

SACRAMENTO INTERNATIONAL AIRPORT DRAFT LAND USE COMPATIBILITY PLAN & INITIAL STUDY COMMENTS

COMMENT #	WRITTEN COMMENT	RESPONSE
1 - A	Pursuant to our understanding of Policy 4.1.3, assuming the Spangler site will be maintained and/or altered in a way that will not result in expansion of the portion of the site devoted to the nonconforming agricultural uses; the site is considered exempt from ALUC review as an existing nonconforming use. On behalf of the Greenbriar project applicant, we request ALCU confirm our understanding that, provided the Spangler managed marsh does not result in expansion of the existing nonconforming use, it is not subject to ALUC review for consistency with the ALUCP.	This is correct. The Spangler site has an existing use that would be continued consistent with that use, and therefore Policy 4.1.3 would allow this. The proposed managed marshes are not subject to ALUC review. In addition, the revised Policy 3.4.3 would only take effect if the Spangler property required a zoning amendment.
2 - A	It would be helpful to have in writing that what the County would currently permit on undeveloped land would still be permitted under the Draft Plan (i.e. single family homes, in compliance with all other government regulations, could still be built on vacant lots under this plan). What I read in the available documents never mentions Garden Highway single family homes on less than 10 acres. Are they mentioned and impacts discussed?	Policy 1.4.3 allows development of single family residential uses on a legal lot recorded before the date of this plan's adoption, so long as it's not in the Safety Zones 1 (see Map 3a) or 65 CNEL noise contour (see Map 2a) if the property was zoned residential. Policy 4.2.2 was added to provide additional clarity that the intent of this Plan was not to conflict with Sacramento County's Garden Highway Special Planning Area in the Zoning code. Two added maps show a close-up scale with parcel lines included and focuses on the Garden Highway area.
2 - B	It is still unclear about what the specific differences are between the 1994 Plan and this Draft Plan, other than the addition of the proposed west runway, a lengthened east runway and the number of safety zones.	The attached matrix in FAQ #3 compares the 1994 plan with the draft 2013 plan.
2 - C	Did the consultant feel that fertilizer storage and the jet fuel line crossing from the river to the airport were not safety issues that warranted mentioning?	This is an allowed use in both the 1994 CLUP and the draft 2013 ALUCP.
3 - A	Although the draft Policy (3.4.3) goes on to contemplate possible exceptions, it provides no specifics or clear direction as to how exceptions to a "deemed incompatible" determination would be made (for projects within 10,000 feet of the Airport Operations Area).	Policy 3.4.3 has been amended. It now states that a project proponent shall document consideration for the FAA's and other federal agencies wildlife hazardous mitigation near the airport if the project is located within 10,000 feet of the Airport Operations Area AND includes a zoning amendment.
3 - B	It is of critical importance that this proposed process be explained in detail in the draft Plan and analyzed thoroughly in the supporting CEQA	See response to Comment 3-A. A "review process" does not require analysis under CEQA. The potential impacts

	documents. At a minimum, the agency or agencies making such decisions must be clearly identified and the procedures by which such decisions are carried out must be well specified.	that may occur as a result of an outcome associated with the review process have been addressed in the Initial Study.
3 - C	We also believe that the Initial Study's reliance upon municipal and county land use authorities to carry out future substantive environmental review of land use decisions required of them to achieve compatibility with the draft Plan is not only short-sighted, but also calls for the inevitable piecemealing or deferral of the environmental review process in direct contravention of CEQA. (CEQA Guidelines, § 15378.)	The intent of this language is not to defer analysis of compatibility. The purpose of this discussion under each resource section is to acknowledge that project proponents are required to undertake the CEQA process to identify impacts to that specific resource. Any impact to a resource that may occur as a result of future development that may be affected/influenced by the ALUCP would be assessed during the CEQA process that the proponent would be required to undertake.
3 - D	The Conservancy has submitted its construction plans to County Airports in each instance in which a marsh complex has been proposed. Following a review and comment process, the Conservancy has carefully and faithfully implemented every habitat design and mitigation measure suggested by County Airports in the course of constructing managed marshes.	This arrangement of the Conservancy communicating with the Airport for managed marshes is a requirement of the Natomas Basin Habitat Conservation Plan (HCP) and will continue to take affect regardless of the ALUCP. With the proposed revision to the ALUCP's Policy 3.4.3 mentioned in Comment 3A, the Conservancy would only have to document consideration of FAA and other federal policies regarding wildlife if a zoning amendment is required and the land is within 10,000 feet of the AOA.
3 - E	We note that County Airports staff themselves have designed and developed two substantial managed marsh complexes within the flight path of SMF. Those projects have been implemented successfully based on designs which generally comport with those prepared and constructed by the Conservancy on its properties in the Natomas Basin. We believe that this result strongly supports our contention that a change in standards of review and review procedures is unwarranted.	Comment noted. If, in the future, the Airport itself were to undertake a land use that could attract wildlife within 10,000 feet of the Airport Operations Area, and a zoning amendment was required, the Airport itself would also have to submit a letter to the ALUC noting how it considered FAA and other federal agency guidelines related to wildlife hazards.
3 - F	We believe that applying an incompatibility policy may result not just in the shifting of future mitigation lands, but quite possibly in the inability to set aside additional conservation or mitigation land within the Natomas Basin for the purpose of complying with the requirements of the HCPs.	The revised Policy 3.4.3 as noted in Comment 3A, would allow future mitigation lands within the Natomas Basin. Policy 3.4.3 only asks for documentation of how consideration of wildlife hazards guidance was addressed if a zoning amendment is required.
3 - G	Ultimately, this element of the Plan has the potential effectively to end implementation of the HCPs. The Initial Study does not give such	See Comment 3-F

	concerns adequate analysis, concluding that potential impacts to existing conservation lands are “less than significant” because not all new conservation lands are necessarily precluded under the draft Plan.	
3 - H	The ALUC should be preparing an EIR which would afford the Lead Agency the opportunity to thoroughly analyze this potential conflict and mitigate impacts or, if appropriate, override such impacts. Should the ALUC fail to take such steps – as it appears prepared to do – we believe the ALUC will be violating the requirements of CEQA.	In light of the analysis set forth in the Negative Declaration, as well as changes made to the ALUCP as a result of comments received, there is no substantial evidence suggesting that an EIR needs to be prepared.
3 - I	The Conservancy suggests that the draft Plan be revised and clarified with respect to conservancy/mitigation lands, at least those within the Natomas Basin. To support the Initial Study’s conclusion, the Plan should treat in-Basin conservancy/mitigation projects permitted under the HCPs as a distinct category of use rather than automatically including them as “major land use projects” or as other projects that are explicitly subject to ALUC review.	As noted in Comment 3-A, Policy 3.4.3 has been modified.
3 - J	In deference to that commitment, and in recognition of solid results over a dozen years, the “deemed incompatible” language should be eliminated for mitigation and habitat land uses within the Natomas Basin which are carried out for purposes of offsetting adverse impacts to species protected by the Natomas Basin’s HCPs.	The “deemed incompatible” language has been deleted from the revised Policy 3.4.3. See Comment 3-A.
3 - K	We believe that the Initial Study understates and/or fails to properly analyze the potential environmental impacts of the draft Plan in two other respects. The first of these two shortcomings relates to the repeated assurances set forth in the draft Plan that it is not intended to dictate (or authorize the ALUC to direct) future land use development in the SMF environs (Initial Study, p.2). Such assurances are difficult, if not impossible, to reconcile with the “consistency” provision of the draft Plan which state that affected municipal and county general plans “...must avoid direct conflicts with compatibility planning criteria.”	The ALUCP does not propose development. Its function is to require that General Plans and Specific Plans ensure that new uses are compatible with the airport.
3 - L	The second shortcoming is closely tied to the first. The Conservancy has reviewed the Plan provisions which purport to govern non-conforming uses (Plan, pp. 2-44 – 2-46) and finds that they present a high hurdle to any prospective managed marsh redevelopment proposal.	If farmland is changed into managed marsh, it does not require a zoning change and therefore is not subject to Policy 3.4.3.

3 - M	The Conservancy believes that these shortcomings in the Initial Study – particularly when read in conjunction with Draft Policy 3.4.3, as they must be – undermine the conclusion that the draft Plan could not have a significant effect on the environment. Accordingly, we must conclude that the ALUC’s initial decision to prepare a negative declaration for this project does not comply with the requirements of CEQA.	See responses to comments 3-H through 3-L.
4 - A	The Initial Study concludes that the impact of the 10,000-foot buffer area on biological resources will be “less than significant” because “some types of mitigation banks could be considered compatible within the 10,000-foot separation, provided it is determined that [the proposed mitigation] would not result in a net increase of wildlife hazards.” (<i>Ibid.</i>) Apparently the Initial Study finds that impacts to biological resources will be less than significant because certain habitat mitigation (i.e., for the giant farter snake) might be capable of designs that minimize hazards to aviation. It would be helpful for SACOG or the Airport to confirm whether this understanding is correct, and for the analysis of the potential environmental effects of the Plan to separately consider impacts to individual species.	In regards to the second point, future habitat value cannot be predicted and it is therefore impossible to know what, if any, kind of species may be attracted to managed lands within the HCP. It is therefore impossible to reasonably speculate as to any indirect impact that might occur as a result of restricting future habitat development.
4 - B	The FAA advisory Circular that is described in Appendix F of the Plan identifies agriculture and wetlands as land uses that may attract hazardous wildlife and recommends they be excluded from the 10,000-foot buffer area. (Plan, p.F-6). It is difficult, therefore, to see how <i>any</i> mitigation activities can be permitted with the 10,000-foot buffer considering these FAA preferences. Even assuming <i>arguendo</i> that the habitat of certain species could still be preserved within the 10,000-foot buffer area, this does not necessarily support a finding that the effect of the Plan on biological resources will be less than significant.	See Comment 4-A Also see responses Comments 3-A and 4-A.
4 - C	CEQA is less concerned with the effect on biological resources generally, and more concerned with the likely effects on individual species, particularly legally protected species such as the Swainson’s hawk. That other species which do not pose a threat to aviation would still be permitted within 10,000 feet of the Airport does not end the impacts analysis.	See responses to Comments 3-A and 4-A.
4 - D	According to the Initial Study, theoretically-permissible mitigation sites “would replace active agricultural fields” thereby “remov[ing] a food source for certain types of migratory birds and other hazardous wildlife.” (Initial Study p. 23.) Clearly then, proposals to establish	ESA – See responses to Comments 3-A, 4-A, and 4-B.

	<p>mitigation sites for the Swainson’s hawk would be considered incompatible with the Plan, as Policy 3.4.3(b) seeks to prevent mitigation features that attract birds. By effectively restricting the areas available for Swainson’s hawk habitat to property outside of the 10,000-foot buffer area, the Plan limits areas within the Basin that are available for Swainson’s hawk conservation, which could have an effect on this threatened species. The specific impact on this particular species has not been fully disclosed, as the Initial Study fails to identify the potential effect on the Swainson’s hawk, compared to other habitat mitigation types.</p>	
4 – E	<p>The Initial Study suggests that some such mitigation land could be considered compatible with the wildlife hazard policy, under proposed Policy 3.4.3(b).</p> <p>TNBC has also designed marsh habitat to comply with Airport requirements. However, the current draft Plan takes a more restrictive view of mitigation, which casts doubt upon future efforts to conserve marsh habitat for the giant garter snake.</p>	<p>Though the Draft ALUCP contained more “restrictive” language, the Initial Study concluded that enough flexibility remained to allow for the TNBC and other conservancies to continue their mission as specified in their respective HCPs. Furthermore, as noted in other responses, Policy 3.4.3 has been revised to address the commenter’s concerns.</p>
4 - F	<p>The Initial Study should provide more details concerning the potential for giant garter snake habitat to be conserved within the 1000-foot buffer area. It appears that the potential impacts to this species have not been properly disclosed and addressed by the Initial Study. The Plan should also be revised to clearly state that existing giant garter snake mitigation areas, particularly those areas with Metro Air Park, may be maintained in perpetuity.</p>	<p>See response to Comment 4-A.</p>
4 - G	<p>The Initial Study also fails to consider the effect of the Plan on implementation of the Metro Air Park HCP.</p> <p>The 10,000-foot buffer area around the AOA could severely constrain Metro Air Park mitigation options.</p>	<p>The Initial Study discusses potential impacts to the Metro Air Park HCP on pg. 23. As discussed in the Initial Study, the purpose of the ALUCP, and specifically Policy 3.4.3, is to avoid the creation of land uses that may pose danger to aircraft operations. Though Policy 3.4.3, as written in the Draft ALUCP, indicates that uses such as wetland mitigation banks are considered “incompatible”—per FAA standards—the policy is written to include flexibility and a review process that considers design features intended to minimize wildlife attractants. As such, the Initial Study concludes that the Draft ALUCP would have a “less-than-significant” effect on habitat conservation plans.</p>

		Moreover, Policy 3.4.3 has been revised to allow for more flexibility in the review process, which should further ease any conditions that the Draft ALUCP may place on the conservation and habitat enhancement efforts of the MAP HCP and other HCPs in the AIA.
4 – H	You have stated that SACOG does not intend to use the wildlife hazard policy to make land use consistency determinations for land use projects (including general plan and zoning revisions) that are located outside of the 10,000-foot buffer area. Revisions to the Plan are needed to document this proposed policy change, and to make it clear that SACOG will not expect local general plan policies to be altered to limit agriculture, habitat or other uses with the potential to attract wildlife outside of the 10,000-foot buffer area.	That is correct. See the amended draft plan Policy 3.4.3.c.
5 – A	The ALUCP designates an Airport Influence Area which stretches from the City of Woodland to near the eastern edge of the Natomas Basin, and from the southern end of the city of West Sacramento to the Bear River in Sutter County. This case area extends <i>over 300 square miles</i> . If approved, this Airport Influence Area would represent a major extension of SACOG jurisdiction over local governmental autonomy in the region, and would likely dwarf similar areas designated for other airports in the state.	The Airport Influence Area (AIA) is an area in which current or future airport related noise, over flight, safety and/or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses. Although the proposed AIA is bigger than general aviation airports, it is similar to many airline and military airports. Most of the covered area does not have land use restrictions, just disclosure requirements for new development. The proposed AIA is based on the FAA’s environmental criterion of flight tracks 3000 feet or lower. At this altitude, over flight impacts can be heard.
5 – B	The Plan identifies two purposes of the Airport Influence Area: to designate lands which could be affected by airport operations, as well as those lands that may affect airport operations. The Plan should more clearly state that properties outside of Referral Area 1, such as the Conaway Ranch, include lands that are not likely to be affected by airport operations, since noise impacts and the safety of uses on the ground are concededly not among the “concerns” addressed by Referral Area 2.	In the revised Policy 3.4.3.d, areas outside of Referral Area 1, such as Conaway Ranch, are not likely to affect airport operations, unless in the most extreme cases as stated in Policy 1.5.4 (10) through (12), such as major communications infrastructure that could cause interference with airport communications and the like.
5 – C	The Plan should therefore explain why aviation easements are required for projects within the Traffic Pattern Area, considering most people would not experience annoyance at aircraft flying at altitudes over 1,000 feet. SACOG should also justify its airport disclosure requirements in	Avigation easements are the right of flight above a property. They are not required in most of the Airport Influence area, only within the Traffic Pattern Area, which is where aircraft fly below 2000 feet and only for

	<p>areas outside of the Traffic Pattern Area (§ 3.5.2), particularly those areas that are outside of the Secondary Approach Area (§ 3.5.3).</p>	<p>new development. Only areas within the Traffic Pattern (side of the green area shown on Map 6) are required to dedicate an avigation easement. For areas outside of the Traffic Pattern are required to record an overflight notification, which is language dictated by state law with regard to property disclosure in conjunction with a real estate transfer to prospective buyers of notice that an airport is in the vicinity.</p> <p>The need for the proposed Airport Influence Area (AIA) is that for those areas outside of the Traffic Pattern could still have land uses that are affected and could affect airport operations. Examples may include a major microwave communications tower, a solar farm with parabolic mirrors directed in the flight path, or other similar, albeit, extreme examples. With the proposed changes in Policy 3.4.3, wildlife issues are not factored into the size of the AIA.</p>
5 – D	<p>Our client urges SACOG to revise the proposed policy for evaluating airspace protection and wildlife hazard compatibility (§ 3.4.3), as the language in the current draft appears to be unworkable and infeasible.</p>	<p>Policy 3.4.3 has been amended. See Comment 3A.</p>
5 – E	<p>The Plan could have detrimental and long-term consequences for wildlife conservation on the Conaway Ranch and elsewhere in the vast Airport Influence Area. While the draft wildlife policy focuses on birds, many of the conservation practices that maintain quality habitat for waterfowl also provide important habitat for other endangered species, such as the giant garter snake and fish species. The application of Policy 3.4.3 could preclude, or severely impair, the designation of new areas in the Natomas, Sutter and Yolo Basins of wildlife conservation, particularly with respect to the mitigation of impacts from development projects approved by local agencies. It is therefore difficult to understand how SACOG has determined that the impact of the Plan on biological resources will be less than significant. (Initial Study, P. 23).</p>	<p>Future habitat value cannot be predicted and it is therefore impossible to know what, if any, kind of species may be attracted to managed lands within the HCP. It is therefore impossible to reasonably speculate as to any indirect impact that might occur as a result of restricting future habitat development. As noted in the Initial Study, it is possible to develop mitigation land that is compatible with FAA hazardous wildlife standards. Therefore, the Initial Study concluded that the Draft ALUCP would not conflict with the goals of any HCP within its AIA such that a significant impact to biological resources would occur. Lastly, as noted elsewhere, Policy 3.4.3 has been significantly revised.</p>
5 – F	<p>The discussion of biological resources in the Initial Study fails to properly consider the environmental consequences of the trade-offs between airspace protection and wildlife conservation. The Initial Study has not identified the potential impacts to threatened and endangered</p>	<p>The Draft ALUCP does not propose development, nor does it have influence over existing habitat for threatened and endangered species. Therefore, there are no direct impacts to these resources.</p>

	<p>species that may result from the application of the wildlife policy.</p> <p>None of these species are discussed individually, as the Initial Study merely discusses the likely effect on biological resources as a whole. Unless the Plan I revised to limit SACOG review of wildlife compatibility to Referral Area 1, SACOG would be required to prepare an Environmental Impact Report to properly consider the effects of the Plan on wildlife. Moreover, the Initial Study has not provided a complete analysis of the likely effect that the Plan may have on the ongoing Yolo County Natural Heritage Plan (HCP/NCCP) as well as the draft Yuba-Sutter HCP/NCCP.</p>	<p>Furthermore, given the changes to Policy 3.4.3, SACOG maintains that potential impacts to threatened or endangered species are less than significant.</p>
<p>5 – G</p>	<p>More guidance is needed to assist local agencies to apply the factors that SACOG identifies for judging the compatibility of wetlands and other land uses that may attract birds (Policy 3.4.3).</p> <p>It is unclear how SACOG or its member cities and counties will determine whether birds would be attracted from inside or outside the AIA, as Policy 3.4.3(c)(2) requires.</p> <p>More information is needed regarding the altitude at which bird strikes at the Airport have occurred. It would be useful to know whether bird hazards are greater on departure or approach, as the flight tracks differ (see Exhibit 6). Without knowing more about the interaction of birds and aircraft, it is difficult to understand the need for the enormous Airport Influence Area proposed in the draft ALUCP.</p>	<p>Policy 3.4.3 has been amended. See Comment 3A.</p> <p>The need for the proposed Airport Influence Area is address in Comment 5-C.</p>
<p>5 – H</p>	<p>Our client will vigorously defend its rights to engage in different farming practices.</p> <p>Plan also states that cities and counties must adopt regulations “ensuring long-term compliance with the compatibility criteria.”</p> <p>This suggests that the rights of farmers to operate in the AIA may be eroded over time as further restrictions and limitations are imposed.</p>	<p>The propose Plan would not regulate agricultural practices unless local approval is required, such as for a building.</p>
<p>5 – I</p>	<p>Once a property is located within an Airport Influence Area, the discretion of local agencies necessarily yields to SACOG on matter of airport land use compatibility.</p> <p>This would be particularly concerning to any jurisdiction that operates</p>	<p>This is true if the General Plan is inconsistent with the Plan, then amendments would have to be made to the plan, or individual projects would have to be reviewed by SACOG. Please note that as of this time, there are no known inconsistencies with affected local government</p>

	facilities which address critical needs, such as drainage basins, a wastewater treatment plant, a landfill, or any project that include drainage facilities or wetlands mitigation.	General Plans and the proposed Plan. All known wastewater treatment plans, landfills, and major drainage facilities are consistent with the proposed Plan.
5 – J	Our client awaits revisions to the Plan that would clearly restrict the SACOG compatibility determinations related to wildlife compatibility to Referral Area 1 or the 10,000-foot buffer area around the Airport.	Policy 3.4.3 has been amended. See Comment 3A.
5 – K	The revised Plan should clearly state the General Plans, Specific Plans, and local zoning will not be required to implement compatibility standards related to wildlife compatibility.	State law, Public Utilities Code Section 21676, requires General Plans, Specific Plans and the like to be consistent with adopted ALUCPs. It also does allow for other processes to allow projects that are not consistent.
6 – A	In the case of the Initial Study.....it would be helpful if the Project Description contained exhibits showing the existing noise and safety contours and compared them to the proposed contours, the existing Airport Influence Area (AIA) and the proposed AIA, and described any other policy or language changes which were being proposed that may have the potential to cause direct or indirect physical environmental impacts.	ESA? In FAQ #3, an exhibit shows the comparison of the 1994 adopted Plan and the proposed Plan. As the Draft ALUCP constitutes a fairly extensive revision of the current (1994) Plan, the Initial Study solely focuses on how the proposed policies may directly or indirectly affect the environment. In doing so, the Initial Study provides a thorough assessment of the potential impacts associated with the Draft ALUCP on a zone-by-zone and contour-by-contour basis relative to the general plans and specific plans of the affected local agencies, considering potential impacts to the land use goals of local agencies as compared the Draft ALUCP's proposed policies.
6 - B	Further, it seems the draft ALUCP itself should explain what data was used to generate the new AIA boundaries.	See Comment 5A.
6 – C	We suggest the Initial Study disclose the amount of land area which falls within the AIA currently and which would fall within the AIA if the Project is approved, and could the disclose the types of mitigation which would generally be incompatible in these areas. The analysis could examine the total amount of each incompatible habitat type which will be required as part of each HCP, and determine whether the loss of the acreage within the AIA has the potential to make achievement of the HCP goals for these habitat type difficult or even impossible to achieve.	See 4-A; In addition, the current ALUCP does not identify a specific AIA, therefore an apples-to-apples comparison is not possible. The most useful comparison would be between the Overflight zone (in the current plan) and the 10,000 foot buffer area (in the proposed ALUCP). Here both areas are the same size, and while the current Plan does not address wildlife hazard issues as directly, the footnotes for the Land Use Compatibility Guidelines for Safety in the current ALUCP state that a given use (e.g.,

		open space and natural areas) are “only compatible if they do not result in a possibility that a water area may cause ground fog or result in a bird hazard.” Therefore, the policy intent between the current and proposed plans are very similar with respect to avoiding land uses that create hazardous wildlife attractants.
6 – D	The properties along the Garden Highway are within the Garden Highway Special Planning Area (the current zoning designation), which allows single-family uses. There are small single-family lots all along the Garden Highway which were not acknowledged within either the noise or safety zone analyses. Both of the exhibits referenced for this comment show parcel lines for properties west of the Sacramento River, but do not show parcel lines east of the river. The data exists, and should be shown on both sides, as this shows the many small lots lining the river and Garden Highway.	Two new maps, Maps 4a and 5a, have been added to the draft Plan a closer upscale with individual parcels to determine which properties are affected. Moreover, Policy 4.2.2. has been added that states that this plan is intended be consistent with the Garden Highway Special Plan Areas (SPA) of the Sacramento County Zoning Code. Any discrepancies regarding residential development between the two documents would defer to the SPA.
6 – E	Transportation and Traffic: Though many other sections begin by indicating the types of uses or facilities that are generally incompatible with the AIA, this section does not. It is therefore unclear whether or not the expansion of the AIA could affect transportation facilities including light rail.	The opening paragraph of the Transportation section includes a description of various transportation corridors within the AIA. There are currently no light rail lines in the proposed AIA. Future extensions of light rail out to SMF would be compatible provided they follow the safety standards outlined in Table 2 of the Draft ALUCP. Please note that action to allow light rail has already taken place, as the local governing body, the Sacramento City Council, took an override action to allow an exemption.
7 - A	Add a map number in the Airport Influence Area (AIA) definition to reference on which map/s it can be found.	The reference to Map 1 has been added to the definition of Airport Influence Area.
7 – B	Add a definition for “Traffic Pattern Area” and reference a map number indicating on which map/s it can be found.	The definition of Traffic Pattern Area has been added and a reference to Map 6 included.
7 – C	Provide a clearer definition of “Land Use Action”, “Land Use Project”, and “Development Proposal”.	Broadly, a land use action is anything requiring discretionary local approval. The ALUC review land use actions which are listed in 1.5.4.
7 – D	Explain in the Draft ALUCP what data was used to generate the new AIA boundaries.	See Comment 5A

7 – E	Section 3.4.3. – Evaluating Airspace Protection/Wildlife Hazard Compatibility for New Development, states “any proposed land use project” located within 10,000 feet of the Airport Operations Area, the ALUC shall deem as incompatible those uses that FAA recommends against. What does ALUC consider a “land use project”?	Policy 3.4.3 has been amended per Comment 3-A.. The definition of land use project is no longer needed. The only criteria this policy considers is if the subject property is inside or outside of the 10,000 of the AOA boundary, and whether a zoning amendment is needed.
7 – F	In general, we are concerned that the Draft ALUCP does not clearly address approved projects, and their associated HCP’s, in which mitigation lands are yet to be secured. The Draft ALUCP potentially restricts mitigation sites to areas outside the 10,000 buffer. Therefore, under Section 4.2 – Site-Specific Exemptions, we recommend including a placeholder for Metro Air Park until such time the impacts to Metro Air Park, and the mitigation required under the Metro Air Park HCP, are better understood how they will be treated in the Draft ALUCP.	With the proposed amendment to Policy 3.4.3, the process for compatibility for exemptions is much clearer.
7 – G	Wetland mitigation banks or wildlife conservation areas in the unincorporated area of Sacramento County do not require a land use entitlement. A grading permit, however, could be required depending on the extent of grading. A grading permit is considered a project under CEQA. Will the ALUC review these grading permits, or associated CEQA documents?	Amended Policy 3.4.3 would take effect here. Only proponents of projects within 10,000 of the AOA that require a zoning amendment must submit documentation of consideration of the FAA and other federal guidelines on wildlife hazards to the ALUC. A grading permit would not trigger a zoning amendment and therefore would not need ALUC review.
7 – H	In the CEQA review of a grading permit, the preparers will presumably analyze the grading permit to context of the ALUCP, once adopted. It is possible the review may lead to a finding of significance, requiring an EIR and public hearing when one otherwise would not have been required. Is this a consequence that has yet to be considered?	With the amended Policy 3.4.3, an EIR and public hearing would not be needed.
7 – I	For future land use approvals that may require off-site mitigation where specific sites have not been determined, will, and if so, how will, the ALUC address this? Will any ALUC review lead to a need for a developer to identify future mitigation sites before the development project is approved so that those sites can be reviewed as will in context of the development project?	Amended Policy 3.4.3. allows project proponents to submit letter of how they have considered or will consider wildlife before they have determined the specific site or after. This assumes the project site is within 10,000 feet of the AOA and requires a zoning amendment. If not, then this does not apply.
7 – J	Under “Project/Land Use Action/Development proposal” definition it states these terms are similar in meaning and all refer to land use development activities, either publicly or privately sponsored. Would the Natomas Basin Conservancy (TNBC), or other similar conservancy, be included in this definition? Would their activities be subject to ALUC review? If so, what would be the trigger?	The revised Policy 3.4.3 as noted above addresses when the Conservancy and others would need to document consideration.

7 – K	In Section 1.5 – Types of actions subject to ALUC Review, the subcategories of land use actions that may require submittal to the ALUC include land use actions, with land use action examples, for which referral is always mandatory, interim mandatory referral of major land use actions, voluntary referral of major land use actions, and major land use actions in Referral Areas 1 and 2. In the Section, there is no clear reference to Section 3.4.3, (Evaluating Airspace Protection) alerting a reader that Section 3.4.3. may in fact apply. Consider adding a reference in Section 1.5.	Amendments have been made in section 1.5 and to Policy 3.4.3 that addresses this concern.
7 – L	In Section 3.5.4. – Residential Development Suitability, it states in (b) local agencies should “discourage” new residential development in the Traffic Pattern Area in favor of land uses that are better suited. What does the ALUC consider “discourage”? Also, is it the entire “Traffic Pattern Area” or just the areas east and west of the Airport as mentioned in the first paragraph of Section 3.5.4.?	The “discourage” language was removed for the revision to remove any confusion.
7 – M	As suggested in our response letter dated August 5, 2013 regarding the Initial Study, we suggest preparing a comparison between the existing CLUP and the Draft ALUCP. This comparison will be especially helpful when local jurisdictions update their General Plans and have to describe the changes. For example, we would need to determine the difference between allowed residential land use densities in the existing CLUP versus the Draft ALUCP.	FAQ #3 addresses the difference between the 1994 CLUP and the proposed revision.
7 – N	In conclusion, we are pleased the Draft ALUCP contains up to date information that reflects actual airport operations, as opposed to the current CLUP. We are, however, concerned that the Draft ALUCP does not indicate when the ALUC will have the authority to review projects, In addition, it should be made apparent what is considered a project, action, or proposal. Further, it is not clear as to the impact the Draft ALUCP may have on habitat mitigation plans, and the ability to implement of those plans that are associated with approved projects.	With respect to potential impacts on local HCPs, please see responses to Comments 3-A, 4-A, and 5-E.
8 – A	Policy 3.4.3 sets forth the evaluation criteria applicable within the 10,000-foot separation area. Among the uses deemed incompatible near airports are landfills and certain recreational or agricultural uses that attract large flocks of birds that pose bird strike hazards to aircraft in flight. Policy 3.4.3, Footnote 28, describes land uses that may attract wildlife hazardous to aircraft as including, among others, wastewater treatment facilities and settling ponds, artificial marshes, stormwater	The amended Policy 3.4.3 addresses all of these concerns.

	<p>management systems, wetland mitigation banking, and wildlife conservation areas. This policy would make all aforementioned activities within the 10,000-foot separation area per se incompatible with the Plan. And while Policy 3.43.(b) allows for exceptions to this deemed incompatibility if the additional mitigation land includes “features” to minimize the attraction of wildlife,” no guidance is provided as to what those features are, or how such an exception determination would be made. The fact that such exception would require approval from the FAA, as well as the Sacramento County Airport System (SCAS), seems unduly burdensome and unnecessary since The Natomas Basin Conservancy (TNBC) has successfully developed marsh complexes within the separation area with the input of the SCAS, and the SCAS has also designed and successfully developed managed marsh complexes within the separation area.</p>	
<p>8 – B</p>	<p>The County of Sutter, the City of Sacramento, The United States Fish and Wildlife Service, the California Department of Fish and Wildlife, the development community and others have expended significant resources in developing the NBHCP and Have made those investments reasonable relying on it implementation. TNBC has made significant investments in acquiring and developing large, contiguous swaths of conservation lands, many within Referral Area 1. Likewise, the development community has made significant investments in time, land and infrastructure relying on the approved NBHCP, such as the significant investments by Sutter County and property owners within Sutter Pointe. To now undo those efforts by essentially creating a significant “off –limits” area to mitigation is of serious concern and appears unnecessarily heavy handed.</p>	<p>See Comment 8A</p>
<p>8 - C</p>	<p>In order to bring these properties into conformance with the Plan, when read in the context of the FFA Guidance Circular with regards to wildlife attractants on or near airports, Appendix F appears to suggest that local jurisdictions should impose additional land use restrictions to agricultural lands and the farming methods employed thereon. (Appendix F, at page F-9, paragraph titled “Existing Uses/Natural Areas”). A possible consequence of such scenario would be that member jurisdictions would require additional discretionary approval(s) any time a change in the <u>method</u> of farming or any other use permitted in an agricultural zoning designation is proposed that may be “incompatible” with the Plan, Even if such method is within the legally</p>	<p>See Comment 8A</p>

	<p>allowable agricultural uses for that parcel. It is not clear whether any such discretionary approval would require review by the ALUC for consistency with the Plan. If a local jurisdiction does not implement such additional discretionary land use entitlements, one can imagine a scenario where the right to engage in certain methods of agricultural production, or other deemed incompatible use, would erode over time because the right to engage in a nonconforming use ceases whether the activity constituting the nonconforming uses ceases or is otherwise interrupted.</p> <p>At the very least, the Plan needs to provide more clarity and predictability for landowners and their ability engage in the broad range of activities that are currently permitted with agricultural zoned lands now and in the future.</p>	
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