

June 26, 2018

Ms. Sarah Kirchgessner  
Senior Planner  
Development Services  
City of Elk Grove



Dear Ms. Kirchgessner:

The Laguna Creek Watershed Council (Council) welcomes the opportunity to provide comments on the second submittal of plans for the Sheldon North project. We note that there have been no substantive changes in the plans since the initial submittal several months ago. Our principal concern has to do with the project's compliance with the new hydromodification requirements contained in the National Pollution Discharge Elimination System Permit (Permit) that currently governs development activity in the City of Elk Grove (City). Under the Permit, as of July 1, 2018, new development adjacent to creeks and other water bodies must meet specified Low Impact Development (LID) and hydromodification requirements unless the development is otherwise exempt. One of the conditions for exemption is approval of a tentative subdivision map or completion of a building permit application.

It appears from our review that the Sheldon North project applicant has submitted a building permit application, but it is unclear whether the application is complete. For example, the packet of materials submitted to the City does not include either a Federal Clean Water Act Section 404 Permit from the U. S. Army Corps of Engineers (Corps) or a Section 401 certification from the Regional Water Quality Control Board (Board) under California's Porter-Cologne Act. Given that the project will drain into the Laguna Creek floodplain, it would appear that such certifications would be required. We have attempted to obtain clarification from the Corps and the Board on this, but have not gotten a response at this time.

It is unfortunate that the City has not acted as a stronger advocate for protecting water quality in this instance. A comment from the City's Development Services to the project proponent encouraged them to submit a drainage study before July 1, 2018 to **avoid compliance** with the above referenced LID and hydromodification requirements. This reflects a bias against environmental protection that is inappropriate. Further, the project contains only a 30 foot wide corridor adjacent to Laguna Creek for hiking/biking, based on the cross-section contained in the second submittal. Such a narrow corridor provides little to no habitat protection for wildlife and birds and does not meet the minimum standards of the Elk Grove Community Services District. We believe the City should insist on this bare minimum. Reducing the creek corridor to such a small width

is at odds with the effort of our Council to protect the creek and adjacent riparian corridor and retain consistency with other areas upstream and downstream along the creek. In essence, the proposed trail alignment and cross section will create a hydrologic and environmental pinch-point that will be difficult to modify in the future. This is a short sighted concession to a project applicant advocating a plan with the greatest number of developable lots. Such advocacy is to be expected. It is up to the City, in the public's interest, to consider broader issues of quality of life, sustainability, and environmental protection and to adopt a vision for managing the creek corridor that places open space, recreation, and the environment on at least an equal footing with development.

The project applicant has yet to respond to comments from the Council. The issue of sustainable planning, as described in the Sustainability Element of the General Plan as well as impacts of climate change on the hydrology have thus not been addressed. The application of the project proponents is not complete without a response and action to address our concerns.



Barbara Washburn  
Board of Directors  
Laguna Creek Watershed Council