

Bidwell-Sacramento River State Park

*Comments and Responses to Comments
on the Recirculated Draft
Environmental Impact Report*



*California Department of Parks and Recreation
January 2006*



Bidwell-Sacramento River State Park

Comments and Responses to Comments on the Recirculated Draft Environmental Impact Report

SCH# 2003022113

Arnold Schwarzenegger
Governor

Mike Chrisman
Secretary for Resources

Ruth Coleman
Director of Parks and Recreation

Department of
Parks and Recreation
P.O. Box 942896
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January 2006



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ACRONYMS AND ABBREVIATIONS

CBDA	California Bay-Delta Authority
CDF	California Department of Fire and Forestry
CEQA	California Environmental Quality Act
CEQA Guidelines	California Environmental Quality Act Guidelines
CSLC	California State Lands Commission
DEIR	Draft Environmental Impact Report
Department	California Department of Parks and Recreation
DOC	California Department of Conservation
DPR	California Department of Parks and Recreation
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
FEIR	final environmental impact report
FEMA	Federal Emergency Management Agency
FMMP	Farmland Mapping and Monitoring Program
FPPA	Federal Farmland Policy Protection Act
GGS	giant garter snake
GIC	Geographic Information Center
HCFPD	Hamilton City Fire Protection District
LESA	Land Evaluation and Site Assessment
NEPA	National Environmental Policy Act
NRCS	Natural Resources Conservation Service
Park	Bidwell-Sacramento River State Park
PM	Public meeting
SR	State Route
SRCA	Sacramento River Conservation Area
SRCAF	Sacramento River Conservation Area Forum
TNC	The Nature Company
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey

1 INTRODUCTION

This document presents the public and agency comments made on the Recirculated DEIR for Bidwell-Sacramento River State Park (Park), along with responses to significant environmental points raised in those comments. The background of public documents related to the General Plan is summarized below.

Preliminary General Plan and DEIR

On December 12, 2003, the California Department of Parks and Recreation (Department) released to the general public and public agencies the Preliminary General Plan and Draft Environmental Impact Report (DEIR) for Bidwell-Sacramento River State Park (Park). The proposed General Plan will guide future management direction at the Park over an approximate 20-year planning horizon. It contains a comprehensive and integrated set of Park-wide goals and guidelines for the long-term management of the Park that focus on protection of environmental resources, enhancements to visitor use and recreation opportunities, and improvements to administration and operations of the Park. In addition, the General Plan provides a spatial dimension to Park planning through the use of area concept planning, which includes area-specific management and facility prescriptions for the subunits and potential property additions that have been considered in the planning process. A range of new recreation facilities are proposed at the Park, which include, but are not limited to, overnight campgrounds, day-use areas, trails, and a visitor center.

The DEIR, which is part of the General Plan, contains the environmental analysis of potentially significant effects of the proposed project on the environment. In accordance with the California Environmental Quality Act (CEQA)¹ §21091 and the Guidelines for Implementing the California Environmental Quality Act (CEQA Guidelines)² §15087, a 45-day public review period for the DEIR was provided ending January 26, 2004. On January 15, 2004, a public meeting was held in Chico, CA to discuss the General Plan and associated findings in the DEIR, and the public had the opportunity to provide written and oral comments. During the public review period, a number of comments on the environmental issues evaluated in the DEIR were received from public agencies, private groups, and individuals. In addition, comments were also received on the various components of the plan itself. This document provides responses to written and oral comments received during the 45-day public review period.

Recirculated DEIR Addressing Agricultural Resources

For several reasons, the Department re-evaluated its finding of a significant and unavoidable impact on agricultural resources presented in the original DEIR. As explained below, based on comments from reviewers and a new policy guidance memorandum from the Resources Agency, the Department changed its finding on the conversion of agricultural land to less

¹ Public Resources Code §§21000–21178.

² Title 14, California Code of Regulations, §§15000–15387.

than significant and released a Recirculated DEIR to provide the public with an opportunity to comment on this change.

A number of public comments were provided that addressed the manner in which the DEIR analyzed the effect of the General Plan on agricultural resources. Specifically, one commenter disagreed with the conclusion made in the DEIR that the removal of orchard trees and the subsequent restoration of riparian vegetation and/or development of low-intensity recreation uses represented a significant and *unavoidable* environmental impact to agricultural resources, and indicated the opinion that the use of agricultural/conservation easements could mitigate this impact to a less-than-significant level (Lynnel Pollock, Yolo County, presented at Sacramento River Conservation Area Forum meeting on January 15, 2004).

The environmental analysis in the DEIR had found that the proposed acquisition of two properties (Singh and Beard properties), due to their status as *Important Farmland* under the Farmland Mapping and Monitoring Program (FMMP) administered by the California Department of Conservation (DOC) and the ultimate change in land use on these properties from agriculture to habitat restoration and joint habitat restoration/low-intensity recreation uses in a rural setting constituted a significant environmental impact on agricultural resources, pursuant to the State CEQA Guidelines. Further, because the Department has determined that feasible mitigation measures were not available, the original DEIR indicated that the effect represented a significant and unavoidable environmental impact.

After additional consideration of this impact, the Department determined that the conclusion in the DEIR was based on an incorrect effects analysis. Land use changes, including agricultural land use changes, are not in of themselves significant adverse impacts on the physical environment. The threshold for significance is whether or not an impact to agricultural resources would then result in a significant environmental effect. Therefore, the Department found, in this instance, that the "conversion of designated farmland to non-agricultural uses" in the proposed Bidwell-Sacramento River State Park General Plan would result in a less-than-significant adverse impact on the physical environment within the meaning of CEQA and the CEQA Guidelines, and thus, no mitigation measures are necessary. The evidence that supports changing the significance conclusion for this impact is based on the planned beneficial change in physical conditions of the affected properties, preservation of the soil and open space resource values attributed to agricultural lands, and the compatibility of the proposed land uses in the General Plan with agriculture and other open space uses on or adjacent to the Park.

Since the time the original DEIR was released to the public, the Department has acquired an additional property (Brayton property), which is being integrated into the proposed General Plan. The Brayton property, proposed for low-intensity recreation uses similar to the Beard property, has been historically in orchard production, but it is not designated as Important Farmland (i.e., Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance under the FMMP). In addition, the eastern portion of the proposed Sunset Ranch property addition is considered Important Farmland by virtue of its

designation as "irrigated farmland" in Butte County, but that point was not referenced in the original DEIR. Therefore, the discussion provided in Recirculated DEIR also applied to both of these properties.

Also subsequent to the DEIR, the Resources Agency provided a guidance memorandum to its Departments encouraging Departments to consider, as a matter of policy, including a separate section in Environmental Impact Reports (EIRs) regarding socioeconomic impacts (Resources Agency Memorandum, May 4, 2005). The CEQA Guidelines permit inclusion of such a separate section at an agency's discretion (CEQA Guidelines §15131, "Economic or social information may be included in an EIR or may be presented in whatever form the agency desires.") In addition, the Resource Agency Memo referenced the CALFED strategies for agricultural land and water as "good examples of the types of strategies which could be used." To reflect the Department's sensitivity to agricultural land concerns, the General Plan contains a goal and guideline to consider and implement, as appropriate, measures based on the CALFED strategies. Those policy measures and socioeconomic considerations were reflected in the Recirculated DEIR.

The Recirculated DEIR included public and agency comments on the original DEIR, along with responses to comments that raised environmental points. It also contained proposed changes to the General Plan recommended by Department staff in response to information developed since the release of the Preliminary General Plan and DEIR (Chapter 4 of that document.)

Because of the revised conclusion regarding the agricultural resources issue, the Department elected to recirculate, pursuant to the State CEQA Guidelines §15088.5, those portions of the DEIR addressing whether impacts to agricultural resources result in potentially significant environmental effects. A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given but before certification; new information is considered "significant" when the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a potentially substantial adverse effect of the project (CEQA §15088.5(a)). Although the proposed revisions to DEIR resulted in a less-than-significant environmental impact conclusion for the subject impact topic, the Department decided it was important to provide the public the opportunity to review the revised analysis of this issue. In addition, because the proposed revisions only affect portions of the DEIR related to agricultural resources, the recirculated DEIR only included those portions of the document that were modified or had a bearing the related environmental analysis, in accordance with State CEQA Guidelines §15088.5(c).

A 30-day public review and comment period for the recirculated DEIR was established, beginning on October 18, 2005, and ending on November 17, 2005. In response to the public interest in this issue, the Department extended the public review period to January 8, 2006. The Department received additional comments on the Recirculated DEIR and they are included herein, accompanied by responses to significant environmental points raised in them.

Response to Comment Document

This document presents public and agency comments received during the public review period of the Recirculated DEIR, along with the responses to significant environmental points raised in them, are presented. The document is organized as follows:

- ▶ Chapter 1 (Introduction) provides a brief overview of the proposed project, describes the requirements under CEQA for responding to public comments received on the Recirculated DEIR, and describes the organization of the final environmental impact report (FEIR).
- ▶ Chapter 2 (List of Commenters) provides a list, in table format, of all written and oral comments received on the Recirculated DEIR.
- ▶ Chapter 3 (Response to Comments) provides responses to significant environmental issues raised in written and oral comments on the Recirculated DEIR, received during its public review period of October 17, 2005 to January 8, 2006.

The focus of the response to comments is on the disposition of significant environmental issues that have been raised in the comments, as specified by State CEQA Guidelines §15088(b), but also includes responses to pertinent planning considerations for implementation of the proposed General Plan.

No other changes to the General Plan, additional to those recommended in the Recirculated DEIR, are included in this document.

Content of the Final Environmental Impact Report

Together, the Preliminary General Plan, original DEIR, Recirculated DEIR, and this response to comments document constitute the FEIR for the Bidwell-Sacramento River State Park General Plan.

2 LIST OF COMMENTERS

This chapter provides a list of all public comments received on the Recirculated DEIR during the public review period, which was October 18, 2005 to January 8, 2006. It focuses on written comments (i.e., letters) received on the Recirculated DEIR and provides a table indicating the commenter/agency that prepared written comments, the date the comment(s) were made, individual comment numbers, and the topic(s) raised in the comment (see Table 2-1). (Similar information is presented for comments received on the original DEIR in Chapter 2 of Recirculated DEIR.)

LIST OF WRITTEN COMMENTS RECEIVED ON THE RECIRCULATED DEIR

Table 2-1 indicates the letter number, commenter, date of correspondence, comment number assigned, and the comment topic assigned for each written comment received on the Recirculated DEIR. The letters are numbered sequentially by date received and are noted with an "R" in the prefix to identify them as comments on the Recirculated DEIR. The letter numbers are then used as a prefix for individual comments, which are also number sequentially after the prefix. For example, comment R1-1 is the first comment of letter R1; comment R1-2 is the second comment of the same letter, etc.

Letter	Commenter/Agency	Date	Comment Number	Topic(s)
R1	Mike Mirmazaheri, Department of Water Resources	November 10, 2005	R1.1	Reclamation Board Authorities
R2	Scott A. Zaitz, Central Valley Region, California Regional Water Quality Control Board	January 6, 2006	R2.1	Need for Construction Stormwater Permit
R3	Dennis J. O'Bryant, Department of Conservation	November 17, 2005	R3.1	Definition of Conversion
			R3.2	Use of LESA Model
R4	Paul R. Minasian, Minasian, Spruance, Meith, Soares, & Sexton, LLP	December 2, 2005	R4.1	Consultation
			R4.2	Request for Information
			R4.3	Disruption of Flood Flows

3 RESPONSE TO COMMENTS

This chapter provides a complete copy of the written comments on the Recirculated DEIR for Bidwell-Sacramento River State Park, and presents responses to significant environmental issues raised in the comments, as required by State CEQA Guidelines §15132, as well as comments pertaining to the proposed General Plan. (Responses to comments on the original DEIR are contained in Chapter 3 of the Recirculated DEIR.)

Each letter is reproduced in its entirety, including attachments. Each letter and comments are labeled numerically, and correspond to Table 2-1. Written comments on the Recirculated DEIR are assigned an "R" in the prefix to distinguish them from written comments on the original DEIR. The responses to comments are also labeled numerically and follow each letter.

**DEPARTMENT OF WATER RESOURCES**

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(916) 653-5791

NOV 10 2005

California State Parks
One Capitol Mall, Suite 410
Sacramento, California 95603

Bidwell-Sacramento River State Park Preliminary General Plan
State Clearinghouse (SCH) Number: 2003022113

Staff for The Department of Water Resources has reviewed the subject document and provides the following comments:

Portions of the proposed project are located within a regulated stream over which The Reclamation Board has jurisdiction and exercises authority. If the project includes any "channel reconfiguration" that was not previously permitted, new plans must be submitted. Section 8710 of the California Water Code requires that a Board permit must be obtained prior to start of any work, including excavation and construction activities, within floodways, levees, and 10 feet landward of the landside levee toes. A list of streams regulated by the Board is contained in the California Code of Regulations, Title 23, Section 112.

Section 8(b)(2) of the Regulations states that applications for permits submitted to the Board must include a completed environmental questionnaire that accompanies the application and a copy of any environmental documents if they are prepared for the project. For any foreseeable significant environmental impacts, mitigation for such impacts shall be proposed. Applications are reviewed for compliance with the California Environmental Quality Act.

Section 8(b)(4) of the Regulations states that additional information, such as geotechnical exploration, soil testing, hydraulic or sediment transport studies, biological surveys, environmental surveys and other analyses may be required at any time prior to Board action on the application.

For further information, please contact Sam Brandon of my staff at (916) 574-0651.

Sincerely,

Mike Mirmazaheri, Chief
Floodway Protection Section

R1-1

Letter R1: Mike Mirmazaheri, California Department of Water Resources

November 10, 2005

R1.1 The commenter states that a portion of the Park is under the jurisdiction of the Reclamation Board, and therefore, any future work including excavation and construction on lands subject to the Reclamation Board's authority would require a permit. This comment is similar to Comment 5 received on the original DEIR.

The Department acknowledges that the Reclamation Board has jurisdiction over portions of the Park, and a permit will be sought for all future work in these areas subject to permit requirements. Please refer to Chapter 4 of the Recirculated DEIR, Recommended Changes to the General Plan, for changes made to text on pages 3-12 and 3-30 (Goal AO-4.5-1) of the General Plan, which are revised to reflect the jurisdiction of the California Department of Water Resources/Reclamation Board.



California Regional Water Quality Control Board
Central Valley Region



Alan C. Lloyd, Ph.D.
Agency Secretary

Redding Branch Office
 415 Knollcrest Drive, Suite 100, Redding, California 96002
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<http://www.waterboards.ca.gov/centralvalley>

Arnold Schwarzenegger
Governor

6 January 2006

Mr. Wayne Woodroof
 California Department of Parks and Recreation
 Northern Service Center
 One Capital Mall, Suite 410
 Sacramento, CA 95814

REVIEW OF BIDWELL-SACRAMENTO RIVER STATE PARK PRELIMINARY GENERAL PLAN RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT, SCH# 2003022113, WEST OF CHICO, BUTTE COUNTY

We have reviewed the Bidwell-Sacramento River State Park Preliminary General Plan Recirculated Draft Environmental Impact Report, submitted to our office on 13 December 2005. The Environmental Impact Report includes the construction of new recreation facilities, which include, but are not limited to, overnight campgrounds, day-use areas, trails, and a visitor center. Please consider the following comment.

Construction Stormwater Permit

Based on the project description, it appears that grading and/or other soil disturbing activities may occur. In order to protect water quality during construction, appropriate stormwater pollution control measures must be implemented. If construction activities result in a land disturbance of one or more acres, the project will need to be covered under the General Construction Stormwater Permit (Order No. 99-08-DWQ). The permit requires that a Storm Water Pollution Prevention Plan (SWPPP) be prepared prior to construction activities. The SWPPP is used to identify potential pollutants (such as sediment and earthen materials, chemicals, building materials, etc.) and to describe best management practices that will be utilized to eliminate or reduce those pollutants from entering surface waters. The Construction Stormwater Permit can be obtained from the Regional Water Quality Control Board (Regional Board) office or website: www.waterboards.ca.gov/stormwtr/construction.html.

R2-1

If you have any questions, please contact me at (530) 224-4784 or at the letterhead address above.

Scott A. Zaitz, R.E.H.S.
 Environmental Scientist

SAZ: kg

Letter R2: Scott A. Zaitz, California Regional Water Quality Control Board, Central Valley Region

January 6, 2006

R2.1 The commenter states that some activities that may occur in the Park in the future as the General Plan is implemented could require a Construction Stormwater Permit. If a permit were required the Department would need to prepare a Storm Water Pollution Prevention Plan (SWPPP). The Department acknowledges that a permit will be sought for future construction projects, in accordance with the Regional Water Quality Control Board's requirements.



DEPARTMENT OF CONSERVATION



DIVISION OF LAND RESOURCE PROTECTION

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November 17, 2005

Mr. Wayne Woodroof
California Department of Parks and Recreation
One Capital Mall, Suite 410
Sacramento, CA 95814

Subject: SCH# 20030221133 – Recirculated Draft Environmental Impact Report for the Preliminary General Plan (Agricultural Resources) for the Bidwell-Sacramento River State Park

Dear Mr. Woodroof:

The Department of Conservation (DOC) staff have reviewed the recirculated Draft Environmental Impact Report for the Preliminary General Plan (Agricultural Resources). The proposed project consists of a new General Plan for the Bidwell-Sacramento River State Park. The General Plan is intended to serve as a management tool for the State Park for the next twenty years. The Plan includes a set of park-wide goals and guidelines, and provides area-specific management and facility prescriptions for subunits and potential property additions considered in the planning process. Three acquisitions are involved: the Singh, Brayton, and Beard properties, comprising of approximately 145 acres of farmland being converted.

We respectfully offer the following comments:

The riparian forest was removed and converted to agricultural production before the California Environmental Quality Act was enacted. The proposed implementation of the General Plan would restore the riparian forest and natural ecological communities in the project area. As such, portions of the Existing Environment are comprised of agricultural lands.

The Department of Parks and Recreation provides a discussion pertaining to conversion of agricultural lands. Apparently, the Department of Parks and Recreation considers "conversion" for the purposes of assuming potential impacts under the Appendix G checklist and Land Evaluation and Site Assessment (LESA) Model to involve the commitment of productive farmed land to irreversible development or non-agricultural uses that damage or eliminate the soil and open space values of the land or create

R3-1

Mr. Wayne Woodroof
November 17, 2005
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secondary growth-inducing impacts to adjacent farmed lands by precluding nearby agricultural uses. Also, the Department of Parks and Recreation indicates that the impact to agricultural uses is found to be less than significant, a shift from the analysis in the DEIR circulated in 2003. The original finding was that the removal of orchards for the purpose of restoration of riparian forest was found to be a significant unavoidable impact to agricultural resources. Damage or elimination of the soil and open values of the land or the potential for growth-inducing impacts may be somewhat narrow in how "conversion" is defined. As the project involves mechanical removal of orchards and construction of a visitor headquarters and ancillary facilities, such activities will require the use of earth moving equipment. If there is a campground proposed in the future, such use may be far more intense than "light recreation", such as hiking. Removal of the agricultural crops currently grown in the project area and precluding the continuance of agricultural practices so that the land can support a different use constitutes a change in the physical environment, and we consider this to be "conversion".

R3-1
Cont'd

The DOC's LESA model (and the instruction manual) is available on DOC's website. The model provides an objective and consistent method for determining level of significance of impacts to agricultural resources. It applies to projects that have the potential to convert of agricultural resources to other uses. It is not DOC's intent to obstruct the progress or implementation of the General Plan; however, we respectfully request that the Department of Parks and Recreation utilize the LESA model so that an objective basis can be made. Such use would alleviate the necessity to provide argument and rationale of why there would be no significant impact. It appears that the model was not used. Please do not hesitate to contact DOC staff as we are more than willing to provide technical assistance in the LESA computation and analysis for this project. Please note that Butte County now has a published soil survey, which can be downloaded via computer at <http://soildatamart.nrcs.usda.gov/> Butte County is CA 612.

R3-2

Thank you for the opportunity to review this document. Please do not hesitate to contact Jeannie Blakeslee at (916) 323-4943 if you have any questions regarding these comments or require assistance in computing the LESA analysis.

Sincerely,



Dennis J. O'Bryant
Acting Assistant Director

Letter R3: Dennis J. O'Bryant, California Department of Conservation

November 17, 2005

R3.1 The commenter indicates that the Department's definition of "conversion" to non-agricultural uses "may be somewhat narrow." The commenter considers activities contemplated in the General Plan, such as removal of crops and construction of a visitor headquarters or a campground, to be conversion.

A statutory definition of "conversion" as it relates to agricultural resources does not exist in the California Environmental Quality Act (CEQA) or other sections of the Public Resources Code; nor does a regulatory definition exist in the California Code of Regulations. Consequently, to determine whether the activities contemplated by the General Plan would constitute conversion to nonagricultural use, the Department conducted extensive review of other relevant references, including the Instruction Manual for the Land Evaluation and Site Assessment (LESA) model. This review is reported on pages 4-13 to 4-16 of the Recirculated DEIR. The other references supported the definition used in the EIR, as described on those pages. This included the LESA definition of "land committed to nonagricultural use" as "land that is permanently committed by local elected officials to nonagricultural development," including the urban development-related actions of a tentative subdivision map, final parcel map, or development agreement. Each of these descriptors relates to urban development actions that are not relevant to the planned uses in Bidwell-Sacramento River State Park.

As an additional point of clarification, the visitor center identified in the General Plan is located in the Sunset Ranch Addition. The visitor center site is located on land not designated as "irrigated Farmland" in Butte County. Rather, the site is between an existing access road and the Sacramento River, in an area designated as "other land" by the county. Therefore, the visitor center would not involve removal of crops from an irrigated farmland area.

R3.2 The commenter requests that the Department use the optional LESA model for evaluating effects on agricultural resources. The Department appreciates the request and considered use of the LESA model in the EIR. For the rationale summarized in the Recirculated DEIR, the Department decided the LESA model would not be sufficiently applicable to this specific project, and opted not to include it in the EIR.

**MINASIAN, SPRUANCE,
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December 2, 2005

California Department of Parks & Recreation
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California Department of Parks & Recreation
Acquisition & Planning Division
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One Capitol Mall, Ste 500
Sacramento, California 95814

Re: Draft Initial Study/Mitigated Negative Declaration
Big Chico Creek Access to Sacramento River, Draft IS/MND
Bidwell-Sacramento River State Park

Ladies & Gentlemen:

The Sacramento River Reclamation District is a California Reclamation District which includes the area you are describing in the above-entitled Project within its boundaries. The SRRD is a Responsible Public Agency as defined in California Environmental Quality Act.

The Sacramento River Reclamation District previously sent comments to your General Plan - Draft EIR, State Clearinghouse Project 200-3022113. We pointed out in those comments that you had not performed the consultation required with responsible public agencies before preparing a draft environmental document, be it an Environmental Impact Report or an Initial Statement and Negative Declaration. We also pointed out that

R4-1

To: California Department of Parks & Recreation
Re: Draft Initial Study/Mitigated Negative Declaration
Big Chico Creek Access to Sacramento River, Draft IS/MND
Bidwell-Sacramento River State Park
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there are potentially significant impacts arising from flood flows and diversion of flood flows because of the removal of orchards and the attempt to revegetate those areas with dense vegetation.

The current project involves substantial elevation change and the construction of improvements. This area is part of an area subject to flooding. It is essential to maintaining open space uses, such as agricultural productive uses, that improvements not be installed and vegetation not be allowed to grow in such a fashion that flood water will be diverted, cause erosion, or cause saturation of the soil and delayed drainage after flood events. Our District is involved in assuring that land changes conform to the plan and experience of the District and its landowners and minimize flood effects.

We are indeed disappointed that you did not consult with us prior to commencement of drafting of this document as is required under CEQA. It may well be that after examination, we will conclude that no flood impacts or flow changes will occur under your Plan. However, we do not know that at this point and cannot determine it from your Environmental Impact Statement.

R4-1
Cont'd

An Environmental Impact Statement and Mitigated Negative Declaration that does not comply with the Responsible Public Agency consultation requirement contained within Title 14, Division 6, Chapter 3 of the California Administrative Code is unlawful. We suggest that you immediately provide us with the following information:

1. A topographical map showing the current contours of the area to be developed in much more detail than the USGS map contained within your Draft IS/MND.
2. Please show us a site map in which we can see exactly what elevation changes are anticipated to occur and what density of vegetation will exist. This area is subject to a rule that if a grading change of more than two feet (2') is proposed, it is subject to a review process.
3. Currently the area consists of largely open space with periodic tree banding. There is no information in regard to the effect on rising and declining flood conditions in the changes you propose. This is essential to include within your description of environmental impacts or the potential of environmental impacts. It is especially

R4-2

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important that a flow pattern during declining flood levels in the Sacramento River through grassland areas be maintained so that upslope agricultural lands will quickly drain, allowing the trees and root structure to desaturate. We cannot tell what clearing and maintenance of the vegetation you propose to maintain those flowage patterns from north to south, and from north and east to the west. Particularly, we can see two flow areas on the aerial photographs extending from north to south which appear to have been cleared and maintained to provide flow areas in winter and spring flow conditions where flood or inundation flows can be dewatered from the orchards to the west and north. It is essential that those be maintained in an open condition.

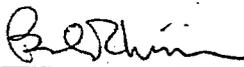
R4-2
Cont'd

We must say that we are disturbed by the idea that you may be moving forward with an initial study and mitigated negative declaration without completing your description of environmental impacts in conformance with the flood plane regulations and the General Plan that will assure that flood flow patterns within this area will be maintained and that agricultural uses of adjoining and upslope lands will also be maintained because flood flows will not be disrupted. The device that "it's just a boat ramp and some parking spaces" will not work. We expect you to stop the processing until the Responsible Agency Consultation can fully occur, and of course we hope that your plan will turn out not to have any significant impacts. However, because governmental entities are required to comply with these Rules, a hurry to spend public monies is not an excuse.

R4-3

Very truly yours,

MINASIAN, SPRUANCE,
MEITH, SOARES & SEXTON, LLP

By: 

PAUL R. MINASIAN

PRM:df

cc: Board of Trustees, Sacramento River Reclamation District
S:\Denise\Sacrec\CA Dept of Parks & Rec.1.wpd

December 2, 2005

R4.1 The commenter expresses concern that the Department did not consult with his client, the Sacramento River Reclamation District, during the preparation of the environmental documents for the General Plan. The Department has implemented applicable CEQA procedures related to consultation with responsible agencies. As required by Section 15082 of the State CEQA Guidelines, the Department distributed a Notice of Preparation on February 21, 2003. In compliance with Sections 15086 and 15087 of the guidelines, when the Preliminary General Plan and DEIR were released for public review, the Department published a Notice of Availability inviting comment and consultation, dated December 12, 2003. When the Recirculated DEIR was in public review, the Department published notices inviting comment and consultation, dated October 17 and December 16, 2005. These notices are all still available on the Department's website at http://www.parks.ca.gov/?page_id=22600. Multiple opportunities for comment and consultation have been provided through the course of the EIR process.

The commenter also expresses concern that the project involves substantial elevation changes and construction improvements in areas subject to flooding. Approval of the General Plan does not, by itself, authorize specific construction projects, so it is not clear what construction is of concern to the commenter. Additionally, the General Plan includes a goal and guideline to avoid significant adverse flooding effects. Goal AO-3.1 directs that Park facilities be sited and designed to embrace natural river processes. Guideline AO-3.1-1 requires siting and facility design features to minimize flood effects. Facility developments constructed consistent with the General Plan would not result in significant flooding effects.

R4.2 The commenter highlights the importance of maintaining open areas for flood flows. The General Plan goals and guidelines include direction intended to allow for the natural river functions to continue. Goal ER-3.1 directs that the natural river dynamics be allowed to continue. Guideline ER-3.1-1 involves monitoring of the river course, which would include areas of river flows and Guideline ER-3.1-2 indicates that new facilities and bank stabilization will be located to minimize effects to the river course, which would help avoid locating projects where they may adversely affect river flows. Consequently, the General Plan anticipates the importance of areas carrying flood flows and implementation of it would help avoid adverse effects to the river.

R4.3 The commenter indicates concern about the Department moving ahead with an initial study and mitigated negative declaration, apparently related to a referenced boat ramp project. As a point of clarification, the current General Plan and EIR does not, by itself, authorize construction of facilities, while it does designate planned locations and defines the process for further review and implementation of facility improvements. Therefore, the decision at hand (i.e., approval of the General Plan) is different than what the commenter appears to be describing.

