

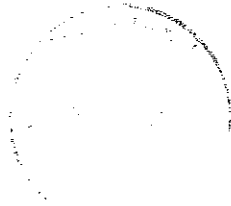
## **APPENDIX B**

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Comments on the Notice of Preparation



PLACER COUNTY  
TRANSPORTATION  
PLANNING AGENCY



BOB SNYDER  
City of Auburn  
SHERRIE BLACKMUN  
City of Colfax  
TOM COSGROVE  
City of Lincoln  
RUSS KELLEY  
Town of Loomis  
KATHY LUND  
City of Rocklin  
GINA GARBOLINO  
City of Roseville  
JIM HOLMES  
KIRK UHLER  
Placer County  
RON MCINTYRE  
Citizen Representative  
CELIA MCADAM  
Executive Director

April 30, 2007

via email – [dglabby@co.sutter.ca.us](mailto:dglabby@co.sutter.ca.us) and U.S. Postal Service

Doug Libby, Senior Planner  
Sutter County Community Services Dept. -- Planning  
1130 Civic Center Blvd.  
Yuba City, CA 95993

**Re: Sutter Pointe Specific Plan Draft Environmental Impact Report  
Notice of Preparation Comments**

Dear Mr. Libby:

Thank you for the March 29, 2007 Notice of Preparation (NOP) for the Draft Environmental Impact Report (DEIR) for the Sutter Pointe Specific Plan. A portion of the proposed specific plan lies in the western segment of the Placer Parkway Corridor Preservation project's study area. See the attached vicinity map. Placer County Transportation Planning Agency (PCTPA), on behalf of the South Placer Regional Transportation Authority (SPRTA), is working to complete the Placer Parkway Corridor Preservation and Tier 1 Environmental Impact Statement/Environmental Impact Report (Tier 1 EIS/EIR).

**Placer Parkway**

**Concept**

Placer Parkway is a high-priority regional transportation project. It would connect rapidly growing areas of western Placer County at State Route (SR) 65 to planned development in south Sutter County at SR 70/99.

The concept of the Placer Parkway has been considered for over a decade. Placer County's 1994 General Plan depicts a plan line for it. Later, PCTPA and Sacramento Area Council of Governments (SACOG) Boards adopted preliminary planning documents for the Parkway (2000 Conceptual Plan and 2001 Project Study Report). The project is also identified in the 2027 Placer County Regional Transportation Plan and SACOG's 2027 Metropolitan Transportation Plan. See the PCTPA web site – [www.pctpa.org](http://www.pctpa.org).

Basic Placer Parkway concepts developed through this preliminary planning work and being carried forward in the Corridor Preservation project are:

1. The transportation facility will be in a corridor varying from 500'- wide in the east/west segments and 1,000'-wide between Pleasant Grove Road and Fiddymont Road.
2. There will be a number of Parkway interchanges (SR 65 & SR 70/99, Fiddymont, Foothills, etc.). Only one potential interchange, at a future extension of Watt Ave. or other nearby roadway extension, will be allowed in the central segment (Fiddymont Rd. to Pleasant Grove Rd.). The impacts of the Placer Parkway with and without such a connection will be studied.
3. The corridor area on either side of the future transportation facility is to be a no-development buffer.

### **Corridor Preservation Project**

The Corridor Preservation project has two phases:

- Phase 1 – identify feasible corridor alignment alternatives.
- Phase 2 – complete the Tier 1 EIS/EIR.

Phase 1. During this phase, two, very well attended meetings were held at Pleasant Grove School. The first was a 2003 scoping meeting. The second was a 2004 public meeting on potential corridor alignments alternatives.

Three newsletters were sent to several thousand individuals. Twenty advisory committee meetings were also held to help guide the project. Sutter County staff, via the Technical Advisory Committee and Study Advisory Committee has participated on the project. The Sutter County Administrative Officer and two Board members served on the Policy Advisory Committee. In addition, informational briefings were made to the Sutter County Board of Supervisors and the SPRTA Board, and individual meetings were held with interested members of the public on a variety of topics.

Sutter Pointe representatives, County staff, and the Parkway project teams have exchanged information over the past two years. We have set-up meetings with Caltrans and Natomas Basin Conservancy along with County staff to discuss circulation (SR 70/99 connections, a potential Sankey Road relocation, conceptual Parkway interchange configurations, and local access); agricultural land preservation, and biological resources.

On September 28, 2005, the SPRTA Board identified five 'build' corridor alignment alternatives, in addition to the No Project alternative, to be analyzed in the Tier 1 EIS/EIR (see attached map). All of the corridor alignment alternatives cross over the proposed specific plan. Alternatives 1, 2, and 3 would connect

with SR 70/99 approximately one half mile north of Riego Road. Alternatives 4 and 5 would also cross the specific plan area and connect with SR 70/99 at Sankey Road. The corridor width for all these alternatives though the specific plan area is 500'-wide.

Federal resource agencies concurred that these corridor alternatives represent a reasonable range to be analyzed in the Tier 1 EIS/EIR. It was further agreed that these five 'build' alternatives would be considered with a commitment to construction options and resource protection techniques as a way to meet avoidance obligations.

Phase 2. There is no 'preferred' or 'recommended' corridor alignment for the Placer Parkway, or will there be until the Tier 1 EIS/EIR is completed. The Tier 1 EIS/EIR must equally analyze all reasonable alternatives. A draft Tier 1 EIS/EIR is expected by summer 2007. Federal and State clearances for the corridor preservation environmental work may be ready by summer 2008. Once the preferred corridor is determined, key pieces of land can be acquired to preserve right-of-way for the Parkway.

The approximate 350'-wide transportation facility will eventually be located within the Parkway corridor. The roadway's precise location within the corridor will be determined by a second project-level environmental review.

### **NOP Comments**

The Placer Parkway is cited in the NOP as a planned alignment parallel to Sankey Road, which is a future east-west corridor that would provide access to the southwest Placer County area.

The DEIR should:

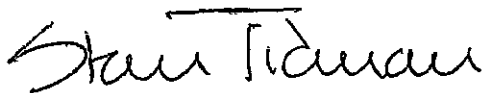
1. Indicate that there are two potential corridor alignments, identified through a public review process, which would cross over the proposed specific plan.
2. Analyze the impacts of the 500'-wide Parkway corridor through the specific plan area. If the 500'-wide corridor is not to be accommodated by the specific plan, the DEIR should clearly cite this intent and analyze how it would affect the Placer Parkway.
3. Address how the proposed specific plan could stage or phase development in order to avoid conflict with the Placer Parkway development process.

Doug Libby, Sutter County Community Development Services  
April 30, 2007  
Page 4

PCTPA recognizes the concurrent development of proposals such as Sutter Pointe along with the Parkway's Corridor Preservation Tier 1 EIS/EIR creates a challenging situation for all involved. We appreciate the applicant's cooperation and Sutter County's involvement in the Placer Parkway planning and environmental process.

Thank you for the opportunity to comment. If you have any questions, please call Celia McAdam at 823.4030 or me at 823.4033.

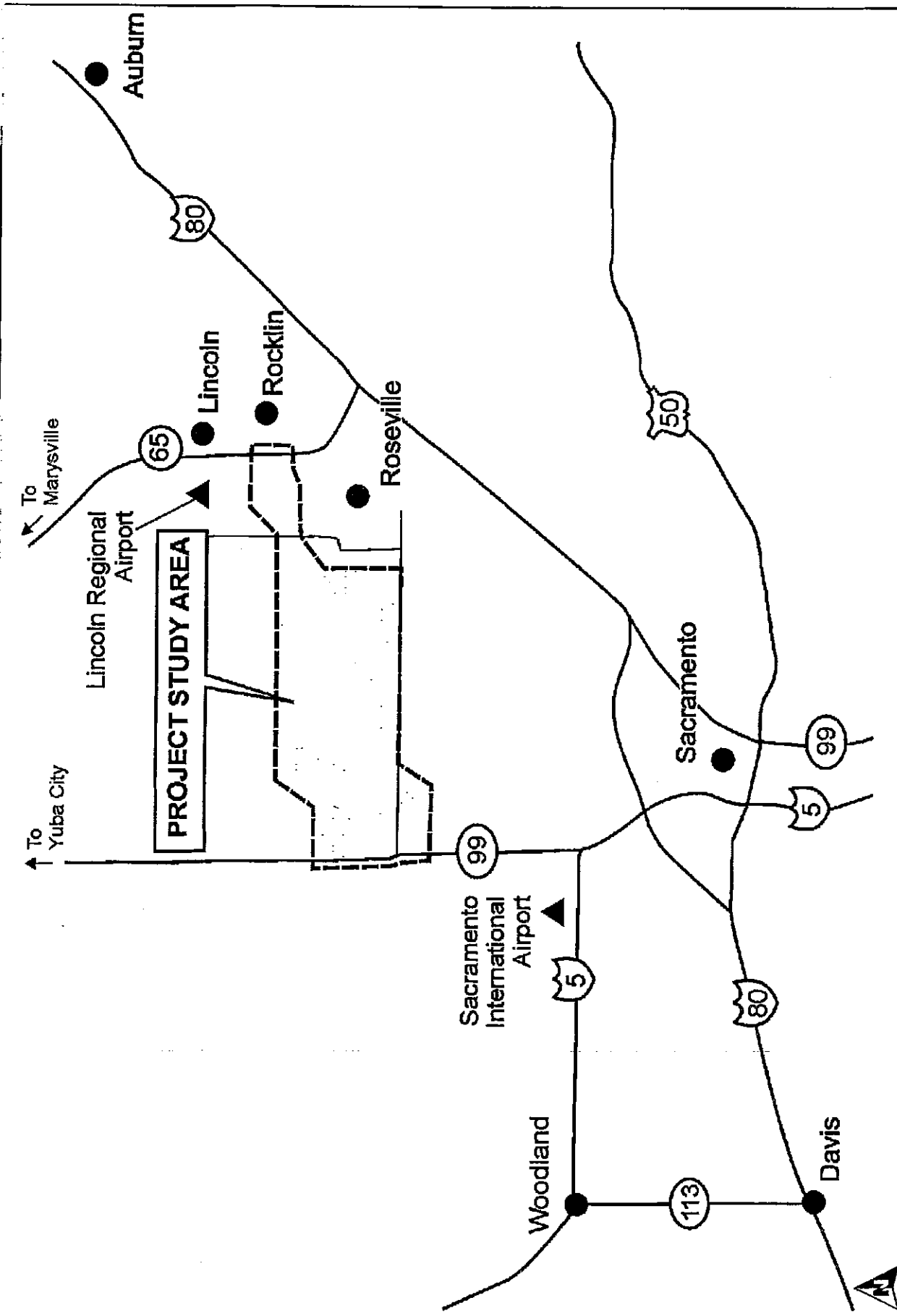
Sincerely,

A handwritten signature in black ink that reads "Stan Tidman". The signature is written in a cursive style with a horizontal line above the name.

Stan Tidman, Senior Planner

ST:ss  
Enclosures

Copies: Celia McAdam, PCTPA Executive Director  
Denise Heick, URS Corporation



**Figure 1-1**  
August 2006

**Project Location**

Tier 1 EIS/EIR  
Hydrology and Floodplain  
Technical Memorandum



0 5  
Miles





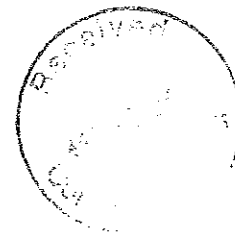
*Serving Sutter and Yuba Counties*

April 30, 2007

Doug Libby, Senior Planner  
Sutter County Community Services Department, Planning  
1130 Civic Center Blvd.  
Yuba City, CA 95993  
dglabby@co.sutter.ca.us

938 14<sup>th</sup> Street  
Marysville, CA 95901  
(530) 634-7659  
FAX (530) 634-7660  
www.fraqmd.org

David A. Valler, Jr.  
Air Pollution Control Officer



**RE: NOTICE OF PREPARATION OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR SUTTER POINTE SPECIFIC PLAN PROJECT.**

Dear Mr. Libby,

The Feather River Air Quality Management District (District) appreciates the opportunity to comment on the above referenced project. The District's comments are recommendations regarding the analysis of potential air quality impacts from the proposed project that should be included in the Draft Environmental Impact Report (DEIR).

A detailed air quality analysis should be performed that considers emissions from both the Construction and Operational phases. Based on the size and geographic location, this project could significantly impact air quality in the nonattainment area of the District and project proponents are encouraged to incorporate all feasible mitigation measures to reduce emissions to less than significant levels.

Emissions from each phase of the project should be taken into consideration when performing the air quality analysis. Phases of development could be planned to reduce vehicle miles traveled, such as developing residential and employment villages simultaneously along with commercial centers. This may reduce the amount of emissions generated from vehicle miles traveled.

Project proponents may want to consider restricting wood burning fireplaces, in addition to Districts' Rule 3.17 regarding wood burning stoves, to reduce the PM<sub>2.5</sub> emissions during operational phase.

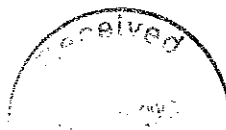
Transportation will be a significant air quality issue and should be thoroughly addressed. District recommends that designated funding for mass transportation or shuttle service be considered by developers.

Air District staff will be available to assist the project proponents or Lead Agency as needed. Please contact either Yachun Chow at (530) 634-7659 x202 or myself at x210.

Sincerely,

Sondra Andersson  
Air Quality Planner I





April 30, 2007

05274

VIA E-MAIL ([dglabby@co.sutter.ca.us](mailto:dglabby@co.sutter.ca.us)) U.S. MAIL

Mr. Doug Libby
Senior Planner
Sutter County Community Services Department, Planning
1130 Civic Center Boulevard
Yuba City, CA 95993

Re: Union Pacific Railroad Company's Comments on Notice of Preparation of Draft EIR for Sutter Pointe Specific Plan Project, SCH #2007032157

Dear Mr. Libby:

We represent Union Pacific Railroad Company ("UP"). By this letter, UP presents its comments in response to Sutter County's March 29, 2007 Notice of Preparation of a Draft EIR for the Sutter Pointe Specific Plan Project (the "Project").

The Project encompasses approximately 7,500 acres located approximately 2 miles northeast of the Sacramento International Airport. The existing land uses on the site are agricultural, consisting mostly of rice fields, and industrial, including a 50-acre Sysco Corporation warehousing and distribution center and a Holt Tractor Manufacturing Facility. The Project's eastern boarder along Natomas Road lies immediately adjacent to the track and right-of-way of UP's Sacramento Subdivision main line (the "Main Line"). While the physical boundaries of the site do not appear to include the Main Line, the Project proposes to substantially increase the population and to introduce new land uses, including housing, schools, parks and commercial buildings, in close physical proximity to UP's active rail line.

UP hereby brings to the County's attention a number of concerns regarding traffic, safety, noise, mechanical odors, and vibration. Based on our comments, below, UP respectfully requests that the County analyze these impacts associated with the Project's location near the Main Line and set forth adequate mitigation measures that reduce those impacts.

1. Background on UP

Many people know about UP's distinguished history. UP played a prominent role in the development of the first transcontinental railroad in the late 1860's. What many people do not know is that today, UP remains a significant owner of railroad property and a major freight transporter in the western two-thirds of the United States. In fact, UP is the largest railroad

company in North America.

Of particular relevance to the Project, UP owns a railroad track and right-of-way in and through Sutter County (the aforementioned Sacramento Subdivision main line) that very roughly parallels Natomas Road in close proximity to the east. At the present, approximately 18 freight trains use the Main Line on a daily basis. The maximum locomotive speed is 70 miles per hour.

Given UP's significant presence throughout Sutter County, UP takes great interest in the City's growth and improvement. It is with this perspective that UP respectfully submits the comments in this letter.

## 2. Sutter County and UP

Before addressing the Project specifically, we thought it might be helpful to comment, more generally, on the relationship between the Sutter County and UP. Given the apparent strong support for development in the County (especially the southern area), as shown by the passage of Measure M in November 2004, more and more people, cars, and trains will travel into and out of the County everyday over the coming decades. Accordingly, freeways and streets will experience more traffic over time, and we can expect that, as a result, increasing numbers of businesses and people will rely on rail services to bypass congested roadways. Thus, it would seem to be in the County's best interest to take affirmative steps now that will protect and enhance those rail lines and services, so that they will continue to serve the County, its residents, and its economy effectively and efficiently in the near and distant future.

At the risk of stating the obvious, development near the UP Main Line in Sutter County can negatively impact rail services and create unintended consequences that are in neither UP's nor the County's best interests. New offices, retail establishments, housing, and other land uses predictably will attract more cars and pedestrians to the areas around the UP track. Cars and pedestrians must cross the UP lines at-grade crossings, and people may trespass onto the railroad right-of-way as well. In addition to the obvious safety concerns of which UP remains vigilantly aware, these factors also have the result that trains may be forced to proceed more slowly through the County, and/or to make more frequent emergency stops, which makes rail service less effective and efficient. In the event of train slow-downs or stoppages, train cars may be forced to block at-grade roadway intersections, causing traffic disruptions. Moreover, the interaction of people and trains may make people all the more aware of the natural and unavoidable features of rail service, including noise, mechanical odors and vibration.

Ever realistic, UP recognizes that as Sutter County continues to grow and thrive, new development and redevelopment is likely to continue to occur on sites near the UP Main Line. In general, UP requests that the County mitigate the impacts of new development on UP's rail services by requiring appropriate and adequate mitigation measures. Those measures will, necessarily, vary depending upon the nature of each proposed project. Possible mitigation measures include, for example, requiring grade-separated roadway bridges and sidewalks where

it is necessary for vehicles and people to cross the UP lines, sound walls, fences and other barriers, and public education. UP would welcome the opportunity to work collaboratively with County officials and staff to develop long-range public policies to help guide new development near the UP lines, with the goal of avoiding or reducing negative impacts.

### 3. Traffic

Many of the concerns specific to this Project, including, but not limited to, a concern about traffic, arise from the associated increase in population within the close proximity of the UP Main Line. The Project proposes to develop on the 7,500-acre site, which currently consists of agricultural and industrial uses, a maximum of 17,500 residential dwelling units, approximately 3,600 acres of employment-generating uses, and a number of K-8 and high schools, parks and open space, and other community facilities. As noted, the UP Main Line runs just outside the Project's eastern boarder of Natomas Road. This new development therefore necessarily will result in a significant increase in population within the vicinity of the UP tracks. A natural consequence of the increased population will be an increase in traffic volumes not only on Natomas Road, but also through existing at-grade rail crossings, including at Riego and Sankey Roads. Additional vehicle trips and traffic congestion could also negatively impact at-grade rail crossings in the area by increasing the chance of train-vehicular conflicts, thereby raising an obvious safety issue.

In addition to impacts on traffic caused by this Project, there are likely to be cumulative traffic impacts in this area due to another nearby project that is currently under environmental review in Placer County, known as the Placer Vineyards Specific Plan Project ("Placer Vineyards Project"). Specifically, the Placer Vineyards Project is located in the southwest corner of Placer County, bounded on the north by Baseline Road (a continuation of Riego Road), on the south by Sacramento-Placer County line, on the west by the Sutter-Placer County line, and on the east by Dry Creek and Walerga Road. It is estimated that Placer Vineyards will have a population of approximately 33,000 people, 434 acres of employment centers, 166 acres of retail commercial centers and approximately 920 acres of new parks and open space. A natural consequence of the increased population will be an increase in traffic volumes within the vicinity generally and, in particular, across the existing at-grade crossing of Riego Road, in order for people to travel between the two project areas and to access SR 99.

UP urges the County to analyze the Project's impacts on traffic in the Draft EIR inasmuch as they relate to rail safety and operations along the lengths of the right-of-way, including Natomas Road, and traffic flow at at-grade railroad crossings, including at Riego and Sankey Roads. UP's operations must not be affected by greater traffic and potential congestion at at-grade crossings and, thus, adequate mitigation measures (such as, ideally, grade-separated crossings) should be implemented.

#### 4. Pedestrian Safety

The addition of this large, new residential population near the UP Main Line creates concerns not only about traffic but also about pedestrian safety. Although some employees are already present on the neighboring commercial and industrial sites, residents differ significantly from employees both in terms of their habits and the times of days when they are present. Residents, more than employees, tend to walk in the neighborhoods in which they live. They tend to stroll, walk their dogs, and go jogging—activities in which current employees are far less likely to engage in the rice fields and industrial facilities surrounding their workplaces. Residents walk and jog not only during weekdays, but also at night and on weekends. In addition, because seniors and children spend more time at home than most adults, and because they are less likely to have the ability to drive or have access to a car, seniors and children would be expected to make up a large proportion of the pedestrians in the Project area.

*As noted, the UP Main Line is located immediately adjacent to the eastern boarder of the site, running along Natomas Road and crossing Riego and Sankey Roads at grade. As a result, residents living on the site can be expected regularly come within close proximity to the track and traverse the at-grade crossing. This is of particular concern for the Project considering that the proposed land uses designated in tracks of land immediately adjacent to the UP Main Line include medium to low density residential housing, four neighborhood parks, and two K-8 schools.*

The County should closely analyze pedestrian safety and set forth appropriate mitigation measures. Specifically, the County should consider requiring the developer to install grade-separated pedestrian walkways or an entire grade-separated roadway across the Main Line. Other possible mitigation measures that the County should consider include, but are not limited to, solid barriers (for example, walls, as opposed to fencing, to manage pedestrians and vehicles), pedestrian gates, pavement markings, and signs.

#### 5. Trespassing

The anticipated increase in population and pedestrian traffic also brings the increased risk of trespassing onto UP's right-of-way. The development of housing, schools, and parks near the right-of-way can result in more individuals, particularly children, walking onto the track or engaging in mischief that could pose serious safety concerns and interfere with rail service. Some residents could decide to trespass onto the right-of-way, either as a shortcut for reaching their destination or for the purpose of extending their walks or jogs. UP generally disfavors the location of pedestrian trails and uses adjacent to its tracks and therefore any trails or pedestrian uses adjacent to or in close proximity of UP's tracks that may be currently under consideration should be highly discouraged.

The Draft EIR should study the location of these uses, including housing, schools, parks, and any proposed pedestrian trails, from a safety perspective, and the increased likelihood of

trespassing on the Main Line. Possible mitigation measures include relocating such land uses far away from the tracks where possible, setbacks and buffers, the installation of sound walls or other barrier fencing along the full lengths of the right-of-way, "no trespassing" signs, railroad safety education programs, and planning for safe transportation routes to schools, entertainment, shopping, and recreational facilities.

#### 6. Noise

It is well-known that UP's rail operations generate the noise one would expect from an active railway. Given that the Project is located approximately 2 miles from the Sacramento International Airport, aircraft departing from and arriving at this Airport is also likely to generate noise. The Project is therefore likely to expose new residents to these existing noise conditions, and the Draft EIR should fully analyze these potential noise impacts. Possible mitigation measures include a condition of approval that requires the developer to disclose to the general public the daytime and nighttime noise levels naturally associated with UP's long-standing passenger and freight railroad uses adjacent to the Project. The County should also consider requiring appropriate noise mitigation measures, such as construction of sound barrier walls or landscape buffers, and/or use of sound-proofing materials and techniques in the Project.

#### 7. Mechanical Odor

It is well known that train locomotives not only generate noise but also may emit mechanical odors. Other existing land uses in and around the site include industry and commerce, and such land uses also are typically associated with mechanical odors, thereby potentially resulting in cumulative impacts that some people in the area may notice. The County should therefore analyze these potential impacts in the Draft EIR and implement adequate mitigation measures.

#### 8. Vibration

Finally, it is well-known that UP's rail operations, as well as passenger trains, generate vibration normally associated with an active railway. Given that the Project is located within a relatively short distance from Sacramento International Airport, aircraft departing from and arriving at this Airport is also likely to generate vibration. The Project is therefore likely to expose new residents to existing vibration and the Draft EIR should analyze this possible impact. Possible mitigation measures include a condition of approval that requires the developer to disclose to the general public this pre-existing and predictably-occurring vibration, as well as construction and design techniques (e.g., trenching and/or floating floors) that absorb and/or minimize interior vibration.

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Doug Libby, Senior Planner  
April 30, 2007  
Page Six



UP appreciates this opportunity to comment on the NOP for this Project and hopes that the County, as lead agency, gives due consideration to the above concerns. On UP's behalf, we would welcome the opportunity to sit down together with County officials and staff to discuss this Project as it progresses or any other project that may relate to UP's property or operations within Sutter County. Such a discussion would afford UP and the County the opportunity to work in collaboration to ensure that the Project and all future development near UP lines are compatible with the rail services that will continue to serve the County for years to come.

Please give notice to UP of all future developments with respect to this Project and any proposed transportation improvements in the vicinity as follows:

Mr. Terrel Anderson  
Manager of Industry and Public Projects  
Union Pacific Railroad Company  
10031 Foothills Boulevard  
Roseville, California 95747-7101

With a copy to:

Lisa M. Carvalho, Esq.  
Shirley Jackson, Esq.  
Steeffel, Levitt & Weiss  
One Embarcadero Center, 30<sup>th</sup> Floor  
San Francisco, California 94111.

Please do not hesitate to contact our office if you would like to schedule a meeting with UP or have any questions. UP will monitor this project with interest.

Sincerely,

Shirley E. Jackson

cc: Lisa M. Carvalho, Esq.  
Mr. Terrel Anderson

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



April 24, 2007

Doug Libby  
Sutter County  
1130 Civic Center Boulevard, Suite E  
Yuba, CA 95993



RE: Sutter Pointe Specific Plan, SCH# 2007032157

Dear Mr. Libby:

As the state agency responsible for rail safety within California, we recommend that any development projects planned adjacent to or near the rail corridor in the County be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to railroad right-of-way.

Safety factors to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and appropriate fencing to limit the access of trespassers onto the railroad right-of-way. Any project that includes a modification to an existing crossing or proposes a new crossing is legally required to obtain authority to construct from the Commission. If the project includes a proposed new crossing, the Commission will be a responsible party under CEQA and the impacts of the crossing must be discussed within the environmental documents.

Of specific concern is the impact from increased traffic on the existing at-grade highway-rail crossings at Riego and Sankey Roads.

The above-mentioned safety improvements should be considered when approval is sought for the new development. Working with Commission staff early in the conceptual design phase will help improve the safety to motorists and pedestrians in the County.

If you have any questions in this matter, please call me at (415) 703-2795.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kevin Boles".

Kevin Boles  
Environmental Specialist  
Rail Crossings Engineering Section  
Consumer Protection and Safety Division

cc: Terrel Anderson, Union Pacific Railroad  
Lisa Carvalho, Steefel, Levitt & Weiss



April 30, 2007

Mr. Doug Libby, Senior Planner  
Sutter County Community Services Department, Planning  
1130 Civic Center Boulevard  
Yuba City, CA 95993

Subject: Notice of Preparation of a Draft Environmental Impact Report for the Sutter Pointe Specific Plan Project  
AQMD Number: SAC200601052

Dear Mr. Libby:

Thank you for submitting the NOP for the Sutter Pointe Specific Plan Project (Specific Plan) to the Sacramento Metropolitan Air Quality Management District (District) for review. District staff comments follow.

In September of last year, District staff submitted comments (Attachment A) on the Specific Plan document. District staff requests that our original concerns noted in the letter, especially those regarding circulation and transit financing, be addressed in the DEIR.

Specifically, District staff recommends an analysis of the consistency of the Specific Plan with the SACOG's Blueprint Preferred Scenario (Blueprint). Such an analysis should include a detailed phasing plan to ensure that the employment opportunities become available at the same time that the housing is built.

Regarding operational emissions, District staff recommends that an air quality mitigation plan (AQMP) be developed to reduce those emissions. The AQMP should be developed in close coordination with the Feather River Air Quality Management District (FRAQMD). If the Specific Plan is not consistent with the Blueprint, and therefore inconsistent with the Sacramento Region's State Implementation Plan, District staff recommends an AQMP which would mitigate 100 percent of the Specific Plan's operational emissions. If the Specific Plan is partially consistent with the Blueprint, we recommend the development of 100% air quality mitigation for that portion of the Specific Plan which is inconsistent. FRAQMD's standard operational mitigation value should be applied for the remainder of the project that is consistent with the Blueprint.

Regarding construction impacts, District staff recommends that a construction mitigation plan be required, based on the requirements of FRAMQMD.

Finally, due to a growing awareness of global warming and climate change, an analysis of the project's greenhouse gas emissions should be included and appropriate mitigation measures should be identified.

Again, thank you for the opportunity to provide comments on the Sutter Pointe Specific Plan NOP. Please do not hesitate to contact me at 916.874.4876 or [rdubose@airquality.org](mailto:rdubose@airquality.org) if you have any questions regarding this letter.

Sincerely,



Rachel DuBose  
Assistant Air Quality Planner/Analyst

C: Larry Robinson, Sacramento Metropolitan Air Quality Management District  
Larry Greene, Sacramento Metropolitan Air Quality Management District  
Ron Maertz, Sacramento Metropolitan Air Quality Management District  
Sondra Andersson, Feather River Air Quality Management District

Mr. Douglas Libby, AICP  
Community Services Department  
1130 Civic Center Boulevard  
Yuba City, CA 95993

September 12, 2006

Dear Mr. Libby:

Thank you for referring the Draft Sutter Pointe Specific Plan to the Sacramento Metropolitan Air Quality Management District (SMAQMD) for review and comment. The development of this Specific Plan area will have a significant impact on air quality. Based upon our initial review, we believe the Specific Plan could be improved in a number of important areas related to air quality.

The Specific Plan should contain specific air quality objectives. The Specific Plan should also demonstrate consistency of the Plan with SACOG's Blueprint. SACOG's Blueprint will be used as the basis for projections for the 8-hour State Implementation Plan which is due next year. Any discrepancies could further aggravate the project's significant air quality impact, while consistency will reduce the air quality impact and the mitigation required.

California Government Code Section 65451 indicates that the Specific Plan text will include standards for the conservation of natural resources, i.e. air quality, and a program of implementation measures to carry out those standards. We believe that it is critical that the Specific Plan include an Air Quality Plan to carry out this mandate. This Air Quality Plan should be prepared in close coordination with the Feather River Air Quality Management District (FRAQMD) and should demonstrate, in a comprehensive fashion, how the project will conserve air quality in the region. This Plan should also lay out a format for projects that will help them to be consistent and make review by the FRAQMD modest and timely.

The Land Use Plan and the Phasing Plan should demonstrate a jobs-housing balance, both physically and temporally, to reduce air quality impacts. Developing the housing before the jobs are available would generate a significant increase in vehicle miles traveled as residents travel to remote employment sites. This situation would further exacerbate the projects air quality impacts.

The Mobility Plan is lacking in detail, particularly as it relates to public transportation. The Specific Plan should specifically identify what public transportation is planned, and when it will be implemented. The Financing Plan must include financing of the public transportation system. Without an identified appropriate funding mechanism, the public transportation system will not become reality. Moreover, having a financing plan can jump start a transportation management association for the area which can assist residents and businesses with choose alternate modes of transportation.

The above comments should not be considered as an endorsement of the project by the SMAQMD. If you have any questions, I can be reached at 916-874-4882 or [rmaertz@airquality.org](mailto:rmaertz@airquality.org).

Sincerely,

*Ron Maertz*

Ron Maertz

Special Projects

cc: Yachun Chow, FRAQMD



**Community Development**  
311 Vernon Street  
Roseville, California 95678-2649



April 30, 2007

Sutter County Community Services Department  
Attn: Doug Libby, Senior Planner  
1130 Civic Center Boulevard  
Yuba City CA 95993

*Via: Standard and Electronic Mail*

*Page 1 of 2*

**Subject: *Comments on the NOP for the Sutter Pointe Specific Plan Project***

Dear Mr. Libby:

Thank you for the opportunity to review the Notice of Preparation for the Sutter Point Specific Plan project. The City of Roseville has reviewed the NOP for the proposed project and would like to offer the following comments:

**Transportation**

1. Prior to the initiating the technical studies for the EIR, our Public Works staff would like to meet with Sutter County staff to discuss an appropriate approach for identifying potential traffic impacts on the City of Roseville's transportation system from the Sutter Pointe Specific Plan.
2. The Placer County Transportation Planning Agency (PCTPA), in cooperation with affected stakeholders, has initiated the preparation of a Draft Tier 1 Environmental Impact Report/Environmental Impact Statement (EIR/EIS) document for the purposes of preserving a corridor for the eventual construction of the Placer Parkway. An extensive technical and public review process has been on-going in an effort to identify a reasonable number of potential alternative alignments to take forward in the Draft Tier 1 EIR/EIS. The Sutter Pointe Specific Plan EIR should consider the proposed Placer Parkway alignments and address any conflicts the proposed Specific Plan may have with these alignments that could preclude (or affect) the ability for the Parkway to be constructed.
3. South Placer County jurisdictions have been working through the South Placer Regional Transportation Authority (SPRTA) to approve a new transportation-impact fee for new development to help fund the construction of Placer Parkway. As approximately 1/3<sup>rd</sup> of Placer Parkway will be located in Sutter County, there will be significant benefit to the Sutter Pointe development area. Sutter County should coordinate directly with PCTPA to participate in the funding strategy for Placer

Parkway to help offset the regional transportation impacts associated with the Sutter Pointe Specific Plan.

#### **Parks and Recreation**

4. The discussion in the NOP seems to address the construction of park facilities in the Specific Plan area. However, the City of Roseville Parks and Recreation Department requests that financing for ongoing recreation programs also be addressed in the DEIR.

#### **Libraries**

5. The NOP states that the Sutter Pointe development will be required to pay for library facilities (page 5) and for library services, without reducing current service levels (page 6). At present Sutter County has one library facility and four stations throughout the County. A development of this size should result in a branch library facility being constructed as the plan builds out and as future residents require library services within this area. On behalf of the Roseville Public Library, we ask that the DEIR include appropriate mitigation so that development of the plan will finance both library facilities and library services, in a manner that keeps pace with the County's increasing population.

#### **Fire**

6. The City of Roseville does not anticipate a significant impact from the project to the Roseville Fire Department. However, there could potentially be an impact on services given an increase in mutual aid requests. The project should provide and plan for fire protection services at an urban level. The Draft EIR should analyze any impacts to surrounding jurisdictions for Fire Protection.

Thank you for consideration of the above comments. If you have any questions please contact me at 916/774-5334.

Sincerely,

  
Mark Morse  
Environmental Coordinator

Sutter County  
Community Services

1130 Civic Center Boulevard  
Yuba City, CA 95993



Animal Control · Building Inspection · Emergency Services · Environmental Health · Fire Services · Planning

## Sutter Pointe Specific Plan

Environmental Impact Report (EIR) Scoping Meeting  
April 19, 2007

We encourage you to share your thoughts and opinions with us regarding the scope of the environmental review to be completed for the Sutter Pointe Specific Plan.

Name: Rita McCurley

Address, City, Zip: 124 Wilson Ave

Phone: 916 519-5662 Email: vibrissae7@comcast.net

Questions/Comments: 1) Build bypass to free up traffic on Highway  
99. 2) Build another route from Sutter Pointe to  
Roseville. 3) Provide training + job opportunities  
(Professional / Non-Professional) to senior citizens. 4)  
Make sure Sutter Pointe benefits Sutter County taxpayers  
and not just become another bedroom community for  
taxpayers in Sacramento County. 5) Complete traffic +  
road improvements on Highway 99 leading into Sutter Pointe  
southbound before implementing construction phase of  
Sutter Pointe.

For more information, please visit the project website or contact the project proponent:

[www.sutterpointe.com](http://www.sutterpointe.com) + [info@sutterpointe.com](mailto:info@sutterpointe.com) + (530) 660-2154

You may also visit the County website at [www.suttercounty.org](http://www.suttercounty.org)  
and follow the "Measure M" link.

County Executive  
Terry Schutten

Sacramento County  
Airport System  
G. Hardy Acree, Director of Airports



## County of Sacramento

Sacramento International Airport  
Mather Airport  
Executive Airport  
Franklin Field

April 24, 2007



Doug Libby  
Senior Planner  
Sutter County Community Services Department, Planning  
1130 Civic Center Boulevard  
Yuba City, CA 95993

Subject: Comments on Notice of Preparation (NOP) of a Draft EIR – Sutter Pointe Specific Plan Project

Dear Mr. Libby:

This letter conveys the comments of the Sacramento County Airport System (County Airport System) in response to the NOP issued by your office on March 29, 2007. Our comments focus on three areas:

- The relationship between the components of the Master Plan for Sacramento International Airport (Sacramento International) and the proposed Sutter Pointe Specific Plan Project (Project);
- The potential impact of aircraft noise resulting from increased operations at Sacramento International; and
- The potential impact on the Project resulting from future potential aircraft operations at McClellan Airport, which is managed by the County Airport System on behalf of the County of Sacramento Department of Economic Development and Intergovernmental Affairs (DEDIA).

### **Sacramento International Airport (SMF) Master Plan**

In February 2004 the Sacramento County Board of Supervisors accepted the draft Master Plan for Sacramento International (Master Plan), and directed initiation of an environmental analysis of the plan pursuant to the California Environmental Quality Act (CEQA). The Master Plan identifies projected growth in enplaned passengers and flight operations through the year 2025, and describes capital projects that will be implemented through the year 2020 and beyond. Table 1 at the end of this letter summarizes the projected growth in commercial passenger enplanements and aircraft operations respectively at SMF, based on anticipated annual average growth rates of 3.52 percent for passenger enplanements and 2.39 percent annually for aircraft operations.



The NOP section titled "Project Location and Regional Setting" describes a number of proposed projects in the Natomas Basin, but fails to reference the Sacramento International Master Plan. The County of Sacramento therefore suggests that the Project's CEQA analysis will be incomplete unless potential impacts of the the SMF Master Plan are thoroughly examined.

#### East Runway Extension

Sacramento International features two parallel runways, each 8,600 feet in length and oriented in a north-south direction. To accommodate the projected demand for intercontinental flights, the Master Plan specifies that the east runway (16L/34R) will be extended by 2,400 feet, to a total length of 11,000 feet. The Master Plan assumes that the extension will be balanced between the north and south ends of the east runway, but the Federal Aviation Administration (FAA) has preliminarily indicated that it is likely to require that the entire extension be constructed on the north end of Runway 16L/34R. This extension would position the end of the runway almost a half-mile closer to the Project, and would result in an aircraft angle of approach that would bring aircraft close to the low and medium density housing proposed for the east side of State Route 99/70. It is possible that most—if not all—of the proposed maximum of 17,500 residential dwelling units would therefore be exposed to aircraft overflights. In addition, commuting patterns between the Project and Sacramento International would be potentially impacted by the northward relocation of Elverta Road that would be necessitated by the "all north" extension of the east runway. The enclosed exhibit (Plate A-5 in the SMF Master Plan DEIR) depicts the "all north" alternative for increasing the length of Runway 16L/34R.

#### Draft EIR for Sacramento International Master Plan

In late March the Draft Environmental Impact Report for the Sacramento International Airport Master Plan was issued by the County of Sacramento Department of Environmental Review and Assessment (DERA). We suggest that the County of Sutter consult the airport DEIR for a detailed discussion of potential impacts resulting from the projected substantial growth in aviation activity at Sacramento International. The DEIR for the airport master plan is available at the DERA website, [www.dera.saccounty.net](http://www.dera.saccounty.net).

#### Downtown/Natomas/Airport Light Rail Line (DNA)

The NOP creates the impression that construction of the DNA line is imminent, when it is not. It is our understanding that Sacramento County Regional Transit does not expect the DHA line to reach Sacramento International until the year 2027. It is therefore unlikely that the DNA line would reach northward to the Project within any short-term time frame.

**Probable Noise Effects Resulting From the Proposed Project**

Based on current and historical experience, the Airport System's specific concern is related to single-event noise occurrences and the high probability of complaints from future homeowners in the Sutter Pointe residences due to aircraft overflights in the area.

Although the specific plan area is outside of the significant noise exposure areas of both Sacramento International Airport and McClellan Air Field, the EIR should address the presence of large aircraft overflights and the magnitude of single aircraft noise events in the area. Approval of this project would facilitate residential and other noise-sensitive development below the flight tracks of aircraft using both Sacramento International Airport and McClellan Air Field, resulting in potentially negative effects on human health and well-being including speech and sleep disturbance.

Over time, the number of aircraft overflying this site will increase as both Sacramento International Airport and McClellan Air Field continue to grow. The Federal Aviation Administration (FAA) has total control over aircraft flight routes. The Airport System is unaware of any FAA plans to alter these routes, and it is highly speculative that the FAA would alter these routes in the future.

Although aircraft manufacturers have significantly reduced the noise levels of new aircraft over the past 20 years and airlines work hard to reduce noise impacts, aircraft noise remains an unwanted byproduct of aircraft operations. The County Airport System does its part to minimize aircraft noise by working with aircraft operators, air traffic controllers, and concerned citizens to ensure the airport operates in as quiet a manner as possible.

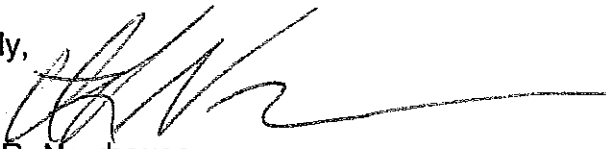
The Airport System recommends any Sutter Pointe approval action include the following conditions: A disclosure of aircraft overflight and noise impacts with the initial sale of homes; and, the execution of a similar disclosure which would attach to the property and remain in title with subsequent property transfers to ensure adequate disclosure of the potential single noise event impacts this area would receive.

**McClellan Airport**

A number of aircraft operations currently occur at McClellan, including those of the United States Coast Guard, California Department of Forestry (CDF), Sacramento Metro Fire District, and several flight schools and aircraft charter companies. This includes military aircraft, executive jets, helicopters, and general aviation aircraft. Aircraft operations at McClellan likewise are expected to increase in the future. The main runway at McClellan is oriented in a north/south direction. Aircraft approaching and departing this runway to/from the north will come very close to the proposed residential development proposed in the Project plans specifications.

Thank you for the opportunity comment on the DEIR for the Sutter Pointe Specific Plan Project. Questions may be directed to me at the telephone number and email address listed below.

Sincerely,



Monica R. Newhouse  
Manager – Planning and Environment  
916-874-0704  
[newhousem@saccounty.net](mailto:newhousem@saccounty.net)

Enclosure: Plate A-5 – All North Runway Extension Alternative

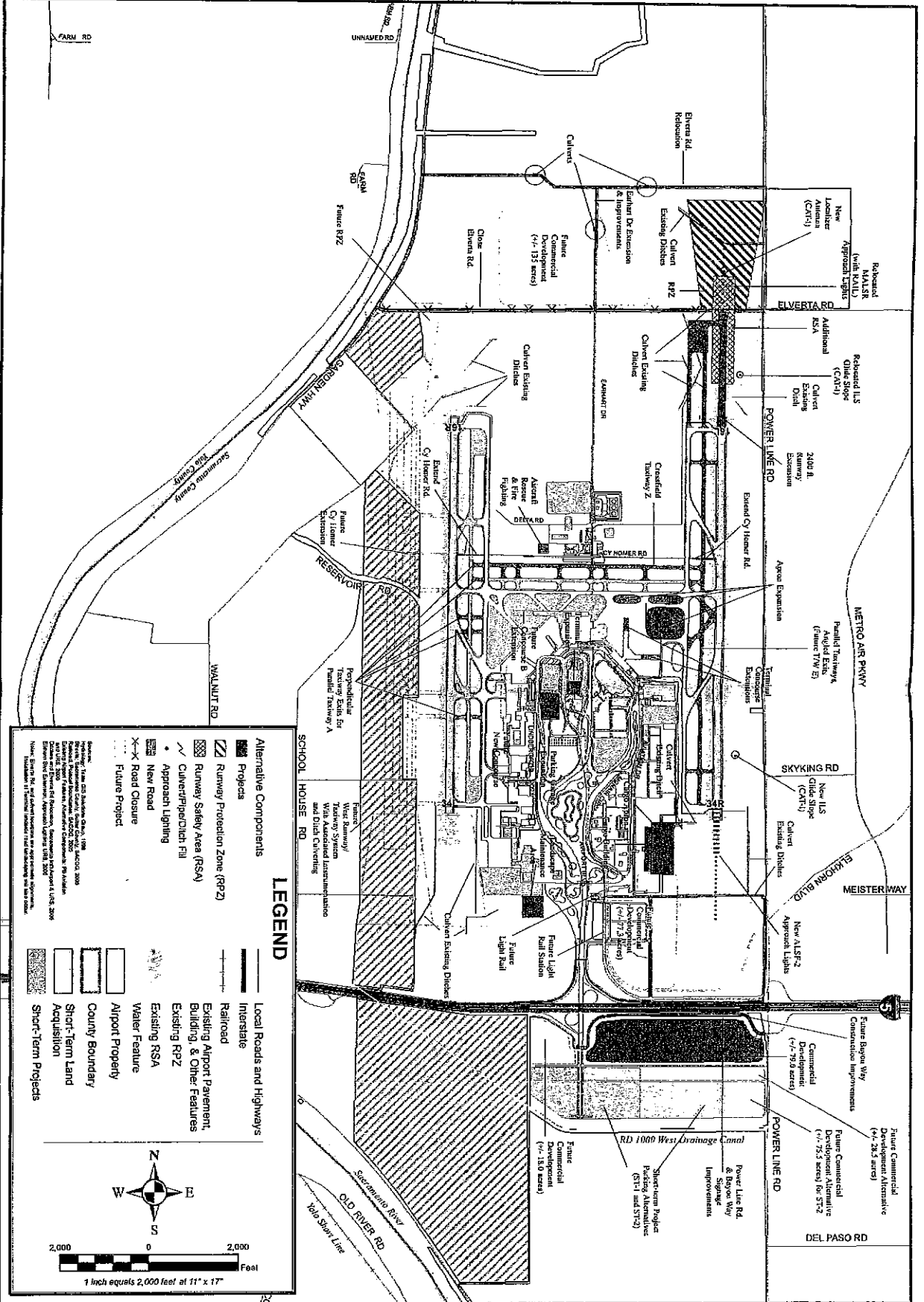
**Table 1**  
**Aircraft Operations and Enplanements – FAA TERMINAL AREA FORECAST**  
**Sacramento International Airport (SMF)**

Year	Annual Aircraft Operations	Annual Commercial Passenger Enplanements
2005 <sup>(1)</sup>	167,763	5,104,404
2010	185,685	5,783,416
2015	209,180	6,875,472
2020	234,697	8,174,485
2025	263,548	9,719,831

Source: Federal Aviation Administration, *Terminal Area Forecast (TAF)*, issued February 2006.  
<sup>(1)</sup> 2005 data is actual as reported by SMF.

Note: this table assumes the following annual average growth rates between 2005 and 2020:  
passenger enplanements, 3.52%; aircraft operations, 2.39%.

C: Robert B. Leonard, Chief Operating Officer  
Lisa J. Stanton, Chief Administrative Officer  
Greg Rowe, Senior Environmental Analyst





**COUNTY OF PLACER**  
**Community Development Resource Agency**

**ENVIRONMENTAL  
COORDINATION  
SERVICES**

John Marin, Agency Director

Gina Langford, Coordinator

**FACSIMILE COVER SHEET**

**TO:** Doug Libby

**FAX #** 530-822-7109

**FROM:** Peg Rein, Secretary

**DATE:** April 30, 2007

**SUBJECT:** Sutter Point Specific Plan, NOP

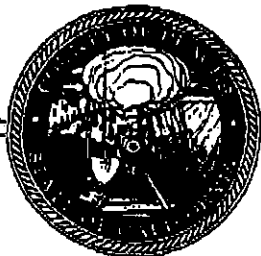
**PAGE # INCLUDING THIS COVER SHEET** 4

**MESSAGE:**

Dear Mr. Libby,

The following are our comments from Placer County staff regarding the Sutter Pointe Specific Plan Project. I do not expect further comments from our staff at this time. Should they come in, I shall forward them to you promptly.





**COUNTY OF PLACER**  
**Community Development Resource Agency**

**ENGINEERING &  
SURVEYING**

**MEMORANDUM**

**TO: MAYWAN KRACH, ECS** **DATE: APRIL 26, 2007**

**FROM: PHILLIP A. FRANTZ, ESD ~ ENGINEERING & SURVEYING DEPARTMENT**

**SUBJECT: SUTTER POINT SPECIFIC PLAN ~ NOP**

---

Thank you for the opportunity to review the above-mentioned project for concerns relating to Placer County. After reviewing the submitted information, the Community Development Resource Agency ~ Engineering & Surveying Department and the Department of Public Works offer the following comments for your consideration regarding the proposed project:

1. The Specific Plan (SP) should describe how the future Placer Parkway will be incorporated into the land use plan. The alternative alignments and proposed interchanges should be shown in the SP and the impacts analyzed in the EIR. The EIR should discuss how construction of the road and interchanges will be funded. The Project should construct a new roadway along the Placer Parkway alignment within the Project. The Project should dedicate the right-of-way necessary for Placer Parkway within the Project.
2. Base Line Road has been designed as a high speed thoroughfare with few intersections and no driveways to accommodate the projected high volumes of traffic. The traffic analysis should examine the impacts to Riego Road and Base Line Road within Placer County of utilizing a similar design standard.
3. The traffic analysis should include impacts and mitigations to Riego Road, between the Project and Sutter/Placer County line.
4. The traffic analysis needs to examine impacts to Placer County roads from vehicles traveling from Sutter County and Sutter Pointe through Placer County to access roads leading into Roseville and Sacramento County. Roads to be included in this analysis are Base Line Rd., Watt Ave., Walerga Rd., Locust Rd., Brewer Rd., Sunset Blvd. West., E. Catlet and Moore Rd.
5. The traffic analysis needs to examine the need for, and provision of, additional east-west roadways providing access into Placer County.
6. The Placer Vineyards project will be installing an ITS system in conjunction with road improvements within Placer County. The EIR should examine how this system could be extended and/or interconnected with a similar system along Riego Road or other connecting roadways within Sutter Pointe or Sutter County.

**Memo to Maywan Krach**  
**Re: Sutter County ~ Sutter Pointe Specific Plan**  
**April 26, 2007**  
**Page 2 of 2**

7. The EIR should examine the existing and future conditions at the Riego Road RR crossing and potential impacts to vehicles traveling within Placer County.
8. The EIR and Specific Plan should show how bicycle and pedestrian facilities can be extended or connected between the Project, Placer County and Sacramento County.
9. The Project should provide a finance plan that addresses funding for identified road mitigation improvements and impacts, both within the Project and in Placer County. If the project development will be phased, show how proposed mitigation measures will be phased and what will trigger implementation of mitigation. If mitigation measures identify fair share contributions to outside agencies, identify how the developer and County intend to collect and distribute these contributions.
10. Transit: The EIR should address what internal, regional and commuter transit services the Project will provide. What transit facilities will the Project provide to encourage and facilitate use of transit or other alternative forms of transportation? How will the proposed transit systems integrate with existing or proposed systems in adjacent communities? What levels of service will be provided? Are they comparable with systems in adjacent communities? If not, will residents drive to adjacent communities to utilize commuter transit systems? How will transit system funding for operations and maintenance be provided?

cc: Andrew Gaber, DPW ~ Transportation Division

Ref: sutter county nop sutter pointe specific plan project.doc



**PLACER COUNTY  
FLOOD CONTROL AND WATER CONSERVATION DISTRICT**

Ken Grehm, Executive Director  
Brian Keating, District Engineer  
Andrew Darrow, Development Coordinator

April 5, 2007

Maywan Krach  
Placer County  
Community Development Resource Agency  
3091 County Center Drive  
Auburn, CA 95603

**RE: Sutter Pointe Specific Plan / NOP of a Draft EIR**

Maywan:

We have reviewed the Notice of Preparation for the Sutter Pointe Specific Plan Draft EIR and have the following comments.

The proposed development has the potential to create the following impacts:

- a.) Increases in peak stormwater runoff discharging into the Natomas East Main Drainage Canal.
- b.) Increases in stormwater runoff volume discharging into the Natomas East Main Drainage Canal.
- c.) Increases in backwater that could impact the actual or designed capacity of existing stormwater and flood-carrying facilities within Placer County (i.e. Browning Street and Sankey Road areas).
- d.) The alteration of 100-year floodplain limits within Placer County.

Future EIRs must specifically quantify the incremental effects of each of the above impacts due to the proposed project, and must propose mitigation measures where appropriate.

Please call me at (530) 745-7541 if you have any questions regarding these comments.

A handwritten signature in black ink, appearing to read 'Andrew Darrow', written over a horizontal line.

Andrew Darrow, P.E.  
Development Coordinator

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**DEPARTMENT OF TRANSPORTATION**

DIVISION OF AERONAUTICS – M.S.#40

1120 N STREET

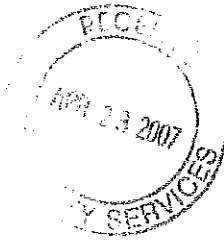
P. O. BOX 942873

SACRAMENTO, CA 94273-0001

PHONE (916) 654-4959

FAX (916) 653-9531

TTY (916) 651-6827

*Flex your power!  
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April 17, 2007

Mr. Doug Libby  
Sutter County Community Services  
1130 Civic Center Boulevard  
Yuba City, CA 95993

Dear Mr. Libby:

Sutter County's Notice of Preparation of a Draft Environmental Impact Report for Sutter Pointe Specific Plan; SCH# 2007032157

The California Department of Transportation (Caltrans), Division of Aeronautics (Division), reviewed the above-referenced document with respect to airport-related noise and safety impacts and regional aviation land use planning issues pursuant to the California Environmental Quality Act (CEQA). The Division has technical expertise in the areas of airport operations safety, noise and airport land use compatibility. We are a funding agency for airport projects and we have permit authority for public and special use airports and heliports.

Sutter Pointe Specific Plan is an approximately 7,500-acre project that will result in five residential and mixed-use development phases and five employment center development phases anticipated to occur over a 30-year time frame. The project site is located just north of Sutter County boundary line, approximately 4,000 feet northeast of the Sacramento International Airport. Sacramento International is an active airport with approximately 139,700 annual operations anticipated by the year 2020.

Due to its proximity to the airport, the project site may be subject to aircraft overflights and subsequent aircraft-related noise and safety impacts. Airport-related noise, safety and land use concerns should be thoroughly addressed in the Draft Environmental Impact Report (DEIR).

Protecting people and property on the ground from the potential consequences of near-airport aircraft accidents is a fundamental land use compatibility-planning objective. While the chance of an aircraft injuring someone on the ground is historically quite low, an aircraft accident is a high consequence event. To protect people and property on the ground from the risks of near-airport aircraft accidents, some form of restrictions on land use are essential. The two principal methods for reducing the risk of injury and property damage on the ground are to limit the number of persons in an area and to limit the area covered by occupied structures. The potential severity of an off-airport aircraft accident is highly dependent upon the nature of the land use at the accident site.

A portion of the project site is located within the 60 decibel Community Noise Equivalent Level contour for Sacramento International Airport. Sound insulation, buyer notification and aviation easements are typical noise mitigation measures. These measures, however, do not change exterior aircraft noise levels and are not a substitute for good land use compatibility planning for new development. It is likely that some future homeowners and tenants will be annoyed by aircraft noise in this area.

In accordance with CEQA, Public Resources Code Section 21096, the Caltrans Airport Land Use Planning Handbook (Handbook) must be utilized as a resource in the preparation of environmental documents for projects within airport land use compatibility plan boundaries or if such a plan has not been adopted, within two miles of an airport. The Handbook is a resource that should be applied to all public use airports and is available on-line at <http://www.dot.ca.gov/hq/planning/aeronaut/>.

Public Utilities Code, Section 21659 prohibits structural hazards near airports. In accordance with Federal Aviation Regulation, Part 77 "Objects Affecting Navigable Airspace" a Notice of Proposed Construction or Alteration (Form 7460-1) may be required by the Federal Aviation Administration (FAA). For further information or a copy of Form 7460-1, please refer to the FAA website [www.faa.gov](http://www.faa.gov).

The proposal includes several school sites. Education Code Section 17215 requires a school site investigation by the Division prior to acquisition of land for a proposed school site located within two miles of an airport runway. Our recommendations are submitted to the State Department of Education for use in determining acceptability of the site. The Division's school site evaluation criteria is available on-line at <http://www.dot.ca.gov/hq/planning/aeronaut/htmlfile/regulations.php>. This should be a consideration prior to designating residential uses in the vicinity of an airport.

Section 11010 of the Business and Professions Code and Sections 1102.6, 1103.4, and 1353 of the Civil Code address buyer notification requirements for lands around airports and are available on-line at <http://www.leginfo.ca.gov/calaw.html>. The law requires that any property located within an Airport Influence Area, as defined by local jurisdiction, be required to file an appropriate notice in order to properly alert prospective buyers of the existence of possible annoyances over the property caused by airport operations in the immediate area

Land use practices that attract or sustain hazardous wildlife populations on or near airports can significantly increase the potential for wildlife-aircraft collisions. The Federal Aviation Administration (FAA) recommends that landfills, wastewater treatment facilities, surface mining, wetlands and other uses that have the potential to attract wildlife, be restricted in the vicinity of an airport. FAA Advisory Circular (AC) 150/5200-33A entitled "Hazardous Wildlife Attractants on or Near Airports" addresses these issues. For further information, please refer to the FAA website [http://wildlife-mitigation.tc.faa.gov/public\\_html/index.html](http://wildlife-mitigation.tc.faa.gov/public_html/index.html).

The proposal should be consistent with the Sacramento International Airport Comprehensive Land Use Plan. To ensure consistency, the proposal should be submitted for review to the Airport Land Use Commission (ALUC), which is represented by the Sacramento Area Council of Governments (SACOG). The proposal should also be closely coordinated with Sacramento International Airport staff to ensure that the proposal will be compatible with future as well as existing airport operations.

Aviation plays a significant role in California's transportation system including the movement of people and goods within and beyond our State's network of over 250 airports. Aviation contributes nearly 9 percent of both total State employment (1.7 million jobs) and total State output (\$110.7

Mr. Doug Libby  
April 17, 2007  
Page 3

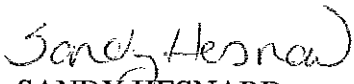
billion) annually. These benefits were identified in a study entitled "Aviation in California: Benefits to Our Economy and Way of Life" available on-line at <http://www.dot.ca.gov/hq/planning/aeronaut/>. Aviation improves mobility, generates tax revenue, saves lives through emergency response, medical and fire fighting services, annually transports air cargo valued at over \$170 billion and generates over \$14 billion in tourist dollars, which in turn improves our economy and quality of life.

The protection of airports from incompatible land use encroachment is vital to California's economic future. Sacramento International Airport is an economic asset that should be protected through effective airport land use compatibility planning and awareness. Although the need for compatible and safe land uses near airports in California is both a local and a State issue, airport staff, airport land use commissions and airport land use compatibility plans are key to protecting an airport and the people residing and working in the vicinity of an airport. Consideration given to the issue of compatible land uses in the vicinity of an airport should help to relieve future conflicts between airports and their neighbors.

These comments reflect the areas of concern to the Division with respect to airport-related noise and safety impacts and regional airport land use planning issues. We advise you to contact our Caltrans District 3 Office in Marysville at (530) 741-4211 concerning surface transportation issues.

Thank you for the opportunity to review and comment on this proposal. We look forward to reviewing the DEIR. If you have any questions, please call Ron Bolyard of this office, at (916) 654-7075.

Sincerely,

  
SANDY HESNARD  
Aviation Environmental Specialist

c: State Clearinghouse, Greg Chew-SACOG/ALUC, Sacramento International Airport

**BINGHAM McCUTCHEN**



# Facsimile

DATE: April 30, 2007

Bingham McCutchen LLP  
Suite 210  
1333 North California Blvd.  
PO Box V  
Walnut Creek, CA  
94596-1270  
  
925.937.8000  
925.975.5390 fax

	NAME	FAX	PHONE
TO:	Douglas G. Libby, AICP County of Sutter	(530) 822-7109	(530) 822-7400

FROM:	Cecily T. Talbert cecily.talbert@bingham.com	(925) 975-5192	(925) 975-5339
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PAGES: (INCLUDING THIS COVER PAGE): 7

RE:

bingham.com

MESSAGE:

Please see attached.

- Boston
- Hartford
- London
- Los Angeles
- New York
- Orange County
- San Francisco
- Silicon Valley
- Tokyo
- Walnut Creek
- Washington

For transmission problems, please call (925) 975-5386

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## BINGHAM McCUTCHEM

Cecily T. Talbert  
 Direct Phone: (925) 975-5339  
 Direct Fax: (925) 975-5390  
 Cecily.talbert@bingham.com

April 30, 2007

**Via Telecopier**

Bingham McCutchen LLP  
 Suite 210  
 1333 North California Blvd.  
 PO Box V  
 Walnut Creek, CA  
 94596-1270

Doug Libby, AICP  
 Senior Planner  
 Sutter County Community Services Department, Planning  
 1130 Civic Center Boulevard  
 Yuba City, CA 95993

925 937.8000  
 925 975 5390 fax

**RE: Comments on Notice of Preparation of a Draft Environmental Impact Report for the Sutter Pointe Specific Plan Project**

bingham.com

Dear Mr. Libby:

Boston  
 Hartford  
 London  
 Los Angeles  
 New York  
 Orange County  
 San Francisco  
 Silicon Valley  
 Tokyo  
 Walnut Creek  
 Washington

I am writing on behalf of L.J. Sutter Partners, L.P., to provide comments on the NOP for the Sutter Pointe Specific Plan Draft Environmental Impact Report.

**1. Entire Project.**

The project scope and description are unduly truncated. The subject of Measure M is "planning for commercial, industrial, and residential development in the current South Sutter Industrial/Commercial Reserve." However, the NOP states that the "Sutter Pointe Specific Plan is an approximately 7,500-acre project proposed in the 9,500-acre Industrial/Commercial Reserve area . . ." Measure M states that "the planned development would be required to include the full range of uses necessary to create a complete community *in one coordinated plan . . .*" Measure M also states that there must be "detailed" infrastructure, public services and finance plans for that "one coordinated plan," before residential development can be approved. Those detailed plans are also required by the Specific Plan laws and CEQA, as addressed in the trial court decision invalidating the prior Specific Plan.

Additionally, Measure M contemplates amendments to the General Plan for the entire area now designated in the General Plan as the Industrial/Commercial Reserve area. It calls for development of "*at least 3,600 acres*" of commercial and industrial development and "*at least 1,000 acres*" of property for community facilities, parks and open space. To consider the impacts of a General Plan Amendment for only one part of that area -- and for the minimum acreages specified for commercial/industrial and community facilities -- would constitute

Doug Libby, AICP  
April 30, 2007  
Page 2

piecemealing the analysis of the development envisaged by Measure M. In addition, one of the project proponents, South Sutter, LLC, has filed a lawsuit against Odysseus Farms, Robert Leal, L.J. Sutter Partners, L.P., and others contending that specific land outside of the Sutter Pointe property area is appropriate as a site for conservation easements or other mitigation for development of the Sutter Pointe project.

Bingham McCutchen LLP  
bingham.com

Accordingly, the EIR must evaluate the entire Measure M area – the “current South Sutter Industrial/Commercial Reserve” – and not simply the area controlled by the proponents of Sutter Pointe. The project description is incomplete, and the scope of the environmental analysis unduly narrow, since (1) the on- and off-site sewer infrastructure been planned only for the “initial project phases,” as the NOP indicates; (2) “all the infrastructure” required for Phases 2-5 of the Sutter Pointe project is analyzed only at a programmatic level; and (3) there is no analysis – programmatic or otherwise – of areas outside Sutter Pointe and the infrastructure and public facilities that will be needed for these areas. The EIR’s evaluation must include detailed infrastructure, public services and finance plans for the entire development within the Measure M territory before any residential land uses can be approved. The EIR must, therefore, expand its evaluation beyond the 7,500 acres described in the NOP to include all Measure M territory.

## ***2. Restrictions Proposed By Sutter Pointe Project.***

The EIR cannot limit the scope of its review to the assumptions made by the proponents of the Sutter Pointe project. The voters overwhelmingly decided to consider the entirety of the Industrial/Commercial Reserve area for the potential development of the stated acreages of commercial, industrial, public and residential uses. The County has not previously done any CEQA evaluation of where any of these uses should be located within the Measure M territory. Accordingly, none of the guiding principles proposed in January 2005 or proposals “where development is best located,” as referenced in the NOP, could lawfully have already limited the scope of review.

Accordingly, the EIR’s evaluation must not be limited by the assumptions of the Sutter Pointe proposal. The EIR must investigate the most ecologically suitable location for mitigation lands and cannot restrict consideration of lands to those proposed by the Sutter Pointe applicants.

The EIR must also evaluate the most suitable location for stormwater retention and conveyance facilities as well as the impact on downstream land owners of restricting the options available for retaining water in the event of a flood by placing thousands of individual homes within the flood plain. It must evaluate

Doug Libby, AICP  
April 30, 2007  
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alternative means of achieving flood control that do not create this impact. The most obvious alternative is to locate large commercial or industrial buildings in the flood-prone areas, leaving more space and flexibility in siting and designing stormwater facilities in a manner that minimizes impacts to others, especially in the event of levee failure (discussed further below).

Bingham McCutchen LLP  
bingham.com

### **3. Flood Issues.**

The EIR should acknowledge that Sutter County and its environs have experienced levee failures and major flooding over a dozen times in the past century. Levee breaks occurred in 1997 at Meridian and Arboga, in 1986 at Linda and Olivehurst, and in 1955 at Yuba City and Nicolaus. During the 1997 event, two levee failures occurred in the upper Sacramento flood control system – a Feather River levee broke on Jan. 2, inundating Arboga and part of Olivehurst in Yuba County; and, two days later, a levee break along the Sutter Bypass flooded more than 40,000 acres in Sutter County and threatened the town of Meridian. Over 24,000 residents were evacuated from Yuba City. At least 70 miles of levees that currently protect developed areas within the County do not meet federal standards established after Hurricane Katrina and other floods involving levee breaks.

The General Plan Policy 3.D-3 states that “[t]he County shall discourage residential development in areas which are subject to inundation by surface water.” The Sutter Pointe Specific Plan, however, proposes to put residential development in just such areas, relying on a system of new levee improvements to protect these areas from flooding. The EIR must evaluate the inconsistency between the General Plan policy and the proposed location of residential development. It must independently address the hydrology impacts associated with residential development in the 100-year floodplain. It must evaluate the impacts of the extensive levees proposed to mitigate the risks associated with that development, and the potential cumulative impacts of multiple levee failures in the area. It must determine whether it is reasonably certain that these large levees will remain intact, and must evaluate the potential impacts of partial or total failure, particularly in light of the long history of levee failures in this and other areas.

The EIR must also address alternative means of achieving less-than-significant impacts regarding hydrology. The most obvious means of reducing impacts is to design the project in a way that can more easily accommodate floods with less risk: locate the thousands of small structures necessary to create residential units, which would suffer more harm from flooding than would commercial uses, on higher ground, and locate buildings that occupy large pads, such as industrial and

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Page 4

commercial uses, in areas where simple elevation of a large building pad would place the use above the floodplain, protecting both structures and inhabitants.

Providing similar levels of protection to individual homes – i.e. permanent modifications to the home or the area surrounding the home that prevent flood waters from reaching the interior of the structure – may well be cost-prohibitive. The EIR should evaluate the relative feasibility of providing such protections for residential structures (by elevating each home above anticipated flood levels and/or with improvements such as berm walls, subdivision levees, and retaining walls) and providing them for industrial or commercial structures.

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#### ***4. Wastewater.***

The EIR must evaluate wastewater conveyancing options for the entire Measure M territory. It should determine whether fewer impacts would result from a wastewater system that accommodates several thousand residential units in an area of higher elevation where gravity flows may be used, while addressing the more complex issues associated with wastewater collection and conveyance at lower elevations only in areas where fewer, larger commercial and industrial uses are located. These impacts must be evaluated also in the context of a foreseeable levee failure.

#### ***5. Likelihood Of All Development.***

The ballot argument in favor of Measure M stated that “some residential development is needed to pay for the infrastructure to support large-scale industrial development envisioned in the County’s General Plan.” The EIR should evaluate an alternative that allocates residential development among *all* the developable areas within the Measure M territory, allowing residential development to subsidize the infrastructure for industrial development envisioned in Measure M. This information will be relevant in determining how many trips within the project site will be linked, and in assessing jobs/housing balance. This information is also relevant in determining whether fair share fees will in fact cumulate to an amount sufficient to build the proposed facilities, or instead whether fees for development outside Sutter Pointe will never be paid due to development not moving forward because of the lack of funding acknowledged in the ballot argument.

#### ***6. Consistency with General Plan Standards and Policies.***

The EIR must evaluate consistency with the following General Plan policies, goals and findings, which are directed at physical impacts:



Doug Libby, AICP  
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**a. Storm water and Drainage**

*Policy 3.D-3. The County shall discourage residential development in areas which are subject to inundation by surface water. (p.39)* The proposal to place residential development in the 100-year floodplain appears to conflict with this policy. The EIR must evaluate this policy and analyze whether alternative project designs, such as relocation of homes to higher areas, can avoid or minimize the inconsistency.

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*Findings 3p. Increases in total storm water runoff resulting from new development can create significant impacts on land owners in areas where storm water runoff accumulates. (p.39)* The EIR should evaluate alternate project designs that minimize this impact within areas prone to flood hazards.

*Policy 3.D-1. The County shall continue to require that all new development outside the Special Flood Hazard Area as defined by the Federal Emergency Management Agency (FEMA) be protected from a 50 year storm event. (p.39)* The consistency of the Sutter Pointe proposal with this policy needs to be evaluated in conjunction with Policy 3.D-3, above.

*Policy 3.D-2. The County shall require new development to adequately mitigate increases in storm water flows and/or volume and to avoid cumulative increase in downstream flows. (p.39)* Same comment.

**b. Flooding**

*Finding 7a. The County is subject to several hazard types that could affect public safety to varying degrees. These include flooding... (p.62)*

*Finding 7p. Sutter County has experienced flooding that has resulted in loss of property and crops. (p.64)*

*Goal 7.C. To minimize the risk of personal injury, property damage and the economic and social disruption associated with floods. (p.64)* The findings and goal, together with the policies enumerated above, need to be reconciled with the planned placement of residential development in flood-prone areas.

*Policy 7.C-2. When new development or substantial improvement of existing development occurs within a special flood hazard area, as defined by the Federal Emergency Management Agency (FEMA), the development or improvement shall comply with County Flood Damage Prevention Regulations (p.65)*

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**c. Public Facilities and Services**

*Finding 1a. Sutter County does not have the facilities or resources to provide full urban services for new urban residential development. Therefore, it is necessary that all new urban residential development within the unincorporated portions of Sutter County be required to have full urban services and that these services be provided by some entity other than the County. (p.10) The County needs to consider the long-term costs of maintaining and upgrading a massive levee system installed to protect residential development in flood-prone areas and determine how and by whom that cost will ultimately be borne.*

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bingham.com

*Policy 3.A-2. The County shall require that adequate public facilities and services be available to serve new development. The county shall not approve new development where existing facilities are inadequate unless both of the following conditions are met:*

*A. The applicant can demonstrate that all necessary public facilities will be installed prior to the issuance of a certificate of occupancy or adequately financed through fees or other means.*

*B. Proposed facility improvements are consistent with applicable financed plans approved by the County or have been reviewed and approved by the County. (p.33)*

**SUMMARY**

The proposed Sutter Pointe development presents a number of very significant environmental issues that will need to be evaluated, and feasible alternatives considered, as part of the environmental review and planning process. It is important that these alternatives be identified and evaluated early in the process, before the County becomes committed to a particular plan or approach that may have long-term negative environmental consequences.

Sincerely yours,

  
Cecily T. Talbert

Cc: Larry Miller  
John Nicholson

Municipal Services Agency

Department of Transportation

Tom Zlotkowski, Director



Terry Schutten, County Executive  
Cheryl Creson, Agency Administrator

## County of Sacramento



April 5, 2007

Mr. Doug Libby  
Sutter County Community Services Department  
1130 Civic Center Boulevard  
Yuba City, CA 95993

**SUBJECT: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE SUTTER POINTE SPECIFIC PLAN PROJECT**

Dear Mr. Libby:

The Sacramento County Department of Transportation has reviewed the Notice of Preparation for the above project. The County of Sacramento would like to request that all new and existing north south roadways and intersections that connect the two counties be analyzed in this DEIR. This should not only include local roadways but also the State Highway System. Furthermore, this DEIR should identify any significant impacts and necessary transportation projects that result from this proposed project. Funding for the necessary improvements should be identified. Where impacts are identified in the County of Sacramento the County of Sutter should be prepared to work with this jurisdiction to mitigate the impacts.

If you have any questions please call me at 874-7052.

Sincerely,

Matthew G. Darrow  
Senior Civil Engineer

MGD:mgd

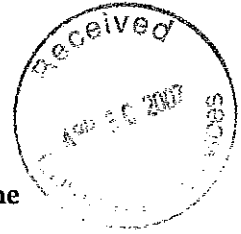
c: Steve Hong – IFS  
Dean Blank - DOT



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Operations & Maintenance: 4100 Traffic Way, Sacramento, CA 95827 . Phone: 916-875-5123 . Fax: 916-875-5363  
www.sacdot.com

The Natomas Basin Conservancy  
Proposed Measure M development plan reaction  
Notice of Preparation of a Draft Environmental Impact Report for the  
Sutter Pointe Specific Plan Project  
April 30, 2007



Introduction. This communicates reaction to the proposed Measure M Sutter Pointe development proposed in the Natomas Basin portion of South Sutter County now that the above-referenced document has been circulated. The Natomas Basin Conservancy ("Conservancy") is the designated Plan Operator of the Natomas Basin Habitat Conservation Plan (NBHCP) through which Sutter County has been issued an Incidental Take Permit ("Permit") by the federal and state Wildlife Agencies. This Permit effectively allows Sutter County to authorize development in that portion of the County where the Measure M development is proposed, and do so given the area's protected status as habitat for one or more of 22 covered species.

Meeting biological effectiveness tests critical to maintaining usefulness of Incidental Take Permit. In order for Sutter County to utilize the protections it sought and acquired under the terms of the NBHCP Implementation Agreement (IA), certain biological "effectiveness" tests must be met. Most significantly, the "mid-point review" required in the NBHCP will determine if the habitat lands established by the Plan Operator have been effective in mitigating for the loss of habitat of the Covered Species. The Conservancy has implemented the NBHCP in such a fashion that it expects to achieve a passing grade in the mid-point review process. If it is successful in achieving this measure, the NBHCP can continue to be used by Permittees, including Sutter County, as Permittees have anticipated.

Adjacency of NBHCP mitigation lands and planned Measure M development. The Conservancy, as Plan Operator, recognizes that it may not count as new mitigation land any land acquired within 800 feet of land designated for urban use. However, certain of the Conservancy's already-established habitat lands are immediately adjacent to land proposed by the Measure M Sutter Pointe development for urbanization, and additional land similarly situated is also targeted for habitat use. The geographic area at question is generally that which parallels the Sutter County – Sacramento County line east of U.S. Highway 99 and west of East Levee Road. In that area, which is a designated flood plain, the Measure M developers have proposed high density and medium density residential land uses.

Conservancy's willingness and ability to assist with Measure M process. The Conservancy has met periodically with the Measure M Sutter Pointe developers stretching out over several years. A number of opportunities for cooperation and joint use of resources have been explored and some appear mutually attractive. The Measure M Sutter Pointe development itself even offers opportunity to enhance the value of the Conservancy's preserve system to the south if carefully considered and explored.

NBHCP compliance potentially adversely impacted. The Conservancy has made it clear to the Measure M Sutter Pointe developers that the worst possible land use adjacent to the county line and the Conservancy's existing and planned preserves would be high- and medium-density residential development. It is the Conservancy staff opinion that the productive value of the assembled system of reserves on the southerly border of the proposed Measure M development is potentially at risk of diminishment if such land use types were to be established there.

This is especially true if the proposed roads moving south through Conservancy's system of preserves are realized. Giant garter snake mortality is pronounced along roadways, and routing these vehicle corridors through existing mitigation land is a risk.

The NBHCP notes in numerous places the importance of minimizing disturbance of the refuges and sanctuaries created by the Plan Operator. Experience has indicated that establishing this level of urban activity (e.g., thoroughfares and high- and medium-density residential development) immediately adjacent and through existing preserves has the ability to compromise the effectiveness and productivity of the preserves.

Sensitivity to preserving the viability of the NBHCP indicated. Therefore, in order for the Conservancy to continue to ensure Sutter County that the NBHCP has been effective and that performance and effectiveness tests can reasonably be expected to be passed, the system of preserves needs to be given the widest latitude practical in terms of disturbance and intrusion minimization. Cushioning the interface between more intensive urban activity and habitat can be achieved, and can prove helpful in this regard. The recent experience in the City of Sacramento along Fisherman's Lake is instructive. There, the developers proposed to re-orient a detention pond system for a 450-acre development between the development and the environmentally-sensitive Fisherman's Lake.

Conclusion. We remain available to work with the Measure M developers and Sutter County on this matter. However, we felt it was the Conservancy's responsibility to advise its partner in the NBHCP (Sutter County) of the expected risks it is exposed to if intense urban activity as a land use type is situated immediately adjacent to and through the NBHCP's system of mitigation lands. It is our hope that the best possible conditions are available to Sutter County when the time comes for it to enjoy the benefits of the NBHCP.

John R. Roberts  
The Natomas Basin Conservancy  
2150 River Plaza Drive, Suite 460  
Sacramento, CA 95833  
Phone: 916.649.3331  
FAX: 916.649.3322  
jroberts@natomasbasin.org  
www.natomasbasin.org



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Fax: [916] 876-6160

Website: www.srcsd.com

April 10, 2007



**Board of Directors  
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City of Rancho Cordova

City of Sacramento

City of West Sacramento

Doug Libby  
Senior Planner  
Sutter County Community Services Department, Planning  
1130 Civic Center Blvd.  
Yuba City, CA 95993

**Subject: SRCS D Comments on the Notice of Preparation of the  
Draft Environmental Impact Report for the Sutter  
Pointe Specific Plan Project**

The Sacramento Regional County Sanitation District (SRCS D) has reviewed the Notice of Preparation of the Draft Environmental Impact Report for the Sutter Pointe Specific Plan Project.

On April 11<sup>th</sup> SRCS D staff will request Board approval to formally begin analysis to determine whether sanitary service can and will be provided to Sutter Pointe. Several technical and institutional issues must be resolved since Sutter Pointe is not located within the District's current service area. Therefore, SRCS D cannot guarantee sanitary service to this area and the Draft Environmental Impact Report should include other alternatives to serve the project area.

If you have any questions regarding these comments please contact me at (916) 876-9944.

Mary K. Snyder  
District Engineer

Stau R. Dean  
Plant Manager

Wendell H. Kido  
District Manager

Marcia Maurer  
Chief Financial Officer

Sincerely,

Sarena Deeble  
CSD-1/SRCS D  
Policy and Planning

cc: Michael Meyer, Ruben Robles, Wendell Kido, SRCS D  
Development Services, CSD-1 Development Services.



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Don Chambers  
Technical and Land Services  
Chico Office

April 9, 2007

Doug Libby, Senior Planner  
Sutter County  
Community Services Department, Planning  
1130 Civic Center Boulevard  
Yuba City, CA 95993



**RE: Notice of Preparation/Draft EIR, Sutter Pointe Specific Plan Project  
Hwy.99/70, Riego Road area, South Sutter County**

Dear Mr. Libby:

Thank you for the opportunity to review the subject NOP study for the subject project. Pacific Gas and Electric Company (PG&E) has the following comments to offer regarding the subject proposal.

PG&E owns and operates a variety of gas and electric facilities, which are located either within, or in proximity to the subject project area. To promote the safe and reliable maintenance and operation of utility facilities, the California Public Utilities Commission (CPUC) has mandated specific clearance requirements between utility facilities, and surrounding objects or construction activities. To ensure compliance with these standards, project proponents should coordinate with PG&E early in the development of their project plans. Any proposed development plans should provide for unrestricted utility access and prevent easement encroachments that might impair the safe and reliable maintenance and operation of PG&E's facilities.

Some examples of activities which could have an impact upon our facilities include permanent/temporary changes in grade over or under our facilities; construction of structures within or adjacent to PG&E's easements; and planting of certain types of vegetation over or underneath our gas and electric facilities respectively.

Developers will be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate their proposed development. Because facilities relocation's require long lead times and are not always feasible, developers should be encouraged to consult with PG&E as early in their planning stages as possible.

Expansion of distribution and transmission lines and related facilities is a necessary consequence of growth and development. In addition to adding new distribution feeders, the range of electric system improvements needed to accommodate growth may include upgrading existing substation and transmission line equipment, expanding existing substations to their ultimate buildout capacity, and building new substations and interconnecting transmission lines. Comparable upgrades or additions needed to accommodate additional load on the gas system could include facilities such as regulator stations, valve lots, distribution and transmission lines.

We encourage you to include information about the issue of electric and magnetic fields (EMF) in the Report. It is PG&E's policy to share information and educate people about the issue of EMF.

Electric and Magnetic Fields (EMF) exist wherever there is electricity-- in appliances, homes, schools and offices, and in power lines. There is no scientific consensus on the actual health effects of EMF exposure, but it is an issue of public concern. If you have questions about EMF, please call Mr. Scott Kostka at 889-3137. A package of information, which includes materials from the California Department of Health Services and other groups, will be sent to you upon request.

PG&E remains committed to working with those involved with this plan. Please call me at 896-4257, if you have any questions regarding our comments.

Sincerely,



Donald W. Chambers  
Land Agent  
(file: SutterPointe.doc)



Sutter County  
Community Services

1130 Civic Center Boulevard  
Yuba City, CA 95993



Animal Control · Building Inspection · Emergency Services · Environmental Health · Fire Services · Planning

## Sutter Pointe Specific Plan

Environmental Impact Report (EIR) Scoping Meeting  
April 19, 2007

We encourage you to share your thoughts and opinions with us regarding the scope of the environmental review to be completed for the Sutter Pointe Specific Plan.

Name: BOB SWERINGEN

Address, City, Zip: 395 BUTTE AVE YUBA CITY 95993

Phone: (530) 673-4862 Email: \_\_\_\_\_

Questions/Comments: Thank you for the opportunity to see/hear about the SPS plan. I spoke to George Carpenter about the plan having only one high school. While I am concerned that may not be enough I do recognize the buildout will probably take 10+ years so there will be time to assess how things are going. If the intent is for the buildout to take less than 10 years I recommend inclusion of plans for a second high school. I am sure you are working closely with Sacramento <sup>State</sup> to include a transit train, flood protection and transportation issues.

For more information, please visit the project website or contact the project proponent: I see lots of good planning. Sets hope it can become a reasonably close reality.  
[www.sutterpointe.com](http://www.sutterpointe.com) • [info@sutterpointe.com](mailto:info@sutterpointe.com) • (530) 660-2154

You may also visit the County website at [www.suttercounty.org](http://www.suttercounty.org)  
and follow the "Measure M" link.

Bob Sweringen

**DEPARTMENT OF WATER RESOURCES**

1416 NINTH STREET, P.O. BOX 942836  
SACRAMENTO, CA 942360001  
(916) 653-5791



April 4, 2007

Doug Libby  
Sutter County  
1130 Civic Center Boulevard, Suite E  
Yuba, California 95993



Sutter Pointe Specific Plan  
State Clearinghouse (SCH) Number: 2007032157

The project corresponding to the subject SCH identification number has come to our attention. The limited project description suggests your project may be an encroachment on the State Adopted Plan of Flood Control. You may refer to the California Code of Regulations, Title 23 and Designated Floodway maps at <http://recbd.ca.gov/>. Please be advised that your county office also has copies of the Board's designated floodways for your review. If indeed your project encroaches on an adopted food control plan, you will need to obtain an encroachment permit from the Reclamation Board prior to initiating any activities. The attached Fact Sheet explains the permitting process. Please note that the permitting process may take as much as 45 to 60 days to process. Also note that a condition of the permit requires the securing all of the appropriate additional permits before initiating work. This information is provided so that you may plan accordingly.

If after careful evaluation, it is your assessment that your project is not within the authority of the Reclamation Board, you may disregard this notice. For further information, please contact me at (916) 574-1249.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Huitt".

Christopher Huitt  
Staff Environmental Scientist  
Floodway Protection Section

cc: Governor's Office of Planning and Research  
State Clearinghouse  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

## Encroachment Permits Fact Sheet

### **Basis for Authority**

State law (Water Code Sections 8534, 8608, 8609, and 8710 – 8723) tasks the Reclamation Board with enforcing appropriate standards for the construction, maintenance, and protection of adopted flood control plans. Regulations implementing these directives are found in California Code of Regulations (CCR) Title 23, Division 1.

### **Area of Reclamation Board Jurisdiction**

The adopted plan of flood control under the jurisdiction and authority of the Reclamation Board includes the Sacramento and San Joaquin Rivers and their tributaries and distributaries and the designated floodways.

Streams regulated by the Reclamation Board can be found in Title 23 Section 112. Information on designated floodways can be found on the Reclamation Board's website at [http://recbd.ca.gov/designated\\_floodway/](http://recbd.ca.gov/designated_floodway/) and CCR Title 23 Sections 101 - 107.

### **Regulatory Process**

The Reclamation Board ensures the integrity of the flood control system through a permit process (Water Code Section 8710). A permit must be obtained prior to initiating any activity, including excavation and construction, removal or planting of landscaping within floodways, levees, and 10 feet landward of the landside levee toes. Additionally, activities located outside of the adopted plan of flood control but which may foreseeable interfere with the functioning or operation of the plan of flood control is also subject to a permit of the Reclamation Board.

Details regarding the permitting process and the regulations can be found on the Reclamation Board's website at <http://recbd.ca.gov/> under "Frequently Asked Questions" and "Regulations," respectively. The application form and the accompanying environmental questionnaire can be found on the Reclamation Board's website at <http://recbd.ca.gov/forms.cfm>.

### **Application Review Process**

Applications when deemed complete will undergo technical and environmental review by Reclamation Board and/or Department of Water Resources staff.

### **Technical Review**

A technical review is conducted of the application to ensure consistency with the regulatory standards designed to ensure the function and structural integrity of the adopted plan of flood control for the protection of public welfare and safety. Standards and permitted uses of designated floodways are found in CCR Title 23 Sections 107 and Article 8 (Sections 111 to 137). The permit contains 12 standard conditions and additional special conditions may be placed on the permit as the situation warrants. Special conditions, for example, may include mitigation for the hydraulic impacts of the project by reducing or eliminating the additional flood risk to third parties that may caused by the project.

Additional information may be requested in support of the technical review of

your application pursuant to CCR Title 23 Section 8(b)(4). This information may include but not limited to geotechnical exploration, soil testing, hydraulic or sediment transport studies, and other analyses may be required at any time prior to a determination on the application.

#### Environmental Review

A determination on an encroachment application is a discretionary action by the Reclamation Board and its staff and subject to the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code 21000 et seq.). Additional environmental considerations are placed on the issuance of the encroachment permit by Water Code Section 8608 and the corresponding implementing regulations (California Code of Regulations – CCR Title 23 Sections 10 and 16).

In most cases, the Reclamation Board will be assuming the role of a “responsible agency” within the meaning of CEQA. In these situations, the application must include a certified CEQA document by the “lead agency” [CCR Title 23 Section 8(b)(2)]. We emphasize that such a document must include within its project description and environmental assessment of the activities for which are being considered under the permit.

Encroachment applications will also undergo a review by an interagency Environmental Review Committee (ERC) pursuant to CCR Title 23 Section 10. Review of your application will be facilitated by providing as much additional environmental information as pertinent and available to the applicant at the time of submission of the encroachment application.

These additional documentations may include the following documentation:

- California Department of Fish and Game Streambed Alteration Notification (<http://www.dfg.ca.gov/1600/>),
- Clean Water Act Section 404 applications, and Rivers and Harbors Section 10 application (US Army Corp of Engineers),
- Clean Water Act Section 401 Water Quality Certification, and
- corresponding determinations by the respective regulatory agencies to the aforementioned applications, including Biological Opinions, if available at the time of submission of your application.

The submission of this information, if pertinent to your application, will expedite review and prevent overlapping requirements. This information should be made available as a supplement to your application as it becomes available. Transmittal information should reference the application number provided by the Reclamation Board.

In some limited situations, such as for minor projects, there may be no other agency with approval authority over the project, other than the encroachment permit by Reclamation Board. In these limited instances, the Reclamation Board

may choose to serve as the "lead agency" within the meaning of CEQA and in most cases the projects are of such a nature that a categorical or statutory exemption will apply. The Reclamation Board cannot invest staff resources to prepare complex environmental documentation.

Additional information may be requested in support of the environmental review of your application pursuant to CCR Title 23 Section 8(b)(4). This information may include biological surveys or other environmental surveys and may be required at anytime prior to a determination on the application.

# LIBRARY



Roxanna Parker  
Library Director



April 30, 2007

Doug Libby, Senior Planner  
Sutter County Community Services Department, Planning  
1130 Civic Center Boulevard  
Yuba City, CA 95993

RE: Notice of Preparation of Draft Environmental Impact Report for the Sutter Pointe  
Specific Plan Project

There are several references to "libraries" in the March 29, 2007, document, but no specific details are provided to review for comments or suggestions. I do note that a library is not itemized under *Community Facilities* on the Conceptual Land Use map shown as Exhibit 3. The library for Sutter Pointe should not be a joint use school/public library facility, so I would recommend that the library location be considered as a separate item on this map.

Contact information for future correspondence regarding this project:

Roxanna Parker  
Director of Library Services  
Sutter County Library  
750 Forbes Avenue  
Yuba City, CA 95991

Thank you,

ROXANNA PARKER  
Director of Library Services



Sutter County  
Community Services

1130 Civic Center Boulevard  
Yuba City, CA 95993



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## Sutter Pointe Specific Plan

Environmental Impact Report (EIR) Scoping Meeting  
April 19, 2007

We encourage you to share your thoughts and opinions with us regarding the scope of the environmental review to be completed for the Sutter Pointe Specific Plan.

Name: Zac Repka

Address, City, Zip: 640 Tharp Rd. Apt #6

Phone: 671-0000 x14 Email: zac@wmmt.com

Questions/Comments: My sister and brother-in-law commute to Sacramento on Hwy 99. The absolute worst and most dangerous part of the commute is the stop/go at the two traffic lights in south Sutter County. Has sufficient traffic study work been done to compensate for the new interchanges? Will traffic "flow" in these already congested stop/go areas?

For more information, please visit the project website or contact the project proponent:

[www.sutterpointe.com](http://www.sutterpointe.com) • [info@sutterpointe.com](mailto:info@sutterpointe.com) • (530) 660-2154

You may also visit the County website at [www.suttercounty.org](http://www.suttercounty.org)  
and follow the "Measure M" link.

Sutter County  
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1130 Civic Center Boulevard  
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## Sutter Pointe Specific Plan

Environmental Impact Report (EIR) Scoping Meeting  
April 19, 2007

We encourage you to share your thoughts and opinions with us regarding the scope of the environmental review to be completed for the Sutter Pointe Specific Plan.

Name: Jack Scroggs

Address, City, Zip: 9120 Las Lagos Circle So Granite Bay

Phone: (916) 652-0976 Email: lscroggs@starscream.net<sup>95746</sup>

Questions/Comments: Please explain how the  
proposed system of perimeter levees,  
onsite and offsite detention basins and  
pumped discharge will:

1. Keep adjacent properties from increased  
flooding / flood risk

2. Provide adequate (100 year) flood  
protection for proposed residents

3. Protect proposed land uses from discharges  
from the "Sankey Gap"

For more information, please visit the project website or contact the project proponent:

[www.sutterpointe.com](http://www.sutterpointe.com) ♦ [info@sutterpointe.com](mailto:info@sutterpointe.com) ♦ (530) 660-2154

You may also visit the County website at [www.suttercounty.org](http://www.suttercounty.org)  
and follow the "Measure M" link.



Sutter County  
Community Services

1130 Civic Center Boulevard  
Yuba City, CA 95993



Animal Control · Building Inspection · Emergency Services · Environmental Health · Fire Services · Planning

## Sutter Pointe Specific Plan

Environmental Impact Report (EIR) Scoping Meeting

April 19, 2007

We encourage you to share your thoughts and opinions with us regarding the scope of the environmental review to be completed for the Sutter Pointe Specific Plan.

Name: Sandy Watson

Address, City, Zip: 1904 Ramirez Dr. YC 95993

Phone: 530 673-2302 Email: sjw15@nako.com

Questions/Comments: I think this is great!

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*For more information, please visit the project website or contact the project proponent:*

**www.sutterpointe.com ♦ info@sutterpointe.com ♦ (530) 660-2154**

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and follow the "Measure M" link.*

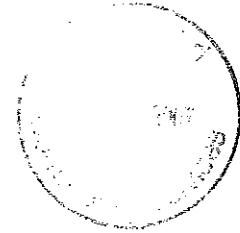
21 East Carrillo Street  
Santa Barbara, CA 93101  
Telephone: (805) 963-7000  
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C. Wesley Strickland  
(805) 882-1490  
WStrickland@HatchParent.com

April 30, 2007

Via E-Mail



Doug Libby, Senior Planner  
Sutter County Community Services Department, Planning  
1130 Civic Center Blvd.  
Yuba City, CA 95993  
dglabby@co.sutter.ca.us

**Re: Comments on Notice of Preparation of a Draft Environmental Impact Report for the Sutter Pointe Specific Plan Project**

Dear Mr. Libby:

On March 29, 2007, the Sutter County Community Services Department ("Sutter County") issued a Notice of Preparation ("NOP") for a Draft Environmental Impact Report ("DEIR") for the proposed Sutter Pointe Specific Plan and invited comments from all interested parties. Golden State Water Company ("GSWC") has reviewed the NOP in conjunction with the Specific Plan, and looks forward to the orderly development of south Sutter County. On behalf of our client GSWC, we respectfully submit these comments to help ensure that agency decision-makers fully comply with the California Environmental Quality Act ("CEQA").<sup>1</sup> This comment letter is primarily concerned with one aspect of the scope of environmental review to be performed for the Sutter Pointe Specific Plan, i.e., water supplies and the provision of water service for the project.

For background purposes, GSWC is a company with a 79-year history in California, and today delivers clean, high-quality water to one in every 30 Californians. GSWC supports 75 communities throughout the state of California, safely, efficiently and affordably meeting customer demand for reliable water service. GSWC has a team of over 500 dedicated employees throughout the state, who are professionally trained and have years of experience in engineering, water supply, water quality and administration. GSWC is a trusted partner of local elected officials, developers, farmers, business and community leaders and residents across California.

GSWC is the official municipal and industrial water utility service provider working with the Natomas Central Mutual Water Company ("Natomas"), which has been delivering crop irrigation water to this region and its agricultural community for more than 80 years. Natomas

<sup>1</sup> Cal. Pub. Res. Code §§ 21000 *et seq.*

has the water rights, diversion and distribution facilities and service territory rights in the area in south Sutter County poised for development as Sutter Pointe.

Pursuant to its contractual arrangements with Natomas, GSWC is positioned to make that water available to serve the emerging needs of residential, commercial and industrial users land uses within Natomas shift from agriculture to municipal uses. Importantly, GSWC can provide water service without adding to the service burdens on local government or Sutter County taxpayers. The Sutter Pointe plan relies on ground and surface water to meet residential and commercial needs. In partnership with Natomas, which has the renewable surface water rights required to serve this area, Golden State has already begun investing to meet projected demand.

Accordingly, as a condition of our agreement with Natomas, GSWC has already submitted an application with the California Public Utilities Commission ("CPUC") to provide water service to the Sutter Pointe development. The eventual approval of this application, which will include public input, will ensure that water rates are reasonable and that excellent service is provided. Moreover, GSWC as the service provider is the best possible means by which the economic development objectives expressed by Sutter Pointe proponents can be met. Large scale economic investment is dependent on quality infrastructure, and a collaborative effort between Sutter Pointe and GSWC will demonstrate to the fullest extent possible the opportunities for entrepreneurial success.

GSWC is committed to the people of Sutter County to ensure this development plan brings the highest quality water and service with it. Careful planning, financial and service accountability, and sound infrastructure are the keys for positive and long-lasting economic growth and development, and GSWC will ensure each of those elements is in place at Sutter Pointe.

### The Specific Plan

According to the Specific Plan, Sutter County will provide water service for the Sutter Pointe Specific Plan area through a dependent or independent special district such as a county service area, community services district or some other county agency.<sup>2</sup> The Specific Plan proposes the development of a domestic water system to provide a combination of local groundwater and surface water for all anticipated municipal and industrial water demands, which are estimated to be 25,000 acre-feet per year at buildout of the Sutter Pointe project.

The Specific Plan contemplates a conjunctive use water supply program that will rely on two sources: groundwater from aquifers below the proposed community, and surface water rights converted from agricultural irrigation to municipal and industrial uses. The first phase in this conjunctive use program is the development and implementation of a groundwater well field system designed to yield 7,500 acre-feet per yield at a safe yield rate of one acre-foot per year per acre of developed land. Although not stated, it appears that these wells will be drilled by a yet-to-be-formed county entity. The groundwater supply and facilities are expected to be

<sup>2</sup> Sutter Pointe Specific Plan at 2-71 (July 31, 2006) (hereinafter the "Specific Plan").

sufficient to support the development during the first few years, but the groundwater supply will transition from a year-round source to a primarily wintertime source as the surface water supply is phased in.<sup>3</sup>

Surface water will be required to supply the remaining 17,500 acre-feet per year of water demand for the Sutter Pointe project. The proposed source of this water is Natomas, physically obtained through a turnout from a new year-round diversion facility being planned by Natomas, located in the Sacramento River at the foot of Sankey Road. This surface water will be transported by a raw water booster pump station to be built at the proposed diversion facility and processed by a surface water treatment plant to be located near the proposed groundwater treatment plant. The surface water treatment plant is expected to be built in increments as development within the Specific Plan area occurs.<sup>4</sup> In order to obtain a legal entitlement to this necessary surface water supply, the Specific Plan proposed that Sutter County enter into an agreement with Natomas, by which Natomas would act as a wholesale distributor of surface water to Sutter County.<sup>5</sup>

The groundwater development program described above will require groundwater studies, acquisition of appropriate environmental entitlements and permits, and the design and construction of well fields and treatment plants. According to the Specific Plan, it is estimated these elements of the project will take two to three years to complete, in parallel with the processing of the Specific Plan itself. The surface water program is expected to take longer, from five to 10 years, to complete. Assuming that the Specific Plan is approved and permitted sometime between 2009 and 2011, the buildout of the first phase of the planning area would be complete sometime between 2012 and 2015. Given that the maximum capacity of the groundwater program is expected to be reached sometime between 2013 and 2016, the surface water program must be commenced very soon if the development of the Specific Plan area is to continue uninterrupted past the first phase of buildout.<sup>6</sup>

The Notice of Preparation released by Sutter County stated that the DEIR will analyze environmental impacts from the water program described in the Specific Plan. In addition, it stated that “[a]n analysis of the regional water supply conditions will be provided, consistent with [California Water Code section 10910].”<sup>7</sup>

### **Legal Requirements for Water Supplies**

A county preparing an environmental impact report (“EIR”) pursuant to the California Environmental Quality Act (“CEQA”)<sup>8</sup> for a development project that meets a significance

<sup>3</sup> *Id.* at 2-77 to 2-78.

<sup>4</sup> *Id.* at 2-78 to 2-79.

<sup>5</sup> *Id.* at 2-82.

<sup>6</sup> *Id.* at 2-81 to 2-82.

<sup>7</sup> Notice of Preparation at 15 (citing Cal. Pub. Res. Code § 21151.9).

<sup>8</sup> Cal. Pub. Res. Code §§ 21000 *et seq.*

threshold for water demands<sup>9</sup> must at the time of releasing a notice of preparation also request that a water supply assessment be prepared by each public water system that may supply water for the project.<sup>10</sup> If the county cannot identify any public water system that may supply water for the project, then the county is required to prepare a water supply assessment itself.<sup>11</sup> After a water supply assessment has been prepared, the county must analyze the environmental impacts of providing water to the project based upon the supplies identified in the water supply assessment.

The contents of a water supply assessment are set forth in California Water Code section 10910 and center on the question:

whether the public water system's total projected water supplies available during normal, single dry and multiple dry water years during a 20-year projection will meet the projected water demand associated with the proposed project, in addition to the public water system's existing and planned future uses, including agricultural and manufacturing uses.<sup>12</sup>

A water supply assessment must identify the water supply entitlements, water rights or water service contracts related to the planned water supplies for the project, as demonstrated by written contracts, capital financing plans, federal, state and local permits for construction of infrastructure and regulatory approvals required to be able to convey or deliver the water supplies.<sup>13</sup> The water supply assessment must provide specific information regarding any groundwater resources<sup>14</sup> or new water supplies that will be used for the project.<sup>15</sup>

The courts have addressed the legal standard for water supply sufficiency under Water Code section 10910 and CEQA on several occasions. The most prominent decision related to water supply planning was issued this year by the California Supreme Court in *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova*.<sup>16</sup> That case concerned the sufficiency of water supply analysis in an EIR prepared for a specific plan related to a new

<sup>9</sup> The threshold is met for a project that consists of more than 500 dwelling units, a shopping center or business establishment that will employ more than 1,000 persons or have more than 500,000 square feet, a commercial office building that will employ more than 1,000 persons or have more than 250,000 square feet, a hotel with more than 500 rooms, an industrial development that will employ more than 1,000 persons or have more than 650,000 square feet, or a mixed-use project that would demand an amount of water equal to or greater than the amount required for a 500-dwelling unit project. CEQA Guidelines § 15083.5(a)(1). See Cal. Water Code § 10912(a) (listing same threshold). Since the Sutter Pointe Specific Plan envisions the construction of up to 17,500 dwelling units, 3,600 acres of employment-generating uses, and schools and other community facilities on 1,000 acres, the project clearly exceeds the significance threshold.

<sup>10</sup> See Cal. Water Code § 10910; Cal. Pub. Res. Code § 21151.9; CEQA Guidelines section 15083.5(b).

<sup>11</sup> See Cal. Water Code § 10910(b).

<sup>12</sup> Cal. Water Code § 10910(c)(3).

<sup>13</sup> See Cal. Water Code § 10910(d)(2).

<sup>14</sup> See Cal. Water Code § 10910(f).

<sup>15</sup> See Cal. Water Code § 10911.

<sup>16</sup> 40 Cal.4th 412 (2007).

mixed-use development in eastern Sacramento County, a similar situation to that currently faced by Sutter County for the Sutter Pointe Specific Plan.

In *Vineyard*, the court affirmed several general principles for CEQA analysis of water supplies that had previously been established in a series of lower court opinions. First, an environmental review document cannot simply ignore or assume a solution to water supply problems.<sup>17</sup> Second, an EIR for a large project to be built over a period of years cannot limit its analysis to the water supplies needed for the first stage or first few years of the development, but must assume the entire project will be built and analyze the impacts of supplying water to the entire project.<sup>18</sup> Third, future water supplies must be likely, and speculative sources and unrealistic allocations—frequently called “paper water”—are insufficient. An environmental review document must include a reasoned analysis of the circumstances affecting the likelihood of the water’s availability.<sup>19</sup> Finally, CEQA requires some analysis of the environmental impacts of possible alternative supplies needed to backstop any uncertainty that may exist. The review document may not simply provide that if the primary future water supply fails, the development will not proceed.<sup>20</sup> Although the *Vineyard* case concerned the requirements of CEQA, the court compared the general principles it was affirming to the standard for water supply assessments and found the two to be consistent.<sup>21</sup>

The *Vineyard* opinion also noted that in order for a water supply assessment to be adequate, it is not required that all future water supplies be definitely assured through signed, enforceable agreements based on already built or approved treatment and delivery infrastructure, since it is anticipated that land use and water supply planning will occur through roughly contemporaneous processes. A water supply assessment must, however, demonstrate a likelihood that such contracts, financing programs and regulatory approvals will be obtained in the future.<sup>22</sup> A logical corollary is that a water supply assessment may not ignore or rely on findings that are contrary to signed, enforceable agreements that do exist.

### NOP for Water Supplies for Sutter Pointe

The NOP for the Sutter Pointe DEIR raises several issues that must be addressed by Sutter County in order to comply with the requirements of CEQA. Based on the magnitude of Sutter Pointe, Sutter County must obtain or prepare a water supply assessment for the project pursuant to both CEQA and Water Code section 10910.<sup>23</sup> The NOP indicates that all but the

<sup>17</sup> See *id.* at 430-31 (citing *Santiago County Water Dist. v. County of Orange*, 118 Cal.App.3d 818 (1981)).

<sup>18</sup> See *id.* at 431 (citing *Santa Clarita Organization for Planning the Environment v. County of Los Angeles*, 106 Cal.App.4th 715 (2003); *Stanislaus Natural Heritage Project v. County of Stanislaus*, 48 Cal.App.4th 182 (1996)).

<sup>19</sup> See *id.* at 432 (citing *California Oak Foundation v. City of Santa Clarita*, 133 Cal.App.4th 1219 (2005); *Santa Clarita, supra*; *Planning & Conservation League v. Department of Water Resources*, 83 Cal.App.4th 892 (2000)).

<sup>20</sup> See *id.* at 432 (citing *Napa Citizens for Honest Government v. Napa County Board of Supervisors*, 91 Cal.App.4th 342 (2001)).

<sup>21</sup> See *id.* at 432-34 (holding that the water supply assessment statutes “support” and are “consistent with” the court’s conclusions regarding CEQA).

<sup>22</sup> See *id.* at 432-34.

<sup>23</sup> See Cal. Water Code § 10910(b); Cal. Pub. Res. Code § 21151.9; CEQA Guidelines section 15083.5(b).

wastewater infrastructure improvements will be analyzed on a programmatic level.<sup>24</sup> Moreover, it states that “the project applicant would be responsible for the water and sewer improvements, the canal widening, and the creation of detention basins.”<sup>25</sup> It then goes on to state that additional “off-site activities,” e.g., water infrastructure, will be part of the project.<sup>26</sup>

We concur with the findings that issues of hydrology and water quality, as well as utilities, may have a significant effect on the environment and need to be addressed in the DEIR. Specifically, although the NOP states that an analysis of the regional water supply conditions will be provided,<sup>27</sup> because there is no existing municipal and industrial public water system that includes the Sutter Pointe project area, Sutter County must identify any water system that “may become” a public water system by providing water service to that area in the future.<sup>28</sup> For the reasons described in the following paragraphs, Sutter County must either identify GSWC as a public water system for purposes of preparing a water supply assessment for the project or prepare the assessment itself and include a discussion of GSWC’s future provision of water service to the project. Failure to do so will violate the mandatory provisions of CEQA and applicable case law.

As you are aware, the Sutter Pointe Specific Plan area lies wholly within the corporate boundaries of Natomas, a mutual water purveyor that has provided irrigation water to lands within the area for over 80 years.<sup>29</sup> Moreover, Natomas possesses existing easement rights and improvements in place to support these rights. For the past several years, GSWC has teamed up with Natomas to assist the latter company in using its significant water resources to supply the Sutter Pointe planning area for municipal and industrial purposes. As part of its efforts, GSWC has conducted technical and infrastructure planning studies to provide water service in support of the development contemplated under the Specific Plan and filed an application on June 1, 2006 with the CPUC to obtain a certificate of public convenience and necessity to provide water service. GSWC is therefore prepared to provide water service in the quantity required for, and on the timeline dictated by, the Sutter Pointe Specific Plan.

In addition to the planning described above, in February 2005 GSWC entered into a Water Transfer Agreement with Natomas, pursuant to which Natomas agreed to transfer up to 30,000 acre-feet per year of water to GSWC for use in the Sutter County portion of Natomas’s service area, which includes the entire Sutter Pointe project. A copy of the Water Transfer Agreement is attached to this comment letter as Exhibit 1. That water is to be provided from Natomas’s surface water rights to the Sacramento River or local groundwater to the extent it is available. Pursuant to the Water Transfer Agreement, Natomas is prohibited from entering into any water transfer agreement with a third party that would preclude Natomas’s reasonable ability to meet its obligation to supply water to GSWC.

<sup>24</sup> NOP at 9.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.* at 11.

<sup>27</sup> *Id.* at 15.

<sup>28</sup> See Cal. Water Code § 10910(b). Any water system that provides service to the Sutter Pointe project would meet the minimum size of 3,000 connections required to be a “public water system.” See Cal. Water Code § 10912(c).

<sup>29</sup> See Specific Plan at 2-71.

In January 2006, Natomas adopted Resolution 2006-1-02, which reaffirmed Natomas's commitment to the Water Transfer Agreement, found that GSWC is the entity best situated to provide municipal and industrial service within Sutter County on an efficient and timely basis, and supported GSWC's application to the CPUC for a certificate of public convenience and necessity. A copy is attached as Exhibit 2 to this comment letter.

Following execution of the Water Transfer Agreement, Natomas and GSWC prepared a Draft Master Infrastructure Advanced Planning Study ("MIAPS") and an Integrated Water Resources Management Plan ("IWRMP"), which are attached to this comment letter as Exhibits 3 and 4, respectively. The MIAPS contains a description of the master water infrastructure needed to provide water service to Sutter Pointe as that project was known to GSWC at the time, and the IWRMP analyzes the water supplies held by Natomas and how those supplies would be used by Natomas and GSWC to provide reliable water supplies to planned development within the Natomas service area, including Sutter Pointe. The MIAPS and IWRMP estimated that the expected water demands of the Sutter Pointe project, would be 28,840 acre-feet per year at buildout and would be supplied by Natomas from both local groundwater and surface water from the Sacramento River.<sup>30</sup> Like the Specific Plan, the IWRMP used a groundwater withdrawal rate of one acre-foot per year per acre as the basis for its measurement of available supplies, leading to a groundwater supply for Sutter Pointe of 7,500 acre-feet per year.<sup>31</sup> Essentially, both these studies indicate the necessity of Natomas's surface water rights to supply the difference between total demands and groundwater supplies, which, using the Specific Plan's figure of 17,500 acre-feet per year, is a significant quantity of surface water. In the IWRMP, Natomas planned to supply surface water to GSWC to meet that significant demand, in accordance with the Water Transfer Agreement.<sup>32</sup>

As part of preparation of the DEIR for Sutter Pointe, Sutter County must identify any public water systems that may provide water for the project. That requirement means that Sutter County must identify GSWC as a public water system for the project and request that GSWC prepare a water supply assessment that would be incorporated into the DEIR. GSWC should be identified as a likely public water system because it has conducted the most extensive planning for Sutter Pointe of any potential water service provider, has filed an application with the CPUC to provide service and possesses an exclusive contract to receive surface water from Natomas that everyone, including Sutter Pointe itself, recognizes is necessary to meet the water demands of the Sutter Pointe project.

Although the Notice of Preparation, on page 6, states that buildout of Sutter Pointe will be divided into five residential/mixed-use development and five employment center development phases, and the Sutter Pointe project applicants would be responsible for phase-specific water improvements, water supplies for the entire Sutter Pointe Specific Plan must be analyzed in the DEIR in order to comply with the requirements of CEQA. The requirement for a developer to analyze the water supplies needed for all phases of a project at the outset was firmly established

<sup>30</sup> See Exhibit 4 at 21, 51.

<sup>31</sup> See *id.* at 48.

<sup>32</sup> See *id.* at 30-31.



in the *Vineyard* decision.<sup>33</sup> Thus, Sutter County cannot limit its water supply assessment and DEIR to the groundwater supplies needed for early phases of the project, and cannot use the timing of the development phases to avoid the fact that a mixture of both local groundwater and surface water from Natomas will be needed for the project.

Furthermore, Sutter County may not disregard GSWC as a public water system for the Sutter Pointe project by ignoring the Water Transfer Agreement between Natomas and GSWC or the impact it has on the availability of water supplies for Sutter Pointe.<sup>34</sup> As currently written, the Specific Plan states that Sutter Pointe will use 17,500 acre-feet per year of surface water from Natomas at buildout.<sup>35</sup> The Specific Plan does not, however, contain any discussion of how Sutter Pointe or Sutter County will gain any entitlement to that water supply in light of the fact that the supply is currently the subject of an agreement for transfer to GSWC. Water Code section 10910(d)(2)(A) provides that a water supply assessment may be shown based upon "written contracts or other proof of entitlement to an identified water supply." Rather than showing firm contractual entitlements to receive surface water owned by Natomas, the Specific Plan and Notice of Determination do not demonstrate any entitlement or plan to acquire such entitlement; in fact, they cannot do so in light of the existing Water Transfer Agreement. In order to demonstrate that reliable water supplies exist based upon the Natomas surface water supply, Sutter County must include GSWC as a public water system, because GSWC is the only potential public water system with a contractual right to receive that Natomas supply for use in the Sutter Pointe area.

If Sutter County were to attempt to be the public water system for Sutter Point, it would need to comply with the requirement in Water Code section 10911(a) that a water supply assessment state a system's "plans for acquiring additional water supplies, setting forth the measures that are being undertaken to acquire and develop those water supplies," since it does not currently possess any water supply entitlements. Neither the Specific Plan nor the Notice of Preparation currently contains any information regarding how Sutter County would obtain any entitlement to the Natomas surface water supply, even though Sutter Pointe will need to rely on that supply for 17,500 acre-feet per year. Any analysis of Sutter County's likelihood of obtaining access to the Natomas supply would require discussion of the Water Transfer Agreement and GSWC's role. Neither the Specific Plan nor the Notice of Preparation, however, state any intention to conduct such an analysis. While GSWC fully supports the Sutter Pointe project, the company does not intend to waive any rights that it possesses under the Water Transfer Agreement, but will strenuously protect the significant investments it has made in preparation for being the public water system to serve Sutter Pointe.

In addition to the requirements of the water supply assessment statute, CEQA itself requires that an EIR identify all water supplies for a project that are needed to establish a likelihood of sufficiency. The purpose of CEQA is not to require water supply sufficiency *per*

<sup>33</sup> See *Vineyard*, *supra*, 40 Cal.4th at 431.

<sup>34</sup> Note the discussion of the first *Vineyard* principle above, that a water supply analysis cannot simply ignore a water supply problem or assume a solution.

<sup>35</sup> Specific Plan at 2-78.

se, but to ensure that the true environmental impacts of a project are analyzed.<sup>36</sup> The logic of CEQA is that those impacts cannot be analyzed in the absence of an identification of likely water supplies. Thus, an EIR is not required to eliminate all uncertainty in water supplies, but must analyze the impacts of both primary and backup strategies, pursuant to the fourth principle of the *Vineyard* decision discussed above. Based on this logic, Sutter County must at a minimum include GSWC as an alternative public water system to backstop the significant uncertainties inherent in a strategy that relies on Sutter County as the primary public water system. Even if Sutter County were able to articulate an approach to gain access to the Natomas surface water supply as required by Water Code section 10911(a), it would still need to ensure compliance with CEQA by at least including GSWC as an option within the scope of the Sutter Pointe DEIR.

### Specific Plan Inconsistency with General Plan

CEQA requires that an EIR discuss any inconsistencies between the proposed project and the applicable general plan.<sup>37</sup> If there are inconsistencies, an explanation and rationalization for such inconsistencies must be provided.

With respect to water supply, the Specific Plan at Appendix B, section 3, entitled "Public Facilities and Services," states that the Sutter County General Plan includes Goal 3.B, which is:

to ensure the availability of an adequate and safe water supply for county residents and other end users of water in the County.... [Policy 3.B-1.] The County shall require proponents of new development to demonstrate the availability of a long term reliable water supply. The County shall require written certification from the service provider that either existing services are available or needed improvements will be made prior to occupancy.... [Policy 3.B-5.] The County encourages the protection of existing water rights of agencies and water providers within Sutter County. Out of area transfers should be discouraged if they could result in long-term losses in supply.<sup>38</sup>

To be consistent with Goal 3.B-5, Sutter County should consult with both Natomas and GSWC regarding the existing rights already in place regarding water supply availability. As currently written, however, the Specific Plan neither addresses these existing rights nor identifies Natomas or GSWC as the appropriate entity to prepare the required water supply assessment pursuant to Water Code section 10910.<sup>39</sup> To the contrary, the Specific Plan states that the

<sup>36</sup> See *Vineyard*, *supra*, 40 Cal.4th at 434 ("The ultimate question under CEQA, moreover, is not whether an EIR establishes a likely source of water, but whether it adequately addresses the reasonably foreseeable *impacts* of supplying water to the project.").

<sup>37</sup> See CEQA Guidelines § 15125(d).

<sup>38</sup> Specific Plan at Appendix B, page B-16.

<sup>39</sup> See Specific Plan at Appendix B, page B-17.

SPSP is proposed to be served by a county service area or community services district, [and] the Assessment will be prepared by the County. The Assessment will demonstrate the availability of a long-term reliable water supply to serve the planning area.<sup>40</sup>

As described above, the DEIR should recognize the existing rights of both Natomas and GSWC and analyze the availability of their water supplies in order to support the proposed project.

### **Measure M Compliance**

The NOP acknowledges that the Sutter Pointe project is being pursued in furtherance of Sutter County Measure M, which was a voter-approved strategic plan for the region. Among other features, Measure M provided that any development in south Sutter County would need to comply with a requirement that “[a]ll necessary ... water ... improvements would be paid for by the development.”<sup>41</sup> Notwithstanding that requirement, the Specific Plan provides that a number of different financing mechanisms would be used by Sutter County to fund these improvements.<sup>42</sup> This appears to directly conflict with the financing requirement of Measure M. However, the solution to this apparent conflict would be resolved by the project relying on public utility water service provided by GSWC because the cost of its water would be paid for exclusively by the developer and ratepayers. Investor-owned utilities like GSWC, which are regulated by the CPUC, do not possess any power of taxation and recover all of their expenses through developer contributions and rates. Therefore, reliance upon GSWC as the water service provider for Sutter Pointe will ensure both now and in the future that no financial burden from the project will be placed on Sutter County taxpayers.

### **CPUC Environmental Review**

As a final note, because GSWC is an investor-owned utility, it is regulated by the CPUC and must conduct an environmental analysis of its own water service pursuant to the CPUC’s regulations. In order to avoid segmenting the environmental analysis for Sutter Pointe water supplies or creating multiple conflicting analyses between Sutter County and the CPUC, the DEIR should identify and analyze the environmental impacts of the water supply with sufficient specificity to allow the CPUC to conduct its environmental review based on the DEIR. The information that is specifically required by the CPUC is contained in Article V of the agency’s Information and Criteria List and an Environmental Checklist Form. Copies of those documents are attached as Exhibit 5. We request that the scope of the DEIR include analysis sufficient to allow the CPUC to conduct its environmental review of water service for Sutter Pointe.

### **Conclusion**

Based on the reasons described above, if Sutter County ignores the likelihood—or even the possibility—that GSWC will be required to play some role as a public water system for the

<sup>40</sup> *See id.*

<sup>41</sup> NOP at 5.

<sup>42</sup> *See* Specific Plan at 5-27.

Doug Libby  
April 30, 2007  
Page 11

Sutter Pointe project, the DEIR will be deficient pursuant to both Water Code section 10910 and CEQA. As GSWC and this firm as its legal counsel have stated in this comment letter and on other occasions, GSWC supports the Sutter Pointe project, and in that light requests that the scope of the DEIR be expanded to analyze the environmental impacts of water supplies identified by GSWC in a water supply assessment requested by Sutter County. Adopting such an approach will avoid future delays in the environmental review process and maintain all options needed for water supplies for the Sutter Pointe project.<sup>43</sup> This is the best strategy for Sutter Pointe to accomplish CEQA compliance with a minimum of delay, expense and conflict.

This firm previously requested to be included in all correspondence related to the DEIR for the Sutter Pointe Specific Plan, and we repeat that request at this time. We appreciate the opportunity to comment on the scope of the DEIR and are pleased to affirm that GSWC looks forward to participating in support of the Sutter Pointe project through preparation of a water supply assessment and provision of high-quality, reliable water service in the future.

Sincerely,



C. Wesley Strickland  
For HATCH & PARENT  
A Law Corporation

CWS:gml  
Attachments

cc: George Carpenter, Sutter Pointe  
Floyd E. Wicks, GSWC

Exhibits:

- (1) Water Transfer Agreement
- (2) Natomas Resolution 2006-1-02
- (3) Draft Master Infrastructure Advance Planning Study
- (4) Integrated Water Resources Management Plan
- (5) CPUC Information and Criteria List and Environmental Checklist Form

<sup>43</sup> According to the CEQA Guidelines, a draft EIR that is planned or in preparation may need to be revised or expanded to conform to responses to the notice of preparation or received in early public consultation. See CEQA Guidelines §§ 15082(a)(4), 15083. Failure to adjust the scope of the EIR at that early stage of the process may cause delays later on, when the EIR may need to be revised to address environmental impacts not originally included.

**WATER TRANSFER AGREEMENT BETWEEN  
NATOMAS CENTRAL MUTUAL WATER COMPANY  
AND AMERICAN STATES WATER COMPANY**

**Transferor** Natomas Central Mutual Water Company ("Natomas")

**Transferee** American States Water Company and/or its subsidiaries Southern California Water Company and American States Utility Services, Inc. (collectively "ASWC")

**Delivery of Water** Natomas shall transfer water to ASWC on a schedule and in amounts sufficient to meet the municipal and industrial ("M&I") water supply requirements of ASWC in the Sutter M&I Service Area, which shall equal that area within the Natomas corporate boundaries that is located in Sutter County and for which the California Public Utilities Commission ("CPUC") issues a certificate of public convenience and necessity to ASWC. The amount transferred will not exceed the projected water demands in the Integrated Water Resources Management Plan now being prepared by Natomas and ASWC, and in no event will exceed 30,000 acre-feet per year. Deliveries will commence upon the beginning of ASWC's public utility water supply obligations and continue for the term of this Water Transfer Agreement.

Within 180 days of the CPUC's issuance of a certificate of public convenience and necessity, ASWC shall provide to Natomas projected M&I water supply requirements for the Sutter M&I Service Area for a 25-year period broken out on an annual basis. ASWC shall utilize the projections in the Master Infrastructure Advance Planning Study ("MIAPS") and the Integrated Water Resources Management Plan ("IWRMP") to the extent appropriate. The water supply requirement projections shall be updated thereafter in every year with a last digit of "0" or "5" and shall be consistent with ASWC's urban water management plan prepared during the same time period for the Sutter M&I Service Area.

ASWC and Natomas will cooperate in the development of the MIAPS and IWRMP, with funding provided by Natomas. Upon Natomas's written request, however, ASWC shall advance funds necessary for development of the MIAPS or IWRMP or any amendments thereto. If ASWC advances such funds on behalf of Natomas, ASWC shall receive a credit against the Water Cost described below, with the credit determined by amortizing the amount of funds advanced over the period during which the MIAPS and IWRMP are effective, with an interest rate equal to the yield on the 10-year treasury notes at the time of the calculation.

Prior to December 15 of each year, ASWC shall provide Natomas with a proposed delivery schedule for its M&I water supply requirements for the following year. The schedule shall include projected annual and monthly demands, as well as average and maximum daily demands on a monthly basis. ASWC may modify the delivery schedule by providing written notice to Natomas; provided, however, that such changes shall be within Natomas's reasonable delivery capability, consistent with Natomas's other water service obligations.

Natomas shall not enter into any third-party water transfer agreements that would preclude Natomas's reasonable ability to meet its obligations under this Water Transfer Agreement.

#### **Water Source**

Water will be provided through the conjunctive use of surface water from the Sacramento River and groundwater underlying the Sutter M&I Service Area in quantities and in proportions that may be established by Natomas, subject to the overall requirements of this Water Transfer Agreement.

#### **Surface Water**

Surface water will be diverted from the Sacramento River, based on:

- (1) Contract No. 14-06-200-885A and expected renewal Contract No. 14-06-200-885A-R-1 ("Renewal Contract") between Natomas and the Bureau of Reclamation; and/or
- (2) The following water rights licensed or permitted by the State Water Resources Control Board:
  - License 1050 on Application 534;
  - License 2814 on Application 1056;
  - License 3109 on Application 1203;
  - License 3110 on Application 1413;
  - License 9794 on Application 15572;
  - License 9989 on Application 22309; and
  - Permit 19400 on Application 25727.

The parties acknowledge that Natomas's surface water rights currently may not be used for M&I purposes in Sutter County without regulatory approvals and that Natomas's ability to transfer surface water under this Water Transfer Agreement is dependent upon the regulatory approvals included as conditions below. In addition, the parties agree that regulatory approvals may be required for Natomas to transfer surface water to ASWC during the months from November through March.

### Groundwater

Groundwater may be available to Natomas based upon its appointment as an agent for shareholder/landowners within the M&I Service Area. Natomas will transfer groundwater to ASWC and execute any and all documents necessary to enable ASWC to exercise the overlying groundwater rights of landowners within the Sutter M&I Service Area. As long as groundwater is transferred to ASWC by Natomas in the quantities necessary (when combined with surface water transferred by Natomas) to satisfy the reasonably projected M&I water requirements identified under prudent management standards, ASWC will not seek to acquire appropriative rights to groundwater within the Sutter M&I Service Area.

### Surplus Water

The parties acknowledge and agree that Natomas will be delivering water that is surplus to the needs of Natomas's shareholders for agricultural purposes and that Natomas may also supply such surplus water to the County of Sacramento or Sacramento County Water Agency. Natomas agrees that it will use good faith and reasonable best efforts to undertake all acts reasonably and prudently necessary to ensure surplus water exists in sufficient quantities to provide a Reliable Water Supply to ASWC.

"Reliable Water Supply" means a long-term, continuous and reliable supply of untreated water which is sufficient to meet the demand of ASWC's M&I customers within the Sutter M&I Service Area in accordance with all provisions of applicable law. Natomas shall provide ASWC with a legal opinion that Natomas reasonably expects to have or make available sufficient surplus water to provide a Reliable Water Supply to ASWC.

### **Water Cost**

For each acre-foot of water transferred by Natomas to ASWC, whether that water is surface water or groundwater, Natomas will elect one of the following two payment methodologies:

- (1) Natomas will be paid in accordance with the Water Cost Methodology as defined in Exhibit D to the Operating Agreement, revised to eliminate any discretion of Natomas in setting the Economic Value of Water, as defined therein; or
- (2) The Lump Sum Methodology, which shall be determined as follows. On an annual basis, ASWC shall pay a lump sum value for the marginal amount of M&I water supply requirements projected for the following year over that amount projected (and paid for) for the preceding year. The lump sum payment for

each year's marginal amount will be based upon the present value of the projected Economic Value of Water (as defined in Exhibit D to the Operating Agreement) for the term of this Water Transfer Agreement, which shall be determined by agreement of the parties, or, if no agreement can be reached, through use of binding arbitration. The calculation of present value shall discount the projections of Economic Value of Water over the term of this Water Transfer Agreement at an interest rate equal to the yield on the 10-year treasury notes at the time of the calculation adjusted by an appropriate risk premium, if any, to reflect the risks of this Water Transfer Agreement. Payments made under this Lump Sum Methodology may be made on a one-time basis or as a stream of payments, at the discretion of Natomas, as long as the present value of any stream of payments is equal to the value determined by the Lump Sum Methodology.

Regardless of the payment methodology used, Natomas shall not be paid less than its actual costs reasonably incurred in delivering water to ASWC.

ASWC will include the Water Cost in its application filed with the CPUC for a certificate of public convenience and necessity. If Natomas selects the Water Cost Methodology, but the CPUC rejects ASWC's application or proposed rate schedule based upon that methodology, then the parties shall substitute the Lump Sum Methodology.

#### **Point of Delivery**

The point of delivery for surface water shall be at one or more locations as agreed upon by the parties *after* Natomas has diverted the water from the Sacramento River. ASWC shall be responsible, financially and otherwise, for any modifications or additions to the Natomas water distribution system necessary for the delivery of surface water for M&I use within the Sutter M&I Service Area. ASWC shall be responsible, financially and otherwise, for all conveyance and treatment of the water after the point of delivery, including the design, construction, finance, operation and maintenance of any surface water treatment plant and distribution system.

Groundwater shall be delivered to ASWC at the well location(s) designated by Natomas. ASWC shall be responsible for all extraction, conveyance and treatment of the groundwater, including the design, construction, finance, operation and maintenance of any groundwater wells, treatment facilities and distribution system. For purposes of determining payments due from ASWC to Natomas, groundwater will be deemed delivered to ASWC when ASWC has extracted the groundwater.



Upon taking delivery of the surface water or groundwater made available by Natomas, ASWC will exercise full dominion and control over the transferred water, and ASWC shall indemnify Natomas for any injuries to persons or property caused by water delivered by Natomas to ASWC. In the event that the validity of this Water Transfer Agreement is challenged by any third party, ASWC shall defend the validity of this Water Transfer Agreement and shall indemnify Natomas for expenses reasonably incurred by Natomas in defense of such Agreement.

#### **Wheeling Fee**

In addition to the Water Cost, ASWC shall pay to Natomas a wheeling fee for the use of Natomas water diversion and distribution facilities used prior to the point of delivery and for which ASWC was not previously responsible. The wheeling fee will be determined based on the actual cost of diverting, pumping, conveying and delivering water from the point of diversion in the Sacramento River to the point of delivery. In the wheeling fee, Natomas will recover a portion of the variable costs (including operation, maintenance, power and replacement) for actually wheeling water from the Sacramento River to the M&I system, based on the proportion of all water diverted by Natomas through the delivery facilities during each month that water was delivered to ASWC to meet its M&I water supply requirements.

#### **Use of Water**

The water transferred by Natomas under this Water Transfer Agreement will be the exclusive source utilized by ASWC to supply its customers with water for M&I use within the Sutter M&I Service Area, so long as sufficient water is made available by Natomas to ASWC to satisfy its M&I water demands.

The parties acknowledge and agree that Natomas is willing to supply water to ASWC as a corporation on a wholesale basis and not to ASWC's customers, other than as the water may be supplied by ASWC to its customers through ASWC's own distribution system and under its own exclusive control, and that Natomas does not hereby dedicate its water supplies to public use by ASWC, ASWC's customers or any other person. ASWC will supply to Natomas a reasoned, qualified legal opinion that the transfer of water by Natomas to ASWC under this Water Transfer Agreement will not impact Natomas's status as a private water company exempt from regulation by the CPUC, and Natomas will provide to ASWC a written concurrence from Natomas's legal counsel.

Until ASWC requires the water to meet its M&I water supply obligations, Natomas has the right to make whatever use of the water it desires, including the temporary transfer of the water to third parties; provided, that Natomas will take not action to adversely affect the rights of ASWC under this Water Transfer

Agreement.

**Term**

From the issuance of a certificate of public convenience and necessity by the CPUC to ASWC until the expiration of the Renewal Contract and any renewals thereof. As long as the Renewal Contract is renewed between Natomas and the Bureau of Reclamation, this Water Transfer Agreement will be automatically renewed for successive terms equivalent in length to the renewal terms of the Renewal Contract with the Bureau of Reclamation, unless and until ASWC, in its sole discretion, provides five years' written notice of termination to Natomas. In the event that Natomas elects not to renew its contract with the Bureau of Reclamation, Natomas shall assign to ASWC that portion of its right, title and interest in the Renewal Contract that will allow ASWC, to the extent possible, to continue to receive amounts of surface water consistent with this Water Transfer Agreement.

This Water Transfer Agreement shall be subject to early termination if: (a) all conditions of the Master Agreement and Operating Agreement between Natomas and ASWC are satisfied by July 31, 2005; (b) by December 31, 2010 ASWC has neither begun taking delivery of water nor commenced construction of facilities to take delivery of water pursuant to this Water Transfer Agreement; or (c) the CPUC concludes that the actions of Natomas in transferring water to ASWC under this Water Transfer Agreement and supplement instruments renders Natomas subject to the jurisdiction of the CPUC as a regulated public utility. If this Water Transfer Agreement is terminated, then Natomas shall be entitled to any work product previously created by ASWC, without cost to Natomas.

**Relationship to Representation Agreement**

The Parties acknowledge and agree that the Representation Agreement executed by the Parties on August 10, 2004 shall not have any impact on this Water Transfer Agreement, and that the water transfer implemented under this Water Transfer Agreement shall not be used for any purposes under the Representation Agreement.

**Mutual Assurances**

The Parties will exercise good faith and best efforts to preserve and protect the surface water rights of Natomas and the groundwater rights of Natomas's shareholder/landowners. The parties contemplate that further documentation may be required to implement the provisions of this Water Transfer Agreement but mutually acknowledge the further efforts and expense that will be incurred by both parties in implementation thereof. Accordingly, they will exercise good faith and best efforts to prepare and execute supplemental legal instruments and agreements that are necessary to implement the provisions of this Water Transfer Agreement.

## Dispute Resolution

The Parties will attempt in good faith to resolve through negotiation any dispute, claim or controversy arising out of or relating to this Water Transfer Agreement in accordance with this provision. Either Party may initiate such negotiations by providing written notice to the other Party setting forth the subject of the dispute and the relief requested. The recipient of such notice shall respond within five (5) days with a written statement of its position on, and recommended solution to, the dispute. If the dispute is not resolved through this exchange of correspondence, the representatives of each Party, with full settlement authority, will meet at a mutually agreeable time and place within ten (10) days of the date of the initial notice to attempt to resolve the dispute. If the dispute is not resolved by these informal negotiations, the issue will be submitted for mediation in the following manner:

- (a) Notice; Selection of Mediator. Either Party shall provide the other Party with a written request to enter into mediation. The Parties shall select an agreed-upon neutral mediator within seven (7) days of the written notice. The mediator selected shall be experienced, neutral, without conflicts of interest, and qualified to resolve disputes of the nature of those that may arise under this Water Transfer Agreement. If the Parties are unable to agree upon a mediator, each Party shall select one mediator, with the two selected mediators selecting a third qualified, neutral mediator.
- (b) Good Faith; Confidentiality. The Parties covenant that they will participate in the mediation in good faith, and they will share equally in the costs of the mediation. All offers, promises, conduct and statements (whether oral or written), made in the course of the mediation by any of the Parties, their agents, employees, experts and attorneys, and by the mediator, are confidential, privileged and inadmissible for any purposes in any litigation or other proceeding involving the Parties, provided that evidence that is otherwise admissible or discoverable shall not be rendered inadmissible or non-discoverable as a result of its use in the mediation.
- (c) Other Relief. Either Party may seek equitable relief in accordance with this Water Transfer Agreement prior to the mediation to preserve the *status quo* pending the completion of the mediation process.
- (d) Mediation Conference; Settlement of Dispute. Within ten (10) days of the written notice, a mediation conference will take place at the offices of the mediator, or such other place as the mediator may designate. The mediator will preside at the mediation conference. During the course of the mediation process, all

California statutes, decisions and Rules of Court, and all federal statutes, decisions and Local Rules will be superseded and waived. If the Parties, after consultation with their respective legal counsel, reach agreement on the settlement of the dispute, within ten (10) days after the conclusion of the mediation conference, the Parties and their respective legal counsel will execute, deliver and make effective a written settlement agreement setting out all the terms and conditions of the settlement of the dispute.

- (e) Enforcement of Mediation. This dispute resolution provision may be enforced by any State court in the County of Sacramento, and, notwithstanding any other provision in this Water Transfer Agreement to the contrary, the Party seeking to enforce this provision shall be entitled to an award of all costs, fees and expenses, including attorneys' fees, to be paid by the Party against whom enforcement is ordered.

#### General Reference

Any dispute arising out of or relating to this Water Transfer Agreement which has not been resolved pursuant to the mediation process described above shall be heard by general reference pursuant to the provisions of California Code of Civil Procedure, sections 638 through 645.1, inclusive, according to the following procedures:

- (a) The Parties shall agree upon a single referee, the maximum hourly rate the referee may charge and, at the request of either Party, the maximum number of hours for which the referee may charge. Such referee shall then try all issues, whether of fact or law, and report a finding and judgment thereon. If the Parties are unable to agree upon a referee, the maximum hourly rate or, if so requested, the maximum hours for which the referee may charge, within ten (10) days of a written request to do so by any Party, then any Party may thereafter seek to have a referee appointed pursuant to California Code of Civil Procedure, sections 638 and 640, by a State court located in the County of Sacramento, subject to the right of either Party to object to the appointment of a person as the referee on the grounds permitted by California Code of Civil Procedure, sections 641 or 641.2.
- (b) The Parties agree that the referee shall have the power to decide all issues of fact and law and report his or her decision thereon, and to issue all legal and equitable relief appropriate under the circumstances of the controversy before him or her; provided, however, that to the extent the referee is unable to issue or enforce any such legal or equitable relief, either Party may petition a State court in the County of Sacramento to issue or

enforce such relief on the basis of the referee's decision.

- (c) The Parties shall agree upon the rules of evidence and procedure relating to the conduct of the hearing, examination of witnesses and presentation of evidence. If the Parties are unable to agree upon such rules and procedures within thirty (30) days of a written request to do so by any Party, then the California Evidence Code rules of evidence and procedure shall apply to the conduct of the hearing, examination of witnesses and presentation of evidence.
- (d) Any Party desiring a stenographic or other written record of the hearing may secure a court reporter to attend the hearing; provided, that the requesting Party notifies the other Party of the request and pays for the costs incurred by the court reporter.
- (e) The referee shall issue a written statement of decision that shall be reported to the State court in the County of Sacramento in accordance with California Code of Civil Procedure Section 643 and mailed promptly to the Parties.
- (f) Judgment may be entered on the decision of the referee in accordance with California Code of Civil Procedure, section 644, and the decision may be excepted to, challenged and appealed according to law.
- (g) The Parties shall promptly and diligently cooperate with one another and the referee and shall perform such acts as may be necessary to obtain a prompt and expeditious resolution of the dispute in accordance with the terms hereof.
- (h) The cost of such proceeding, including but not limited to the referee's fees, shall initially be borne equally by the Parties to the dispute. However, the prevailing Party in such proceeding shall be entitled, in addition to all other costs, to recover its contribution for the cost of the reference and its reasonable attorneys' fees, expenses and related costs as items of recoverable costs. In the event that one Party prevails as to part of the dispute and the other Party prevails as to another part of the dispute, the costs of the proceeding shall be apportioned in such manner as determined by the referee to be fair and equitable.

**Conditions to  
Natomas's Obligation to  
Transfer Water to  
ASWC in the Sutter  
M&I Service Area**

The Parties will exercise good faith and reasonable best efforts to satisfy the following conditions. These conditions must be satisfied before Natomas is obligated to transfer water to ASWC. However, the effectiveness of this Water Transfer Agreement does not depend on the satisfaction of these conditions.

- (1) The completion of an Integrated Water Resources Management Plan demonstrating that Natomas has sufficient surplus water supplies available to meet its pledge of water for M&I uses within the Sutter M&I Service Area;
- (2) Filing by ASWC of an application with the CPUC for a certificate of public convenience and necessity to provide M&I water service for the Sutter M&I Service Area and for approval of this Water Transfer Agreement, within 180 days of execution of this Water Transfer Agreement. If ASWC does not file an application with the CPUC within the 180-day time period, then the water transfer agreement will terminate;
- (3) Issuance by the CPUC of a certificate of public convenience and necessity to ASWC for M&I water service in the Sutter M&I Service Area and a decision approving this Water Transfer Agreement within 60 months from the date of the filing of the application; and
- (4) Approvals by the Bureau of Reclamation and State Water Resources Control Board of all changes necessary for Natomas to transfer water to ASWC under this Water Transfer Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this Water Transfer Agreement.

NATOMAS CENTRAL MUTUAL WATER COMPANY

Date: 2/04/2005

By: Daniel W. Peterson

Its: GENERAL MANAGER

AMERICAN STATES WATER COMPANY

Date: 2/2/05

By: Royd E. Walker

Its: PRESIDENT & CEO



BOARD OF DIRECTORS  
NATOMAS CENTRAL MUTUAL WATER COMPANY  
RESOLUTION NUMBER 2006-1-02

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**RESOLUTION OF NATOMAS CENTRAL MUTUAL WATER COMPANY IN  
SUPPORT OF A CERTIFICATE OF PUBLIC CONVENIENCE AND  
NECESSITY FOR THE INITIATION OF RETAIL WATER SERVICE WITHIN  
SUTTER COUNTY BY GOLDEN STATE WATER COMPANY, A WHOLLY-  
OWNED SUBSIDIARY OF AMERICAN STATES WATER COMPANY**

WHEREAS, Natomas Central Mutual Water Company ("Natomas") is attempting to obtain revenue to help offset ongoing fixed costs and to ensure the continuing reasonable and beneficial use of water pursuant to its valuable water rights;

WHEREAS, American States Water Company ("ASWC") provides retail water services through its wholly-owned subsidiary of Golden State Water Company within 75 California cities and 10 counties;

WHEREAS, Natomas has executed a Water Transfer Agreement with American States Water Company on February 2, 2005;

WHEREAS, in accordance with the Water Transfer Agreement, Natomas will transfer water to ASWC on a schedule and in amounts sufficient to meet the municipal and industrial ("M&I") water supply requirements of ASWC in the Sutter M&I Service Area;

WHEREAS, the water made available by Natomas will be used by ASWC within the Natomas corporate boundaries located in Sutter County and for which the California Public Utilities Commission ("CPUC") may issue a certificate of public convenience and necessity to SCWC;

WHEREAS, the amount transferred will not exceed the projected water demands in the Integrated Water Resources Management Plan now being prepared by Natomas and ASWC, and in no event will exceed 30,000 acre-feet per year;

WHEREAS, deliveries will commence upon the beginning of Golden State Water Company's public utility water supply obligations, as approved by the CPUC, and continue for the term of the Water Transfer Agreement;

WHEREAS the Water Transfer Agreement will provide for the continued reasonable and beneficial use of Natomas water by Golden State Water Company and its customers on lands within the boundaries of Natomas and generally provided with agricultural water service by Natomas;

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WHEREAS the effectiveness of the Water Transfer Agreement is dependent upon CPUC approval of the proposed new retail service area for Golden State Water Company within the Natomas corporate boundaries and within Sutter County;

WHEREAS ASWC through Golden State Water Company is the entity best situated to provide retail M&I service within Sutter County on an efficient and timely basis; and

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WHEREAS the reasonable and beneficial use of water by ASWC will provide further benefits to Natomas shareholders and Sutter County residents in the form of economic investment and protection of agricultural values by stabilizing long-term water supply costs for Natomas;

NOW THEREFORE NATOMAS HEREBY RESOLVES THAT:

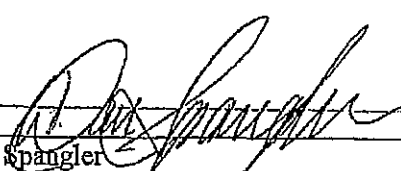
1. Natomas supports Golden State Water Company's filing an application with the CPUC for a certificate of public convenience and necessity for that portion of the Natomas service area that lies within Sutter County in accordance with the terms of the Water Transfer Agreement.
  2. Natomas requests that the CPUC grant a certificate of public convenience and necessity to Golden State Water Company in accordance with the terms of the Water Transfer Agreement.
  3. Upon the CPUC's grant of a certificate of public convenience to ASWC and Golden State Water Company and only to the extent that Golden State Water Company provides M&I service within the Natomas corporate boundaries on lands within Sutter County in accordance with the Water Transfer Agreement, Natomas waives any claim or right to compensation it might possess under Public Utilities Code sections 1501 through 1507 regarding the duplication of services within its boundaries
- 
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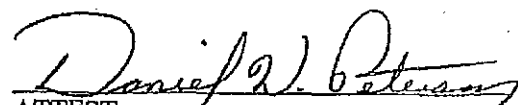
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PASSED AND ADOPTED by vote of the Board of Directors on January 10, 2006.

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Dan Spangler  
President, Board of Directors



ATTEST  
Daniel W. Peterson  
General Manager  
Natomas Central Mutual Water Company

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*[Excerpt taken from the California Public Utilities Commission Website, at  
<http://www.cpuc.ca.gov/static/energy/environment/infocrit.htm>]*

## Information and Criteria List

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### V. ENVIRONMENTAL INFORMATION REQUIREMENTS

This section shall apply to all projects subject to CEQA for which Commission approval is required by law, except projects for which an application must be filed with the California Energy Resources Conservation and Development Commission pursuant to Public Resources Code, Section 25500.

#### 1. PEA REQUIREMENT

The proponent of any project subject to this section shall include with the application for such project an environmental assessment which shall be referred to as the Proponent's Environmental Assessment (PEA).

#### 2. PURPOSE

The PEA is intended to be the means by which the Commission can quickly focus upon any environmental impacts of a project. Where the Commission is the Lead Agency under CEQA it may be used as an aid in preparing the Commission's Initial Study to determine whether to prepare a Negative Declaration or an Environmental Impact Report. The PEA reviewed, corrected, amended and independently evaluated and analyzed by the Commission staff may become the Commission's Draft EIR.

#### 3. CONTENT

If it can be seen with certainty that there is no possibility that the project in question may have a significant adverse effect on the environment, the PEA for the project should be limited to a statement of this conclusion and any additional explanation or information which may be necessary for an independent evaluation of such assertion by the Commission. If it cannot be seen with certainty that there is no possibility that the project in question may have a significant adverse impact on the environment, then the PEA shall include all information and studies required by Sections V, 7 through V, 13.

The PEA should succinctly describe the environment of the area or areas which will be or may be affected by the project and project alternatives under consideration. The description shall be no longer than is necessary to understand the potential impacts.

The PEA shall analyze in depth all and only those impacts which are significant or potentially significant. It shall identify and eliminate from detailed study impacts which are not significant. Effort and attention shall be devoted to important issues rather than verbose descriptions of the project itself or the environmental setting. The Environmental Impact Assessment Summary form, a copy of which is attached, shall be employed to more accurately define the required scope and detail of PEAs for particular projects.

#### 4. SIGNIFICANCE

There is no strict criteria for determining the significance of an impact. The determination ultimately requires the exercise of reasoned judgment taking into account the nature of the project and environmental setting. Opinions may differ, but where there is, or can be anticipated to be, a substantial body of opinion that considers or will consider the impact to be significant and discussed in detail in accord with Section V, 13.

In evaluating significance both primary or direct and secondary or indirect effects shall be considered. Primary effects are those immediately related to the project. Secondary effects are consequences associated more closely with the primary effects than to the project itself. New suburban growth may be a primary effect of an electric transmission line extension for example, whereas possible effects, such as traffic congestion and consequent air pollution, would be secondary effects.

Impacts of a project may be both adverse and beneficial. All significant adverse effects shall be discussed in detail in accord with Section V, 13, even though the proponent may be of the opinion that on balance the beneficial effects outweigh the adverse impacts.

Temporary effects are not necessarily insignificant, although the duration of the effect is relevant to the issue of significance.

A project must be considered to entail a significant effect on the environment if:

(a) The project has the potential to degrade the quality of the environment, substantially reduce the habitat of a fish and wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

(b) The project has the potential to achieve short term environmental goals to the disadvantage of long-term environmental goals.

(c) The project has possible environmental effects which are individually limited but cumulatively considerable. As used in the subsection, "cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

(d) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

## 5. INCORPORATION BY REFERENCE.

The PEA may incorporate material by reference when to do so would reduce bulk without impeding agency or public review. Any such incorporation shall, however, include a summary of the matter to which reference is made and an explanation of its relevance to the project. No material may be incorporated by reference unless it is reasonably available, or is made reasonably available for inspection by the Commission and potentially interested members of the public. All or any part of any Environmental Impact Statement (EIS) prepared pursuant to the National Environmental Policy Act of 1969 (NEPA), or any EIR or Master Environmental Assessment prepared pursuant to CEQA, may be submitted in lieu of all or any part of the PEA required by this rule, provided the requirements of all applicable sections of these Information and Criteria Lists are fully satisfied. The PEA on a project for which the Commission is a Responsible Agency under CEQA shall, whenever possible, incorporate by reference the Lead Agency's Initial Study and Negative Declaration or Environmental Impact Report.

## 6. FILING REQUIREMENTS.

The PEA shall be filed as a separate exhibit accompanying the application or pleading. It need not be physically attached thereto. The proponent shall file an original, twelve conformed copies, and such additional copies as may be required by the Commission to process the application.

## 7. FORMAT.

The following standard format for a PEA should be followed for all projects for which it cannot be seen with certainty that there is no possibility that the project may have a significant adverse impact on the environment:

- (a) Cover sheet
- (b) Table of Contents
- (c) PEA Summary
- (d) Project Purpose and Need
  - (e) Project Description
  - (f) Environmental Setting
  - (g) Environmental Impact Assessment Summary
  - (h) Detailed Discussion of Significant Impacts
  - (i) Appendices (if any)

## 8. COVER SHEET.

The cover sheet shall consist of a single sheet containing the title "Proponent's Environmental Assessment," the caption of the proceeding for which the PEA has been prepared, the docket number of the proceeding, and the name, address, and telephone number of the project proponent.

## 9. PEA SUMMARY.

Each PEA shall contain a summary which shall briefly state the major conclusions, areas of controversy, and major issues which must be resolved (including the choice among reasonably feasible alternatives and mitigation measures, if any). The summary should normally be two to ten pages in length, but may be shorter or longer depending upon the complexity of the project and the number and significance of the project's impacts.

## 10. PROJECT PURPOSE AND NEED.

All PEAs shall contain an explanation of the objective or objectives of the project. This shall be accompanied by an analysis of the reason why attainment of these objectives is necessary or desirable. The analysis should normally not exceed a page or two in length except where significant or potentially significant project impacts have been identified in the Environmental Impact Assessment Summary required by Section V, 13. Where such impacts have been identified, the analysis of project purpose and need must be sufficiently detailed to permit the Commission to independently evaluate the project need and benefits in order to accurately consider them in light of the potential environmental costs. This requirement may be satisfied by reference to specific portions of the project application which address this issue.

## 11. PROJECT DESCRIPTION.

The description of the project shall contain the following information, but should not supply extensive detail beyond that needed for evaluation and review of the environmental impact.

- (a) The precise location and boundaries of the project shall be shown on a detailed map, preferably topographic. The location shall also be shown on a regional map.
- (b) A general description of the project's technical, economic, and environmental characteristics considering the principal engineering proposals and supporting public service facilities.

The requirements of this section may be satisfied by reference to specific portions of the project application which address these issues and include this information.

## 12. ENVIRONMENTAL SETTING.

The PEA must include a description of the environment in the vicinity of the project and within the potential range of impact as it exists before commencement of the project. Both local (site-specific) and regional perspectives must be provided. The description should include some discussion of the topography, land use patterns, and general biological environment. Detailed descriptions should be limited to those elements of the environment which may be subject to a potentially significant impact. The setting must, however, be sufficiently described to permit an independent evaluation by the Commission of elements which could be impacted by the project.

All elements of the environmental setting necessary to fully understand impacts identified as significant or potentially significant in the Environmental Impact Assessment Summary required by Section V, 13 shall be described in detail.

### 13. ENVIRONMENTAL IMPACT ASSESSMENT SUMMARY.

Every PEA shall contain an Environmental Impact Assessment Summary in the form attached. This summary shall be employed as an aid in determining the scope and detail of the environmental setting and impact analyses. All impacts identified as significant or potentially significant must be explained in detail in accord with the criteria stated in Section V, 14. All elements of the environmental setting necessary to fully understand such impacts shall be described in detail in accord with Section V, 12. All other answers provided on the form should be briefly explained in the space provided or on additional sheets attached to the Summary as necessary. These brief explanations should contain no detailed studies, research, or analysis.

Each enumerated question shall be answered "yes," "no," "potential," or "unknown" in column 1 labelled "IMPACT" to indicate whether the project involved will result either directly or indirectly in any impact of the type identified. If it is felt that there will or may be an impact of the type listed, an attempt to quantify the impact must be made by the proponent and indicated in column 2 labelled "SIGNIFICANCE." If it can be seen with certainty that the impact or potential impact will be significant the answer "significant" shall be given. If the impact or potential impact is difficult to quantify but a substantial body of opinion can be expected to consider the impact to be significant, the answer "potentially significant" shall be given. If despite good faith efforts the proponent is unable to provide any reasonable estimate of the significance of the impact the answer "unquantified" shall be given. If it can be seen with certainty that the impact or potential impact under consideration will not be significant the answer "insignificant" shall be given.

### 14. DETAILED DISCUSSION OF SIGNIFICANT IMPACTS.

The PEA shall include a detailed discussion of all project impacts and potential impacts of significance. The cumulative effect of the project's impacts shall also be discussed in detail where such cumulative effect is significant. Impacts should be discussed in the order of importance or significance. Any data and analyses shall be commensurate with the importance of the impact, with less important material summarized, consolidated, or incorporated by reference in accord with Section V, 5. Distinctions between factual findings and assumptions or subjective judgments should be made clear.

In addition to the analyses of individual project impacts, the PEA for all projects which may have a significant effect on the environment shall address the following:

(a) Mitigation Measures Proposed to Minimize the Significant Effects. Describe significant, avoidable, adverse impacts, including inefficient and unnecessary consumption of energy, and measures to minimize these impacts. The discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures that are not included but could reasonably be expected to reduce adverse impacts. This discussion shall include an identification of the acceptable levels to which such impacts will be reduced, and the basis upon which such levels were identified. Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular

measure should be identified. Energy conservation measures, as well as other appropriate mitigation measures, shall be discussed when relevant.

(b) Alternatives to the Proposed Action. Describe all reasonable alternatives to the project, or to the location of the project, which could feasibly attain the basic objectives of the project, and why they are rejected in favor of the ultimate choice. The specific alternative of "no project" must also always be evaluated, along with the impact. The discussion of alternatives shall include alternatives capable of substantially reducing or eliminating any significant environmental effects, even if these alternatives substantially impede the attainment of the project objectives, and are more costly.

(c) The Growth-Inducing Impact of the Proposed Action. Discuss the ways in which the proposed project could foster economic or population growth, either directly or indirectly, in the surrounding environment. Included are projects which would remove obstacles to population growth (a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas). Increases in the population may further tax existing community service facilities so consideration must be given to this impact. Also, discuss the characteristics of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

(d) Organizations and Persons Consulted. The PEA shall include a list of persons, and their qualifications, responsible for compiling the detailed information for each area of environmental concern, and a discussion of the methods used to produce such information.

#### 15. AFFECTED PROPERTY OWNERS.

Where the Commission is the Lead Agency under CEQA, the names and mailing addresses of all owners of land over, under or on which the project, or any part of the project, may be located, and owners of land adjacent thereto, shall be listed in an appendix to the PEA.

APPENDIX G

Environmental Checklist Form

1. Project title: \_\_\_\_\_

2. Lead agency name and address:  
\_\_\_\_\_  
\_\_\_\_\_

3. Contact person and phone number: \_\_\_\_\_

4. Project location: \_\_\_\_\_

5. Project sponsor's name and address:  
\_\_\_\_\_  
\_\_\_\_\_

6. General plan designation: \_\_\_\_\_ 7. Zoning: \_\_\_\_\_

8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Surrounding land uses and setting: Briefly describe the project's surroundings:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Agriculture Resources     | <input type="checkbox"/> Air Quality         |
| <input type="checkbox"/> Biological Resources          | <input type="checkbox"/> Cultural Resources        | <input type="checkbox"/> Geology /Soils      |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Mineral Resources           | <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population / Housing   |
| <input type="checkbox"/> Public Services             | <input type="checkbox"/> Recreation                         | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |   |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
For

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose



sensitive receptors to pollutants, based on a project-specific screening analysis).

- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
  - a) the significance criteria or threshold, if any, used to evaluate each question; and
  - b) the mitigation measure identified, if any, to reduce the impact to less than significance

**SAMPLE QUESTION**

Issues:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--	--------------------------------------	---	------------------------------------	--------------

**I. AESTHETICS** -- Would the project:

- |  |                          |                          |                          |                          |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Have a substantial adverse effect on a scenic vista?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?                                    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**II. AGRICULTURE RESOURCES:** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- |  |                          |                          |                          |                          |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**III. AIR QUALITY** -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- a) Conflict with or obstruct implementation of the applicable air quality plan?
- b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
- c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?
- d) Expose sensitive receptors to substantial pollutant concentrations?
- e) Create objectionable odors affecting a substantial number of people?

**IV. BIOLOGICAL RESOURCES** -- Would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?
- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- d) 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?

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

d) Disturb any human remains, including those interred outside of formal cemeteries?

VI. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

ii) Strong seismic ground shaking?

iii) Seismic-related ground failure, including liquefaction?

iv) Landslides?

b) Result in substantial soil erosion or the loss of topsoil?

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

VII. HAZARDS AND HAZARDOUS MATERIALS --

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

a) Violate any water quality standards or waste discharge requirements?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

f) Otherwise substantially degrade water quality?

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

j) Inundation by seiche, tsunami, or mudflow?

**IX. LAND USE AND PLANNING** - Would the project:

a) Physically divide an established community?

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

X. MINERAL RESOURCES -- Would the project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

XI. NOISE --

Would the project result in:

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

XII. POPULATION AND HOUSING -- Would the project:

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

XIII. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

Fire protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

Police protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

Schools?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

Parks?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

Other public facilities?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

XIV. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

XV. TRANSPORTATION/TRAFFIC -- Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

e) Result in inadequate emergency access?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

f) Result in inadequate parking capacity?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------



g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

XVI. UTILITIES AND SERVICE SYSTEMS --

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

g) Comply with federal, state, and local statutes and regulations related to solid waste?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

**XVII. MANDATORY FINDINGS OF SIGNIFICANCE --**

Potentially Significant Impact      Less than Significant With Mitigation      Less Than Significant Impact      No Impact

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

Sutter County  
Community Services

1130 Civic Center Boulevard  
Yuba City, CA 95993



Animal Control • Building Inspection • Emergency Services • Environmental Health • Fire Services • Planning

## Sutter Pointe Specific Plan

Environmental Impact Report (EIR) Scoping Meeting

April 19, 2007

We encourage you to share your thoughts and opinions with us regarding the scope of the environmental review to be completed for the Sutter Pointe Specific Plan.

Name: ELAINE MILES

Address, City, Zip: 487 ANITA WY, YUBA CITY, CA 95993

Phone: 530 671-7916 Email: \_\_\_\_\_

Questions/Comments: *I am very concerned about the lack of flood protection. The homes are primarily being built on the lower levels of elevation and even 100-yr protection won't help if you are on low ground a levee breaks. Homes should be developed on highest elevations in area. It is almost if not, criminal to allow this. I am also concerned about incurring expensive government developed and operated water delivery when a private water agency would or could be developed & expanded at a more economical cost. Further, Sutter County appears to be moving to becoming Sacramento's "dumping ground" for conservation thereby locking up more of our land and depriving Sutter County of development opportunities.*

For more information, please visit the project website or contact the project proponent.  
www.sutterpointe.com • info@sutterpointe.com • (530) 660-2154

You may also visit the County website at [www.suttercounty.org](http://www.suttercounty.org) and follow the "Measure M" link.

Sutter County  
Community Services

1130 Civic Center Boulevard  
Yuba City, CA 95993



Animal Control • Building Inspection • Emergency Services • Environmental Health • Fire Services • Planning

## Sutter Pointe Specific Plan

Environmental Impact Report (EIR) Scoping Meeting  
April 19, 2007

We encourage you to share your thoughts and opinions with us regarding the scope of the environmental review to be completed for the Sutter Pointe Specific Plan.

Name: Linda McCurley

Address, City, Zip: 124 Wilson Ave., Yuba City, CA 95991

Phone: 530 671-5322 Email: NSTATElady@COMCAST.NET

Questions/Comments: \_\_\_\_\_

① My greatest concern. Highway 99 NOT be the only thoroughfare for all initial AND ON going construction <sup>otherwise..</sup> though you indicate

② Do we have the needed water resources?

③ From my perspective, I would like to see meaningful paying jobs for Senior citizens incorporated into this plan even if it means taking training courses at colleges or universities.

For more information, please visit the project website or contact the project proponent:

[www.sutterpointe.com](http://www.sutterpointe.com) • [info@sutterpointe.com](mailto:info@sutterpointe.com) • (530) 660-2154

You may also visit the County website at [www.suttercounty.org](http://www.suttercounty.org)  
and follow the "Measure M" link.

**Doug Libby**

**From:** Chambers, Donald W [DWC4@pge.com]  
**Sent:** Friday, May 11, 2007 1:33 PM *↔ Received*  
**To:** Doug Libby  
**Subject:** [BULK] FW: Sutter Pointe Specific Plan NOP/Draft EIR  
**Importance:** Low  
**Attachments:** South Sutter Place- Specific Plan Response; South Sutter Point Specific Plan CD

*PG&E commits*

Doug-

Below are some attachments (previous correspondence) on what appears to be for the Sutter Point Specific Plan. The one is very detailed as to the specifics for our need gas and electric facilities to serve this project.

Please include in the Draft E.I.R./NOP. As it is necessary for inclusion as part of the developments project E.I.R permits. If not specific, PG&E may be bound by the CPUC to "fly" solo on obtaining notice of intents and permitting and such to get our own authorizations and reviews, which would more than likely kill the whole developers project schedule....not to mention additional costs.

Thanks,  
 Don Chambers  
 Land Agent  
 Chico  
 896-4257

---

**From:** King, Sherry  
**Sent:** Friday, May 11, 2007 1:04 PM  
**To:** Chambers, Donald W  
**Cc:** McAndrew, Robert R; Sweeney, Brian; Johnston, Greg  
**Subject:** RE: Sutter Pointe Specific Plan NOP/Draft EIR

All,

Is the Sutter Pointe project the same a South Sutter Point Project? Attached are a couple of responses we sent back concerning the South Sutter Point project in 2005:

<<South Sutter Place- Specific Plan Response>> <<South Sutter Point Specific Plan CD>>

Sherry

---

**From:** Chambers, Donald W  
**Sent:** Friday, May 11, 2007 7:58 AM  
**To:** King, Sherry  
**Cc:** McAndrew, Robert R; Sweeney, Brian; Wong, Ed; Stewart, Leo; Johnston, Greg  
**Subject:** RE: Sutter Pointe Specific Plan NOP/Draft EIR

Sherry-

I spoke with Doug Libby (Senior Planner), about our concerns and the lack of specific language in the NOP addressing the need for PG&E's new substation site, capacity upgrade work, etc, to serve this project. He is aware of our needs to serve, it is to be added to the final draft and per Doug the parties involved are aware of the

5/11/2007

## **South Sutter Place- Lennar Project**

The following is a brief description of Pacific Gas and Electric Company's (PG&E) facilities required to serve this project or proposed to be constructed through the project boundaries within the next seven years.

### **PG&E ELECTRIC SERVICE REQUIREMENTS**

To serve the large amount of new electric demand created by the proposed South Sutter Place project, a new electric transmission line and electric substation will need to be constructed within the project area, as well as all of the associated distribution feeders throughout the project. The following will be required as part of the overall project development:

- PG&E will tap into PG&E's existing Rio Oso-West Sacramento 115 kilovolt (kV) electric transmission line located along the Union Pacific Railroad (UPRR) near the south-east corner of the project boundary between Riego Road and the Sutter/Sacramento County line.
- A new 115kV double-circuit tubular steel overhead transmission pole line would be constructed within a 60-foot wide dedicated electric transmission right-of-way (R/W), located completely within the project boundary, running east-west along the southern boundary of the project along the Sutter/Sacramento County line. This R/W will begin near the UPRR and extend to the west, crossing Highway 99 into the planned business/industrial area. The R/W will then need to turn north and continue to the required electric substation site.
- This tubular steel pole line will support two sets of overhead transmission wires as well as two sets of overhead distribution wires. The steel poles will be approximately 100 foot tall. 24-hour all-weather access to the pole line will be required for maintenance and operations.
- Also within the electric transmission R/W, provisions will be made to allow for the installation of underground electric distribution lines as required.
- A three acre (rectangular in shape) parcel will be required within the planned business/industrial area in the south-west portion of the project for the installation of an electric substation. The proposed location is west of Highway 99 and north of the proposed water/drainage canal on a corner lot. The substation will convert the 115 kV transmission voltage down to either a 21 kV or 12 kV distribution voltage level.
- The electric substation site will require year-round, 24-hour, all-weather access. Moreover, roadway access to the site will need to accommodate very large trucks and cranes with a large turning radius.

- Along all roadways throughout the entire project, 15-foot-wide public utility easements will be required on both sides of each road for the installation of gas and electric distribution feeders along with other utilities as required.

### **PG&E GAS SERVICE REQUIREMENTS**

To provide adequate natural gas supply to serve new demand projected for South Sutter, South Placer, Sacramento and El Dorado counties, PG&E plans to construct a new 11-mile 30-inch natural gas transmission pipeline from PG&E's Line 401 to PG&E's Line 172 as well as a new 27-mile 24-inch natural gas transmission pipeline from PG&E's Line 172 near the town of Yolo to PG&E's Line 123 in the City of Roseville. The route will generally run east-west within approximately one mile on either side of the Sutter/Sacramento County line extended to the west to the town of Yolo and to the east to the City of Roseville. PG&E's preference is to build this new transmission pipeline directly through, or adjacent to, each development located along this east-west corridor in. Distribution Feeder Mains and Distribution Regulator Stations will then be extended from this new transmission pipeline to supply the 60 pounds per square inch gauge distribution facilities to be built within each development area.

Deleted: guage

The following will be required to provide natural gas service to the South Sutter Place project:

- A new 24-inch transmission pipeline constructed within a 50-foot wide easement running east-west within a mile on either side of the Sutter/Sacramento County line.
- Approximately two Distribution Feeder Mains and Distribution Regulator Stations located along the route as warranted by load requirements; the Stations will require approximately 20-foot by 80-foot easements and the Feeder Mains will require approximately 25 foot wide easements.
- Gas distribution mains and services.
- Above ground features include vertical pipeline markers as well as valve frame and covers which are at the ground surface level.
- All gas facilities will require 24-hour all-weather access for maintenance and operations.
- Along all roadways throughout the entire project, 15-foot-wide public utility easements will be required on both sides of each road for the installation of gas and electric distribution feeders along with other utilities as required.

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 3  
703 B STREET  
P. O. BOX 911  
MARYSVILLE, CA 95901-0911  
PHONE (530) 741-5151  
FAX (530) 741-5346  
TTY (530) 741-4509



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Be energy efficient!*



May 9, 2007

07SUT0011  
03-SUT-099, P.M.: 0.0-4.0  
Sutter Pointe Specific Plan  
NOPEIR, SCH# 2007032157

Doug Libby, Senior Planner  
County of Sutter  
Community Services Department  
1130 Civic Center Boulevard, Ste. E  
Yuba City, CA 95993

Dear Mr. Libby:

Thank you for extending the time to review and provide comments on the notice of preparation (NOP) of a draft environmental impact report (DEIR) for the proposed Sutter Pointe Specific Plan. This new mixed-use project proposes development of up to 17,500 dwelling units on 7,500 acres of property located approximately two miles northeast of the Sacramento International Airport along State Route (SR) 99 by the Sacramento/Sutter County line to the south, Natomas Road to the east, and a portion of Powerline Road to the west. Our comments are as follows:

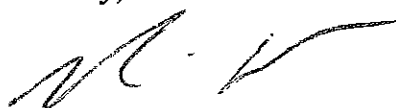
- We have previously reviewed the draft Sutter Pointe Specific Plan and provided comments. The comments from our September 15, 2006 letter (copy attached) to Sutter County apply to this NOP.
- This project is of statewide, regional, or areawide significance as defined by Section 15206 of the California Code of Regulations (CCR) and Section 21092.4 of the Public Resources Code (PRC). Pursuant to CCR Sections 15082 and 15104, and PRC Sections 21080.4 and 21083.9, we request that a scoping meeting be conducted between the County, the County's DEIR traffic study consultant, and the Department of Transportation to discuss assumptions that will be used in the traffic impact study.



Mr. Doug Libby  
May 9, 2007  
Page 2

Please contact Rick Helman, Local Development/Intergovernmental Review Coordinator,  
at (530) 634-7612 to schedule the meeting.

Sincerely,

A handwritten signature in black ink, appearing to read 'N. Deal', with a long horizontal flourish extending to the right.

NICHOLAS DEAL, INTERIM CHIEF  
Office of Transportation Planning-East

Attachment:

c: Scott Morgan, State Clearinghouse

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 3  
703 B STREET  
P. O. BOX 911  
MARYSVILLE, CA 95901-0911  
PHONE (530) 741-4025  
FAX (530) 741-4825  
TTY (530) 741-4509



*Flex your power!  
Be energy efficient!*

September 15, 2006

06SUT0026  
03SUT99/PM 00.00-04.00  
Draft Sutter Pointe Specific Plan

Doug Libby  
Sutter County Community Services Department  
1130 Civic Center Blvd.  
Yuba City, CA 95991

Dear Mr. Libby:

Thank you for the opportunity to review and comment on the development application for the Sutter Pointe Specific Plan. This is a new development proposal located in the southern portion of the County. The project area encompasses approximately 7,500 acres and is bounded by the Sacramento/Sutter County line to the south, Natomas Road to the east and a portion of Powerline Road to the west. Caltrans has the following comments on this proposal:

Based on the size of this project, (7,500 acres, up to 17,500 dwelling units) and the location, it has been determined that the project would have a significant traffic impact to traffic conditions on Highway 99/70 and on I-5. Therefore, we request that a Traffic Impact Study (TIS) be completed. We also have concerns regarding the coordination of highway improvements necessary as a result of development activities in north Sacramento County and western Placer County. Please schedule a scoping meeting with Caltrans before developing the TIS.

The TIS must include the total trips generated by this development for the A.M. and P.M. peak hours. It must also contain suggested mitigation measures, which would be placed in the environmental document prepared for the project in accordance with the latest "Guide for the Preparation of Traffic Impact Studies".

The TIS should incorporate the following scenarios:

- Existing conditions without the project for the current year
- Existing conditions plus the project by phases
- Cumulative condition without the project
- Cumulative condition with project build-out

The TIS should provide a Level of Service (LOS) analysis for the following locations:

- SR-99/Sankey Road Intersection
- SR-99/Riego Road Intersection (future interchange)
- SR-99/Elverta Road Intersection (future interchange)
- SR-99/Elkhorn Boulevard Interchange
- I-5/SR-99 Freeway to Freeway connectors

The study should include analysis for freeway mainlines, ramps, and ramp terminal intersections. A merge/diverge analysis should be performed for freeway and ramp junctions. All analysis should be based on A.M. and P.M. peak hour volumes. The analysis should include the individual, not averaged, LOS and traffic volumes applicable to all intersection road approaches and turn movements. Please see the TIS guide for details.

The results of the analysis of the TIS will allow the Mobility Plan (Section 2.4) to specifically address the impacts to the mainline state highways and develop the specific mitigation strategies. The goal to “enhance mobility and mitigate traffic impacts in the Sutter Pointe area through increased use of alternative modes of transportation” is a noble goal, but may be unrealistic. The TIS will assist in identifying the mitigation improvements needed to accommodate potential traffic from the Specific Plan area. For example, section 2.4.1, #6 states “provide potential right-of-way reserves for ...HOV lanes...”. Mainline state highways may require actual HOV expansion not just right-of-way sooner due to impacts from the Specific Plan.

In Section 2.4.5, the last sentence, Appendix F (Transit Plan) is not developed, and is needed to better analyze the mobility-enhancing strategies.

In order to adequately evaluate impacts upon the State's right-of-way and drainage facilities, a detailed drainage plan with “pre-construction” and “post-construction” hydraulic calculations should be supplied for our review. Existing drainage patterns must be perpetuated, maintained or improved. Pre- and post-project hydrologic/hydraulic calculations showing the coverage quantities for buildings, streets, parking, and landscape areas should be supplied for our review. Please request these calculations and send them to Mr. Cameron Knudson, Caltrans District 3, Hydraulics Branch at the above address in Marysville for review prior to final project approval. Mr. Knudson can be reached at (530) 741-4052.

Mitigation strategies should include Best Management Practices systems to ensure compliance with:

- Runoff must meet all Regional Water Quality Control Board (RWQCB) water quality standards prior to entering the State's right-of-way or drainage facilities.

Doug Libby  
September 15, 2006  
Page 3 of 3

- No net increase to the surface water (stormwater) peak runoff discharge (100 year storm event) within the State's right-of-way and drainage facilities may be realized as a result of the completion of the project.
- Removal of pollutants and management of stormwater prior to discharging into the State's right-of-way.

Once installed, the property owner must properly maintain these systems. The proponent/developer may be held liable for future damages due to impacts for which adequate mitigation was not undertaken or sustained. Acceptable constituency levels and appropriate BMP information can be obtained from the RWQCB.

Any work done in the State's Right of Way requires an Encroachment Permit issued by the State. For more information on encroachment permits and their requirements, please visit our web page at <http://www.dot.gov/doingbusiness.html> and then click on "encroachment permits".

If you have questions or need additional information, please contact Susan Zanchi, Yuba and Sutter Counties IGR Coordinator, at (530) 741-4199 or e-mail at [Susan\\_Zanchi@dot.ca.gov](mailto:Susan_Zanchi@dot.ca.gov).

Sincerely,

**Original signed by:**

**WILLIAM A. DAVIS**, Chief  
Office of Transportation Planning – North