

1 INTRODUCTION

1.1 BACKGROUND AND PURPOSE OF THE RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT/SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT

In December 2006, the City of Rancho Cordova (City) and the U.S. Army Corps of Engineers (USACE) published the *Rio del Oro Specific Plan Project Draft Environmental Impact Report/Draft Environmental Impact Statement* (Rio del Oro DEIR/DEIS), which is a joint document that meets the requirements of both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). The City is the lead agency under CEQA, and USACE is the lead agency under NEPA. The DEIR/DEIS assessed the potential environmental impacts of implementing the proposed Rio del Oro development project. The project/action proposes a specific plan that would permit a mixed-use development on approximately 3,828 acres in Rancho Cordova, California, in eastern Sacramento County. Elliott Homes and GenCorp are co-project applicants requesting overall development entitlements from the City. Elliott Homes is seeking specific development entitlements on approximately 1,100 acres (e.g., tentative subdivision maps and other specific entitlements for immediate, short-term development) as part of the project. GenCorp is seeking overall development entitlements on the remaining 2,728 acres, but has not proposed tentative subdivision maps or other specific development entitlements necessary for immediate or short-term development as part of this proposal. Both applicants are requesting authorization of a Department of the Army permit under Section 404 of the Clean Water Act for impacts on approximately 27.9 acres of waters of the United States, as well as other federal authorizations (e.g., Section 7 of the federal Endangered Species Act and Section 106 of the National Historic Preservation Act) as part of the proposed project.

Buildout of the project would be split into five phases and is anticipated to occur over a 25- to 30-year period. The project provides for construction of approximately 11,601 residential dwelling units in three residential land use classifications on 1,920 acres. Commercial land uses would include Village Commercial, Local Town Center, and Regional Town Center (totaling 133 acres of shopping centers); Business Park (86 acres); and Industrial Park (282 acres). Various neighborhood parks totaling 63 acres would be developed. There would also be 54 acres of Private Recreation land uses, 9.5 acres of Public/Quasi Public Use, 44 acres of Landscape Corridor, and 50 acres of Greenbelt land uses. Two elderberry preserve areas, consisting of 10 acres and 14 acres, respectively, have been designated on the project site in areas with the greatest concentration of elderberry shrubs. In addition to 155 acres of drainage parkways, 39 acres of stormwater detention basins would be created in three separate locations. A 507-acre wetland preserve area is also proposed in the southern portion of the project site. Designated school uses include a combined high school/middle school (78 acres) with an adjacent 87-acre community park, a separate middle school (20 acres), and six elementary schools (54 acres). The project also includes new water, sewer, electrical, natural gas, and communications services. Approximately 227 acres of roadways and associated landscaping, along with a network of bicycle and pedestrian trails, would be constructed. In addition, the project includes various improvements to on- and off-site infrastructure and roadways to support the project.

The DEIR/DEIS was circulated for public review and comment for a period of 60 days that ended on February 5, 2007. At the end of the public review period, comments were received on the DEIR/DEIS. The City and USACE reviewed those comments to identify specific environmental concerns and determine whether any additional environmental analysis would be required to respond to issues raised in the comments. The City and USACE subsequently determined that the biology and water-supply portions of the DEIR/DEIS should be recirculated, as discussed below.

1.1.1 RECIRCULATION OF THE DEIR PURSUANT TO CEQA

The recirculation of an environmental impact report (EIR) is governed by Section 21092.1 of the Public Resources Code. This section states that:

When significant new information is added to an environmental impact report after notice has been given pursuant to Section 21092 and consultation has occurred pursuant to Sections 21104 and 21153, but prior to certification, the public agency shall give notice again pursuant to Section 21092, and consult again pursuant to Sections 21104 and 21153 before certifying the environmental impact report.

Significant new information is defined in Section 15088.5(a) of the State CEQA Guidelines:

As used in this section, the term “information” can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement.

“Significant new information” requiring recirculation includes, for example, a disclosure showing that:

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

1.1.2 CIRCULATION OF A SUPPLEMENTAL EIS PURSUANT TO NEPA

The Council on Environmental Quality (CEQ) Guidelines require a supplemental environmental impact statement (EIS) when:

- ▶ *The agency makes substantial changes in the proposed action that are relevant to environmental concerns; or,*
- ▶ *There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts, or,*
- ▶ *When the agency determines that the purposes of NEPA will be furthered by doing so (40 Code of Federal Regulations [CFR] Section 1502.9[c]).*

The regulations governing preparation of a supplemental EIS function to maintain a transparent record of the information supporting a lead agency’s decision. The CEQ regulations defining NEPA’s purpose state that “NEPA procedures must insure that environmental information is available to public officials and citizens before

decisions are made and before actions are taken” (40 CFR Section 1500.1[b]). This public and agency review of NEPA defines the purposes of the statute for application of 40 CFR Section 1502.9(c).

1.1.3 RESPONSES TO COMMENTS ON THE DEIR/DEIS

As required by Section 15088 of the State CEQA Guidelines, the City and USACE will evaluate and respond to all comments that have been received on the 2006 DEIR/DEIS, and any new comments that are received on the sections included in the Recirculated DEIR/Supplemental DEIS. The City and USACE are required to respond only to comments on the Recirculated DEIR/Supplemental DEIS that relate to the areas of analysis in the recirculated document: biology and water supply. All comments and responses will be included in the final environmental impact report (FEIR)/final environmental impact statement (FEIS).

1.2 CONTENT OF THE RECIRCULATED DEIR/SUPPLEMENTAL DEIS

This Recirculated DEIR/Supplemental DEIS includes a revised water-supply analysis that describes the various sources of water for the project, including short-term sources for development Phase 1 and long-term water supplies for all phases of development (development phases 1–5) and impacts from providing water to the project. The revised water-supply analysis addresses the elements set forth in the case of *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova*, 40 Cal. 4th 412 (2007), which was decided after the 2006 DEIR/DEIS was released. These elements include the reasonable likelihood of the water sources proving available; identification and quantification of water demand from project and cumulative development; reasonable likelihood of identified water supply meeting the demands of project and cumulative development; analysis of alternative sources of water and project contingencies (including curtailment) if water-supply sources are not reasonably likely; and impacts of water-supply infrastructure. The revised water-supply analysis includes consideration of potentially significant impacts that could result from constructing a new water conveyance pipeline and booster pump station, as well as potentially significant impacts that could occur from curtailment of development. These impacts were not discussed as part of the previously released 2006 DEIR/DEIS.

The revised water-supply analysis contains “significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts under the NEPA process” (40 CFR Section 1502.9[c]). Because the revised water-supply analysis contains a new in-depth discussion of water supply and certainty, this information forms part of the record supporting decision making under NEPA. Accordingly, this record should be made public because per the goals of NEPA as discussed above and at 40 CFR Section 1500.1(b).

The Recirculated DEIR/Supplemental DEIS also contains a revised biological resources section and additional analysis of project consistency with the biological resources goals in the City’s general plan. Although this analysis does not necessarily meet the CEQA standards for recirculation, the City wishes to provide the public with an opportunity to review and comment on this new information and analysis. The revised biological resources analysis also incorporates information that responds to comments raised during the DEIR/DEIS public review period to ensure that the analysis considers significant, relevant public comments. Additionally, this section contains new information related to additional biological resource studies that have been performed by the applicants since the DEIR/DEIS was circulated, and some of the mitigation measures have been expanded or clarified. The expanded mitigation measures do not result in new significant impacts.

Consistent with the requirements of Section 15088.5(c) of the State CEQA Guidelines, this Recirculated DEIR/Supplemental DEIS contains only those sections of the previously released 2006 DEIR/DEIS in which significant new information is provided (i.e., biological resources and water supply), and associated information. The Recirculated DEIR/Supplemental DEIS consists of the chapters and sections described below.

Chapter 1, “Introduction”: Chapter 1 describes the purpose and organization of the Recirculated DEIR/Supplemental DEIS.

Executive Summary, Table ES-1: The table summarizing the impacts and mitigation measures has been revised to reflect changes made to the biological resources and water-supply sections.

Section 3.5, “Utilities and Service Systems—Water Supply”: Only the water-supply portion of this section is being recirculated/supplemented.

Section 3.10, “Biological Resources”: This section updates the biological resources section, as described above.

Chapter 5, “References”: This chapter sets forth a comprehensive listing of all sources of information used in the preparation of the Recirculated DEIR/Supplemental DEIS.

Chapter 6, “Report Preparers”: This chapter identifies the authors and other preparers of the Recirculated DEIR/Supplemental DEIS.

1.3 RELATIONSHIP TO THE DEIR/DEIS

Consistent with the requirements of the CEQA guidelines and regulations, this Recirculated DEIR/Supplemental DEIS is being made available on April 15, 2008, for a CEQA public review period of 45 days. The CEQA public-review period ends on May 30, 2008. During this period, the general public, agencies, and organizations may submit written comments on the Recirculated DEIR/Supplemental DEIS to the lead agencies as follows:

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Consistent with the requirements of the NEPA guidelines and regulations, the Recirculated DEIR/Supplemental DEIS will be made available for a 60-day NEPA public review period that will start immediately following publication of the Notice of Intent in the *Federal Register*.

Pursuant to procedures set forth in Section 15088.5(f)(2) of the State CEQA Guidelines, reviewers should limit their comments to the materials contained in this Recirculated DEIR/Supplemental DEIS. The City and USACE are not required to respond to comments that do not relate to materials contained in this Recirculated DEIR/Supplemental DEIS.

As required under Sections 15087 and 15088.5(d) of the State CEQA Guidelines, the City has sent a notice of availability to all those who submitted comments on the DEIR, and to all organizations and members of the public who were on the City’s distribution list for the DEIR. As required under NEPA, USACE has also published a notice of availability in the *Federal Register*.

After close of the comment period, the City and USACE will consider all comments received on this Recirculated DEIR/Supplemental DEIS, prepare responses as required, and prepare the FEIR/FEIS. The FEIR/FEIS will consist of comments on the previously released 2006 DEIR/DEIS, comments on the Recirculated DEIR/

Supplemental DEIS, responses to comments, and any text changes, and will be circulated for a period of 30 days pursuant to NEPA regulations. The EIR will be considered by the City Council for certification if it is determined that the EIR has been completed in compliance with CEQA. Similarly, the EIS will be considered by USACE for adoption if it is determined that the EIS has been prepared in compliance with NEPA. After the EIR is certified, the City Council will consider the project for approval. After the EIS is adopted, USACE will consider the proposed project for approval, and will publish a Record of Decision explaining the course of action it has chosen to pursue.