

ATTACHMENT D:
Environmental Resource
Constraints Assessment



September 29, 2023

To: Tom Martens, Vice President
Economic and Planning Systems
City of Sacramento
455 Capitol Mall #701
Sacramento, CA 95814

Subject: Meadowview Opportunity and Constraints Memorandum for the Meadowview Project in Sacramento, California.

Dear Mr. Martens:

As requested, Raney has prepared the following California Environmental Quality Act (CEQA) Opportunity and Constraints Memorandum for the 102-acre Meadowview Project site, Assessor's Parcel Number (APN) 053-0010-058, located in the City of Sacramento, Sacramento County, CA. The purpose of the following memo is to identify the likely CEQA documentation, key environmental issues that may have the potential to be impacted and mitigation measures that would be required for the proposed project alternative site plans.

Introduction and Background

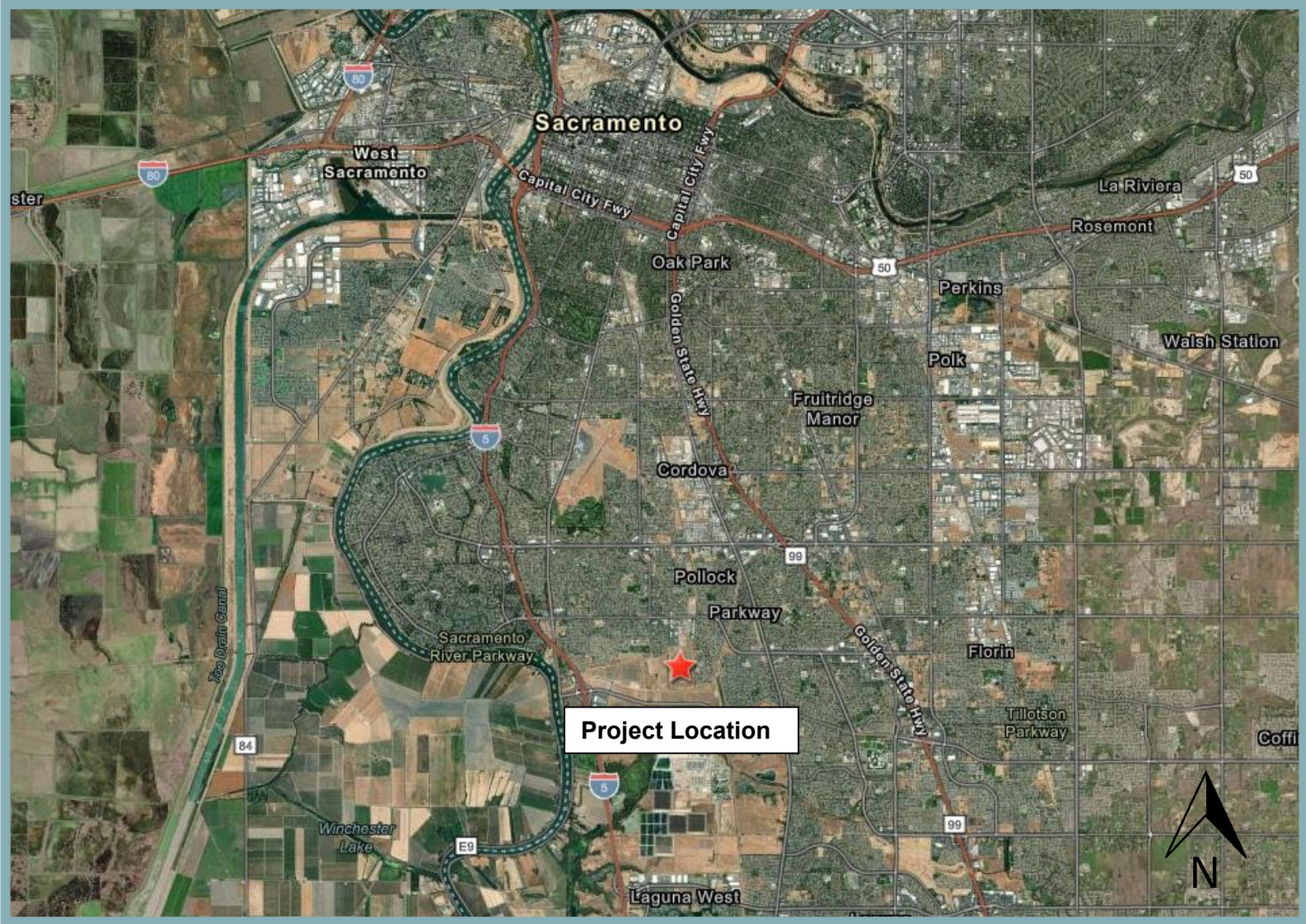
In January 2022, the City of Sacramento acquired the undeveloped project site to be developed as a short-term use safe parking location for the unhoused population. However, the City halted the environmental review process in October 2022 to conduct a more comprehensive examination of potential uses for the project site. Prior to pause of the environmental review process, a Cultural Resources Study and Phase I Environmental Site Assessment (ESA) were prepared for the project site. Additionally, Raney began the preparation of an Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed project and Madrone Ecological Consulting (Madrone) began the preparation of an Aquatic Resources Delineation and Biological Resources Assessment (BRA).

The City of Sacramento is now considering four alternative land use plans and an interim land use concept for the potential development of the project site. Raney has been contracted to provide an initial assessment of on-site environmental conditions, as well as a recommendation for the level of environmental review and mitigation measures for each of the proposed land use alternatives. The following Memorandum consists of Raney's preliminary findings after reviewing the provided project site planning information and proposed land use alternatives.

Project Location, Existing Conditions, and Surrounding Land Uses

The 102-acre project site is generally located south of Meadowview Road and northeast of the intersection of Consumnes River Boulevard and Delta Shores Circle in the City of Sacramento, California (see *Figure 1*). The project site is currently undeveloped, with the exception of a paved oval track on the perimeter and a strip of pavement that runs diagonally across the site. Additionally, according to the Environmental Resource Constraints Memorandum, prepared by Madrone, 6.92 acres of seasonal wetlands, 0.24 acre of ditch, and 3.31 acres of pond are present on the project site (see *Attachment A*).

**FIGURE 1
REGIONAL PROJECT LOCATION**



Surrounding existing land uses include the City of Sacramento Solid Waste Division offices, the Sacramento Job Corps Center trade school, the Army National Guard Recruiter office, and the California Department of Food & Agriculture offices and laboratories to the north; Susan B. Anthony Elementary School and Community Park, single-family residences, the Sacramento Regional Transit's Blue Line light rail route, and Morrison Creek to the east; the approved, but not yet constructed, Stone Beetland Project, which will include development of 1,163 residential units, Consumnes River Boulevard, and Morrison Creek to the south; and single-family residences, undeveloped land, and Meadowview Park to the west (see *Figure 2*). Regional access is provided by Interstate 5 (I-5) to the west. In addition, the project site is approximately 1.5 miles east of the Sacramento River.

Existing Project Area Designations and Zoning

The City of Sacramento 2035 General Plan (Sacramento General Plan) designates the project site Public/Quasi-Public and the site is zoned as Standard Single Family (R-1-R).

Land Use Concept Plans

The following consists of descriptions of each of the proposed land use concept plans.

Alternative #1

Alternative #1 would be comprised of the development of a 60-acre sports complex with a 100,000-square-foot (sf) indoor sports complex and 20 outdoor multi-use sports fields (see *Figure 3*). Additionally, the project would include a 7,000-linear foot cross country course bordering the project site boundaries. A pedestrian pathway would bisect the site north to south and east to west to provide walking access to the proposed outdoor multi-use sports fields. Alternative #1 would also include a 3.8-acre storm drainage facility in the western portion of the site. Approximately 1,350 parking stalls would be provided throughout the project and a portion of the northeast corner of the site would be preserved for additional overflow parking. Primary project site access would be provided by a new driveway to the west and secondary project site access would be provided by a new driveway to the south.

Alternative #2A

Alternative #2A would include the development of a 60-acre sports complex with a 100,000-sf indoor sports complex and 13 outdoor multi-use sports fields, as well as 13.6 acres of medium-density single-family residences, and 5.5 acres of high-density single-family residences (see *Figure 4*). Alternative #2A would also include a 6,500-linear foot cross country course surrounding the outdoor multi-use sports fields. A pedestrian pathway would bisect the site north to south and east to west to provide walking access to the proposed outdoor multi-use sports fields. Additionally, the project would include 15.3 acres of wetland preserve and a 4.1-acre storm drainage detention basin. Approximately 650 parking stalls would be provided throughout the project and a portion of the site would be preserved for additional overflow parking. Primary project site access would be provided by a new driveway to the west and secondary project site access would be provided by a new driveway to the south.

Alternative #2B

Alternative #2B would include the development of a 60-acre sports complex with a 100,000-sf indoor sports complex and 16 outdoor multi-use sports fields, as well as 22.2 acres of medium-density single-family residences, and 10 acres of high-density single-family residences (see *Figure 5*). Alternative #2B would also include a 6,300-linear foot cross country course surrounding the outdoor multi-use sports fields. A pedestrian pathway would bisect the site north to south and east to west to provide walking access to the proposed outdoor multi-use sports fields.

**FIGURE 2
PROJECT VICINITY MAP**



FIGURE 3
Conceptual Land Use Plan #1



FIGURE 4
Conceptual Land Use Plan #2A

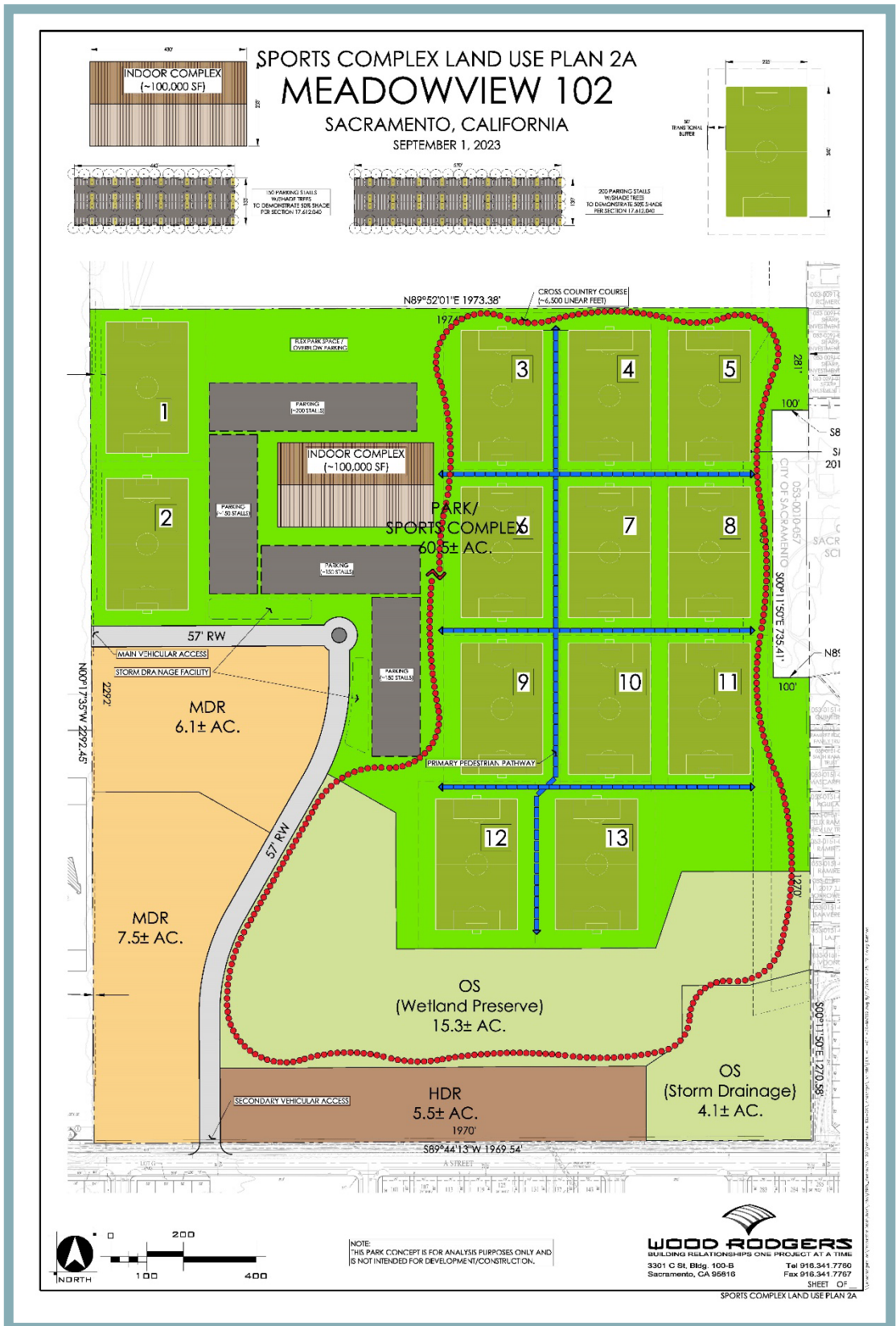


FIGURE 5
Conceptual Land Use Plan #2B



The proposed project would also include a 5.5-acre storm drainage detention basin in the western portion of the site. Approximately 750 parking stalls would be provided throughout the project and a portion of the site would be preserved for additional overflow parking. Primary project site access would be provided by a new driveway to the west and secondary project site access would be provided by two new driveways to the south.

Alternative #3

Alternative #3 would include the development of 43.4 acres of medium density single-family residences; 14.4 acres of medium-high density single-family residences; and 19.5 acres of high-density residences (see *Figure 6*). Alternative #3 would include an estimated total of 1,213 dwelling units. Alternative #3 would also include a 10-acre neighborhood park and 7.8 acres of open space/storm drainage detention basin in the central portion of the project site. Additionally, Alternative #3 would include two acres of landscape corridor. Primary project site access would be provided by a new driveway to the west and secondary project site access would be provided by two new driveways to the south.

Interim Land Use

All the alternatives would include an interim land use for approximately three to four acres of a tiny-home residential community consisting of 200 beds in the southwest corner of the project site. The community would be focused on providing temporary housing opportunities for the unhoused population in Sacramento and surrounding areas. Project site access for this interim use would be provided by a new driveway to the south.

Approach to CEQA Review of Alternative Land Use Plans

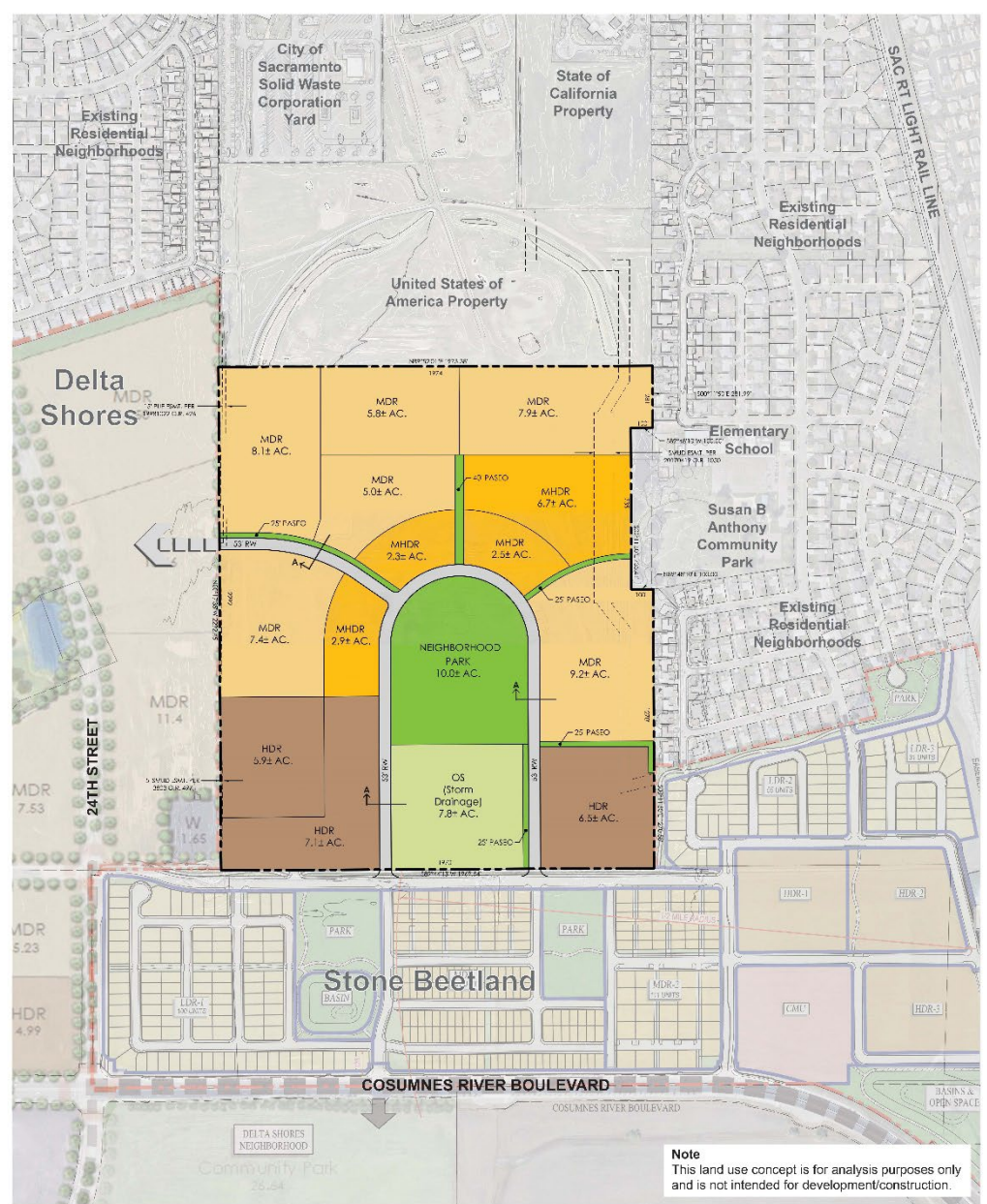
The following provides a discussion of the key issue areas to be addressed under CEQA in each of the alternatives and the likely environmental review documentation to be required. The proposed environmental review document would be prepared in accordance with the criteria, standards, and provisions of the CEQA, Section 21000 et seq. of the Public Resources Code and the State CEQA Guidelines (California Code of Regulations Section 15000 et seq.), and the regulations, requirements, and procedures of the City of Sacramento.

Given the passage of AB 52, and the associated amendments to Public Resources Code (PRC) 21080.3.1, lead agencies are required to consult with Native American tribes early in the CEQA process. Raney understands that the City of Sacramento has received letters from tribes requesting notice pursuant to AB 52/PRC 21080.3.1, and the City will need to notify the tribes in writing of the proposed project within 14 days from the start of the CEQA process. Raney assumes the City will handle all requirements and formal consultation pursuant to AB 52. It should be noted, AB 52 tribal consultation would be required regardless of the alternative land use plan chosen.

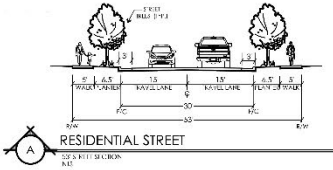
Alternative #1

Based on Raney's preliminary review of existing information for the project site and the surrounding vicinity, including available technical reports and the City of Sacramento General Plan and General Plan EIR, Raney recommends the preparation of a project-level Environmental Impact Report (EIR) that will provide a comprehensive analysis of the anticipated environmental effects of Alternative #1. Raney anticipates a project-level EIR would be the most appropriate environmental review document for Alternative #1, considering there would likely be significant and unavoidable impacts to Vehicle Miles Traveled (VMT) and on-site biological resources (i.e. wetlands). Raney anticipates that the EIR could be focused on a subset of the environmental topics identified in Appendix G of the CEQA Guidelines.

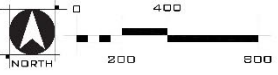
FIGURE 6
Conceptual Land Use Plan #3



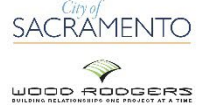
Note
This land use concept is for analysis purposes only and is not intended for development/construction.



LAND USE SUMMARY			
LAND USE	ASSUMED DENSITY	ACRES	EST. DU
MDR	MEDIUM DENSITY RESIDENTIAL 9.0 DU/AC.	43.4	392
MHDR	MEDIUM HIGH DENSITY RESIDENTIAL 16.0 DU/AC.	14.4	230
HDR	HIGH DENSITY RESIDENTIAL 30.0 DU/AC.	19.5	591
P	NEIGHBORHOOD PARK	10.0	
OS	OPEN SPACE	7.8	
LDRSP	LANDSCAPE CORRIDOR/PASEO	2.0	
RW	RIG ID-OF-WAY	4.8	
TOTAL		101.9 ± AC.	1,213 DU



MEADOWVIEW 102
Conceptual Land Use Plan - City Alternative #3
September 1, 2023



The topics anticipated for analysis within the EIR include Air Quality, Greenhouse Gas (GHG) Emissions, Biological Resources, Cultural Resources, Noise, and Transportation. Below, Raney has included a description of the anticipated key issue areas to be included in the EIR and potential mitigation measures that may result from the future analysis.

Raney would estimate that an EIR for Alternative #1 would cost approximately \$200,000. Raney anticipates the environmental review process would be completed within approximately ten (10) to twelve (12) months after a receipt of notice to proceed. It should be noted, the transportation technical report would be prepared by a consultant under contact with the Department of Public Works and thus, is not included in the estimate.

Anticipated Key Issue Areas:

The following consists of the potential chapters to be included within the EIR. Consistent with CEQA, each environmental chapter will include the following: an introduction; existing environmental setting; regulatory context; standards of significance; method of analysis; identification of environmental impacts; development of mitigation measures and monitoring strategies; level of significance after mitigation; cumulative impacts and mitigation measures; significant impacts; and effects not found to be significant.

Air Quality and Greenhouse Gas Emissions

The Air Quality and GHG Emissions chapter will describe the potential air quality impacts and GHG emissions associated with the project. The air quality and GHG analysis for the chapter should include modeling utilizing the California Emissions Estimator Model (CalEEMod) software program and follow the Sacramento Municipal Air Quality Management District (SMAQD) CEQA Guidelines.

Additionally, in cases where substantial use of heavy construction equipment is anticipated during the construction phase of a project, diesel particulate matter, a known toxic air contaminant (TAC), is produced, potentially exposing nearby sensitive receptors to such TACs. Therefore, Raney anticipates the alternatives would require the preparation of a construction Health Risk Assessment (HRA), with consideration to the project site's proximity to Susan B. Anthony Elementary School to the east.

Biological Resources

The Biological Resources chapter of the EIR will summarize potential effects to plant communities, wildlife, and wetlands, including adverse effects on rare, endangered, candidate, sensitive, and other special-status species, from the development of the proposed project. Raney's preliminary analysis of potential impacts to on-site biological resources from the development of the proposed project is based on the Environmental Resource Constraints Memorandum, prepared by Madrone, for the project site.

Cultural Resources and Tribal Cultural Resources

The Cultural and Tribal Cultural Resources chapter will describe the potential effects to historical and archaeological resources from build-out of the proposed project. A Cultural Resources Study has already been prepared that covered the project site. The Cultural Resources Study concluded no cultural resources are present in the project site area. However, a potential for impacts to unknown resources during constructions exists. Standard City mitigation measures would be required to address this potential.

Noise

The Noise chapter will address potential impacts associated with construction and traffic-related noise and vibration impacts. Raney anticipates that a project specific Noise Study would be prepared. The noise study should specifically address potential impacts associated with construction and operational noise and vibration impacts. Of particular concern for this alternative is noise associated with tournament events (e.g., crowd noise, public address systems, etc.).

Transportation

Raney anticipates that the City's Public Works Department will provide a traffic analysis for use in the CEQA analysis, which includes an analysis of VMT and an evaluation of bicycle, pedestrian, and transit facilities. The analysis should address average daily operations as well as peak trip generating events (i.e., soccer tournaments). Raney anticipates that the analysis will identify potentially significant impacts.

Remaining CEQA Topics

The remaining CEQA topics will be evaluated at a lesser, but appropriate, level of detail in an Initial Study (IS). Remaining CEQA topics would likely include Aesthetics, Agriculture and Forest Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, Utilities and Service Systems, and Wildfire. The IS would be included as an attachment to the Notice of Preparation (NOP) as well as the Draft EIR, thus ensuring that all CEQA topics are addressed at the appropriate level, and the information is provided to the public. While other chapters would still be required in the EIR, in accordance with CEQA Guidelines (e.g., Project Description and Alternatives chapters), focusing the EIR analysis on the aforementioned issues would considerably reduce the amount of time that it would take to prepare the Draft EIR and release the document to the public for the required 45-day review period.

Impacts to the remaining CEQA topics of Agriculture and Forest Resources, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, Utilities and Service Systems, and Wildfire would likely be found to be less-than-significant. The remaining CEQA topics of Aesthetics, Hazards and Hazardous Material, and Geology and Soils would likely be found to be less-than-significant with implemented mitigation measures. As discussed below, mitigation for Aesthetics would include the preparation of a Stadium Lighting Plan demonstrating appropriate shielding and requirements. Additionally, Raney understands a Geotechnical Report has yet to be prepared for the project site; however, City of Sacramento requires a design-level Geotechnical Report to be prepared for all development projects. Lastly, the Phase I ESA previously prepared for the project site found there to be no known hazardous materials on-site; however, due to the proximity of the adjacent SMUD Substation, the project may potentially require PCB remediation.

Alternative #1 Potential Mitigation Measures

The following consists of potential mitigation measures for Alternative #1 based on Raney's preliminary review of the existing project site information. Following preparation of the Administrative Draft EIR, for each significant impact, feasible mitigation measures, if available, will be identified and the level of significance after mitigation will be stated. As previously stated, these mitigation measures are based on preliminary reviews of the project site and are not definite. These mitigation measures would likely be adjusted and/or varied during the formal environmental review analysis.

Aesthetics:

AESTH-1 Stadium Lighting Plan shall be prepared showing appropriate shielding and requirements such that light does not trespass onto neighboring properties.

Air Quality:

AQ-1 The construction of project shall use SMAQMD’s Construction Mitigation Tool to adjust equipment and/or pay offset fees.

AQ-2 The construction of project shall use all Teir 4 Heavy Duty Off-road Equipment.

AQ-3 Project shall meet or exceed CALGreen Teir 1 water efficiency and conservation standards.

Biology:

Refer to Environmental Resource Constraints Memorandum prepared by Madrone (see Attachment A).

Cultural Resources:

The following includes the City’s standard mitigation measures for Cultural Resources.

CUL-1 **In the Event that Cultural Resources are Discovered During Construction, Implement Procedures to Evaluate Cultural Resources and Implement Avoidance and Minimization Measures to Avoid Significant Impact.**

- If archaeological resources, or paleontological resources, are encountered in the project area during construction, the following performance standards shall be met prior to continuance of construction and associated activities that may result in damage to or destruction of cultural resources:
 - Each resource will be evaluated for California Register of Historical Resources (CRHR) eligibility through application of established eligibility criteria (California Code of Regulations 15064.636), in consultation with consulting Native American Tribes.
- If a cultural resource is determined to be eligible for listing on the CRHR, the City will avoid damaging effects to the resource in accordance with California PRC Section 21084.3, if feasible. If the City determines that the project may cause a significant impact to a cultural resource, and measures are not otherwise identified in the consultation process, the following are examples of mitigation capable of avoiding or substantially lessening potential significant impacts to a cultural resource or alternatives that would avoid significant impacts to the resource. These measures may be considered to avoid or minimize significant adverse impacts and constitute the standard by which an impact conclusion of less-than significant may be reached:

- Avoid and preserve resources in place, including, but not limited to, planning construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- Treat the resource with culturally appropriate dignity taking into account the cultural values and meaning of the resource, including, but not limited to, the following:
 - Protect the cultural character and integrity of the resource.
 - Protect the traditional use of the resource.
 - Protect the confidentiality of the resource.
 - Establish permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or using the resources or places.
 - Rebury the resource in place.
 - Protect the resource.
- Avoidance and preservation in place is the preferred manner of mitigating impacts to archaeological resources and paleontological resources will be accomplished, if feasible, by several alternative means, including:
 - Planning construction to avoid cultural resources, archaeological sites and/ or other resources; incorporating sites within parks, green-space or other open space; covering archaeological sites; deeding a site to a permanent conservation easement; or other preservation and protection methods agreeable to consulting parties and regulatory authorities with jurisdiction over the activity.
 - The construction contractor(s) will install and maintain protective fencing throughout construction to avoid the site during all remaining phases of construction. The area will be demarcated as an “Environmentally Sensitive Area”.
- To implement these avoidance and minimization standards, the following procedures shall be followed in the event of the discovery of an archaeological or paleontological resource:
 - At the developer’s expense, the City shall coordinate the investigation of the find with a qualified (meeting the Secretary of the Interior’s Qualification Standards for Archaeology) archaeologist approved by the City. As part of the site investigation and resource assessment, the City and the archaeologist shall assess the significance of the find, make recommendations for further evaluation and treatment as necessary and provide proper management

recommendations should potential impacts to the resources be determined by the City to be significant. A written report detailing the site assessment, coordination activities, and management recommendations shall be provided to the City representative by the qualified archaeologist. These recommendations will be documented in the project record.

- The City shall consider management recommendations for tribal cultural resources, including Native American archaeological resources, that are deemed appropriate, including resource avoidance or, where avoidance is infeasible in light of project design or layout or is unnecessary to avoid significant effects, preservation in place or other measures. The contractor shall implement any measures deemed by the City to be necessary and feasible to avoid or minimize significant impacts to the cultural resources.

Geology:

GEO-1 Prior to issuance of a grading permit, the City shall retain the services of a qualified geologist to prepare a design-level Geotechnical Report for the project site. The grading plans shall incorporate all geotechnical recommendations specified in the Geotechnical Report prepared for the proposed project. All grading and foundation plans for the development must be reviewed and approved by the City Engineer and Chief Building Official prior to issuance of grading and building permits in order to ensure that recommendations in the Geotechnical Report are properly incorporated and utilized in the project design.

Greenhouse Gas Emissions:

GHG-1 The following requirements shall be noted on project improvement plans, subject to review and approval by the City of Sacramento Community Development Department:

- The proposed project shall be designed such that the project is built all-electric, and natural gas infrastructure shall be prohibited on-site; and
- Future development on the project sites shall be constructed to include electric vehicle (EV) ready parking spaces, consistent with the current CALGreen Tier 2 standards and SMAQMD BMP 2 Standards.

Hazards:

Based on the results of the Phase I Environmental Site Assessment, the project may potentially require PCB remediation associated with adjacent SMUD Substation.

HAZ-1 From the previously prepared Phase I ESA: SMUD PCB Substation Site #15: Because clean-up levels are at 50 ppm and the reported spill is at 7,800 ppm in soil, this site is an HREC for the Subject Property. The record states no clean-up was done. PCBs attach readily to and move with soils, so if soil particles are moved by water flow, the soil and PCBs will move together. Because this site is upgradient from the Subject Property, and if the PCBs were not remediated, soil erosion could have moved PCB-contaminated soil to the Subject Property over time through drainage/irrigation ditches.

Noise:

NOISE-1 Mitigation measures would refer to the Noise Study prepared by a qualified technical firm; however, Noise-reduction measures typically include site design features that would shield outdoor activity areas from project-related noise sources, and increased setbacks from area roadways.

Public Services:

PUB-1 Alternative #1 would require the payment of Police Facilities Fees and Fire Protection Services and Facilities Fees.

Traffic:

TRAFFIC-1 Alternative #1 shall require intersection improvements subject to review and approval by the City of Sacramento Public Works Department.

TRAFFIC-2 Alternative #1 shall implement a Travel Demand Management (TDM) Program.

Tribal Cultural Resources:

The following includes the City's standard mitigation measures for Tribal Cultural Resources.

TRIBAL-1 Conduct Cultural Resources Sensitivity and Awareness Training Prior to Ground-Disturbing Activities

The City shall require the applicant/contractor to provide a tribal cultural resources sensitivity and awareness training program (Worker Environmental Awareness Program [WEAP]) for all personnel involved in project construction, including field consultants and construction workers. The WEAP will be developed in coordination with culturally affiliated Native American tribes. The WEAP shall be conducted before any project-related construction activities begin at the project site. The WEAP will include relevant information regarding sensitive tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations.

The WEAP will also describe appropriate avoidance and impact minimization measures for tribal cultural resources that could be located at the project site and will outline what to do and who to contact if any potential tribal cultural resources are encountered. The WEAP will emphasize the

requirement for confidentiality and culturally appropriate treatment of any discovery of significance to Native Americans and will discuss appropriate behaviors and responsive actions, consistent with Native American tribal values.

TRIBAL-2 In the Event that Tribal Cultural Resources are Discovered During Construction, Implement Procedures to Evaluate Tribal Cultural Resources and Implement Avoidance and Minimization Measures to Avoid Significant Impact.

If tribal cultural resources (such as structural features, unusual amounts of bone or shell, artifacts, or human remains) are encountered at the project site during construction, work shall be suspended within 100 feet of the find (based on the apparent distribution of cultural materials), and the construction contractor shall immediately notify the project's City representative. Avoidance and preservation in place is the preferred manner of mitigating impacts to tribal cultural resources. This will be accomplished, if feasible, by several alternative means, including:

- Planning construction to avoid tribal cultural resources, archaeological sites and/or other cultural resources; incorporating cultural resources within parks, green-space or other open space; covering archaeological resources; deeding a cultural resource to a permanent conservation easement; or other preservation and protection methods agreeable to consulting parties and regulatory authorities with jurisdiction over the activity.
- Recommendations for avoidance of tribal cultural resources will be reviewed by the City representative, interested culturally affiliated Native American tribes and other appropriate agencies, in light of factors such as costs, logistics, feasibility, design, technology and social, cultural and environmental considerations, and the extent to which avoidance is consistent with project objectives. Avoidance and design alternatives may include realignment within the project site to avoid tribal cultural resources, modification of the design to eliminate or reduce impacts to tribal cultural resources or modification or realignment to avoid highly significant features within a cultural resource or tribal cultural resource.
- Native American representatives from interested culturally affiliated Native American tribes will be notified to review and comment on these analyses and shall have the opportunity to meet with the City representative and its representatives who have technical expertise to identify and recommend feasible avoidance and design alternatives, so that appropriate and feasible avoidance and design alternatives can be identified.
- If the discovered tribal cultural resource can be avoided, the construction contractor(s), will install protective fencing outside the site boundary, including a 100-foot buffer area, before construction restarts. The boundary of a tribal cultural resource will be

determined in consultation with interested culturally affiliated Native American tribes and tribes will be notified to monitor the installation of fencing. Use of temporary and permanent forms of protective fencing will be determined in consultation with Native American representatives from interested culturally affiliated Native American tribes.

- The construction contractor(s) will maintain the protective fencing throughout construction to avoid the site during all remaining phases of construction. The area will be demarcated as an “Environmentally Sensitive Area”.

If a tribal cultural resource cannot be avoided, the following performance standard shall be met prior to continuance of construction and associated activities that may result in damage to or destruction of tribal cultural resources:

- Each resource will be evaluated for California Register of Historical Resources- (CRHR) eligibility through application of established eligibility criteria (California Code of Regulations 15064.636), in consultation with consulting Native American Tribes, as applicable.

If a tribal cultural resource is determined to be eligible for listing in the CRHR, the City will avoid damaging effects to the resource in accordance with California PRC Section 21084.3, if feasible. The City shall coordinate the investigation of the find with a qualified archaeologist (meeting the Secretary of the Interior’s Professional Qualifications Standards for Archeology) approved by the City and with interested culturally affiliated Native American tribes that respond to the City’s notification. As part of the site investigation and resource assessment, the City and the archaeologist shall consult with interested culturally affiliated Native American tribes to assess the significance of the find, make recommendations for further evaluation and treatment as necessary and provide proper management recommendations should potential impacts to the resources be determined by the City to be significant. A written report detailing the site assessment, coordination activities, and management recommendations shall be provided to the City representative by the qualified archaeologist. These recommendations will be documented in the project record. For any recommendations made by interested culturally affiliated Native American tribes that are not implemented, a justification for why the recommendation was not followed will be provided in the project record.

Native American representatives from interested culturally affiliated Native American Tribes and the City representative will also consult to develop measures for long-term management of any discovered tribal cultural resources. Consultation will be limited to actions consistent with the jurisdiction of the City and taking into account ownership of the subject property. To the extent that the City has jurisdiction, routine operation and maintenance within tribal cultural resources retaining tribal cultural integrity shall be consistent with the avoidance and minimization standards identified in this mitigation measure.

If the City determines that the project may cause a significant impact to a tribal cultural resource, and measures are not otherwise identified in the consultation process, the following are examples of mitigation capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to the resource. These measures may be considered to avoid or minimize significant adverse impacts and constitute the standard by which an impact conclusion of less-than significant may be reached:

- Avoid and preserve resources in place, including, but not limited to, planning construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- Treat the resource with culturally appropriate dignity taking into account the Tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - Protect the cultural character and integrity of the resource.
 - Protect the traditional use of the resource.
 - Protect the confidentiality of the resource.
 - Establish permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or using the resources or places.
 - Protect the resource.

TRIBAL-3 Implement Procedures in the Event of the Inadvertent Discovery of Native American Human Remains.

If an inadvertent discovery of human remains is made at any time during project-related construction activities or project planning, the City the following performance standards shall be met prior to implementing or continuing actions such as construction, which may result in damage to or destruction of human remains. In accordance with the California Health and Safety Code (HSC), if human remains are encountered during ground-disturbing activities, the City shall immediately halt potentially damaging excavation in the area of the remains and notify the Sacramento County Coroner and a professional archaeologist to determine the nature of the remains. The Coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or State lands (HSC Section 7050.5[b]).

If the human remains are of historic age and are determined to be not of Native American origin, the City will follow the provisions of the HSC Section 7000 (et seq.) regarding the disinterment and removal of non-Native American human remains.

If the Coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC)

by phone within 24 hours of making that determination (HSC Section 7050[c]). After the Coroner's findings have been made, the archaeologist and the NAHC-designated Most Likely Descendant (MLD), in consultation with the landowner, shall determine the ultimate treatment and disposition of the remains. The responsibilities of the City for acting upon notification of a discovery of Native American human remains are identified in California PRC Section 5097.9 et seq.

Utilities and Service Systems:

UTL-1 The City's Department of Utilities would require payment of sewer impact fees for all future development on-site.

Alternative #2A and Alternative #2B

Based on Raney's preliminary review of existing information for the project site and the surrounding vicinity, including available technical reports and the City of Sacramento General Plan and General Plan EIR, Raney recommends the preparation of a project-level Environmental Impact Report (EIR) that will provide a comprehensive analysis of the anticipated environmental effects of Alternative #2A and Alternative #2B. Raney anticipates a project-level EIR would be the most appropriate environmental review document for Alternative #2A, considering there would likely be significant and unavoidable impacts to VMT. Raney anticipates a project-level EIR would be the most appropriate environmental review document for Alternative #2B, considering there would likely be significant and unavoidable impacts to VMT and on-site biological resources (i.e. wetlands). Raney anticipates that the EIR could be focused on a subset of the environmental topics identified in Appendix G of the CEQA Guidelines. The topics anticipated for analysis within the EIR include Air Quality, Greenhouse Gas (GHG) Emissions, Biological Resources, Cultural Resources, Noise, and Transportation. Below, Raney has included a description of the anticipated key issue areas to be included in the EIR and potential mitigation measures that may result from the future analysis.

Raney would estimate that an EIR for Alternative #2A and Alternative #2B would cost approximately \$200,000. Raney anticipates the environmental review process would be completed within approximately ten (10) to twelve (12) months after a receipt of notice to proceed. It should be noted, the transportation technical report would be prepared by a consultant under contact with the Department of Public Works and thus, is not included in the estimate.

Anticipated Key Issue Areas:

The following consists of the potential chapters to be included within the EIR. Consistent with CEQA, each environmental chapter will include the following: an introduction; existing environmental setting; regulatory context; standards of significance; method of analysis; identification of environmental impacts; development of mitigation measures and monitoring strategies; level of significance after mitigation; cumulative impacts and mitigation measures; significant impacts; and effects not found to be significant.

Air Quality and Greenhouse Gas Emissions

The Air Quality and GHG Emissions chapter will describe the potential air quality impacts and GHG emissions associated with the project. The air quality and GHG analysis for the chapter should include modeling utilizing the California Emissions Estimator Model (CalEEMod) software program and follow the Sacramento Municipal Air Quality Management District (SMAQD) CEQA Guidelines.

Additionally, in cases where substantial use of heavy construction equipment is anticipated during the construction phase of a project, diesel particulate matter, a known toxic air contaminant (TAC), is produced, potentially exposing nearby sensitive receptors to such TACs. Therefore, Raney anticipates the alternatives would require the preparation of a construction Health Risk Assessment (HRA), with consideration to the project site's proximity to Susan B. Anthony Elementary School to the east.

Biological Resources

The Biological Resources chapter of the EIR will summarize potential effects to plant communities, wildlife, and wetlands, including adverse effects on rare, endangered, candidate, sensitive, and other special-status species, from the development of the proposed project. Raney's preliminary analysis of potential impacts to on-site biological resources from the development of the proposed project is based on the Environmental Resource Constraints Memorandum, prepared by Madrone, for the project site.

Cultural Resources and Tribal Cultural Resources

The Cultural and Tribal Cultural Resources chapter will describe the potential effects to historical and archaeological resources from build-out of the proposed project. A Cultural Resources Study has already been prepared that covered the project site. The Cultural Resources Study concluded no cultural resources are present in the project site area. However, a potential for impacts to unknown resources during constructions exists. Standard City mitigation measures would be required to address this potential.

Noise

The Noise chapter will address potential impacts associated with construction and traffic-related noise and vibration impacts. Raney anticipates that a project specific Noise Study would be prepared. The noise study should specifically address potential impacts associated with construction and operational noise and vibration impacts. Of particular concern for this alternative is noise associated with tournament events (e.g., crowd noise, public address systems, etc.).

Transportation

Raney anticipates that the City's Public Works Department will provide a traffic analysis for use in the CEQA analysis, which includes an analysis of VMT and an evaluation of bicycle, pedestrian, and transit facilities. The analysis should address average daily operations as well as peak trip generating events (i.e., soccer tournaments). Raney anticipates that the analysis will identify potentially significant impacts.

It should be noted, Section 15064.3 of the CEQA Guidelines provides specific considerations for evaluating a project's transportation impacts. Pursuant to Section 15064.3, analysis of VMT attributable to a project is the most appropriate measure of transportation impacts, with other relevant considerations consisting of the effects of the project on transit and non-motorized travel. VMT is the total miles of travel by personal motorized vehicles a project is expected to generate in a day. VMT measures the full distance of personal motorized vehicle-trips, with one end within the project site. Based on current practices from the City of Sacramento for residential projects, transportation impacts for CEQA purposes are considered significant if the proposed project would generate Household VMT per capita figures that exceed 85 percent of the regional average for Household VMT per capita, consistent with technical advisory guidance published by the Governor's Office of Planning and Research (OPR) in 2018. Based on Raney's review of the Sacramento Area Council of Government's (SACOG) Residential VMT Screening Map, the project site is located in a zone with less VMT per capita than the 85 percent threshold of

significance and therefore, the residential portion of Alternative #2A and Alternative #2B could qualify for Map-Based Screening. However, the sports complex/park portion of Alternative #2A and Alternative #2B would likely trigger potentially significant impacts.

Remaining CEQA Topics

The remaining CEQA topics will be evaluated at a lesser, but appropriate, level of detail in an IS. Remaining CEQA topics would likely include Aesthetics, Agriculture and Forest Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, Utilities and Service Systems, and Wildfire. The IS would be included as an attachment to the NOP as well as the Draft EIR, thus ensuring that all CEQA topics are addressed at the appropriate level, and the information is provided to the public. While other chapters would still be required in the EIR, in accordance with CEQA Guidelines (e.g., Project Description and Alternatives chapters), focusing the EIR analysis on the aforementioned issues would considerably reduce the amount of time that it would take to prepare the Draft EIR and release the document to the public for the required 45-day review period.

Impacts to the remaining CEQA topics of Agriculture and Forest Resources, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, Utilities and Service Systems, and Wildfire would likely be found to be less-than-significant. The remaining CEQA topics of Aesthetics, Hazards and Hazardous Material, and Geology and Soils would likely be found to be less-than-significant with implemented mitigation measures. As discussed below, mitigation for Aesthetics would include the preparation of a Stadium Lighting Plan demonstrating appropriate shielding and requirements. Additionally, Raney understands a Geotechnical Report has yet to be prepared for the project site; however, City of Sacramento requires a design-level Geotechnical Report to be prepared for all development projects. Lastly, the Phase I ESA previously prepared for the project site found there to be no known hazardous materials on-site; however, due to the proximity of the adjacent SMUD Substation, the project may potentially require PCB remediation.

Alternative #2A Potential Mitigation Measures

The following consists of potential mitigation measures for Alternative #2A based on Raney's preliminary review of the existing project site information. Following preparation of the Administrative Draft EIR, for each significant impact, feasible mitigation measures, if available, will be identified and the level of significance after mitigation will be stated. As previously stated, these mitigation measures are based on preliminary reviews of the project site and are not definite. These mitigation measures would likely be adjusted and/or varied during the formal environmental review analysis.

Aesthetics:

See mitigation for Aesthetics as mentioned in Alternative #1 (AESTH-1).

Air Quality:

See mitigation for Air Quality as mentioned in Alternative #1 (AQ-1, AQ-2, and AQ-3).

Biology:

Refer to Environmental Resource Constraints Memorandum prepared by Madrone (see *Attachment A*).

Cultural Resources:

See mitigation for Cultural Resources as mentioned in Alternative #1 (CUL-1).

Geology:

See mitigation for Geology and Soils as mentioned in Alternative #1 (GEO-1).

Greenhouse Gas Emissions:

See mitigation for Greenhouse Gas Emissions as mentioned in Alternative #1 (GHG-1).

Hazards:

See mitigation for Hazards and Hazardous Materials as mentioned in Alternative #1 (HAZ-1).

Noise:

See mitigation for Noise as mentioned in Alternative #1 (NOISE-1).

NOISE-2 Alternative #2A shall include noise-reduction features in the site design including increased setback from area roadways and the incorporation of building components that would provide increased exterior-to-interior noise attenuation.

Public Services:

See mitigation for Public Services as mentioned in Alternative #1 (PUB-1).

PUB-2 Alternative #2A would require the payment of SB50 Fees.

Traffic:

See mitigation for Traffic as mentioned in Alternative #1 (TRAFFIC-1 and TRAFFIC-2).

Tribal Cultural Resources:

See mitigation for Tribal Cultural Resources as mentioned in Alternative #1 (TRIBAL-1, TRIBAL-2, and TRIBAL-3).

Utilities and Service Systems:

See mitigation for Utilities and Service Systems as mentioned in Alternative #1 (UTL-1).

Alternative #2B Potential Mitigation Measures

The following consists of potential mitigation measures for Alternative #2B based on Raney’s preliminary review of the existing project site information. Following preparation of the Administrative Draft EIR, each significant impact, feasible mitigation measures, if available, will be identified and the level of significance after mitigation will be stated.

Aesthetics:

See mitigation for Aesthetics as mentioned in Alternative #1 (AESTH-1).

Air Quality:

See mitigation for Air Quality as mentioned in Alternative #1 (AQ-1, AQ-2, and AQ-3).

Biology:

Refer to Environmental Resource Constraints Memorandum prepared by Madrone (see *Attachment A*).

Cultural Resources:

See mitigation for Cultural Resources as mentioned in Alternative #1 (CUL-1).

Geology:

See mitigation for Geology and Soils as mentioned in Alternative #1 (GEO-1).

Greenhouse Gas Emissions:

See mitigation for Greenhouse Gas Emissions as mentioned in Alternative #1 (GHG-1).

Hazards:

See mitigation for Hazards and Hazardous Materials as mentioned in Alternative #1 (HAZ-1).

Noise:

See mitigation for Noise as mentioned in Alternative #1 and Alternative #2A (NOISE-1 and NOISE-2).

Public Services:

See mitigation for Public Services as mentioned in Alternative #1 and Alternative #2A (PUB-1 and PUB-2).

Traffic:

See mitigation for Traffic as mentioned in Alternative #1 (TRAFFIC-1 and TRAFFIC-2).

Tribal Cultural Resources:

See mitigation for Tribal Cultural Resources as mentioned in Alternative #1 (TRIBAL-1, TRIBAL-2, and TRIBAL-3).

Utilities and Service Systems:

See mitigation for Utilities and Service Systems as mentioned in Alternative #1 (UTL-1).

Alternative #3

Based on Raney's preliminary review of existing information for the project site and the surrounding vicinity, including available technical reports and the City of Sacramento General Plan and General Plan EIR, Raney recommends the preparation of a project-level Environmental Impact Report (EIR) that will provide a comprehensive analysis of the anticipated environmental effects of Alternative #3. Raney anticipates a project-level EIR would be the most appropriate environmental review document for Alternative #3, considering there would likely be significant and unavoidable impacts to on-site biological resources (i.e. wetlands). Raney anticipates that the EIR could be focused on a subset of the environmental topics identified in Appendix G of the CEQA Guidelines. The topics anticipated for analysis within the EIR include Air Quality, Greenhouse Gas (GHG) Emissions, Biological Resources, Cultural Resources, Hydrology and Water Quality, Noise, Transportation, Utilities and Service Systems. Below, Raney has included a description of the anticipated key issue areas to be included in the EIR and potential mitigation measures that may result from the future analysis.

Raney would estimate that an EIR for Alternative #3 would cost approximately \$200,000. Raney anticipates the environmental review process would be completed within approximately ten (10) to twelve (12) months after a receipt of notice to proceed. It should be noted, the transportation technical report would be prepared by a consultant under contact with the Department of Public Works and thus, is not included in the estimate.

Anticipated Key Issue Areas:

The following consists of the potential chapters to be included within the EIR. Consistent with CEQA, each environmental chapter will include the following: an introduction; existing environmental setting; regulatory context; standards of significance; method of analysis; identification of environmental impacts; development of mitigation measures and monitoring strategies; level of significance after mitigation; cumulative impacts and mitigation measures; significant impacts; and effects not found to be significant.

Air Quality and Greenhouse Gas Emissions

The Air Quality and GHG Emissions chapter will describe the potential air quality impacts and GHG emissions associated with the project. The air quality and GHG analysis for the chapter should include modeling utilizing the California Emissions Estimator Model (CalEEMod) software program and follow the Sacramento Municipal Air Quality Management District (SMAQD) CEQA Guidelines.

Additionally, in cases where substantial use of heavy construction equipment is anticipated during the construction phase of a project, diesel particulate matter, a known toxic air contaminant (TAC), is produced, potentially exposing nearby sensitive receptors to such TACs. Therefore, Raney anticipates the alternatives would require the preparation of a construction Health Risk Assessment (HRA), with consideration to the project site's proximity to Susan B. Anthony Elementary School to the east.

Biological Resources

The Biological Resources chapter of the EIR will summarize potential effects to plant communities, wildlife, and wetlands, including adverse effects on rare, endangered, candidate, sensitive, and other special-status species, from the development of the proposed project. Raney's preliminary analysis of potential impacts to on-site biological resources from the development of the proposed project is based on the Environmental Resource Constraints Memorandum, prepared by Madrone, for the project site.

Cultural Resources and Tribal Cultural Resources

The Cultural and Tribal Cultural Resources chapter will describe the potential effects to historical and archaeological resources from build-out of the proposed project. A Cultural Resources Study has already been prepared that covered the project site. The Cultural Resources Study concluded no cultural resources are present in the project site area. However, a potential for impacts to unknown resources during constructions exists. Standard City mitigation measures would be required to address this potential.

Noise

The Noise chapter will address potential impacts associated with construction and traffic-related noise and vibration impacts. Raney anticipates that a project specific Noise Study would be prepared. The noise study should specifically address potential impacts associated with construction and operational noise and vibration impacts.

Transportation

Raney anticipates that the City's Public Works Department will provide a traffic analysis for use in the CEQA analysis, which includes an analysis of VMT and an evaluation of bicycle, pedestrian, and transit facilities.

It should be noted, Section 15064.3 of the CEQA Guidelines provides specific considerations for evaluating a project's transportation impacts. Pursuant to Section 15064.3, analysis of VMT attributable to a project is the most appropriate measure of transportation impacts, with other relevant considerations consisting of the effects of the project on transit and non-motorized travel. VMT is the total miles of travel by personal motorized vehicles a project is expected to generate in a day. VMT measures the full distance of personal motorized vehicle-trips, with one end within the project site. Based on current practices from the City of Sacramento for residential projects, transportation impacts for CEQA purposes are considered significant if the proposed project would generate Household VMT per capita figures that exceed 85 percent of the regional average for Household VMT per capita, consistent with technical advisory guidance published by the Governor's Office of Planning and Research (OPR) in 2018. Based on Raney's review of the Sacramento Area Council of Government's (SACOG) Residential VMT Screening Map, the project site is located in a zone with less VMT per capita than the 85 percent threshold of significance and therefore, Alternative #3 could qualify for Map-Based Screening.

Utilities and Service Systems

The Utilities and Service Systems chapter will evaluate the project's increase in water supply demand and wastewater generation, and whether the existing water and sewer infrastructure systems can accommodate the demands from the project, or whether upgrades to the systems would be required. Raney will rely on utility information provided for use in the analysis.

Remaining CEQA Topics

The remaining CEQA topics will be evaluated at a lesser, but appropriate, level of detail in an IS. Remaining CEQA topics would likely include Aesthetics, Agriculture and Forest Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, and Wildfire. The IS would be included as an attachment to the NOP as well as the Draft EIR, thus ensuring that all CEQA topics are addressed at the appropriate level, and the information is provided to the public. While other chapters would still be required in the EIR, in accordance with CEQA Guidelines (e.g., Project Description and Alternatives chapters), focusing the EIR analysis on the aforementioned issues would considerably reduce the amount of time that it would take to prepare the Draft EIR and release the document to the public for the required 45-day review period.

Impacts to the remaining CEQA topics of Aesthetics, Agriculture and Forest Resources, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, Utilities and Service Systems, and Wildfire would likely be found to be less-than-significant. The remaining CEQA topics of Hazards and Hazardous Materials and Geology and Soils would likely be found to be less-than-significant with implemented mitigation measures. Raney understands a Geotechnical Report has yet to be prepared for the project site; however, City of Sacramento requires a design-level Geotechnical Report to be prepared for all development projects. Lastly, the Phase I ESA previously prepared for the project site found there to be no known hazardous materials on-site; however, due to the proximity of the adjacent SMUD Substation, the project may potentially require PCB remediation.

Alternative #3 Potential Mitigation Measures

The following consists of potential mitigation measures for Alternative #3 based on Raney's preliminary review of the existing project site information. Following preparation of the Administrative Draft EIR, for each significant impact, feasible mitigation measures, if available, will be identified and the level of significance after mitigation will be stated. As previously stated, these mitigation measures are based on preliminary reviews of the project site and are not definite. These mitigation measures would likely be adjusted and/or varied during the formal environmental review analysis.

Air Quality:

See mitigation for Air Quality as mentioned in Alternative #1 (AQ-1, AQ-2, and AQ-3).

Biology:

Refer to Environmental Resource Constraints Memorandum prepared by Madrone (see *Attachment A*).

Cultural Resources:

See mitigation for Cultural Resources as mentioned in Alternative #1 (CUL-1).

Geology:

See mitigation for Geology and Soils as mentioned in Alternative #1 (GEO-1).

Greenhouse Gas Emissions:

See mitigation for Greenhouse Gas Emissions as mentioned in Alternative #1 (GHG-1).

Hazards:

See mitigation for Hazards and Hazardous Materials as mentioned in Alternative #1 (HAZ-1).

Noise:

See mitigation for Noise as mentioned in Alternative #1 and Alternative #2A (NOISE-1 and NOISE-2).

Public Services:

See mitigation for Public Services as mentioned in Alternative #1 and Alternative #2A (PUB-1 and PUB-2).

Traffic:

See mitigation for Traffic as mentioned in Alternative #1 (TRAFFIC-1).

Tribal Cultural Resources:

See mitigation for Tribal Cultural Resources as mentioned in Alternative #1 (TRIBAL-1, TRIBAL-2, and TRIBAL-3).

Utilities and Service Systems:

See mitigation for Utilities and Service Systems as mentioned in Alternative #1 (UTL-1).

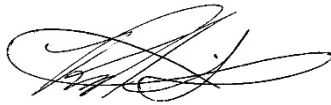
Conclusion

In conclusion, Raney anticipates Alternative #1, Alternative #2A, Alternative #2B, and Alternative #3 would result in the preparation of an EIR. Assumptions and conclusions included in this

memorandum are based on Raney's preliminary review of existing information for the project site and the surrounding vicinity, as well as review of the proposed alternative land use plans. The analysis for the project site up to present is limited to biological resources, cultural resources, and hazards. Therefore, the potential environmental issues and mitigation measures discussed in this memorandum are not definite and would likely be adjusted and/or amended during the environmental review process. Environmental issues where there are significant and unavoidable impacts, as well as the necessary mitigation measures to be implemented prior to development of the proposed project, would be determined during the preparation of the environmental review document following a formal analysis of the project site.

Raney anticipates refining this memorandum in consultation with the project team. This memorandum is not a formal scope of work and/or a formal environmental review document. However, if requested, Raney will provide the City of Sacramento with a complete scope of services, including schedule and budget for review and approval.

If you have any questions regarding the contents of this memorandum, please do not hesitate to contact me at (916) 372-6100, or via email at rods@raneymanagement.com.



Rod Stinson, Vice President/Air Quality Specialist

Raney Planning & Management
1501 Sports Drive, Suite A
Sacramento, CA 95834
Office: (916) 372-6100
www.raneymanagement.com

Attachment A: Madrone Environmental Resource Constraints Memorandum

ATTACHMENT A

MADRONE ENVIRONMENTAL RESOURCE CONSTRAINTS MEMORANDUM

Memo

To: Tom Martens, Vice President, Economic & Planning Systems

From: Sarah VonderOhe, Principal

Date: 25 September 2023

Subject: Environmental Resource Constraints Associated with the Meadowview 102 Acre Project Site, City of Sacramento, Sacramento County, California

At your request, Madrone Ecological Consulting, LLC (Madrone) has reviewed information regarding the Meadowview 102 Acre site (referred to as “Study Area” in this memo) to identify potential environmental resource constraints associated with the identified site development scenarios. For the purposes of this memo, environmental resources include fish and wildlife resources, sensitive vegetation resources, and aquatic resources. This memo also provides an estimate of potential environmental resource impacts associated with different site development scenarios; summarizes mitigation measures and/or compensatory measures likely to be required as a result of potential environmental resource impacts; provides an estimate of mitigation costs associated with the different scenarios; summarizes expected timelines associated with the anticipated regulatory processes; and provides an estimate of costs associated with the resource-related regulatory processes.

Setting

The 101.9-acre Study Area is generally located east of Interstate 5 (I-5), north of Cosumnes River Boulevard, south of Meadowview Road, and west of the Sacramento Regional Transit Blue Line light rail corridor within the city of Sacramento (City; **Figure 1**). The Study Area, which is assigned Assessor’s Parcel Number 053-0010-078, is adjacent to vacant areas to the west and south that are planned for residential development, existing residential development and a community park and elementary school to the east, and vacant federally-owned land and commercial/light industrial development to the north (**Figure 2**). The northwest corner of the site is located at latitude 38.473205, longitude -121.475756.

Madrone biologists have visited the site on multiple occasions beginning in February 2022 with an initial site visit to assess conditions. Madrone completed an aquatic resources delineation of the Study Area in 2022, during which we mapped 6.92 acres of seasonal wetlands, 0.24 acre of ditch, and 3.31 acres of pond. A copy of the delineation map is included as **Attachment A**.

The Study Area is primarily comprised of non-native annual grassland habitat. Blue gum eucalyptus (*Eucalyptus globulus*) windbreaks are planted along the eastern and western property boundaries. The

property was the first California Highway Patrol training academy, established in 1954, before becoming the home of the Federal Job Corps. Historic aerial imagery shows that, between 1957 and 1964, a cantilevered track was constructed along the Study Area perimeter and that regular site disturbance in the forms of vehicular use (dirt roads), grading, disking have continued to the present (NETROnline 2023, Google Earth 2023). A detention basin, which was built in the northwestern corner of the Study Area in 2007, receives storm water from the north via a constructed ditch. The ditch appears to have been present for many years (NETROnline 2023, Google Earth 2023) but has recently been reworked as a trapezoidal channel. The ditch has minimal vegetation. The pond is a seasonal feature that may have some groundwater influence as the pond margins support willows (*Salix* spp.) and cottonwoods (*Populus fremontii*). The pond dries completely by late spring/early summer.

Proposals for Site Development

The City has developed four potential land use plans for site development (**Attachment B**). The potential land use plans include:

- **Alternative 1:** Full development as a park and sports complex; this alternative does not have any area dedicated to residential development or wetland preserve open space. This alternative would dedicate an approximate 3.8-acre area to storm drainage open space.
- **Alternative 2A:** Development of 60.5 acres as a park and sports complex in the northern portion, 13.6 acres of medium-density residential in the southwest portion, 5.5 acres of high-density residential along the southern boundary, and 19.1 acres of open space in the south-central portion, 15.3 acres of which would be a dedicated wetland preserve and 4.1 acres dedicated to storm drainage.
- **Alternative 2B:** Development of 60 acres as a park and sports complex in the northern portion and a mixed area of medium-density residential (22.2 acres), high-density residential (10.0) and open space (5.5 acres) in the southern portion; the open space area would be established for storm drainage; this alternative does not have any area dedicated to wetland preserve.
- **Alternative 3:** Development of 10 acres as a neighborhood park in the center of the site surrounded by medium-density residential (43.4 acres), medium/high-density residential (14.4 acres), high-density residential (19.5 acres) on the north, east, and west; a 7.8-acre open space area would be situated south of the neighborhood park and would be established for storm drainage; this alternative does not have any area dedicated to wetland preserve.

For the purposes of identifying potential environmental constraints, this memo evaluates two general categories of land use plan: full development (Alternatives 1, 2B, and 3) and development with wetland preserve (Alternative 2A).

Environmental Resources in the Study Area

Madrone reviewed publicly-available information about the site and nearby areas and used its professional experience in the area to identify environmental resources that could be present in and potentially impacted by development of the Study Area. Sources consulted include:

DRAFT – FOR INTERNAL REVIEW

- California Natural Diversity Database (CNDDDB) query for the Study Area and all areas within three (3) miles (CNDDDB 2023)
- Confirmed records from Cornell Laboratory of Ornithology’s eBird database (Cornell Lab 2023)
- Delta Shores Environmental Impact Report (Delta Shores EIR; PBS&J 2008)
- Stone Beetland Project Draft Sustainable Communities Environmental Assessment Initial Study (Stone Beetland IS; City of Sacramento 2023)
- Biological Resources Assessment, Stone Beetland (Madrone 2021)

Based on our review of these materials and Madrone’s experience with the Study Area, we have identified the following sensitive resources that could most likely be affected by site development:

- Aquatic resources (seasonal wetlands, ditch, and pond)
- Special-status plants
- Special-status invertebrates (vernal pool fairy shrimp [*Branchinecta lynchi*, federal threatened] and vernal pool tadpole shrimp [*Lepidurus packardii*, federal endangered])
- Western spadefoot (*Spea hammondi*, state species of concern) breeding habitat (seasonal wetlands) and upland habitat (annual grassland)
- Swainson’s hawk (*Buteo swainsoni*, state threatened) foraging habitat (annual grassland) and nesting habitat (mature eucalyptus trees)
- Burrowing owl (*Athene cunicularia*, state species of concern) nesting/wintering and foraging habitat (annual grassland)
- Tricolored blackbird (*Agelaius tricolor*, state threatened) foraging and nesting habitat (annual grassland)
- Other protected raptor species and migratory bird nesting habitat
- Roosting bats (some species are state species of concern)
- City trees (blue gum eucalyptus > 24 inches in diameter)

Potential Impacts and Mitigation Requirements

Table 1 summarizes the potential impacts associated with each development scenario (full development or development with wetland preserve).

Table 1. Summary of Potential Sensitive Resource Impacts for the Meadowview 102 Acre Study Area

Resource	Full Development	Development with Wetland Preserve
Aquatic resources	<ul style="list-style-type: none"> – Permanent impacts to 10.47 acres of aquatic resources – No wetland preservation 	<ul style="list-style-type: none"> – Permanent impacts to 6.32 acres of aquatic resources – Preservation of 4.15 acres of seasonal wetland within a 15.3-acre preserve area (see Figure 3)
Special-status plants	<ul style="list-style-type: none"> – Potential impacts to wetland-dependent plants that may occur in the seasonal wetlands impacted by development (6.92 acres) 	<ul style="list-style-type: none"> – Potential impacts to wetland-dependent plants that may occur in the seasonal wetlands impacted by development (2.77 acres)

Table 1. Summary of Potential Sensitive Resource Impacts for the Meadowview 102 Acre Study Area

Resource	Full Development	Development with Wetland Preserve
Special-status invertebrates	<ul style="list-style-type: none"> – Potential impacts to vernal pool fairy shrimp (VPFS) and vernal pool tadpole shrimp (VPTS), which may occur in seasonal wetlands impacted by development (6.92 acres) 	<ul style="list-style-type: none"> – Potential impacts to VPFS and VPTS, which may occur in seasonal wetlands impacted by development (2.77 acres)
Western spadefoot breeding and foraging habitat	<ul style="list-style-type: none"> – Impacts to 6.92 acres of seasonal wetland, which may be used for breeding – Impacts to between approximately 98 acres (Alternative 1) and 94.1 acres (Alternative 3) of annual brome grassland habitat, which may be used for dispersal and refugia (totals do not include areas that would be designated as open space following construction) 	<ul style="list-style-type: none"> – Impacts to 2.77 acres of seasonal wetland, which may be used for breeding – Impacts to approximately 83 acres of annual brome grassland habitat, which may be used for dispersal and refugia
Swainson’s hawk foraging and nesting habitat	<ul style="list-style-type: none"> – Impacts to between approximately 98 acres (Alternative 1) and 94.1 acres (Alternative 3) of annual brome grassland habitat, which may be used by Swainson’s hawk for foraging (totals do not include areas that would be designated as open space following construction) – Impacts to an unknown number of mature eucalyptus trees that may provide suitable nesting habitat for Swainson’s hawks 	<ul style="list-style-type: none"> – Impacts to approximately 83 acres of annual brome grassland habitat, which may be used by Swainson’s hawk for foraging (total does not include any of the open space area) – Nesting habitat impacts the same as full development option
Burrowing owl nesting/wintering and foraging habitat	<ul style="list-style-type: none"> – Impacts to between approximately 98 acres (Alternative 1) and 94.1 acres (Alternative 3) of annual brome grassland habitat, which may be used by burrowing owl for nesting/wintering and foraging (totals do not include areas that would be designated as open space following construction) 	<ul style="list-style-type: none"> – Impacts to approximately 83 acres of annual brome grassland habitat, which may be used by burrowing owl for nesting/wintering and foraging (total does not include any of the open space area)

Table 1. Summary of Potential Sensitive Resource Impacts for the Meadowview 102 Acre Study Area

Resource	Full Development	Development with Wetland Preserve
Tricolored blackbird foraging and nesting habitat	– Impacts to between approximately 98 acres (Alternative 1) and 94.1 acres (Alternative 3) of annual brome grassland habitat, which may be used by tricolored blackbird for foraging; this area includes scrubby vegetation that may be used by tricolored blackbird for nesting (totals do not include areas that would be designated as open space following construction)	– Impacts to approximately 83 acres of annual brome grassland habitat, which may be used by tricolored blackbird for foraging; this area includes scrubby vegetation that may be used by tricolored blackbird for nesting
Other protected raptor species and migratory birds	– Impacts to approximately 102 acres that may be used by migratory birds (including other protected raptors) for nesting; total includes annual grassland areas and eucalyptus trees along eastern and western property limits	– Impacts to approximately 83 acres that may be used by migratory birds (including other protected raptors) for nesting; total includes annual grassland areas and eucalyptus trees along eastern and western property limits
Roosting bats	– Potential impacts to roosting bats if eucalyptus trees are removed	– Same as full development option
Private protected trees	– Permit required if eucalyptus trees >24 inches in diameter are removed	– Same as full development option

The following outlines the expected mitigation and/or regulatory considerations for impacts identified in Table 1.

Aquatic Resources

Potential Waters of the U.S.

Both of the development scenarios would result in impacts to aquatic resources. Table 2 provides a full summary of the impacts associated with each.

Table 2. Aquatic Resource Impacts Associated with the Meadowview 102 Acre Development Scenarios

Resource Type	Full Development		Development with Wetland Preserve	
	Permanent Impact (acres)	Preserved (acres)	Permanent Impact (acres)	Preserved (acres)
	Seasonal Wetland	6.92	0.00	2.77
Ditch	0.24 (409 LF)	0.00	0.24 (409 LF)	0.00
Pond	3.31	0.00	3.31	0.00
Total	10.47	0.00	6.32	4.15

LF = Linear Feet

While Madrone completed an aquatic resources delineation for the site, the delineation has not been verified by the U.S. Army Corps of Engineers (USACE) and the USACE has not issued a jurisdictional determination. Recent changes to the definition of waters of the United States (waters of the U.S.) imply that the seasonal wetlands in the Study Area would not be jurisdictional under Section 404 of the Clean Water Act (Section 404) because the wetlands do not appear to have a continuous surface connection to traditional navigable waters, the territorial seas, or interstate waters, as defined under 40 CFR 120.2. While we believe that, under the current definition, the wetlands are not jurisdictional under Section 404, the USACE will need to make a jurisdictional determination to confirm whether the wetlands are waters of the U.S. However, the USACE has not issued formal guidance regarding jurisdictional determinations under the revised definition, though guidance is supposed to be forthcoming. Regardless, the USACE determination will also be used by the Central Valley Regional Water Quality Control Board (Regional Board) to determine state jurisdiction over the aquatic resources pursuant to the Porter-Cologne Water Quality Control Act and the *State Policy for Water Quality Control: State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* (State Policy). The Regional Board confirms State jurisdiction based on the results of the USACE’s jurisdictional determination.

The ditch that is present in the northern portion of the Study Area has been present on-site since at least the early 1990s (NETROnline 2023). The ditch appears to have been constructed to carry storm water from development areas to the north. Historic U.S. Geological Survey (USGS) Florin, California 7.5-minute quadrangle maps from 1909 to 2018 never show the ditch as a “blue line” stream and the ditch does not show as a blue line stream on the current USGS quadrangle map (2021). The current definition of waters of the U.S. includes a list of aquatic features not considered to be waters of the U.S., including “Ditches (including roadside ditches) excavated wholly in and draining only dry land and that do not carry a relatively permanent flow of water” (40 CFR 120.2[b][3]).

As noted above, the pond was excavated in 2007. It appears that the pond was established to serve as a detention area for water flowing out of developed areas to the north via the constructed ditch. The list of

DRAFT – FOR INTERNAL REVIEW

aquatic features not considered to be waters of the U.S. cited in 40 CFR 120.2(b) includes “Artificial lakes or ponds created by excavating or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing” (40 CFR 120.2[b][5]). While we believe that the ditch and pond in the Study Area are covered by these exceptions, the USACE would need to verify that the pond and ditch described in the paragraph above are not jurisdictional, a finding of no jurisdiction via a jurisdictional determination would be needed as confirmation.

USACE Jurisdiction and Permitting

We recommend that the aquatic resources delineation be submitted to the USACE with a request for verification when the formal guidance regarding the application of the new waters of the U.S. definition is provided by the USACE. This will allow the City to fully consider its options and make a fully informed request. In response, the USACE can issue an approved jurisdictional determination (AJD), where the USACE makes a firm determination regarding jurisdiction under Section 404. Under the prior definition of waters of the U.S., the USACE could also issue preliminary jurisdictional determinations (PJDs), where the USACE evaluates the data and confirms that it is accurate and true but does not otherwise issue an opinion or determination regarding whether the mapped features are jurisdictional. Until the formal guidance regarding verifications under the new definition of waters of the U.S. is released, it is unknown if the USACE will continue to issue PJDs for areas supporting resources that are clearly not currently within Section 404 jurisdiction.

Under either development scenario, if the aquatic resources on-site are considered to be or determined to be subject to jurisdiction under Section 404, then filling of the resources would require an individual permit (IP) from the USACE. The IP process, which includes a full analysis of on- and off-site alternatives that may result in lesser impact to waters of the U.S. as compared to the proposed project, generally takes about 12 to 18 months, depending on the complexity of the project. The alternatives analysis must identify the least environmental damaging practicable alternative (LEDPA). The associated Section 401 Water Quality Certification (WQC), which is issued by the Regional Board must be issued within a “Reasonable Period of Time” (RPOT) established by the USACE. Currently, USACE guidelines state that an RPOT for an IP is 90 days for projects that do not require an Environmental Impact Statement (EIS) under the National Environmental Policy Act. Because the USACE cannot issue a Section 404 authorization prior to the WQC, the WQC process is entirely enveloped in the IP process. Note that the alternatives analysis is also used by the Regional Board as part of its Section 401 WQC process.

Although we think it is unlikely that an EIS would be required, please note that it is possible due to the high impact to waters of the U.S. acreage associated with the full development scenario. This would only be the case if the wetlands on the site are ultimately considered USACE jurisdictional.

As noted above, we do not believe that the aquatic resources in the Project area are Section 404 jurisdictional. If the Meadowview 102 Acre Project were to receive an AJD, an IP would not be required and the USACE would not be involved in the Project. However, without USACE involvement, consultation under the federal Endangered Species Act (FESA) would then be the responsibility of the Project proponent (see further discussion regarding FESA consultation in the section titled **Special-Status Invertebrates** below).

DRAFT – FOR INTERNAL REVIEW

Note that, in California, compensatory mitigation for impacts to aquatic features is required regardless of whether such features are subject to federal jurisdiction (California’s requirements and process are described in the subsection titled **Waters of the State of California** below), so while the USACE may not be involved, compensatory mitigation would still be required.

Compensatory Mitigation

If the USACE determines that the aquatic resources are jurisdictional (or they are assumed to be jurisdictional pursuant to a PJD) and an IP is required, the application would include a compensatory mitigation plan.

Compensatory mitigation for impacts to waters of the U.S. could be accomplished through purchase of appropriate credits at a USACE-approved mitigation bank, payment into a USACE approved in-lieu fee fund (such as the Sacramento District California In-Lieu Fee [ILF] Program), or permittee responsible on-site and/or off-site establishment, re-establishment, enhancement, rehabilitation, and/or preservation. Generally, the use of approved mitigation banks is preferred. Ultimately, the appropriate method, type, and amount of compensatory mitigation required to off-set unavoidable adverse effects to the aquatic environment is determined by the USACE on a project-by-project basis.

If mitigation is required, we recommend purchase of mitigation credits or payment into the ILF Program or a combination of the two. It is possible that the City could enter into an agreement with a wetland mitigation firm to create project specific mitigation (that is, permittee-responsible mitigation) for a lower cost, but exploring that option and its costs are beyond the scope of this memo. Because the Project could affect VPFS and/or VPTS, we recommend purchase of wetland mitigation credits from a bank that is both Section 404 approved and approved for VPFS/VPTS credits. Mitigation for impacts to the ditch and pond, if necessary, could be accomplished through payment into the in-lieu fee program. Given the current per-acre rates for Section 404 and VPFS/VPTS credits and current rates for the in-lieu fee program, we estimate that Section 404 compensatory mitigation would range as shown in Table 3.

Table 3. Estimated Aquatic Resource Mitigation for Section 404 Waters of the U.S.

Impact	Mitigation Source and Cost for	
	Full Development	Development with Wetland Preserve
<i>Aquatic Resources¹</i>		
Seasonal wetland	Antonio Mountain Ranch (AMR) Mitigation Bank \$5.88 million for 6.92 ac of impact	AMR Mitigation Bank \$2.36 million for 2.77 ac of impact
Ditch	Sacramento District ILF Program \$1.51 million for 3.55 ac of impact (combined for ditch and pond ³)	Sacramento District ILF Program \$1.51 million for 3.55 ac of impact (combined for ditch and pond ³)
Pond		

Table 3. Estimated Aquatic Resource Mitigation for Section 404 Waters of the U.S.

<i>Listed Species²</i>		
Vernal pool fairy shrimp	Bryte Ranch \$4.15 million for 6.92 ac of impact (combined for VPFS and VPTS ⁴)	Bryte Ranch
Vernal pool tadpole shrimp		\$4.15 million for 2.77 ac of direct impact and 4.15 ac of indirect impact (combined for VPFS and VPTS ⁴)
<i>Application and Project Fee for CWA Section 401 WQC⁵</i>	\$237,190	\$153,993
Estimated Total	\$11.78 million (with 10% contingency: \$12.96 million)	\$8.17 million (with 10% contingency \$8.99 million)

- ¹ Assumes mitigation ratio of 2:1 for seasonal wetland and 1:1 for ditch and pond. Appropriate ratios will be determined by USACE; final ratios may be higher than those assumed here. 2:1 for seasonal wetland are assumed because AMR is not within the same watershed as the Meadowview Project.
- ² Assumes entire wetland area considered to be suitable and/or occupied vernal pool fairy shrimp and vernal pool tadpole shrimp habitat and/or subject to indirect impacts. Mitigation ratio of 2:1 for vernal pool fairy shrimp and vernal pool tadpole shrimp; final ratios will be determined by the USFWS.
- ³ The ILF program fee would be based on the combined acreage of ditch and pond impact under the ILF's "aquatic resources" category.
- ⁴ Assumes species are present one "set" of credits can be used for both species. If USFWS determines compensatory mitigation is not required, this obligation would not apply.
- ⁵ Based on current State Water Board fee schedule.

Waters of the State of California

If the USACE issues an AJD that states the aquatic resources are jurisdictional, then compensation for impacts to waters of the U.S. would also suffice as compensation for impacts to waters of the State. However, if the USACE determines that the aquatic resources are not jurisdictional under Section 404 (and are therefore not subject to WQC under Section 401), the impacts would require Waste Discharge Requirements (WDRs) issued by the Regional Board in compliance with the

WDRs are issued in response to a Report of Waste Discharge (ROWD) application submitted to the Regional Board. Like the Section 401 WQC process, the WDR process also requires an alternatives analysis that considers on- and off-site alternatives to the proposed project and identifies the LEDPA. After a ROWD is submitted, the Regional Board staff reviews and processes the application. Final WDRs must go before the Regional Board for approval, the timing of which is dictated by the quarterly agendas set by the Board. We estimate that this process could take from 9 to 12 months; delays within and beyond this time frame are typically the result of timing related to Board meeting dates and required lead time to get on the Board's agenda.

Compensatory mitigation for impacts to waters of the State is typically completed by either purchase of mitigation credits from a bank in the same service area as a project or permittee-responsible mitigation. Again, we recommend credit purchase for aquatic resource impacts. If VPFS and/or VPTS are determined to be present, mitigation for impacts to FESA-listed species would still be required and would be at the rates shown in Table 3 above.

DRAFT – FOR INTERNAL REVIEW

The amounts shown in **Table 4**, which would apply if the aquatic resources are not subject to USACE jurisdiction, show the aquatic resource credits for impacts to waters of the State under either development scenario.

Table 4. Estimated Aquatic Resource Mitigation and Project Fees for Waters of the State Only (no USACE Jurisdiction)

Impact	Mitigation Source and Cost for Full Development	Mitigation Source and Cost for Development with Wetland Preserve
<i>Aquatic Resources¹</i>		
Seasonal wetland	AMR Mitigation Bank \$5.88 million for 6.92 ac of impact	AMR Mitigation Bank \$2.36 million for 2.77 ac of impact
Ditch	Cosumnes Floodplain Mitigation Bank ² \$30,675 for 409 LF of impact	Cosumnes Floodplain Mitigation Bank ² \$30,675 for 409 LF of impact
Pond	Stillwater Plains Mitigation Bank ³ \$827,500 for 3.31 ac of impact	Stillwater Plains Mitigation Bank ³ \$827,500 for 3.31 ac of impact
<i>Listed Species⁴</i>		
Vernal pool fairy shrimp	Bryte Ranch \$4.15 million for 6.92 ac of impact (combined for VPFS and VPTS ⁵)	Bryte Ranch \$4.15 million for 2.77 ac of direct impact and 4.15 ac of indirect impact (combined for VPFS and VPTS ⁵)
Vernal pool tadpole shrimp		
<i>Application and Project Fee⁶</i>	\$237,190	\$153,993
Estimated Total	\$11.13 million (with 10% contingency: \$12.24 million)	\$7.52 million (with 10% contingency: \$8.27 million)

¹ Assumes mitigation ratio of 2:1 for seasonal wetland and 1:1 for ditch and pond. Appropriate ratios will be determined by the Regional Board; final ratios may be higher than those assumed here because AMR is not within the same watershed as the Meadowview Project.

² Assumes shaded riverine aquatic credits at \$75/linear foot (LF).

³ Stillwater Plains Mitigation Bank is far outside of the watershed but one of the few banks that provides open water credits. Mitigation ratio may be higher than the 1:1 assumed here due to the bank's location.

⁴ Assumes entire wetland area considered to be suitable and/or occupied vernal pool fairy shrimp and vernal pool tadpole shrimp habitat and/or subject to indirect impacts. Mitigation ratio of 2:1 for vernal pool fairy shrimp and vernal pool tadpole shrimp; final ratios will be determined by the USFWS.

⁵ Assumes species are present and that one "set" of credits can be used for both species. If species not present, this compensatory mitigation obligation would not apply.

⁶ Based on current State Water Board fee schedule.

The Regional Board assesses an application and project fee, where the project fee is based on the area (acres) of waters of the State affected. The fee, which applies to either a Section 401 WQC or WDRs, is reviewed and updated yearly. The amounts shown in **Table 3** and **Table 4** are based on the current fee schedule (effective as of 25 September 2023); these fees are due prior to the State's action (Water Quality Certification or WDRs).

California Department of Fish and Wildlife Lake or Streambed Alteration Agreement

Section 1600 of the California Fish and Game Code requires a project proponent to notify the California Department of Fish and Wildlife (CDFW) of any proposed activity that may substantially modify a river, stream, or lake. If CDFW determines that the activity described in the notification would substantially modify a river, stream, or lake, then CDFW and the project proponent enter into an agreement typically referred to as a lake and/or streambed alteration agreement (LSAA).

Because either option would affect the ditch and pond, we recommend submitting a notification to CDFW. CDFW considers each element of a project as a separate activity or “project”. A notification is accompanied by a fee payment that is based on the value (cost) of each of the separate projects. For example, if a project includes placing a culvert for a road crossing of a waterway at a cost of \$1,000 and placing an outfall structure below the top of bank for a waterway at a cost of \$5,000, the notification fee would be based on the cost of each individual activity, not the cost of the activities combined. Because we do not currently know the nature and extent of activity that would affect resources subject to notification under Fish and Game Code Section 1600, we cannot provide a fee estimate for either development option.

The LSAA process takes 90 days from the date CDFW determines an application is complete. An extension may be granted as long as both parties agree. If CDFW fails to act within 90 days and does not request an extension, then a project may proceed under Operation of Law as long as the project is implemented as described in the original notification to CDFW.

Special-Status Plants

Madrone biologist Daria Snider completed a special-status plant survey of a portion of the Study Area on 21 March 2022. Ms. Snider did not locate any special-status plants during the survey. Given the current site conditions, we recommend a focused protocol-level special status plant survey of the entire property to inform the CEQA process. The survey would focus on all plants known from similar habitats in the region, but given the site conditions, the primary target species would be dwarf downingia (*Downingia pusilla*). The California Native Plant Society classifies this wetland-dependent species as Rare Plant Rank 2B.2, meaning it is rare, threatened, or endangered in California but common elsewhere. If the survey does not locate any special-status plants, no avoidance, minimization, or mitigation would be required. If special-status plants are found, the nature and extent of avoidance, minimization, or mitigation would depend on the species and its status.

Special-Status Invertebrates

The CNDDDB lists several occurrences of vernal pool fairy shrimp (VPFS; *Branchinecta lynchi*) and vernal pool tadpole shrimp (VPTS; *Lepidurus packardii*) within three miles of the Study Area. None of the records occur on site, with the closest VPFS record (Occurrence #161 in the Florin, California USGS 7.5-minute quadrangle) being about 1.25 mile to the southeast, in depressions along the Union Pacific Railroad (UPRR) tracks. VPTS were also recorded in this location, as well as within a non-specific area generally bounded by Beacon Creek on the north, Dwight Road on the south, Franklin Boulevard on the east, and the UPRR tracks on the west record (Occurrence #32, in the Florin, California USGS 7.5-minute quadrangle). This area, which is generally defined as the Sacramento Regional Wastewater Treatment Plan bufferlands (SRWTP bufferlands) and has

remained undeveloped since the time of the record, had records of VPTS in multiple areas throughout in 2012-2013. At its closest point, the UPRR tracks (and their associated depressions that could provide habitat for VPFS and VPTS) are about 0.33 miles to the east and area separated from the Study Area by both developed and undeveloped areas west of the tracks.

In order to confirm whether VPFS and/or VPTS are present on-site, the USFWS requires a “complete survey” that includes both wet-season and dry-season sampling. Madrone is currently undertaking the dry-season sampling. We recommend completing the wet-season surveys this coming winter (2023-24) so that they can be completed in time to inform consultation under FESA. If the surveys indicate that federally-listed invertebrates are present and/or the species are assumed to be present (in the absence of surveys) and USACE determines that any of the aquatic resources are jurisdictional via an AJD (or if a PJD is requested and issued by USACE), then FESA consultation would commence under Section 7 as part of a permit application for authorization under Section 404. The result would be represented in a biological opinion issued by the USFWS, with the terms of the opinion (i.e., required avoidance, minimization, and mitigation) becoming part of the permit issued by the USACE. Because a Section 7 take authorization, if necessary, would be part of the Section 404 process, its timeline is worked into the USACE timeline for permit authorization.

If federally-listed invertebrates are determined to be present and/or are assumed to be present and FESA consultation is not conducted under Section 7, it would be conducted under FESA Section 10. Section 10 consultation requires direct coordination with the USFWS. In the case of the Meadowview Project, the result would likely be a Low-Effect Habitat Conservation Plan (HCP) that represents an agreement between the USFWS and Project proponent. We estimate that this process would require between 9 and 12 months. Under either Section 7 or Section 10, if it is determined that compensatory mitigation is required, the cost for such is estimated to be approximately \$4.15 million for either development option. Even though habitat would be avoided under the development with wetland preserve option, the seasonal wetlands are within 250 feet of the work area. The USFWS generally assumes indirect impacts to VPFS and VPTS habitat that occurs within that 250-foot buffer area. In the event that federally-listed invertebrates are determined to be absent from the site, then FESA consultation is not required. In this case, compensatory mitigation for federally-listed invertebrates would similarly not be required.

Western Spadefoot Breeding and Foraging Habitat

Wetlands in the Study Area may provide suitable aquatic (breeding) habitat for western spadefoot (*Spea hammondi*), and adjacent annual brome grasslands may provide dispersal habitat and refugia. This species is not listed under the FESA or CESA, but it is identified as a species of special concern by CDFW.

The CNDDDB does not list any occurrences of western spadefoot within three miles of the Study Area. The nearest occurrence (Occurrence #501), which is a non-specific record from 1925, is approximately 7.5 miles to the northeast of the Study Area near the intersection of Jackson Highway and Bradshaw Road (CNDDDB 2023). The Delta Shores EIR does not identify western spadefoot as a species that could use the Delta Shores project area. The Stone Beetland biological resources assessment notes that the annual brome grassland provides marginal foraging habitat but the Stone Beetland IS does not identify the species as subject to

potential project effects and does not assign mitigation for potential impacts. However, the Stone Beetland project site does not support suitable aquatic habitat for western spadefoot.

We recommend that a qualified biologist survey the seasonal wetlands present in the Study Area to assess whether suitable aquatic habitat is present. This survey would need to be completed during the western spadefoot breeding season, which occurs from approximately January through May. If the wetlands do not provide suitable aquatic habitat, no further action would be needed. However, if the species is using the seasonal wetlands, a relocation plan would need to be developed. Mitigation provided for the loss of waters of the U.S. or waters of the State would provide compensatory mitigation for the loss of aquatic habitat, and mitigation provided for the loss of annual brome grassland habitat (discussed below under **Swainson's Hawk Nesting and Foraging Habitat**) would provide compensatory mitigation for the loss of potential foraging habitat,

Swainson's Hawk Nesting and Foraging Habitat

The Study Area provides suitable foraging habitat for Swainson's hawk (*Buteo swainsoni*). This species, which is listed as Threatened under the California Endangered Species Act (CESA), nests in the Sacramento Valley and relies on annual brome grasslands like those present in the Study Area for foraging.

The CNDDDB lists numerous occurrences of this species' nests within 3 miles of the Study Area. The nearest occurrences, recorded in 2009, are about 0.5 mile south of the Study Area along Morrison Creek (CNDDDB 2023). The Cornell Lab of Ornithology's eBird database shows several recent occurrences of the species foraging in grasslands near the Study Area and includes confirmed nesting along Morrison Creek (in the same general area as the 2009 CNDDDB records) in 2021 (Checklist S90553084, 21 June 2021; Cornell Lab 2023). Notes in eBird reference a "regular nest site" (confirmed as occupied in 2021) along Morrison Creek just north of Cosumnes River Boulevard, approximately 0.5 mile southeast of the Study Area (Checklist S89540344, 3 June 2021; Cornell Lab 2023).

Mature eucalyptus trees in the Study Area provide prime nesting habitat for this species. As such, we recommend full protocol level surveys prior to construction to confirm whether the eucalyptus trees on-site or other trees within 0.5-mile of the Study Area are being utilized by Swainson's hawk. These surveys begin about the time the species returns from its wintering grounds (generally January-March) and continue through the nesting season, which generally ends in July. If the species is identified during the surveys, then appropriate nest buffers and monitoring would be required. The survey requirement is typically identified through a project's CEQA process (regardless of the lead agency) and/or during the process to develop a Lake or Streambed Alteration Agreement between a project proponent and CDFW.

The CEQA Environmental Impact Report (EIR) for the Delta Shores Project, which is east of the Study Area, prescribes 1:1 preservation for the loss of Swainson's hawk foraging habitat as mitigation (PBS&J 2008). The Biological Resources Assessment for Stone Beetland (Madrone 2021) also recommends preservation of foraging habitat at 1:1. Preservation could occur through the purchase of conservation easement(s), purchase of fee title lands, or credits from a CDFW-approved mitigation bank. It is assumed that the Meadowview Project would have a similar mitigation requirement. Swainson's hawk foraging credits are

currently priced at \$10,000 to \$12,000 per acre. The full development option would result in the conversion of up to 102 acres of potential foraging habitat (suitability of habitat subject to field verification), resulting in a mitigation burden of \$1.02 million to \$1.22 million. The development with wetland preserve option would result in the conversion of about 87 acres, resulting in a mitigation burden of \$870,000 to \$1.04 million.

Burrowing Owl Nesting/Wintering and Foraging Habitat

The annual brome grasslands in the Study Area provide potential nesting/wintering and foraging habitat for western burrowing owl (*Athene cunicularia*). Burrowing owl is not listed under the FESA or CESA, but it is identified as a species of special concern by CDFW. The CNDDDB lists eight occurrences of this species within three miles of the Study Area, though some of the occurrence listings apply to multiple locations (that is, one listing may apply to three separate locations). The closest occurrence (Occurrence #128), which is from 2007, is about 0.2 miles to the northeast in an area adjacent to the UPRR tracks and a residential development area (CNDDDB 2023). The occurrence record notes that the owls were utilizing levees along the channelized Morrison Creek. Since the time of the record, light rail construction has disturbed the area and surveys completed in 2019, 2020, and 2021 in support of the Stone Beetland project south of the Study Area did not locate any owls or sign of owls in that area or in other areas of the Stone Beetland site, which abuts the southern limit of the Study Area (Madrone 2021). Another nearby occurrence first recorded in 2007 and updated in 2009 is approximately 0.6 miles to the west; this record lists several locations generally along a drainage canal from residential areas to the north (CNDDDB 2023). eBird lists one 2017 occurrence approximately 0.25 mile to the west at Meadowview Park (Cornell Lab 2023).

Madrone completed a nesting bird survey of the site in April 2022 during which the site was assessed for potential burrowing owl habitat and the presence of active burrows and/or other sign of burrowing owl use. No burrowing owls or sign of burrowing owls were detected in 2022, but suitable habitat is present in some areas of the Study Area, so pre-construction surveys are suggested.

The Delta Shores EIR prescribes mitigation for the loss of foraging and burrow habitat based on the presence of pairs or unpaired resident birds. The EIR states that the burrowing owl mitigation "...could overlap with mitigation requirements for Swainson's hawk foraging habitat..." (PBS&J 2008). The Biological Resources Assessment for Stone Beetland (Madrone 2021) makes a similar recommendation based on whether owls are recorded on-site. The Stone Beetland measure recommends preservation of an area (acreage) equal to that for suitable habitat within 250 feet of each occupied burrow at 1:1 and also notes that Swainson's hawk foraging habitat preservation can be used to meet the burrowing owl mitigation requirement. It is assumed that the Meadowview Project would require pre-construction surveys for this species and have a similar mitigation requirement. However, given that there are no recent records of the species on-site, we do not expect a significant mitigation burden related to the loss of burrowing owl habitat. If owls are located on-site during pre-construction surveys, it is not expected that the burrowing owl mitigation requirement would come close to or exceed the Swainson's hawk mitigation requirement, it is safe to assume that no additional mitigation credits would need to be purchased or established for the loss of burrowing owl foraging and burrow habitat in the Study Area under either development scenario.

Tricolored Blackbird, Other Nesting Raptors, and Nesting Migratory Birds

The Study Area provides suitable foraging habitat for tricolored blackbird (*Agelaius tricolor*). This species, which is listed as Threatened under the California Endangered Species Act (CESA), historically used freshwater marshes dominated by cattails (*Typha* spp.) and bulrushes (*Scirpus* or *Schoenoplectus* spp.) for nesting. More recently, tricolored blackbirds have been recorded using non-native mustards (*Brassica* spp.), blackberries (*Rubus* spp.), thistles (*Cirsium* spp.), and mallows (*Malva* spp.) as nesting substrate. Vegetation around the margins of the pond may provide nesting habitat for this species, and the annual brome grasslands provide foraging habitat. The CNDDDB lists one occurrence of a nesting colony about 2.6 miles to the southeast of the Study Area along Laguna Creek (Occurrence #204, recorded in 1992) but notes in the record from 2014 indicate that this nesting colony is possibly extirpated due to development. Neither the Delta Shores EIR nor Stone Beetland IS identify those project areas as supporting tricolored blackbird nesting habitat. The eBird database includes some recent records (2017, 2020, 2022) of the species flying over the SRWTP bufferlands south of the Study Area.

The California Fish and Game Code and the federal Migratory Bird Treaty Act address protection for nesting raptors and other migratory birds. The CNDDDB lists occurrences of other protected bird species within three miles, including song sparrow (Modesto population) (*Melospiza melodia*; state species of special concern) and white-tailed kite (*Elanus leucurus*, fully protected species) (CNDDDB 2023). The annual brome grassland, eucalyptus trees, and vegetation around the pond provides suitable nesting habitat for many other species of raptors and migratory birds.

Projects generally require pre-construction surveys for nesting raptors and migratory birds during the nesting season (generally March through August). These surveys would include identification of tricolored blackbirds if they are present. If no active nests are found, no further action is necessary except if there is a lapse in construction during the breeding season of more than two weeks. In the case of a lapse, the surveys are generally repeated. If nests are located, a biologist will recommend an appropriate avoidance buffer based on the species and nest location. Once the young have fledged, the buffer can be removed and construction can continue within the area.

Roosting Bats

Eucalyptus trees present along the western and eastern Study Area boundaries provide potential roosting habitat for bats, some of which are identified as species of special concern. The Delta Shores EIR requires pre-construction surveys for areas that might provide habitat for roosting bats and prescribes appropriate removal (eviction) methods that can be used. If any of the eucalyptus trees need to be removed as part of the Meadowview Project, we expect that the City will require pre-construction surveys. The surveys would be performed just prior to construction.

City Trees

The City's Tree Preservation Ordinance requires a permit for the removal of City trees, which are defined as "any tree the trunk of which, when measured 4.5 feet above ground, is partially or completely located in a city park, on real property the city owns in fee, or on a public right-of-way, including any street, road, sidewalk, park strip, mow strip, or alley." The Study Area, which is City property, supports numerous

eucalyptus trees that may need to be removed or pruned/trimmed, and the pond area may support smaller trees subject to the City’s tree removal process. The City’s tree removal process for public projects applies to trees that “have a diameter standard height (DSH; diameter at 4.5 feet above the ground surface site) of four inches or more” and that would be removed “as part of a public project that otherwise requires city council approval” (Sacramento City Code 12.56.040(B)). The process requires the City project manager to provide written justification to the director of Parks and Recreation (Director) of the need to remove city trees for the public project. The Director then reviews the written justification and if the Director agrees with the written justification, makes a recommendation to the City Council to approve the request to remove the city trees. The request for approval from City Council can take place at any stage of the public project but City Council approval is required prior to the removal of any trees.

Either development scenario could result in the removal of eucalyptus trees and small trees around the pond within the Study Area. As such, the Director would need to make a recommendation regarding tree removal and City Council would need to consider the request(s) for tree removal as part of the overall Meadowview Project

Regulatory Permitting Schedule

Exhibit 1 shows a projected permitting schedule. This scenario assumes there are no significant changes to the site plan once the permit applications are submitted, that additional information requested by the regulatory agencies is provided in a timely manner, and that the agency responses/processes occur within projected timeframes for authorizations that have a specified timeframe.

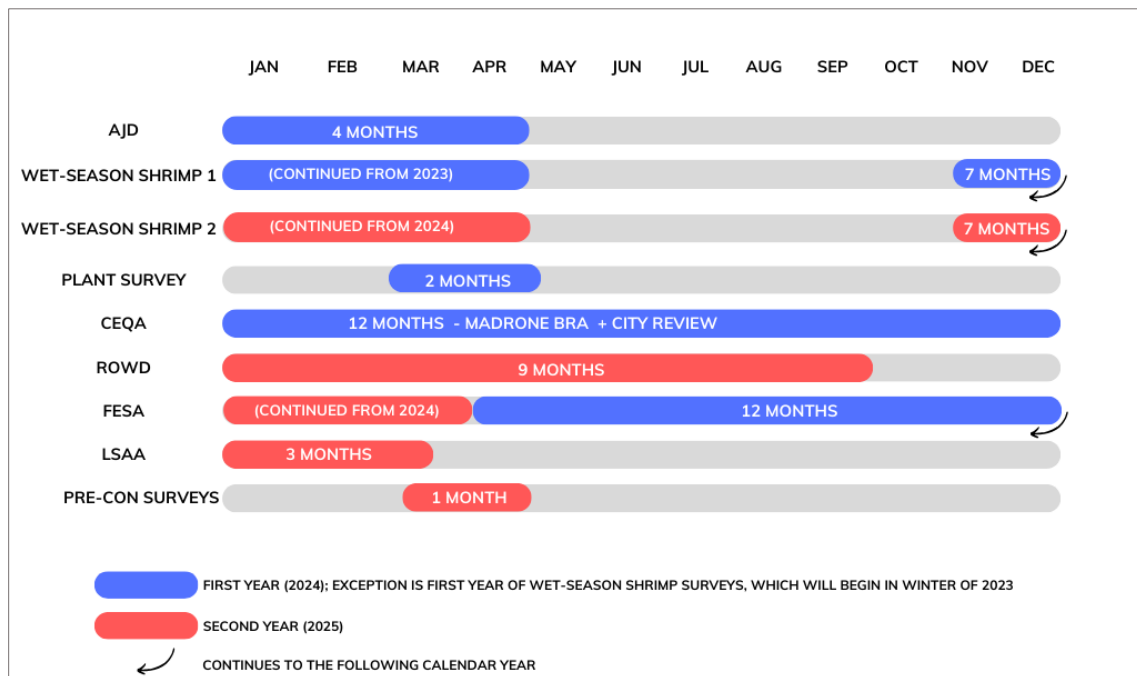


Exhibit 1. Sample Regulatory Permitting Schedule

For sake of simplicity, we show the AJD process starting in January 2024. However, we recommend starting this process earlier if the USACE issues its guidance regarding jurisdictional determinations under the current definition of waters of the U.S. before January.

The first wet-season shrimp surveys should begin in December of this year (2023) and the second would begin in December of 2024. Results of the wet and dry sampling must be submitted to the USFWS 90 days following the completion of the surveys; submittal of these reports is not shown on the sample timeline.

The City's CEQA process is a key driver for much of the schedule. Because the WDR/ROWD and LSAA processes are state agency processes, they require CEQA compliance. Because the City would be the lead agency under CEQA, the Regional Board and CDFW would utilize the CEQA Notice of Determination (NOD) filed by the City. The WDR/ROWD and LSAA processes cannot be completed in advance of the CEQA process, which is why those two processes show a start time following the end of the CEQA process. If the City's CEQA process is delayed for any reason, the ROWD/WDR and LSAA processes would also be delayed.

Regulatory Permitting Assistance Costs

Madrone has completed a preliminary cost estimate for regulatory permitting assistance assuming the USACE issued an AJD and determines that the aquatic resources are not jurisdictional. This does not include pre-construction surveys such as those mentioned for western spadefoot, Swainson's hawk, or nesting raptors and migratory birds. Our estimates for each task and the total are as follows:

– AJD – complete report, submit to USACE, coordinate as needed for verification.....	\$5,000
– CEQA – prepare biological resources assessment for CEQA process, coordinate with City as needed.....	\$15,000
– Wet-season shrimp surveys – complete sampling, prepare report, submit to USFWS	\$18,000
– Dry-season shrimp surveys – complete sampling, prepare report, submit to USFWS	\$14,000
– Special-status plant survey – complete surveys, prepare report.....	\$10,000
– FESA Section 10 application – complete biological assessment, coordinate with USFWS during process as needed.....	\$20,000
– ROWD – prepare application, coordinate with Regional Board during process as needed	\$12,000
– LSAA – prepare application, coordinate with CDFW	\$9,000
– Project meetings and agency coordination.....	\$15,000
Estimate Total:	\$118,000

A cost comparison summary of the estimated compensatory mitigation costs described in the memo is included as **Attachment A**.

References Cited

California Department of Fish and Wildlife, California Natural Diversity Database (CNDDDB). CNDDDB Rarefind 6 database query for the Study Area and all areas within three (3) miles. Accessed 12 and 25 September 2023.

City of Sacramento. 2023. Stone Beetland Project Draft Sustainable Communities Environmental Assessment Initial Study. SCH No. 2023060633. Published June 2023.

Cornell Lab of Ornithology (Cornell Lab). 2023. eBird online database of checklists for the Study Area. <https://ebird.org/explore>. Accessed 12, 18, and 25 September.

Google Earth Pro (Google Earth). 2023. Current and historic aerial imagery of the Study Area. 13 September.

Madrone Ecological Consulting, LLC (Madrone). 2021. Biological Resources Assessment – Stone Beetland. Prepared for Taylor Builders, LLC. Published 5 May 2021.

NETROnline. 2023. Historic Aerials of the Study Area by NETROnline. <https://www.historicaerials.com/viewer>. Accessed 13 and 14 September 2023.

PBS&J. 2008. Delta Shores Environmental Impact Report. SCH No. 2007042070. Prepared for the City of Sacramento. Draft published September 2008, final published December 2008.

Attachment A

Cost Comparison Summary

DRAFT – FOR INTERNAL REVIEW

Comparison of Estimated Costs Associated with the Meadowview 102 Acre Full Development and Development with Wetland Preserve Options, by Jurisdiction

Associated Fee	<u>Full Development</u>		<u>Development with Wetland Preserve</u>	
	Federal and State Jurisdictional	State Jurisdictional Only	Federal and State Jurisdictional	State Jurisdictional Only
Seasonal Wetland Mitigation	\$5.88 million	\$5.88 million	\$2.36 million	\$2.36 million
Ditch and Pond Mitigation	\$1.51 million	\$858,175	\$1.51 million	\$858,175
VPFS/VPTS Mitigation	\$4.15 million	\$4.15 million	\$4.15 million	\$4.15 million
Regional Board Fee	\$237,190	\$237,190	\$153,993	\$153,993
Swainson’s Hawk Foraging Habitat	\$1.02 to \$1.22 million	\$1.02 to \$1.22 million	\$870,000 to \$1.04 million	\$870,000 to \$1.04 million
Total Estimate	\$12.80 to \$13.0 million	\$12.15 to 12.35 million	\$9.04 to \$9.21 million	\$8.39 to 8.56 million

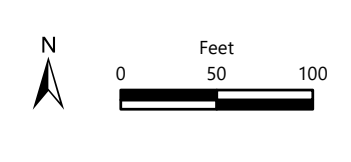


AQUATIC RESOURCE FEATURES		
WETLANDS		
Seasonal Wetland		
Feature ID	Acres	
SW-1	0.101	
SW-2	0.526	
SW-3	0.003	
SW-4	0.743	
SW-5	0.073	
SW-6	0.113	
SW-7	0.048	
SW-8	0.235	
SW-9	0.042	
SW-10	0.199	
SW-11	0.047	
SW-12	0.005	
SW-13	0.009	
SW-14	0.089	
SW-15	0.022	
SW-16	0.598	
SW-17	0.100	
SW-18	0.082	
SW-19	0.458	
SW-20	1.336	
SW-21	0.051	
SW-22	0.802	
SW-23	0.010	
SW-24	0.257	
SW-25	0.047	
SW-26	0.119	
SW-27	0.203	
SW-28	0.052	
SW-29	0.443	
SW-30	0.093	
SW-31	0.008	
SW-32	0.007	
Total Wetlands:	6.921	
OTHER WATERS		
Ditch		
Feature ID	Acres	Linear Feet
D-1	0.243	409
Total Ditch:	0.243	409
Pond		
Feature ID	Acres	
P-1	3.311	
Total Pond:	3.311	
Total Other Waters:	3.554	409
Aquatic Resources Total:	10.475	

Notes:
Map Scale: 1 inch = 100 feet
Coordinate System: NAD 1983 State Plane California II
Datum: NAD83 (North American Datum 1983)
Projection: Lambert Conformal Conic
Vertical Data: NAVD88 (North American Vertical Datum 1988)
Aerial Base: Maxar
Aerial Base Flown: 12 April 2022.
Topographic Contours: USGS NED 1/3 arc-second Contours for Sacramento W, California. 1 October 2018

Delineation Performed by: B. Peterson, D. Snider
Map Prepared by: N. Bente
Date Map Prepared: 27 March 2023
Definitions:
 NAD = North American Datum
 NAVD = North American Vertical Datum
 NED = National Elevation Dataset
 USGS = United State Geological Survey

Prepared For:
City of Sacramento
 915 I Street
 Sacramento, CA 95814



- Study Area (102 acres)
 - Reference Point
 - Data Point
 - Culvert
 - Ground Surface Elevation, 5 foot contour
- Aquatic Resources (10.475 acres)**
- Wetlands (6.921 acres)
 - Seasonal Wetland (6.921 acres)
 - Other Waters (3.554 acres)
 - Ditch (0.243 acre)
 - Pond (3.311 acres)

Aquatic Resources Delineation

Meadowview 102 Acres
 Sacramento County, California

8421 Auburn Boulevard, Suite 248
 Citrus Heights, California 95626
 (916) 822-3230 | www.madroneec.com