail that State Parks supports is located further up river between the Lake Natoma Inn and the Folsom Powerhouse State Historic Park. This section of trail that State Parks supports is the segment that would provide the final connection for the Lake Natoma loop.

P24-33

- State Park staff has been very clear to City staff about the concerns we have regarding concepts contained in the City's proposed project. Unfortunately, the City elected to move forward with the grant application without addressing and resolving numerous issues and even expanding upon others with the full knowledge of State Parks' concerns. As State Parks is under the umbrella of the Resources Agency, the granting entity, in order to maintain our integrity we need to address what we see as incorrect characterizations in the City's grant application. If the Resources Agency contacts State Parks about this grant application we will be clear and truthful about the portions of the proposal which have our support, those that do not and the unresolved issues we see with the plan. Additionally, it does not appear that Reclamation staff has been contacted to provide input on the specific proposals contained in this project.

P24-34

- I am fully supportive of listening to proposals and discussing potential projects that bring mutual benefits to the City, State Parks and Reclamation. To be honest, throughout the years I have heard numerous proposals from City staff and local developers on behalf of the City that are not consistent with the State Parks mission. While there might be benefit to the development interests in the City, based on our experience operating recreation areas and facilities on Lake Natoma I question the real public benefit of the concepts contained in this specific proposal. Additionally, I am not certain that use will occur as envisioned by the City thereby minimizing any benefit to the City, State Parks and Reclamation. For these reasons, and with the mischaracterizations contained in this grant application and the unresolved issues regarding the proposed project, I cannot support it at this time.

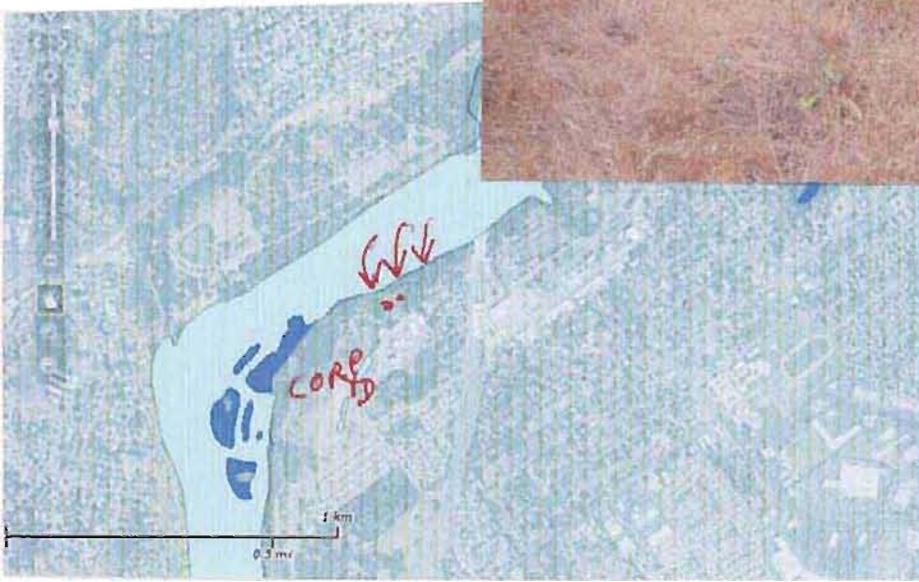
P24-35

THIS is where to spend the publics' money

P24-36



L.
12
Fo



- Other Depressional Wetland (Polygons)
- Riverine
- Riverine (Polyline)
- Riverine (Polygons)
- Slope Wetland/Seeps
- Slope Wetlands/Seeps (Points)
- Slope Wetlands/Seeps (Polygons)
- Tidal Wetlands (Polygons)
- Vernal Pool (Polygons)
- Functional Condition Assessment

Comment Letter P-25

From: LJ Laurent [<mailto:ljl Laurent@att.net>]

Sent: Wednesday, May 16, 2012 4:49 PM

To: See, Matthew A

Subject: Public Comment submission, Folsom Lk Natoma Project. USBR Draft EA

Attachments:

Attached please find a letter for the public record related to the draft EA for the Folsom "trail enhancement" proposal. It was submitted by Save the American River Association in an attempt to obtain rectification of the falsifications in the city's application for public funds for this project.

} P25-01

The significance for me and the public lies in the behavior of the city's current politicians, the lack of involvement and certification by a city engineer in residence whose legal duties include examining and certifying all public construction projects proposed by the city. Such a project would likely never make it out of cityhall if a CA licensed civil engineer had examined the plan, the site, the required permits, the ecological destruction, and the mendacity in the application.

} P25-02

It further underscores the knowledge of various organizations that the city has a despicable record on legal compliance, health and safety regulations, and environmental protection. Further the city has a demonstrable willingness to misrepresent facts in order to gain its ends.

} P25-03

Additionally this letter is submitted because Mike Crisman the past head of the CA Resource Agency which granted the city monies, stated that this evidence was relevant at the time Reclamation and the city solicited input. Resources refused to examine the evidence, stating the facts would become evident during the public process. The city, of course, did yet another Notice of Intent to Adopt Negative (Environmental Impact) Declaration on June 26, 2012.

} P25-04



Save the American River Association, Inc.
 4441 Auburn Blvd. Suite H • Sacramento, CA 95841-4139 • 916-482-2551
 e-mail: info@sarariverwatch.org • website: www.sarariverwatch.org

COPY

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November 17, 2009

Arnold Schwarzenegger, Governor
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 Michael C. Genest, Director, Department of Finance
 Ruth Coleman, Director, Department of Parks and Recreation
 Senator Fran Pavley, Chair, Senate Natural Resources and Water Committee
 Assemblyman Jared Huffman, Chair, Assembly Water Parks & Wildlife Comm.

SUBJECT: Request to Withdraw Grant for Folsom Promenade

Dear Governor, Secretary, Directors & Chairs:

We respectfully request that the competitive grant [Project Reference Number R81765-0] awarded by the State Natural Resources Agency to the City of Folsom, for \$757,800, from Proposition 50, for a recreation trail along Lake Natoma, in Sacramento County, be withdrawn because the City's application included significant claims which were not true, giving this project an unfair advantage against other applicants.

The City of Folsom applied to the State Natural Resources Agency for a grant from the California River Parkway Grant Program in October, 2007. The originally proposed features included a 2600-foot long concrete pedestrian promenade, along the south side of Lake Natoma, from the Old Folsom Powerhouse to the Folsom Historic District, an access ramp to the lake, a floating dock, an overlook platform, tables and benches, and two interpretative kiosks. State Parks is the "recreation operator" on these federally-owned lands.

There are two major claims that are not true. First, the application claimed that it had the support of State Parks. A subsequent State Parks memo said that State Parks had declined to support the project because of serious concerns. Second, the application also claimed that a number of "interested" organizations had supported the project." Some of these organizations (1) had never been asked to support the project, and / or (2) had never agreed to support the project.

When the state makes competitive grants, it is essential that the process be as fair as possible, largely because requests typically far exceed the available funding and because the differences between successful and unsuccessful projects are usually small. Where an applicant makes claims that appear to be knowingly not true, the applicant should not be rewarded -- by being allowed to keep the grant.

To: State of California
From: Save the American River Association (SARA)
Subject: Request to Withdraw Grant for Proposed Folsom Promenade

To be fair, we should note that the Save the American River Association (SARA) is opposed to this project. In our fifty years of supporting and defending the American River and Parkway, we have endeavored to maintain the American River Parkway primarily for open-space and trails. This pedestrian promenade project would provide a more urban, city-oriented recreational experience within the Parkway. There are several other projects within the Parkway that we would support.

CLAIMS THAT ARE UNTRUE

CLAIMS RELATED TO STATE PARKS:

After the Folsom application was submitted, Scott Nakaji, Folsom Sector Superintendent for California State Parks, wrote a memo (attached) on the project and presented this memo the Folsom City Manager on January 3, 2008.

- (1) The grant application (attached, page 6) said that the State Parks had agreed to be a partner with the city on this project. State Parks did not so agree.
- (2) The application (attached, page 12) said that the City had "an agreement" with State Parks. According to the memo, "State Parks has made no commitments to the City to proceed with this project."
- (3) The application (attached, page 7) characterizes State Parks as "... one of the biggest supporters of the project." The application (attached, page 14) says that, "... State Parks ... (is) ... in support of the project." According to the memo, the department withheld providing a letter of support (requested by the city) because the department was 'not satisfied with the resolution of numerous issues.'
- (4) The application (attached, page 6) states that, "The City and California State Parks have been working together for many years to complete this segment of trail." According to the memo, this is not the segment of trail that the City and State Parks have been working together on for years."
- (5) The application (attached, page 8) said that the project's boat launch area "will provide a service that is not currently available on the south side of Lake Natoma." The memo says this is incorrect as State Parks operates the Willow Creek boat launch, which is located with the City on the south side of Lake Natoma.

CLAIMS RELATED TO ORGANIZATIONAL SUPPORT:

- (1) The application (attached, page 6) stated that the Sacramento Tree Foundation had agreed to be one of two non-profit "partners" in the

To: State of California
From: Save the American River Association (SARA)
Subject: Request to Withdraw Grant for Proposed Folsom Promenade

project and would be "providing a majority of the plant material needed for the habitat restoration/native plant re-establishment portion of the project. They will also be the lead in organizing the volunteer planting activities."

According to Colleen Cadwaller, Development Services Director of the Sacramento Tree Foundation, the foundation was not asked by the city to be a "partner" and did not agree to be the lead in organizing volunteer planting activities.

(2) The application (attached, page 7) says the following organizations support the project, but, in fact, these organizations did not act to support the project:

Sacramento Tree Foundation
Colleen Cadwaller, Development Services Director: (916) 924-8733

California Native Plant Society
Mary Maret: (916) 961-4057

Sacramento Area Bicycle Advocates
Lea Brooks, Immediate Past President: (916) 444-6600

Friends of the Folsom Powerhouse
Don Thomas, President: (916) 984-3123

In conclusion, the City of Folsom made false claims in its application to this competitive state program, undoubtedly creating a significant advantage for its application over other applications. Had the Folsom application made known to the Natural Resources Agency that State Parks had declined to support the project in an area where State Parks is the operator, it is hard to imagine that this application would have been awarded a grant. Where it is determined that an applicant has made false claims, the applicant should not be rewarded by being allowed to keep the grant.

Thank you for your consideration.

Sincerely



Warren V. Truitt, President
Save the American River Association (SARA)

C: City of Folsom
Sacramento Bee

LAW OFFICES OF DONALD B. MOONEY

DONALD B. MOONEY

124 C Street, Suite 2
Davis, California 95616
Telephone: (530) 758-2577
Facsimile: (530) 758-7189
dcmooney@den.org

Comment Letter P-26

June 14, 2012

VIA ELECTRONIC MAIL AND REGULAR MAIL

Mr. Robert Goss, Director
Mr. Jim Konopka, Senior Planner
Parks and Recreation Department
50 Natomas Street
Folsom, California 95630

**Re: Comments on Initial Study/Mitigated Negative Declaration for the
Lake Natoma Waterfront and Trail Access Enhancement Project**

Dear Mr. Goss and Mr. Konopka:

The office represents Save the American River Association ("SARA") regarding City of Folsom's Lake Natoma Waterfront and Trail Access Enhancement Project. As demonstrated in this letter and the comments submitted directly by SARA, SARA is concerned about the environmental impacts of the proposed Project, particularly those associated with aesthetics, biological resources, recreation, and land use planning. As discussed below, SARA objects to the Project on the grounds that the Environmental Assessment/Initial Study ("EA/IS") fails to meet the minimum legal requirements as set forth in the California Environmental Quality Act ("CEQA"), Public Resources Code, section 21000 *et seq.*

P26-01

I. Fair Argument Standard

CEQA requires that an agency prepare an environmental impact report ("EIR") for any project that may have a significant effect on the environment. (Pub. Resources Code § 21151(a).) An agency must prepare an EIR whenever substantial evidence in the record supports a fair argument that a project may have a significant effect on the environment. (Pub. Resources Code, §§ 21080(a); 21151(a); *see Laurel Heights Improvement Ass'n v. Regents of the Univ. of Cal.* (1993) 6 Cal.4th 1112, 1123.) "In reviewing an agency's decision to adopt a negative declaration, a trial court applies the "fair argument" test." (*City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398, 405; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1399.) The fair argument test requires that an agency "prepare an EIR whenever substantial evidence in the record supports a fair argument that a proposed project may have a significant effect on the environment." (*City of Redlands, supra*, 96 Cal.App.4th at p. 405; quoting *Gentry v. City of Murrieta, supra*, 36 Cal.App.4th at pp. 1399-1400.) If such evidence exists, the court must set aside the agency's decision to adopt a negative declaration as an abuse of discretion in failing to proceed in a manner as required by law. (*City of Redlands, supra*, 36 Cal.App.4th at p. 406.)

P26-02

The "fair argument" standard is "a low threshold requirement for preparation of an EIR." (*No Oil, Inc. v. City of Los Angeles* (1975) 13 Cal.3d 68, 84.) The fair argument standard reflects CEQA's "preference for resolving doubts in favor of environmental review." (*Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1316-1317.) Thus, an EIR must be prepared "whenever it can be fairly argued on the basis of substantial evidence that the project may have significant environmental impact" (*No Oil, Inc. v. City of Los Angeles, supra*, 13 Cal.3d at p. 75) even if there is substantial evidence to the contrary (*Arviv Enterprises, Inc. v. South Valley Area Planning Com.* (2002) 101 Cal.App.4th 1333, 1346; *Friends of "B" Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1002). CEQA defines "environment" as "the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water...flora, fauna, noise..." (Pub. Resources Code § 21060.5.) "Significant effect upon the environment" is described as "a substantial or potentially substantial adverse change in the environment." (See Pub. Resources Code § 21068; CEQA Guidelines § 15382.) A project may have a significant effect on the environment if there is a reasonable probability that it will result in a significant impact. (See *No Oil, Inc. v. City of Los Angeles, supra*, 13 Cal.3d at p. 83.) Even if the overall effect of the project is beneficial, the lead agency must prepare an EIR if any part of the project "either individually or cumulatively, may cause a significant effect on the environment." (CEQA Guidelines § 15063(b)(1).)

P26-03

II. The EA/IS Contains an Inaccurate and Unstable Project Description

CEQA requires that the entire project being proposed for approval must be described in the environmental document. Under CEQA, a "project" means "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment" (CEQA Guidelines, § 15378(a); Pub. Resources Code, § 21065; *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 670.) Project refers to "the underlying "activity" for which approval is sought. (CEQA Guidelines, § 15378(a); *San Joaquin Raptor, supra*, 149 Cal.App.4th at p. 670.)

P26-03

CEQA requires a complete project description to ensure that all of the project's environmental impacts are considered. (*City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1450, 1454.) "[A]n accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 199.) However, "[a] curtailed, enigmatic or unstable project description draws a red herring across the path of public input." (*Id.* at p. 198.) "[O]nly through an accurate view of the project may the public and interested parties and public agencies balance the proposed project's benefits against its environmental cost, consider appropriate mitigation measures, assess the advantages of terminating the proposal and properly weigh other alternatives" (*City of Santee v. County of San*

P26-04

Diego, supra, 214 Cal.App.3d at p. 1454.) As discussed below, the EA/IS fails to provide an adequate and stable project description.

P26-04

The EA/IS only identifies about 15 percent of the design for the project. Additionally, the EA/IS fails to identify the location of the Construction Staging area. As discussed in SARA's letter the lack of design information and failure to identify the Construction Staging area means that the EA/IS cannot adequately analyze the Project's potentially significant environmental impacts regarding air quality, traffic, water quality, biological resources, and aesthetics. Although the EA/IS references a retaining wall, it does not identify the height or length of the retaining wall. Again, without such critical information describing the Project, the EA/IS fails to adequately address the Project's impacts. Without the required information, the EA/IS also fails as an informational document for the public and decisionmakers.

P26-05

III. Substantial Evidence Supports a "Fair Argument" that the Project May Have Potentially Significant Environmental Impacts

CEQA and the CEQA Guidelines provide assistance in evaluating what constitutes substantial evidence to support a "fair argument". (See CEQA Guidelines § 15384(a) ("substantial evidence" means enough relevant information and reasonable inferences...that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.)) Substantial evidence consists of "fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact." (Pub. Resources Code § 21080(e)(1); see also CEQA Guidelines § 15384(b).) It does not include "argument, speculation, unsubstantial opinion or narrative, evidence that is clearly inaccurate ...or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment." (Pub. Resources Code § 21080(e)(2).) Comments that present evidence of facts and reasonable assumptions from those facts may constitute substantial evidence to support fair argument that the project may have a significant effect on the environment. (See *City of Redlands, supra*, 96 Cal.App.4th at p. 590; see also *Stanislaus Audubon Society, Inc. v. County of Stanislaus*, (1995) 33 Cal.App.4th 144, 152-153.) Relevant personal observations of area residents on nontechnical subjects may qualify as substantial evidence for a fair argument. (*Ocean View Estates Homeowner's Assn., Inc. v. Montecito Water District* (2004) 116 Cal.App.4th 396, 402.)

P26-06

The Initial Study must provide the factual basis and the analysis for the determination that a project will not have a significant impact on the environment. (See CEQA Guidelines § 15063(d)(3); *City of Redlands, supra*, 96 Cal.App.4th at p. 408; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311.) "An agency should not be allowed to hide behind its own failure to gather relevant data." (*Id.*) Thus, a mitigated negative declaration may only be prepared when, in light of the whole record, no substantial evidence exists that the project may have a significant environmental effect.

P26-07

As discussed below, substantial evidence supports a “fair argument” that the Project may result in a significant impact to the environment, thus requiring the preparation of an EIR.

P26-08

A. The Project is Inconsistent with the American River Parkway Plan

Under CEQA, an impact is significant if it “[c]onflict[s] with any applicable land use plan, policy, or regulation or an agency with jurisdiction over the project . . . adopted for the purpose of avoiding or mitigating an environmental effect.” (CEQA Guidelines, Appendix G, Part IX.) A project cannot be found consistent with a general plan if it conflicts with a general plan policy that is “fundamental, mandatory, and clear,” regardless of whether it is consistent with other general plan policies. (*Endangered Habitat League v. County of Orange* (2005) 131 Cal.App.4th 777, 782-83; *Families Unafraid to Uphold Rural El Dorado County v. Board of Supervisors* (1998) 62 Cal.App.4th 1336.) Even if there is no direct conflict, a project may not be approved if it interferes with or frustrates the general plan’s policies and objectives. (*Napa Citizens for Honest Gov’t v. County of Napa* (2001) 91 Cal.App.4th 342, 378-379; see also *Leshar Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 53, 554 (zoning ordinance restricting development conflicted with growth-oriented policies of general plan).) As substantial evidence supports a fair argument that the proposed Project conflicts with the American River Parkway Plan, CEQA mandates that the City prepare and certify a legally adequate EIR prior to approving the Project. (See *Pocket Protectors v. City of Sacramento*, 124 Cal.App.4th at p. 930.)

P26-09

Based upon the inconsistencies with the American River Parkway Plan, substantial evidence supports a fair argument that the Project will have a significant environmental impact. As such, CEQA mandates that the City prepare and certify a legally adequate EIR prior to approval of the Project.

B. The Project Will Have Significant Impacts to Aesthetics

Substantial evidence supports a fair argument that the Project will have potentially significant environmental impacts to the aesthetics along the American River Parkway. Under CEQA, it is the State’s policy to “[t]ake all action necessary to provide the people of this state with . . . enjoyment of aesthetic, natural scenic, and historic environmental qualities. (Pub. Resources Code, § 21001(b). Thus courts have recognized that aesthetic issues “are properly studied in an EIR to assess the impacts of a project. (*Pocket Protectors v. City of Sacramento* (2005) 124 Cal.App.4th 903, 928.)

P26-10

In *Ocean View Estates Homeowner’s Assn., Inc. v. Montecito Water District*, *supra*, 116 Cal.App.4th 396, the Montecito Water District (“District”) approved the building of an aluminum cover over a four-acre reservoir in Santa Barbara County to prevent water quality problems. The Initial Study concluded that there were no significant aesthetic impacts. The District decided that the project did not require an

P26-11

environmental impact report and issued a mitigated negative declaration with respect to potential flooding.

P26-11

The court noted that, without the aluminum cover, the reservoir looks like “a large swimming pool trying to pass as a lake.” The Court also cited an EIR prepared by City of Santa Barbara for a similar reservoir, which stated that the “sight of clear blue water in a densely vegetated area with diverse topographic relief and an overall green framework from landscaping, provides a striking and unique visual feature.” The Court went on to note that aluminum cover at issue here would be fifteen feet tall at its highest point and would, over time, “oxidize to a dull gray.”

P26-12

Petitioner's concerns about aesthetic impacts revolved around visibility of cover from private residences above the reservoir and from the surrounding public recreational trails.” The Court cited *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1604 stating “[a]ny substantial negative effect of a project on view and other features of beauty could constitute a significant environmental impact under CEQA.” (The *Quail* court actually said “it is inherent in the meaning of the word ‘aesthetic’ that any substantial negative effect of a project ...”.)

P26-13

The court also cited to Appendix G of the CEQA Guidelines (Cal. Code Regs, tit. 14, § 15000 et seq.), which recommends that lead agencies consider whether a project would: (a) have a substantial adverse effect on a scenic vista? (b) substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (c) substantially degrade the existing visual character or quality of the site and its surroundings? (d) create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

P26-14

The Court stated:

That a project affects only a few private views may be a factor in determining whether the impact is significant. But here there is more involved than private views. Although the surface of the reservoir cannot be seen from the public trails, the record contained photographic evidence from which a fair argument can be made that the cover will be visible from public trails.

Citing CEQA Guidelines, section 15384(a), the District argued that “expressions of concern, questions or objections do not constitute substantial evidence of an adverse environmental impact.” But the Court noted:

P26-15

we are not considering a matter as objective as whether the project will obstruct views. Here we are concerned with the overall aesthetic impact of an aluminum cover. Consideration of the overall aesthetic impact of the cover by its very nature is subjective. ... If it were merely the matter of expressions of concern by

one or two people, we might agree that there is no substantial evidence of a negative impact. But here the county urged the district to adopt mitigation measures if the cover can be seen from public or private view areas. The District did adopt landscape screening, but there is substantial evidence that the cover will be visible from some private and public view areas, despite the screening. The evidence here goes beyond a few people expressing concern about the aesthetics of the project.”

P26-15

In the present case, the American River Parkway is protected by the American River Parkway Plan from visual intrusion. (American River Parkway Plan 2008, Chapter 7, Land Use.) The American River Parkway is a unique regional feature which shall be managed to balance the goal of persevering open space and environmental quality within the urban environment. (American River Parkway Plan, Policy 1.1.) As discussed in SARA’s letter, and in other comment letters submitted to the City, the EA/IS failed to provide an adequate analysis of the project’s aesthetic impacts. The EA/IS fails to include any conceptual drawings that would assist the public and decisionmakers to evaluate the aesthetic impacts. As discussed in the EA/IS, the Project, located within a scenic resource, consists of numerous features that will readily observable from both sides of the American River. Such features include a 1500 foot concrete ramp averaging 5 feet in width, 600 feet of concrete sidewalk averaging 5 feet in width, unspecified numbers and profiles of concrete retaining walls, a concrete staircase descending 110 feet down the face of a steep slope to the lake’s shoreline, railings attached to the ramp/sidewalks and staircase, benches, rip rap/boulder retaining walls, paved overlooks at the staircase and the shoreline, and the removal and reconstruction and/or realignment of 4 bridges. The Project will also result in visual and aesthetic impact resulting from the excavated and constructed rip-rap and boulder retaining wall on views from the lake and from across the lake both at the shore and on the bluffs at the canoe/ kayak ramp.

P26-16

To the extent the EA/IS discussed the Project’s aesthetic impacts, SARA’s letter and other comment letters, constitute substantial evidence supporting a fair argument that the Project has significant environmental impacts that have not been mitigated. As in *Ocean View Estates*, substantial evidence goes beyond a few people expressing concern about the project’s aesthetics. (See *Ocean View Estates Homeowner’s Assn., Inc. v. Montecito Water District*, 116 Cal.App.4th at p. 402 (relevant personal observations of area residents on non-technical subjects may qualify as substantial evidence for a fair argument).) Thus, CEQA mandates that the City prepare and certify a legally adequate EIR that addresses and mitigates the Project’s aesthetic impacts.

C. Biological Resources

The EA/IS fails to adequately discuss, analyze and mitigate the Project’s impacts to biological resources. The letter submitted by SARA demonstrates that the biological resources survey conducted for the Project was inadequate and fails to properly analyze and mitigate the Project’s impacts to biological resources. Based upon these comment

P26-17

Mr. Robert Goss
Mr. Jim Konopka
June 14, 2012
Page 7

letters, substantial evidence supports a fair argument that the Project may result in impacts to biological. At the very least, the EA/IS fails to provide substantial evidence supporting the EA/IS's conclusions regarding biological resources.

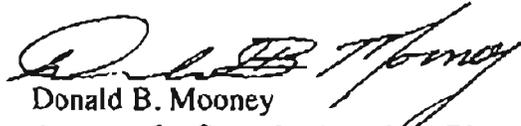
P26-17

IV. Conclusion

Substantial evidence overwhelmingly supports a fair argument that the Project will have a significant impact on the environment. Thus, under the low threshold requirement of the "fair argument" standard, CEQA mandates that the City prepare and certify a legally adequate EIR prior to approving the Project. The failure to prepare an EIR would violate CEQA and constitute a prejudicial abuse of discretion.

P26-18

Very truly yours,


Donald B. Mooney
Attorney for Save the American River
Association

cc Save the American River Association

Comment Letter P-27

From: LJ Laurent [ljlaurent@att.net]
Sent: Tuesday, June 12, 2012 5:01 PM
To: See, Matthew A
Subject: public comment, draft EA, trail

Follow Up Flag: Follow up
Flag Status: Flagged

My comment is that seconds ago I asked the city of Folsom City Clerk to vouchsafe that the city did NOT receive any public comments on this project and the city Initial Study-Neg Dec NOI, said comments relating to the supposed ADA access of the trail, the ramp, any concerns about the ramp.

} P27-01

The city told me my Public Records Act request, which was sent to Jim Konopka and Folsom Parks and Rec Department, had revealed the city received absolutely no letters or emails related to concerns about the ramp or any aspect of it.

} P27-02

It is hard to believe the city got zero emails expressing concerns about the ramp. My neighbor and I myself submitted some via email.

Laurie Laurent

Comment Letter P-28

From: LJ Laurent [ljl Laurent@att.net]
Sent: Friday, June 01, 2012 11:13 AM
To: Jim Konopka Cc: R. Preston; See, Matthew A; alan wade; Betsy Weiland; Warren V. Truitt; ljl Laurent@att.net
Subject: ? for Folsom; public comment to USBR

Jim Konopka, Folsom Trail Planner
cc: Matt See USBR
Re: motorized vehicles given access to trails

Jim,

Won't this new policy have a direct impact on the city's proposed concrete ramp, about 2,000 feet long, on federal land/waters? } P28-01

How can the city encourage the use of motorized bicycles, Segways, all forms of powered people movers for the non-handicapped, and expect them to STAY OFF a gigantic concrete ramp and path on USBR land? This land is adjacent to the city's commercial areas and there is nothing posted to indicate you cannot treat it like city property. } P28-02

Everyone does whatever they want below Gold Lake and the Corp Yard because there is NO ENFORCEMENT ACCESS for CA State Parks. } P28-03

How can you expect recreators to know they absolutely must stay off the "wheelchair" and pedestrian only road and ramp? It's concrete and it will look exactly like any road or trail. } P28-04

What is up with this? I guess I'm glad the city is announcing their policy of putting powered-vehicles on all trails BEFORE the end of the Public Comment Period for the draft EA of USBR. This paints a totally different picture in my opinion. } P28-05

Laurie

Happy trails to you Jim.

Comment Letter P-29

Warren V. Truitt

9266 Lostwood Lane • Fair Oaks, CA 95628 • wvt@infomania.com

June 20, 2012

Mr. Jim Konopka, Senior Planner
Folsom Parks and Recreation Department
50 Natomas Street
Folsom, California 95630

Re: Comments on Initial Study/Mitigated Negative Declaration for the Lake Natoma Waterfront and Trail Access Enhancement Project

Dear Mr. Konopka:

After consulting with an accredited design industry professional, I am submitting the following comments regarding this proposed project. A complete survey is necessary to determine the impact this project will have on the environment. All of the requests listed below are typical of information required to construct this project.

Please provide a completed survey, including the following:

1. Spot grade elevations for the proposed ramp and walkway.
2. Mark all of the trees that will be taken out – with diameters and species.
3. The height of all of the retaining walls and width and depth of footings.
4. Designate the area and amount of cut for re-graded areas.
5. Run-off mitigation plan.
6. Landscape plan to resist erosion from the re-grading.
7. Designate the new slope in all re-graded areas.
8. Cross-sections of the ramp and retaining wall -- top of slope to the river.
9. Specification of the type of concrete to be used for the ramps and retaining walls.

P29-01

I would also like you to consider alternative methods of vertical transportation down to Lake Natoma that would be less costly and have less impact on the environment, such as:

P29-02

1. An elevator or lift – the latter attached to a stair rail system.
2. Consolidation of the ramp into a tighter pattern.
3. The use of porous concrete.
4. Geo-mesh engineering for the retaining wall area.
5. Reduce the width of the ramp to 4 feet, with 6'-wide landings for passing.
6. Mitigation against likely skateboard intrusion.

P29-02

I am concerned about the potential impacts on what is currently a lightly impacted and primarily pristine setting. The preparation of an EIR/EIS is called for. By preparing an EIR/EIS, it is possible a more acceptable and appropriate alternative will emerge, one that would not have as big an impact on the environment.

P29-03

Thank you for the opportunity to comment. Please include these comments in the administrative record. Thank you.

Respectfully submitted,

Warren V. Truitt

c: Robert Goss, Director, Folsom Parks & Recreation
Jim Micheaels, Chief Planner, Gold Fields District, CA State Parks
Roberta MacGlashan, Supervisor, District 4
Donald Mooney, attorney
Jeffrey Leatherman, Director, Sacramento County Regional Parks
SARA Board

For the Public Record:

To Whom It May Concern, Western Pacific Region, U.S. Bureau of Reclamation

From: Alan D. Wade, Ph.D., 2916 25th Street, Sacramento , CA. 95818

Date: May 23, 2012

Subject: City of Folsom Trail Enhancement Project

This project should never have been allowed to see the light of day. It was submitted under fraudulent conditions to California State Parks as a competitive grant. My reasons for opposing it on the grounds of application fraud are noted in the attached document (A). We informed the California Resource Department of our objections to this outrageous project on several different occasions, and usually received polite letters in return, with no action.

The concept underlying the grant is ludicrous. The notion that the disabled will be able to somehow negotiate the steep concrete path proposed is beyond belief of all but the credulous, and beyond the physical capacity of all but the most fit and robust of caretakers.

The project would be built on the banks of a river protected by the Wild and Scenic River Act. The project would destroy critical riverine habitat. The project would compromise the quality of the water while under construction (water used to supply major downstream urban consumers), and perhaps on an ongoing basis. Its impact, if completed, on flood control has not to our knowledge been assessed and evaluated. The project would require the infusion of hundreds of tons of concrete on fragile river banks not yet evaluated for soil content and impaction control.

Issues pertaining to how this monstrosity would be regulated, maintained, and policed in the future have not been seriously faced by any of the three public agencies involved. It is worthy of note that it is close to numerous public houses with alcohol licenses—a matter that has not even been considered. Serious law enforcement issues and personal safety hazards will have to be faced down the road, no doubt at great expense to the public. It is our understanding that both the City and the California State Parks are, effectively, broke.

Almost two years ago, the Save the American River Association wrote a letter to a Kathleen Schroeder of your agency asking if the "complete SF-299 packet" she had requested from the City had been received, as she had (earlier) requested. We do not have a reply. Have you received the required engineering documents that we understand were requested? If so, were they available to you before your enthusiastic endorsement of the project with your Neg.Dec. documents?? (See B).

I am not alone in my deep resentment of a federal agency, supported by me and other taxpayers, simply falling into line and actively supporting this deeply flawed

project advanced by a the small oligarchy of development-driven city fathers who never saw a concrete project that they didn't like. DO NOT AID AND ABET THIS GIVEAWAY OF THE LANDS OF THE UNITED STATES TO THESE PEOPLE.



ALAN WADE
SECRETARY

**SAVE THE AMERICAN
RIVER ASSOCIATION, INC.**

A 501 (C)(3) NON-PROFIT

4441 AUBURN BLVD., SUITE H
SACRAMENTO, CA 95841-4139

916.455.7083

ALANWD9@GMAIL.COM

WWW.SARARIVERWATCH.ORG



Save the American River Association, Inc.
4441 Auburn Blvd, Suite H • Sacramento, CA 95841-4739 • 916-482-2551
e-mail: info@sarariverwatch.org • website: www.sarariverwatch.org

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November 17, 2009

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Senator Fran Pavley, Chair, Senate Natural Resources and Water Committee
Assemblyman Jared Huffman, Chair, Assembly Water Parks & Wildlife Comm.

SUBJECT: Request to Withdraw Grant for Folsom Promenade

Dear Governor, Secretary, Directors & Chairs:

We respectfully request that the competitive grant [Project Reference Number R81765-0] awarded by the State Natural Resources Agency to the City of Folsom, for \$757,800, from Proposition 50, for a recreation trail along Lake Natoma, in Sacramento County, be withdrawn because the City's application included significant claims which were not true, giving this project an unfair advantage against other applicants.

The City of Folsom applied to the State Natural Resources Agency for a grant from the California River Parkway Grant Program in October, 2007. The originally proposed features included a 2600-foot long concrete pedestrian promenade, along the south side of Lake Natoma, from the Old Folsom Powerhouse to the Folsom Historic District, an access ramp to the lake, a floating dock, an overlook platform, tables and benches, and two interpretative kiosks. State Parks is the "recreation operator" on these federally-owned lands.

There are two major claims that are not true. First, the application claimed that it had the support of State Parks. A subsequent State Parks memo said that State Parks had declined to support the project because of serious concerns. Second, the application also claimed that a number of "interested" organizations had supported the project." Some of these organizations (1) had never been asked to support the project, and/or (2) had never agreed to support the project.

When the state makes competitive grants, it is essential that the process be as fair as possible, largely because requests typically far exceed the available funding and because the differences between successful and unsuccessful projects are usually small. Where an applicant makes claims that appear to be knowingly not true, the applicant should not be rewarded -- by being allowed to keep the grant.

To: State of California
From: Save the American River Association (SARA)
Subject: Request to Withdraw Grant for Proposed Folsom Promenade

To be fair, we should note that the Save the American River Association (SARA) is opposed to this project. In our fifty years of supporting and defending the American River and Parkway, we have endeavored to maintain the American River Parkway primarily for open-space and trails. This pedestrian promenade project would provide a more urban, city-oriented recreational experience within the Parkway. There are several other projects within the Parkway that we would support.

CLAIMS THAT ARE UNTRUE

CLAIMS RELATED TO STATE PARKS:

After the Folsom application was submitted, Scott Nakaji, Folsom Sector Superintendent for California State Parks, wrote a memo (attached) on the project and presented this memo the Folsom City Manager on January 3, 2008.

- (1) The grant application (attached, page 6) said that the State Parks had agreed to be a partner with the city on this project. State Parks did not so agree.
- (2) The application (attached, page 12) said that the City had "an agreement" with State Parks. According to the memo, "State Parks has made no commitments to the City to proceed with this project."
- (3) The application (attached, page 7) characterizes State Parks as "... one of the biggest supporters of the project." The application (attached, page 14) says that, "... State Parks ... (is) ... in support of the project." According to the memo, the department withheld providing a letter of support (requested by the city) because the department was 'not satisfied with the resolution of numerous issues.'
- (4) The application (attached, page 6) states that, "The City and California State Parks have been working together for many years to complete this segment of trail." According to the memo, this is not the segment of trail that the City and State Parks have been working together on for years."
- (5) The application (attached, page 8) said that the project's boat launch area "will provide a service that is not currently available on the south side of Lake Natoma." The memo says this is incorrect as State Parks operates the Willow Creek boat launch, which is located with the City on the south side of Lake Natoma.

CLAIMS RELATED TO ORGANIZATIONAL SUPPORT:

- (1) The application (attached, page 6) stated that the Sacramento Tree Foundation had agreed to be one of two non-profit "partners" in the

To: State of California
From: Save the American River Association (SARA)
Subject: Request to Withdraw Grant for Proposed Folsom Promenade

project and would be "providing a majority of the plant material needed for the habitat restoration/native plant re-establishment portion of the project. They will also be the lead in organizing the volunteer planting activities."

According to Colleen Cadwaller, Development Services Director of the Sacramento Tree Foundation, the foundation was not asked by the city to be a "partner" and did not agree to be the lead in organizing volunteer planting activities.

(2) The application (attached, page 7) says the following organizations support the project, but, in fact, these organizations did not act to support the project:

Sacramento Tree Foundation
Colleen Cadwaller, Development Services Director: (916) 924-8733

California Native Plant Society
Mary Maret: (916) 961-4057

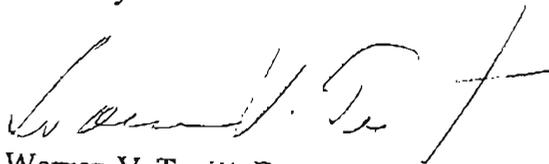
Sacramento Area Bicycle Advocates
Lea Brooks, Immediate Past President: (916) 444-6600

Friends of the Folsom Powerhouse
Don Thomas, President: (916) 984-3123

In conclusion, the City of Folsom made false claims in its application to this competitive state program, undoubtedly creating a significant advantage for its application over other applications. Had the Folsom application made known to the Natural Resources Agency that State Parks had declined to support the project in an area where State Parks is the operator, it is hard to imagine that this application would have been awarded a grant. Where it is determined that an applicant has made false claims, the applicant should not be rewarded by being allowed to keep the grant.

Thank you for your consideration.

Sincerely



Warren V. Truitt, President
Save the American River Association (SARA)

C: City of Folsom
Sacramento Bee

LAKE NATOMA BIKE TRAIL PROJECT

SECTION 2: RESPONSES COMMENTS

The following responses are provided to address the comments received on the EA/IS for the Proposed Lake Natoma Waterfront and Trail Access Enhancement Project.

Letter S-1 – Central Valley Regional Water Quality Control Board

Response to Comment S1-01

Comment noted. Responses to comments from the Central Valley Regional Water Quality Control Board (CVRWQCB) are provided below.

Response to Comment S1-02

Comment noted. The requirement to obtain coverage under the State's National Pollutant Discharge Elimination System Construction Storm Water General Permit (Construction General Permit) is included as a required project approval in Section 1.7 and compliance with the permit is addressed in Sections 3.3 (Water Resources) and 3.5 (Land Resources) of the EA/IS. Mitigation is identified in Section 3.5 of the EA/IS which provides detailed BMPs that will be incorporated into the Storm Water Pollution Prevention Plan required in compliance with the Construction General Permit.

Response to Comment S1-03

The City of Folsom (City) is included within the Sacramento Area wide NPDES Municipal Stormwater Permit and all provisions within the associated Stormwater Quality Improvement Plan that apply to the Proposed Project would be implemented.

Response to Comment S1-04

Comment noted and an Industrial Storm Water General Permit is not required, as the site is not classified as an industrial site and no industrial facilities would be developed as a result of the implementation of the Proposed Project.

Response to Comment S1-05

Comment noted. The requirement to obtain a Clean Water Act (CWA) Section 404 permit (Section 404 Permit) from the U.S. Army Corps of Engineers (USACE) is included as a requirement for the project to be approved in Section 1.7 of the EA/IS and compliance with the permit is addressed in Section 3.9 (Biological Resources). Mitigation is identified in Section 3.9.3 of the EA/IS, which requires adherence to the conditions of the Section 404 permit and associated BMPs to reduce impacts to waters of the U.S.

Response to Comment 1-06

As discussed in Section 3.9 of the EA/IS, obtaining a Section 404 Permit from the USACE requires water quality certification in accordance with Section 401 of the CWA. A 401 CWA water quality certification will be acquired and all permit conditions implemented.

Response to Comment 1-07

Storm water from the project site discharges to the American River and no new point-source discharges would be developed as a result of the Proposed Project. Therefore, waste discharge requirements from the CVRWQCB would not be required prior to development of the Proposed Project.

Letter P-1 – LJ Laurent**Response to Comment P1-01**

As requested the email submitted by the commenter has been hereby entered into the public record for the environmental review process of the Proposed Project.

Response to Comment P1-02

All construction activities are limited to U.S. Department of the Interior, Bureau of Reclamation (Reclamation) land. As discussed in Section 2.2.1 of the EA/IS, a Traffic Control Plan will be developed prior to the start of construction. The Traffic Control Plan would require at least one lane on Gold Lake Drive to remain open at all locations at all times and include traffic control such as flaggers, lane change and caution signage, and lane closures only between the hours of 9:30 and 3:00 pm. Access to all points along Gold Lake Drive and Folsom Boulevard would be maintained. Emergency access may be slowed due to increased construction traffic from lane closure. Implementation of the Traffic Control Plan would reduce traffic delays, which would result in a minimal impact to emergency services during construction.

Response to Comment P1-03

Risk of wildfire from sparking during construction activities is addressed in Section 5.1 under Hazards and Hazardous Materials in the Final EA/IS. Equipment used during grading and construction activities may create sparks, which could ignite dry vegetation on the project site. This risk, similar to that found at other construction sites, is considered potentially significant. Mitigation Measures HIM-4 and HIM-5 listed in Section 3.6.4 in the Final EA/IS will reduce impacts associated with fire hazards to less than significant with mitigation incorporated. In accordance with CEQA requirements, the findings by the City are to adopt a "Mitigated Negative Declaration" as there will not be a significant effect to the environment because revisions to the project design and project-specific mitigation measures described in Sections 3.0 and 5.1 in the Final EA/IS have been agreed to by the project proponent.

Response to Comment P1-04

The project site location is feasible to meet the purpose and need and goals of the Proposed Project.

Response to Comment P1-05

Comment noted.

Response to Comment P1-06

As discussed in Section 2.2.1 of the EA/IS, a Traffic Control Plan will be developed prior to the start of construction. Implementation of the Traffic Control Plan would reduce traffic delays, which would result in a minimal impact to emergency services during construction. There is no indication that under existing conditions, large-scale fire fighting equipment, police support vehicles, and emergency vehicles cannot enter the area in case of emergencies. Accordingly, implementation of the Proposed Project would not result in an increase in adverse impacts to emergency responder access to the project area. Additionally, the project description within the Final EA/IS has been revised to clarify that there are no anticipated road closures necessary to construct the Proposed Project.

Letter P-2 – Laurette J. Laurent

Response to Comment P2-01

The attachments do not pertain to the Proposed Project and associated environmental review contained within the EA/IS.

Response to Comment P2-02

The comments do not pertain to the Proposed Project and associated environmental review contained within the EA/IS.

Response to Comment P2-03

The comments do not pertain to the Proposed Project and associated environmental review contained within the EA/IS.

Response to Comment P2-04

The comments on the staffing and structure of the city departments do not pertain to the Proposed Project and associated environmental review contained within the EA/IS. As stated in Section 3.9.2 of the EA/IS, biological resources information for the project site was obtained from a Biological Resources Assessment prepared for the Proposed Project (2011 BRA; Parus Consulting, 2011, included as Appendix B of the EA/IS), updated lists of regionally occurring special status species, and a biological survey conducted on March 2, 2012. The 2011 BRA and the updated USFWS, CNDDDB, and CNPS lists are provided in Appendix B of the EA/IS and the recommendations and suggested mitigation are incorporated into the EA/IS. After the incorporation of the mitigation recommended throughout the EA/IS, there are no significant impacts from the implementation of the Proposed Project to Biological Resources in

accordance with NEPA and CEQA requirements. The EA/IS was developed in accordance with Reclamation and City requirements for the implementation of NEPA and CEQA. There is no requirement within the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387) for an engineer licensed in the State of California to certify a mitigated negative declaration. The CEQA Guidelines solely reference the “decision making body” of the lead agency in adopting a Mitigated Negative Declaration.

Response to Comment P2-05

The comments on the staffing and structure of City departments do not address the Proposed Project and associated environmental review contained within the EA/IS. As discussed in **Response to Comment P1-03**, after the incorporation of the mitigation recommended throughout the EA/IS, there are no significant impacts from the implementation of the Proposed Project. As discussed in Section 2.0 of the EA/IS, the project was designed to incorporate ADA standards by a State Licensed Architect using proper engineering designs.

Response to Comment P2-06

As discussed in **Response to Comment P2-05**, the project was designed to incorporate ADA standards by a State Licensed Architect and therefore does not classify as a “dangerous project”. The plans are provided as Figures 3 and 4a through 4d of the EA/IS and the document was made available to the public to review and provide comments. The EA/IS was developed under the oversight of a State Licensed Professional Engineer (P.E.). Refer to Appendix E of the Final EA/IS for the 75% Design Plans which further indicate that the project would not be classified as a “dangerous project”.

Response to Comment P2-07

Comment noted.

Letter P-3 – Private Citizen Email

Response to Comment P3-01

Comment noted.

Response to Comment P3-02

Comment noted.

Response to Comment P3-03

Comment noted. As discussed in **Response to Comment P2-05**, the project was designed to incorporate ADA standards by a State Licensed Architect.

Response to Comment P3-04

Comment noted. As discussed in **Response to Comment P2-05**, the project was designed to incorporate ADA standards by a State Licensed Architect. The various segments of the proposed ADA accessible pathway as described in Section 2.2 of the EA/IS were designed to ADA standards to provide the appropriate length to incorporate elevation changes consistent with ADA requirements. For example, a portion of Section 1 would be six feet wide and developed at an eight percent slope with landings spaced approximately every 40 feet to comply with ADA standards. The slopes of the ADA walkway of the Proposed Project do not constitute extreme elevation changes. Refer to Appendix E of the Final EA/IS for the 75% Design Plans

Response to Comment P3-05

Comment noted. Refer to the **Response to Comment P3-04** regarding the ADA design standards incorporated into the Proposed Project.

Response to Comment P3-06

Comment noted. Refer to the **Response to Comment P3-04** regarding the ADA design standards incorporated into the Proposed Project.

Letter P-4 – Laurette J. Laurent

Response to Comment P4-01

The comments do not pertain to the Proposed Project and associated environmental review contained within the EA/IS.

Letter P-5 – Laurette J. Laurent

Response to Comment P5-01

Gold Lake Drive current provides access to the project site which includes portions of the existing bike trail and unpaved trails currently in use on Reclamation property. Gold Lake Drive meets the City standards for development and provides adequate regular and emergency access to the project site. Implementation of the Proposed Project would not alter the dimensions or capacity of Gold Lake Drive and therefore no impact would occur.

Response to Comments P5-02 through P5-04

The comments do not pertain to the Proposed Project and associated environmental review contained within the EA/IS.

Letter P-6 – Laurette J. Laurent

Response to Comment P6-01

Photos noted.

Letter P-7 – Laurette J. Laurent

Response to Comment P7-01

Biological resources were assessed in accordance with the CEQA significant criteria presented in Section 5.1 of the EA/IS as well as in support of the NEPA impact assessment presented in Section 3.9 of the EA/IS. The analysis indicates that construction of the Proposed Project would result in impacts below the ordinary high water mark and a permit from the U.S. Army Corps of Engineers will be required. Reclamation and the City will be required to follow the conditions of the permit thereby reducing impacts to less-than-significant levels. As discussed in Section 3.9.3 of the EA/IS, tree removal will be conducted in accordance with the Folsom Tree Ordinance per Chapter 12.16 of the Folsom Municipal Code. In addition, a Tree Removal Plan and Planting Plan have been completed for the 75% Design Plans and are included in Appendix E of the Final EA/IS. Accordingly, mitigation has been included requiring that for construction under the dripline of protected trees, the City shall submit an application to the planning director for tree removal prior to commencement of construction activities in accordance with the City's Tree Preservation Ordinance (City Ordinance 12.16). The application shall include an application form, a justification statement, a site map, a preservation program, and an arborist report. The arborist report shall be prepared by a certified arborist. The arborist report shall include the botanical and common names of the trees by tree number; locations of the trees by tree numbers; diameters at breast height (DBH) by tree numbers, identifying whether the trees are single or multitrunked; protected zone radii by tree numbers; and condition of tree numbers based on the excellent, good, fair to good, fair, fair to poor, and poor tree rating system. In regards to special status species and associated habitat, with the implementation of Mitigation Measures BR-1 through BR-4, adverse affects to special status species and associated habitats would be reduced to less-than-significant levels.

Response to Comments P7-02

On Page 11 of the Biological Resource Assessment (included as Appendix B of the EA/IS), with the implementation of the avoidance, minimization, and compensation mitigation measures specified in Mitigation Measure BR-6 on Page 61 of the EA/IS, impacts to riparian habitat and the American River would be reduced to a less-than-significant level. In accordance with the CEQA Guidelines, Section 15070, the City may adopt a Mitigated Negative Declaration because although the initial study identified potentially significant effects, revisions to the project plans, including mitigation measures, would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur and there is no substantial evidence that the project as revised may have a significant effect on the environment. Further, the CEQA Guidelines dictate that mitigation measures included in the project to avoid potentially significant effects shall be incorporated into the negative declaration.

Response to Comments P7-03

The analysis within the EA/IS acknowledges the short-term impacts associated with construction activities occurring below the ordinary high water mark and includes mitigation to reduce impacts to less-than-significant levels. Refer to Mitigation Measure BR-6 in the EA/IS. As discussed in Section 1.3 of

the EA/IS, the purpose of the Proposed Project Provide is to provide a safe pedestrian recreational trail system that incorporates ADA Standards for Accessible Design consistent with 28 CFR Part 36 while maintaining/enhancing connectivity between the Lake Natoma waterfront and the Folsom Historic District for pedestrians. The project does not contain commercial nor urban features. The project would replace existing hard-packed trails with paved and unpaved ADA accessible trails and landings. Heavy equipment would be utilized; however, impacts would be minimized with the incorporation of the mitigation measures presented throughout the EA/IS. A preliminary estimate of the materials needed for construction (based on the 75% Design Plans) is presented as Table 2-1 of the Final EA/IS.

Letter P-8 – Laurette J. Laurent

Response to Comment P8-01

Biological resources are addressed in Sections 3.9 and 5.1; hazards including wildfires are addressed in Sections 3.6 and 5.1; water resources including water quality are addressed in Sections 3.3, 3.9, and 5.1; and site access is addressed in Sections 3.7 and 5.1 of the EA/IS. With the incorporation of mitigation measures, impacts to these resources would be less than significant.

Response to Comment P8-02

Comment noted. The design plans are incorporated into the EA/IS as Figures 4a through 4d. In addition, Figures 4a through 4d have been revised in the Final EA/IS in accordance with the 75% Design Plans included as Appendix E.

Response to Comment P8-03

The IS/EA, in particular the Mitigated Negative Declaration portion of the document, contains the required information in accordance with Section 15071 of the CEQA Guidelines, which state that the negative declaration shall include a brief description of the project and accordingly engineering plans are not required to complete the negative declaration process. The description of the Proposed Project in Section 2.2 provides 11 pages of project details and are more than adequate to meet the requirements of a negative declaration in accordance with the CEQA Guidelines. The project description has been updated to reflect the 75% Design Plans that became available during the environmental review process of the Proposed Project. These plans are included as Appendix E of the Final EA/IS. Accordingly, the impact analysis was reviewed to assess the need for any changes required as a result of the update. No new significant impacts, changes to the significance of identified impacts, or changes to mitigation resulted from the update to the Proposed Project description. Furthermore, as a result of the plans incorporated into the 75% Design Plans, many impacts were further reduced below significance levels. For example, with the incorporation of the Grading and Drainage Plan into the Final EA/IS, impacts associated to water resources were further reduced.

Letter P-9 – Laurette J. Laurent

Response to Comment P9-01

Comment noted. The comments presented throughout the email provided by the commenter are hereby incorporated into the public record for the Proposed Project. Responses to the specific comments presented in the email are provided below.

Response to Comment P9-02

The adequacy of the project description was addressed previously in the **Response to Comment P8-03**.

Response to Comment P9-03

In Figure 2 of the BRA, the assessment covered the Proposed Project site. Accordingly, as discussed in Section 3.9.2 of the EA/IS, a biologist conducted a general biological and floristic survey of the project site on March 2, 2012. The project site for the updated field survey was defined as the proposed limit of work associated with the Proposed Project. The biological survey consisted of ground truthing the biological communities, wetland features, and potentially occurring special status species identified within the 2011 BRA. The habitat types and potential waters of the U.S. identified were obtained from the 2011 BRA and were modified based on the proposed limit of work associated with the Proposed Project (the biological communities and wetland features documented in the 2011 BRA were comprised of a study area that exceeds the size of the project site). The analysis within the EA/IS adequately assesses impacts of the Proposed Project. Adding piers to raise the bridges is not considered necessary to mitigate impacts of the Proposed Project and are not included in the project description.

Response to Comment P9-04

Comment noted. **Response to Comment P9-03**, additional site surveys by a qualified biologist were conducted in accordance with the recommendation in the BRA referenced by the commenter and the findings were incorporated into the EA/IS. Based on the results of the survey and ability to mitigate the impacts, the City determined that a Mitigated Negative Declaration was appropriate to meet the requirements of CEQA. Refer to the **Response to Comment P7-02** regarding the applicability of the Mitigated Negative Declaration to meet CEQA review requirements for the Proposed Project.

Response to Comment P9-05

The City will issue a Mitigated Negative Declaration, which incorporates mitigation measures into approval of the Proposed Project to reduce potential impacts in accordance with the CEQA Guidelines Sections 15070 through 1507. As discussed in Section 3.9.3 of the EA/IS, removal of protected trees would require compliance with the Folsom Tree Ordinance per Chapter 12.16 of the Folsom Municipal Code and associated mitigation. The mitigation follows the City's established policies for tree removal mitigation and therefore impacts would be considered less than significant. Copies of the completed Tree Removal Plan and Planting Plan are included in Appendix E of the Final EA/IS.

Response to Comment P9-06

Comment noted.

Response to Comment P9-07

Refer to the Response to **Comment P7-02** regarding the applicability of the Mitigated Negative Declaration to meet CEQA review requirements for the Proposed Project. Construction of the paved portion of the trail would require 19,000 square feet of paving of impervious surfaces. It is unknown how the commenter calculated that 20 truck loads of cement would be required to pave the 19,000 square feet of proposed routes. The water access ramp would be approximately 130 feet in length and construction impacts would be mitigated as discussed in Section 3.9 of the EA/IS. Accordingly to initial calculations, development of the Proposed Project would disturb approximately two acres of federal lands.

Response to Comment P9-08

As discussed in the Response to **Comment P9-03**, an updated records search and site visit was conducted to assess the conclusions of the BRA in accordance with the plans prepared for the Proposed Project. Refer to Section 3.9 of the EA/IS.

Response to Comment P9-09

The recommendation is to conduct pre-construction surveys should construction occur during the nesting season. These studies are conducted prior to the onset of construction after the project has been approved. This recommendation was incorporated into the EA/IS as mitigation measure BR-2. Conducting the studies at this time would be premature, as by the time the project is ready to commence construction, if approved, nesting conditions may have changed and an additional pre-construction survey would be required to ensure avoidance of significant impacts to nesting birds.

Response to Comment P9-10

Refer to Section 3.9 of the EA/IS for a discussion of impacts to potentially-jurisdictional waters of the U.S. and corresponding mitigation measures to reduce impacts to less-than-significant levels.

Response to Comment P9-11

The City is under legal obligation to develop and implement programs included as mitigation in the EA/IS. The identification of the stream types was conducted by a qualified biologist based on the conditions at the time of the assessment.

Response to Comment P9-12

Comments noted. As discussed in Section 1.2 of the EA/IS, public comments for the Promenade Project were solicited by the City at a community meeting on April 23, 2011, at a community walkthrough of the project site, and a public workshop in September 14, 2011. The original project proposal included the extensive development of a boating dock and lighting to support the development of a promenade type trail. On November 8, 2011, after a thorough analysis of the alternatives including an assessment of

potential environmental constraints and review of public input, the Folsom City Council identified a significantly scaled back plan that eliminated the promenade features and reduced the boat ramp feature to the development of a water landing for small, non-motorized vessels on Lake Natoma, as the preferred project design.

Response to Comment P9-13

Comment noted, Reclamation and the City attempted to answer questions within the scope of the information available within the EA/IS as part of the environmental review process. Questions outside of the details within the EA/IS were not known or available at the open house. The 75% Design Plans have been incorporated into the Final EA/IS as Appendix E.

Response to Comment P9-14

Refer to the Response to Comment P9-13.

Response to Comment P9-15

Refer to the Response to Comment P9-13.

Response to Comment P9-16

The City is responsible for obtaining the appropriate permits as the lead agency for development. The City will provide appropriately experienced contractors to obtain the necessary permits.

Response to Comment P9-17

Comment noted.

Response to Comment P9-18

Comment noted.

Response to Comment P9-19

Comment noted.

Response to Comment P9-20

Comment noted. Reclamation and the City are required to obtain the necessary permit as outlined in the EA/IS.

Response to Comment P9-21

The purpose and need of the Proposed Project are clearly presented in Section 1.3 of the EA/IS.

Response to Comment P9-22

As discussed in 3.10.3 of the EA/IS, Reclamation has received concurrence through consultation with the State Historic Preservation Office in Section 106 of the National Historic Preservation Act as required

under NEPA. Reclamation is pursuing concurrence with the findings of the biological resource impacts in accordance with Section 7 of the Endangered Species Act.

Response to Comment P9-23

Reclamation and the City have provided various opportunities to allow public participation in the design of the Proposed Project and the environmental review process. Public participation is addressed in Sections 1.2 and 4.0 of the EA/IS.

Letter P-10 – Laurette J. Laurent

Response to Comment P10-01 through P10-05

Refer to the **Response to Comment P9-13** concerning the information provided at the open house. Refer to the **Response to Comment P8-03** regarding the need for certified engineering documents to complete the environmental review process. Reclamation will require certified and stamped engineering documents prior to issuing the land use authorization to the City. Reclamation does not have the jurisdiction to review the City's findings on a negative declaration, as CEQA applies to state agencies only.

Letter P-11 – Laurette J. Laurent

Response to Comment P11-01 through P11-09

Comment noted.

Letter P-12 – Laurette J. Laurent

Response to Comment P12-01 through P12-09

Refer to the **Response to Comment P7-03** concerning estimations of concrete needed to develop the Proposed Project. Refer to Appendix E of the Final EA/IS for the 75% design plans, which were developed by a licensed architect.

Response to Comment P12-02

Storm drainage is addressed in Section 3.3 of the EA/IS and a Grading and Drainage Plan has been included in Appendix E of the Final EA/IS. All work by the City on the project site will be conducted in accordance with the Land Use Authorization license obtained by the City from Reclamation. The 75% design plans were developed by a CA licensed architect. Development of the retaining walls was determined by the licensed architect to be a feasible design feature of the Proposed Project. Comment noted.

Response to Comment P12-03 through P12-06

Grading will be conducted in accordance with the Grading and Drainage plan included in Appendix E of the Final EA/IS, which follows applicable laws and regulations. Reclamation has reviewed the grading

plans prepared by the City's architect. Reclamation and the City will file for all the necessary permits that are under its jurisdiction to obtain. While the City would be responsible for development, Reclamation would conduct oversight to ensure all Reclamation regulatory requirements are met. Reclamation and the City will work to ensure all regulatory and legal issue are appropriately met during implementation of the Proposed Project. All fill imported to the project site will be obtained in accordance with City, State, and Federal requirements. As discussed in Section 1.1, the EA/IS was jointly prepared by Reclamation as the lead federal agency and the City as the lead state agency to fulfill the requirements of the National Environmental Policy Act (NEPA) (42 U.S.C. §4321-4370) and the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] 21000 et seq.). The document contains all the required information to comply with both NEPA and CEQA and associated consultations.

Response to Comment P12-07

The comments do not pertain to the Proposed Project and associated environmental review contain within the EA/IS. The asphalt road mentioned by the commenter is neither a component of the Proposed Project nor required to implement the Proposed Project and therefore do not pertain to the environmental review process or the Final EA/IS and associated Reclamation approvals.

Response to Comment P12-08

As discussed in Section 1.2 of the Final EA/IS, various opportunities were provided to the public to solicit comments on the Proposed Project. As a result of the initial comments received, a significantly scaled back plan was developed that eliminated the promenade features originally proposed and reduced the boat ramp feature to the development of a water landing for canoes and kayaks on Lake Natoma, as the preferred project design. Reclamation and the City have made the project description and environmental documents available to the public in accordance with the applicable NEPA and CEQA requirements. Reclamation has not taken an adversarial position to concerned citizens as indicated by the change in the scope of the project from the original proposal and inclusion of the public in the environmental review, above what is required under the environmental review process.

Response to Comment P12-09

Comment noted. The Proposed Project would obtain all necessary permits for development. Based on preliminary assessments, impacts to potentially jurisdictional wetlands would be minimal. The Proposed Project would be legally developed in accordance with Federal, state, and local laws and regulations and would be operated and maintained under an agreement between Reclamation, State Parks, and the City.

Letter P-13 – Laurette J. Laurent

Response to Comment P13-01 through P13-02

The comments do not pertain to the Proposed Project and associated environmental review contain within the EA/IS.

Letter P-14 – Laurette J. Laurent

Response to Comment P14-01 through P14-03

The comments do not pertain to the Proposed Project and associated environmental review contain within the Final EA/IS.

Letter P-15 – Laurette J. Laurent

Response to Comment P15-01

Refer to the Response to Comment P8-03 regarding the request for the engineering plans and Response to Comment P9-03 regarding development of the BRA and conclusions within the EA/IS.

Letter P-16 – Mary E Tappel

Response to Comment P16-01

As discussed in Section 2.2 in the Final EA/IS, retaining walls would be developed along Section 1 at the northeastern end of the project as the trail descends and loops toward the water and at the water ramp to prevent erosion. Overall, these retaining walls would not reduce the aesthetics of the recreation site. As discussed in Section 1.2 of the EA/IS, the Proposed Project was developed in response to public comments received on the initial Promenade Project and meets goals presented in Section 1.3 of the EA/IS, which include provide ADA access to the waterfront. The project description has been updated in the Final EA/IS to incorporate the additional details provided in the 75% Design Plans, which are included as Appendix E of the Final EA/IS.

Letter P-17 – Cindy Baker

Response to Comment P17-01 through P7-03

Mitigation measure C-1 requires that an Archaeologist be on site monitoring during construction activities.

Letter P-18 – SARA Part I

Response to Comment P18-01

The City has determined that a Mitigated Negative Declaration is appropriate in accordance with the CEQA Guidelines.

Response to Comment P18-02

Comment noted. The Proposed Project involves paving of existing pathways that would provide access to the Folsom Lake State Recreation Area (FLSRA). The Proposed Project would provide continuity with the paved trails along the parkway and would not harm the integrity or uniformity of the ARP. Reclamation and State Parks considered the American River Parkway (ARP) Plan during development

within the FLSRA. Additionally, the FLSRA General Plan/ Resource Management Plan (GP/RMP) is the tool that defines the management and legal framework for the development, management, and public use within the FLSRA.

Response to Comment P18-03

Concrete paths are found throughout the ARP, including the paved bike trail that currently terminates southwest of the Lake Natoma Crossing Bridge. The concrete stairs would replace existing wooded stairs exhibiting erosion of the hillside. Development of a single set of concrete steps would not adversely impact the overall aesthetics of area. Aesthetics are addressed in Section 3.2 and 5.1 of the Final EA/IS. There are no plans for an arena style concrete ramp with huge retaining walls. Refer to Section 2.2 of the EA/IS for a complete description of the Proposed Project and Appendix E of the Final EA/IS for the updated site plans.

Response to Comment P18-04

Comment noted.

Response to Comment P18-05

Comment noted. Refer to Section 1.2 for a background discussion regarding development of the Proposed Project and public participation. Reclamation and State Parks have been included within the development of the Proposed Project.

Response to Comment P18-06

Comment noted. Impacts to land use planning that covers the project site are addressed throughout the EA/IS, including consistency with the ARP, refer to Section 3.2.1 of the EA/IS. **Response to Comment P18-02**

Letter P-18 – SARA Part II

Response to Comment P18-01

The project description provides adequate detail in accordance with the CEQA Guidelines for the development of a Mitigated Negative Declaration (refer to Section 15071). Impacts to land use, planning, aesthetics, and recreation would be less than significant. Paving an existing pathway and adding a stairwell with a landing would not result in the urbanization of the ARP.

Response to Comment P18-02

The project is compatible with the wildlife, aesthetic, and recreational values of the region. The project would include paved pathways that are consistent with other various pathways found within the American River Parkway, American River/Lake Natoma, and the sub-unit of the Folsom Lake State Recreation Area.

Response to Comment P18-03

A complete project description was provided in Section 2.2 of the EA/IS. Refer to Section 2.2 of the Final EA/IS for an updated project description incorporating the additional details provided in the 75% Design Plan included as Appendix E of the Final EA/IS. No new significant impacts, changes to the significance of identified impacts, or changes to mitigation resulted from the update to the Proposed Project description. Furthermore, as a result of the plans incorporated into the 75% Design Plans, many impacts were further reduced below significance levels. For example, with the incorporation of the Grading and Drainage Plan into the Final EA/IS, impacts associated to water resources were further reduced.

Response to Comment P18-04

Refer to the **Response to Comment P7-02** concerning the certification of a Mitigated Negative Declaration.

Response to Comment P18-05 and P18-06

Comment noted.

Response to Comment P18-07

Comment noted. Refer to the Response to Comment P18-01 regarding the applicability of the ARP Plan within the FLSRA.

Response to Comment P18-08 through Comment P18-12

In accordance with the CEQA guidelines, the Mitigated Negative Declaration must include a brief description of the project and an initial study documenting reasons to support the findings. The project description provides adequate detail to support the findings and conclusions of the IS presented in Section 5 of the EA/IS. Based on the size of the project, construction trips and impacts were estimated in consultation with the project architect and the City and were based on the development of previous trail projects. The EA/IS concludes that construction would have a less-than-significant impact on various environmental resources after the implementation of preventative measures and mitigation. Section 2.2 details that the City will develop a Traffic Control Plan prior to the initiation of construction, which will include provisions to ensure that adequate vehicular and bicycle/pedestrian travel lanes will remain open at all locations at all times during construction. The traffic control plan would minimize impacts to roadway operations, including bicycle and pedestrian facilities, to a less-than-significant level. The project description has been updated to reflect the 75% Design Plans that became available during the environmental review process of the Proposed Project. These plans are included as Appendix E of the Final EA/IS. In addition, a preliminary estimate of the materials needed for construction (based on the 75% Design Plans) is presented as Table 2-1 of the Final EA/IS. Accordingly, the impact analysis was reviewed to assess the need for any changes required as a result of the update. No new significant impacts, changes to the significance of identified impacts, or changes to mitigation resulted from the update to the Proposed Project description. Furthermore, as a result of the plans incorporated into the

75% Design Plans, many impacts were further reduced below significance levels. For example, with the incorporation of the Grading and Drainage Plan into the Final EA/IS, impacts associated to water resources were further reduced.

Response to Comment P18-13 through Comment P18-14

The alignment presented in the EA/IS depicts the Proposed Project for which impacts are analyzed in Sections 3 and 5 of the EA/IS. The use of the 15% design specifications are more than adequate to assess impacts in the IS presented in Section 5 of the EA/IS. As discussed in **Response to Comments P18-08 through P18-12**, the document was revised to incorporate the 75% Design Plans that were completed during the environmental review period of the EA/IS. As shown in Figures 4c through 4d, the alignment and design of the proposed trail is nearly identical to the plans presented for public review in May of 2012 and the conclusions of the impact analysis within the Final EA/IS is identical to the conclusions within the previously released EA/IS.

Response to Comment P18-15 through Comment P18-16

Comment noted.

Response to Comment P18-17

Conceptual drawings are not required under NEPA or CEQA to assess the aesthetic impacts of developing a trail within an area already consisting of trails in various states of development. As discussed in the EA/IS, the alignment of the Proposed Project from the East Lake Natoma Bike Trail east of Folsom Boulevard includes sloped woodland, paved bike paths, wood bridges, and unpaved trails. The alignment of the Proposed Project from the East Lake Natoma Bike Trail west of the Folsom Boulevard Bridge includes sloped woodland, sparsely wooded open space, existing paved bike paths, wood bridges, and unpaved trails. Development of a paved trail along existing paved and unpaved trails would not constitute a significant impact to aesthetics. In addition, replacement of an existing staircase (stepped into the slope with wooden steps) would not create an aesthetic nuisance. As concluded in the EA/IS, impacts to aesthetics from the implementation of the Proposed Project would be less than significant.

Response to Comment P18-18

As described in Section 2.2 of the EA/IS, the project would involve excavation of existing unpaved pathways to developed paved pathways allowing ADA compatible access to the Lake Natoma waterfront. Paved elevations would be consistent with existing trail elevations resulting in minimal impacts to the topography of the project site. According to the project architect, the depth of excavations west of Folsom Boulevard would average 6 inches along the pathway. East of Folsom Boulevard, the depths of excavation would range from 10 inches to 6 feet. There would be no excavation of hill tops on the project site, maintaining the topographical features of the region. Based on the minimal excavations depths necessary to develop the Proposed Project, impacts to topography would be minimal.

Response to Comment P18-19

The proposed water access ramp area currently includes a rocked outfall channel for a stormwater detention basin. Development of a rip rap and boulder retaining wall would be consistent with existing aesthetic conditions and therefore, impacts would be less than significant. The installation of a rip rap and boulder retaining wall at the western outlook would not adversely impact the overall aesthetics of the southern shore of Lake Natoma in consideration of the existing stormwater outfall and the piers of the Lake Natoma Crossing Bridge.

Response to Comment P18-20

Comment noted.

Response to Comment P18-21

As discussed in Section 3.9 of the EA/IS, the City shall submit an application to the planning director for tree removal prior to commencement of construction activities in accordance with the City's Tree Preservation Ordinance (City Ordinance 12.16). The application shall include an application form, a justification statement, a site map, a preservation program, and an arborist report. The arborist report shall be prepared by a certified arborist. The arborist report shall include the botanical and common names of the trees by tree number; locations of the trees by tree numbers; diameters at breast height (DBH) by tree numbers, identifying whether the trees are single or multitrunked; protected zone radii by tree numbers; and condition of tree numbers based on the excellent, good, fair to good, fair, fair to poor, and poor tree rating system. For vegetation, the City will plant native species that would provide cover on the disturbed areas, requiring minimal maintenance consistent with existing conditions. Maintenance activities are addressed in Section 2.2 of the EA/IS. Since the completion of the EA/IS, a Tree Removal Plan and Planting Plan have been completed for the Proposed Project and are included in Appendix E of the Final EA/IS.

Response to Comment P18-22

Refer to the Response to Comment P18-21.

Response to Comment P18-23

Comment noted.

Response to Comment P18-24

The northwestern portion of the project would be developed below a hotel which is visible from across the lake, which would constitute a component of the viewshed that would include this section of the Proposed Project. The pathway would be developed as colored and textured (e.g. leaf imprints) concrete, which would minimize aesthetic impacts and project components such as the railings and retaining walls would be screened by existing trees and vegetation that would not be removed during construction. The incorporation of a paved trail and associated railings and retaining walls adjacent to an existing paved bikeway in a wooded area would not constitute a visual impact to the aesthetics of the project region.

Response to Comment P18-25

Refer to the **Response to Comment P18-08 through Comment P18-12** regarding the level of detail of the project description within the Final EA/IS and the inclusion of 75% design plans within the Final EA/IS.

Response to Comment P18-26

The supporting analysis is provided in the project description, Section 2.2 of the Final EA/IS, and in the analysis of aesthetic impacts presented in Sections 3.2 and 5.1 in the Final EA/IS. As stated above, the incorporation of a paved trail and associated railings and retaining walls adjacent to an existing paved bikeway in a wooded area would not constitute a visual impact to the aesthetics of the project region.

Response to Comment P18-27

The aesthetics and visual impacts are addressed in Section 5.1 in the Final EA/IS. Aesthetic impacts are addressed in accordance with the significance criteria outlined in Appendix G of the CEQA Guidelines.

Response to Comment P18-28

Refer to the **Response to Comment P18-27**.

Response to Comment P18-29

Refer to **Response to Comments P18-25 through Response to Comments P18-27** regarding the aesthetics analysis within the Final EA/IS.

Response to Comment P18-30

The paving of the proposed trail would result in a minimal increase in impervious surfaces and the alignment would follow the existing trail with similar sloping. Therefore, the existing drainage pattern would remain similar to existing conditions. Furthermore, a Grading and Drainage Plan has been incorporated into the Proposed Project and is included in Appendix E of the Final EA/IS to further reduce impacts associated with site drainage.

Response to Comment P18-31

Paving would increase impervious surfaces in the project region by 0.44 acres, a minimal increase in impermeable surfaces in the area.

Response to Comment P18-32

As described in Section 3.3.3 in the Final EA/IS, stormwater flows to Lake Natoma from the project site. Development of paved trails would not redirect flows from entering Lake Natoma and therefore impacts to hydrology would be less than significant. An engineering plan is not required to substantiate the conclusion in the Final EA/IS. Furthermore, a Grading and Drainage Plan has been incorporated into the Proposed Project and is included in Appendix E of the Final EA/IS.

Response to Comment P18-33

Refer to **Response to Comments P18-30 through P18-32** regarding the aesthetics analysis within the Final EA/IS

Response to Comment P18-34

Comment noted.

Response to Comment P18-35

Comment noted.

Response to Comment P18-36

Comment noted.

Response to Comment P18-37

The Proposed Project is consistent with the Upper Lake Natoma (AQ) land use designation is Low Intensity Recreation/Conservation. Land use consistency is addressed in Section 3.4.3. As stated there within, the Proposed Project is consistent with the goals of the FLSRA and FPSHP General Plan/Resource Management Plan (Plan) which designates the project site as a management area for “Low Intensity Recreation/Conservation”, or “areas whose natural and cultural resource values will be protected and restored while accommodating lower intensity recreation and interpretation that is compatible with and dependant on the resource values...resource management in conservation areas emphasizes protecting and restoring natural processes with only minor modification of non-sensitive resources permitted to accommodate additional visitor use as appropriate.” Impacts to the project site would be minimal and in accordance with the Plan’s conservation and recreational goals. It would also be generally consistent with all applicable General Plan policies. The Proposed Project would enhance recreational facilities adjacent to the American River, Lake Natoma, the FPSHP and FLSRA, which is consistent with City of Folsom General Plan Policy I.6 which promotes the enhancement and maintenance of the Historic District. Therefore, the Proposed Action would not conflict with any applicable local land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Response to Comment P18-38

Refer to the **Response to Comment P18-37**. The Proposed Project is consistent with the FLSRA Final General Plan/Resource Management Plan.

Response to Comment P18-39

Refer to the **Response to Comment P18-08 through Comment P18-12** regarding adequacy of the project description. Based on the slight increase in impervious surfaces (less than 0.5 acres) and limited total disturbance (approximately 2.0 acres), the project constitutes a slight modification of the natural resources in the area.

Response to Comment P18-40

The Proposed Project is consistent with NATSHORE/N-3 as the project would provide a landing for non-motorized vessels. There is no change of land use proposed and therefore NATSHORE/N-4 is not applicable. Refer to Section 1.2 in the Final EA/IS concerning public involvement in the development of the Proposed Project.

Response to Comment P18-41

Refer to the **Response to Comment P8-03**. Based on the architectural plans, minimal modification to the landscape (less than 2 acres of disturbance and less than 0.5 acres of new impervious surfaces), and ability to mitigate all identified potentially significant impacts, the improved ADA access that would result from the implementation of the Proposed Project is appropriate and feasible. As noted above, the project description has been updated in the Final EA/IS to incorporate the completion of 75% Design Plans for the Proposed Project, which are included as Appendix E.

Response to Comment P18-42

The purpose of the Final EA/IS is to evaluate the potential environmental impacts of the Proposed Project in accordance with NEPA and CEQA requirements. Reclamation, State Parks, the Resource Agency, and the City have determined that the water access ramp is a feasible component of the Proposed Project.

Response to Comment P18-43

Refer to the **Response to Comment P18-42** regarding the purpose of the Final EA/IS and the feasibility of the water access ramp.

Response to Comment P18-44

Figure 4a in Section 2.2 of the Final EA/IS identifies the location of the kayak rack area. The stairwell leads directly to the kayak rack area providing easy access from the water access ramp to Gold Lake Drive. Actual use of the kayak rack cannot be estimated at this time.

Response to Comment P18-45

The corporation yard is not a component of the Proposed Project and operation of the corporation yard would not result in impacts on the Proposed Project.

Response to Comment P18-46

Comment noted.

Response to Comment P18-47

The project site is currently in use and accessed by the public. There would be no changes in site access as a result of the development of the Proposed Project and no closure plan is required to protect environmental resources.

Response to Comment P18-48

As discussed in Section 1.7 in the Final EA/IS, as part of the implementation of the Proposed Project, Reclamation, the City, and State Parks will negotiate and enter into an Operation and Maintenance Agreement, which includes patrol and enforcement of prohibited activities.

Response to Comment P18-49 and Comment P18-50

Comment noted. Refer to Section 3.4 in the Final EA/IS regarding land use consistency of the Proposed Project. Refer to the **Response to Comment 18-02**, which addresses the jurisdiction of the ARP.

Response to Comment P18-51

Comment noted. Refer to Section 3.4 in the Final EA/IS regarding land use consistency of the Proposed Project. Refer to the **Response to Comment 18-02**, which addresses the jurisdiction of the ARP.

Response to Comment P18-52

Comment noted. Refer to the **Response to Comment 18-02**, which addresses the jurisdiction of the ARP.

Response to Comment P18-53 and Comment P18-54

Comment noted.

Response to Comment P18-55

As stated in Section 1.6 in the Final EA/IS the Proposed Project is located on Reclamation lands for which State Parks has been granted management responsibilities for recreation and public use through the 25-year Managing Partner Agreement with Reclamation. The County of Sacramento does not have jurisdiction over the project site.

Response to Comment P18-56

As discussed in Section 1.7 of the Final EA/IS, the operation and maintenance agreement is required for Reclamation to issue the Land Use Authorization license to the City to development the project. At the time of public release of the Final EA/IS, the operation and maintenance agreement is under legal review and has not been finalized. The language within the operation and maintenance agreement is consistent with the findings of the Final EA/IS..

Response to Comment P18-57

The cumulative setting is addressed in Section 3.1 of the Final EA/IS and includes the only planned development in the project region, the Public Plaza at the Historic Folsom Station. This project would involve the development of street level retail shops, restaurants, retail, and office space adjacent to the public plaza surrounding the historic turn table. For each environmental resource assessed in Section 3.0, cumulative impacts are addressed. Under aesthetics, any future proposed project in the immediate vicinity of the project site would either require Reclamation and/or City approval which would include

appropriate environmental review pursuant to NEPA and/or CEQA. Therefore, the Proposed Project would not result in a cumulatively considerable degradation to the aesthetic resources or character.

Response to Comment P18-58

Land use consistency is addressed in Section 3.4 of the EA/IS. The Proposed Project would not develop a pedestrian promenade as previously proposed (refer to Section 1.2 of the Final EA/IS for a background on the development of the project design). As discussed in Section 3.4, the Proposed Project would not conflict with any applicable local land use plan, policy, or regulation.

Response to Comment P18-59

Refer to the **Response to Comment P18-57**.

Response to Comment P18-60

The cumulative setting was developed in consultation with the City. There are no planned or approved projects with a funding mechanism planned for the City's corporation yard.

Response to Comment P18-61 and Comment P18-62

Refer to the **Responses to Comments P18-57 through P18-60**.

Response to Comment P18-63

Comment noted.

Response to Comment P18-64

Refer to Appendix A for the soils report for the project soils identifying the soil associations and hazards associated with expansiveness and sheet or rill erosion. A summary of the conclusions of the soils report is presented in Section 3.5 of the Final EA/IS. Refer to the **Response to Comment P18-08 through Comment P18-12** regarding the adequacy of the project description. Refer to Appendix E of the Final EA/IS for the Grading and Drainage Plan and construction specifications of the retaining walls.

Response to Comment P18-65

There are currently irrigation systems on the project site, and operation would be similar to the existing systems. Because native species would be planted, water requirements would be minimal. Refer to Appendix E for the Irrigation Plan.

Response to Comment P18-66

Refer to the **Responses to Comments P18-30 through P18-32** regarding water quality and erosion.

Response to Comment P18-67

Refer to the **Response to Comment P18-21** regarding vegetation plans.

Response to Comment P18-68

Refer to the Responses to Comments P18-63 through P18-67.

Response to Comment P18-69

Refer to the Responses to Comments P18-08 through P18-10 concerning impacts from construction and the adequacy of the project description. The construction staging area is identified in Section 2.2 of the Final E/IS.

Response to Comment P18-70

Access to the project site would be provided by Gold Lake Drive and the spur trail off of Folsom Boulevard. Existing emergency access roadways include Gold Lake Drive and the existing bike trail access points.

Response to Comment P18-71

The Proposed Project would result in new access points meeting ADA standards for pedestrians and will not impact existing bicycle traffic. There is no new intersection planned at Gold Lake Drive, all components of the Proposed Project would be developed outside of existing traffic lanes. The analysis in the Final E/IS addresses traffic and transportation impacts consistent with Appendix G of the CEQA Guidelines.

Response to Comment P18-72

Signage would be installed to educate trail users of the restrictions in use patterns of the ADA pathway.

Response to Comment P18-73

As discussed in Section 3.7.3 of the Final E/IS, with the development of the traffic control plan, concurrent construction of the Proposed Project and the Public Plaza at the Historic Folsom Station would have minimal cumulative impact on transportation in the vicinity of the project site. Operation of the Proposed Project would not significantly increase traffic on roadways in the vicinity of the project site and parking for the Proposed Project is available along Leidesdorff Street and the City's newly constructed parking garage at the corner of Gold Lake Drive and Leidesdorff Street, providing ample parking for the Proposed Project and the Public Plaza at the Historic Folsom Station project. Therefore, a minimal cumulative impact would result.

Response to Comment P18-74

Refer to the Response to Comment P18-08 through Comment P18-12 regarding the adequacy of the project description.

Response to Comment P18-75

Comment noted.

Response to Comment P18-76

Refer to the **Response to Comment 18-02** and Section 3.4 of the Final EA/IS, which concludes that the Proposed Project would not conflict with any applicable local land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Response to Comment P18-77

Comment noted. The Proposed Project is a separate project from the Folsom Lake State Recreation Transition Area Plan Work List May 2012, as the City would be implementing the Proposed Project under the Land Use Authorization license from Reclamation and associated operation and maintenance agreement.

Response to Comment P18-78

By providing ADA access to the Lake Natoma Waterfront, Reclamation, State Parks, and the City consider the project an enhancement of existing recreational features.

Response to Comment P18-79

Refer to the **Response to Comment P18-56** regarding the operations and maintenance agreement and the **Response to Comment P18-48** regarding patrols of the project site.

Response to Comment P18-80

Refer to the **Response to Comment P18-56** regarding the operations and maintenance agreement and the **Response to Comment P18-48** regarding patrols of the project site.

Response to Comment P18-81

Comment noted. Refer to the **Responses to Comments P18-01 through P18-80**.

Response to Comment P18-82

Refer to the **Response to Comment P18-08 through Comment P18-12** regarding the adequacy of the project description.

Response to Comment P18-83

The impacts to riparian habitat were assessed through ground truthing by a qualified biologist based on the proposed limit of work associated with the Proposed Project as shown in the project site plans. Refer to Appendix E of the Final EA/IS for the Tree Removal Plan and Planting Plan.

Response to Comment P18-84

Mitigation measure BR-7 addresses impacts to trees in accordance with the City's Tree Preservation Ordinance (City Ordinance 12.16). Accordingly, the City shall submit an application to the planning director for tree removal prior to commencement of construction activities in accordance with the City's

Tree Preservation Ordinance. The application shall include an application form, a justification statement, a site map, a preservation program, and an arborist report. The arborist report shall be prepared by a certified arborist. The arborist report shall include the botanical and common names of the trees by tree number; locations of the trees by tree numbers; diameters at breast height (DBH) by tree numbers, identifying whether the trees are single or multitrunked; protected zone radii by tree numbers; and condition of tree numbers based on the excellent, good, fair to good, fair, fair to poor, and poor tree rating system.

Response to Comment P18-85

The area is currently utilized by persons and would not involve the development of a structure that would prevent wildlife from moving through the area.

Response to Comment P18-86

Comment noted. As stated in Response to Comment P18-85 above, the area is currently used for recreational purposes and would not involve the development of a structure that would prevent animals from moving through the area.

Response to Comment P18-87

Comment noted. The mitigation measure presented in the Final EA/IS are standard mitigation measures for potential impacts to biological resources and can readily be implemented into the Proposed Project.

Response to Comment P18-88

Refer to the Responses to Comments P18-01 through P18-87. Based on the minor impact of the project (less than 0.5 acres of impervious surfaces developed on existing hardpacked trails) and ability to mitigate all identified potentially significant impacts, Reclamation has determined the Final EA/IS adequately describes the Proposed Project and addressing the environmental impacts of the Proposed Project.

Letter P-19 – Lake Natoma Heights Neighborhood Association

Response to Comment P19-01 through P19-03

Refer to the Responses to Comment Letter P-18.

Letter P-20 – Daniel Winkelman

Response to Comment P20-01

Comments noted.

Response to Comment P20-02

The existing cut trails have exposed soils along the trail. Development of the retaining walls where cuts will be required will reduce erosion potential below existing conditions.

Response to Comment P20-03

Refer to the soils report included as Appendix A of the EA/IS. In addition, a Grading and Drainage Plan has been included in Appendix E of the Final EA/IS.

Response to Comment P20-04

The Proposed Project does not include development of a boat ramp. The ramp below the Lake Natoma Crossing Bridge is primarily for pedestrian water access and access for non-motorized boats such as kayaks and does not constitute an urban park amenity.

Response to Comment P20-05

The purpose and need of the Proposed Project is Presented in Section 1.3 of the Final EA/IS.

Response to Comment P20-06

Comment noted.

Response to Comment P20-07

The project design of the pathway meets all ADA requirements and does not constitute dangerous design features. The plans, including the 75% Design Plan included as Appendix E of the Final EA/IS, were developed by certified architects with experience in trail and ADA design.

Response to Comment P20-08

Impacts to environmental resources are minimized to less-than-significant levels. The trail is designed to ADA standards and any rescue situations would be handled in accordance with existing public safety policies and procedures.

Response to Comment P20-09

Comment noted.

Response to Comment P20-10

As discussed in Section 2.2 of the revised Final EA/IS, signage would be provided to educate bicyclists as to the closure of the paved trail to bicycle traffic. The trail closure will be addressed in the Traffic Control Plan.

Response to Comment P20-11

A Planting Plan is included in the 75% design plan in Appendix E of the Final EA/IS. The Planting Plan was developed by a licensed architect. The Planting Plan incorporates restoration for areas disturbed by the development of the Proposed Project. Based on a review by a qualified biologist, there are no impacts to protected native plant species associated with the implementation of the Proposed Project. Therefore, a mitigation plan for native species is not required. The project includes removal of non-native species and replanting with native species as identified by the landscape architect. Maintenance of the project site

will be conducted in accordance with the Operation and Maintenance Agreement between Reclamation, State Parks, and the City. There is no guarantee that non-native species will not re-establish in the project area. The City has agreed to fund maintenance activities in accordance with the agreement and will ensure funding is available as a standard budgeting item. In accordance with the CEQA Guidelines, Section 15070, the City may adopt a Mitigated Negative Declaration because although the initial study identified potentially significant effects, revisions to the project plans, including mitigation measures, would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur and there is no substantial evidence that the project as revised may have a significant effect on the environment. No EIR is required.

Response to Comment P20-12

The full Folsom Lake SRA General Plan policy referenced by the commenter is as follows:

“Improve access to Lake Natoma from the City of Folsom Historic District where appropriate and feasible. Evaluate the feasibility and suitability of providing a small dock for hand launching and landing of small boats at this location. Consider concession opportunities as one potential means to provide access to the water at this location.”

The Proposed Project is consistent with the Folsom Lake SRA General Plan and impacts to land use consistency are less than significant.

Response to Comment P20-13

Comment noted.

Response to Comment P20-14

Comment noted.

Response to Comment P20-15

Comment noted.

Response to Comment P20-16

Comment noted. As discussed in Sections 3.9 and 3.10 of the Final EA/IS, biological and cultural resource impacts would be less than significant with the incorporation of mitigation.

Response to Comment P20-17

The retaining walls proposed for the project are along the downward slope at the northeastern corner of the project and along the ramp into the water. The remaining paving would be at ground surface elevation. As discussed in Section 3.2.3 of the Final EA/IS, impacts to aesthetics would be less than significant.

Response to Comment P20-18

Comment noted.

Response to Comment P20-19

Comment noted. Refer to Section 1.2 of the Final EA/IS for a discussion of the background of the Proposed Project, including the incorporation of public input into the project design. Refer to Section 4.0 of the Final EA/IS for a discussion of the public review process and regulatory requirements that were conducted to meet Reclamation's environmental review requirements for the Proposed Project.

Response to Comment P20-20

Comment noted.

Response to Comment P20-15

Comment noted.

Letter P-21 – Deborah GrassL**Response to Comment P21-01 and P21-02**

In accordance with the NEPA and CEQA requirements, the review of biological resources assesses impacts to special status species and not common species of flora and fauna. Impacts to non-special status species are not required within NEPA and CEQA review.

Letter P-22 – Harry Azar**Response to Comment P22-01**

As stated in the Final EA/IS, the Proposed Project would consist of the development of a paved pedestrian trail over existing unpaved hardpacked trails. The existing drainage pattern of the site or area would remain the same and there would not be a substantial increase in the impermeable surface area that would result in increased runoff rates leading substantial erosion or siltation on- or off-site. Anticipated runoff from the proposed trail would discharge to Lake Natoma but would not result in a substantial source of polluted runoff. With the implementation of Mitigation Measure LR-1 in Section 3.5.4 of the EA/IS and inclusion of the Grading and Drainage Plan in Appendix F of the Final EA/IS, adverse impacts are considered to be minimal.

Response to Comment P22-02

The project site is currently utilized for recreation and State Parks currently provides solid waste and clean up operations at the project site. With the implementation of the Proposed Project, the City would continue to provide clean up operations at the site. Implementation of the Proposed Project is not anticipated to increase pollution and solid waste beyond the existing capacity of City clean-up operations.

Implementation of the Proposed Project would not result in the disregard for the balance of nature as the trails currently existing on the project site.

Response to Comment P22-03

The Proposed Project entails paving existing hardpacked trails and the minimal increase in impervious surfaces would not result in substantial erosion on the project site. The development of the retaining walls would ensure stability of the slopes along the existing trails and may increase erosion control on the site compared to existing conditions. Maintenance activities would be similar to the current operations conducted at the project site and similar paved trails throughout the City.

Response to Comment P22-04

As discussed in Section 2.2 of the Final EA/IS, there are three types of pathways that would be developed along the existing trail ways. The initial section of the pedestrian trail would consist of colored and textured (e.g. leaf imprints) concrete, the second section would be comprised of ½ inch minus aggregate (compacted crushed rock), and the third section would consist of a 4-foot decomposed granite shoulder that would run parallel on the north side of the existing East Lake Natoma Bike Trail heading east towards Lake Natoma Crossing Bridge. The introduction of a nature themed concrete trail, aggregate, and decomposed granite would preserve the natural beauty of the project site and would not prevent preservation of natural beauty in the region.

Response to Comment P22-05

The United Nations Agenda 21 was presented to countries attending the United Nations Conference on Environment and Development in Rio de Janeiro, Brazil, in June of 1992. President George H. W. Bush signed the pledge; however, congress has not ratified the pledge.

Letter P-23 – Valerie Cazaux**Response to Comment P23-01**

Comment noted. Flooding is addressed in Section 3.3 of the Final EA/IS. A Grading and Drainage plan has been included in Appendix E of the Final EA/IS.

Letter P-24 – Laurette Laurent**Response to Comment P24-01**

Refer to the project description in Section 2.2 of the Final EA/IS.

Response to Comment P24-02 through P24-04

Comment noted.

Response to Comment P24-05

As stated in Section 2.2, the Proposed Project would be developed in existing trail ways, reducing impacts to the environment, in accordance with the grant from the Resources Agency. The purpose of the grant is to provide fully accessible access from the Folsom historic district to the waterfront of Lake Natoma. Another aspect of the project is the removal of non-native plant material and replace with vegetation native to the area. There were very limited opportunities to provide accessible access from the Folsom historic district to the waterfront. The location and route chosen was based on public input and the alternative that had the least impact to the area and still provided a direct and scenic route for the trail user.

Response to Comment P24-06

The jurisdiction of the area would not be changed after implementation of the Proposed Project and State Park enforcement would be consistent with existing conditions and increased as necessary based on usage. State parks would continue to manage the project area and the new trails as part of Folsom Lake SRA as per their agreement with Reclamation.

Response to Comment P24-07

Activities associated with maintenance of the Proposed Project may include repair, patching/filling of cracks and potholes, brushing of the trail corridor, graffiti removal and installation and repair of trail signage and pavement striping. Additional maintenance activities may include periodic vegetation control for fire control purposes. State Parks would continue to manage the area as part of FLSRA and the FLSRA trail system according to State Park rules and regulations including the FLSRA General Plan. An operation and maintenance agreement will be developed between Reclamation, the City, and State Parks. Costs above the existing baseline conditions for operation and maintenance would be funded by the City.

Response to Comment P24-08

Impacts to wetlands and waters of the U.S. are addressed in Section 3.9 of the Final EA/IS. Based on a preliminary site assessment, potentially jurisdictional wetland features were not observed in the area of disturbance of the Proposed Project. A formal wetland delineation will be completed in accordance with the Clean Water Act Section 404 permitting process required for development of the landing access for small, non-motorized vessels. Mitigation is provided to reduce identified impacts to waters of the U.S. to less-than-significant levels. Construction equipment would access the site via Gold Lake Drive or via the bike trail access roadway south of the Lake Natoma Crossing Bridge, with minimal impacts to the environment. Fire fighters and first responders would access the site as they would under existing conditions. Paving of the bike trails would improve access by emergency responders.

Response to Comment P24-09

The comment does not pertain to the Proposed Project and associated environmental review contained within the Final EA/IS.

Response to Comment P24-10

The comment does not pertain to the Proposed Project and associated environmental review contained within the Final EA/IS.

Response to Comment P24-11

Refer to the **Response to Comment P24-05** regarding the purpose of the grant funding the Proposed Project.

Response to Comment P24-12

Soils and elevation considerations are addressed under land resources in Section 3.5 of the EA/IS. A Grading and Drainage Plan has been included in Appendix E of the Final EA/IS.

Response to Comment P24-13

Reclamation worked with the City to develop a feasible alternative to the original Promenade proposal through reduction in the scope to reduce impacts to the area. Refer to the background discussion of the Proposed Project presented in Section 1.2 of the Final EA/IS.

Response to Comment P24-14

The City's Corporation Yard is not a component of the Proposed Project and has no bearing on Reclamation's Land Use Authorization license to the City.

Response to Comment P24-15

Refer to the Proposed Project presented in Section 2.2 of the Final EA/IS. The proposed water landing is approximately 130 feet long with a slope ranging from 5.5 to 5.9 percent. To provide water access, the ramp must be developed below the ordinary high water mark. Hazardous materials are addressed in Section 3.6 of the Final EA/IS.

Response to Comment P24-16

Reclamation and the City have included public involvement throughout the development of the Proposed Project and the Final EA/IS. Refer to Section 1.2 for the background on the project. In addition, a public workshop was held on May 23, 2012 to obtain comments on the Proposed Project. Reclamation and the City have considered each comment presented on the project. Reclamation and the City have also consulted with State Parks during development of the Project Description and the EA/IS. Comments received by State Parks have been incorporated into the environmental review process.

Response to Comment P24-17

As discussed in Section 2.2 of the Final EA/IS, the intersection where the pedestrian trail would begin and bicyclists would exit to Gold Lake Boulevard would be reconfigured to separate bike and pedestrian access, directing bicyclists to the west towards the Lake Natoma Crossing Bridge and the existing bike trail, while allowing pedestrian ADA compliant access to continue north. In addition, signage would be

installed to educate riders of the pedestrian only features of the Proposed Project, reducing liability. State Parks will patrol and enforce the rules and regulations of this area as they do in the rest of the FLSRA.

Response to Comment P24-18

The comment does not pertain to the Proposed Project and associated environmental review contained within the Final EA/IS.

Response to Comment P24-19

Comment noted.

Response to Comment P24-20 through 35

Refer to the **Response to Comment P24-05** regarding alternative sites. The letter referenced by the commenter was addressing the City's original grant proposal for a promenade. Since the original proposal submitted with the grant, the City, State Parks, and Reclamation have collaboratively worked on the project.

Response to Comment P24-36

Comment noted. Refer to the **Response to Comment P24-05** regarding alternative sites.

Letter P-25 – LJ Laurent

Response to Comment P25-01

Comment noted.

Response to Comment P25-02

The project design is being developed by California licensed architects and in coordination with Reclamation Engineering Division.

Response to Comment P25-03

Comment noted. The comment does not pertain to the Proposed Project and associated environmental review contained within the EA/IS.

Response to Comment P25-04

Issues brought to the Resources Agency during the grant application process have been addressed through the design process of the Proposed Project. One of the Resource Agency's biggest concerns, based on the initial questions the public had on the grant submittal, was to ensure the community was provided the opportunity to provide input on the project. The City, Reclamation, and State Parks incorporated public involvement in the project through two community workshops with additional public input opportunities at the City's Parks and Recreation Commission meeting and City Council meeting. In addition, the City and Reclamation held an open house to facilitate comments on the environmental review process for the

Proposed Project. The Resources Agency is satisfied with the public involvement process the City, Reclamation, and State Parks utilized during the project design and environmental review process. Another item questioned from the initial grant submittal was support from both Parks and Reclamation. Both agencies have been fully involved and supported the design of the Proposed Project and environmental review process. Refer to **Response to Comments P7-02** regarding the City's certification of a Mitigated Negative Declaration to meet the CEQA requirements for the Proposed Project.

Response to Comment P25-05

The commenter provides a copy of comments provided on the grant application. The comments provided on the grant application do not pertain to the Proposed Project and CEQA environmental review process and therefore no response is required.

Letter P-26 – Donald B. Mooney

Response to Comment P26-01

Refer to Sections 3.2, 3.9, 3.8, and 3.4 for impact discussion to aesthetics, biological resources, recreation, and land use planning. As discussed there within, identified impacts are all mitigatable to less-than-significant levels. The ability to mitigate and limited extent of impacts of the Proposed Project are consistent with the CEQA Guidelines determinations of when to prepare a Mitigated Negative Declaration presented in Section 15070.

Response to Comment P26-02

Comment noted. As described in the CEQA Guidelines, a Negative Declaration may be prepared when the initial study identified potentially significant impacts; however, those impacts can be readily mitigated to a point where clearly no significant impact would occur. As indicated throughout the Final EA/IS, each potentially significant impact can be readily mitigated to meet regulatory requirements and therefore a Mitigated Negative Declaration is appropriate for the Proposed Project.

Response to Comment P26-03

There is no substantial evidence in the record that the Proposed Project and associated mitigation incorporated into the Mitigated Negative Declaration would result in a significant impact to the environment. The Proposed Project and evidence in the record indicates, in accordance with the CEQA Guidelines (Section 15070) that a Mitigated Negative Declaration is appropriate.

Response to Comment P26-04

The complete project description, including agency approvals, is provided in Section 1.7 and 2.2 of the Final EA/IS, meeting CEQA requirements. In addition, additional plans that were completed after the public release of the EA/IS have been incorporated into a Final EA/IS as Appendix E.

Response to Comment P26-05

Comment noted. The case law cited by the commenter is not applicable to the Proposed Project, as an EIR was not developed.

Response to Comment P26-06

CEQA Guidelines, Section 15071, state that a Mitigated Negative Declaration must include a brief description of the project. Section 2.2 of the EA/IS provides a detailed project description, including the 15% design documents and is in accordance with Section 15071 of the CEQA Guidelines. The 15% design documents represent the preliminary conceptual design that provides enough information and project-specific detail to evaluate and analyze the environmental impacts of the Proposed Project. The design elements included within the 15% plans were based on input from the community and the next level of design will address and take into account any mitigation measures identified during completion of the environmental review process. The project description in the Final EA/IS has been updated to reflect the 75% Design Plans that became available during the environmental review process of the Proposed Project. These plans are included as Appendix E of the Final EA/IS. Accordingly, the impact analysis was reviewed to assess the need for any changes required as a result of the update. No new significant impacts, changes to the significance of identified impacts, or changes to mitigation resulted from the update to the Proposed Project description. Furthermore, as a result of the plans incorporated into the 75% Design Plans, many impacts were further reduced below significance levels. For example, with the incorporation of the Grading and Drainage Plan into the Final EA/IS, impacts associated to water resources were further reduced.

Response to Comment P26-07

Comment noted.

Response to Comment P26-08

The Final EA/IS provides adequate references, sources, and findings from experts concerning the potential impacts of the Proposed Project.

Response to Comment P26-09

Comment noted.

Response to Comment P26-10

Comment noted. Refer to the Response to Comment P18-37.

Response to Comment P26-11

Comment noted.

Response to Comment P26-12 through P26-16

comment noted.

Response to Comment P26-17

Refer to Response to Comments P18-25 through Response to Comment P18-27.

Response to Comment P26-18

Refer to the Response to Comment P18-33 through Response to Comment P18-87. The biological assessment and analysis within the EA/IS adequately assess the existing biological resource setting and impacts of the Proposed Project, and provides appropriate mitigation to minimize or avoid impacts.

Response to Comment P26-19

The analysis within the Final EA/IS clearly demonstrates that, with mitigation, the project would not significantly impact the environment.

Letter P-27 – LJ Laurent

Response to Comments P27-01 and P27-02

The comment letter received on the project and NOI for the environmental review process are summarized in Table 1, above. Please note that each individual comment letter is not filed with the City Clerk. Each letter will be filed with the administrative record for the environmental review process.

Letter P-28 – LJ Laurent

Response to Comment P28-01

As stated in Section 2.2 of the Final EA/IS, the Proposed Project would be restricted to pedestrian use only and subject to State Parks regulations.

Response to Comment P28-02

Refer to the Response to Comment P28-01.

Response to Comment P28-03

Comment noted.

Response to Comment P28-04

Refer to the Response to Comment P24-17 concerning enforcement of pedestrian only trails.

Response to Comment P28-05

Comment noted.

Letter P-29 – Warren V. Truitt

Response to Comment P29-01

Comment noted. Surveys and design details necessary to assess impacts in accordance with the NEPA and CEQA review of the Proposed Project were completed during development of the Final EA/IS. These surveys includes biological resources, architectural design and feasibility, slope assessment to meet ADA requirements, cultural resources, hazardous materials, soils and geology, waters of the U.S., and aesthetics. These surveys were incorporated into the project description and analysis presented in Sections 2.0, 3.0, and 5.0 of the Final EA/IS.

Response to Comment P29-02

Comments noted. The project description was developed to incorporate ADA requirements in a cost effective manner. An elevator or lift would not be a cost effective method to provide ADA access to the Lake Natoma waterfront. The pathways cannot be consolidated into a tighter pattern, as the alignment was chosen to meet ADA standards in elevation changes. Porous pavement and geo mesh engineering were considered but deemed in feasible for implementation into the Proposed Project as these materials would not provide the stability needed for the ADA compliant pathway. Consistent with the rest of the FISRA, signage will be installed identifying official uses of the Proposed Project.

Response to Comment P29-03

As discussed in the EA/IS, all identified impacts are mitigatable and a, EA/IS Negative Declaration is the appropriate document to meet NEPA and CEQA requirements as the impacts are minor to the area.

Letter P-30 – Alan Wade

Response to Comment P30-01

Comment noted.

Response to Comment P30-02

Comment noted. As discussed in Section 2.2 of the Final EA/IS, the pathway is designed to meet ADA standards for sloping.

Response to Comment P30-03

Water resources are addressed in Section 3.3 of the Final EA/IS. With the incorporation of mitigation and the Grading and Drainage Plan included as Appendix E of the Final EA/IS, impacts would be less than significant. Habitat are addressed in Section 3.9 of the Final EA/IS. With the requirement to obtain the appropriate permits from the U.S. Army Corps of Engineers and implementation of mitigation presented in Section 3.9 of the Final EA/IS, impacts to sensitive habitats would be reduced to levels below significance.

Response to Comment P30-04

As discussed in Section 2.2 of the Final EA/IS, State Parks would continue to manage the area as part of FLSRA and the FLSRA trail system according to State Park rules and regulations including the FLSRA General Plan. An operation and maintenance agreement will be developed between Reclamation, the City, and State Parks.

Response to Comment P30-05

Comment noted. Refer to the Response to Comment P8-03.

Response to Comment P30-06 and P-30-07

The commenter presents two letters submitted on the Grant Application. Refer to the Response to Comment P25-04 concerning the grant.