

To Whom it May Concern,

I'm writing to comment on USACE's 2023 SEIS/SEIR for the American River Common Features Project, especially in regards to the inadequate environmental analysis of the plan's impacts on heritage trees. Chapter 19.04.030 of Sacramento County Code defines a "heritage tree" as a "California oak tree growing on any land in Sacramento County, including privately owned land, with a trunk sixty inches or greater in girth measured four and one-half feet above the ground." On page 1-7 of the 2023 ARCF SEIS/SEIR, the Sacramento County Tree Ordinance is listed as one of the state and local plans which govern activities within this project area. There is no other mention of the Sacramento County Tree Ordinance in the 2023 SEIS/SEIR, even though USACE's proposal to remove hundreds of trees in the Contract 3B Area is inconsistent with the goals and purpose of Sacramento County's tree code. As the Sacramento County Tree Ordinance states in chapter 19.04.010, "in order to promote the health, safety, and enhance the beauty and general welfare of Sacramento County," it shall be the policy of the County "to provide for the special protection of heritage and landmark trees within the unincorporated area of the County." Contract 3B South is contained entirely within the unincorporated area of Sacramento County. Considering that some of the heritage trees in this project footprint are over 250 years old, their removal would constitute an essentially "unmitigable" impact on the visual and aesthetic resources of the Parkway.

Given that the Sacramento County Tree Ordinance affords special protection to heritage trees within the unincorporated area of Sacramento County, dozens of which are found in the Contract 3B South area, one would expect the SEIS/SEIR to address potential impacts that pertain specifically within the unincorporated area of Sacramento County. There is no distinction in this SEIS/SEIR made between the impacts on heritage trees in unincorporated Sacramento County and in the city of Sacramento, which does not provide for the same level of protection to heritage trees. The environmental impacts of Contract 3B North, which is located in Sacramento City, and Contract 3B South, which is located in unincorporated Sacramento County, are treated together. This is an inadequate level of environmental analysis that neglects to account for how different areas within the project study protect and regard their environmental resources.

The actual discussion of what proportion of heritage trees will be impacted in this project is also incomplete. In the entire SEIS/SEIR, heritage trees are only mentioned on 9 pages (3-4, 3-5, 3-42, 3-107, 4-144, 3. 1-3, 3.1-23, 3.1-25, 4.1-40) in some of those pages those mentions are only incidental. As for Contract 3B South specifically, where heritage trees enjoy special protection, the heritage oaks are mentioned on two pages. The first mention, on page 3-5, is that one alternative was dismissed as "it would have required removal of heritage oaks." The second mention is on page 3.1-23, where it states that "a buffer of heritage oaks would be kept in place near both Oak Meadow Park and Larchmont Park, so the viewshed of trees from those parks would be not be affected." The language of the first mention of heritage oaks for the Contract 3B South area implies USACE has designed the project to avoid removing any heritage oaks. But the language of the second mention implies USACE is only keeping heritage oaks in select areas, such as in front of parks, in order to preserve their "viewshed." If USACE

was not removing heritage oaks in other areas of the project footprint, why would USACE mention keeping a buffer of heritage oaks near Larchmont Park?

In general, the SEIS/SEIR is incredibly vague, inadequate, and incomplete in communicating to the public the impacts they could expect to heritage trees, which constitute an important visual resource in these project areas. The SEIS/SEIR mentions selecting designs to “minimize impacts to heritage oaks” (3-5) or to “reduce impacts to heritage oaks” (3-5) or making refinements that would “Substantially reduce or avoid several of the significant impacts” to “riparian vegetation, and loss of heritage oaks.” (3-107) But does this language of reduction, minimization, and avoidance really convey anything coherent to concerned citizen? Would the end result match anything of their expectations based on the language USACE is using? Let’s use American River Contract 2 to explore the consistency between USACE’s language and what the public might expect. In the SEIS/SEIR for American River Contract 2, USACE stated it would “minimize the removal of existing riparian vegetation” (3-97) and that “impacts to forested wetlands will be minimized to the greatest extent feasible.” (5-7) The following pictures show some of the work USACE did on American River Contract 2. The first was taken from the Guy West Bridge facing the right bank looking left, and the second from the Guy West Bridge facing looking right.









I cannot argue whether or not USACE could have saved at least one tree in these project segments. What I can say is that if somebody told me they were going to minimize forest tree removal, and in the end no trees remained, I would feel like I had been bamboozled. USACE's language may or may not be technically accurate, but it conveys nothing of the actual impacts. If no trees will remain in a segment, USACE should state that. If only a few trees will remain in a section after construction, USACE should state that. Likewise, if most of the trees will remain, USACE should state that. But "minimizing vegetation loss" tells the public nothing about much forest will actually be lost and how much the visual resources of the Parkway will actually be impacted.

USACE certainly could give the public a more clear indication in the SEIR/SEIS of how many trees they will remove, and what type of trees they will remove. At the December 12, 2023 public presentation for the Lower American River Task Force, USACE told the public that at 65% design 719 trees were going to be removed and at 95% designs that number was 522.

 **LAR C3B SOUTH, SITE 4-1**  
**HABITAT IMPACT FOOTPRINT CHANGES**

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Site 4-1	VELB		YBCU (Riparian)			NMFS (Salmonid)			Tree
Species	Impact (acres)	Mitigation Offsite (3:1)	Impact (acres)	Mitigation Onsite (acres)	Mitigation Offsite (2:1)	Impact (acres)	Mitigation Onsite (acres)	Additional Mitigation Needed (2:1)	Number of Trees Removed
<b>35% Designs</b>	13.58	40.74	6.48	14.13	(1.17)	7.55	3.1	12	Not calculated
<b>65% Designs</b>	7.29	21.87	5.61	11.2	0	9.96	4.3	15.17	719
<b>95%* Designs</b>	6.44	19.32	3.97	15.31	7.94	8.21	TBD	TBD	522

\*Impacts for the 95% designs were calculated using construction limits and tree demo footprints from the PDT review design set in September 2023. These impact calculations do not reflect the most up to date designs.

How could USACE provide this information to the public unless they knew either exactly every tree they were going to cut down, or at least mapped out all the areas in the project footprint and estimated the relative density of trees in each segment? USACE could either provide the public with a tree inventory map, or a map which indicates through a color-coded intensity key what minimum proportion of trees could be expected to be removed in each segment. No such map



exists in the SEIS/SEIR. USACE does provide a chart showing the total number of riparian forest/scrub removed, but USACE gives no indication of what proportion of heritage oaks they will cut down, where they will cut down these heritage oaks, and the makeup of the 522 trees they are planning to cut down in Contract 3b South. To reiterate, the loss of heritage oaks, some of which are older than this country, is essentially unmitigable.

**Table 4.1-2: Existing Habitats and Land Cover Types (acres)**

Item	American River Erosion Contract 3B and 4B	American River Erosion Contract 4A	ARMS	Sacramento River Erosion Contract 3	SRMS	MCP
Vernal Pools	-	-	-	-	-	0.22
Riparian Forest/Scrub	51.32	65.23	14.53	5.04	46.37	-
Oak Woodland	-	-	-	-	45.0	2.60
Rural Herbaceous/Grassland	71.18	99.51	44.9	1.31	2.80	37.43
Wetlands	-	18.95	2.5	-	47.34	2.4
Riverine/Open Water	12.07	4.02	55.4	20.7	-	-
Agricultural	-	-	-	-	7.67	13.02
<b>TOTAL</b>	<b>134.57</b>	<b>187.71</b>	<b>99.74</b>	<b>27.05</b>	<b>149.18</b>	<b>55.67</b>

AR C3B – Riparian Forest/Scrub composed of Native and Nonnative scrub and woodland. LAR C4A – Riparian Forest/Scrub composed of Native and nonnative scrub and woodland. ARMS - Riparian Forest/Scrub and Oak Woodland is composed of Native and nonnative scrub and woodland. SRE C3 – Riparian Forest/Scrub is composed of Fremont cottonwood forest, sandbar willow thicket, and valley oak woodland. SRMS – Riparian Forest/Scrub is composed of Hardwood Woodland and Scrub. Totals are Estimates.

USACE also provides a low-quality image of the various habitats in the project footprint, but fails to distinguish with any detail the different habitats and much tree loss each segment will suffer.

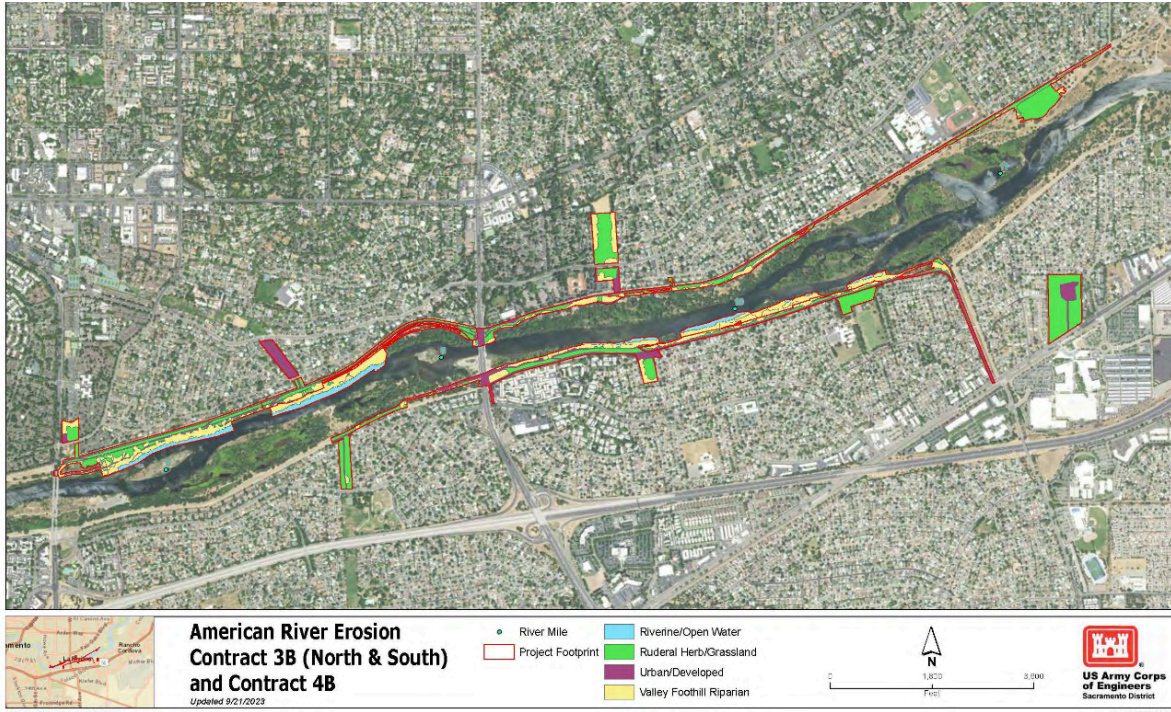
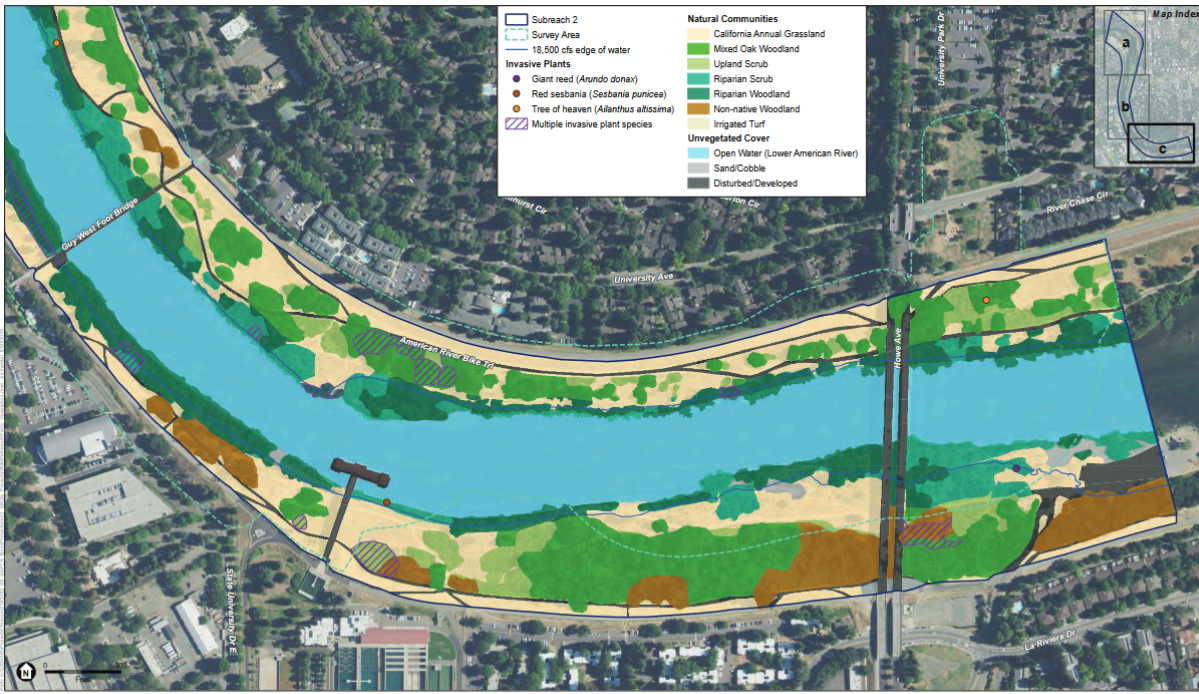


Figure 4.1-1. American River Erosion Contract 3B and 4B Land Cover Types

This practice of providing a very low-detail, zoomed out map of the entire project area notably contrasts with the habitat maps USACE provided for previous SEIS/SEIR's, such as American River Contract 2, which provided not only section by section habitat maps, but mapped 13 types of habitat, compared to only 4 for the 2023 SEIS/SEIR. Furthermore, the habitat maps for in American River Contract 2 SEIS/SEIR Appendices identified various types of woodland, including oak woodland, which the map for the 2023 SEIS/SEIR does not do. At the very least, USACE is capable of marking out the areas of the Contract 3B segments which have oak trees.







SOURCE: NRC, 2018; ESA, 2019

American River Common Features 2016 Project American River Contract 1

**Figure 3c**  
Natural Communities of the  
Lower American River Subreach 2



Here is what USACE has for biological resources mapping and data in Appendix D of the 2023 SEIS/SEIR.

**Appendix D. Biological Resources Mapping and Data**

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USACE's claim that the loss of forest land is less than significant long-term with mitigation, which allows vegetation to "grow back and provide a natural visual character again," is unjustified. (3.1-23) If heritage trees are part of the vegetation lost, then the visual character of the area will never be the same. Furthermore, USACE's claim that project features which will remain even after construction completion, i.e. "the O&M ramps, tie backs, and vegetation free zone areas," will constitute an insignificant long-term impact on visual and aesthetic resources because they "are only a small portion of the project site for American River Erosion Contract 3B North and South" (3.1-23) is also inadequate and incomplete. It's like saying removing 2% of a person's bodyweight will be insignificant only to find out that the 2% comes from extracting the brain. Likewise, the "portion" of a project site is an inadequate measure of its impact on the visual and recreational resources of the Parkway. If a ramp, for example, goes through a 300 year old oak tree, that is a "substantial degradation to the existing visual character or quality of public views of the site." USACE needs to show where the access ramps will be and how they will in general avoid impacts to heritage oaks. Otherwise, it is impossible to determine whether or not the long-term impacts to the existing visual character and quality of this project area will be significant and long-term.

A Few of the Irreplaceable Heritage Oak Trees in the Contract 3B South Area









