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December 20, 2007

Mike McKeever
Executive Director
Sacramento Area Council of Governments (SACOG)
1415 L Street, Suite 300
Sacramento, CA 95814

RE: Comments on SACOG 2035 MTP and EIR

Dear Mr. McKeever:

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Friends of the Swainson's Hawk endorses the comments by the Environmental Council of Sacramento on SACOG's 2035 MTP and EIR. In addition, we have some specific concerns detailed more fully in this letter. The MTP assumes land uses that will cause significant loss in Swainson's Hawk habitat, notably in North Natomas and south of Elk Grove. The MTP includes transportation projects, specifically the third segment of the Downtown-Natomas-Airport light rail line, that promote such premature greenfield development.

1. Impact on Swainson's Hawk Foraging and Nesting Habitat

The MTP assumes a future land use scenario that would have significant impacts on Swainson's Hawk foraging and nesting habitat.

Figure 7.1: "Biological Resources CNDDDB Known Endangered and Threatened Plants and Animal Locations" of the DEIR grossly misrepresents and underestimates the Swainson's Hawk habitat covered by the MTP Plan area. It does not acknowledge the significant impact on the Swainson's Hawk population that the MTP projects and assumed land uses upon which projects are based.

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On page 7-23, the DEIR concludes that it cannot estimate impacts on species because:

"Based upon the general planning nature of the MTP 2035, development of detailed, site-specific information on this impact at the program level is not feasible. As a result, SACOG does not have sufficient reliable data to permit preparation of a meaningful and accurate report on the impact and no significance determination can be reasonably made. The implementing agency will conduct appropriate project-level environmental review and will be responsible for consideration of mitigation measures for significant effects on the environment."

Since the MTP is programming scarce transportation funding for major transportation investments with impacts beyond the current built area of the region, and specifically within Swainson's Hawk habitat, we do not think that the DEIR can conclude that it is unable to estimate impacts. The California Environmental Quality Act [CEQA] requires that the large scale

decisions embodied in the regional transportation plan with impacts on Swainson's Hawks should be understood and evaluated at this stage.

Figure 7-2: "Habitat Conservation Plan Boundaries" creates the impression that mitigation for land uses within the designated areas would be covered by the Plans. This is not the case. The North Natomas HCP does not include development outside the present City of Sacramento/Metro Airpark/County of Sutter permit area (17,500 acres), and therefore does not cover the added Blueprint designated development outside the existing City of Sacramento in the County of Sacramento. Regarding the South Sacramento HCP, there is a conflict between Elk Grove's intention to develop south of its present boundary and the HCP which was developed to mitigate for lands developing inside the USB and using Zone 40 water allotment.

The DEIR's avoidance of assessing impacts of the MTP on Swainson's Hawk protection is especially disturbing since the MTP relies on a land use scenario called "Blueprint" that completely ignored species impacts in defining where future growth in greenfields would be in the Sacramento region. **SACOG is making large scale infrastructure investment plans without considering impacts on Swainson's Hawks.** CEQA prohibits relying on yet-to-be adopted habitat plans.

2. Population Growth and Housing Need Estimates Accelerate Growth Projections and Overestimate Need

The EIR in Chapter 15 uses 2035 population estimates based on a 2005 study by Center for the Continuing Study of the California Economy. While the transportation investment decisions in the MTP assume interim population estimates to time the investments, these interim population and housing need estimates are not evaluated in the EIR. The EIR is thus deficient in examining and mitigating the growth inducing impacts of the MTP. This is particularly of concern since the State of California on July 9, 2007 updated its population estimates and significantly reduced the estimated population for the Sacramento region. "The updated projections released by the Department of Finance represent a decline of over 30 percent from the prior projection in the near-term population growth for the area within the regional jurisdiction of the Sacramento Area Council of Governments." (AB 1259, chaptered October 14, 2007) SACOG has said that the changed estimates are irrelevant since the long term (2035) projections have not changed, yet SACOG is making assumptions about growth based on outdated near term projections to time transportation projects in the MTP.

A specific example is found in the North Natomas area with the timing of funding for the Airport segment of the Downtown-Natomas-Airport LRT line. The MTP assumes that a new land use project in North Natomas, called Greenbriar, would begin construction by 2018, and that light rail would be extended to the airport in that time frame using sales tax funds from a sales tax assumed to be adopted by 2012. The MTP specifically induces the development of Greenbriar and relies on outdated population estimates and unrealistic financial expectations to do so. On September 13, 2007, the Executive Director of SACOG, Mike McKeever, stated to the Sacramento Local Area Formation Commission that "The Greenbriar development is included in the growth pattern adopted by the SACOG Board. We estimate that it will begin to be occupied after 2018 and be fully built-out before 2035." Also attached is a letter from the Executive Director of SACOG to the City of Sacramento, dated October 24, 2007, specifically advocating for immediate approval of the annexation of Greenbriar (577 acres of farmland proposed for

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development) in order to support the application for federal construction funds for the third segment of the DNA LRT line.

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It is also of concern that the proposed light rail station at Greenbriar is in the SMF overflight zone, creating a public safety issue. Chapter 11 of the MTP DEIR generically refers to hazards caused by location of transportation facilities within two miles of airports. It also mentions that SACOG’s Airport Land Use Commission (ALUC) Comprehensive Land Use Plans (CLUP) are intended to ensure compatible land uses around airports. However it does not disclose that the DNA light rail line would be incompatible with the existing CLUP, and it does not disclose that the Sacramento International Airport CLUP has not been updated to reflect the new Airport Master Plan. The ALUC compatibility analysis conducted in December 2005 for Greenbriar does not assess the project against the present Master Plan. It does not assess the full public safety impact of locating high density residential at the light rail station. This Airport Land Use Commission review of the Greenbriar project makes clear that the light rail station would violate CLUP safety provisions. It ignores the high density development planned around the light rail station which is the basis upon which SACOG’s executive director has been avidly lobbying for approval of the Greenbriar project.

In sum, SACOG is actively promoting development associated with a transportation project proposed in the MTP. The population projects used to justify the project are outdated. The DEIR for the MTP fails to identify and mitigate for the growth inducing impacts of this plan.

Reasonably Available Revenues for Fiscally Constrained MTP Are Overestimated

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On page 2 of the MTP Budget and Investments chapter, the MTP states that it includes a “revenue-constrained element,” which includes projects supported by revenues that are reasonably expected to be available during the 28-year planning period, as required by federal metropolitan transportation planning guidance.” This section of the MTP describes in detail what investments would be made in the revenue-constrained element but never describes the revenue sources assumed for the element and the revenue assumptions for each source. It does not disclose what investments are reliant on duly authorized sources of funding and what investments rely on unauthorized sources of funding.

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Most troubling is the fact that the region, and specifically Sacramento cities and county lack the funding to operate new transit service. They have not identified and secured new sources of transit operating funds, yet they want to qualify new transit capital projects for federal funding. The MTP has significant new transit capital expenditures that cannot be approved for federal funding without new local sources of operating revenues. The MTP is deficient in not resolving this issue and the DEIR is deficient in not identifying and mitigating for the absence of adequate transit operating since transit service is a key part of VMT reduction and mitigation of impacts of the transportation plan. We refer to ECOS’ comments in more detail regarding MTP deficiency in not assessing multiple potential new sources of revenue for operating transit. The MTP ignores potential sources of revenue under control of local governments that in other communities have been tapped for transit operating funds (employer payroll taxes, parking revenues, redevelopment area revenues, etc.)

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The MTP does not describe what the metropolitan transportation planning guidance considers to be “reasonably expected to be available revenue” or what standards the federal agencies will expect the revenue estimates to meet. This is particularly important as it relates to the air quality

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conformity analysis and the likelihood that projects that reduce VMT will be funded during the period of the plan.

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Appendix D provides the revenue assumptions for the MTP, and we assume that this means the revenue assumptions for the “revenue-constrained element.” It states that:

“Assume for this MTP two sales tax measures in Sacramento County – a 1/2% Measure A already approved by voters through 2039 plus an additional 1/4% Measure B starting in 2012 (based on stated local intent to pursue another measure, favorable polling showing public approval under specified conditions, and existence of second measures in six comparable large urban counties around the state) – and no sales tax measures in the other five counties.

It does not disclose what projects would be funded from the already approved and the new (as yet unauthorized) tax. Appendix D also does not examine the likelihood that the voters of Sacramento County will adopt additional revenues with a sales tax measure requiring a two-thirds affirmative vote by 2012. The ‘favorable polling’, for example, is not disclosed. Six comparable large urban counties referred to have much larger local revenue sources for transit operations, but these were largely adopted prior to a state law requiring a two-thirds affirmative vote to approve the measure. The two-thirds approval requirement imposes a significant barrier to the adoption. The MTP lacks a contingency plan for how to acquire revenues should the sales tax fail to be approved by the voters.

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In estimating revenues from already authorized sales tax and development fees, the MTP relies on unrealistically high growth rates and inflated population estimates referred to earlier in this letter. The revenue estimates should be recalculated using the California Department of Finance population estimates and growth rates in order to conform to the federal metropolitan transportation planning guidance that revenue estimates used be those reasonably expected to be available during the 28-year planning period.

A true revenue-constrained element would include only those revenue sources that have already been authorized, and would include realistic estimates of the revenues generated by each source. The MTP should include such a revenue-constrained element. By overestimating what realistically can be provided in the MTP, the MTP encourages expansion projects with greater environmental impacts (such as Swainson’s Hawk impacts) to be initiated. It encourages growth beyond the current urban boundaries. We believe a realistically constrained MTP would help the region make the hard choices about priorities that would also be more environmentally benign.

Sincerely,



Judith Lamare Ph.D., President 916-447-4956

Attachment:
Joint SACOG/Regional Transit Letter October 24, 2007 to Sacramento City Planning Commission

C: Sacramento Bee, Sacramento Taxpayers Association
US FTA US FHWA US FAA US EPA