

**COMMENT LETTER 200, JANICE M. OAKLEY, SONOMA DISTRICT ENGINEER,
 DRINKING WATER FIELD OPERATIONS BRANCH, CALIFORNIA DEPARTMENT OF
 PUBLIC HEALTH**

Response to Comment 200-1

Comment Summary: The comment states that Section 60310(b), Title 22 of the California Code of Regulations requires that no impoundment of disinfected tertiary recycled water shall occur within 100 feet of any domestic water supply well. The City of Santa Rosa must ensure that the location of the ponds chosen for the Seasonal Storage Project comply with the 100-foot separation requirement.

Surveys for municipal and private well locations were conducted as part of the groundwater evaluation contain in *TM 4: Groundwater Evaluation*, which is provided in Volume 5 of the Draft EIR. None of the proposed storage ponds is located within 100 feet of a domestic water supply well.

The threshold of significance in Draft EIR Section 4.15, Public Services, Utilities, and Recreation, in Table 4.15-2 on page 4.15-9 for proximity to a drinking water well is set at 50 feet. Impact 15.3 analyzes the potential for seasonal storage facilities to exceed that threshold. While 50 feet is the appropriate threshold for irrigation with recycled water or pipelines, the City appreciates the CDPH pointing out that impoundments such as the recycled water storage ponds must be 100 feet from a drinking water well. The following change is therefore made to Table 4.15-2, Evaluation Criteria with Significant Thresholds – Public Services, Utilities, and Recreation:

TABLE 4.15-2

Evaluation Criteria with Significance Thresholds – Public Services, Utilities, and Recreation

Evaluation Criteria	As Measured by	Significance Thresholds	Sources of Criteria
3. Will the SSP conflict with wells, septic fields, or water or wastewater utilities?	Location of the SSP component in relation to wells, water lines, septic or wastewater lines	SSP component within 50 <u>100</u> feet of wells or water lines, or within 10 feet of septic or wastewater lines	Title 22, California Code of Regulations

COMMENT LETTER 201, PARKER THALER, STATE WATER RESOURCES CONTROL BOARD

Response to Comment 201-1

Comment Summary: The comment states that the State Water Resources Control Board understands that the City is pursuing a State Revolving Fund (SRF) for this Project and has jurisdiction by law over water resources.

If the City decides to approve the project and pursue a SRF loan, then City staff will notify the Water Board to initiate the grant application and approval processes. The City acknowledges that the Water Board would be a responsible agency under CEQA, if a loan approval process is undertaken. The following change is therefore made to the list of Required Approvals or Permits in Chapter 2, Project Description:

Page 2-46:

**TABLE 2-6
 Required Permits and Approvals**

Agency	Type of Permit or Approval	Regulated Activity	Authority
State Water Resources Control Board	General Construction Stormwater NPDES Permit <u>Funding under State Revolving Fund</u>	All stormwater discharges from construction activities disturbing 1 acre or more. <u>Loan</u>	CWA

Response to Comment 201-2

Comment Summary: The comment requests that following the public review period and development of the final EIR, the State Water Resources Control Board be provided copies of 1) the Resolution certifying the EIR and the findings, including any Statements of Overriding Considerations; 2) agency and public comments on the Draft EIR and responses to the comments; 3) the Notice of Determination for the project; and 4) notices of any hearings or meetings held regarding environmental review of any SRF projects.

The City acknowledges the Water Board’s request for copies of the documents listed in the comment, which are needed by the Board to provide environmental clearance under the SRF loan program. Should the City decide to pursue SRF funding for the project, the City shall provide copies of the requested documents following development of the final EIR and filing of the Notice of Determination for the project. Mr. Thaler has been added to the list of people who receive notices of any hearings or meetings held regarding environmental review of the SSP.

If in the future the City decides to pursue SRF funding for other projects, the City would notify the Regional Board and provide information requested.

Response to Comment 201-3

Comment Summary: The comment states that SRF projects are subject to “CEQA Plus” environmental documentation and review, and also subject to provisions of the federal Endangered Species Act and must obtain Section 7 clearance from the U.S. Fish and Wildlife Service (USFWS) prior to a funding commitment. The State Water Board will consult with USFWS regarding all federal special status species the Project has the potential to impact.

The City recognizes the State Water Resources Control Board’s obligation to consult with the USFWS regarding federal special status species under the SRF loan program. Should the City decide to pursue SRF funding for the project, the City will notify the State Water Board and provide the Board with required documents related to project effects on sensitive species.

Response to Comment 201-4

Comment Summary: The comment states that SRF projects must comply with federal laws pertaining to cultural resources, specifically Section 106 of the National Historic Preservation Act.

The City recognizes the State Water Resources Control Board’s obligation to comply with federal laws pertaining to cultural resources under the SRF Loan program. Should the City decide to pursue SRF funding for the project, the City will notify the State Water Board and provide the Board with required cultural resources documents prepared for the project.

Response to Comment 201-5

Comment Summary: The comment states that on page 2-45 of the Draft EIR the word recommended is used in the mitigation measure. Recommended is a suggestive word, which implies action is proposed rather than implemented. The correct wording regarding significant cumulative impacts should be used.

Using such terms as “recommended” in an EIR impact analysis is appropriate under CEQA. The mitigation monitoring program that is adopted by the Lead Agency as part of project approval must contain terms indicating the mitigation measure is required. Therefore, the wording regarding recommended mitigation on page 2-45 will not be revised in the final EIR.

Response to Comment 201-6

Comment Summary: The comment states that on page 3-62 of the Draft EIR the words “may” and “should” in the mitigation measures should be changed to “shall” or “must” to be consistent with CEQA terminology. This terminology should be changed where appropriate for all mitigation listed in the Draft EIR.

The commenter is correct. The following changes are made in the Draft EIR.

Page 3-17, Mitigation Measure 3.2.9, 2nd bullet:

- No construction vehicles or equipment shall ~~may~~ be parked within the upland riparian corridor of any stream channel.

Page 3-36, Mitigation Measure 3.3.2, 2nd sentence:

The contribution of funds shall ~~would~~ be based upon the total acreage of incompatible or inconsistent use of lands to be used by the City, the extent of inconsistent use, and the value contributed by the resource to the open space values for which the easement was originally purchased.

Page 3-38, Mitigation Measure 3.3.10, 2nd paragraph, last sentence:

If no protocol exists for a particular species (e.g., listed salmonids), the biologists shall ~~would~~ consult with the responsible agency(ies) (e.g., NMFS and CDFG) to determine the timing and intensity of surveys necessary to support a conclusion of absence from the site.

Page 3-39, Mitigation Measure 3.3.10, 6th bullet, 1st sentence:

- In the event complete avoidance of nest trees is not feasible or minimization of the construction corridor to 50 feet is not feasible, compensatory measures shall be taken. The nature of the compensation would reflect the specific circumstances, but shall ~~must~~ result in the performance standard of no net loss of overall habitat for the birds.

Page 3-41, Mitigation Measure 3.3.10, 1st, 5th and 6th bullets:

- Aquatic construction sites (i.e., the immediate area of ground disturbance by the Project) shall be monitored during Project activities to insure that no listed aquatic species are present. If such species are present, a qualified biologist shall capture and relocate the animals at least 300 feet from the Project area. Capture and relocation of listed species shall ~~will~~ be carried out by a qualified biologist authorized by the NMFS and/or USFWS and CDFG to conduct such activities. Relocation of listed species shall ~~will~~ be coordinated with the NMFS and/or USFWS and CDFG.
- If listed plant species are found on the project site, then the City shall prepare a mitigation plan that describes the avoidance or compensatory mitigation measures that would be implemented for these populations. As a performance standard, the plan shall provide for no net loss in the quantity or quality of plant populations. The mitigation plan shall ~~would~~ be submitted to the USFWS and/or CDFG for approval for federal and state-listed plants, respectively. The mitigation plan shall include the mitigation measures described below, or equally effective alternative measures.
- Mitigation for impacts to listed plants shall ~~would~~ first include avoidance measures when feasible and compensatory mitigation when avoidance is not possible. Avoidance measures may include redesigning the Project to include buffer zones to avoid impacting listed plants; and installing exclusion fencing around the existing plant populations prior to and during construction. Compensatory mitigation shall include replanting on site or propagation of plants at a nearby conservation site through seeding or translocation. Mitigation ratios shall be sufficient to achieve performance

Page 3-42, Mitigation Measure 3.3.10, 1st bullet:

- If mitigation for impacts to listed or List 1B plants occurs at a non-bank site, preference ~~shall would~~ be given to locating the mitigation site in an area as close to the project site as possible. If mitigation sites are not available in the vicinity of the project site, mitigation for listed plants ~~shall may~~ be accomplished at any site in Sonoma County that is suitable and supports the impacted plant population.

Page, 3-50, Mitigation Measure 3.3.15, 3rd and 5th bullets:

- At the completion of daily boring operations, the bore pits shall be covered to prevent wildlife from falling in. Every morning and periodically during the course of the workday, the bore pits ~~shall will~~ be inspected for any trapped wildlife prior to commencing boring operations.
- If the entrapped animals appear to be special-status species, CDFG ~~shall will~~ be contacted immediately for identification and to identify a course of action. CDFG ~~shall will~~ be informed if any special-status species are found.

Page 3-52, Mitigation Measure 3.3.17, 1st paragraph, last sentence; and 2nd paragraph, 1st sentence and 2nd and 3rd bullets:

Consultation to address potential adverse effects to human remains ~~shall would~~ involve descendent communities.

Cultural Resources

A four-step process ~~shall would~~ be implemented to address potential impacts to unrecorded cultural resources discovered during construction, as well as resources that may exist in the sensitive areas identified at alternative sites KF1 and KF2 and BF2. The four-step process conforms to the requirements of pertinent cultural resource laws and regulations. The identification phase of the process (normally referred to as the first step) has already been conducted for SSP and is not described here.

- The second step requires that ground disturbing activities be halted in a 25-foot radius around the location of possible archaeological deposits discovered during construction. This step ~~shall would~~ apply in those portions of the project area not subject to cultural resources monitoring. No project personnel shall touch or collect any such materials.
- The third step requires that a professional archaeologist evaluate the significance of archaeological deposits that are either identified during cultural resources monitoring (step one) or encountered during unmonitored project activities (step two). The evaluation ~~shall would~~ be conducted in accordance with the significance criteria presented in Table 4.13-2. If the find is significant, the evaluating archaeologist ~~shall would~~ determine whether it would be affected by the proposed project. Non-significant finds ~~shall would~~ not be given further protection. A report describing the

methods and results of the evaluation shall be submitted to the Northwest Information Center (NWIC) of the California Historical Resources Information Center.

Page 3-53, 2nd paragraph, 1st sentence and last paragraph, 1st bullet:

Human Remains

A three-step process shall ~~would~~ be implemented to address potential impacts to human remains.

Paleontological Resources

A two-step process shall ~~would~~ be implemented to address potential impacts to paleontological resources discovered during construction.

- The first step requires that if paleontological resources are identified during construction, ground disturbing activities be halted in a 25-foot radius around the location of the find. A professional paleontologist shall ~~would~~ evaluate the significance of the find. The evaluation shall ~~would~~ be conducted in accordance with the significance criteria presented in Table 4.13-2. Non-significant finds shall ~~would~~ not be given further protection.

Page 3-61, Mitigation Measure 3.4.2, 2nd paragraph and last bullet:

Prior to initiation of project activities that may result in loss of individual animals or loss of their habitat, surveys to determine the presence or absence of these species shall be conducted. Surveys shall be conducted in the appropriate season by qualified biologists using standard survey techniques. For species for which an agency protocol exists, that protocol shall ~~should~~ be used for the survey. If candidate species or species of special concern are not found during the species-specific surveys, then no mitigation shall be required.

- An exclusion zone of 100 feet shall be established around a structure occupied by roosting bats during construction activities, where practical. If the roost site is used seasonally, Project activities shall be timed, to the extent practicable, for the period when the roost is not being used. All construction activity in the vicinity of an active roost shall be limited to daylight hours. Lights shall ~~may~~ be restricted around roost sites at night.

Page 3-62, 4th bullet:

- If a bat roost site is removed, demolition shall be timed for the period when bats are not present on the site. An artificial roost shall ~~may~~ be constructed and installed within the general vicinity of the existing roost site prior to demolition of the existing roost. Materials from the existing roost shall ~~should~~ be incorporated into the artificial roost. Removal of roosts of special-status bats shall be coordinated with CDFG.

Page 3-73, Mitigation Measure 3.5.19, 4th paragraph:

In either case, compensatory emission reduction programs shall ~~would~~ be implemented as project-related eCO₂ emissions increase. This increase in emissions shall ~~will~~ occur as the project is implemented. Thus, the increase in eCO₂ emissions occurring as the project is implemented shall ~~would~~ be calculated and tracked, to ensure that offsetting reductions in such emissions would occur along the same timeline.

Response to Comment 201-7

Comment Summary: The comment asks for clarification as to why there will be no impact to Williamson Act contracts if the Pump Station at the KF1, KF2, BF1, BF2 and AF sites would be located on Williamson Act contracted land.

The authors of the EIR appreciate identification of the error. The Draft EIR has been revised as follows:

Page 4.2-10, 1st paragraph:

Pump Station component - No Impact: KF1, KF2, BF1, BF2, and AF

The Pump Station component at the KF1, KF2, BF1, BF2, and AF sites would not be located on land that is under Williamson Act contract, and thus no conflicts with Williamson Act contracts would occur.

Response to Comment 201-8

Comment Summary: The comment asks for an explanation of the percentage of Sebastopol meadowfoam (a federally endangered species) that will be impacted by site BF1, and that the final EIR include findings in regards to Sebastopol meadowfoam being located in other alternative sites.

The California Natural Diversity Database (CNDDDB) lists 38 occurrences of Sebastopol meadowfoam in Sonoma County. If the project at BF1 were to impact Sebastopol meadowfoam, that impact would be about 3 percent of the Sonoma County population.

The commentator cites page 4.8-25 of the Draft EIR, which states the following:

“Taking Sonoma County as the geographic scope, a loss of 20 percent of known populations (i.e., one in five populations) was considered to be high enough to potentially jeopardize the continued existence of that species in the geographic region. Similarly, a population loss of 10 percent (i.e., one in ten populations) was considered too small to cause such jeopardy. The threshold of 15 percent, therefore, was chosen as the intermediate point above which losses could result in jeopardy and below which losses would not result in jeopardy.”

This citation refers to CNPS List 2, 3, and 4 plants. Sebastopol meadowfoam is in an even higher risk category, listed as state and federally endangered and as a CNPS List 1B species.

Accordingly, any impact to a population would be considered significant regardless of how many other extant populations remain.

The protocols for surveying for Sebastopol meadowfoam call for two years of surveys. Only one year of protocol-level surveys was conducted for the EIR. Although Sebastopol meadowfoam was not found on any of the project sites, in the absence of a second year of surveys, the Draft EIR conservatively assumes presence on all sites with potentially suitable habitat for purposes of the EIR impact analysis. Accordingly, the findings in the Final EIR are the same as in the Draft EIR, because a second year of protocol surveys has not been and could not have been conducted in the interim.

The status of Sebastopol meadowfoam at the BF1 and BF2 sites is complicated. The CNDDDB has record of a population on the sites. This population was not found in the first year of protocol-level surveys, and, possibly, the swale in which the plant potentially would be present may not have been mapped correctly in the CNDDDB records. However, the plant surveys conducted for the Draft EIR identified a population of Sebastopol meadowfoam off the BF1 and BF2 sites, but nearby. This population would not be directly impacted by construction grading, but the hydrology supporting the off-site population could be adversely altered by construction activities. Accordingly, a significant impact is indicated for the purposes of the EIR.

Response to Comment 201-9

Comment Summary: The comment states that statements made on pages 4.8-30 and 4.8-35 of the Draft EIR contradict each other regarding the number of contiguous or non-contiguous acres that must be set aside at the KF1 site for the conservation of California tiger salamanders per the Santa Rosa Plain Conservation Strategy. This contradiction should be corrected and an explanation given regarding whether the land set aside for CTS populations, breeding, and survival of young is as well-suited as the KF1 site currently provides.

The statements made on the referenced pages of the Draft EIR are not contradictory. The statements report the minimum requirement for a preserve as established in the Santa Rosa Plain Conservation Strategy (SRPCS). This minimum requirement assumes that the preserve that is eventually assembled in the Kelly Conservation Area would be of contiguous parcels allowing unrestricted movement through the preserve and unified management of the preserve. Because the assembling the preserves envisioned under the SRPCS would be accomplished through the voluntary participation of existing landowners either through establishment of conservation easements over the lands or outright sale of the land for conservation purposes, the SRPCS acknowledges that constructing a preserve of 350 contiguous acres may not be possible. If 350 contiguous acres of land cannot be preserved in the Kelly Conservation Area, then a larger area of 450 acres within the Kelly Conservation Area would be required in order to achieve the overall goals of the preserve.

A preserve composed of contiguous parcels is expected to minimize edge effects (e.g., proximity to incompatible land uses or disturbance that may occur on adjacent properties) and potential movement barriers between upland and breeding habitat within the preserve. By providing a larger preserved area for non-contiguous parcels, the SRPCS attempts to minimize the edge effects and movement barriers that may occur as a result of parcels not sharing a common

boundary. Depending on how the preserve is eventually assembled, a non-contiguous preserve would provide multiple breeding sites surrounded by both preserved and unpreserved uplands and may eventually provide more breeding sites than the single large preserve.

The discussion in the Draft EIR is hereby modified as shown below.

Page 4.8-30, 3rd paragraph, last sentence:

The additional 32 acres of land that would be temporarily disturbed during SSP facilities construction are largely located within the Kelly Conservation Area (USFWS 2005), a 662-acre area of which ~~a minimum of 350 contiguous acres~~ or 450 non-contiguous acres are to be set aside for the conservation of California tiger salamanders per the Santa Rosa Plain Conservation Strategy.

The commenter also requests information regarding the habitat suitability of the land to be set aside for California tiger salamanders and asks if it will be as well suited for the species as the land currently at KF1.

Although the land that would be impacted by KF1 (or KF2 for that matter) is within movement distance of California tiger salamander breeding ponds and provides suitable upland habitat for this species, existing land uses are not optimal for this species. The lands on Kelly Farm are currently used for summer irrigation and hay crops and are regularly disked for cultivation purposes. Both aerial photographs and direct observation reveal that many parcels within the Kelly Conservation Area are likely to provide far superior habitat for this species than Kelly Farm itself. The largely undisturbed parcels in the south central portion of the Conservation Area are largely intact habitat areas with a mix of oak savanna and vernal pools and swales dominating this area. These habitats are expected to provide superior habitat values for California tiger salamanders. Based on previous trapping efforts of one such area, these areas provide breeding and upland habitat for California tiger salamanders. Other less disturbed areas within the Conservation area are also likely to provide similar benefit, although some restoration and enhancement activities would be required.

Response to Comment 201-10

Comment Summary: The comment states that the final EIR should include the terms of the Santa Rosa Conservation Strategy that will be implemented to mitigate impacts to the listed plants and the California tiger salamander.

The following lists the pages and sections of the Santa Rosa Conservation Strategy (SRPCS) that would be implemented to mitigate impacts to the listed species.

- Pages 9-11, Section 3.1 Biological Goals and Objectives. These form the basis for the plan and inform subsequent decisions regarding implementation of the plan.
- Pages 21-27, Section 4.6 Preserve Establishment. This section establishes the minimum requirements for preserves, preserve evaluation criteria to ensure that preserves will meet the goals of the SRPCS, the actions to be completed for establishment of

mitigation banks, and the way in which mitigation banks can allocate credits to ensure that there is no double-counting of credits.

- Pages 27-30, Section 4.7 Translocation. This section specifies the reasons for undertaking translocations and the guidelines for translocating California tiger salamanders and listed plants. Translocation is a tool that can be used to avoid take as well as increase the number of populations or breeding sites.
- Pages 31-32, Section 4.9 Management Plans. This section requires that preserves have a management plan that assures maintenance of habitat for the listed species. It also stipulates that the preserves must have sufficient endowments to actively manage the preserves.
- Pages 34-47, Section 5 Mitigation. This section stipulates specific minimization measures to be implemented (Section 5.2), minimum mitigation requirement for wetlands (Section 5.3.1), mitigation for plants (Section 5.3.2) (note that the Programmatic Biological Opinion referred to in this section has been replaced by a new Programmatic Biological Opinion), mitigation for California tiger salamander (Section 5.3.3), particularly the interim California tiger salamander mitigation measures (Section 5.4).

The following pages of the Programmatic Biological Opinion for U.S. Army Corps of Engineers Permitted Projects that May Affect California Tiger Salamander and Three Endangered Plant Species on the Santa Rosa Plain, California (Corps File Number 223420N) specify measures that would be implemented to mitigate impacts to the listed species.

- Pages 4-5. Introduction and Procedures for Appending Projects to the Programmatic Biological Opinion. This section details the information that is needed and the terms under which projects can be appended to the Programmatic Biological Opinion. Projects that would impact large plant populations are specifically excluded from coverage under this Programmatic Biological Opinion.
- Page 6. Preserves. Establishes the requirements for preserves that will be acceptable mitigation sites.
- Page 7. Mitigation. This section provides the specific mitigation measures to be applied for California tiger salamander and listed plants under the Programmatic Biological Opinion. Minimization measures for California tiger salamander are listed on Page 8 and on page 11 for plants.
- Figure 3 identifies the various areas on the Santa Rosa Plain and what level of mitigation is required for projects there.
- Enclosures 1-5 provide additional guidance on implementing the Programmatic Biological Opinion.

Response to Comment 201-11

Comment Summary: The comment requests that the City contact State Water Board staff to initiate consultation with the required federal agency when the City has prepared its findings on Sebastopol meadowfoam and has determined that consultation is required.

If the City approves the project and determines that consultation is required for Sebastopol meadowfoam, the City will contact the Board to initiate consultation.

Response to Comment 201-12

Comment Summary: The comment states that if the City decides to certify the EIR and approve the Project, included should be a Statement of Overriding Considerations for the project for each significant and unavoidable impact that addresses specific reasons why the City will approve the project even though significant and unavoidable impacts will remain, and substantial evidence to support those reasons must be provided. Significant and unavoidable impacts for the project were identified for agriculture, surface water quality, transportation, air quality, noise, cultural resources, and visual resources.

If the City certifies the EIR and approves the project, a Statement of Overriding Consideration will be made for each significant and unavoidable impact identified in the final EIR as required by CEQA. The commentor is correct that the Draft EIR identifies significant and unavoidable impacts for agriculture, transportation, air quality, noise, cultural resources, and visual resources. Impacts to surface water quality, however, are less than significant for project alternatives and only significant and unavoidable for the No Project alternative (see Draft EIR Table 4.6-5).

COMMENT LETTER 202, CHARLES ARMOR, CALIFORNIA DEPARTMENT OF FISH AND GAME

Response to Comment 202-1

Comment Summary: The comment states that the Department of Fish and Game is commenting on the Draft EIR both as a trustee agency for the State's fish and wildlife resources and as a responsible agency. As a responsible agency, CDFG will review a Streambed Alteration Agreement notification package for components of the project.

The City recognizes the Department of Fish and Game's status as trustee agency and responsible agency for the proposed project under CEQA and appreciates the Department's comments on the Draft EIR.

Response to Comment 202-2

Comment Summary: The comment states that if the Alpha Farm alternative site is chosen, the project will potentially divert; obstruct the natural flow; and change the bed, channel, and bank of the Laguna de Santa Rosa and an unnamed intermittent stream flowing into the Laguna. DFG will require a Streambed Alteration Agreement (SSA) with the City. The CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of the SAA.

The Draft EIR (pg. 4.8-48) states that if the Alpha Farm alternative site is chosen, the project will impound a small, unnamed, intermittent creek which flows directly to the Laguna. The Draft EIR does not state that if the Alpha Farm alternative site is chosen, the project will potentially divert, obstruct the natural flow; and change the bed, channel, and bank of the Laguna de Santa Rosa. The Laguna is downstream from the project site. The project is designed to maintain the pre-project hydrological discharge conditions into the Laguna. No direct or indirect impact to the Laguna by the Alpha Farm alternative has been identified.

As described on page 4.8-48, flows from the previously existing intermittent creek would be intercepted in diversion ditches and routed around the storage pond. An unnamed tributary drainage to Roseland Creek (which flows to the Laguna) would be used to convey the intercepted runoff. The diversion ditch design would include riprap and other energy dissipation and bank protection structures so that the velocity of water in downstream reaches would be approximately that which normally occurs in the channel in the absence of the pond.

Mitigation Measure 3.3.14, Avoid Loss of Aquatic Habitat due to Storage Reservoirs would be implemented. The measure requires preconstruction aquatic surveys to determine whether any special-status aquatic species occupy the watercourse or would be adversely affected by downstream hydrological changes. Impacts would be quantified by linear feet or acreage of habitat affected. The Draft EIR estimates 0.79 acre of temporary and 1.04 acres of permanent impacts to wetlands. Impacts to watercourses are estimated at 0.07 miles temporary and 0.28 miles permanent impacts. These impacts to aquatic habitat would be compensated by diverting natural streamflow around the reservoir. In addition, new habitat suitable for the species affected may be created, or existing, degraded habitat for the species restored. Mitigation areas would be

monitored annually for five years using success criteria developed in coordination with the California Department of Fish and Game (CDFG) and the U.S. Fish and Wildlife Service (USFWS).

Further, Mitigation Measure 3.3.15, Avoid Fill of Jurisdictional Waters and Wetlands would be implemented. The City would compensate for the fill of wetlands and watercourses by creation of a new channel so there would be no net loss. Measures would include:

- Restoration of outflow to the original hydrologic condition;
- Bank stabilization prior to the onset of winter using straw, matting, wattles, or other suitable means;
- Reestablishment of riparian vegetation using native seed stock, container plants, and/or cuttings collected from as close to the impact vicinity as possible;
- Protection and conservation of topsoil within riparian woodland; and
- Creation of compensatory acreage to mitigate permanent impacts. Compensatory wetlands or other waters would be in-kind and within the same watershed as the impacted waters.

Wetland creation would be monitored for a minimum of two years for hydrological functions and restoration of herbaceous wetlands, and for a minimum of five years for the restoration of adjacent woody riparian areas. If restoration objectives are not achieved within the monitoring period, restoration activities would continue until performance standards are met.

Response to Comment 202-3

Comment Summary: The comment states that a California Endangered Species Act (CESA) Permit must be obtained if the project has the potential to result in take of species of plants or animals listed under the CESA. The Final EIR must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. Early consultation is encouraged, as significant modification to the project and mitigation measures may be required in order to obtain a CESA Permit.

The Draft EIR, pages 4.8-30 through 4.8-35, describes the endangered, threatened, or rare species of plants and animals that could be impacted by each of the project alternatives. For all five alternatives, plant species that could be impacted include Sonoma sunshine, Sebastopol meadowfoam, and Burke's goldfields. Animal species include American peregrine falcon and California tiger salamander. Table F.1.1 and Table F.2.1 in Appendices F1 and F2 of the Draft EIR show the state status for the plant species as endangered, as endangered for the American peregrine falcon, and as species of special concern for the California tiger salamander.

The City would engage in timely consultation with CDFG if state-listed species are affected and/or a Section 1602 permit is required.

Mitigation Measure 3.3.10, Avoid Loss of Endangered, Threatened, or Rare Species and their Habitats, would be implemented. Protocol-level preconstruction surveys to determine presence or absence of target species would be conducted wherever habitats for state-listed species would

be impacted. Protocol-level surveys would be conducted by qualified biologists familiar with the target species (i.e., Sonoma sunshine, Sebastopol meadowfoam, Burke's goldfields, and American peregrine falcon). If no protocol exists for a particular species, the biologists would consult with CDFG to determine the timing and intensity of surveys necessary to support a conclusion of absence from the site. If target species were found to be absent from the project area, then the City would obtain concurrence from CDFG of that finding.

As part of the mitigation process, the City would submit a site-specific mitigation and compensation program for the affected resource acceptable to CDFG as applicable. If a state-listed species were found to occur within the affected area and could not be avoided, compensatory actions would be undertaken such that the number of individuals would not be reduced and the range of the species would not be restricted. As a performance standard, the compensatory actions would ensure that there would be no net loss of habitat for such species in terms of both quantity and quality.

Examples for state-listed plants are as follows:

- Focused surveys for Sonoma sunshine, Burke's goldfields, and Sebastopol meadowfoam would be conducted in accordance with the USFWS protocols (USFWS 1996). The project botanist would report special-status plant occurrences to the CNDDDB for inclusion in the database. Where project activities result in impacts to vernal pool habitats, the conservation and compensatory mitigation measures described in the *Santa Rosa Plain Conservation Strategy* (USFWS 2005) and the *Programmatic Biological Opinion...on the Santa Rosa Plain* (2007), or any subsequent guidance approved by USFWS, would be implemented.
- If state-listed plant species are found on the project site, then the City would prepare a mitigation plan that describes the avoidance or compensatory mitigation measures that would be implemented for these populations. As a performance standard, the plan would provide for no net loss in the quantity or quality of plant populations. The mitigation plan would be submitted to CDFG for approval for state-listed plants. The mitigation plan would include the mitigation measures described below, or equally effective alternative measures.
- Mitigation for impacts to listed plants would first include avoidance measures when feasible and compensatory mitigation when avoidance is not possible. Avoidance measures may include redesigning the project to include buffer zones to avoid impacting listed plants; and installing exclusion fencing around the existing plant populations prior to and during construction. Compensatory mitigation would include replanting on site or propagation of plants at a nearby conservation site through seeding or translocation. Mitigation ratios would be sufficient to achieve performance criteria of no net loss of plants. Post-project monitoring would verify that avoidance and mitigation measures are successful.
- If mitigation for impacts to state-listed plants occurs at a non-bank site, preference would be given to locating the mitigation site in an area as close to the project site as possible. If mitigation sites are not available in the vicinity of the project site,

mitigation for listed plants may be accomplished at any site in Sonoma County that is suitable and supports the impacted plant population.

- A long-term mitigation, monitoring, and management plan would be developed for plant mitigation and submitted to the USFWS and/or CDFG for approval prior to initiation of construction activities. Mitigation sites would be monitored for five years after installation. Depending on the actual case-by-case circumstances listed plants within the project footprint may be salvaged and/or transplanted to a mitigation site approved by the CDFG. Or seed from plants unavoidably impacted may be collected and preserved for planting on an approved mitigation site.
- Where construction activities unavoidably affect a state-listed plant species, corridor widths would be limited to a maximum of 30 feet.
- Impacted plants would be mitigated at the ratio of 2:1 (or as required by CDFG) for both individuals and area.
- All storage and staging areas would be located outside of stands of state-listed plants.

Response to Comment 202-4

Comment Summary: The comment states that the construction of storage ponds at any of the five alternatives sites would require significant compensatory mitigation for impacts to the California tiger salamander and established/suitable habitat for state and federally endangered plant species. All mitigation must occur within the Kelly Conservation Area and/or Llano Conservation Area depending on the combination of alternatives chosen by the City. DFG recommends early consultation with the U.S. Fish and Wildlife Service and U.S. Army Corps of Engineers.

The City acknowledges its obligation to provide compensatory mitigation for impacts to the California tiger salamander and suitable habitat for state and federally endangered plant species. If the City approves the project, the City will consult with the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers regarding impacts and mitigation measures applicable to the selected project alternative(s).

In general the commenter's statement regarding all mitigation occurring within the Kelly and Llano Conservation Area is correct and would be followed by the City. However, the Santa Rosa Plain Conservation Strategy (SRPCS) provides for the establishment of preserves outside the conservation areas under the following condition "if such preserves would contribute to the preserve goals and enhance the preserve value of a specific conservation area" (SRPCS, Page 23, paragraph 1).

As further stated in the SRPCS (Page 23):

"Preserve acreage occurring outside the current conservation area boundaries must meet the following requirements:

- (1) It meets the preserve evaluation criteria (except for criterion 1)
- (2) The area is immediately adjacent to a conservation area

- (3) It is within 1.3 miles of a California tiger salamander breeding site
- (4) It is within the potential range of the Sonoma County California tiger salamander
- (5) If a listed plant is impacted, mitigation will occur within its range on the Plain
- (6) These additional lands would become a part of the conservation areas.

Establishment of preserves outside conservation areas would be reviewed and tracked by the adaptive management team.”

The following change is made to Mitigation Measure 3.3.10 in the Draft EIR:

Page 3-42, bullet added:

- If a suitable preserve site is located outside the existing Kelly or Llano Conservation areas that meets the criteria established in the SRPCS, and meets the objectives of the City for mitigating impacts to listed plants and animals, the City shall negotiate with the agencies to use such sites for the benefit of the listed species.

Response to Comment 202-5

Comment Summary: The comment states that Mitigation Measures 3.3.10, 3.3.12 and 3.4.2 state that unavoidable impacts to natural resources will be compensated to below a level of significance. The CDFG believes the City does not provide an adequate explanation of substantial evidence as to why or how compensatory mitigation will reduce project-related significant impacts to a less-than-significant level. The Final EIR should include more specific mitigation measures that provide substantial evidence that impacts are avoided or reduced. Mitigation measures that avoid impacts to natural resources should include biological surveys performed by a qualified biologist using CDFG or USFWS approved protocols conducted during the appropriate season. If the project-related impacts are unavoidable, the Final EIR should provide compensatory mitigation for natural resources. For example, the Final EIR should, at minimum, disclose mitigation ratios for compensation, number of credits purchased from a bank, acres of land protected under conservation easement, acres of land acquired, etc.

Mitigation Measures 3.3.10, 3.3.12 and 3.4.2 reflect the analysis in Chapter 4 regarding the ability of compensatory measures to reduce impacts below a level of significance. It is the “After Mitigation” discussions in Section 3.8 Biological Resources and 3.9 Jurisdictional Wetlands Resources that describe why the mitigation measures would reduce impacts to less than significant.

Please refer to Chapter 3 of the Draft EIR which presents the Mitigation and Monitoring Program, including the full text of all mitigation measures. The City believes these measures provide substantial evidence that impacts would be avoided or reduced. For example, as recommended in the comment, in the Draft EIR on page 3-38 Mitigation Measure 3.3.10 states “Reconnaissance-level surveys shall be (or have been) performed to determine whether the areas potentially affected by the project may contain habitat suitable for such species. If the area does contain suitable habitat, protocol-level surveys to determine presence or absence of target species shall be conducted prior to construction wherever habitats for these species will be impacted.

Protocol-level surveys shall be conducted by qualified biologists familiar with the fauna and flora of Sonoma County. All protocol-level surveys shall be coordinated with the appropriate responsible agencies, i.e., U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFFS, a.k.a NOAA-Fisheries), and /or California Department of Fish and Game (CDFG) . . .” On page 3-39 this measure further states “... Mitigation for impact to California tiger salamander habitat shall be as stipulated in the Santa Rosa Plain Conservation Strategy (USFWS 2005) or any subsequent prevailing guidance adopted by the USFWS. Such documents include the *Programmatic Biological Opinion for the U.S. Army Corps of Engineers Permitted Projects that May affect California Tiger Salamander and Three Endangered Plant Species on the Santa Rosa Plain, California* (USFWS). Interim mitigation ratios shall be used until the strategy is fully implemented. Mitigation lands shall be located within the watershed where the impact occurs. A conservation easement shall be placed on the mitigation site to preserve the site in perpetuity as wildlife habitat. A long-term management plan shall be developed for the mitigation site to be approved by the USFWS. The City shall provide assured funding for the long-term maintenance and monitoring of the mitigation area ...”

See Response to Comment 201-10, above, for a list of selected pages from the conservation strategy and biological opinion that outline specific compensation requirements that would be met.

Another example is on Page 3-44 of the Draft EIR where Mitigation Measure 3.3.12 states “. . . Unavoidable impacts to sensitive plant communities shall be compensated for by preserving, creating, or restoring the affected community at an off-site location at a 2:1 ratio (i.e., 2 acres preserved for 1 acre impacted), or as required by applicable resources agencies. A mitigation and monitoring plan shall be developed for the mitigation sites, be approved by the local jurisdiction, and include a five-year monitoring component.”

Feasibility of Mitigation Measures

The following discussion examines the feasibility of the City of Santa Rosa being able to reasonably obtain the required mitigation acres (for biological resources and wetlands) and miles (for watercourses). Table 1 summarizes the magnitude of impacts for the maximum impact scenario as presented in Chapter 5 of the Draft EIR for combinations of the five SSP alternatives.

Table 1. Maximum Impacts to Biological, Wetlands, and Watercourse Resources

Impact description	Temporary	Permanent
Biological resources (acres)		
Increased potential for impact to 3 plant and 2 animal T&E species	231	180
Increased potential for impact to 21 special-status animal species	248	161
Wetlands (acres)	2.51	3.26
Watercourses (miles)	0.11	0.45

Temporary Impacts

Impacts and their respective mitigation requirements are broken down in Table 1 into temporary (i.e., construction) impacts and permanent impacts for each of three categories: biological, wetland, and watercourse resources. Temporary impacts are incurred during the construction period. If an impact that is incurred during construction is *not* temporary, that impact would be considered a permanent impact. An example of a temporary construction impact would be installation of a buried pipeline, if it met the following conditions. Digging the trench for the pipeline would impact natural resources, but the disturbed land would be returned to its approximate pre-project contours and the disturbed area would be restored and revegetated with a similar constellation of plant species within a season. Under these conditions, such an impact would be considered temporary in this EIR.

The temporary impacts listed in Table 1 would be mitigated at the location where they occurred; i.e., in-place. In certain cases, where there is a temporal gap of more than a single year between the time when the impact is incurred and the time when the site is restored, additional compensatory mitigation may be required. These instances are addressed in the Draft EIR in Chapter 3, Mitigation and Monitoring Program. In terms of feasibility, all on-site mitigation for temporary impacts would take place on the impacted areas that are already available for the project improvements.

The additional compensatory mitigation land, where applicable, is relatively small and would be accommodated on adjacent locations in most cases or on off-site parcels owned by the City of Santa Rosa or from mitigation banks. A number of mitigation banks are being considered for the Santa Rosa Plain and would be expected to become available for purchase of mitigation credits over the life of the project. A recent regulatory guidance from the U.S. Army Corps of Engineers that privileges approved mitigation banks over on-site mitigation should further encourage the availability of mitigation credits.

Permanent Impacts

The more challenging form of mitigation would be meeting permanent impact mitigation requirements. Mitigation, as discussed below, may require compensation ratios of greater than 1:1.

Biological Resources

Table 1 shows impacts to individual categories of biological resources ranging up to 180 acres. Mitigation for impacts to biological resources would likely require ratios in excess of 1:1 for certain resources. Taking a conservative approach for this exercise, an overall mitigation ratio of 2:1 is used for the replacement of acres of biological resources. Application of the 2:1 mitigation ratio to the sum of biological impacts (Table 1) yields 360 acres.

The Subregional System owns over 1,300 acres at its “City Farms,” more than the acreage needed for mitigation. Of course not all of the 1,300 acres of the City Farms would be available for mitigation, as some of that acreage would be

dedicated to the storage ponds themselves. The projected permanent footprint of the maximum combination of storage ponds would be 161 acres. Subtracting out the 161 acres for the storage ponds from the total acreage on the City Farms of 1,300 acres leaves 1,139 acres.

Even the residual 1,139 acres is not all land that would be suitable for mitigation. For example, mitigation for permanent loss of California tiger salamander habitat would need to be mitigated either within the designated Conservation Area or on parcels immediately adjacent to the Conservation Area. Further, mitigation land suitable for the salamanders must have what the USFWS calls the “primary constituent elements” or be enhanced such that those features are achieved. In addition, of the 1,139 acres some of that land is already dedicated to other uses (e.g., mitigation for other projects) and therefore not available for mitigation for the SSP.

Assuming that a third of the land is either otherwise encumbered or is unsuitable habitat, approximately 760 acres are left of available mitigation land on the City Farms. Thus the City of Santa Rosa could meet its mitigation obligation from its own properties.

Wetlands

An example of a permanent wetland impact would be a storage pond built on top of an existing wetland. The City of Santa Rosa would be required to create compensatory wetlands either elsewhere on the project site or in the same watershed such that there would be no net loss of functions and values. Minimally, the mitigation ratio would be 1:1, but temporal loss of wetland values could elevate the mitigation ratio. In addition, the City of Santa Rosa would be required to obtain wetland fill permits from the U.S. Army Corps of Engineers and the Regional Water Quality Control Board, which may require even higher mitigation ratios.

Taking a conservative approach for this exercise of examining the feasibility of the availability of mitigation opportunities, an overall mitigation ratio of 3:1 for creation of wetlands is assumed. This mitigation ratio would translate into a wetland mitigation requirement of under 10 acres for the 3.26 acres impacted. The wetland mitigation requirements are projected to be less than the biological resource requirements, even though a higher and therefore more conservative mitigation ratio is assumed. For the same reasons that the biological requirement was found to be feasible – that is, mitigation land available on City-owned property, mitigation banks, and land adjacent to the impacted locations – it would be feasible for the City of Santa Rosa to meet its potential wetland mitigation requirements.

Watercourses

The Draft EIR provides mitigation options for permanent impacts to watercourses to take the form of creation of new watercourses or preservation and enhancement of existing degraded watercourses. A 1.3:1 mitigation ratio of watercourse mitigated to watercourse impacted would compensate for temporal loss. That is, the 1:1 replacement ratio guarantees no net loss of watercourse miles. The additional 0.3 mitigates for the period between the initial impact and the completion of the mitigation requirement. Applying this mitigation ratio to the 0.45 mile of permanent impacts yields 0.59 mile.

The City of Santa Rosa could create watercourses on the City Farm properties. Such creation would require not only land for the location of the watercourse, but also would require sufficient water (i.e., hydrology) to fill the watercourse. This hydrologic need would require dedication of land for both the watercourse corridor (including a buffer of riparian vegetation) *and* the adjacent watershed to supply the necessary hydrology.

Finally, preservation and enhancement of degraded watercourses could contribute to meeting the mitigation requirement. The City of Santa Rosa could acquire lands along the Laguna de Santa Rosa and its tributaries for permanent dedication for restoration of watercourses and riparian habitat.

In sum, the City of Santa Rosa could meet SSP permanent biological, wetland, and watercourse mitigation requirements through a combination of preservation and creation on the City Farms properties, purchases at mitigation banks, and restoration of degraded watercourses. The more likely outcome, however, would be that the City of Santa Rosa would select sites and design facilities, especially storage facilities, to reduce impacts and thereby reduce the need for mitigation, as required by the SSP Mitigation Monitoring Program.

Response to Comment 202-6

Comment Summary: The comment states that because some of the invasive plant species described in Mitigation Measure 3.4.5 are aquatic, removal of these species will likely require the City to submit an SAA notification for DFG review. The City should work with CDFG to develop and implement an invasive species eradication plan that can be implemented for the life of the project.

The Draft EIR does not require an invasive species eradication plan. As stated in Mitigation Measure 3.4.5, “Control shall be understood as not necessarily requiring eradication.” The performance standard stated in the Draft EIR is “weed conditions are reduced such that they are no worse than they were prior to the initiation of construction activities.”

The City will be responsible for impacts caused by the project but not for remediating existing conditions. For example, the noxious, invasive aquatic plant *Ludwigia* is known to be present in the Laguna. This presence of *Ludwigia* is a condition existing prior to the project and one that does not require project-related mitigation regardless of the merits of eradicating the noxious weed.

For any project-related actions that require alteration of the bed or bank of a jurisdictional stream or lake, the City will make formal notification to the Department pursuant to obtaining a Streambed Alteration Agreement. The City, through the Section 1602 (Fish and Game Code) process, will work with CDFG to develop and implement an invasive plant species control plan.

The City's mitigation measure explicitly commits to a minimum two-year post-construction monitoring period to determine if the construction effort will have triggered increases in invasive weeds. If such additional adverse effects are detected, these will be addressed to bring down the level of infestation to pre-project (or below) conditions on a long-term basis. That is, the control effort must not simply temporarily reduce weed infestations (e.g., mowing down this year's crop of yellow star-thistle), but must reduce invasive weeds to at or below pre-project conditions on a long-term sustainable basis.

The time that it takes to achieve the performance standard is not stated in the Draft EIR, because the period of control actions would be dictated by site-specific conditions including local weather patterns (e.g., the amount of rain during and immediately after the construction year), which cannot be accurately anticipated in advance. That is, the performance standard will drive how long the City must continue control efforts. Depending on the site-specific circumstances, that time period may minimally coincide with the initial two-year monitoring period or it may extend past that.

Invasive weed impacts were only identified for the construction period and not for the operation period. Accordingly, the City is not committing to continue control efforts for the life of the project. Rather, the control efforts as stated above will continue only so long as it takes to meet the performance standard of "weed conditions are reduced such that they are no worse than they were prior to the initiation of construction activities" on a sustainable basis.

COMMENT LETTER 203, TERRY ROBERTS, STATE CLEARINGHOUSE

Response to Comment 203-1

Comment Summary: The letter from the State Clearinghouse confirms the dates of the public review period for the Draft EIR, provides a list of state agencies to whom the document was sent by the Clearinghouse, and states that no state agencies submitted comments by that date. The letter acknowledges that the City has complied with the State Clearinghouse review requirements pursuant to CEQA.

The City of Santa Rosa appreciates the assistance of the State Clearinghouse in complying with CEQA and providing the SSP Draft EIR to state agencies.

COMMENT LETTER 204, TERRY ROBERTS, STATE CLEARINGHOUSE

Response to Comment 204-1

Comment Summary: The letter states that a comment letter on the Draft EIR from the State Water Resources Control Board was received by the State Clearinghouse after the end of the state review period and that CEQA does not require Lead Agencies to respond to late comments. However, the Clearinghouse encourages the City to incorporate the additional comments into the Final EIR and to consider them prior to taking final action on the project.

Although CEQA does not require the City to respond to comments received after the close of the comment period, the City has responded to the State Water Resources Control Board comments in this final EIR (see Responses to Comments 201-1 through 201-12) and will consider them prior to approving the project.

COMMENT LETTER 300, JIM MCCRAY, SONOMA COUNTY REGIONAL PARKS

Response to Comment 300-1

Comment Summary: The Draft Countywide Bicycle and Pedestrian Master Plan and Draft Outdoor Recreation Plan identify two proposed trails parallel to the Laguna and Roseland Creek. The Laguna de Santa Rosa Protected Lands Trails Plan depicts trails on all three City farm sites. The two Kelly Farm proposed seasonal storage sites do not appear to interfere with proposed trails in the Trails Plan. The comment states that the proposed gravel service roads at KF1 and KF2 are located along sections of the Sonoma County Water Agency's 50-foot right-of-way between KF1 and KF2. The right of way could provide land opportunity for developing a northwest-southeast trail alignment.

The following changes are made to the Land Use section (Section 4.1) of the SSP Draft EIR to address the consistency of the SSP with the Sonoma County Transportation Authority Countywide Bicycle and Pedestrian Master Plan (2008) and the Draft Sonoma County Outdoor Recreation Plan (2003):

Page 4.1-3

Sonoma County Transportation Authority

In May 2008, the Sonoma County Transportation Authority (SCTA) published the SCTA Countywide Bicycle & Pedestrian Master Plan in partnership with Cloverdale, Cotati, Healdsburg, Rohnert Park, Sebastopol, Sonoma, Windsor, and Unincorporated Sonoma County. The plan includes recommendations for physical improvements and programs to enhance and expand existing facilities, connect gaps, address constraints, provide for greater local and regional connectivity, and increase the potential for walking and bicycling as transportation modes. The role of the SCTA is in advocating, planning, coordinating, and funding. Local agencies are chiefly responsible for implementing the project and programs; realizing objectives, and carrying out the policies in the Plan. Portions of existing and proposed bike routes are located along roads that border or abut the SSP sites. Many of the bike routes follow the routes of existing or proposed multi-use trails proposed under the Protected Lands Trails Plan developed by the Open Space District described above.

Sonoma County

The Draft Sonoma County Outdoor Recreation Plan (2003) was developed to facilitate cooperation and coordination among agencies in planning, acquiring, managing and funding outdoor recreation facilities in the unincorporated area of Sonoma County, and to provide public access and recreation opportunities on public lands through the year 2010. The plan shows Proposed Regional Recreation Areas and Community Parks, Regional Open Space Parks, and proposed Federal, State and Other Parks and Preserves. None of these are located near the Kelly, Brown or Alpha farms. The figure showing the Existing, Planned and Proposed Trail System shows three trails/bikeways in the vicinity of the SSP

sites. These include the Joe Rodota Trail, the Class I Laguna de Santa Rosa Creek Bikeway, and the Class I Roseland Creek Bikeway.

Page 4.1-12, new paragraph under Storage Component – Significant: BF1:

The SCTA Countywide Bicycle & Pedestrian Master Plan shows an existing Class I bike route along the Joe Rodota Trail. The Joe Rodota Trail is also shown in the Draft Sonoma County Outdoor Recreation Plan. A proposed Class I bike route follows the route of the proposed multi-use trail paralleling Llano Road shown in the Protected Lands Trails Plan. This route runs parallel to the east embankment of the BF1 storage pond site. A proposed Class II bike route is also shown on Llano Road, which runs parallel to east boundary of the BF1 site. The Draft Sonoma County Outdoor Recreation Plan shows an undeveloped bikeway paralleling the Laguna de Santa Rosa. The storage pond component at BF1 would not conflict with any of these existing and proposed bike routes (for visual impacts, refer to Section 4.14, Visual Resources.)

Page 4.1-13, 2nd paragraph, 2nd sentence:

These are the Joe Rodota Trail, which is an existing recreational trail and Class I bike route that runs between Kelly Farm and Brown Farm just south of Highway 12 located on Brown Farm just south of Highway 12, and the City of Sebastopol's Laguna Wetland Preserve Trail, which is located immediately west of Kelly Farm.

Page 4.1-13, new paragraph under KF1, KF2:

The SCTA Countywide Bicycle & Pedestrian Master Plan also shows a proposed Class II bike route on Occidental Road, a proposed Class I bike route that follows the route of the multi-purpose trail on Kelly Farm running from Occidental Road to Highway 12, and a proposed Class II bike route on Highway 12. The Draft Sonoma County Outdoor Recreation Plan shows a proposed Class I Bikeway paralleling the Laguna de Santa Rosa. The portion of the bikeway that would parallel the portion of the Laguna that forms the western border of Kelly Farm would be located approximately 1,400 feet west of the KF1 pond. While the storage component at the KF1 and/or KF2 sites would be visible from these routes; no direct conflicts would occur.

Page 4.1-13, 4th paragraph:

BF2. On Brown Farm, the Protected Lands Trails Plan proposes a multi-use trail extending from the Joe Rodota Trail and following Gravenstein Creek about 500 feet north and west of the BF2 storage pond. It is not known whether the trail or the pond would be built first. The storage component at the BF2 site would be visible from the trails; no direct conflicts would occur. The portion of the bikeway shown in the Draft Sonoma County Outdoor Recreation Plan that would parallel the portion of the Laguna that forms the western border of Brown Farm would be

located approximately 4,000 feet west of the BF2 storage component. No direct conflicts would occur.

Page 4.1-13, new paragraphs under AF:

The SCTA Countywide Bicycle & Pedestrian Master Plan shows a proposed Class I bike route paralleling Llano Road and a proposed Class II bike route on Llano Road. Both routes run parallel to east boundary of the AF site. The plan also shows a proposed Class II bike route on Ludwig Avenue, which ends at Llano Avenue about 500 feet from the northeast corner of the AF pond. The storage pond component at AF site would not conflict with a these proposed bike routes (for visual impacts, refer to Section 4.14, Visual Resources.)

The Draft Sonoma County Outdoor Recreation Plan shows a bikeway along Roseland Creek that begins at Ludwig Avenue and ends at Llano Road adjacent to Alpha Farm. The plan states that this bikeway could be continued through irrigation property owned by the City of Santa Rosa to connect with the Laguna de Santa Rosa Creek Trail. The storage component at the AF site would not conflict directly with this bikeway (for visual impacts, refer to Section 4.14, Visual Resources.)

Page 4.1-13, last paragraph:

Use of the trails and routes would not affect operation of the ponds. Operation of the ponds would not affect use of the trails or routes, in that the ponds would require little maintenance activity, noise levels would be low, and odors would not be experienced.

Page 4.1-14, 2nd paragraph:

As discussed under Impact 1.6 below, constructing the pump station outboard at grade (in response to Mitigation Measure 3.3.18) instead of inboard on the pond embankment at KF1, KF2, and BF1, ~~Placing the pump stations at grade~~ would not increase potential for conflict as a result of incompatibility with the Protected Lands Trails Plan, the SCTA Countywide Bicycle & Pedestrian Master Plan, the Draft Sonoma County Outdoor Recreation Plan, or other surrounding uses. Outboard pump stations are compatible with the existing setting, which includes similar pump stations.

Page 4.1-34, references added:

Sonoma County. 2003. Draft Sonoma County Outdoor Recreation Plan, Volume I: Outdoor Recreation Plan. March.

Sonoma County. 2008. Sonoma County Transportation Authority Countywide Bicycle & Pedestrian Master Plan, May.

The following changes are made to the Visual Resources section (Section 4.14) of the SSP Draft EIR to address the consistency of the SSP with the Sonoma County Transportation Authority Countywide Bicycle and Pedestrian Master Plan (2008) and the Sonoma County Draft Outdoor Recreation Plan (2003):

Page 4.14-4, two paragraphs added near top of page:

Sonoma County Transportation Authority

The Sonoma County Transportation Authority (SCTA) published the SCTA Countywide Bicycle & Pedestrian Master Plan in partnership with Cloverdale, Cotati, Healdsburg, Rohnert Park, Sebastopol, Sonoma, Windsor, and Unincorporated Sonoma County. Portions of existing and proposed bike routes are located along roads that border or abut the SSP sites. Many of the bike routes follow the routes of existing or proposed multi-use trails proposed under the Protected Lands Trails Plan developed by the Open Space District described above.

Sonoma County

The Draft Sonoma County Outdoor Recreation Plan (2003) shows three trails/bikeways in the vicinity of the SSP sites. These include the Joe Rodota Trail, the Class I Laguna de Santa Rosa Creek Bikeway, and the Class I Roseland Creek Bikeway.

Page 4.14-7, Table 4.14-2:

TABLE 4.14-2

Evaluation Criteria with Significance Thresholds – Visual Resources

Evaluation Criteria	As Measured by	Significance Thresholds	Sources of Criteria
2. Will the SSP substantially degrade the existing character of the site or its surroundings, including views from private residences, high volume travelways ⁵ , recreation use areas ⁶ , or other public use area ⁷ ?	Level of visual contrast, view obstruction, degradation in visual quality.	<ul style="list-style-type: none"> - Strong visual contrast¹, - obstruction in viewed area² from fore-³ or middleground³, or - loss or alteration of a specific scenic resource⁴ 	CEQA Guidelines Appendix G, Checklist Item I (b) Sonoma County General Plan, Open Space Element Santa Rosa General Plan, Open Space and Conservation, and Transportation Elements <u>Laguna de Santa Rosa Protected Lands Trails Plan</u> <u>SCTA Countywide Bicycle & Pedestrian Master Plan</u>

Page 4.14-13, 2nd paragraph, 1st sentence:

The storage pond would be visible from Highway 12, including a proposed Class II bike route; the Joe Rodota Trail; a proposed multi-use trail identified in the Protected Lands Trail Plan; and residences near the terminus of Ver-ni Drive off of Duer Road (see Figures 4.14-2a and 4.14-3a).

Page 4.14-13, paragraph added:

A proposed pedestrian only trail and Class I bike route identified in the Protected Lands Trail Plan and Draft Sonoma County Bicycle & Pedestrian Master Plan paralleling the Laguna de Santa Rosa would be situated 1,000 and 1,400 feet west of the KF1 pond, respectively. The pond embankments would be visible in middleground views from these viewpoints. However, because of the distance involved, the embankments would not substantially alter views or create a strong visual contrast.

Page 4.14-13, 3rd and 4th paragraphs:

The Kelly Farm abuts Occidental Road to the north, which is also a County-designated Scenic Corridor and is identified in the *Draft SCTA Countywide Bicycle & Pedestrian Master Plan* as a proposed Class II bike route. However, the topography of the property between Occidental Road and the KF1 site would naturally block the middleground view of the pond from this viewpoint.

KF2. The Storage component at the KF2 site would be located in the northern half of the Kelly Farm approximately 1,250 feet south of Occidental Road. Occidental Road is a County-designated Scenic Corridor, and the site is situated within a County-designated Scenic Landscape Unit and the Santa Rosa-Sebastopol Community Separator, and is identified in the *Draft SCTA Countywide Bicycle & Pedestrian Master Plan* as a proposed Class II bike route. It is also approximately 3,100 feet north of Highway 12, which is a County-designated Scenic Corridor and proposed Class II bike route, and the Joe Rodota Trail. Highway 12 and Occidental Road are high-volume travelways. Although there are no scenic vistas in the vicinity of KF2, the Mayacmas Range is visible on the horizon to the east. No specific designated scenic resources exist on this site.

Page 4.14-16, 3rd paragraph:

In addition to being in visual proximity to Highway 12, Occidental Road, and residences at Ver-ni Drive, the storage pond at the KF2 site and its access road would be in close proximity to multi-use trails, planned as part of the Laguna de Santa Rosa Protected Lands Trails Plan (see Chapter 4.15 Public Services, Utilities, and Recreation Figure 4.15-1), and a proposed Class I bike route. Figures 4.14-4a and -4b illustrate the view toward KF2 from a picnic area that would be situated along one of the proposed trails. The storage pond would create both a strong visual contrast and a visual obstruction to the east from this area due to its large scale in the foreground view.

Page 4.14-20, 5th paragraph, 1st sentence:

In addition to being in proximity to these existing viewpoints mentioned above, the storage pond at the BF2 site would be in close proximity to recreational trails proposed in the Trails Plan (see Chapter 4.15 Public Services, Utilities, and Recreation, Figure 4.15-1) and to a portion of a Class II bikeway shown in the Sonoma County Outdoor Recreation Plan.

Page 4.14-21, 2nd paragraph, last sentence:

However, given the few trees that would be removed when compared to the surrounding environment, this would be considered a less-than-significant impact. A portion of a bikeway shown in the Draft Sonoma County Outdoor Recreation Plan would parallel the portion of the Laguna that forms the western border of Brown Farm. The BF2 pond would be located approximately 4,000 feet west of the bikeway. Given the distance, this would be a less-than-significant impact.

Page 4.14-21, 3rd and 5th paragraphs:

AF. The Storage component at the AF site would be located in the easternmost portion of the Alpha Farm just west of Llano Road. Llano Road is an arterial roadway, a high-volume roadway, and a proposed Class II bike route. The site is situated within a County-designated Scenic Landscape Unit. No scenic vistas or specific designated scenic resources occur on this site.

In addition to being in proximity to existing viewpoints along Llano Road, the AF storage pond would be in close proximity to recreational trails proposed in the Trails Plan (see Chapter 4.15 Public Services, Utilities, and Recreation, Figure 4.15-1) and bike routes proposed in the SCTA Countywide Bicycle & Pedestrian Master Plan and the Draft Sonoma County Outdoor Recreation Plan. The nearest trail would enter Alpha Farm at its southern entrance from Llano Road and pass just south of the AF storage pond along Roseland Creek. A branch of this trail splits to the north around the western side of the pond, and then proceeds west away from it. The nearest bike route would begin at Ludwig Avenue and either end at Llano Road or continue along Roseland Creek to connect with the Laguna de Santa Rosa Creek Trail. Figures 4.14-6a and -6b illustrate the view toward AF from Llano Road. The pond would create both a strong visual contrast and a strong visual obstruction to the north and east from this area.

Page 4.14-22, 3rd and 4th paragraphs

The pump station at the KF1 site would be situated on the embankment near the northeast corner of the pond. The KF1 site is situated within a County-designated Scenic Landscape Unit. Given its location and the bulk of the pond embankment upon which it is located, this pump station would be visible from the residences near Ver-ni Drive where it would create a strong visual contrast in foreground views. Being 15 feet in height, and situated on a 13-foot high embankment, the pump station would add to the view obstruction created by the embankment. Likewise, the pump station would likely be visible from the nearby proposed recreation trails and bike routes. This would be considered a significant impact.

Electrical lines serving the pump station would be underground and not introduce a visual contrast. There would be no additional removal of trees beyond those already removed for construction of the storage pond.

The pump station at KF2 site would be situated on the embankment at the southwest corner of the pond. The KF2 site is situated within a County-designated Scenic Landscape Unit and Community Separator. This pump station would also be visible from the residences near Ver-ni Drive in the foreground, and from Occidental Road and Highway 12, in the middleground. Situated on the embankment, it would create a moderate visual contrast in foreground views. Being 15 feet in height, situated on the 13-foot storage pond embankment, it would add to the view obstruction provided by the embankment. The pump station would be situated at the closest point to a nearby proposed County Open Space District trail. The trail parallels the pond embankment (and pump station) at this point. The pump station would also be visible from a proposed Class I bike route that would generally follow the route of the Open Space District trail. This is considered a significant impact. Electrical lines serving the pump station would be underground and not introduce a visual contrast. No trees, beyond those removed for the storage pond, would be removed for the pump station.

Page 4.14-24, 2nd paragraph:

The pump station at the BF2 site would be situated on the embankment at the northeast edge of the pond. The BF2 site is situated within a County-designated Scenic Landscape Unit and the Santa Rosa- Sebastopol Community Separator. Given its location and the bulk of the pond embankment upon which it is located, this pump station could be visible from Llano Road and the proposed County Open Space District trails and proposed Class I and Class II bike routes in the foreground. Situated on the embankment, it would create a strong visual contrast in foreground views, particularly from the trails. It would be unlikely to be viewed from Highway 12 and Joe Rodota Trail due to the amount of intervening vegetation and distance. Being 15 feet in height and situated on an embankment approximately 12 feet high, the pump station would add to the view created by the embankment. However, given the size and bulk of the storage pond and placement of the pump station, it would not add appreciably to view obstruction. It would not be highly visible from the proposed bikeway shown in the *Draft Sonoma County Outdoor Recreation Plan* that would parallel a portion of the Laguna de Santa Rosa. Electrical lines serving the pump station would be underground and not introduce a visual contrast. No trees, beyond those removed for the storage pond, would be removed for the pump station. As its construction would occur simultaneously with that of the storage pond, pump station activities, equipment, and vehicles would be visible from these viewpoints, creating a temporary significant impact for visual contrast.

Page 4.14-24, 3rd paragraph:

The pump station at the AF site would be situated on the south embankment of the storage pond. The AF site is situated within a County-designated Scenic

Landscape Unit. Given the pump station location and the bulk of the pond embankment upon which it is located, this pump station could be visible from Llano Road and the proposed County Open Space trails and Class I bike route in the foreground. Situated on top of the embankment, it would create a strong visual contrast in foreground views, particularly from the trails. This is considered a significant impact. Given the size and bulk of the storage pond,

Page 4.14-25, 3rd paragraph, 5th sentence:

However, given the bulk of the pond and height of its embankments – and its location relative to Highway 12, including a proposed Class II bike route; the Joe Rodota Trail; a proposed multi-use trail identified in the Protected Lands Trail Plan; and Ver-ni Drive – it would not be completely screened from foreground views.

Page 4.14-30, 1st through 5th paragraphs:

The KF1 pump station could be situated near its current position inboard on the embankment, but outboard at-grade and surrounded with vegetative screening. It would be less visible to residences and users of the proposed trails and bike routes in the area. Impacts would be reduced to less than significant.

The KF2 pump station could be situated near its current position inboard on the embankment, but outboard at-grade and surrounded with vegetative screening. It would be less visible to residences and users of the proposed trail and bike route. Impacts would be reduced to less than significant.

As part of Mitigation Measure 3.3.18, the BF1 pump station is proposed to be constructed outboard at-grade (instead of inboard on the pond embankment), shielding it from view of the proposed trails. This would make this potential visual impact less than significant.

As shown in Figure 4.14-5c, the BF2 pump station would be sufficiently screened and less visible to the users of the proposed trails and bike routes. Impacts would be reduced to less than significant.

The AF pump station could be moved to the north embankment, from its currently designed position on the southwest embankment, and be less visible to users of the proposed trail and bike routes. However, the engineering feasibility of the relocation has yet to be determined. Therefore, this impact would remain significant from the proposed trails and bike routes.

Page 4.14-38, 2 references added:

Sonoma County. 2003. Draft Sonoma County Outdoor Recreation Plan, Volume I: Outdoor Recreation Plan. March.

Sonoma County Transportation Authority (SCTA). 2008. SCTA Countywide Bicycle & Pedestrian Master Plan. Sonoma County Transportation Authority and Whitlock & Weinberger Transportation, Inc. May.

The following changes are made to the Public Services, Utilities, and Recreation section (Section 4.15) of the SSP Draft EIR to address the consistency of the SSP with the *Sonoma County Transportation Authority Countywide Bicycle and Pedestrian Master Plan* (2008) and the *Sonoma County Draft Outdoor Recreation Plan* (2003):

Page 4.15-3, new paragraph added:

Portions of existing and proposed bike routes identified in the *Sonoma County Transportation Authority (SCTA) Countywide Bicycle & Pedestrian Master Plan* (2008) are located along roads that border or abut the SSP sites. Many of the bike routes follow the routes of existing or proposed multi-use trails proposed under the Protected Lands Trails Plan developed by the Sonoma County Agricultural Preservation and Open Space District. In addition, the *Draft Sonoma County Outdoor Recreation Plan* (2003c) shows three trails/bikeways in the vicinity of the SSP sites. These include the Joe Rodota Trail, the Class I Laguna de Santa Rosa Creek Bikeway, and the Class I Roseland Creek Bikeway.

Page 4.15-22, two references added:

Sonoma County. 2003c. *Draft Sonoma County Outdoor Recreation Plan, Volume I: Outdoor Recreation Plan*. March.

Sonoma County Transportation Authority (SCTA). 2008. *SCTA Countywide Bicycle & Pedestrian Master Plan*. Sonoma County Transportation Authority and Whitlock & Weinberger Transportation, Inc. May.

The Draft EIR evaluates consistency with the *Laguna de Santa Rosa Protected Lands Trails Plan* on pages 4.1-12 through -14 under Impact 1.4. The results of the analysis agree with the commentor that Kelly Farm seasonal storage improvements would not pose a significant conflict with the Trails Plan.

In addition, the comment requests consideration of using pond access roads as trails. Because the trails in the Laguna de Santa Rosa Protected Lands Trails Plan were developed through a cooperative process with the Open Space District, County Regional Parks, and the City, it would be important to involve all parties before amending the Trails Plan. If the Trails Plan were expanded to utilize pond access roads, no additional environmental impacts are foreseen.

Response to Comment 300-2

Comment Summary: The comment states that the BF1 pond will interfere with the proposed multi-use trail, staging area, and overlook shown in the Trails Plan, and requests that the Final EIR discuss how the encroachment will be addressed.

The results of the Draft EIR analysis on page 4.1-12 agree that the improvements proposed in the Trails Plan along Llano Road would conflict with the storage pond at BF1. A significant impact is identified and Mitigation Measure 3.3.19 is provided to avoid the identified conflict. This measure requires the City to amend the BF1 pond design to avoid the staging area conflict,

unless the Sonoma County Agricultural Preservation and Open Space District amends their plan to accommodate the staging area.

Response to Comment 300-3

Comment Summary: The BF2 site does not appear to interfere with any proposed trails identified in the Trails Plan. The comment states that the SCWA 50-foot right-of-way is located east of the BF2 site and could provide land opportunity for developing a northwest-southeast trail alignment.

The Draft EIR evaluates consistency with the Laguna de Santa Rosa Protected Lands Trails Plan on pages 4.1-12 through -14 under Impact 1.4. The results of the analysis agree with the commentor that the BF2 seasonal storage improvements would not pose a significant conflict with the Trails Plan.

Please refer to Response to Comment 300-1.

Response to Comment 300-4

Comment Summary: Portions of the western and southern perimeter of the AF pond encroach into the planned Laguna Trail and Roseland Creek Trail, and the commentor requests that the Final EIR discuss how the encroachment will be addressed.

Please refer to Response to Comment 300-1

COMMENT LETTER 301, MARIA J. CIPRIANI, SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT

Response to Comment 301-1

Comment Summary: The comment states that it appears that the project may be inconsistent with the conservation easement conveyed by the City to the District in 2001 and may have significant negative impacts on the District's Laguna de Santa Rosa Protected Lands Trails Plan. It appears that the project as currently designed, may have adverse visual impacts and may significantly interfere with the openness, scenic vistas and biotic communities on the Property. It appears that the Project would be inconsistent with the Conservation Easement's conservation purpose and the provisions of paragraphs 5 and 7 of Exhibit D.

Regarding the conservation easements, the comment is correct. Various elements of the project alternatives would be inconsistent with the Conservation Easement's conservation purpose and the provision of paragraphs 5 (Construction of Structures and Other Improvements) and 7 (Wastewater Reservoirs) of Exhibit D (Upland Area Permitted Uses and Practices). These inconsistencies are detailed in the Draft EIR in Section 4.1, Land Use, pages 4.1-15 through -24, under Impact 1.6. The conflict is found to be significant for each pond site; with implementation of the following mitigation measures, the Draft EIR finds that the conflicts would be reduced to less than significant:

- 3.3.2. Replacement of Open Space
- 3.3.10. Avoid Loss of Endangered Biological Resources and their Habitats
- 3.3.12. Avoid Permanent Impacts to Sensitive Trees and Plant Communities
- 3.3.13. Avoid Blocking Major Wildlife Migration or Travel Corridors
- 3.3.14. Avoid Loss of Aquatic Habitat Due to Storage Reservoirs
- 3.3.15. Avoid Fill of Jurisdictional Waters and Wetlands
- 3.3.18. Minimize Temporary and Permanent Visual Impacts
- 3.4.4. Landscape and Architectural Screening
- 3.4.1. Protect Active Raptor Nests
- 3.4.2. Avoid Loss of Protected Species, Candidate Species, and Species of Special Concern
- 3.4.5. Invasive Plant Species

The comment describes in detail the application of the Conservation Easement Agreement to the building of wastewater ponds with the protected areas, e.g., Exhibits D and E. Each of these portions of the Agreement has been considered in the analysis of consistency found in the Draft EIR on pages 4.1-15 through -24.

Regarding adverse impacts on visual and biotic resources, the analysis in the Draft EIR agrees with the commentor that impacts on these values would be significant for all pond sites.

Therefore, mitigation is proposed in the Draft EIR as outlined above. The City is not aware of additional feasible mitigation measures that could be implemented to further reduce the project's impacts on visual and biotic values, and no additional measures were identified in the comment.

Regarding the Laguna de Santa Rosa Protected Lands Trails Plan, the Draft EIR has identified a significant conflict only with regard to site BF1; with implementation of Mitigation Measure 3.3.19, which requires the City to amend the BF1 pond design to avoid the staging area conflict (unless the Sonoma County Agricultural Preservation and Open Space District amends their plan to accommodate the staging area), the impact would be reduced to a less-than-significant level.

Response to Comment 301-2

Comment Summary: The comment states that Paragraph 5b of Exhibit D of the Conservation Easement limits improvements to a surface coverage of 5%. Although the surface of the ponds is exempted from this limitation, embankments, roads and similar project improvements would be subject to this limitation. As stated in the Draft EIR, it appears that the Project may cause the City to exceed this limitation.

To clarify, the Draft EIR does not state that the project may cause the City to exceed the 5 percent surface cover limitation. The Draft EIR states (pages 4.1-16 to 4.1-22) that the storage component would further increase the percentage of coverage above the 5 percent limit. Surface coverage (as calculated in 2004) at Kelly Farm was 8 percent, at Brown Farm was 7 percent, and at Alpha Farm was 12 percent. The project would increase these amounts by less than 1 percent, even if two ponds are constructed at the Kelly Farm or Brown Farm sites. Given that the Agreement specifically allows wastewater ponds as an approved use (albeit with many limitations), and the baseline surface coverage exceeds the 5 percent maximum allowed, the Agreement appears to be internally inconsistent.

Response to Comment 301-3

Comment Summary: The comment states that the Conservation Easement states, in part, that no reservoirs shall be constructed wholly or partially within any Designated Riparian Corridor or Designated Natural Area. The Draft EIR states that certain project improvements would be located in Designated Natural Areas or Designated Riparian Corridors, and native trees would be removed in areas where prohibited by the Conservation Easement. In addition, the proposed storage pond on Alpha Farm and the embankment of pond KF2 includes land within a Designated Natural Area. Such project aspects appear to conflict with the Easement terms.

The comment accurately reflects the analysis contained in the Draft EIR.

Response to Comment 301-4

Comment Summary: The commentor notes that it is stated in the Draft EIR that the District's approval of the project will take the form of an amendment to the Conservation Easement. Because the Conservation Easement has been dedicated to open space under Public Resources Code § 5540, any change in the Easement allowing a use previously prohibited would either require an approving vote of the County's voters or an act of the legislature.

The City understands and agrees that approval by the County's voters or an act of the state legislature is the normal means of changing a conservation easement. Other means of amending easements also exist. For examples, see Mitigation Measure 3.3.2, Replacement of Open Space Value, on page 3-36, which sets forth the procedures. Also, Section 5540.5 of the Public Resources Code allows the District to exchange property (or an interest in property) under a conservation easement for property (or an interest in property) that the Board of Directors determines to be of equal or greater value. Each alternative would require somewhat different changes to the Conservation Easement, but each of the changes is minor relative to the value of the Easement as a whole.

Response to Comment 301-5

Comment Summary: The comment states that as noted in the Draft EIR, the project displaces the proposed staging area at Brown Farm, and likely would conflict with a proposed multi-use trail along Llano Road, particularly given the ponds' proximity to the public road. The District supports Mitigation Measure 3.3.19 of the Draft EIR that states that the City would amend the design of storage pond BF1 to avoid the conflict with the proposed staging area on Brown Farm.

The City acknowledges the District's support of Mitigation Measure 3.3.19.

Response to Comment 301-6

Comment Summary: The comment states that the height and location of the ponds will substantially interfere with the public's enjoyment, both from the trails and from adjacent public roadways, of the Property's scenic values protected by the Conservation Easement. The District requests that the project and Final EIR take these matters into consideration and provide for appropriate design modifications.

The Draft EIR provides design modifications either through design or mitigation measures to reduce, to the extent feasible, impacts to the scenic values protected by the Conservation Easement. These are described in Section 4.14, Visual Resources and include, for example, placing the pump stations at grade instead of on the pond embankment or relocating them at a different point on the pond embankment, painting the pump stations a compatible natural color to minimize contrast, planting trees and vegetation to help screen the ponds from sensitive viewpoints, minimizing the amount of construction disturbance and size or location of staging areas, and using local rock on access roads to the extent feasible. Identified design modifications and mitigation measures would not in all cases reduce visual impacts to less than significant. Specifically, visual impacts from the storage component at the Kelly Farm sites and the pump station component at Alpha Farm would remain significant after mitigation. The City is not aware of additional feasible design modifications that could be implemented to further reduce the project's impacts on scenic values, and no additional measures were identified in the comment.

Response to Comment 301-7

Comment Summary: The comment states that while many of the mitigations proposed in the Draft EIR appear to address potential adverse impacts to biotic and visual resources, such mitigations may not necessarily mitigate nor be sufficient for potential conflicts or violations of the Conservation Easement. Most specifically, Mitigation Measure 3.3.2 proposes compensation

to the District for uses under a Conservation Easement where the City's use is determined incompatible or inconsistent with the easement. For certain project impacts on the easement, such as exceeding the surface coverage limitation, there may not be any viable mitigation, absent additional lands being protected under easement. We would request that through continued cooperation between the District and the City, the project can be modified so as to better protect the conserved values of the property.

As stated in the comment, protecting additional lands under easement as described in Mitigation Measure 3.3.2, Replacement of Open Space, is a viable mitigation for inconsistent or incompatible uses. As stated in the Draft EIR on page 4.1-24, this measure would provide compensation for open space lands and values damaged by inconsistent uses by the SSP. The measure also provides for development of a memorandum of agreement between the District and the City compensating for any inconsistent uses that remain. As requested in the comment, the City will continue to cooperate with the District to discuss ways to modify the project so as to protect the conserved values of the property.