

CALIFORNIA INDIAN  
HERITAGE  
CENTER

*Final Environmental Impact Report  
Response to Comments*

State Clearinghouse No. 2010012024



May 2011



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HERITAGE  
CENTER

*Final Environmental Impact Report  
Response to Comments*



State Clearinghouse No. 2010012024

**Edmund G. Brown, Jr.**  
Governor

**John Laird**  
Secretary, Natural Resources Agency

**Ruth Coleman**  
Director, California State Parks  
P.O. Box 942896  
Sacramento, CA 94296-0001

May 2011





Maidu Tray, ca. 1934

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## ACRONYMS AND ABBREVIATIONS

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ADA	Americans with Disabilities Act
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
CIHC	California Indian Heritage Center
CIRI	Cook Inlet Region, Inc.
COWS	City of West Sacramento
CVFPB	Central Valley Flood Protection Board
DFG	California Department of Fish and Game
DOM	Department Operations Manual
Draft EIR	Draft Environmental Impact Report
DWR	California Department of Water Resources
ESA	Federal Endangered Species Act
FEMA	Federal Emergency Management Agency
Final EIR	Final Environmental Impact Report
LOS	level-of-service
MOU	memorandum of understanding
NGVD 29	National Geodetic Vertical Datum of 1929
NMFS	National Marine Fisheries Service
PRC	Public Resources Code
SRA	shaded riverine aquatic
State Parks	California Department of Parks and Recreation
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
V/C	volume-to-capacity
VELB	valley elderberry longhorn beetle
WUS	Waters of the United States







Processing Acorns

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## CHAPTER ONE: INTRODUCTION

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On February 28, 2011, California State Parks released to the general public and public agencies the Preliminary General Plan/Draft Environmental Impact Report for the California Indian Heritage Center (CIHC). The proposed General Plan will guide development and future management of the CIHC. It contains a comprehensive and integrated set of goals and guidelines for the development and long-term management of the CIHC that focuses on activities and facilities at the CIHC, protection of environmental resources, provisions of visitor use and opportunities, administration and operations, and integration with the surrounding community.

The Draft EIR included in the General Plan contains the environmental analysis of potentially significant effects resulting from implementation of the proposed General Plan. Together, the Draft EIR and this document, including the response to comments, constitute the Final Environmental Impact Report for the CIHC General Plan.

In accordance with Public Resources Code Section 21091 and California Environmental Quality Act (CEQA) Guidelines Section 15087, a 45-day public review period for the Preliminary General Plan/Draft EIR was provided. The public was advised of the availability of the Preliminary General Plan/Draft EIR through legal notices placed in local newspapers, emails, direct mailings, and notification on the State Park planning web site. A public notice (Notice of Availability) was posted with the Yolo County clerk/recorder, and was published in the Sacramento Bee, the West Sacramento Press, and the News-Ledger. Copies of the Preliminary General Plan/Draft EIR were also made available for review at the following locations: California State Indian Museum, California State Parks Northern Service Center, City of West Sacramento City Hall, the Arthur F. Turner Community Library in the City of West Sacramento, and on the State Park Planning web site.

The public review period for the Preliminary General Plan/Draft EIR ended on April 14, 2011. During the public review period comments were received from several agencies and individuals. This document provides responses to the written comments received during the public review period. The focus of the response to comments is on the disposition of environmental issues that have been raised in the comments, as specified by CEQA Guidelines Section 15088(b). The response to comments also includes issues related to planning considerations of the General Plan.

This document is organized as follows:

- ▶ **Chapter 1** (Introduction) provides a brief overview of the public review process of the Preliminary General Plan/Draft EIR, and describes the organization of the Final EIR.
- ▶ **Chapter 2** (List of Commenters) provides a list, in table format, of all written comments received on the CIHC Preliminary General Plan/Draft EIR during the public review period.



- ▶ **Chapter 3** (Comments and Responses) provides a complete copy of, and responses to, all written comments on the CIHC Preliminary General Plan/Draft EIR received during the public review period.
- ▶ **Chapter 4** (Recommended Changes to the General Plan) provides a reproduction of portions of the Preliminary General Plan/Draft EIR with proposed revisions to text made in response to comments. These changes will be incorporated in the Preliminary General Plan/Draft EIR to be submitted to the State Parks and Planning Commission for approval.





View to the east across the Sacramento River from the CIHC

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## CHAPTER TWO: LIST OF COMMENTERS

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This chapter provides a list of all public comments received on the CIHC Preliminary General Plan/Draft EIR during the public review period. Table 2-1 indicates the commenter/organization that submitted written comments and the date the comment(s) were received.

<b>Table 2-1: List of Written Comments Received</b>			
<b>Letter Number</b>	<b>Commenter</b>	<b>Agency/ Organization/ Individual Represented</b>	<b>Date Received</b>
1	J.P. Tindell, Park Planning and Development Manager	City of Sacramento Parks and Recreation Department	March 1, 2011
2	Jeremy White, Vice President	Grupe Company	March 4, 2011
3	Arthur Murray	Caltrans District 3, Division of Planning and Local Assistance	March 9, 2011
4	Marc Fugler, Senior Project Manager	US Army Corps of Engineers, Regulatory Division	March 10, 2011
5	Maria Rea, Supervisor, Central Valley Office	National Oceanic and Atmospheric Administration, National Marine Fisheries Service	April 8, 2011
6	Keith Swanson, Chief	Department of Water Resources, Flood Maintenance Office, Division of Flood Management	April 13, 2011
7	Diana Dirks	Neighbor	April 12, 2011
8	Jeremy White, Vice President	Grupe Company	April 13, 2011
9	Dan Fua, Supervising Engineer	Central Valley Flood Protection Board, Flood Project Improvements Branch	April 14, 2011
10	Jim Bermudez, Senior Project Manager	City of West Sacramento	April 14, 2011
11	Scott Morgan, Director	State Clearinghouse	April 14, 2011

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Roundhouse at Big Creek near Groveland (Tuolumne Co.), 1901

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## CHAPTER THREE: COMMENTS AND RESPONSES

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This chapter provides a complete copy of the written comments received on the Preliminary General Plan/Draft EIR for the CIHC, and presents responses to significant environmental issues raised in the comments, as required by CEQA Guidelines Section 15132. Comments pertaining to the Preliminary General Plan are also addressed.

Each letter received is reproduced in its entirety. The responses to comments directly follow each letter.

3.1 LETTER 1 J. P. TINDELL



**From:** JP Tindell [JPTindell@cityofsacramento.org]  
**Sent:** Tuesday, March 01, 2011 5:48 PM  
**To:** California Indian Heritage Center  
**Subject:** RE: California Indian Heritage Center General Plan/EIR

Hello, does the project not include any longer term interest in use of property in the American River Parkway between Garden Hwy. and the American River in Sacramento? For outdoor experiential opportunities? I ask this because the City has been expending funds over the last couple of years in support of making the Urrutia property (Gardenland Sand & Gravel operation on Garden Hwy.) part of the Parkway ultimately. Thank you.

1-A

**Parks  
Make  
Life  
Better!** *A park is a poem on the land. ~ Will LaPage*

J.P. Tindell, M.S.  
Park Plng. & Dev. Mgr. + Dept. Sustainability Ldr.  
Parks & Recreation Department  
915 I St., 5th Floor, Sacramento, CA 95814  
916.808.1955, [jptindell@cityofsacramento.org](mailto:jptindell@cityofsacramento.org)



<b>Letter</b>	J. P. Tindell
<b>1</b>	City of Sacramento
<b>Response</b>	Parks and Recreation Department
	March 1, 2011

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- 1-A** Paragraph 3 on Page 1-1 of the Preliminary General Plan describes the Northgate site and uses that may occur at that site in the future. There is still an interest in the long term use of the site, and it is anticipated that this site could be used for more expansive outdoor programs that would enhance the mission of the CIHC. The Northgate Site is not addressed in detail in the CIHC General Plan at this time, because the planning document focused on the property in the City of West Sacramento to be transferred into State Park ownership in the near future. Incorporation of the Northgate Site into the CIHC program at some future time would require site specific planning and environmental review. State Parks will continue to work with the City on the long term planning for the Northgate site.

3.2 LETTER 2 JEREMY WHITE



**From:** jeremy white [mailto:jwhite.grupe@gmail.com]  
**Sent:** Friday, March 04, 2011 9:08 AM  
**To:** Unger, Petra  
**Cc:** Al Esquivel/GrupeCo  
**Subject:** California Indian Heritage Center General Plan/EIR

Dear Mr. Unger:

We have received the Notice of Intent to Adopt an Environmental Impact Report for the Proposed California Indian Heritage Center Project dated February 28, 2011.

We intend to provide comments on the EIR later in the comment period. In the meantime, the notice refers to a 3.18 acre parcel as the "Grupe" parcel. Though this property is managed by The Grupe Company, the legal owner is West Riverview, LLC, and it should be referred to as such. Please remove references to Grupe in future notices and in the document itself.

2-A

Should you need to discuss this matter, please contact Al Esquivel, our representative in Sacramento at 916-730-9328 or [esquivel@pacbell.net](mailto:esquivel@pacbell.net).

Jeremy White

Vice President



<b>Letter 2 Response</b>	Jeremy White Vice President Grupe Company March 4, 2011
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**2-A** The commenter is correct. The owner of the property is West Riverview LLC. All references to the property have been changed throughout the Preliminary General Plan/Draft EIR.

3.3 LETTER 3 ARTHUR MURRAY



From: Arthur Murray [mailto:arthur\_murray@dot.ca.gov]  
Sent: Wednesday, March 09, 2011 11:15 AM  
To: Baranowski, Maria  
Subject: CA Indian Heritage Center

California Indian Heritage Center  
Draft Environmental Impact Report

Maria Baranowski  
California (CA) Department of Parks and Recreation  
One Capitol Mall, Suite 410  
Sacramento, CA 95814

Dear Ms. Baranowski,

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report for the CA Indian Heritage Center/General Plan. The project proposes a new CA State Park that will be located in the City of West Sacramento on the west bank of the Sacramento River across from its confluence with the American River. Main access to the facility will be via Marina Way off Lighthouse Drive. Parking will be provided onsite. Expansive outdoor programs associated with the CA Indian Heritage Center could be held at the Northgate site located on the American River Parkway in the City of Sacramento at some time in the future.

At this time Caltrans has no comments. However, the Department would appreciate being kept apprised of any changes to the above mentioned project description. Caltrans looks forward to working with CA Department of Parks and Recreation with this and future projects. If you have any questions, please contact me at 916-274-0616.

3-A

ARTHUR MURRAY  
Desk: (916) 274-0616  
Fax: (916) 274-0602

District 3 Division of Planning and Local Assistance  
Office of Transportation Planning-South  
Caltrans District 3 Transportation Planning  
2379 Gateway Oaks Drive Ste. 150  
Sacramento, CA 95833





<b>Letter 3 Response</b>	Arthur Murray Caltrans District 3 March 9, 2011
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- 3-A** The commenter notes that Caltrans has no comments at this time, but would like to be kept apprised of any changes to the project. Any changes to the project would be provided to responsible agencies, including Caltrans, as part of the CEQA environmental review process. State Parks will provide notice of subsequent changes in the project in accordance with the noticing requirements of CEQA.

3.4 LETTER 4 MARC FUGLER



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO  
CORPS OF ENGINEERS  
1325 J STREET  
SACRAMENTO CA 95814-2922

March 8, 2011

Regulatory Division SPK-2007-01531

Ms. Petra Unger  
AECOM  
2020 L Street, Suite 400  
Sacramento, California 95811

Dear Ms. Unger:

We are responding to your February 28, 2011, request for comments on the California Indian Heritage Center project. The project is located on the Sacramento River, in Township 9 North, Range 4 East, Mount Diablo Meridian, Latitude 38.59543°, Longitude -121.51115°, in West Sacramento, Yolo County, California. Your identification number is SPK-2007-01531.

The Corps of Engineers' jurisdiction within the study area is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States and Section 10 of the Rivers and Harbors Act for work in navigable waters of the United States. Waters of the United States include, but are not limited to, rivers, perennial or intermittent streams, lakes, ponds, wetlands, vernal pools, marshes, wet meadows, and seeps. Project features that result in the discharge of dredged or fill material into waters of the United States will require Department of the Army authorization prior to starting work.

To ascertain the extent of waters on the project site, the applicant should prepare a wetland delineation, in accordance with the "Minimum Standards for Acceptance of Preliminary Wetland Delineations", under "Jurisdiction" on our website at the address below, and submit it to this office for verification. A list of consultants that prepare wetland delineations and permit application documents is also available on our website at the same location.

4-A

The range of alternatives considered for this project should include alternatives that avoid impacts to wetlands or other waters of the United States. Every effort should be made to avoid project features which require the discharge of dredged or fill material into waters of the United States. In the event it can be clearly demonstrated there are no practicable alternatives to filling waters of the United States, mitigation plans should be developed to compensate for the unavoidable losses resulting from project implementation.

4-B



-2-

Please refer to identification number SPK-2007-01531 in any correspondence concerning this project. If you have any questions, please contact Marc Fugler at U.S. Army Corps of Engineers, Sacramento District, California Delta Branch, 1325 J Street, Room 1480, Sacramento, California 95814. For more information regarding our program, please visit our website at [www.spk.usace.army.mil/regulatory.html](http://www.spk.usace.army.mil/regulatory.html).

4-C

Sincerely,

Original Signature

Marc A. Fugler  
Senior Project Manager  
California Delta Branch

Copy furnished

Ms. Maria Baranowski, California State Parks, One Capitol Mall, Suite 500, Sacramento,  
California 95814

<b>Letter 4 Response</b>	Marc A. Fugler, Senior Project Manager California Delta Branch U.S. Army Corps of Engineers March 10, 2011
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- 4-A** A wetlands delineation of the CIHC site has been conducted by State Parks environmental scientists and will be submitted to the U.S. Army Corps of Engineers (USACE) for verification.
- 4-B** Pages 5-21 and 5-22 of the Preliminary General Plan and Draft EIR provide a description of the project' s potential impacts to wetlands and Waters of the United States (WUS). Plans for the site include enhancement of the pond. The overall acreage of wetlands on the site would be expected to increase over the existing conditions as a result of restoration activities. Fill will be limited to the minimum amount necessary.
- 4-C** Future correspondence will be directed to Mr. Fugler and will include the identification number.

## 3.5 LETTER 5 MARIA REA

5



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
 NATIONAL MARINE FISHERIES SERVICE  
 Southwest Region  
 650 Capitol Mall, Suite 5-100  
 Sacramento, CA 95814-4700

APR 7 2011

Petra Unger  
 Project Manager, AECOM  
 2020 L Street, Suite 400  
 Sacramento, California 95811

Dear Ms. Unger:

This is in response to the California Department of Parks and Recreation's February 28, 2011, letter requesting technical assistance and comments from NOAA's National Marine Fisheries Service (NMFS) for the draft Program Environmental Impact Report (EIR) on the General Plan for the development of the California Indian Heritage Center (CIHC), which would become a new State Park. The draft Program EIR on the General Plan for the development of the CIHC has been prepared in accordance with the California Environmental Quality Act as defined in Section 15166 of the guidelines. It will serve as a reference for future environmental documents for site-specific projects. The draft Program EIR analyzes and discloses the preferred alternative's effects on the environment, in accordance with Section 15168 of the State CEQA Guidelines, and discloses any significant and potentially significant effects. The regional setting of the proposed CIHC is the East Riverfront Property and former JTS (Regatta at the Rivers) property, located along the Sacramento River across from the confluence with the American River in the City of West Sacramento, in Yolo County.

The CIHC main facility and outdoor programs would be located on a 43-acre property, which is bordered by the Sacramento River to the east, residential communities to the north and west, and an undeveloped parcel to the south. The purpose of the draft Program EIR is to define and evaluate proposed land uses, facilities, management, and operation of the new State Park unit; it also discusses environmental impacts associated with implementation of the proposed project. A core element of the CIHC would be the construction of a cultural facility honoring the past, present, and future of California Indian people and their cultures. The facility would be integrated with the natural landscape and include exhibit space, a library, tribal archives, Tribal Treasure, storage space, curatorial space, offices, classrooms and event space, artist-in-residence space, a café, and a museum store. The surrounding grounds would include an amphitheater, a restored pond, indigenous gardens, native game fields, outdoor interpretive exhibits, and a demonstration area. A trail network would provide access throughout the site, with connections to adjacent neighborhoods and communities.

NMFS has reviewed the information provided with your February 28, 2011, letter. Additionally, NMFS has reviewed the draft Program EIR that was available at the following website:  
[http://www.parks.ca.gov/?page\\_id=26094](http://www.parks.ca.gov/?page_id=26094).



**The following are general comments on the draft Program EIR**

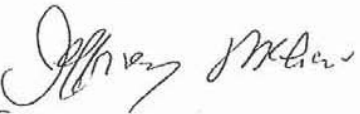
- |   |     |
|---|-----|
| <p>1. As the proposed project progresses, it is anticipated that the project applicants will seek out consultation as required under the Federal Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.). Be advised that NMFS can only enter section 7 consultation with another Federal agency or its designee. Future section 7 consultation for the CIHC will involve possible effects of the proposed project on the Federally listed threatened Central Valley (CV) steelhead (<i>Oncorhynchus mykiss</i>), threatened Southern distinct population segment of North American green sturgeon (<i>Acipenser medirostris</i>), endangered Sacramento River winter-run Chinook salmon (<i>O. tshawytscha</i>), and threatened CV spring-run Chinook salmon (<i>O. tshawytscha</i>) and their critical habitats. Additionally, the Magnuson-Stevens Fishery Conservation and Management Act requires all Federal agencies to consult with NMFS regarding all action or proposed actions that may adversely affect Essential Fish Habitat.</p> | 5-A |
| <p>2. There needs to be more discussion on the potential for the construction of a boat dock and how this may impact special-status fish species. A direct effect associated with in-river construction work will be those activities that will produce pressure waves, and create underwater noise and vibration, thereby temporarily altering in-river conditions. NMFS approved criteria for injury to fish from pile driving activities is 206 decibel (dB) peak and 187 dB accumulated sound exposure level for all fish greater than two grams (Technical Guidance for Assessment and Mitigation of the Hydroacoustic Effects of Pile Driving on Fish, ICF Jones &amp; Stokes and Illingworth and Rodkin, Inc, 2009).</p> <p>In addition to pressure waves and noise, pile driving and underwater installation activities could temporarily create minor sediment plumes which could directly affect salmonids. Sediments could affect salmonid species by occluding gills.</p>   | 5-B |
| <p>3. The draft Program EIR does not discuss the importance of the existing levee vegetation and how it provides Shaded Riverine Aquatic (SRA) habitat. Reviewing the photos and diagrams available in the draft Program EIR indicates that there is SRA habitat associated with the proposed project. NMFS encourages that this be analyzed as part of the final Program EIR.</p>  | 5-C |
| <p>4. During the construction of a boat dock or any proposed project that may impact riparian or SRA habitat, NMFS recommends that you use the standardized assessment methodology (SAM) to evaluate the response to habitat features. SAM is a modeling and tracking tool developed by Stillwater Sciences and was originally used for the United States Army Corps of Engineers Sacramento River Bank Protection Project. The SAM evaluates bank protection alternatives affecting threatened and endangered fish species. By identifying and quantifying the response of fish species to habitat conditions over time, users can determine necessary measures to avoid, minimize, or fully compensate for fish impacts for various life stages.</p>  | 5-D |
| <p>5. During the construction of a boat dock or any proposed project that may impact riparian or SRA habitat, NMFS recommends that you use the standardized assessment methodology (SAM) to evaluate the response to habitat features. SAM is a modeling and tracking tool developed by Stillwater Sciences and was originally used for the United States Army Corps of Engineers Sacramento River Bank Protection Project. The SAM evaluates bank protection alternatives affecting threatened and endangered fish species. By identifying and quantifying the response of fish species to habitat conditions over time, users can determine necessary measures to avoid, minimize, or fully compensate for fish impacts for various life stages.</p>  | 5-E |

**The following are specific comments on the draft Program EIR**

- |   |     |
|---|-----|
| 1. Page 5-1: NMFS should be listed as one of the agencies from which permits and approval may be required for future projects that are part of the CIHC.  | 5-F |
| 2. Page 5-17: In the Significance Criteria section, there is no mention of NMFS. United States Fish and Wildlife Service and California of Department of Fish and Game are referred to as agencies that would have special-status species that would be significantly impacted. NMFS should be included as there are potential impacts to special-status species for which NMFS is responsible. | 5-G |
| 3. Page 5-18: In the Sensitive Natural Communities discussion there should be discussion of potential temporary loss of SRA habitat during the construction of a boat dock.   | 5-H |
| 4. Page 5-18: In the Special-Status Wildlife Species, there is no discussion on how the construction of a boat dock could impact special-status fish species, particularly salmonid species. Removal of Riparian and SRA habitat could impact NMFS special-status fish species.   | 5-I |

This documents NMFS comments on the draft EIR. NMFS comments on the draft EIR are intended to help guide the development of the final EIR and future ESA consultations. Please contact Mike Hendrick at (916) 930-3605, or by e-mail at [Michael.Hendrick@noaa.gov](mailto:Michael.Hendrick@noaa.gov), if you have any questions or require additional information regarding this project.

Sincerely,

  
 for Maria Rea  
 Supervisor, Central Valley Office

cc: Copy to file – ARN 151422SWR201ISA00144  
 NMFS-PRD, Long Beach, California

References:

ICF Jones & Stokes, and Illingworth and Rodkin, Inc. 2009. Final Technical Guidance for Assessment and Mitigation of the Hydroacoustic Effects of Pile Driving on Fish. February 2009.

<b>Letter 5 Response</b>	Maria Rea, Supervisor Central Valley Office National Oceanic and Atmospheric Administration April 8, 2011
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- 5-A** Consultation pursuant to the Federal Endangered Species Act (ESA) is anticipated in support of the boat ramp. Construction of the boat ramp will also require a permit from the USACE, providing a federal nexus for consultation under Section 7 of the ESA.
- 5-B** The Preliminary General Plan and Draft EIR address some features of the CIHC at a program level pursuant to State CEQA Guidelines Section 15168. At the present time detailed plans for construction of the boat dock are not known, thus a project level analysis of the impacts of these features is not feasible. Project-specific impacts from the boat dock will be evaluated as part of subsequent environmental reviews pursuant to State CEQA Guidelines Section 15168(c) and (d) when these project design and engineering details have been developed. Potential impacts to special-status fish species will be addressed in detail at that time.
- 5-C** Riparian vegetation (Freemont cottonwood alliance, arroyo willow alliance) on the site is described on page 2-13 through 2-15 of the Preliminary General Plan. The Draft EIR addresses impacts to riparian vegetation, which includes SRA. Please refer to Impact Bio-2: Temporary Loss of Great Valley Cottonwood Riparian Forest on page 5-18. Natural Resource Guidelines NR-6, NR-7, and NR-12 address management of special status species and sensitive natural communities by protecting, restoring and monitoring these resources. The Final EIR has been revised to clarify the discussion of impacts to shaded riverine aquatic (SRA). Please refer to Chapter 4 of this document to see the specific changes.
- 5-D** See response to comment 5-B. Specific impacts will be analyzed once project details have been developed.
- 5-E** Natural Resource Guideline NR-17 on page 4-22 of the Preliminary General Plan calls for coordination with National Marine Fisheries Service (NMFS) regarding measures to avoid adverse affects, including removal and SRA habitat.
- 5-F – H** The recommended changes on pages 5-1, 5-17, 5-18 have been incorporated into the Final EIR. Please refer to chapter 4 of this document for details on the changes that have been incorporated into the Final EIR.



3.6 LETTER 6 KEITH SWANSON



STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY

EDMUND G. BROWN, JR., Governor

**DEPARTMENT OF WATER RESOURCES**

3310 El Camino Avenue, Suite 112  
SACRAMENTO, CA 95821  
(916) 574-1302



April 12, 2011

Petra Unger, Project Manager  
AECOM  
2020 L Street, Suite 400  
Sacramento, CA 95811

Dear Ms. Unger:

**Subject: California Indian Heritage Center (CIHC) General Plan/EIR**

The CAIC General Plan/EIR presents five alternatives with various configurations of roadways, buildings, nature areas, and associated infrastructure on the landside and waterside of the levee at the site on the right bank of the Sacramento River. All of the alternatives incorporate the existing levee as part of the transportation infrastructure.

- 1- The CIHC plans to use the levee as an ingress and egress instead of local streets. Although we would support a multi-use trail on top of the levee crown, we discourage any regular automobile traffic and oppose any bus traffic or construction equipment using the levee crown. If a stability berm or toe road were built on the bottom of the levee and used for public transportation, it would be acceptable. 6-A
- 2- The CIHC plans to put buildings on the water side of the levee and state that they will have minimal impact on flood conveyance capacity. It is imperative that buildings, vegetation, or other structures do not present any significant negative impact on flood conveyance capacity. 6-B
- 3- The site is also known to have elderberry bushes. Any proposed movement or placement of these bushes or other vegetation on or within the maintenance easement of the levees must be coordinated and approved by appropriate agencies. 6-C
- 4- There is a "pond" on the site adjacent to the levee at the waterside toe. The CIHC states this is a borrow pit dug by the previous landowner. Additional modifications to this pond are proposed. Any modifications to this pond would need a hydraulic analysis and slope stability study to ensure that there is no instability or negative impacts to the flood control system including adjacent levees. 6-D




Ms. Petra Unger  
April 12, 2011  
Page 2

- 5- This site lies at the confluence of two major rivers which convey significant flows at high river stages. The CIHC will house a large number of "priceless Indian treasures" and it is planned to be built inside the right bank levee of the Sacramento River at the mouth of the American River. The American River has the potential to direct over 135,000 cubic feet of water per second toward this area and more when future system modifications are completed. This must be considered when the site is designed.

6-E

If you have any questions or need additional information, you may contact Mark List at (916)-574-0319 or [m1ist@water.ca.gov](mailto:m1ist@water.ca.gov).

  
Keith E. Swanson, Chief  
Flood Maintenance Office  
Division of Flood Management

**Letter**  
**6**  
**Response**

Keith Swanson, Chief  
Department of Water Resources  
Flood Maintenance Division  
April 13, 2011

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**6-A** The Draft EIR for the CIHC presents 3 alternatives to the Preferred Alternative, including the No Project Alternative. One alternative, Alternative 2, proposes a southern entrance that would require construction of a levee top road from a southern access point at the southwest corner of the CIRI property to the CIHC (see Final EIR Exhibit 5-2).

The CIHC Preferred Alternative proposes Marina Way as the primary access to the site with the main surface parking area on the land side of the levee, accessed from Marina Way without using the levee. Limited access is proposed for drop offs, staff, Americans with Disabilities Act (ADA) parking, and bus parking. Any of the project's features that would use a small segment of the levee would be designed and located in consultation and coordination with the California Department of Water Resources (DWR). Similarly, construction staging and logistics would be planned in coordination and consultation with DWR to avoid compromising levee integrity.

**6-B** Location, design and construction of CIHC structures and landscaping will be assessed using hydraulic modeling and in close cooperation with regulatory agencies, including DWR. Implementation of Flood Safety Guidelines FLOOD-1 through FLOOD-8 would ensure that the CIHC and its Tribal Treasures, facilities, visitors, and staff are protected from floods, that levee integrity is maintained, and that structures would have minimal impact on flood flows.

**6-C** Impact BIO-3 on of the Draft EIR addressed potential impacts to valley elderberry longhorn beetle (VELB). Please refer to page 5-18 of the Final EIR.

**6-D** State Parks will conduct hydraulic modeling as part of the design process for any modifications to the pond, and will consult with DWR to ensure levee integrity and flood protection is maintained. Please refer to response to comment 6-B, above.

**6-E** State Parks will conduct hydraulic modeling using critical flow levels. Please refer to response to comment 6-B, above.

3.7 LETTER 7 DIANA DIRKS



April 12, 2011

Petra Unger, Project Manager  
AECOM,  
2020 L Street, Suite 400  
Sacramento 95811

Re: Environmental Impact Report (EIR) for the proposed development of the California Indian Heritage Center

Dear Mr. Unger,

First of all, I want to say that I support the development of the CIHC project 100% and do not want to be viewed as being in opposition to what is being planned.

I do, however, want to voice my concern to the significant adverse effects it may have on my being at peace within my home which I consider my refuge and free from the external stress factors we all experience going outside of that safe place.

Last June, 2010, I purchased a second-story condominium in the Regatta at the Rivers neighborhood. My home is directly adjacent to the former JTS parcel and has six windows in direct view of traffic heading Northwest on the levee road (County Road 136) from Marina Way. It has four windows facing easterly toward the levee. In other words, when I look out my windows, my view will be the California Indian Heritage Center.

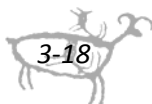
Although the General Plan/EIR report includes a phenomenal amount of research to address almost every significance criteria the CIHC project may impact, I didn't read anything about a possible reduction in real estate values that may impact the Regatta neighbors directly adjacent, within 200 feet, from to the parcel recently purchased from JTS, due to the loss of amenities; tangible or intangible. The real estate transaction expanding the CIHC site was a win-win for JTS and the CIHC project, but unfortunately, the Regatta community has not shared in your good fortunes.

7-A

I personally have seen my investment in the West Sacramento-Regatta community take a significant downward spiral by at least 30 percent since the first of this year. I paid a premium for my unit because the Sacramento skyline is visible to the Southeast and if I lose my view of the Sacramento skyline, the value of my home will plummet even more.

Also, the General Plan/EIR states "the levee in between the CIHC site and adjacent residences would act as a noise barrier and would attenuate audible noise generated on-site including construction noise." This is only true for the lower-level Regatta units; my upper-level unit is basically in line with the top of

7-B



the levee as can be clearly seen in *Exhibit 2-6, View to the northwest from the levee showing Regatta at the Rivers neighborhood*, of the General Plan/EIR Chapter Two: Existing Conditions.

7-B  
(Cont'd)

Since the EIR identifies significant impacts with regards to noise and includes mitigation measures to reduce these impacts to less than significant, my request is to expand both Landscape Guideline 5 and Guideline GAZ-4 to include a soundwall in addition to the landscape buffer between the CIHC site's three boundaries surrounding the entire Regatta neighborhood. A soundwall would also serve to reduce the potential security impact introduced by the CIHC development's visitor draw. This request should be made a Phase 1 priority.

7-C

Landscape Guideline 5 states the landscape buffer would include large canopy shade trees and low-water use native plantings. I would like to request the guideline to also include an improvement to the levee's visual aesthetics with perhaps a tiered slope of wildflowers. Currently, they are covered with weeds that are either mowed down periodically or sprayed with some awful chemical that displaces birds nesting close by and is probably detrimental to the health of all the local wildlife.

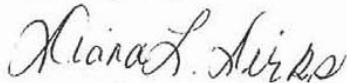
7-D

I appreciate this opportunity to express my concerns and look forward to hearing the plans to best resolve the CIHC development impacts upon the residents living in the Regatta at the Rivers neighborhood and addressed as a high priority during Phase 1 of the construction. As stated above, my particular concerns are as follows:

7-E

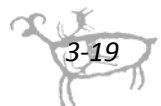
1. Light and glare from vehicles on site/on levee.
2. Reduction in real estate values due to sale of the adjacent JTS parcel to expand the CIHC site.
3. Loss of real estate premium paid to have a Sacramento skyline view.
4. Soundwall construction in addition to the landscape buffer to reduce noise and improve safety not only between the former JTS parcel and Regatta but around all three sides of the Regatta neighborhood surrounded by the CIHC site.
5. Aesthetic improvement to the levee.

With Regards,



Diana Dirks  
Regatta at the Rivers homeowner  
433 Anchor Lane #206  
West Sacramento CA 95605

916-952-5430  
[Dirks3@cox.net](mailto:Dirks3@cox.net)



Cc:

Jack T. Sweigart  
JTS Communities, Inc.  
401 Watt Ave  
Sacramento CA 95864

Catherine A. Taylor  
CIHC Project Manager  
111 I Street  
Sacramento CA 95814

Paul F. Miner, Director  
Governor's Office of Planning and Research, CEQA Review  
1400 Tenth Street  
Sacramento CA 95814

Department of Parks and Recreation  
Northern Service Center  
One Capitol Mall, Suite 410  
Sacramento CA 95814

City of West Sacramento City Hall  
Community Development Department  
1110 West Capitol Avenue  
West Sacramento CA 95691



<b>Letter</b>	Diana Dirks
<b>7</b>	Regatta at the Rivers Homeowner
<b>Response</b>	April 12, 2011

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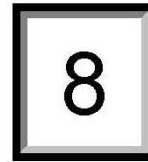
- 7-A** Under State CEQA Guidelines Section 15064(e), economic conditions such as loss of property value would not generally be considered a significant effect on the environment. While views from second story dwellings may be changed, these changes may not result in a significant degradation of views since implementation of the CIHC Building Site Design Guideline 3, included in the Design Standards and Guidelines (Appendix B of the General Plan), would require the main heritage center building to be designed to blend with the landscape as viewed from residential neighborhoods located on the landside of the levee. Design Standard B.3.1. “Building Form and Massing Guideline 1 states: “The main Heritage Center building should be divided into distinct, articulated sections to minimize the appearance of an oversized building.... Long blank or unarticulated walls should be avoided”. Changes in property values can be attributed to a number of factors such as overall economic conditions and associated changes in the real estate market. Real estate values can also be affected in a positive manner by the proximity of public open spaces and parks. It cannot be stated with certainty that the CIHC would have a negative effect on nearby property values, since the habitat restoration of the site with on-going maintenance and staff presence may also have a beneficial effect on nearby property values.
- 7-B & C** The noise analysis provided on page 5-45 of the Final EIR describes the types of noise that would be expected to be generated at the site. Operational noise related to maintenance, equipment operations, and visitors would occur mostly throughout the CIHC site. Noise emanating from these sites would be minimal and would mostly occur during less-sensitive daytime hours when the CIHC is open for day-use (proposed operation hours are from 10 a.m. to 5 p.m.). Traffic on the levee access road would be limited primarily to staff as described in Response 6-A., and would be limited to the hours of operation. Noise from maintenance and equipment operations would also occur during daylight hours when employees are performing their duties. Thus, because noise-producing activities would be limited to daylight hours and restricted during quiet hours, sleep disturbance and human annoyance would be unlikely to occur. As described in Impact NOISE-2, noise levels would not exceed COWS standards. Therefore, construction of a soundwall would not be warranted. Additionally, a soundwall would have a significant adverse impact on views from the adjacent neighborhoods.
- 7-D** The existing visually unattractive condition of the levee is not connected to the CIHC project, therefore the project could not be required to mitigate for current conditions. Any landscaping on the levee must be designed in consultation with DWR in order to avoid compromising levee integrity and levee maintenance activities.

**7-E** Impact AES-3 in the Final EIR addresses light and glare. As noted in that discussion, the General Plan Design Standards and Guidelines include Lighting Guidelines 1 through 14 that ensure exterior lights would be placed to minimize glare, obtrusive light, light trespass, and upward directed wasted light. The CIHC Design Standards and Guidelines also include Parking Guidelines 2, 8, and 11 that would shield neighbors from light and glare associated with parked cars. Operations hours at the CIHC would be limited to regular opening hours (10 a.m. to 5 p.m.) and night time events would occur only on a limited basis. Implementation of the Design Standards and Guidelines combined with placement of parking and other facilities would maintain potential impacts resulting from light and glare at less than significant.

Refer to response 7-A regarding the potential effects on real estate values, response 7-B regarding effects of noise on adjacent properties; and response 7-D regarding aesthetic improvements to the levee.



3.8 LETTER 8 JEREMY WHITE



**From:** [jeremy.white](#)  
**To:** [Unger, Petra](#)  
**Subject:** Comments in response to the Notice of Intent to Adopt an Environmental Impact Report for the Proposed California Indian Heritage Center Project  
**Date:** Wednesday, April 13, 2011 7:34:30 PM

Dear Mr. Unger:

Please accept these comments in response to the Notice of Intent to Adopt an Environmental Impact Report for the Proposed California Indian Heritage Center Project dated February 28, 2011.

1. Reference to "Grupe". In numerous places, the document refers to a 3.18 acre parcel of property as the "Grupe" property. Though this property is managed by The Grupe Company, the legal owner is West Riverview, LLC, and it should be referred to as such. **Please remove references to Grupe in the document.**

8-A

2. Section 5.6.10. Population and Housing. It should be noted that several policies of the City of West Sacramento promote higher density residential neighborhoods and land uses that support higher residential densities and alternate modes of transportation. The CIHC project removes land that was planned for higher density housing from the City's vacant land inventory, and the proposed use is not conducive to higher density residential or transit orient neighborhood. **Thus, the Project seems to be inconsistent with certain City land use policies.**

8-B

3. Page 5-47/48. Displacement of homeless population.

Development of the site as part of the CIHC would displace homeless persons who occupy the CIRI property. .. Displacement of persons occupying the CIRI site would require these people to seek shelter elsewhere, either on other vacant properties, or to seek assistance in finding shelter from organizations providing assistance to the homeless.

8-C

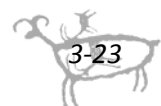
**Mitigation measures should be included to prevent displaced persons from relocating to or otherwise burdening the surrounding residential neighborhood.**

4. Section 5.6.11. Public Services.

No federal, state, regional, or local plans, regulations, or laws related to public services apply to the proposed General Plan.

8-D

**Is the project exempt from local development regulations? Will the**



**project be subject to impact fees that mitigate the demand for public services?**

8-D  
(Cont'd)

5. Page 5-49. Safety and security services are described as being provided by State agencies. **What guarantees are there that such services will be funded, and what is the impact of lack of funding?**

8-E

6. Page 5-52, 5-54. Traffic impacts.

No federal, state, regional, or local plans, regulations, or laws related to transportation and traffic apply to the proposed General Plan.

8-F

**Is the project exempt from local development regulations? Will the project be subject to impact fees that mitigate traffic impacts?**

7. Page 5-56. Impact on utilities.

No federal, state, regional, or local plans, regulations, or laws related to utilities apply to the proposed General Plan.

8-G

**Is the project exempt from local development regulations? Will the project be subject to impact fees that mitigate impacts on public utilities?**

Thank you for this opportunity to comment. Should you need to discuss this matter, please contact Al Esquivel, our representative in Sacramento at [916-730-9328](tel:916-730-9328) or [esquivel@pacbell.net](mailto:esquivel@pacbell.net).

Sincerely,

Jeremy S. White  
Vice President  
The Grupe Company  
3255 W. March Lane, 4th Floor  
Stockton, CA 95219  
direct: 209-473-6068  
fax: 209-472-6266



<b>Letter</b>	Jeremy White, Vice President
<b>8</b>	Grupe Company
<b>Response</b>	April 13, 2011

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- 8-A** All references to “Grupe” have been removed throughout the Preliminary General Plan and Final EIR, and reference to West Riverview LLC has been added. This is an editorial change and as such not been included in chapter 4 of this document
- 8-B** The state is not subject to local land use planning and regulations, therefore, no inconsistencies exist. However, the CIHC Preliminary General Plan/Draft EIR was developed in close coordination with planning staff from City of West Sacramento (COWS) to ensure that development of the CIHC would not cause adverse affects on the surrounding community.
- 8-C** The issue of displacement of homeless populations was addressed in Impact PH-1 on pages 5-47 and 5-48 of the Draft EIR. Yolo County is the agency responsible for providing shelter and services to the homeless population. As stated in the Final EIR, the cities of Davis, West Sacramento, Winters and Woodland partner with the County of Yolo to fund the Homeless Coordination Project. The Project provides funds for the cold weather shelter and a homeless coordinator to deliver homeless coordination services.
- 8-D** The State is exempt from local land use regulations; however State Parks and COWS have entered into a Master Agreement which describes the responsibilities that each agency will have regarding policing, security, access and improvements on the property (see Appendix A of the Preliminary General Plan/Draft EIR). The Master Agreement requires State Parks to provide security and policing for the entire Riverfront Path from the Broderick Boat Ramp to the DWR property located to the north of the CIHC. State Parks would improve the Riverfront Path and provide all maintenance of facilities including the portion of the Riverfront Path that passes through the CIHC site.
- 8-E** As described in response 8-D, State Parks and COWS have entered into a Master Agreement which describes the responsibilities that each agency will have regarding policing, security, access and improvements on the property. The Management Agreement states that safety and security will be provided the Capital District’s Public Safety Team, which consists of 7 rangers assigned to park units within the District.
- 8-F** The State is exempt from local land use regulations and the project is not subject to traffic impact fees. Based on the Transportation Study, the CIHC will not result in degradation of the level of service at any intersections under existing plus project conditions, and while the intersection of Sacramento/Jefferson Boulevard-Kegle Drive intersection will operate at level-of-service (LOS) E, an unacceptable LOS, under

cumulative conditions, the Transportation Study determined that the addition of CIHC project traffic does not increase overall intersection delay or the volume-to-capacity (V/C) ratio at this intersection. According to COWS's significance criteria, the unacceptable level of delay at this location does not constitute a project impact. Additionally, Circulation System Goals and Guidelines included in the General Plan seek to reduce use of private automobiles by promoting efficient circulation to and from the site and providing bicycle and pedestrian paths with local and regional connections. Circulation Guideline CIRC-7 encourages discounted admissions for visitors arriving by public transit or using non motorized transportation modes.

- 8-G** The state is exempt from local land use regulations and the project is not subject to impact fees. As described in the Draft EIR, water supply lines and sanitary sewer collection lines exist in the streets adjacent to the site, and underground utilities were installed in the northern portion of the former JTS property in anticipation of the next phase of residential development. All domestic water and wastewater treatment facilities would have adequate capacity to serve the site. State Parks will fund the extension of services onto the CIHC riverfront property and will pay connection fees. As described in the Draft EIR under Impact UTIL-1 on page 5-56, the limited hours of operation, native plants landscaping, and type of use would create less demand for water and wastewater treatment than a commercial or residential development of similar size.

3.9 LETTER 9 DAN FUA



STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY

EDMUND G. BROWN JR., GOVERNOR

**CENTRAL VALLEY FLOOD PROTECTION BOARD**

3310 El Camino Ave., Rm. 151  
SACRAMENTO, CA 95821  
(916) 574-0609 FAX: (916) 574-0682  
PERMITS: (916) 574-2380 FAX: (916) 574-0682



April 14, 2011

Ms. Petra Unger  
AECOM c/o  
California Department of Parks and Recreation  
2020 L Street, Suite 400  
Sacramento, California 95811

Subject: Response to the Draft Program EIR for California Indian Heritage Center General Plan SCH Number: 2010012024

Dear Ms. Unger:

Staff of the Central Valley Flood Protection Board has reviewed the subject document and provides the following comments:

The proposed project is located within the jurisdiction of the Central Valley Flood Protection Board. The Board is responsible for enforcing, on behalf of the State of California, appropriate standards for the construction, maintenance, and protection of the State's adopted plan of flood control that will best protect the public from floods. The jurisdiction of the Board includes the Central Valley, including all tributaries and distributaries of the Sacramento River and the San Joaquin River, and designated floodways (Title 23 California Code of Regulations (CCR), Section 2). The Board regulates encroachments that affect the State's adopted plan of flood control. Any work within the adopted plan of flood control requires approval from the Board before it is constructed. Any work outside the adopted plan of flood control that may potentially affect the integrity, successful execution, functioning, or operation of the State's adopted plan of flood control also requires Board approval prior to commencement of work. This proposed project requires an encroachment permit from our Board.

9-A

Waterside facilities. According to the Draft Program EIR for California Indian Heritage Center General Plan, p. 1-2, "Indoor components of the CIHC will include extensive exhibit space, a library, archives, Tribal Treasures (collections) storage space, offices, classrooms and event space, artist-in-residence space, a café, and a museum store. Outdoor program elements are closely linked to a traditional native approach to the land and its location at the confluence of two major rivers, and encompass an amphimeadow, a restored pond, indigenous gardens, native game fields, outdoor interpretive exhibits, and demonstration areas. A trail network will provide access throughout the site, into adjacent neighborhoods, and into the larger communities of West Sacramento and Sacramento. A Public Safety and Facilities Operations Center located on-site will provide office space for on-site public safety and maintenance staff and equipment storage. Parking is also provided on-site."

The proposed artist-in-residence space conflicts with CCR Section 113 (b) which states, dwellings and structures within an adopted plan of flood control must comply with the following requirements: (1) New dwellings, with the exception of dwellings for seasonal occupancy (nonflood season), are not permitted. The flood season for the location of the proposed facilities is November 1 through April 15.

9-B



Ms. Petra Unger  
April 14, 2011  
Page 2 of 3

In accordance with CCR Section 113(b)(6) Structures may be constructed within an adopted plan of flood control provided they conform to the following:  
 (A) Structures may not be constructed on a levee section or within ten (10) feet of a levee toe (note, the Board recommends twenty (20) feet from a landside levee toe or within fifteen (15) feet from a waterside levee toe, pending amended regulations);  
 (B) Structures must be securely anchored and floodproofed to at least two (2) feet above the 100-year flood elevation or two (2) feet above the design flood plane, whichever is higher. The floodproofing must be consistent with the potential uses of the structure;  
 (C) Structures must be located and oriented to have minimal impact on floodflows; and  
 (D) The number of structures permitted is limited to the minimum reasonably necessary to accomplish an appropriate land use activity.

9-B  
(Cont'd)

According to p. 2-12 “Prior to construction of the CIHC, State Parks (State Parks) will assess the potential of the project to impact flood capacity and ensure that the project meets all permitting requirements of the USACE, Department of Water Resources (DWR) and the Central Valley Flood Protection Board (CVFPB).” Board staff is available for future consultations prior to conducting a hydraulic analysis. As part of the permitting process, the Board staff will also review the hydraulic analysis and any other engineering analyses that may be required for this project.

9-C

Public Safety. According to p. 2-58 “Taking into account the resident market and visitor market, in 2009, there were more than 7.3 million potential annual visitors for CIHC.” In accordance with CCR Section 2, the Board is required to enforce, within its jurisdiction, on behalf of the State of California, appropriate standards for the construction, maintenance, and protection of adopted flood control plans that will best protect the public from floods. A preferred alternative would be to locate buildings outside of the State’s adopted plan of flood control. Allowing public access to the floodway through the use of offices, classrooms and event space, artist-in-residence space, a café, and a museum store would increase risk to public safety.

9-D

Habitat Restoration. According to p.2-24, “The proposed CIHC site offers excellent opportunities for riparian habitat enhancement and restoration along the Sacramento River. Blue elderberry, the host plant of VELB, occurs as a component of several of the habitat types on-site. Management to increase the health and abundance of elderberries at the site is feasible. The pond provides opportunity to remove invasive weeds, restore native plants, remove trash, and increase the structural diversity of the site to provide more suitable forage and cover for a variety of wildlife species.”

9-E

In accordance with CCR Section 131(c) “Vegetation must not interfere with the integrity of the adopted plan of flood control, or interfere with maintenance, inspection, and flood fight procedures.” The preferred alternative is to comply with vegetation and maintenance standards in accordance with CCR Section 131.

Utilities. According to p. 2-37 “The East Riverfront property is undeveloped and no water, sewer, stormwater drainage, or electric service is available. However, the historical record shows that the site has at various times been occupied by a boat repair business, a restaurant, and recreational facilities, so it is reasonable to assume that underground utilities remain, although they are unlikely to be useable for new development.”

9-F

Ms. Petra Unger  
April 14, 2011  
Page 3 of 3

Pipelines, conduits, utility lines, and appurtenant structures must conform with CCR Section 123.

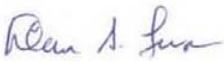
9-F  
(Cont'd)

Boating Facilities. According to p. 0-8, "A boat dock on the Sacramento River will allow access to the East Riverfront property from various locations along the Sacramento River, and will provide water taxi, excursion boat and short-term day use boat moorage. The preferred alternative must comply with standards for construction of wharves, piers, docks, boat houses, ramps, and similar boating facilities in accordance with CCR Section 127 Boating Facilities.

9-G

If you have any questions, please contact James Herota at (916) 574-0651, or via email at [jherota@water.ca.gov](mailto:jherota@water.ca.gov).

Sincerely,



Dan Fua  
Supervising Engineer  
Flood Projects Improvement Branch

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

<b>Letter 9 Response</b>	<b>Dan Fua, Supervising Engineer Central Valley Flood Protection Flood Projects Improvements Branch April 14, 2011</b>
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- 9-A** State Parks will coordinate with local, state and federal agencies, including the Central Valley Flood Protection Board, to obtain permits as required and abide by all permit conditions and management recommendations.
- 9-B** The artist in residence structures, where artists would live and work on a temporary basis, would be designed and constructed in accordance with the guidelines (CCR 113(b)) cited by the commenter. They are located on the land side of the levee. Goal FLOOD-1 and Guidelines FLOOD-1 through FLOOD-8 will be used to guide and inform design and construction of all facilities at the CIHC, including those on the riverside of the levee. State Parks will coordinate with local, state and federal agencies with jurisdiction regarding flood safety to obtain permits as required and abide by all permit conditions and management recommendations.
- 9-C** State Parks will consult with CVFPB staff prior to conducting specialized hydraulic and engineering studies for the site.
- 9-D** The cited statement from the Draft EIR refers to the overall population in the market area of the CIHC. The *Draft Report Business Plan: California Indian Heritage Center* (Business Plan) for the CIHC (AECOM 2010) provides preliminary attendance projections (Business Plan Table #19) between 177,000 and 266,000 visitors per year upon completion of the project (year 2025). The location of the CIHC is crucial to its vision to embrace the river and the seasons, and create a center that demonstrates the premise of traditional values for land stewardship and environmental consciousness. Flood concerns will be addressed during site design and through implementation of Flood and Safety Guidelines. Please refer to Goal FLOOD-1 and associated Flood Safety Guidelines FLOOD-1 through FLOOD-8 on page 4-32 and 4-33 of the Preliminary General Plan/Draft EIR.
- 9-E** State Parks will coordinate with local, state and federal agencies, including the Central Valley Flood Protection Board, to obtain permits as required, and abide by all permit conditions and management recommendations. State Parks will comply with CCR Section 131(c), Vegetation, with regard to restoration activities and vegetation maintenance.
- 9-F** State Parks will coordinate with local, state and federal agencies, including the Central Valley Flood Protection Board, to obtain permits as required and abide by all permit conditions and management recommendations. State Parks will comply with California



Code of Regulations (CCR) Section 123, Pipelines, Conduits, and Utility Lines, including the extension of utilities onto the site.

- 9-G** At the present time detailed plans for construction of the boat dock have not been developed. State Parks will coordinate with local, state and federal agencies, including the Central Valley Flood Protection Board, to obtain permits as required and abide by all permit conditions and management recommendations. State Parks will comply with CCR Section 127, Boating Facilities, in the design and construction of the boat dock.

3.10 LETTER 10 JIM BERMUDEZ

10



**CITY HALL**  
1110 West Capitol Avenue  
West Sacramento, CA 95691

City Council  
City Manager  
City Clerk  
Human Resources  
(916) 617-4500  
Fax (916) 372-8765

Information Technology  
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Fax (916) 372-8765

Community Development  
Planning  
Engineering  
(916) 617-4645  
Fax 9916) 371-0845

Building  
(916) 617-4683  
Fax 9916) 371-0845

Parks & Recreation  
(916) 617-4620  
Fax (916) 372-5329

Redevelopment  
Economic Development  
(916) 617-4535  
Fax (916) 373-5848

Housing & Community Investment  
(916) 617-4555  
Fax (916) 373-5848

Finance  
(916) 617-4589  
Fax (916) 373-9006

Utilities  
(916) 617-4589  
Fax (916) 373-9006

Refuse & Recycling  
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Fax (916) 373-9006

Fire Administration  
(916) 617-4600  
Fax (916) 371-5017

**POLICE**  
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West Sacramento, CA 95605

Police  
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Fax (916) 373-2377  
Code Enforcement  
(916) 617-4927

**PUBLIC WORKS**  
1951 South River Road  
West Sacramento, CA 95691

(916) 617-4850  
Fax (916) 371-1516

[www.cityofwestsacramento.org](http://www.cityofwestsacramento.org)

April 14, 2011

Petra Unger  
AECOM  
2020 L Street, Suite 400  
Sacramento, CA 95811

**RE: California Indian Heritage Center Preliminary General Plan & Draft Environmental Impact Report (SCH No. 2010012024)**

Dear Ms. Unger,

Thank you for this opportunity to comment on the Program EIR (EIR) for the above referenced project. After review of the document, the City of West Sacramento offers the following comments:

- 1) The City is aware of State Park's goal to ensure a shortage of parking does not adversely affect the surrounding residential neighborhood. In an effort to fully analyze and verify that parking does not affect the surrounding neighborhood, a fixed total amount of parking spaces should be determined for the 43-acre property and JTS property. The phasing plan shall also include a fixed parking total for each phase of development.
- 2) The CIHC will be located on the waterside of the levee; therefore, it is likely to be set on a raised foundation. The EIR identifies a base flood elevation level that further concludes that the building will be raised and the center may be viewed by the residential neighborhood to the west, and adjacent condominium owners. The EIR identifies this impact but the impact analysis does not fully address rooftop impacts and line of sight impacts that may affect the residents to the west. Adequate data is available to determine an appropriate height level or a maximum height limit of the building that would not adversely affect the surrounding neighborhood.
- 3) State Parks and the City of West Sacramento Fire Department will develop an emergency response plan. A project concept of the CIHC is to keep the grassland on the site in its natural state. This concept raises fire and emergency response concerns during the seasonal dry period, and could endanger visitors to the center. The hazard and public services resource section of the EIR does not adequately address this issue, or provide sufficient information about the risk of dry brush fires and the measures that will be implemented, such as irrigation controls, compliance with City weed abatement policy and evacuation plans.
- 4) The project description includes a reference residence housing will be developed on the JTS property. The hydrology resource section states that the project will not involve construction of housing within

10-A

10-B

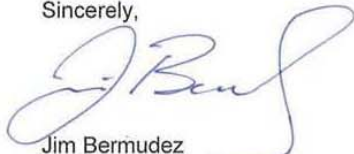
10-C

10-D

AECOM  
April 14, 2011  
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| <p>a flood hazard area; therefore, the topic is not discussed further in the EIR. Please clarify whether the function of residence housing described in the EIR is for dwelling or educational use. If it is for dwelling purposes then further analysis is needed placing housing in the flood hazard area.</p>   | <p>10-D<br/>(Cont'd)</p> |
| <p>5) Irrigation runoff effects and the potential use of pesticides on the property are not identified in the document. This impact needs to be further consideration and possibly additional analysis addressing the potential impact to various species in the pond and Sacramento River.</p>  | <p>10-E</p>              |
| <p>6) The project description states that the building structure will be on the waterside of the adjacent levee. To avoid flooding of the building, the constructed of the building will need to be above the base flood level. Therefore, the building is likely to consist of a floor plate that will be supported by a series of pilings. Pile driving is likely to generate excessive levels of noise and the pile driving process may create a potential risk to the levee due to vibration. Further information and analysis is necessary to address this potential impact.</p>  | <p>10-F</p>              |
| <p>7) The document identifies the location of utility services but does not discuss and analyze a plan to locate services on site that is consistent with current levee stabilization requirements.</p>  | <p>10-G</p>              |
| <p>8) The hydrology goals and policies section states that compliance with these standards would place the CIHC structures outside of the special flood zone. This statement is incorrect and should be revised to state a special flood hazard area (SFHA), not a special flood zone. Also, and more importantly, compliance with these standards would not place the CIHC structures outside the SFHA. This can only occur with a Letter of Map Change. Compliance with the standards would be to elevate the structures, or flood-proof them, or otherwise comply with FEMA-mandated floodplain management requirements.</p>  | <p>10-H</p>              |
| <p>9) The City requests that General Plan/ EIR include language that states the project will comply with the City's Floodplain Management Ordinance, City of West Sacramento Municipal Code Title 18. Development in special flood hazard areas of the City of West Sacramento is required to obtain a floodplain development permit.</p>  | <p>10-I</p>              |
| <p>10) Because of the proposed location of the CIHC, the project has the potential to impact the City's flood protection long into the future. The City suggests revising Goal Flood-1 to read as follows:<br/>Ensure the CIHC and it's Tribal Treasures (collections), facilities, visitors, and staff are protected from floods <i>while properly integrating with the City of West Sacramento's Flood Protection System.</i></p> <p>The City appreciates State Parks approach to address project level impacts wherever possible, and looks forward to future CEQA documents that will tier off the General Plan/ EIR when additional information becomes available. As the project advances, the City will be looking for State Parks to identify project level impacts and provide project specific mitigation measures that fully address the concerns expressed by residents of West Sacramento. The City looks forward to transferring ownership of the property to State Parks pursuant to these future CEQA documents.</p> <p>If you would like to discuss these comments presented in this letter, or if you require additional information, please contact me at (916) 617-4535.</p> | <p>10-J</p>              |

Sincerely,



Jim Bermudez  
Senior Program Manager

<b>Letter</b> <b>10</b> <b>Response</b>	Jim Bermudez Senior Program Manager City of West Sacramento April 14, 2011
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- 10-A** Appendix H. Parking has been added to the Preliminary General Plan/Draft EIR. Appendix H identifies the number of parking spaces required by phase, as requested by the commenter. Under existing conditions, casual users of the site park on Marina Avenue.
- 10-B** The heritage center has not yet been designed, and final design will be dependent upon results of hydraulic studies and other considerations, in consultation with local, state, and federal permit issuing agencies. The exact height of the structures has not been determined. Building Form and Massing Guideline 2, included in the Design Standards and Guidelines (Appendix B of the Preliminary General Plan/Draft EIR) addresses building height, requiring that at least 70 percent of the western side of the building be two stories or less. While views from second story dwellings may be changed, these changes would be implemented in accordance with CIHC Building Site Design Guideline 3, included in the Design Standards and Guidelines, which would require the main Heritage Center Building to be designed to blend with the landscape as viewed from residential neighborhoods located on the landside of the levee. Additionally, Design Standard B.3.1. “Building Form and Massing Guideline 1 states: “The main Heritage Center building should be divided into distinct, articulated sections to minimize the appearance of an oversized building.... Long blank or unarticulated walls should be avoided”.
- 10-C** The CIHC Draft General Plan contains goals and guidelines that address safety and natural resource management within the Park. Park Operations GOAL SAFE-1: requires State Parks to develop a program that promotes safety of park visitors, employees, and property as the CIHC continues to evolve from Phase 1 through full build-out at Phase 4. Under Guideline SAFE-1, State Parks will develop and implement a safety and security memorandum of understanding (MOU) in cooperation with COWS police department and in accordance with the Master Agreement. Under Guideline SAFE-4 State Parks will prepare a fire response plan in coordination with the COWS Fire Department, including requirements for emergency vehicle access, sprinklers, and fire resistant and/or fireproof materials. Guideline SAFE-10 requires the Management and Operations Plan to include specific safety and security measures. In addition, the General Plan has been revised to add specific language to Guideline SAFE-10 to ensure that an evacuation plan is developed as part of the Management and Operations Plan.

Weed control is carried out according to State Parks Department Operations Manual (DOM) Section 0832.5 (Maintenance of Facilities) and DOM Section 0700 (Pest Control). This manual provides basic guidance for weed control and handling of

pesticides. However, implementation of Guideline NR-19 would manage nonnative invasive species to prevent establishment and spread, and implementation of Guideline NR-18 would restore degraded areas that are characterized by invasive weeds and ruderal vegetation to native vegetation communities to the greatest extent feasible. An additional guideline has been added to the General Plan to ensure that a vegetation management plan is developed, which provides for fuel management to reduce risk of wildfire to property and resources by reducing hazardous fuel buildups around park buildings or facilities and in areas where a fire could either enter the park or move beyond park boundaries.

- 10-D** The residence for the artist-in-residence would not be a primary residence and its location and construction would be required to comply with CCR Title 23 Section 113(b), which provides standards for dwellings and structures within an adopted plan of flood control. Goal FLOOD-1 and Guidelines FLOOD-1 through FLOOD-8 will be used to guide and inform design and construction of the site and its facilities, including the artist-in-residence house.
- 10-E** Impact WATER-3 addresses potential impacts from stormwater runoff. Irrigation runoff would have similar impacts, and the Draft EIR has been revised to include this information. Goal WATER-1 and associated Guideline WATER-1 call for onsite capture and treatment of stormwater runoff and infiltration to reduce the amount of stormwater entering the stormwater drainage system and to reduce the amount of pollution in the runoff. Guideline WATER-2 calls for the design of features that provide for natural filtration of stormwater runoff. Vegetated swales and on-site retention of stormwater runoff would be used to prevent stormwater runoff from the site from entering the Sacramento River. The Design Standards and Guidelines included in Appendix B further address landscaping and irrigation. Landscape materials will emphasize native plants that require no fertilization and little supplemental irrigation. Drip irrigation will be used except on turf areas, which will be limited in area. An additional Guideline WATER-4 has been added to ensure stormwater and irrigation runoff does not adversely affect water quality in the pond.
- 10-F** The heritage center has not yet been designed, and final design will be dependent upon results of hydraulic studies and other considerations, such as geotechnical studies to determine foundation design. Construction methods used and structural requirements for the CIHC building will be based on these site specific studies. Potential impacts associated with building design and construction methods, including noise and vibration from pile driving, will be described and analyzed in subsequent environmental review.
- 10-G** State Parks will coordinate with local, state and federal agencies, including the Central Valley Flood Protection Board, to obtain permits as required and abide by all permit conditions and management recommendations. State Parks will comply with CCR Title

23 Section 123, Pipelines, Conduits, and Utility Lines, including the extension of utilities onto the site.

- 10-H** The discussion under Impact WATER-1 has been revised in the Draft EIR to indicate that standards will ensure the CIHC and its Tribal Treasures, facilities, visitors, and staff are protected from the base flood rather than stating these will be placed outside of the especial flood zone. State Parks will coordinate with local, state and federal agencies, to obtain permits as required and abide by all permit conditions and management recommendations, including Federal Emergency Management Agency (FEMA)-mandated floodplain management requirements.
- 10-I** Even though the state would not be required to comply with local ordinances, the project is being designed to conform to standards similar to the city’s building and flood protection standards (Municipal Code Title 18).
- 10-J** The Goal FLOOD-1 has been revised to state the following: Ensure the CIHC and its Tribal Treasures (collections), facilities, visitors, and staff are protected from floods while properly integrating with the COWS’ Flood Protection System.

3.11 LETTER 11 SCOTT MORGAN

11



JERRY BROWN  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



April 14, 2011

Maria Baranowski  
California Department of Parks and Recreation  
One Capitol Mall, Suite 410  
Sacramento, CA 95814

Subject: California Indian Heritage Center  
SCH#: 2010012024

Dear Maria Baranowski:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on April 13, 2011, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

11-A

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan  
Director, State Clearinghouse



**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2010012024  
**Project Title** California Indian Heritage Center  
**Lead Agency** Parks and Recreation, Department of

**Type** EIR Draft EIR  
**Description** The proposed project is a GP for the CA Indian Heritage Center, a new State Park. The project is located on the 43-acre East riverfront property and 7.91-acre former JTS property in West Sacramento. The purpose of the GP is to define & evaluate proposed land uses, facilities, concessions, management, & operation of the new park and to discuss environmental impacts. The GP will guide the development, management, and operation of the CIHC. A core element would be a cultural facility. The surrounding grounds would include an amphimeadow, a restored pond, indigenous gardens, native game fields, outdoor interpretive exhibits, demonstration area, and trails. Parking, office space for public safety staff, and storage for maintenance equipment would be provided. The former JTS parcel would include support facilities, artist-in-residence units, and parking.

**Lead Agency Contact**

**Name** Maria Baranowski  
**Agency** California Department of Parks and Recreation  
**Phone** (916) 445-7998 **Fax**  
**email**  
**Address** One Capitol Mall, Suite 410  
**City** Sacramento **State** CA **Zip** 95814

**Project Location**

**County** Yolo  
**City** West Sacramento  
**Region**  
**Lat / Long** 38° 35' 44" N / 121° 30' 46" W  
**Cross Streets** Lighthouse Drive & Marina Way  
**Parcel No.**  
**Township**

	Range	Section	Base
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**Proximity to:**

**Highways** I-5,I-80,US-50  
**Airports** No  
**Railways** YSLR, UPRR  
**Waterways** American River, Sacramento River  
**Schools** W.Sac for Indep. Study,ES:Bannon Creek, Jefferson, American Lake  
**Land Use** Vacant  
West Sacramento GPD: Riverfront Mixed use  
Z: WF, Waterfront Zone

**Project Issues** Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Sewer Capacity; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Vegetation

**Reviewing Agencies** Resources Agency; Department of Boating and Waterways; Department of Conservation; Department of Fish and Game, Region 2; Central Valley Flood Protection Board; Department of Water Resources; Office of Emergency Management Agency, California; California Highway Patrol; Caltrans, District 3; Regional Water Quality Control Bd., Region 5 (Sacramento); Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission

**Date Received** 02/28/2011 **Start of Review** 02/28/2011 **End of Review** 04/13/2011

Note: Blanks in data fields result from insufficient information provided by lead agency.





<b>Letter</b>	Scott Morgan
<b>11</b>	Director, State Clearinghouse
<b>Response</b>	April 14, 2011

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- 11-A** The State Clearinghouse has indicated that the Draft EIR was routed to selected state agencies for view and acknowledges that State Parks has complied with the State Clearinghouse review requirements pursuant to CEQA. No response necessary.





**View of the Sacramento River and Discovery Park looking south from the waterfront of the CIHC**

# 4

# R E C O M M E N D E D C H A N G E S

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## CHAPTER FOUR: RECOMMENDED CHANGES TO THE GENERAL PLAN

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This chapter contains recommended revisions to the Preliminary General Plan/Draft EIR for the CIHC made subsequent to its public release and the public review process. Revisions are the result of responses to comments detailed in Chapter 3 of this document. Text revisions are organized by Section and page numbers that appear in the Preliminary General Plan/Draft EIR. Revisions to text are shown with a strikethrough or underline. Text that has a ~~strikethrough~~ has been deleted from the General Plan/Draft EIR. Text that has been added is presented as single underlined. The Final General Plan may include additional minor revisions to ensure accuracy of information presented in the plan.

### **CHAPTER 4 REVISIONS**

The following guideline has been added to page 4-24 of the Preliminary General Plan:

- ▶ **Guideline WATER-4:** The use of fertilizer and pesticides shall be minimized to avoid transport by stormwater or irrigation runoff; fertilizers and pesticides shall not be applied to the amphimeadow in order to prevent the transport of residues into the pond.

Guideline SAFE-10 on page 4-32 of the Preliminary General Plan has been revised as follows:

- ▶ **Guideline SAFE 10:** Include specific safety and security measures in the Management and Operations Plan, including an evacuation plan.

Guidelines SAFE-11 has been added to page 4-32 of the Preliminary General Plan:

- ▶ **Guideline SAFE 11:** Develop a vegetation management plan that defines planting zones for fire resistant vegetation and landscaping, including defensible space around buildings, in order to reduce risk of wildfire around park buildings or facilities and in areas where a fire could either enter the park or move beyond park boundaries.

GOAL Flood-1 on page 4-32 of the Preliminary General Plan has been revised as follows:

- ▶ **GOAL FLOOD-1:** Ensure the CIHC and its Tribal Treasures (collections), facilities, visitors, and staff are protected from floods while properly integrating with the City of West Sacramento's Flood Protection System.

## CHAPTER 5 REVISIONS

The following revision was made to section 5.1.1. on page 5-1 of the Preliminary General Plan:

### 5.1.1 PURPOSE OF THE EIR

This General Plan for the California Indian Heritage Center (CIHC, with all its sections, constitutes an environmental impact report (EIR), as required by Public Resources Code (PRC) Sections 5002.2 and 21000 et seq. The General Plan is subject to approval and the EIR is subject to certification by the California Park and Recreation Commission (Commission). The Commission has sole authority for the plan's approval and adoption. Following certification of the EIR and approval of the General Plan by the Commission, California State Parks (State Parks) will prepare management plans and area development plans as staff and funding become available. Future projects that are part of the CIHC may be subject to permitting requirements and approval by other agencies, such as the U.S. Army Corps of Engineers (USACE), U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), Central Valley Flood Protection Board (CVFPB), and California Department of Fish and Game (DFG).

### Page 5-17

The following revision was made to section 5.6.3. on page 5-17 of the Preliminary General Plan:

### Significance Criteria

Implementing the General Plan would have a significant impact on biological resources if it would:

- ▶ have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by DFG, NMFS, or USFWS;

The following revision was made to pages 5-17 and 5-18 of the Preliminary General Plan:

### Special-Status Plant Species

**Impact BIO-1: Temporary Loss of Habitat for Special-Status Plant Species.** Two special-status plant species, rose-mallow and Sanford's arrowhead, have potential to occur on the project site. The banks of the pond provide marginal habitat for these species. Planned re-contouring of the pond could have a temporary adverse effect on suitable habitat for rose-mallow and Sanford's arrowhead and on the plants themselves, if present. The goal for restoring the pond is to create natural habitat, so the overall effect of the project on special-status plants would be positive. Natural Resources Goal NR-2 aims to "protect, maintain and restore the natural diversity of habitat and associated sensitive resources for their perpetuation and enhancement in accordance with State and federal law". In addition, guideline NR-9 provides requirements



for surveys for special-status plants prior to construction projects that may affect their habitat. If special-status species are found during such pre-construction surveys, State Parks will implement measures to protect them from harm during construction. Implementation of the Natural Resources Goal NR-2 and Guidelines NR-6 and NR-9 of the General Plan will maintain potential impacts to special-status plants resulting from impacts of the General Plan at **less than significant**.

The Sacramento River is home to a diverse assemblage of native fish, many of which are listed as threatened or endangered, or are species of concern. Refer to Table 2-2 in “Existing Conditions”, which lists the sensitive fish species that could be present in the river adjacent to the proposed CIHC site. None of these species are expected to naturally occur in the pond, as the pond is an artificially created borrow pit with no direct surface connection to the Sacramento River, except during very high river flows. Construction of a boat dock on the Sacramento River would potentially remove SRA habitat, which would result in significant impacts to special-status fish species, particularly the salmonid species. Implementation of Natural Resources Guideline NR-5 would avoid adverse impacts to sensitive aquatic species and Natural Resource Guideline NR-17 would require coordination with NMFS regarding measures to avoid adverse affects, including removal of shaded riverine aquatic habitat (SRA). Implementation of these Guidelines would maintain the level of potential impacts to special-status plants resulting from impacts of the General Plan at **less than significant**.

### **Sensitive Natural Communities**

**Impact BIO-2: Temporary Loss of Great Valley Cottonwood Riparian Forest.** The Fremont Cottonwood Alliance on the project site is equivalent to the Great Valley Cottonwood Riparian Forest, which is a sensitive natural plant community as defined by DFG. This community, which provides shaded riverine aquatic habitat (SRA), exists as a narrow band along the Sacramento River and as a more expansive patch on the adjacent CIRI property south of the pond. Planned re-contouring around the pond could have a temporary adverse effect on the adjacent Great Valley Cottonwood Riparian Forest if any native vegetation is removed or if roots of mature native trees are damaged. A boat dock ~~will be installed~~ is planned on the Sacramento River at the northern end of the Great Valley Cottonwood Riparian Forest. This could have an adverse effect on the forest, including SRA habitat, if native vegetation is removed. Native vegetation will be planted around the pond following re-contouring; therefore, the overall effect of the project on the forest in that location is expected to be positive. Natural Resources Goal NR-2 aims to “protect, maintain and restore the natural diversity of habitat and associated sensitive resources for their perpetuation and enhancement in accordance with State and federal law”. In addition, Guideline NR-7 directs State Parks to monitor, protect, and restore sensitive natural communities present onsite. Implementation of the General Plan would result in a net-increase in natural habitat, including Great Valley Cottonwood Riparian Forest onsite, maintaining impacts on this community resulting from General Plan implementation at **less than significant**.

The following revision was made to page 5-39 of the Preliminary General Plan:

### **Short-Term and Long-Term Effects on Water Resources**

**Impact WATER-1: Risk of Loss, Injury, or Death Involving Flooding.** The city of West Sacramento is at risk of flooding caused by levee failure and overtopping and from the remote possibility of dam failure. The potential for flooding in West Sacramento depends on the adequacy of the levee system and magnitude of flood hazards.

While a small portion of the CIHC project site is located on the landside of the levee, the majority of the East Riverfront property is located on the riverside of the levee on the west bank of Sacramento River, across from its confluence with the American River. A portion of the project site is in a special flood hazard area and is designated as flood zone AE. Areas designated as flood zone AE have a 1% chance of experiencing a flood each year and would be covered by floodwater during a base flood. The base flood elevation (100-year) is 31 feet NGVD 29 (National Geodetic Vertical Datum of 1929, the datum used to determine the starting point for measuring elevations) (FEMA 1995). At high water stages the portion of the site located on the riverside of the levee could be inundated.

The proposed project would place structures that would be occupied during operational hours on the riverside of the Sacramento River levee. These structures would be constructed in accordance with the State regulations. The city's Municipal Code Section 15.50 requires that prior to occupancy, structures will have 200-year flood protection and Title 18 contains standards for construction and utilities on sites located in areas of special flood hazards. Even though the state would not be required to comply with local ordinances, the project is being designed to conform to standards similar to the city's building and flood protection standards. Compliance with these standards would ensure the CIHC and its Tribal Treasures (collections), facilities, visitors, and staff are protected from the base flood. ~~place the CIHC structures outside of the special flood zone. Other portions of the site would remain within the special flood hazard area and subject to inundation to varying degrees.~~ In the event of a high water event that covers the CIHC grounds, the riverside of the levee would require evacuation...

The following revision was made to page 5-40 of the Preliminary General Plan:

**Impact WATER-3: Impacts on Sacramento River Water Quality Caused by Stormwater Runoff from Operation of the Project Site.** Long-term degradation of runoff water quality can be caused by changes in land use, introduction of new pollutant sources, and increase in impervious surfaces, such as parking lots or structures. Implementing the General Plan would increase impervious surfaces on the landside of the levee because parking lots and buildings associated with the Community Services zone would be built there. This landside area would be connected to the COWS stormwater drainage system and would not create runoff that would drain into the Sacramento River. On the riverside of the levee the Heritage Center zone would be the site of the main CIHC building, and the Group Activity zone would provide space for ceremonial, educational, or recreational gathering. Impervious surfaces within these zones,





consisting of the CIHC building and walkways and pathways associated with the Group Activity zone, would increase the potential for pollutants to enter surface waters from runoff. Runoff from turf and other landscaped areas would potentially carry fertilizer and pesticide residues in stormwater or irrigation runoff. The General Plan contains Goal WATER-1 and associated Guideline WATER-1 that call for onsite capture and treatment of stormwater runoff and infiltration to reduce the amount of stormwater entering the stormwater drainage system and to reduce the amount of pollution in the runoff. Guideline WATER -2 calls for the design of features that provide for natural filtration of stormwater runoff. Vegetated swales and on-site retention of stormwater runoff shall be used to prevent stormwater runoff from the site from entering the Sacramento River. If the COWS stormwater drainage system is extended to the riverside of the levee, design features such as vegetated swales will be used to reduce the pollutant load of stormwater runoff that enters the COWS stormwater drainage system. Implementation of the General Plan goal and guidelines related to stormwater runoff will reduce impacts to **less than significant**.

## **APPENDIX B. REVISIONS**

The following guidelines have been added to Section B.11.5 Landscape Materials of Appendix B:

- ▶ **Landscape Guideline 12:** Fire resistant plant materials shall be used within 25 feet of buildings and highly flammable landscaping (conifers, tall ornamental grasses, and plants with volatile resins) shall be avoided.
- ▶ **Landscape Guideline 13:** Plant materials that do not require the application of fertilizers and pesticides (e.g., buffalo grass) shall be selected to avoid runoff into the pond. High water use turf grasses (e.g., Bermuda grass) shall not be used. Pervious hardscape materials, such as decomposed granite, that allow for infiltration of stormwater runoff may be used in high traffic areas.

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