Writing Comments on the Draft SEIS/SEIR (Environmental Analysis) for the American River Contract 3B Project by the U.S. Army Corps of Engineers

Between now and February 23, 2024, the U.S. Army Corps of Engineers (USACE) is accepting comments on the USACE Draft SEIS/SEIR (the environmental analysis report and its appendices) that includes the American River Contract 3B from Howe Ave to Mayhew Drain (as well as other projects). Now is the time to raise your concerns!

The goal is to make specific, well-reasoned comments supported by data or your own observations. The lead agency must respond to these comments, and it can have legal impact if they do not.

These environmental review documents must do several things. They must accurately describe the project, the environmental baseline, the project's impacts, and whether the impacts are significant. They must analyze alternatives, and to the extent possible they must mitigate these impacts in ways that are specific, enforceable, and achievable.

The lower American River is also protected under state and federal Wild and Scenic Rivers Acts, which means that the Project must protect and enhance the recreational value of the lower American River and the riparian area alongside it.

Letter templates for comments are available here. Fill in your email with informational points provided there – or, if possible, your own additional information! But what information should you provide? Your comment will be most impactful if it is:

- **Original:** Raise important new issues. The more concerns that we bring up, the more they have to respond to.
- **Credible:** Describe your expertise, especially if you have professional knowledge or direct experience, such as if you are a parkway user, neighbor, or school parent.
- **Factual.** Make well-reasoned arguments backed by **data**. When people state an opinion, an agency can just respond that the "comment is noted."
- **Supported by evidence.** Provide reports, studies, data, photographs, and references to other plans or standards. When attaching reports, studies, and data, be sure to explain what it relates to and what it proves.
- **Specific.** When people make general comments, they can respond with generalities.
- **Targeted.** State specifically which section of the document you believe is wrong. When it is not clear how a point is relevant to the document, they can ignore it.
- **Clear.** If the average reader can't understand what a person is trying to say, the staff can ignore it.
- **Submitted on time.** If we do not raise an issue now, before the deadline, we cannot raise it later, and neither could any legal efforts to challenge the project. Submitting *anything* before the deadline can help to show how many people are concerned.

Take a look at the USACE environmental analysis (both the report and its appendices), and if you think it is incomplete or flawed, use the letter templates to express your concerns! In your letter, you could identify how it:

- Incorrectly describes the current conditions
- Omits or inaccurately describes impacts that the project will have
- Misunderstands whether or not the impacts are significant
- Fails to analyze alternatives that would still meet the goals of the project
- Did not mitigate the project's impacts to the extent practicable with specific, enforceable mitigations

Here's an example –

Original comment:

> "The project will stop people from swimming and should be stopped."

Stronger comment:

> "The impact analysis in section {XXX} of the document does not analyze the recreational impacts on swimming. I take my children to swim at the beach directly north of Larchmont Park's levee staircase approximately twice a week from June through August. About one-third of the time, I see others wading,

bringing a raft onshore, or sitting in the shade there. But beachgoers avoid rip-rapped banks of the type that the project would install. [Describe a research study - or instead explain how you know this, such as "I personally avoid the rip-rapped section and do not see others using it."] The American River Parkway Plan lists recreation as one of five guiding concepts for management of this area. The project should analyze an alternative project design with nature-based solutions that enhance recreational access. The project should also set aside key access points and protect the trees and vegetation that make those areas enjoyable for recreation. [If possible, add an example showing your idea is possible.]"

You might wonder "The document already says there are significant, unavoidable impacts! Isn't that enough?" The goal of the law isn't to stop all environmental impacts. The goal is to allow educated public discussion about a project's consequences and whether there is any way to avoid them, so that decision-makers can make an informed decision. That's where you come in – you can help make sure that all of the impacts and all of the possible ways to improve it are considered in the decision-making process!

Ready to get started?
- Ask yourself: why am I concerned about this project? List a few key reasons.
- Open the USACE environmental analysis (both the report and its appendices), then pull up the letter templates.
- Review the table of contents to identify the section that best matches your concern. Consider also reviewing the sections for Project Summary, Executive Summary and Table of Impacts and Mitigations.
- Ask yourself: did they adequately describe the impacts? If not, identify:
  - What impacts did they leave out?
  - What data and observations make you believe that this impact will happen?
  - Would it be minor or significant? If significant, what makes you think that this would be a significant problem? For example, does it affect many people? Would it contradict existing parkway plans, air quality guidelines, etc.?
- Ask yourself: did they mitigate (minimize or offset) the impact as much as possible?
  - Are there ways to mitigate the impact that were not included? Describe these as specifically as possible.
  - What makes you believe that your suggestions are feasible? (E.g., have other projects used it as mitigation? Is it an industry standard in another state?)
  - Are there flaws with their mitigations?
- Ask yourself: did they consider a reasonable range of alternatives? (They don't have to consider every alternative.) Were they discussed in meaningful detail, with enough information for the public to understand, evaluate, and respond?
- Note any other flaws you see. Does the document contradict itself (e.g., use one set of data in one place and another somewhere else)? Does it rely on out-of-date data, state conclusions without giving any reasons, or suggest things that don't make sense?

Remember:
- Submit the document to the two email addresses (for USACE and the Department of Water Resources, see below) prior to the **close of business on February 23rd, 2024 (PST)**.
- Send it early to be sure no technical difficulties come up!
- Anything is better than nothing! Make your letter as strong as you can, but do not worry if you do not have time to address everything. This is a team effort with many of us contributing information. Any unique detail that you add might make a difference!
- Submit your official comments to BOTH of these email addresses:
  - ARCF_SEIS@usace.army.mil
  - PublicCommentARCF16@water.ca.gov
- Reference American River Common Features (ARCF) 2016 Draft Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report (SEIS/SEIR) – December 2023 Report and Appendices, Contracts 3B, and 4A and 4B
- Forward your sent email or include a BCC to AmRivTrees@gmail.com.