

City of Sacramento

Legislation Text

File #: 2019-01641, **Version:** 1

Title:

Environmental Impact Report and Preliminary Design Approval for the Two Rivers Trail Project Phase II (K15125000)

File ID: 2019-01641

Location: South side of American River, District 3

Recommendation:

Adopt a Resolution: 1) certifying the Environmental Impact Report (EIR) and adopting the Findings of Fact and Mitigation Monitoring Program; and 2) approving the preliminary plans for segments 3 through 6 of the Two Rivers Trail Project Phase II (K15125000).

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Presenter: Adam Randolph, Senior Engineer (916) 808-7803, Department of Public Works

Attachments:

- 1-Description/Analysis
- 2-Resolution
- 3-Exhibit A: CEQA Findings of Fact for the Two Rivers Trail Project Phase II
- 4-Exhibit B: Mitigation Monitoring and Reporting Plan
- 5-Location Map
- 6-Preliminary Plans
- 7-Supplemental Comment Letters
- 8-Table of Potential Impacts

Description/Analysis

Issue Detail: The Two Rivers Trail Project Phase II is located on the south side of the American River within the City of Sacramento. The trail alignment consists of two segments: (1) the westerly segment from the Sacramento Northern Bike Trail River Crossing near State Route (SR) 160 to

Sutter's Landing Park; and (2) the easterly segment east of Sutter's Landing Park to H Street bridge (see location map-Attachment 5).

To complete the overall vision for the entire Two Rivers Trail Project Phase II consistent with the American River Parkway Plan and the City of Sacramento Bikeway Master Plan, the City proposes to complete Phase II to serve as an important connection between the Two Rivers Bike Trail Phase I (Tiscornia Park to SR-160) and the existing bike trail near the H Street Bridge. Completion of this segment of the Two Rivers Trail will result in a continuous southern trail alignment that links the downtown area of Sacramento to the residential neighborhoods near the eastern boundary of the City.

Early planning efforts for the trail alignment assumed a top of levee location along the river. In response to levee maintenance agency concerns to the proposed plan, a waterside lower bench alignment along the easterly segment has become an alternative to consider which comes with costs for evaluation, mitigation, and construction.

On June 10, 2016, the American River Flood Control District (ARFCD) Board approved the concept of the Two Rivers Trail contingent upon the features complying with ARFCD's Recreational Trails Policy which stipulates that trails should be located off the levee crown. The request to offset the alignment is due to ARFCD's concern for pedestrian and bicycle use of the trail prohibiting or interfering with heavy maintenance trucks and equipment accessibility and operations. ARFCD's proposal to lower the trail alignment away from the top of levee to the lower waterside bench would separate the trail users from levee maintenance operations. In Winter 2019, ARFCD agreed to allow a short portion of the trail on the levee top where no other feasible alternative was available.

Per the California Environmental Quality Act (CEQA), the City of Sacramento must identify, disclose, and consider the potential environmental impacts of the project before approving a project. An Environmental Impact Report (EIR) has been prepared by the City and must be certified by the City Council prior to initiating design and construction activities on the project.

Upon certification of the EIR and City Council approval, City staff will begin efforts toward final design and permitting for the project.

Policy Considerations: The Two Rivers Trail Project Phase II is consistent with the City's 2035 General Plan goals and key policies of promoting safety and enhancing livability, sustainability, and economic vitality. The project promotes the development of a connected network (General Plan ERC 2.1.2), connections to other trails (General Plan ERC 2.4.3), providing multi-modal choices (General Plan M 1.2.1), and providing a continuous bikeway network (General Plan M 5.1.3). The project is consistent with the Mobility Element to create a well-connected transportation network through integration of recreation and community facilities with other public spaces. The project is a near-term

goal for the bikeway implementation plan.

Economic Impacts: None

Environmental Considerations: This Project is federally funded with Congestion Mitigation and Air Quality (CMAQ) funding and, therefore, requires compliance with both the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). The Lead Agency for CEQA compliance is the City; the federal Lead Agency for NEPA compliance is the California Department of Transportation (Caltrans). Both Acts require public agencies to identify, disclose, and consider the potential environmental impacts of proposed discretionary actions that an agency is considering for approval. When a Project may have significant environmental impacts, the Lead Agency must prepare an environmental impact report (EIR) before it considers whether to approve the Project. A Project that may have a significant impact on the environment cannot be approved unless the Lead Agency makes one or more of the findings set forth in Public Resources Code section 21081 and CEQA Guidelines section 15091. In this case, all potentially significant impacts have been reduced to less than significant by changes or alterations required in, or incorporated into the project by means of the mitigation measures described in the EIR and CEQA findings.

Caltrans is the lead agency for NEPA and is awaiting CEQA approval before issuing NEPA approval.

California Environmental Quality Act (CEQA): The City originally prepared a mitigated negative declaration to comply with CEQA. After reviewing the public comments and concerns of the community, the City concluded that it should prepare an environmental impact report (EIR). As part of the EIR process, the City included all comments on the original document as comments on the EIR.

There were several public meetings and events where the project was discussed with community members, neighborhood associations, and stakeholders including ARFCD, County Recreation and Parks Commission, County ARPAC, City ATC, the Lower American River Task Force, and the RPNA Spring General meeting and Fall General meetings in 2018, and the RPNA Spring Meeting on May 11, 2019. In accordance with CEQA, the City released a Notice of Preparation (NOP) of the EIR on May 21, 2019. The NOP provided notice to agencies and the public that an EIR for the project was being prepared and to solicit guidance on the scope and content of the document. A public scoping meeting was held on June 8, 2019.

The Draft EIR prepared for the project was circulated for public comment from August 1 to September 16, 2019. On August 10, 2019, the city project team held a public community meeting to hear concerns raised by interested stakeholders on the Draft EIR.

The Final EIR contains the public and agency comments received during the public review period, and responses to each of those comments. The responses in the Final EIR clarify,

and/or highlight text in the Draft EIR, as appropriate. These changes do not alter the conclusions of the Draft EIR and are not significant new information requiring recirculation pursuant to California Environmental Quality Act Guidelines section 15088.5. This document has been prepared in accordance with the California Environmental Quality Act (CEQA; California Public Resources code, sections 21000-21177).

The EIR may be found online at the City's webpages at:

[<http://www.cityofsacramento.org/Community-Development/Planning/Environmental/Impact-](http://www.cityofsacramento.org/Community-Development/Planning/Environmental/Impact-)

Following the period for submittal of written comments regarding the Draft EIR, the Lower American River Task Force met on September 17, 2019, and received a report from the U.S. Army Corps of Engineers (ACOE). ACOE provided its updated designs for the construction of improvements to the levees along the south side of the American River, including portions of the river that are identified as part of the Two Rivers Trail project. The ACOE project is mentioned in the Two Rivers Trail DEIR cumulative impacts section as the American River Common Features Erosion Control Project (including Bank Protection Conceptual Design Process) DEIR Table 5-2 and page 5-5.

The following five comments letters were received after the close of the public comment period on the Draft EIR:

- October 28, 2019 letter from Amanda Morrow from Save Don't Pave (Morrow Letter)
- November 3, 2019 letter from Kate Riley (Riley Letter)
- November 21, 2019 letter from Osha Meserve on behalf of Save Don't Pave (Meserve Letter)
- December 18, 2019 letter from Nancy MacKenzie (MacKenzie Letter)
- January 8, 2020 letter from Allyssa Mader from Save Don't Pave (Mader Letter)

The letters are attached to the staff report and posted on the project web site. Additional letters will be posted to the website as they are received.

The letters and comments do not constitute significant new information requiring recirculation pursuant to CEQA Guidelines section 15088.5. The following information responds to the issues raised by the commenters.

The Morrow and Meserve Letters express concern that construction of levee improvements could occur concurrently with construction of the project, resulting in cumulative impacts, including cumulative biological impacts. Cumulative biological resource impacts are addressed

in Chapter 5 (Section 5.5) of the Draft EIR and include coordination with several projects currently being implemented by the Sacramento Area Flood Control Agency (SAFCA) and the United States Army Corps of Engineers (USACE). The City is actively coordinating with both agencies during the environmental and design phases of the proposed project and is working with the USACE on permitting activities including compliance with the Rivers and Harbors Act Section 14 (408) authorization for alterations to a Federal project levee. The City is also working with the USACE's project manager responsible for implementation of the American River Common Features Erosion Control Project to ensure project impacts, mitigation, and construction work schedules are coordinated within the study area.

The Riley Letter submits photos of the existing tress in the project area and expresses concern with cumulative impact as a result of tree removal. While the Draft EIR is not required to include individual photos of the trees anticipated for removal, the Draft EIR does quantify the number (and types) of trees anticipated for removal under the proposed project in segments 3 through 6. The Draft EIR also includes aerial mapping of the trail corridor with the tree and Valley Elderberry Longhorn Beetle (VELB) impact locations clearly identified. Native tree surveys were also conducted, with impacted tree quantities identified under Impact BIO-4 (see page 3.2-40 and 3.2-41) and clearly shown in the figures provided in Appendix C of the Draft EIR. As shown in the figures and text of the Draft EIR, Segments 3-6 of the proposed project would permanently affect (remove) 25 trees and temporarily affect (trim) approximately 72 additional trees located within the project footprint. All trees identified for removal are located within the valley foothill riparian vegetation community. The Draft EIR also indicates that the number of trees to be removed or trimmed under Trail Segments 1-2 have not been determined, as this portion of the trail will undergo final design and construction at a later date when funding is available. Further tree evaluations and analysis will be required under a separate CEQA analysis once Trail Segments 1 and 2 have been further designed in conjunction with landfill remediation activities occurring over a portion of the project site. Tree impacts are addressed in Impact BIO-4. Mitigation Measures BIO-2 through BIO-7 (summarized below) identified to reduce the severity of this impact also have been developed to address the longer-term habitat impacts described by the commenters through the use of environmental fencing to protect sensitive habitats, monitoring sensitive habitats during construction, and pre-project restoration of disturbed habitats to pre-project conditions, avoiding the spread of invasive species, and compensating for the loss of habitat and protected trees. While the proposed project would result in an impact to native trees, the overall loss was considered less than significant when compared to the larger number of trees occurring within the project's Biological Study Area and the larger American River Parkway.

The MacKenzie Letter expresses concerns about certifying the Final EIR on January 7, 2019 because of the holiday season. The Final EIR certification was continued to February 4, 2020 to provide additional time to review the document.

The Mader letter disputes the Final EIR's conclusion that paving of the trail will not result in increased crime and trash. The relationship between the paving of the trail and the potential for increase in camping, trash, and crime along the trail is addressed on Draft EIR p. 3.9-8 and Final EIR pp. 2-71 and 2-393 to 2-395. Specifically, as stated on Draft EIR p. 3.9-8, there is no evidence that the paving of trail will result in increased trash, crime, and encampments in the area. Rather, staff has determined that the concentration of encampments is determined by the proximity to social services, not the paved or unpaved nature of a trail.

The Final EIR contains the public and agency comments received during the public review period for the Two Rivers Trail Phase II Draft EIR, and responses to each of those comments. The EIR is an informational document intended to disclose to the City Council and the public the environmental consequences of approving and implementing the Two Rivers Trail Phase II Project (Build Alternative or proposed Project) or one of the alternatives to the project described in the Draft EIR. All written comments received during the public review period on the Draft EIR are addressed in the Final EIR. The responses in the Final EIR clarify, correct, and/or amplify text in the Draft EIR, as appropriate. These changes did not alter the conclusions of the Draft EIR. The Final EIR has been prepared in accordance with the California Environmental Quality Act (CEQA; California Public Resources Code (PRC), Sections 21000-21177).

Sustainability: The Two Rivers Trail Project Phase II is consistent with the City's sustainability goals to help improve the health of residents by promoting walking and bicycling, and to create a healthier urban environment by constructing bike paths. The project will also reduce dependence on the private automobile, decrease the use of fossil fuels, and help meet air quality standards by providing an array of transportation choices near jobs for a balanced, healthy city.

Commission/Committee Action: None

Rationale for Recommendation: The Two Rivers Trail Project Phase II will:

- Provide a vital recreation link between the Jedediah Smith Trail on the north side of the Parkway, the Sacramento River Parkway, the Sacramento Northern Bikeway Trail, the future Ueda Parkway trails, and the 20th Street bike connection to the Central City;
- Provide alternative transportation access for commuters and residents in the eastern part of the City, CSUS, Central City, North Sacramento, East Sacramento, and Richards Boulevard area;
- Provide opportunities for educating trail users through interpretive signage, establishing a connection to the river, and the Parkway;
- Provide an acceptable project to all authoritative agencies;
- Complete the project in a manner that minimizes environmental impacts to the Parkway, given the proposed project's location within the environmentally sensitive Parkway; and

- Where feasible, design trail access points to comply with the requirements of the Americans with Disabilities Act (ADA).

Financial Considerations: The recommendations in this report do not result in any financial impact to the City. Upon environmental clearance of the project, the City will negotiate a supplemental agreement with the current project consultant for design, permitting and construction support services and return to City Council for approval of the agreement.

Local Business Enterprise (LBE): Not applicable.

Public Outreach: The City has conducted substantial public outreach for the project. In addition to the three meetings held as part of the environmental review process for this project, City Staff spoke at River Park Neighborhood Association (RPNA) meetings, American River Flood Control District (ARFCD) meetings, Sacramento County American River Parkway Advisory Committee (ARPAC) and Recreations and Parks Commission Meetings, and at the Lower American River Task Force.

Background: Two Rivers Trail is a planned Class I bicycle and pedestrian trail along the south bank of the American River that extends from Tiscornia Park at Jibboom Street to the H Street Bridge in Sacramento, California (see attachment 5). Phase I of this trail includes the segment from Tiscornia Park to the intersection of North 12th Street and State Route (SR) 160. Phase II includes the section from the Sacramento Northern Bikeway Trail at North 18th Street through Sutter's Landing Regional Park to the H Street bridge. Phase I of the trail is complete and the City of Sacramento (City) recently completed a small section of the Phase II Trail within Sutter's Landing Regional Park, which was determined by the City in July 2018 to be exempt from review under CEQA (CEQA Guidelines §15304 and §15333). The proposed project would construct the remainder of Phase II by extending the Class I trail west from Sutter's Landing Regional Park to the Sacramento Northern Bikeway Trail at North 18th Street, and east from the eastern terminus of Sutter's Landing Regional Park to the H Street Bridge (see attachment 5). This would result in a nearly continuous southern trail alignment that links the downtown area of Sacramento to the residential neighborhoods and California State University at Sacramento (CSUS) near the eastern boundary of the City.

The proposed project lies entirely within the City and the planning areas of the American River Parkway Plan (ARPP), which was adopted by the City Council on March 25, 1986 and updated by the County of Sacramento in 2008. The ARPP is a policy and implementation guide developed to promote the preservation of the American River's natural environment while providing limited development for human enjoyment of the parkway. The American River Parkway (Parkway) is an open space greenbelt approximately 29 miles long extending west/southwest along the north and south sides of the Lower American River from Folsom Dam to its confluence with the Sacramento River. The ARPP divides the Parkway into smaller area plans that include specific guidelines and descriptions for individual segments of the Parkway. The proposed project is located within the

Woodlake and Paradise Beach ARPP areas. These areas are predominately designated as Protected Areas under the ARPP, with habitat preservation and recreation-related activities being the primary uses. The proposed trail is consistent with the ARPP.

In addition to the plans and policies of the ARPP, the Two Rivers Trail Concept Plan Report (Concept Plan Report) was prepared to provide specific guidance on development of the multiuse trail (Jones & Stokes 2001). This concept plan documented existing conditions, the purpose of the Two Rivers Trail project, and the steps and costs needed to implement the project. The Concept Plan Report discussed the development of a paved trail along the top of the American River south levee, including access to the landside street system and connections to other existing and proposed trails, which would minimize environmental impacts to the Parkway. However, in response to agency concerns regarding geotechnical stability of the levee and potential conflicts between trail users and levee maintenance equipment along with neighborhood concerns for homeowner privacy and visibility to the residences in the River Park neighborhood, a lower bench alignment mostly along the waterside toe of the easterly segment of the levee is now proposed. This alignment would separate the trail users from levee maintenance operations, limit visibility to neighboring residences on the landside of the levee and have little or no effect on levee stability. A top of levee alignment is proposed along a short reach where a waterside toe alignment is not feasible.

The Two Rivers Phase II Project would create approximately 3.4 miles of new trail.