Chapter 3

# Responses to Major Issues Regarding the EIR/EIS

Chapter 3

# Master Responses

## Introduction

This chapter contains responses to similar comments that were received from several commenting parties. Where appropriate in the responses to comments in subsequent chapters of this final document, the reader is referred to the major issue responses contained in this chapter. The responses included in this chapter are:

- Environmental Justice Issues
- Public Outreach Process
- Intake Facility Issues

## 1. Environmental Justice Issues

**Comment:** The project appears to disproportionately affect low-income and minority communities. The residents of these ethnically diverse, largely minority communities have been unfairly treated by the siting of the proposed intake facility and the routing of the pipeline, and FRWA has not done enough to involve the public in the EIR review process. Also, the draft EIR/EIS misleads the public by stating that the operation of the proposed intake facility is not expected to result in a disproportionate impact on a minority or low income population because of the distance between the facility and residential/commercial areas, and the draft EIR/EIS fails to completely assess environmental justice impacts since it does not include data for Census Tract 40.12 (which includes City of Sacramento residents and the proposed intake structure).

**Response**: Following careful review of comments relating to environmental justice, it was concluded that a master response was necessary to adequately respond to the various environmental justice–related concerns.

## Origins of Environmental Justice

The catalyst for the environmental justice movement was a small, predominantly African-American community in Warren County, North Carolina, when the State of North Carolina decided to build a toxic waste landfill in an overwhelmingly low-income and minority community in Warren County. This landfill site was proposed for the disposal of PCB–contaminated soil, removed from 14 counties throughout the state. Civil rights and environmental activists collaborated to stage numerous demonstrations. Numerous reports and studies on the topic of environmental justice followed.

## Legal Framework

The basis for environmental justice lies in the Equal Protection Clause of the U.S. Constitution. The Fourteenth Amendment expressly provides that the states may not "deny to any person within [their] jurisdiction the equal protection of the laws" (U.S. Constitution, amend. XIV, §1).

On February 11, 1994, President Clinton signed Executive Order (EO) 12,898, titled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." The EO followed a 1992 report by the U.S. Environmental Protection Agency (U.S. EPA) indicating that "[r]acial minority and low-income populations experience higher than average exposures to selected air pollutants, hazardous waste facilities, and other forms of environmental pollution." Among other things, EO 12898 directed federal agencies to incorporate environmental justice into their missions.

In a memorandum accompanying EO 12,898, President Clinton underscored existing federal laws that can be used to further environment justice. These laws include Title VI of the Civil Rights Act of 1964 and the National Environmental Policy Act (NEPA), among others. Title VI prohibits any recipient (state or local entity or public or private agency) of federal financial assistance from discriminating on the basis of race, color, or national origin in its programs or activities (42 USC §2000d-2000d-7). NEPA applies to projects carried out or funded by a federal agency (including the issuance of federal permits). NEPA is useful relative to environmental justice because it requires public participation (please also see master response to comments relating to public outreach, page 3-7) and discussion of alternatives and mitigation measures that could reduce disproportionate effects on low-income and minority populations. Additionally, in 1999, Governor Davis signed SB 115 (Solis, Chapter 690, Statutes of 1999) into law, defining environmental justice in statute and establishing the Office of Planning and Research as the coordinating agency for state environmental justice programs and directing the California Environmental Protection Agency to develop a model environmental justice mission statement (Public Resources Code §65040.12).

# Methodology of the Environmental Justice Analysis

The definitions of minority and low-income populations used for the environmental justice analysis are those of the Council on Environmental Quality, whose definitions are widely used when assessing environmental justice in the environmental review process. In a state like California where minority individuals are the majority of the residents, it is most appropriate to define minority populations according to the following criterion: where the minority population percentage of the affected area is meaningfully greater than the minority population percentage of the general population (in this case, the City of Sacramento and Sacramento County).

The criterion for determining low-income populations is where the population percentage below the median household income is meaningfully greater than that of the population percentage in the general population. To determine disproportionately high and adverse impacts, the distribution of impacts between geographic sub-areas was compared between low-income and minority communities and the county and study areas.

The response to this issue is divided into several sections:

1.1 Disproportionate Impacts
1.2 Census Tract 40.12
1.3 Alternative 5—Preferred Alternative
1.4 Meaningful Public Involvement

## 1.1 Disproportionate Impacts

Numerous commentors are concerned that the project appears to disproportionately affect low-income and minority communities, particularly the South Pocket and Meadowview communities.

The environmental impacts identified for each project alternative have been found to affect communities of both low- and high-income populations as well as minority and non-minority populations. Although the project crosses both rural and urban areas, it has been determined that the various components of the project do not result in a highly disproportionate impact on minority and low-income populations in the project area. Furthermore, project features in the South Pocket and Meadowview communities also do not result in a highly disproportionate impact on minority and low-income populations (Please see Figure 3-1 and corresponding Table 3-1. Please also see discussion regarding Census Tract 40.12 below).

Regarding the impact on noise levels in areas of concern, including low-income and minority communities, the construction-period impacts of the project would consist primarily of nuisance effects (e.g., noise level impacts, among others) but would be temporary and relatively short-term. Commentors are referred to page

14-22 of the draft EIR/EIS regarding mitigation measures for construction-related impacts that address this impact of concern. Also, FRWA is committed to working with the local community on a design for the intake structure that will reduce operational noise so it does not exceed existing background levels at the nearest sensitive receptor.

Lastly, commentors stated that the fair treatment of an ethnically diverse, largely minority community has been neglected.

As discussed in the draft EIR/EIS, efforts to minimize social effects were considered as part of the alternative development process. Efforts included an extensive screening analysis that evaluated various alignment alternatives against several criteria, including environmental and technical factors. (Please also see comments below regarding public involvement.)

## 1.2 Census Tract 40.12

Many commentors raised the concern that the draft EIR/EIS failed to include Census Tract 40.12, which includes City of Sacramento residents and the proposed intake structure.

The commentors are correct. The EIR/EIS preparers acknowledge this oversight and include Census Tract 40.12 in its analysis here. As a result of including Census Tract 40.12, the following data on income and ethnicity were revealed and compared to the county average:

| Area/Census Tract | Median Household Income ($) | % White | % African-American | % American Indian | % Asian | % Hawaiian or Pacific Islander | % Hispanic or Latino | % Other | Relevant Project Alternative |
|---|---|---|---|---|---|---|---|---|---|
| 40.12 | 69,031 | 44 | 9 | <1 | 33 | <1 | 9 | <1 | 2, 3, 4, 5, 6 |
| **Sacramento County Average** | 43,816 | 58 | 10 | <1 | 11 | <1 | 16 | 4 | |

Source: U.S. Census Bureau (2000)

The information derived from the new data shows that although the percentage of the minority population in Census Tract 40.12 is slightly more than 50%, the median household income in this tract is much higher than the county average. The various components of the project, including the intake facility, do not result in a highly disproportionate impact on minority or low-income populations in Census Tract 40.12 and in the project area in general because the population here is not disproportionately minority and low-income.

**Table 3-1.** Income and Ethnicity Totals of Census Tracts in the Project Area

| Jurisdiction/ Census Tract | Median Household Income ($) | % White | % Black or African American | % American Indian and Alaska Native | % Asian | % Native Hawaiian and Other Pacific Islander | % Hispanic or Latino | % Minority | Below Poverty (below 80% of County Median Household Income) |
|---|---|---|---|---|---|---|---|---|---|
| **County of Sacramento** | **43,816** | **58** | **10** | **< 1** | **11** | **<1** | **16** | **37** | |
| **City of Sacramento** | **37,049** | **48** | **16** | **1** | **17** | **< 1** | **22** | **56** | |
| 40.12 | 69,031 | 44 | 9 | <1 | 33 | < 1 | 9 | 51 | n |
| 42.01 | 39,280 | 32 | 30 | < 1 | 12 | 1 | 28 | 71 | n |
| 42.02 | 27,134 | 14 | 27 | < 1 | 24 | 3 | 25 | 79 | y |
| 42.03 | 26,385 | 15 | 23 | < 1 | 18 | 5 | 33 | 79 | y |
| 43.00 | 27,669 | 15 | 26 | < 1 | 27 | 3 | 23 | 79 | y |
| 49.03 | 28,687 | 12 | 37 | < 1 | 23 | 2 | 19 | 81 | y |
| 49.04 | 41,804 | 44 | 17 | < 1 | 14 | < 1 | 22 | 53 | n |
| 49.05 | 31,168 | 23 | 22 | < 1 | 11 | < 1 | 37 | 70 | y |
| 49.06 | 39,349 | 25 | 24 | < 1 | 23 | < 1 | 20 | 67 | n |
| 50.02 | 25,498 | 31 | 23 | < 1 | 22 | < 1 | 18 | 63 | y |
| 96.01 | 46,652 | 14 | 27 | < 1 | 31 | 3 | 18 | 79 | n |
| 96.06 | 36,351 | 22 | 29 | < 1 | 16 | 1 | 26 | 72 | n |
| 96.07 | 35,216 | 16 | 28 | < 1 | 21 | 2 | 25 | 76 | n |
| 96.08 | 50,893 | 42 | 23 | 1 | 21 | < 1 | 15 | 60 | n |
| 96.10 | 48,224 | 30 | 23 | < 1 | 26 | 1 | 19 | 69 | n |

## 1.3 Alternative 5—the Preferred Alternative

Alternative 5 was chosen as the preferred and environmentally superior alternative based on its ability to fully meet the project purpose and objectives; engineering and economic feasibility; minimization of environmental impacts; minimization of construction-related impacts associated with traffic, air quality, and noise; and community input received during the public scoping process. FRWA has evaluated various alternatives to minimize impacts associated with the project for all affected communities and has not targeted minority and low-income populations. Although a single intake location was considered because it was determined to meet project objectives and other engineering and environmental considerations, Alternative 5 was identified as the preferred alternative because this alternative, including its pipeline alignment, was superior to those analyzed in the other alternatives. From an environmental justice vantage point, Alternative 5 is ideal for the proposed pipeline alignment because it would be the greatest distance from urbanized areas as shown in Figure 3-1. With specific regard to the Meadowview community (Census Tracts 43.00 and 96.01, in particular), the pipeline alignment is typically more than ½ mile from the nearest development. This distance substantially avoids and minimizes any construction-related impacts on this community. Additionally, Alternative 5 would minimize or avoid:

- economic impacts on area businesses;
- construction-related impacts (i.e., nuisance effects) on commercial and residential uses;
- aesthetic impacts on homes and businesses; and
- impacts on minority and low-income populations, as the alternative that is the farthest from urbanized areas and not located in communities with a meaningfully greater percentage of minority and low-income populations.

## 1.4 Meaningful Public Involvement

Several commentors were concerned that environmental justice was not considered during the public scoping and review processes.

Public involvement is crucial to the successful implementation of environmental justice. As many of the commentors pointed out, meaningful public involvement is part of U.S. EPA's definition of environmental justice and required as a part of NEPA. Although the State of California's definition of environmental justice does not include public involvement, numerous regional, state, and local agencies have nevertheless incorporated a public participation strategy into their environmental justice programs. The attention that has been given to public involvement is proof of the importance that agencies have placed on the topic.

FRWA has demonstrated its commitment toward meaningful public involvement for the FRWP by going over and beyond what is legally required, including, but

not limited to: twice extending the public review and comment period for the draft EIR/EIS; multiple briefings with community residents, community organizations, and businesses, among others; announcements in all major newspapers and small local newspapers in the project area; and numerous public hearings for verbal commenting opportunities. Additionally, FRWA has worked very closely with the City of Sacramento, Sacramento County, community groups, and individuals to identify ways to minimize short- and long-term impacts as much as possible. (Please also see master response to comments relating to public outreach, below.)

During public outreach, communities and concerned residents raised comments on the project as early as the scoping process in 2002. Comments related to environmental justice involved the placement of the pipeline and other project features within neighborhoods. Specifically, comments included concerns about project impacts on low-income and minority populations.

As a result of these public outreach efforts and in response to the issues raised by the public, the project was modified to reduce adverse effects in relation to environmental justice. For example, residents of the Meadowview area were opposed to the Meadowview project alignment. This concern was an important reason that the Meadowview alignment (Alternatives 2 and 3) was not selected as the preferred alternative. In addition, project activities have been coordinated with other projects in the vicinity to reduce community disruption and environmental disturbance, and the alignment has been located away from residences as feasible to reduce impacts on minority, ethnic, and low-income populations. Several residents of the South Pocket area expressed opposition to the intake facility being located within their neighborhood. However, while viable alternatives existed to the Meadowview pipeline alignment, this was not the case for the intake site, as described below in the master response on the Intake Facility Issues. In response to concerns raised by South Pocket area residents, the project has been modified from the layout shown in the draft EIR/EIS (see the Project Update in Chapter 2 of this final EIR/EIS). The identification of Alternative 5 as the preferred alternative was the most context-sensitive alternative and is the most ideal from an environmental justice vantage point.

Successful public involvement is dependent on the participation of the affected stakeholders. FRWA commends everyone who has been involved in any of the project's public forums (i.e., attendance at hearings, comments on the draft EIR/EIS, etc.) for their participation.

# 2. Public Outreach Process

**Comment:** The FRWA has not done adequate outreach to members of the Pocket community, and the methods employed seem insufficient. Communication with the public has been poor, and there has not been adequate notice given regarding the stages of the project. The FRWA only minimally

involved City and County of Sacramento planners. Also, the price of a hard copy of the DEIR was prohibitive.

**Response:** FRWA has conducted extensive public outreach to provide information and solicit input for the proposed FRWP. Public outreach for the project has been conducted prior to and in tandem with preparation of the draft of the project's EIR/EIS. Since 2001, project representatives have met with elected and appointed officials from the City and County of Sacramento, including city council members from all affected areas, residents, community organizations, businesses, and representatives from local, state, and federal agencies to discuss the FRWP in general and the potential intake locations and pipeline alignments specifically. FRWA has been and continues to be committed to informing and engaging the public about the project during all phases of the environmental review process and the design, construction, and operation of the project.

The response to this issue is divided into several sections:

2.1 Scoping Process
2.2 Draft EIR/EIS Availability
2.3 Public Hearings on the Draft EIR/EIS
2.4 Draft EIR/EIS Comment Period
2.5 Future Outreach Efforts

## 2.1 Scoping Process

CEQA and NEPA provide for public participation at various stages of the draft EIR/EIS review process for projects such as the proposed FRWP. In accordance with CEQA and NEPA, five public scoping meetings were held in April 2002 to initiate the environmental review process and to solicit public comments on the scope and content of the proposed project. The five public scoping meetings were held on April 8, 11, 15, 18, and 25, 2002, in Oakland, Freeport, Sacramento, Herald, and Sacramento, respectively. The meetings were held in the evening to accommodate daytime schedules of residents who work or have other obligations. To announce the public scoping meetings, meeting notices that included a summary of the project and the date and locations of the meetings were placed in all major newspapers and small local newspapers in the project area, including Sacramento, San Joaquin, Contra Costa, and Alameda Counties, and in the Federal Register (Vol. 67, No. 57, pg. 13656 on March 25, 2002). Meeting notices were mailed to stakeholders in the project database, including owners of property contiguous to the potential project intake location and pipeline alignments. The names and addresses of many stakeholders in the project area were based on the most current tax records from the county where the property near the project was located. Public outreach materials and visual aids presented at the scoping meetings included detailed maps highlighting the four intake facility locations under consideration during the scoping phase and the various pipeline alignments being evaluated. The maps and other informational materials were posted on the project web site, which was widely publicized.

Following the April 2002 public scoping meetings and during the preparation of the draft EIR/EIS, project representatives continually met with elected officials from the City and County of Sacramento, and other various city, county, state, and federal agency staff and representatives to discuss all elements of the proposed project. Project representatives have conducted and continue to conduct informational briefings for residents, community organizations, businesses, and homeowners associations in areas near the proposed location of the intake facility, including the Pocket Area of Sacramento, Clarksburg, and Freeport and Yolo Counties; in areas near the proposed pipeline alignments in central Sacramento County, including Meadowview, Valley Hi, Cosumnes River Boulevard, and North Laguna Creek; and in areas near the proposed pipeline alignments adjacent to the Folsom South Canal Connection and in San Joaquin County, including Herald and Clements.

In specific response to comments received from residents in the Pocket and Meadowview areas regarding insufficient community outreach, the following meetings were either hosted or attended by FRWA representatives to educate, update, and solicit input on the FRWP:

- Meadowview Development Committee—April 2, 2002; December 5, 2002; February 6, 2003; November 6, 2003; December 8, 2003
- Mack Road Merchants & Property Owners—May 21, 2002; June 18, 2002; February 18, 2002
- Area 2 Apartment Complex Group—February 19, 2003
- Area 2 Leadership—March 18, 2002; February 24, 2003
- Sacramento/Meadowview/Pocket Community—April 11 and 15, 2002 (scoping); May 9, 2002; September 4, 2003 (hearing); September 29, 2003; December 4, 2003
- South Pocket Homeowners Association—May 14, 2002; April 18, 2003; September 9, 2003
- Neighbors adjacent to proposed intake structure site—June 28, 2003; September 24, 2003; October 29, 2003; October 30, 2003; November 19, 2003; November 20, 2003

## 2.2 Draft EIR/EIS Availability

The draft EIR/EIS for the FRWP was available for an extended 130-day public review and comment period from August 8, 2003, through December 15, 2003. A notice of availability for the draft EIR/EIS was published in the Federal Register (Vol. 68, No. 153, Pg. 47363) on August 8, 2003. The notice of availability contained information about the project and the public hearings schedule. To announce the publication of the draft EIR/EIS, publication notices were placed in all major newspapers in the project area, including Sacramento, San Joaquin, Contra Costa, and Alameda Counties. Publication notices were mailed on August 12, 2003, to more than 8,000 stakeholders in the project

database, including owners of property contiguous with the potential project intake location and pipeline alignments. Two newspaper articles ran in *The Sacramento Bee* on August 13, 2003, and September 4, 2003, to announce the publication of the draft EIR/EIS, describe the project, and provide information on the public hearings. The FRWP web site (www.FreeportProject.org) announced the publication of the draft EIR/EIS on its home page. The web site and the publication notice listed all locations where the draft EIR/EIS was available for review. The document could be viewed and downloaded from the project web site: www.FreeportProject.org. Free CDs of the document were available from FRWA. FRWA mailed a CD to anyone who requested one. The draft EIR/EIS document could be viewed at 33 public locations, including county clerk offices and public libraries in Alameda, Amador, Calaveras, Contra Costa, Sacramento, and San Joaquin Counties, as well as the FRWA office in Sacramento and Reclamation offices in Folsom, Sacramento, Denver, and Washington, D.C. Hard copies of the document were available to any interested party for $180. CEQA allows public agencies to charge and collect a fee from members of the public for a copy of the environmental document. Consistent with CEQA, the fee did not exceed the duplication cost and was used to cover the cost of document reproduction.

## 2.3 Public Hearings on the Draft EIR/EIS

Four public hearings were held in September 2003 by FRWA to allow the public an opportunity to provide verbal comments on the draft EIR/EIS. The four public hearings were held on September 4, 9, 10, and 11, 2003, in Sacramento, Herald, Oakland, and Sacramento, respectively. The meetings were held in the evening to accommodate daytime schedules of residents who work or have other obligations. To announce the public hearings, meeting notices containing the public hearing schedule and location information were placed in all major newspapers and small local newspapers in the project area, including Sacramento, San Joaquin, Contra Costa, and Alameda Counties. A project brochure and meeting notice containing the public hearing schedule and location information were mailed on August 19, 2003, to more than 8,000 stakeholders in the project database, including owners of property contiguous with the potential project intake location and pipeline alignments. Notification of the public meeting schedule was posted on the FRWP web site.

The purpose of the public hearings was to solicit verbal comments from members of the public, interested organizations, and government agencies on the sufficiency of the draft EIR/EIS in identifying and analyzing possible significant environmental impacts. The first portion of the public hearings was organized in an “open-house style” to give participants the opportunity to review project documents and discuss questions and concerns with project representatives. Following a project overview presentation by the FRWA staff, verbal comments were invited and received from the public and agency representatives. A moderator facilitated the verbal submittal of comments, which were recorded by a certified court reporter. All verbal comments submitted are addressed in Chapter 10 of the final EIR/EIS.

## 2.4 Draft EIR/EIS Comment Period

NEPA requires a 45-day period to receive comments on the draft EIS. FRWA originally opened the comment period on the draft EIR/EIS from August 8, 2003, to October 7, 2003. In response to requests for more time to review the document and submit comments, FRWA twice extended the comment period. The comment period officially closed on December 15, 2003.

During the comment period, additional public meetings were held to discuss the concerns in an open public forum. In addition, acoustic studies were completed in response to public comments. Field trips with members of the public and FRWA staff were organized to similar facilities in Henderson and Las Vegas, Nevada, and to Carmichael, California.

## 2.5 Future Outreach Efforts

As the environmental documentation and project planning process moves forward, FRWA will continue to reach out to stakeholders near the proposed intake facility and pipeline alignments and work in close coordination with elected officials, agency representatives, community organizations, businesses, and residents to refine the project and minimize community disruption.

# 3. Intake Facility Issues

Numerous issues on site selection, design, construction, and facility operation were raised by comments made on the draft EIR/EIS concerning the intake facility component of the FRWP. The comments are categorized and summarized below and are followed by a response to each category. The response to this issue is divided into several sections:

3.1 Intake Site Selection

3.2 Intake Facility Layout

3.3 Intake Construction

3.4 Intake Operation

- 3.4.1 Noise and Vibration
- 3.4.2 Aesthetics
- 3.4.3 Odor and Dust from Settling Basins
- 3.4.4 Chemicals
- 3.4.5 Insects/Mosquitoes
- 3.4.6 Recreation
- 3.4.7 Flood Control

# 3.1 Intake Site Selection

**Comment:** The draft EIR/EIS is deficient because it did not address alternative intake sites that would have less environmental impact than would the preferred site.

**Response:** A wide range of alternative intake locations was evaluated as part of the alternatives development and screening process for the FRWP. The Alternatives Screening Report (Volume 2, Appendix B) of the draft EIR/EIS includes an assessment of more than 100 different project alternatives encompassing a large number of different intake/delivery locations, including several sites each along the lower American River, the Sacramento River, and the Delta. Under the desalination alternative, intake sites even farther downstream were evaluated. The alternatives screening process carried out during the project development phase narrowed the range of practicable and feasible alternatives to those five action alternatives that are fully described in the EIR/EIS.

The analysis also determined that the intake site for the preferred alternative needed to be located between approximately the town of Freeport and the Pocket Area. There are no practicable locations upstream (north) because of development and lack of east-west alignment opportunities for the required pipelines. Opportunities are similarly limited downstream (south) because of existing development, lack of east-west alignments, pipeline distances required to meet the project objectives, and water quality concerns associated with the Sacramento Regional County Sanitation District Waste Water Treatment Plant (SRCSD WWTP) outfall in the river.

Within the general area determined to be feasible, four sites were examined in detail (see Appendix A of this final EIR/EIS for additional detail). Environmental concerns, engineering, water quality, and costs were the key factors considered. Each site had some constraints associated with it. Based on the detailed analysis conducted, it was determined that the only practicable location is the City-owned property between Interstate 5 (I-5) and the Sacramento River and adjacent to the South Pocket community. The site contains a large, highly visible water tower, a stormwater pumping station capable of pumping approximately 400 cfs into the Sacramento River, and an abandoned wastewater treatment facility. The site is owned by the City of Sacramento Department of Utilities and has been considered suitable for public water facilities since the 1960s. The site is now used by the Department of Utilities for stormwater management operations.

Page 2-5 and Figure 2-1 of the draft EIR/EIS briefly summarize the extensive analyses of potential intake sites that were undertaken for the FRWP. These sites were fully evaluated and were the subject of substantial preliminary engineering and environmental analyses. FRWA conducted several technical evaluations in general to better define the FRWP and, in particular, to identify a suitable location for the necessary water intake structure. These analyses have been made available to the public and are part of the administrative record for the FRWP. Results of the first evaluations were included in Technical Memorandum No. 1, dated October 22, 2001 (TM No. 1), which investigated alternative intake sites between the SRCSD WWTP discharge pipeline and the southern edge of the Pocket Area.

A second memorandum, Technical Memorandum No. I-1 (draft), dated June 25, 2002 (TM I-1), is an update of the October 2001 memorandum. Its preparation was motivated primarily by the City of Sacramento changing its level of project participation from a full-fledged project partner to an interested party with no water supply interest in the project. Because the owners of the preferred site (the City of Sacramento) were no longer as actively involved, FRWA reevaluated alternative intake sites. The evaluation criteria and study area used in TM I-1 were more extensive than in TM No. 1. TM I-1 investigated potential sites between the SRCSD WWTP outfall and the City of Sacramento's combined sewer outfall (CSO) upstream of the Pocket area.

An initial screening of potential sites was performed based primarily on water quality and potential sources of contamination. The potential sources of contamination are documented in Technical Memorandum No. 3, Sacramento River Watershed Sanitary Survey 2000 Update.

Each of the four sites evaluated had a variety of engineering, feasibility, environmental, and cost constraints. There were clear tradeoffs between the sites with respect to environmental, construction, cost, and engineering feasibility. While it can be assumed that an intake could successfully be constructed at all of the sites, the analysis readily identified the City-owned property between I-5 and the Sacramento River as the most feasible site from environmental, engineering, feasibility, and cost standpoints.

The other three sites were eliminated from further consideration because they would not result in substantially less environmental impact than would the preferred site. A more complete summary of the findings of this analysis is provided in Appendix A of this final EIR/EIS. In short, the other three sites would generally:

- have greater impacts on vegetation and wildlife;
- result in more substantial water quality issues;
- require more substantial infrastructure (e.g., roads, levees) replacement;
- not eliminate concerns related to noise and construction-related effects on area residents;

- not substantially reduce visual impacts;
- cost as much or substantially more to construct;
- convert land from other uses, including agricultural uses, to water infrastructure; and
- require land acquisition from private parties.

## 3.2 Intake Facility Layout

Since publication of the draft EIR/EIS, FRWA has been working with area residents and the City to provide additional details regarding the planned design of the facilities and surrounding grounds. Chapter 2 provides this additional detail on the anticipated site layout. FRWA believes that this additional site design information, while not required for an adequate environmental impact analysis, addresses many of the concerns that have been expressed by area residents. More specificity on details and environmental commitments is provided in that discussion.

## 3.3 Intake Construction

**Comment:** Construction of the facility will result in numerous impacts on the adjacent neighborhood including increased noise, traffic, dust, vibration, and health effects. As a result, neighboring residences will be subject to general disturbances, damage to their homes, security system false alarms, and an increased presence of rodents.

**Response**: The draft EIR/EIS has appropriately evaluated potential impacts on people and resources within the project and service area for the project alternatives as required by CEQA and NEPA. In particular, Chapter 12, “Traffic and Transportation,” and Chapter 14, “Noise,” address many of the concerns raised in the comments. Additionally, many of the concerns raised in the comments have been considered during project development and are addressed in the draft EIR/EIS (Chapter 2, “Project Description”). Both CEQA and NEPA strongly encourage the incorporation of appropriate measures to avoid or reduce significant impacts into the description of a proposed project as a means to ensure implementation of the measures and to reduce unnecessary environmental analysis. FRWA and Reclamation are committed to minimizing disruptions and nuisances during construction. By incorporating these measures into the basic description of the project, FRWA and Reclamation have provided a firm commitment to address or to avoid these potential effects. Chapter 2 of the draft EIR/EIS presents an extensive list of environmental commitments that have been incorporated into the project alternatives and that will be implemented along with the project. These commitments are industry standards and are typically implemented on projects of this type.

Several general construction measures are included in the Environmental Commitments section of Chapter 2 of the draft EIR/EIS to address concerns expressed in the comments. These include restricted work hours to limit the daily duration of disturbance to nearby residences; dust suppression; and cleanup provisions (e.g., street sweeping, sidewalk cleaning, and debris removal) as needed to ensure that the surrounding residential and business communities are kept clean; and establishment of a community ombudsman to handle ongoing public outreach and address construction concerns as they may arise during project construction and startup.

The traffic control plan is needed to avoid significant construction-related effects on roadways during project construction. Because final project design has not been completed, many of the site-specific details associated with the traffic control plan have not yet been developed. However, implementation of standard construction traffic control methods would facilitate reducing traffic impacts to an insignificant level. Generally, the traffic control plan would address issues such as hours of operation, lane closures, through-traffic management, safety, and access for both vehicular and pedestrian traffic. The intake site will be accessed from Freeport Boulevard and will not involve roadways within the South Pocket community.

The dust suppression plan will meet the requirements of the local air quality management districts and will result in minimization of dust emissions during construction activities. This is in addition to the dust suppression and cleanup provisions mentioned above under general construction measures.

Other construction-related environmental commitments described in Chapter 2 of the draft EIR/EIS that will help to substantially reduce impacts include:

- erosion and sediment control plan,
- stormwater pollution prevention plan,
- fire control plan,
- Phase I and II hazardous materials studies,
- hazardous materials management plan,
- channel and levee restoration plan,
- hydrologic simulation modeling and scour analysis,
- agricultural land restoration plan,
- spoils disposal plan,
- environmental training,
- access point/staging area plan,
- trench safety plan,
- private property acquisition and/or access,
- noise compliance, and

- project planning, coordination, and communication plan.

Once implementation of the selected alternative begins, and as the final design progresses, site-specific details will be developed for each of these commitments. FRWA and Reclamation will coordinate closely in the development of these details. Additional meetings will be held with affected groups and individuals to ensure ample opportunity for concerns to be addressed and for solutions to be developed for site-specific issues. For construction within their areas of jurisdiction, the City and County will have substantial input in determining the scope and contents of the plans and programs listed above.

As described in Chapter 14 of the draft EIR/EIS, Mitigation Measure 14-1 (page 14-25), FRWA and Reclamation will provide noise shielding to the extent feasible to minimize construction-related noise. FRWA's designated noise disturbance coordinator will be responsible for responding to complaints regarding construction noise and ensuring that reasonable measures are implemented to correct any problems.

FRWA will implement measures to control rodents and vermin prior to the start of construction. Measures will include best management practices to limit the disturbance of rodents/vermin. In addition, FRWA will work with Sacramento-Yolo Mosquito & Vector Control District in conjunction with a professional contractor to trap/eliminate rodents/vermin throughout the construction period. Additionally, the construction site will be securely fenced during the construction period to keep pets and unauthorized persons out of the construction zone.

As analyzed and described in Chapter 7, "Vegetation and Wetland Resources," and Chapter 8, "Wildlife Resources," of the draft EIR/EIS, construction impacts on endangered species and their habitats, including Swainson's hawks and burrowing owls, have been identified and will be avoided, minimized, and/or fully mitigated.

As analyzed and discussed in Chapter 14, "Noise," of the draft EIR/EIS (pages 14-7 through 14-19), vibrations as a result of pile driving will be barely perceptible at the nearby residences. The vibration levels measured at 50 feet from the source, assuming the most aggressive form of pile driving, will be less than half of the recognized threshold for harm to historic and residential structures. As indicated in Table 14-13 on page 14-19 of the draft EIR/EIS, vibration levels drop dramatically with every 50-foot increase in distance. The level of vibration will not likely pose a threat to the adjacent residences or their house and car alarms. Noise from pile driving will be reduced to the extent feasible through implementation of Mitigation Measure 14-1, which includes use of noise shielding to reduce effects on residences near the intake site.

As analyzed and described in Chapter 15, "Public Health and Safety," of the draft EIR/EIS (pages 15-6 through 15-7), construction and operation are not expected to pose a significant impact to the public or the environment.

# 3.4 Intake Operation

**Comment**: Operation of the facility will result in numerous impacts on the adjacent neighborhood as a result of changes to noise, aesthetics, odor, and the presence of chemicals and possibly insects/mosquitoes.

**Responses:**

## 3.4.1 Noise and Vibration

Since publication of the draft EIR/EIS, FRWA has committed to design facilities at the intake site so that noise will remain at or below current background noise levels and will comply with City noise ordinances. This commitment is reflected in the project update in Chapter 2 of the final EIR/EIS. As part of this commitment, FRWA will monitor noise levels to verify compliance once the intake structure is operational.

The primary operational noise sources at the intake facility include the intake pumps, electrical switchyard, and air compressor station. All the pumps and motors will be enclosed in a concrete structure, which will be an effective acoustic barrier. The intake structure and support facilities design will incorporate additional noise control measures so that noise generated by the facility will not exceed existing noise levels (as measured during preparation of the draft EIR/EIS) at the nearest sensitive receptor. Possible design measures in addition to the concrete enclosure of the intake include the use of low-noise motors, acoustic ventilation louvers, acoustic access doors and wall panels, solid wall building construction, limited openings, low noise transformers, soil berm sound barriers, and similar acoustical control features. Noise measurements will be conducted before and after the project startup to determine the effectiveness of the acoustical treatment measures and to ensure compliance. Reasonable remedial measures will be implemented to meet the commitment of not exceeding existing noise levels at the nearby receptors if acoustical treatments are found to be ineffective.

Project operation would not produce significant vibration. Design measures incorporated into the intake facility will result in minimal vibration of the levee during operation. Additionally, any vibration produced by the pumps will not reach or cause any damage to nearby residences.

Construction-related impacts as a result of vibration have been found to be less – than significant. FRWA will conduct visual pre- and post-construction home inspections, with photographic and/or videographic records, and will compensate homeowners if any damage is caused as a result of project construction.

## 3.4.2 Aesthetics

FRWA is committed to improving visual aesthetics of the intake site over its current state. As stated in the draft EIR/EIS in the Visual Resources chapter (page 16-19), FRWA is committed to implementing a process that includes extensive public participation in the development of the architectural design of the intake facility and addressing such issues as visual buffers and lighting standards.

Several refinements have already been made to the proposed layout of the intake site since publication of the draft EIR/EIS, based on input provided by the community during the public comment period (see Chapter 2, "Project Update"). While the refinements made are conceptual in nature and additional refinements will be made during the design process, the refinement process further validated the findings in the draft EIR/EIS. The modifications result in an arrangement of facilities and landscaping whereby views of the intake facility from nearby residences can be substantially mitigated as a result of the modified layout and proposed (5-acre) landscape buffer. The facility would also be designed to preserve views from the Sacramento River.

## 3.4.3 Odor and Dust from Settling Basins

Given the character of the sediment expected in the basins, the planned operational mode, the distance to neighboring properties, and the landscape buffer proposed between the basins and the neighboring land uses, FRWA determined that residential areas are not expected to experience odor problems from the project.

The sediment collected in the settling basins will be primarily the larger and heavier particles suspended in the river water as it is diverted into the intake. These larger particles would settle in the intake forebay and would be inert sand or grit with no odor-causing characteristics. That settled material would be collected from the floor of the forebay and transported to the concrete-lined settling basins. The majority of the smaller particles will not settle in the forebay and would be pumped into the pipeline rather than settling in the intake. Most odor-causing particles are organic material, which would generally be found with the smaller and lighter particles and would also be pumped into the pipeline. Any chemical constituents present in Sacramento River water would be expected to remain in solution in the water and would be pumped into the pipeline. Therefore, they would not be deposited in the settling ponds in significant quantities.

The use of chemicals to aid in sediment settling within the basins is not anticipated. The result of this practice is that the sediment collected in the basins will be mostly inert sand and larger silt particles. Odors during drying of this type of material will be minimal and unobjectionable.

During normal basin operations, an almost continuously refreshed flow of water would be moving through the basins. Flow rates are expected to be high enough to prevent the formation of stagnant water and related odors. During the summer, the sediments would be allowed to dry and would be removed from the basins. This is not expected to generate specific odors. Additionally, best management practices consistent with the local air quality management district will be implemented to minimize dust generation during sediment removal, thereby minimizing any potential for exposing neighboring residents to dust and/or associated constituents.

Given the distance from the proposed basins to the residential areas, and the proposed landscape buffers, diffusion of minor odors that may occur into the overall air stream is expected to further reduce the potential for odor issues. It is also expected that operation of the settling basins will generate less odor, if any, than the periodic waste-handling activities that are currently conducted on the site.

## 3.4.4 Chemicals

The only chemical that will be used for water treatment on site is sodium hypochlorite. FRWA will minimize its use and will store only as much as necessary on site. Containment will be provided for storage of this chemical.

Sodium hypochlorite is proposed for use at FRWA's intake to control potential biofouling in the pipeline. Biofouling has the potential to reduce pipeline capacity as a result of the growth of slime or other organisms in the pipe. That growth will be removed through treatment with sodium hypochlorite and flushing.

To treat the pipeline for biofouling, if necessary, a dose of sodium hypochlorite, in liquid form, would be injected into the pipeline. The chlorinated water along with pipe residue would be emptied from the pipeline at Sacramento County's Zone 40 water treatment plant or at the FSC. It is expected that this operation would be infrequent, likely less than annually.

Sodium hypochlorite solution is a yellowish liquid that is similar to household bleach, albeit with a higher concentration (about 10–12% hypochlorite at the intake vs. 3–6% in household bleach). It is widely used in homes, schools, hospitals, swimming pools, drinking water supplies, and for disinfecting hard surfaces and surgical instruments.

According to a May 1996 article in *Environmental Science and Engineering*, years of investigation have concluded that hypochlorite is safe for humans and the environment. In the environment, sodium hypochlorite easily decomposes into water, oxygen, and table salt. While sodium hypochlorite is corrosive at high concentrations, the Material Safety Data Sheets for sodium hypochlorite indicate no carcinogenic or teratogenic (causing birth defects) effects. It is not

flammable in either its liquid or gaseous state. It is stable unless combined with acids.

Sodium hypochlorite is typically delivered by truck. During unloading, the truck would park within a containment basin, which in its simplest form would consist of a depressed concrete pad with entry and exit ramps at each end. The truck would transfer its contents into a permanent double-containment on-site tank and an associated containment basin for chemical delivery to effectively result in triple containment to meet applicable codes, ordinances, and industry safety standards. These tanks are typically made of fiberglass, fiber-reinforced plastic, or other material not susceptible to corrosion. The pump and tank may be constructed in a belowground vault, which would both mask the equipment from view and act as a containment structure should the tank leak. The only aboveground facilities would be a connection for the truck to pump the chemical to the underground storage tank, and vault ventilation intake and exhaust. As an alternative, the truck, tank, and pump could all be housed inside a small building. The truck would not need to be on site for more than a few hours per delivery. Deliveries will depend on the frequency of dosing required to control biofouling.

While heat and direct sunlight do cause sodium hypochlorite to decompose more rapidly, this does not create a hazardous condition. When sodium hypochlorite decomposes under moderate heat, it produces oxygen gas. This oxygen gas can be safely released into the atmosphere under controlled conditions by proper ventilation and pressure relief appurtenances on the storage tank.

Based on preliminary calculations, approximately 6,000 to 10,000 gallons of the sodium hypochlorite solution would need to be added to the pipeline to create a concentration of 10 ppm chlorine if required to prevent biofouling.

The use of chemicals to aid in sediment settling within the intake facility settling basins is not anticipated.

## 3.4.5 Insects/Mosquitoes

As previously mentioned in the Odor section above, a continuously refreshed flow of water would be moving through the basins during normal basin operations. Flow rates will be regulated to be high enough to prevent the formation of stagnant water. During summer sediment-drying and basin-cleaning operations, flow will be stopped completely and the moisture in the sediment will be reduced to a point at which it will not support insect/mosquito larvae production. As a result, operational practices will control the potential for insect/mosquito production in the settling basins. Furthermore, FRWA will continue to coordinate regularly with the Sacramento-Yolo Mosquito & Vector Control District to minimize the potential that insects/mosquitoes will be a problem at the intake site settling basins.

## 3.4.6 Recreation

**Comment:** The intake facility will impact use of the existing recreation trail and future recreation improvements planned for the intake site and may impact recreational activities on the river, such as boating or fishing.

**Response:** As described on page 6-18 of the draft EIR/EIS, recreation impacts at the intake site would be less than significant. The existing paved levee-top recreation trail would be inaccessible during portions of the construction period, but a temporary detour would be provided. This aspect of the project is being coordinated with the City of Sacramento's alternative transportation modes coordinator. The City of Sacramento's current efforts to extend the trail to the Bill Conlin Sports Complex on the east side of Freeport Boulevard are included in the analysis. Construction activities in the river itself may also have a slight impact on recreational use of the river. However, access and passage would not be disrupted and, therefore, the impact is less than significant. Compatibility between the intake facility and the recreation access features described in the Pocket Area Community Plan is dependent on the development of the design for the intake site. FRWA will work with the City of Sacramento and the community in determining the appropriateness of public access/recreational components in the intake site area while complying with applicable area plans. It should be noted that some commentors have indicated that increased public use of the area would be a detriment to the community for public safety reasons while some commentors have expressed approval for continued, improved recreational access to the bike path and river viewing areas.

## 3.4.7 Flood Control

**Comment:** Construction of the intake facility will compromise the integrity of the levee and increase the risk of flooding.

**Response:** The impacts on the flood control system, including the levee, are fully discussed in Chapter 15, "Public Health and Safety," on pages 15-8 and 15-9. In addition, Chapter 2, in the Environmental Commitments section, includes several measures that have been incorporated into the project description to facilitate intake structure design and construction in a manner that maintains or improves the integrity of the flood control system. In particular, the intake design will widen and reinforce the levee and provide a solid concrete cutoff wall in the area of the new structure. The pipelines from the pumps will be routed over the top of the levee. In addition, FRWA will implement an erosion and sediment control plan and a channel and levee restoration plan and conduct hydraulic simulation modeling and scour analysis. For example, as stated in Chapter 2, in the Environmental Commitments, Hydraulic Simulation Modeling and Scour Analysis section (page 2-48), "FRWA will complete an analysis to determine the potential for adverse effects related to scour of levees or the natural channel as a result of in-channel construction or placement of the intake facility. The analysis will identify measures for minimizing or avoiding adverse effects

related to scour, erosion, and sedimentation." The first phase of this analysis was completed as part of preparing the draft EIR/EIS. A subsequent, more refined analysis will be carried out in conjunction with the California Reclamation Board encroachment permit process.

The California Reclamation Board is specifically charged with regulating encroachments and construction activities in the flood control system in a manner that will ensure there is no loss of integrity in the flood control system. This includes maintaining the integrity of the slurry wall, which was installed in the 1990s to control underseepage. Preliminary coordination discussions with the Reclamation Board indicate that they concur with FRWA's findings. However, the Reclamation Board, the U.S. Army Corps of Engineers, and the Sacramento Area Flood Control Agency will all review the hydraulic modeling report and future, more detailed design information and hydraulic modeling reports prior to issuing the required Reclamation Board encroachment permit to FRWA and Reclamation.

## 3.4.8 Security

**Comment:** The presence of the intake facility and the surrounding landscape area poses a security threat to the surrounding community.

**Response:** The intake facility and the FRWP as a whole are just one part of the complex urban infrastructure necessary to support a major city and its surrounding communities. There is nothing unique about the intake facility that makes it a more desirable target for destructive activities compared to other regional facilities (e.g., freeways, universities, electrical grid, shopping malls). While the media have repeatedly mentioned that water supply systems are a target of destructive activities, they are typically referring either to a dam, which if breached would cause a catastrophic failure and downstream flooding, or to a reservoir, which could be susceptible to contamination. Damage to the FRWP intake facility would not result in a catastrophic failure for several reasons. First, FRWA member agencies will not rely solely on this single source of water, and they could still serve their customers to some extent on a temporary reduced-capacity basis with other water supplies if something were to happen to the FRWP. Second, the only possible catastrophic failure would be associated with a levee breach, and the intake facility would represent the most difficult location to breach within the area. Finally, contamination of the water source at the intake facility would be extremely difficult because of the characteristics of flowing water in the river and the tendency of contaminants to disperse downstream rather quickly. Also, the quantities of most contaminants that would need to be purposely introduced into the system to result in a negative impact are very large and beyond the scope of most vandals. The likelihood of anything like this happening is very speculative and does not represent a potential impact on the environment to be considered in the EIR/EIS.

With regard to the potential security issues associated with a landscaped area adjacent to a residential community, several measures could be taken to control

any such threat. The intent of the landscaped area is to provide a buffer between the FRWP facilities and the adjacent residences to reduce potential visual, noise, and other perceived impacts attributable to facility operation. The vegetation in the landscaped buffer can be managed in a way that provides clear sight lines for security patrols and does not provide refuge for illegitimate activities while still providing the intended goals of improved aesthetics and wildlife habitat, reduced noise, and a neighborhood amenity. Final decisions about how the area is designed, constructed, and landscaped will be made through the proposed architectural design process with input from the community, local government, and design professionals. This process will not only address the landscape buffer, but all other aspects of the intake site including, but not limited to, security fencing and extent of public access.

## 3.5 Property Values

**Comment:** Construction and operation of the intake structure and construction of the pipeline will reduce property values adjacent to FRWP facilities.

**Response:** Under CEQA and NEPA, economic and social changes resulting from a project are not treated as significant effects on the environment. Effects analyzed in an EIR/EIS are limited to those related to a physical change in the environment. However, if a physical change in the environment would result in economic and social changes that in turn would have secondary physical effects on the environment, those effects may be evaluated in an EIR/EIS.

With regard to the FRWP, construction and operation of the project are not expected to result in a measurable change in the value of properties adjacent to or near the project. There is little basis to speculate that implementation of the project will result in negative changes to property values. All types of construction activities are commonplace throughout urban, rural, and agricultural areas that do not typically result in a negative effect on property values.

Regarding construction of the pipeline in particular, the overall construction period is approximately 2 years; however, the timeline for individual neighborhoods will be much less. The pipeline will be installed at a rate of approximately 100 to 400 feet per day, depending on surface conditions (e.g., paved vs. unpaved), and as a result, construction duration in any one area will be relatively short. As disclosed in the draft EIR/EIS, construction-related impacts (e.g., noise, traffic, air quality) are short-term and are unlikely to result in an adverse effect on adjacent land uses. In the event values of adjacent properties were affected, it is unlikely such a change would result in physical effects on the environment.

As fully discussed in the EIR/EIS, operation-related impacts are minimal following mitigation. One comment letter relevant to this issue states that documented reductions in property values are related to long-term operational noise. FRWA has committed to maintaining noise levels at or below existing background noise levels at the intake facility.

# 3.6 Project Name

**Comment:** The use of the word *Freeport* in the project name is misleading since the proposed intake structure is not actually in the town of Freeport.

**Response:** There are several reasons that the FRWP and the project proponent, FRWA, include the word *Freeport* in their respective names.

First, the exact location of the intake was not known at the time the joint powers authority (JPA) was formed and the project was named. Because of the regional nature of this project and the interest it would likely generate locally and statewide, it was important to select a name that is widely recognized and representative of the project's physical location. Based on extensive preliminary investigations, it was known that the Sacramento River near the town of Freeport offered the best opportunities for placement of a surface water intake structure from both technical and environmental perspectives. However, a single site had not yet been selected. Four possible intake sites were specifically considered during the scoping process for the FRWP. Two sites were just upstream of the Freeport Bridge (one on each side of the river), a third site was located on the Yolo County side of the river across from Garcia Bend Park, and the fourth site is the City-owned site proposed in the draft EIR/EIS. With this array of possible locations, Freeport seemed to be the best choice of names considering the need to have the project name widely recognizable and the proximity of the possible intake sites to the Town of Freeport, the Freeport Bridge, and Freeport Boulevard—all relatively major landmarks in the area. While the site analyzed in the draft EIR/EIS is adjacent to the Pocket neighborhood, the decision to pursue use of this specific site had not yet been made at the time the project and JPA were named. Furthermore, while the Pocket neighborhood is known locally, it is not a recognizable place name outside the City of Sacramento.

Second, Reclamation's permit to divert CVP water, issued by the SWRCB, includes the word Freeport as it refers to a diversion point at the proposed Freeport Regional Water Plant. This location refers to the intake site currently proposed for the FRWP intake structure as described in the draft EIR/EIS. Furthermore, Reclamation's permit with the SWRCB is not the only document to reference the City-owned site as the Freeport Regional Water Plant site. The City of Sacramento has long referred to the subject site as the Freeport Regional Water Plant site. This reference was recently made in the City of Sacramento, Department of Utilities report titled, "Final Technical Memorandum for Potential Water Treatment Plant at Freeport" (Montgomery Watson 1999). The specific site referenced in this document is the same site analyzed for the FRWP intake structure in the draft EIR/EIS.

Thirdly, navigation maps produced by the National Oceanic and Atmospheric Administration and topographic maps produced by the United States Geological Survey refer to the bend in the river at the intake site location as "Freeport Bend."

Finally, EBMUD's CVP Amendatory Contract with Reclamation states that water is to be made available and delivered at Freeport on the Sacramento River. Reclamation intends to allow the diversion of this contract water at the aforementioned permitted diversion point at the "proposed Freeport Regional Water Plant."

After taking all of these factors into consideration, the member agencies of the JPA, including the SCWA, EBMUD, and the City of Sacramento, decided that the Freeport Regional Water Authority and Project, respectively, were the most appropriate names.

## 3.7 Recirculation

**Comment:** The draft EIR/EIS should be recirculated because it is not adequate under CEQA and/or NEPA for several reasons.

**Response:** Recirculation of the draft EIR/EIS is not required. The State CEQA Guidelines (Section 15088.5) clearly define when recirculation of a draft EIR is necessary. According to the guidelines, a lead agency is required to recirculate an EIR "when significant new information is added to the EIR after public notice of the availability of the draft EIR for public review…." As noted in the guidelines, new information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project's proponents have declined to implement.

Examples of "significant new information" requiring recirculation include disclosure that:

- a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
- a substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
- a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project but the project's proponents decline to adopt it; and
- the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Similarly, the Council on Environmental Quality NEPA Regulations (40 C.F.R. 15029 [c][1]), a federal agency must prepare a supplement to a draft or final EIS if:

- the federal agency makes substantial changes in the proposed action that are relevant to its environmental effects, and
- there are significant new circumstances or information relevant to the environmental concerns that bear on the proposed action or its impacts.

While several minor revisions have been incorporated into the project since publication of the draft EIR/EIS, these minor changes are generally in response to comments received on the draft EIR/EIS and do not create any new significant environmental effects. Similarly, no information has been identified that would indicate that there would be a substantial increase in the severity of an environmental impact already disclosed. In fact, additional design and mitigation measures have been identified that would decrease previously identified significant environmental effects and make the project more consistent with public desires.

More than 100 project alternatives and numerous variations on many alternatives were examined in preparing the draft EIR/EIS. No new feasible alternatives or mitigation measures that would clearly lessen the environmental impacts of the project have been identified during the public review process with the exception of measures to reduce operational noise, and FRWA has incorporated those measures into the project. As a result, previously identified significant impacts attributable to operational noise have been reduced to less-than-significant levels.

Finally, the draft EIR/EIS contains substantial information, and the conclusions regarding environmental effects of the proposed project and alternatives are fully supported by the information contained in the draft EIR/EIS.

## 3.8 Project Benefits

The FRWP will result in regional and local benefits in both the short and long term. FRWA is committed to making the project compatible with local neighborhoods and to minimizing construction-related effects. A summary of the regional and local benefits created by the FRWP is provided below.

Regional benefits include:

- **Protection of groundwater supplies.** The project will decrease reliance on groundwater for some groups and increase the availability of groundwater for others. Well users, City residents, municipalities, water purveyors, and water suppliers will all benefit.
- **New intake site near airport.** The SCWA agreement with the City will entitle the City to land for use as a future intake facility site.
- **Improved reliability.** City water customers will be able to rely more securely on their water supplies.
- **Regional cooperation.** The regionwide scope of the project accounts for many different communities and improves the cohesiveness of regional water

planning and management as envisioned by the Sacramento Area Water Forum.

- **Protection and preservation of the lower American River.** The project has been designed to avoid impacts on the lower American River, thereby avoiding impacts on recreation and fisheries on that federally designated wild and scenic river. The Lower American River Parkway will not be affected. The quality of life of City and County residents who use the river and the parkway will not be negatively affected.
- **Stimulation of economic vitality.** The construction of the project will provide jobs and use regional resources.

Local benefits include:

- **River access.** The intake facility site design will include a convenient access path to the Sacramento River levee.
- **Landscaping.** The intake facility site will include 5 acres of landscaped grounds.
- **Other visual enhancement.** The facility will be designed to be attractive and architecturally interesting. Public art will be incorporated into the site design.
- **Improved security.** The site selected for the intake facility will have increased and improved security, deterring vandalism and decreasing the current safety risk of the abandoned site.
- **Bike trail extension.** The project will be consistent with and further the completion of the levee bike trail.
- **Additional jobs.** The project will result in increased local employment.
- **Educational programs.** Educational opportunities for school groups and the public will be created at the intake site facility. Subjects of such programs could include water supply, water quality, fisheries, and ecology.