

1 INTRODUCTION

This chapter explains the background and purpose of this *Supplement to the Natomas Levee Improvement Program (NLIP) Landside Improvement Project Environmental Impact Report (EIR)* for the Phase 2 Project (the “Phase 2 Project SEIR”). The Sacramento Area Flood Control Agency (SAFCA) is the lead agency for the proposed NLIP Landside Improvement Project for purposes of environmental review under the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Section 21000 et seq.) “Lead agency” is defined by Section 21067 of CEQA as “the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment.”

1.1 BACKGROUND AND PURPOSE OF THE SEIR

1.1.1 PURPOSE OF THE SEIR

CEQA requires a public agency to prepare an EIR for any project that it proposes to carry out or approve that may have a significant direct or indirect effect on the environment. An EIR is an informational document that is intended to inform public agency decision makers and the general public of the significant adverse physical environmental effects of a project, identify feasible mitigation measures that would avoid or reduce those effects to less-than-significant levels, and describe a range of reasonable alternatives to the project that would feasibly attain most of the basic project objectives but would avoid or substantially lessen the project’s significant environmental effects. If all significant effects of the proposed project cannot be reduced to a less-than-significant level, CEQA requires decision makers to balance the benefits of a project against its significant and unavoidable environmental effects in deciding whether to carry out the project. The purpose of an EIR is not to recommend either approval or denial of a project.

The CEQA statute and guidelines require preparation of a subsequent EIR if changes are proposed to the project that would create new significant environmental effects or a substantial increase in the severity of previously identified significant effects and would require a major revision of the previous EIR (PRC Section 21166, and State CEQA Guidelines Section 15162). CEQA allows preparation of a supplement to an EIR when conditions that require preparation of a subsequent EIR are met and *only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation* (State CEQA Guidelines Section 15163). A notice of preparation (NOP) was publically released on October 2, 2008 to prepare a subsequent EIR for the proposed project modifications because two new potential sources of borrow material were to be included in the proposed project modifications. Since the NOP was published, SAFCA has determined that these two new potential sources of borrow material for the Phase 2 Project are no longer needed. Consequently, SAFCA is not proposing new potential sources of borrow material for the Phase 2 Project, and the remaining project changes, referred to in this SEIR as “modifications,” are considered to be minor, allowing for preparation of a supplement to the EIR. This SEIR focuses on those modifications to the project and the new environmental effects and mitigation measures related to those modifications, as required under CEQA. The purposes of this SEIR are to:

- ▶ address impacts on environmental resources related to modifications to the Phase 2 Project;
- ▶ recommend mitigation measures to avoid any new significant impacts or reduce them to a less-than-significant level; and
- ▶ update impact analysis and mitigation measures where conditions have changed since the publication of the *Environmental Impact Report on the Natomas Levee Improvement Program, Landside Improvements Project* (2007 Landside EIR) to assist responsible agencies with issuing permits for the Phase 2 Project.

As the lead agency, SAFCA will consider the information presented in this SEIR, comments received on this SEIR, and responses to those comments, along with other information, when determining whether to approve the

proposed project (modifications to the Phase 2 Project). This draft SEIR has been prepared in accordance with the requirements of CEQA and the State CEQA Guidelines (California Code of Regulations Title 14, Section 15000 et seq.). The SEIR process is described further in Section 1.5, “Draft SEIR Review and Public Comment.”

1.1.2 PROJECT BACKGROUND

In November 2007, the SAFCA Board certified the 2007 Landside EIR, State Clearinghouse Number 2007062016. That EIR was tiered from the program-level Environmental Impact Report on Local Funding Mechanisms for Comprehensive Flood Control Improvements for the Sacramento Area (Local Funding EIR, State Clearinghouse No. 2006072098) (February 2007) that analyzed the significant effects on the environment associated with the program of flood control improvements and related environmental mitigation that will be funded, in part, by SAFCA Consolidated Capital Assessment District and SAFCA development fees. The NLIP and Landside Improvements Project consist of improvements to the levee system in the Natomas Basin and related landscape modifications and drainage and infrastructure improvements. This document addresses modification to the second of four phases within the NLIP (the “Phase 2 Project”). On October 2, 2008, SAFCA issued an NOP of a draft subsequent EIR and filed the NOP with the State Clearinghouse (State Clearinghouse No. 2007062016). However, changes in the proposed modifications to the Phase 2 Project resulted in SAFCA determining that a supplement to the EIR, rather than a subsequent EIR, would be the appropriate type of document to address changes to the project.

Since certification of the 2007 Landside EIR, SAFCA has changed the nomenclature used to describe the various phases of the NLIP. While the certified 2007 Landside EIR uses years (2008, 2009, and 2010) to identify project features, this SEIR uses phase numbers. As such, 2008 construction is now referred to as the Phase 2 Project, 2009 construction is now referred to as the Phase 3 Project, and 2010 construction is now referred to as the Phase 4 Project. The Phase 1 Project, previously called 2007 construction, has been completed. The 2007 Landside EIR provides a full description of the Phase 2 Project, which consists of the following components:

- ▶ levee raising and seepage remediation: Natomas Cross Canal (NCC) south levee;
- ▶ levee raising and seepage remediation: Sacramento River east levee, Reaches 1 through 4B;
- ▶ improvements to major irrigation and drainage infrastructure; and
- ▶ right-of-way acquisition.

This SEIR analyzes the following modifications to the Phase 2 Project:

- ▶ construction of cutoff walls in place of seepage berms in several areas between Reaches 1 through 4A along the Sacramento River east levee;
- ▶ cutoff wall construction on a 24-hours-per-day, 7-days-per-week basis;
- ▶ a change in the baseline at the Airport north bufferlands from active rice cultivation to idle conditions;
- ▶ additional details regarding construction of new collection facilities for storm drainage to convey surface water beneath Garden Highway to the Sacramento River; and
- ▶ the addition of 90 acres of high-quality foraging habitat that would be created or preserved by acquisition and reclamation of land used for borrow materials.

Although the NOP discussed the potential use of the Dunmore and Sutter Pointe borrow sites, these sites have since been eliminated from the Phase 2 Project modifications and are not analyzed in this SEIR.

1.2 SCOPE OF THE DRAFT SEIR

This document supplements the 2007 Landside EIR already prepared for the Phase 2 Project to address project modifications, changed circumstances, or new information that was not known and could not have been known with the exercise of reasonable diligence at the time the prior document was certified. The purpose of an SEIR is to provide the additional information necessary to make the previous EIR adequately apply to the project as modified. Accordingly, pursuant to CEQA Guidelines Section 15163, the SEIR need contain only the information necessary to analyze the project changes, changed circumstances, or new information that triggered the need for additional environmental review. When information and analysis within the 2007 Landside EIR or Local Funding Mechanisms EIR is relevant to the changed projects components, it is briefly summarized or briefly described rather than repeated, as described in Section 1.4, “Documents Incorporated by Reference.”

Issue areas addressed in this SEIR were established based on discussion in the NOP, public agency input, and verbal and written comments received during the NOP review period (Appendix A):

- ▶ hydrology and water quality;
- ▶ terrestrial biological resources;
- ▶ cultural resources; and
- ▶ noise.

1.3 DRAFT SEIR CONTENTS AND ORGANIZATION

This draft SEIR is organized as follows:

- ▶ “Executive Summary” summarizes the proposed project, significant environmental effects that would result from project implementation, and mitigation measures proposed to eliminate or reduce those impacts to less-than-significant levels.
- ▶ Chapter 1, “Introduction,” describes the purpose of this SEIR, its relationship to the 2007 Landside EIR, its scope, and the organization of the draft SEIR.
- ▶ Chapter 2, “Project Description,” describes the project objectives, location, and components of project modifications.
- ▶ Chapter 3, “Environmental Setting, Impacts, and Mitigation Measures,” describes, by environmental issue area, the existing environmental setting (i.e., baseline or existing conditions); discusses the potential environmental impacts of the proposed project modifications (including any cumulative impacts); and identifies feasible mitigation measures where available to avoid or substantially lessen any significant environmental effects.
- ▶ Chapter 4, “References,” contains a comprehensive listing of the sources of information used in the preparation of the draft SEIR, including agencies or individuals consulted.
- ▶ Chapter 5, “List of Preparers,” identifies the preparers of this draft SEIR.
- ▶ The appendices support the SEIR conclusions or form the basis of the analyses.

1.4 DOCUMENTS INCORPORATED BY REFERENCE

The State CEQA Guidelines encourage incorporation by reference of previously analyzed and publicly circulated information (State CEQA Guidelines Section 15150). Because this SEIR is focused on proposed modifications to the Phase 2 Project and associated impacts relative to the 2007 Landside EIR (State Clearinghouse No. 2007062016), which is tiered from the Local Funding Mechanisms EIR (State Clearinghouse No. 2006072098), relevant portions of both documents are incorporated by reference. Where material is incorporated by reference, the relationship of the referenced material to analysis in this document is explained. Referenced material includes regulatory and environmental setting information and unchanged mitigation measures. Where appropriate, new environmental setting information is provided to evaluate new environmental impacts. The 2007 Landside EIR (State Clearinghouse No. 2007062016) and the Local Funding Mechanisms EIR (State Clearinghouse No. 2006072098) are available in electronic format on SAFCA's Web site and in hard copy at SAFCA's office, located at 1007 7th Street, 7th Floor, Sacramento, California 95814. Interested parties may review these documents online or at SAFCA's office during normal business hours.

1.5 DRAFT SEIR REVIEW AND PUBLIC COMMENT

On October 2, 2008, SAFCA issued an NOP for a draft subsequent EIR and filed the NOP with the State Clearinghouse (State Clearinghouse No. 2007062016). The public comment period on the NOP ended on November 3, 2008. A scoping meeting was held on October 22, 2008, from 4 p.m. to 7 p.m. at the Teal Bend Golf Club, 7200 Garden Highway, Sacramento, California, to solicit input on the scope of the draft subsequent EIR from interested agencies, individuals, and organizations. The NOP and copies of the comments provided to SAFCA are included in Appendix A. As explained above, refinements to the Phase 2 Project modifications resulted in preparation of a supplemental EIR rather than a subsequent EIR.

In accordance with CEQA review requirements, this draft SEIR is being distributed for public and agency review and comment for a 45-day period, which begins on November 18, 2008, and ends on January 2, 2009. This public review period and draft SEIR distribution ensures that interested parties have an opportunity to express their views regarding the significant environmental effects of the Phase 2 Project as revised by this document (State CEQA Guidelines Section 15163[e]), and to ensure that information pertinent to permits and approvals is provided to the decision makers for SAFCA and the CEQA responsible and trustee agencies. This document is available for review, along with the Environmental Impact Report on Local Funding Mechanisms for Comprehensive Flood Control Improvements for the Sacramento Area (Local Funding EIR) and 2007 Landside EIR, by the public during normal business hours at the SAFCA office at 1007 7th Street, 7th Floor, Sacramento, California.

SAFCA will hold a public meeting during the regular December 11, 2008, meeting of the SAFCA Board—at which time it will receive input from agencies and the public on the SEIR. In addition, written comments from the public, reviewing agencies, and stakeholders will be accepted throughout the public comment period. Comments must be received by SAFCA by 5:00 p.m. on January 2, 2009, at the following address, fax number, or e-mail address:

Attn: John Bassett/NLIP Landside Phase 2 Draft SEIR Comments
Sacramento Area Flood Control Agency
1007 7th Street, 7th Floor
Sacramento, CA 95814
Fax number: (916) 874-8289
E-mail address: BassettJ@SacCounty.net

If comments are provided via e-mail, please *include the project title in the subject line, attach comments in MS Word format, and include the commenter's U.S. Postal Service mailing address.*

Following consideration of these comments, SAFCA will prepare written responses to comments on environmental issues, and prepare a final SEIR that will describe the disposition of any significant environmental

issues raised in the comments on the draft SEIR. Written responses must be provided to public agencies on comments made by those agencies at least 10 days before the SEIR can be certified. Following this 10-day period, the SAFCA Board will consider certifying the final SEIR if it is determined to be in compliance with CEQA and will rely on the certified final SEIR when considering project approval.

In accordance with the requirements of CEQA, if the SAFCA Board decides to approve the proposed project analyzed in this SEIR, it will make one or more of the following written findings with respect to each significant environmental effect identified in the SEIR:

- ▶ Changes or alterations have been incorporated into the project that mitigate or avoid the significant effects on the environment.
- ▶ Such changes or alterations are within the responsibility and jurisdiction of another public agency and have been adopted, or can and should be adopted, by such other agency.
- ▶ Specific economic, legal, social, technological, or other considerations render the mitigation measures identified in the final SEIR infeasible.

In addition, if the SAFCA Board decides to approve the project but determines that it would have significant and unavoidable environmental effects, the board will adopt a “Statement of Overriding Considerations” that explains why the benefits of the project outweigh its significant effects on the environment, based on information in the SEIR and other information in the project record.

At the time of project approval, the SAFCA Board must also adopt a mitigation monitoring and reporting plan (MMRP), in compliance with CEQA for those measures that it has adopted and incorporated into the project to mitigate or avoid significant effects on the environment. The MMRP will be designed to ensure compliance during project implementation. The MMRP will monitor implementation of all Phase 2 Project mitigation measures from this SEIR and any applicable mitigation measure from the Local Funding EIR and 2007 Landside EIR.

Following SEIR certification and project approval, a notice of determination documenting the decision will be issued.