

COMMENT LETTER 400, DAN SCHURMAN, LAGUNA DE SANTA ROSA FOUNDATION

Response to Comment 400-1

Comment Summary: Given sedimentation of the Laguna and projected impacts of global climate change, the 100-year flood contour of 76' elevation used for planning the ponds is not accurate. Lack of available climate change modeling specific to the North Coast is scientifically insufficient to address this concern. We urge the City to use existing models for California and the Bay Area, which show higher likelihood of high-intensity events and a more accurate assessment of flood threats and exposure.

Two analyses in the Draft EIR may be sensitive to climate change: the floodplain analysis and the Water Balance Model that determines the amount of storage required under the IRWP Master Plan. Sedimentation of the Laguna could affect the floodplain analysis.

Regarding the floodplain analysis, the commentor is correct that sedimentation of the Laguna would have the potential to affect flood storage capacity. As explained in the Program EIR, during large storm events the Laguna becomes a lake, temporarily storing water that would otherwise increase flood peaks farther down the Russian River. As the water level in the Russian River rises, water backs up into the Laguna, impeding downstream flow from the Laguna watershed itself. On average, a lake forms every other year in the Laguna with a depth of 22 feet at the confluence with the Russian River. During the December 1964-January 1965 storms, the Laguna became a lake with a surface area of 7,400 acres and a stored water volume of 80,000 acre-feet. Because the flood storage capacity of the Laguna is very large, the effect of sedimentation on capacity is expected to be minor. In addition, loss of flood storage capacity would not necessarily produce a rise in the 100-year flood elevation. Depending on the location of the deposited sediment and many other factors, the flood waters could disperse more quickly, rather than increase the elevation of the flooding.

The effects of climate change in the Russian River watershed, as mentioned by the commentor, have not been researched and identified to date. However, the potential for higher intensity events exists over the lifetime of the proposed storage ponds as a result of climate change. Higher intensity storms could increase the elevation of the 100-year flood level; however, a 10 percent increase in maximum daily precipitation is expected to have a minor effect on flood elevations, given the large surface area and storage capacity of the Laguna.

Calculation of a new 100-year floodplain elevation for the Laguna and Russian River watersheds is an important and extensive analysis which must be performed in concert with the federal, state, county, and city governmental agencies with jurisdiction over floodplains and flooding. CEQA does not require that basic research of this nature be performed to support an EIR. Please refer to Master Response B – Use of Data. In addition, any such cumulative effects on flood elevations would be mitigated to a level below significance by the mitigation discussed and revised in Response to Comment 400-2.

Regarding the use of the Water Balance Model to determine the size of seasonal storage capacity needed under the Master Plan, the City acknowledges that increased intensity storms and

increased precipitation that may occur as a result of climate change, could increase the storage capacity needed. The increased need for storage capacity is expected to be small. However, the 500 MG of storage capacity evaluated in this EIR is approximate; please refer to Response to Comment 400-3 regarding sizing of the SSP and the flexibility built into the project. If seasonal storage is built, and if over the course of the lifetime of the ponds, the cumulative effects of climate change reduce the effective capacity of the ponds, additional storage may need to be considered. Please refer to the Program EIR for an evaluation of impacts for additional storage capacity.

Response to Comment 400-2

Comment Summary: In the absence of such modeling, the City should reduce the footprints of any ponds constructed to allow them to be sited above the 80' contour of avoid having them inundated by events which can now reasonably be projected as likely to be forthcoming. Three scientific papers are cited in support of this proposal.

The location of storage pond facilities in relation to the 100-year floodplain is based upon the floodplain delineation provided by FEMA. The City is a member of the National Flood Insurance Program (NFIP). The local community sponsor (such as the City of Santa Rosa or Sonoma County) for the NFIP would normally be involved throughout the process with complete disclosure and cooperation between the engineering consultant performing the Flood Insurance Study (FIS), the local community sponsor, and FEMA to assure the most representative flood boundaries have been determined. If the City of Santa Rosa were to establish the floodplain boundaries without FEMA involvement, the criteria for acceptance and participation in the NFIP would likely be violated.

FEMA policy regarding climate change in the development of new or revised floodplain mapping for the Santa Rosa area has not been identified. However, the following is a brief excerpt for the FEMA Director in a speech on April 18, 2000 (FEMA 2000¹).

“There is no doubt that the human and financial costs of weather related disasters have been increasing in recent years,” said Witt. “It is time to increase our efforts in applying prevention strategies to reduce the impacts of the changes in weather climates.”

This suggests that more than eight years ago FEMA was considering the impacts of climate change on natural disasters including flooding. FEMA has also mentioned in response to recent flood related disasters that the guidelines for flood mapping may need to consider using the 200-year and 500-year flood events for design purposes.

If the City decides to approve and implement the project, then at the time that a contract for storage pond construction goes out for bid, if FEMA has revised the boundary of the floodplain for the Laguna, then the City would relocate the pond embankment, as necessary, to avoid the floodplain, or shall compensate for loss of flood storage capacity in an adjacent area in

¹ *FEMA and NOAA Join Forces to Warn of the Impact of Climate Change*. 2000. News Release HQ-00-060, April 18.

accordance with Project Measure 3.2.23, Flood Storage Management. The timing of the mitigation measure has been revised in the final EIR to specify that pond embankment relocation or flood storage capacity compensation would be implemented if FEMA has revised the boundary of the 100-year floodplain for the Laguna prior to the onset of project design, and up to the date of construction contract bid publication, as follows.

Page 3-31:

3.2.23 Flood Storage Management

The City of Santa Rosa shall determine the extent to which facilities reduce storage capacity for 100-year floods and/or increase runoff volume. The City shall compensate for any reduction of flood storage capacity and/or runoff volume increase by increasing storage capacity on the same property or a nearby property such that there is not a significant loss of such capacity. Compensatory measures may include onsite detention.

Implementing Agency: City of Santa Rosa

Timing: **Start:** At onset of project design and up to the date of construction contract bid publication

Complete: Prior to operation.

Monitoring Agency: City of Santa Rosa

Validation: Report on method of compensation prior to operation.

Response to Comment 400-3

Comment Summary: Given that the City is pursuing disposal for larger volumes of water through the Geysers, the Project Objective of this project should be reduced from its current level of 500 MG to reflect the most up-to-date projection of need. The City should rescale the scope of the project to the minimum storage deemed necessary.

As described on pages 2-3 through 2-6 of the Draft EIR, the Purpose and Need Statement for the SSP identified a need for approximately 500 MG of the up to 1,200 MG of additional storage capacity identified in the IRWP Master Plan. Since the time that the City adopted the Purpose and Need Statement, new information and events relating to the project have occurred that could affect the amount of, and whether, additional storage capacity will be needed. These include the City's approval of the Geysers Expansion Project and identification of ways that the system could be operated more efficiently.

Storage requirements vary substantially depending on decisions concerning other projects carried out under the IRWP. Because the IRWP projects are interrelated and interdependent, decisions concerning one project may affect design parameters for another project. The need for storage is therefore difficult to define in advance of important future decisions by the North Coast Regional Water Quality Control Board regarding their proposed basin plan amendments and a decision by the City about which Discharge Compliance Project (DCP) alternative they will select (selection

is scheduled in December 2008 after certification of the SSP EIR in October 2008.) In the absence of a specific definition of need, the SSP EIR has proceeded with evaluation of alternatives for up to 500 MG of additional storage capacity, in conformance with the Purpose and Need Statement adopted by the City. The amount of storage capacity needed for implementation of the IRWP Master Plan may be less or greater than the 500 MG. The City, however, continues to regard 500 MG as a reasonable estimate of the amount of storage that will be needed at this time. The City may refine this total as decisions are made concerning other components of the IRWP.

Response to Comment 400-4

Comment Summary: In 1998, the City entered into an agreement with the National Audubon Society and Madrone Audubon Society to deed conservation easements on its Laguna properties to the Sonoma County Agricultural and Open Space District as a settlement for the City's plan to extend the Geysers Pipeline across the Mayacamas Preserve. If the proposed SSP violates the terms of these easements, the project should be abandoned, rather than attempting to mitigate such a violation and further cloud the public trust value of the easement purchased by again permitting a violation of an easement held by the District.

Please refer to Response to Comment 301-4.

Response to Comment 400-5

Comment Summary: The commentor states that undermining the Agricultural and Open Space District easements will have significant environmental impact on open space, biotic resources, visual resources and other public trust values throughout Sonoma County and extending into the future.

As described in the Draft EIR in Section 4.1 Land Use, various elements of the project alternatives would be inconsistent with the Conservation Easement's conservation purpose. The Draft EIR defines these inconsistencies as potentially significant impacts to open space, biotic and scenic values that would be mitigated by implementing Mitigation Measure 3.3.2. This measure provides for monetary or other compensation for loss of open space, biotic and scenic values under the terms of a Memorandum Agreement between the City and the District. If terms acceptable to the District and the City cannot be identified and an agreement reached, then the City has the option to undertake necessary eminent domain proceedings. The City does not interpret these actions as undermining the weight and force of the agreement. These options have always been available to the City as owner of the properties.

Also refer to Response to Comment 301-7.

Response to Comment 400-6

Comment Summary: The City's previous response to the Foundation's suggestion that features should be incorporated in the pond designs which enhance their usefulness as wildlife habitat is counterintuitive and unresponsive. Such features do not, as claimed, interfere with Project Objectives. Floating palettes with bunkers for nesting waterfowl, bird boxes, surrounding levees

with native vegetation, and development of wildlife corridors should be incorporated into project design.

The Foundation's suggestion referred to in the comment was contained in a letter from the Foundation regarding IRWP NOP Scoping Comments (dated February 22, 2007) which reads "Pond development should be designed for maximum wildlife habitat value and minimization of visual impact, including designs with more rounded, rather than rectilinear edges, and plantings on berms rather than bare slopes. Depth should be varied to ensure usability for varying kinds of waterfowl."

An evaluation of these proposals relative to SSP alternatives screening criteria was presented in the *Incremental Recycled Water Program Seasonal Storage Project Revised Final Screening Report*, which is provided as Appendix B to the Draft EIR. That report concludes "This proposal does not respond to the purpose and need for the Seasonal Storage Project or its primary objective, which is to provide storage of recycled water generated by the Subregional Water Reuse System members in a manner that is reliable and in compliance with regulatory requirements. Nonetheless, if wildlife habitat could be feasibly constructed without interfering with achieving the Seasonal Storage Project Objectives, it would be beneficial." It further states "Rounded edges [on pond embankments] would not necessarily increase wildlife habitat, although it would tend to mimic natural lakes. The current pond design includes planting the embankment sides to reduce erosion of the embankments. However, the tops of the embankments are needed for maintenance vehicle access to the storage ponds; replacing pond access with plantings is not feasible.... Restricting the depth of all or part of each storage reservoir to a range that promotes wetland habitat values would either eliminate their value as storage or substantially increase their size. Increasing the size of the reservoirs would also increase impacts to the ecosystem they are built on, and increase the cost of acquiring the site."

The Screening Report goes on to describe two additional alternatives to design storage ponds for maximum habitat value that were considered in the IRWP Program EIR Screening Report (September 2002): 1) build storage reservoirs to include wetlands habitat features, and 2) keep the reservoirs full to increase habitat value. The first suggestion was found to meet Program Objectives, but not be feasible. The second alternative, keeping the reservoirs full or nearly full to increase habitat value, was found not to meet Program Objectives with feasibility being doubtful for the reasons provided in the Screening Report.

The City welcomes the Foundation's suggestions to enhance the design of storage ponds to include enhancements for waterfowl and other wildlife. But because this is an EIR, those suggestions need to be placed into a CEQA context. The purpose of the CEQA process is to identify impacts and to assign appropriate mitigations to them. If a proposed action does not have an identified impact on, for example, waterfowl, then the City cannot claim mitigation credit for enhancing waterfowl habitat. Nor would the City be required to enhance waterfowl habitat in a CEQA context, if the specific action does not impact waterfowl.

Conversely, the City may engage in wildlife enhancements in its storage pond design and operation even if no mitigation credit results from those enhancements. And, in fact, the City does so through its on-going Natural Resource Management Program. The City routinely launches floating nest platforms for waterfowl, adds woody debris to the shorelines for western

pond turtles, and erects nest boxes for western bluebirds and swallows around its storage ponds (D. Cadman, City of Santa Rosa, pers. comm. July 2008).

Some enhancements, such as planting riparian vegetation along the levees, are precluded by state regulations. For instance, the California Division of Safety of Dams requires vegetation-free levee faces.

Response to Comment 400-7

Comment Summary: Fencing of proposed ponds and placement of pump stations should not be allowed in any area where they will impact the visual experience of trails users.

Fencing would be placed around ponds as a safety measure. Eliminating fencing from areas that may impact the visual experience of trail users is not feasible. As described in Section 4.14, Visual Resources, Mitigation Measure 3.4.4 would help reduce the visual contrast created by the storage component at the KF1 and KF2 sites by introducing vegetation and trees to minimize contrast. However, visual impacts related to contrast and view obstruction would remain significant.

As described in Section 4.14, Visual Resources and Mitigation Measure 3.3.18, pump stations would be located to cause the least visual impact possible. This may include relocating the pump station from inboard on the pond embankment to outboard at-grade and surrounding it with vegetative screening, or relocating the pump station to another area of the embankment. In addition, the pump station would be painted a complementary natural color to minimize contrast. The Draft EIR finds that these measures are sufficient to reduce visual impacts of pump stations at all sites except Alpha Farm, where the pump station visual impacts remain significant even after mitigation. The City has identified no additional feasible measures to further reduce the potential visual impact to trail users.

Response to Comment 400-8

Comment Summary: The commentor states that all proposed storage sites in the Laguna are less desirable than those outside it. If a Laguna storage site must be chosen, the Alpha Farm pond site is the best choice.

Please refer to Master Response A, Statement of Opinion For or Against a Project Alternative.

Response to Comment 400-9

Comment Summary: The commentor states that natural resources in the Alpha Pond footprint are badly degraded and pond construction will have the least impact on existing resources.

Please refer to Master Response A, Statement of Opinion For or Against a Project Alternative. As described on Page 5-2 of the Draft EIR, based upon the analysis in Chapter 4 of the EIR, the alternative with the potential for the greatest number of significant unavoidable environmental impacts after mitigation is the AF alternative. The significant unavoidable impacts that are unique to the AF site and not shared by the other alternatives are construction noise levels that exceed standards at sensitive receptor locations, and visual resources impacts from the pump

station. Two unique characteristics of the AF pond that contribute to its potential for impacts to natural resources is impoundment of an unnamed creek potentially affecting aquatic habitat downstream, and having the greatest amount of encroachment into a designated natural area under the conservation easement.

Response to Comment 400-10

Comment Summary: The commentor states that the proximity of Alpha Pond to the Treatment Plant will result in the least expenditure of energy and carbon emissions to move water to and from the storage facility contributing to economic savings and the City's carbon emissions reduction goal. A previous request for this assessment has not been received.

The commentor's previous request for an assessment of energy use for each pump station is responded to on page 4.16-3 of the Draft EIR and Appendix G which shows annual energy consumption by project alternative. As shown in Table 4.16-3, the BF2 alternative would use the least amount of energy to move water to and from the pond. As described on page 4.16-3, energy requirements depend on pond size, drain rate, and elevation of each pond relative to the elevation of E pump station and not necessarily on the proximity of the pond to the treatment plant.

Response to Comment 400-11

Comment Summary: The Alpha Farm pond location offers the opportunity to create a wildlife corridor to Roseland Creek which would benefit natural resources in this area.

Please refer to Master Response A, Statement of Opinion For or Against a Project Alternative.

Response to Comment 400-12

Comment Summary: The commentor states that proposed storage pond sites on Kelly and Brown farms are the least desirable, with KF1 being the most objectionable. The Kelly Farm and Brown Farm ponds should not be constructed.

Please refer to Master Response A, Statement of Opinion For or Against a Project Alternative.

Response to Comment 400-13

Comment Summary: The commentor states that KF1 will severely impact the visual experience of trail users and cannot be mitigated. Views would be limited to the wall of a levee, a fence and possibly a pump station where now the trail would command sweeping views all the way to Mt. St. Helena. The City's good faith in carrying out its Mayacamas Preserve mitigations should not be violated when alternatives exist.

Please refer to Master Response A, Statement of Opinion For or Against a Project Alternative. The Draft EIR identifies a significant visual impact at KF1 on page 4.14-12 and -13. Although this impact would be reduced by implementing Mitigation Measures 3.3.18 Minimize Temporary and Permanent Visual Impacts and 3.4.4 Landscape and Architectural Screening, the impact would not be reduced to a less-than-significant level. Refer also to Response to Comment 400-5.

Response to Comment 400-14

Comment Summary: The commentor states that the KF2 site is a resource-rich area of seasonal wetlands, resident of a variety of species of concern. It is inappropriate for pond development.

Please refer to Master Response A, Statement of Opinion For or Against a Project Alternative. The Draft EIR Section 4.8 Biological Resources and 4.9 Jurisdictional Wetlands Resources have inventoried the seasonal wetlands and species of concern on the site.

Response to Comment 400-15

Comment Summary: The commentor states that the Brown Farm location is resource-rich, with some of the best oak woodland in this area of the Laguna. It is inappropriate for pond development.

Please refer to Master Response A, Statement of Opinion For or Against a Project Alternative. The Draft EIR Section 4.8 Biological Resources has inventoried the oak woodland on the site.

Response to Comment 400-16

Comment Summary: The Laguna Foundation appreciates the opportunity to communicate with staff and consultants as this document has been developed and to have our analysis and concerns heard.

The City values the input into the project planning process that Foundation members have provided and appreciates the time and effort spent in reviewing the Draft EIR

COMMENT LETTER 401, RESIDENTS ALONG VER-NI ROAD, DUER ROAD AND HART LANE

Response to Comment 401-1

Comment Summary: The commentor states that the listed residents adjacent to the Kelly Farm are opposed to the treated wastewater storage ponds for the Kelly Farm property, Ponds KF1 and KF2.

Please refer to Master Response A, Statement of Opinion For or Against a Project Alternative.

Response to Comment 401-2

Comment Summary: The commentor requests that all letter writers be notified of the action taken on the Draft EIR.

All commentors listed on Comment Letter 401 have been added to the City's CEQA notification list for the EIR. In addition, any action taken on the Draft EIR will be posted on the City's website at www.SRCity.org/IRWP.

COMMENT LETTER 402, JAMES AND JANET SEARLES

Response to Comment 402-1

Comment Summary: The commentors' property is located immediately adjoining the Kelly Farm. The commentors strongly object to wastewater ponds being built on the Kelly Farm property.

Please refer to Master Response A, Statement of Opinion For or Against a Project Alternative.

Response to Comment 402-2

Comment Summary: The City purchased the Kelly Farm property under the California Land Conservation Act of 1965, commonly referred to as the Williamson Act. The property is protected for open space use, farming and agriculture. How can the City construct two wastewater storage ponds on the Kelly Farm site without losing their grant and tax credit? It seems the City is not meeting the legal requirements under the contract of the Williamson Act Program with the State of California.

The Kelly Farm was purchased with U.S. EPA and State of California Clean Water Fund grant money. A requirement for receiving the grant money is that the property be used in some aspect of wastewater treatment or disposal. Using the Kelly Farm for storage ponds for recycled water is consistent with this requirement.

Response to Comment 402-3

Comment Summary: The commentors are concerned about the KF1 and KF2 ponds being built in the floodplain and the potential for liquefaction in the event of an earthquake. The ground would fail and the release of millions of gallons of contaminated wastewater at one time would be catastrophic.

As described on pages 4.4-16 and 4.4-17 of the Draft EIR and shown on Fig. 4.4-2, the KF2 pond would not be located in the 100-year floodplain as defined by the FEMA Flood Insurance Rate Maps or below the 75-foot elevation Base Flood Elevation (BFE) set by FEMA. The KF1 pond would have a minor encroachment on the existing FEMA-mapped 100-year floodplain, but does not encroach below the 75-foot BFE. As described on page 4.4-17 of the Draft EIR, the City has requested that FEMA review and possibly revise the 100-year floodplain for this area, because the maps are inconsistent with the surveyed BFE. Upon publication of the revised 100-year floodplain map, if the KF1 pond is found to encroach into the floodplain, then the City would redesign the pond to avoid the floodplain or would compensate for the loss of flood storage capacity in an adjacent area as required by Mitigation Measure 3.2.23, Flood Storage Management.

Regarding the potential for liquefaction in the event of an earthquake, as described on page 4.3-30 of the Draft EIR, a review of published liquefaction susceptibility maps and subsurface exploration and testing at the sites show predominantly clayey soils without significant zones of soils that might liquefy under expected earthquake loading that would lead to stability failures of the pond embankments. The storage ponds at all the sites, including the KF1 and KF2 sites,

would not be located in areas with soils or groundwater conditions that are highly susceptible to liquefaction.

Response to Comment 402-4

Comment Summary: The commentors are concerned about potential for groundwater contamination due to leakage of the KF1 and KF2 ponds, which in turn could contaminate private wells in the residential area in close proximity.

As described in Section 4.5, Groundwater, of the Draft EIR, pages 4.5-16 through -21 under Impact 5.1, a potential source of groundwater quality degradation is seepage of recycled water through the storage ponds' clay liners. A groundwater model was developed to determine the direction of flow and time of travel of the seepage relative to nearby municipal and domestic wells near each of the five alternative sites, including the KF1 and KF2 sites.

Domestic wells pump from the shallower aquifer. The groundwater modeling shows that domestic wells would not be affected by potential pond seepage because the direction of flow near the pond sites is dominated by the deep municipal pumping from the Sonoma County Water Agency wells. The model predicts that if recycled water seeps from the ponds, it would travel downward and toward municipal wells in the area, and would not flow laterally to nearby domestic wells.

In addition, the location of the ponds in relation to domestic wells also meets the Title 22 of the California Code of Regulations distance requirement of 100 feet (see Response to Comment 200-1). As indicated in Table 4.5-5 of the Draft EIR, the distance of the closest domestic wells to the KF1 and KF2 storage pond sites is 650 feet and 700 feet, respectively.

Regarding specific constituents in recycled water, only one constituent, nitrate, exceeds the drinking water Maximum Contaminant Levels (MCLs are set by the State to protect drinking water quality) as recycled water leaves the Laguna Plant, and two constituents exceed the state Department of Public Health notification level: NDMA and NDPA. Water samples from the existing Brown Farm pond show that storing recycled water in ponds attenuates (i.e., reduces) constituents such as nitrate and NDMA and NDPA. Seepage from the proposed ponds would not exceed the MCL for nitrate, would be below the NDMA and NDPA notification levels, and would not require additional treatment on the part of any well owners.

Under Mitigation Measure 3.3.9, Well Protection Program, the City of Santa Rosa would monitor water quality in water wells potentially affected by SSP facilities before and after construction. If changes caused by the project are detected after construction that are deemed deleterious to public health by the Sonoma County Permit and Resource Management Agency (PRMD) Well and Septic Division staff or under applicable regulation, one or more of the following measures, or alternative measures of equivalent effectiveness, shall be implemented:

- Drill a new well that is not significantly affected by the facility;
- Modify the existing well, e.g., provide screening in a different stratum, such that the existing well is not significantly affected;

- Provide wellhead treatment system for the constituents that are causing the public health concern;
- Provide a replacement water supply

Response to Comment 402-5

Comment Summary: The commentors have heard that the weight of the two ponds at KF1 and KF2 could lower the water table, which in turn could affect the water table of their private well, which would lead to drilling new deeper wells. This needs to be addressed in the EIR.

The potential for the storage ponds to lower local groundwater levels is addressed in Section 4.5, Groundwater, of the Draft EIR, Impact 5.3. As discussed on page 4.5-22, groundwater modeling results indicate that the storage ponds would lower groundwater levels near KF1 and KF2. This would not be caused by the weight of the ponds because the pond weight is supported by the sediment in the ground and not the water in the ground. The water moves freely in the open space between the sediment grains and does not support weight. Any lowering of groundwater levels would be caused by lining of the ponds.

Lining of the ponds would result in a net reduction in the amount of precipitation that would seep into the ground to recharge the groundwater basin. At the center of the ponds, the maximum decline in groundwater level is predicted to be approximately 6 feet below current water level. The groundwater levels are predicted to decline by about 2 feet in an area extending approximately 500 feet from the Kelly Farm property line to the east and north. Please note that the closest domestic well to Kelly Farm is 650 feet (see Draft EIR Table 4.5-5).

In accordance with Mitigation Measure 3.3.9, Well Protection Program, the City shall monitor water levels in water wells potentially affected by the project before and after construction. If water level monitoring indicates that wells may become unproductive as a result of reduced upgradient inflows, the City would either drill a new well that is not significantly affected by the project, modify the existing well, provide a replacement water supply, or implement alternative measures of equivalent effectiveness.

Response to Comment 402-6

Comment Summary: The commentor states that at the KF1 and KF2 sites, creating 28-foot berms in the floodplain would change the way the natural path of groundwater flows and could cause potential flooding during a severe rain storm, possibly affecting our homes. This area has been known to flood during heavy storms, cutting off the traffic flow from Santa Rosa to Sebastopol.

To clarify, the height of the pond embankments at the KF1 and KF2 sites would vary within the range of to 12 to 27 feet, depending upon the original ground elevation and final grading plans. In addition, the KF2 pond would not be located in the 100-year floodplain as defined by the FEMA Flood Insurance Rate Maps or the 75-foot elevation Base Flood Elevation (BFE) set by FEMA. The KF1 pond would have a minor encroachment on the existing FEMA-mapped 100 year floodplain, but does not encroach below the 75-foot BFE. If upon publication of a revised 100-year floodplain map the KF1 pond is found to encroach into the floodplain, then the City would redesign the pond to avoid the floodplain or would compensate for the loss of flood

storage capacity in an adjacent area as required by Mitigation Measure 3.2.23, Flood Storage Management.

Potential flooding from construction of the storage pond at the KF1 and KF2 sites is discussed in Section 4.4, Surface Water Hydrology, of the Draft EIR. As shown in Table 4.4-5 of the Draft EIR, only the access roads and pump station would increase the amount of impervious surfaces, and thus increase the amount of precipitation that would run off the site instead of percolating into the groundwater. The increased amount of impervious surfaces would be 1.8 acres at the KF1 site and 2.7 acres at the KF2 site. Although the pond embankments also could be a source of increased runoff from the sites, this would not occur because the top of the embankments would be sloped toward the interior of the pond to direct precipitation that falls on the embankments into the ponds. This precipitation, therefore, would not contribute to floodwaters. Of even greater importance to the issue of flooding is that the direct rainfall over the surface area of the pond would fall within the pond and not on the ground surface as it would without the pond. As a result, the direct rainfall falling within the pond boundary could no longer run off the site and contribute to local flood waters. Therefore, the net runoff from the sites would be less with the storage ponds than without the storage ponds.

The likelihood that the water in the ponds would reach the level of the spillway and add to floodwaters is considered very low. As described in the Draft EIR Project Description, the design of the ponds would limit spillway use to once every 1,000 years on average. The pond storage capacity was sized based on both direct rainfall from the 100-year, 24-hour storm event and maximum inflow of recycled water from the Laguna Plant. The design concept was to make sure the pond capacity was large enough to hold both the maximum designed inflow and the 100-year, 24-hour rainfall event. In addition, the California Division of Safety of Dams has established a minimum freeboard depth for the berms surrounding the ponds. The freeboard depth from the maximum water surface to the top of the berm provides additional storage capacity.

The presence of storage ponds on the KF1 and KF2 sites would not change the way the natural path of groundwater flows, but it would change the amount of precipitation that reaches the groundwater, and thus would affect groundwater levels. This is because the seepage from the ponds is predicted to be less than the amount of recharge that currently occurs in the pond area. The affect of the project on Groundwater is addressed in Section 4.5, Groundwater, of the Draft EIR.

Response to Comment 402-7

Comment Summary: The commentor states that during the two to three years of KF1 and KF2 pond construction, the noise level would be totally unacceptable to the residents of Ver-Ni Road, Duer Road and Hart Lane. This cannot be mitigated.

Although construction noise control measures would be implemented to minimize construction noise levels, as outlined in the Draft EIR in Section 4.12, these measures may not reduce noise levels to less than significant, and noise levels during construction have been identified as significant and unavoidable at all pond sites, including KF1 and KF2. Please refer to Impact 12.2 on pages 4.12-22 and -23 of the Draft EIR.

CEQA requires the decision-making agency to balance the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve a project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable” under CEQA. In such cases the agency must state in writing the specific reasons to support its action based on the final EIR (including public comments on the Draft EIR) and/or other information in the record. The statement of overriding consideration must be supported by substantial evidence in the record. If an agency makes a statement of overriding consideration, that statement is mentioned in the notice of determination.

Response to Comment 402-8

Comment Summary: The commentor states that the dust created during KF1 and KF2 pond construction would be a health problem.

Section 4.11, Air Quality, of the Draft EIR discusses the generation of dust during project construction and lists the measures that would be taken to control dust generation in Project Measure 3.2.16, Dust Control Program. These measures are consistent with recommendations by the U.S. EPA, California Air Resources Board, and the Bay Area Air Quality Management District (BAAQMD). The BAAQMD CEQA Guidelines find that implementation of these dust control measures is sufficient to reduce health impacts from construction dust to a less-than-significant level.

Response to Comment 402-9

Comment Summary: The commentor states that the view of the construction staging areas for KF1 and KF2 ponds is unacceptable to the residents of Ver-Ni Road.

As currently proposed, the construction staging area for the KF1 Alternative would be located approximately 200 feet from the closest residence on Ver-Ni Road. As stated on page 4.14-25 of the Draft EIR and as required by Mitigation Measure 3.3.18, the size of the staging area must be minimized. This mitigation measure is revised below to specify that temporary visual screening (e.g., wood-slatted fencing) must be installed around the portions of the staging area that would be visible from residences on Ver-Ni Road and adjacent areas. The KF2 Alternative staging area would be located approximately 1,200 feet from the closest residence on Ver-Ni Road. At this distance it is not anticipated that the staging area would warrant visual screening. The Draft EIR is revised as follows:

Page 3-55, item inserted:

- The staging area for the KF1 site shall include installation of temporary visual screening (e.g., wood-slatted fencing) around portions of the staging area that are visible from the closest residences on Ver-Ni Road.

Response to Comment 402-10

Comment Summary: The commentor states that the loss of hundreds of acres of farmland, destruction of the Highway 12 scenic corridor, and the possible damage to the aquifer on which so many depend for drinking water cannot be mitigated.

The comment is generally consistent with the conclusions presented in the Draft EIR. Based upon the analysis in the Draft EIR, the loss of farmland and impact on the Highway 12 scenic corridor cannot be mitigated to a less than significant level. However, please note that potential impacts on groundwater are limited to a few feet of mounding or reduction of the water table, which can be mitigated by Measure 3.3.9 Well Protection Program as described in the Draft EIR in Section 4.5 Groundwater.

Response to Comment 402-11

Comment Summary: The commentors are concerned about mosquitoes breeding in the KF1 and KF2 ponds.

As described on page 4.7-15 of the Draft EIR, the Marin/Sonoma Mosquito Abatement District and the Vector Biology and Control Branch of the California Department of Public Health are responsible for overseeing the mosquito prevention program within the project area. The Abatement District has produced several documents addressing mosquitoes associated with wastewater recycling or disposal projects. These documents provide project design criteria for mosquito prevention as well as guidelines for proper management of recycled water projects. As described in the Draft EIR on page 4.7-43, Measure 3.2.12, Mosquito Prevention Program requires that the SSP comply with the requirements of the Abatement District and the California Department of Health. Such measures include designing the ponds with steep side slopes and without small coves or irregularities around the perimeter, biological controls such as stocking the pond with mosquito fish, and monthly monitoring by City staff. Satisfying these requirements would suppress mosquito populations below the threshold level required for disease transmission or nuisance tolerance level.

Response to Comment 402-12

Comment Summary: The commentor states that the areas proposed for the KF1 and KF2 ponds would destroy the wildlife habitat.

The comment is consistent with the analysis contained in the Draft EIR, Section 4.8, Biological Resources. However, as described in the Draft EIR, with implementation of mitigation measures to avoid, protect, or compensate for these impacts, the impacts would be reduced to less than significant.

Response to Comment 402-13

Comment Summary: The proposed walking trails due to be built in 2009 would be greatly affected by construction of the KF1 and KF2 ponds.

The effects of the ponds on existing and proposed trails are evaluated in Sections 4.1, Land Use, and Section 4.14, Visual Resources, of the Draft EIR.

Response to Comment 402-14

Comment Summary: The commentors are greatly concerned about depreciation of their home and land values. This type of wastewater holding pond does not belong in a residential area, basically in their back yards.

Please refer to the Draft EIR Section 4.1, Land Use, and note that use of the Kelly Farm site for recycled water storage ponds is allowed under the Santa Rosa general plan or zoning designations for the site. In addition, recycled water storage ponds are already present on the Kelly Farm site and also on Brown Farm and Alpha Farm. Therefore, constructing a recycled water storage pond on the Kelly Farm would be compatible with existing land uses.

The comment regarding depreciation of home values does not pertain to the adequacy of the Draft EIR nor the City's compliance with CEQA.

Response to Comment 402-15

Comment Summary: The view of the KF 1 pond from Highway 12 would substantially alter the scenic view of the open land space of Kelly Farm.

The Draft EIR Section 4.14 Visual Resources identifies a significant impact of KF1 on views from Highway 12. Even with implementation of Mitigation Measures 3.3.18 Minimize Temporary and Permanent Visual Impacts and 3.4.4 Landscape and Architectural Screening, impacts would remain significant.

Response to Comment 402-16

Comment Summary: The commentors state that not only will there be serious impacts to the residents of Ver-Ni Road, Duer Road and Hart Lane, but also to the Laguna wetlands area.

The Draft EIR (Section 4.9 Jurisdictional Wetland Resources) describes that constructing project facilities at the KF1 site would permanently impact 1.06 acres of jurisdictional wetlands and at the KF2 site would permanently impact 1.16 acres of jurisdictional wetlands. Although efforts would be made under Mitigation Measure 3.3.15 to redesign the facilities to avoid wetlands to the maximum extent feasible, some level of impact cannot be avoided. Any loss would be compensated with the creation, restoration or preservation of wetlands so there would be no net loss of function and values. Sufficient land is available on each site to create wetlands for mitigation if the City chooses to do so rather than purchase wetlands mitigation credits.

Response to Comment 402-17

Comment Summary: The commentors urge that if the ponds are needed, that Brown Farm or Alpha Farm be considered, as there are fewer residential property and private wells that could be affected.

Please refer to Master Response A, Statement of Opinion For or Against a Project Alternative.

COMMENT LETTER 403, CHESTER AND SUSAN LYON

Response to Comment 403-1

Comment Summary: The commentors are concerned that storage ponds are being considered for Kelly Farm, which is adjacent to their property. Brown Farm and Alpha Farm should be considered instead of Kelly Farm because there are existing storage ponds at those sites and no homes are immediately adjacent to the lands.

Please refer to Response to Comment 402-17, above. Also please note that an existing recycled water storage pond currently exists at the Kelly Farm site. It covers approximately 3 acres of land near the west-central portion of the site. In addition, immediately north of the existing pond, an approximately 12-acre demonstration wetland was constructed at a location of a former storage pond. The demonstration wetland is supported by recycled water from the Subregional System.

Response to Comment 403-2

Comment Summary: The commentor states that it is clear there will be serious adverse impacts to the residents adjacent to Kelly Farm and to the Laguna Wetlands area. These include impacts to wetlands, the detrimental effect to wells, the flood area, potential odors, loss of farm land, depreciation to home and land values, and the many months of construction.

The analysis contained in the Draft EIR identifies potential impacts from the project on wetlands (see pages 4.9-18 through -21) and farmland (see pages 4.2-7 through -9) at the KF1 and KF2 sites, lowering of groundwater levels (see pages 4.5-22 through -24) near the KF1 and KF2 ponds, and minor encroachment on the 100-year floodplain (see pages 4.4-13 through -18) from the KF1 pond. Mitigation Measures are identified to reduce each of these impacts, except for loss of farmland, to a less than significant level. Noise levels (see pages 4.12-17 through -26) and traffic (see pages 4.10-11 through -19) would increase during the construction period. However, the Draft EIR does not identify odors as a long-term project impact. The Draft EIR describes that except during construction, the project is not anticipated to result in odors that would be detectable beyond the project boundaries. In practice, the Subregional System has not found ponds to have odor problems, and no complaints have been filed (see pages 4.11-22 and -23). The comment regarding depreciation of home values does not pertain to the adequacy of the Draft EIR nor the City's compliance with CEQA.

Response to Comment 403-3

Comment Summary: The commentor states that it is hoped that the opinion of those most affected by the placement of the storage pond at Kelly Farm will be considered.

Please refer to Master Response A, Statement of Opinion For or Against a Project Alternative.

COMMENT LETTER 404, MARK AND PAMELA CALAHAN

Response to Comment 404-1

Comment Summary: The commentors have many concerns with the project [at Kelly Farm] that are environmental, health and visual. Of concern is impact on the wildlife in and around the Laguna (such as birds, rabbits, tiger salamander, skunk, possum, raccoon, fox, coyote, etc.). What about the pond's effect on wildlife nesting, hunting and mating?

Under CEQA, an EIR is required to address all impacts in the area of potential effect of the project and to provide mitigation measures for significant impacts or state that the impacts cannot be mitigated. For the Kelly Farm components, the Draft EIR considered not only potential impacts on the direct project area, but also to adjacent areas including the Laguna. The analysis was restricted to native plants and animals and found that Kelly Farm was a highly disturbed area, which was actively used as farmland.

The Draft EIR established evaluation criteria to judge whether impacts to native plants and animals were significant. Particular attention was given to “special-status species” with some level of regulatory protection or simply recognition. For example, a California tiger salamander had been found in the project area. This species is protected under the federal Endangered Species Act. In the Draft EIR, potential impacts to and appropriate mitigations for the salamander were addressed at length. As for the Laguna, this area is considered by the U.S. Fish and Wildlife Service to be unsuitable habitat for the California tiger salamander because the floodplain is regularly inundated by water.

Potentially present species of rabbits, skunks, opossums, foxes, and coyotes do not enjoy any special-status, but are addressed in the Draft EIR under the following two evaluation criteria:

- (3) Will the SSP cause loss of active raptor nest sites?
- (5) Will the SSP cause permanent loss of native special-status plant communities such as those designated in the California Natural Diversity Data Base as “rare” or in local tree ordinances?
- (6) Will the SSP substantially block or disrupt major migration or movement corridors between essential resource areas for native animals?

Evaluation criterion #3 addresses the potential for nest sites of raptors such as hawks and owls to be impacted either indirectly during construction, or directly through loss of the nest. This impact is identified in the Draft EIR as potentially significant and mitigation requires that pre-construction surveys be conducted to identify if any raptor nests are would be disturbed.

Evaluation criterion #5 is a broad one, which addresses native habitats including wetlands such as vernal pools, riparian corridors, and seasonal wetlands. These are all biologically important habitats that could be used by non-special-status wildlife for breeding, foraging, and cover. Wetland habitat in fact is present on the Kelly Farm project areas and these sensitive habitats were addressed in the Draft EIR. However, no impacts by the project to special-status plant communities were identified in the Draft EIR to the Laguna or to other off-site locations.

The analysis in the Draft EIR found the Kelly Farms themselves to be highly disturbed habitats primarily used for farming and subject to regular perturbation by irrigation, disking, mowing, and other farming activities. It is doubtful that wildlife using the Laguna are also using the Kelly Farm area as a major area for nesting, foraging, or cover because of the general lack of undisturbed natural habitat. Consequently, conversion of existing farmland on Kelly Farm to a storage reservoir would not have a significant impact to wildlife in general along the Laguna.

Evaluation criterion #6 would apply, for example, to blockage of a salmon migration route from the sea to possible breeding grounds in the Laguna. No significant adverse affects by the project to major migration or movement corridors were found for any species between Kelly Farm and the Laguna.

Response to Comment 404-2

Comment Summary: The commentors foresee an increase in mosquito population.

Please refer to Response to Comment 402-11 for a discussion of the requirements the City would meet to ensure that mosquito populations are suppressed.

Response to Comment 404-3

Comment Summary: The commentor states that the Laguna floods almost every winter with the flood waters from the creek going into the Laguna watershed and backing up into the commentors' street making it impassable at times. This condition will most likely worsen if the area is filled with a very large storage pond.

Please refer to Response to Comment 402-6. As explained in that response, Laguna flooding would not worsen as a result of placement of storage ponds at the Kelly Farm sites.

Response to Comment 404-4

Comment Summary: The commentor states that in the event of an earthquake it is possible that the storage pond may crack and water flood the commentors' neighborhood and contaminate private wells.

The potential for embankment failure leading to a release of water from the storage ponds is addressed in Chapter 2, Project Description, of the Draft EIR, pages 2-42 through -44. Storage pond embankments, which contain the recycled water in the storage ponds, would meet the design, construction, and operational standards of safety established by the Division of Safety of Dams (DSOD). The embankment design would substantially reduce the possibility of failure by the major causes of failure, including seismic events, unstable slope conditions, or damage from corrosive or expansive soils, so that the probability of such an event is considered extremely remote. Modern design and construction, and conservative freeboard (which would allow the pond to safely retain the maximum storage capacity even if earthquake-induced settlement were to occur) would preempt serious earthquake damage. The DSOD requires appropriate instrumentation and monitoring and submittal of annual reports. In addition, the DSOD generally inspects all jurisdictional dams at least once a year as part of their normal routine maintenance program.

Maintenance, surveillance, and preparedness for emergencies are also recognized as important activities that ensure the safety of embankments. During operation, the ponds would be visually inspected on a regular basis to ensure that the embankments, control structures, access roads, and monitoring instrumentation are maintained. Impediments would be removed from the spillway and other control structures as soon as they are observed. The DSOD also requires that storage ponds be designed to drain down within seven days.

In the extremely unlikely event that a crack in a storage pond embankment on either the KF1 or KF2 sites were to occur, the water would not flow toward the Ver-Ni Road neighborhood. As described in the Draft EIR, for KF1 and KF2 ponds the upland runoff from local drainages to the east of the KF1 and KF2 pond locations would require interception and diversion away from the pond embankments via a diversion ditch as illustrated on Figures 4.4-1 and 4.4-5 in the Draft EIR. An unnamed tributary drainage to the Laguna, which lies between the KF1 and KF2 ponds, would be used to convey the intercepted runoff. This diversion ditch would catch and redirect any runoff from an embankment breach toward the Laguna and away from the Ver-Ni Road neighborhood.

Response to Comment 404-5

Comment Summary: The commentor states that seasonal rains have been known to overflow the Laguna Treatment Plant's ponds. What keeps this from happening with the storage pond?

To clarify, the Laguna Treatment Plant ponds have never overflowed as a result of seasonal rains. Floodwaters from the storm in early 2006 inundated a portion of the treatment plant. There is a difference between the ponds overflowing and the ponds becoming inundated from outside flood waters. Overflowing suggests a problem between storage capacity, operations, and controls; whereas inundation from local flooding occurs as a result of storm runoff (to the Laguna and other local streams) sufficient to overtop the embankments. The proposed seasonal storage pond embankments, including the top-of-berm elevation and storage capacity, have been designed to protect against operations failure (overflows) and outside flood elevations (inundation).

The likelihood that the water inside the ponds would reach the level of the spillway is considered low. As described in the Draft EIR, the design of the ponds would limit spillway use to once every 1,000 years on average. The pond storage capacity was sized based on both direct rainfall from the 100-year, 24-hour storm event and maximum inflow of recycled water from the Laguna Plant. The design concept was to make sure the pond capacity was large enough to hold both the maximum designed inflow and the 100-year, 24-hour rainfall event. There is also a minimum required freeboard depth for the berms surrounding the ponds as mandated by the California Division of Safety of Dams. The freeboard depth from the maximum water surface to the top of the berm provides additional storage capacity. The likelihood of flood waters inundating the ponds is even more remote, as they are not located within the 100-year floodplain (except for a small area in question for KF1) and range from 12 to 27 feet above grade.

Response to Comment 404-6

Comment Summary: The commentor states there will be a loss of irrigated farm land.

Construction of the project at any of the five alternative sites would result in the loss of farmland, including at the KF1 and KF2 sites; see Section 4.2 Agriculture, pages 4.2-8 and -9. Impact 2.1 is identified as a significant, unavoidable impact.

Response to Comment 404-7

Comment Summary: The commentor states that the City wells drilled over the last several years have continued to lower the water table in the neighborhood [end of Ver-Ni Road near Kelly Farm]. This has caused approximately half of the neighborhood residents to have their wells drilled deeper. The commentors have been told that the weight of the proposed ponds will inevitable compress the aquifer causing the water table to drop which will cause more private wells to fail.

To clarify, the wells drilled in the Santa Rosa Plain belong to the Sonoma County Water Agency, not the City of Santa Rosa. Please refer to Response to Comment 402-5 for a discussion of the project's effects on groundwater levels near Kelly Farm.

Response to Comment 404-8

Comment Summary: The commentor states that even though the wastewater has been treated it still retains possible heavy metals and pharmaceutical residuals.

Please refer to pages 4.6-3 through 4.6-6 of the Draft EIR for a list of inorganic constituents found in existing Subregional System storage ponds, including heavy metals, the concentrations of which do not exceed MCLs or thresholds for drinking water. Please refer to pages 4.7-33 through 4.7-38 of the Draft EIR for a discussion of non-regulated chemicals, including pharmaceuticals, in recycled water.

Response to Comment 404-9

Comment Summary: The commentors state that months of construction noise and dust will emotionally and physically affect their lives.

The Draft EIR acknowledges that noise and dust generated during construction at the KF1 and KF2 sites would affect adjacent residents. Please note that as described in Section 4.11, Air Quality, of the Draft EIR, project measures would be implemented that would substantially reduce dust generated by construction. However, as described in Section 4.12, Noise, even with implementation of control measures construction noise levels at properties near any of the pond sites are considered significant and unavoidable.

Response to Comment 404-10

Comment Summary: The commentor states that when construction is finished they will still have noise from the pumping stations and service vehicles.

The comment is correct that pumping stations and service vehicles are potential ongoing noise sources. As part of the Draft EIR impact analysis, a noise monitoring survey was conducted to quantify existing ambient noise conditions at representative locations that could be affected by

construction and operation of the SSP, including operational noise from the pump stations (see Draft EIR Section 4.12, Noise). Noise data summarized in Figure 4.12-1 of the Draft EIR represent the existing (May 2007) noise environment at receptors in the vicinity of Kelly Farm. Noise monitoring showed that ambient noise levels during the daytime varied from about 45 dBA L_{eq} to 53 dBA L_{eq} . At night, ambient noise levels ranged from 37 dBA L_{eq} to 52 dBA L_{eq} . Noise levels for the pumping equipment were projected at the nearest residences and compared to ambient noise levels to determine whether or not there is the potential for noise levels in excess of regulatory criteria or the potential for increased day-night average noise levels. The pump stations would be enclosed in a masonry building to contain noise from the motors. Noise levels from the enclosed pumps at the nearest receptors to KF1 and KF2 would be from 24 to 29 dBA. These noise levels are comparable to a soft whisper at 5' or a quiet bedroom, and are below the existing ambient noise levels in the area. They are also well below the Sonoma County noise standard of 50 dBA L_{50} daytime and 45 dBA L_{50} nighttime for exterior noise sources, and the City of Santa Rosa noise standard of 55 dBA daytime and 45 dBA nighttime for single-family residences.

Regarding noise from service vehicles, each of the City farms, including Kelly Farm, has recycled water storage ponds that already need to be maintained on the sites. Operation and maintenance trips are expected to increase by one round trip per week. This would not substantially increase ambient noise levels or traffic in the project vicinity.

Response to Comment 404-11

Comment Summary: The commentors state that odor from the ponds will not be pleasant at times.

The Draft EIR (Section 4.11, Air Quality) describes that except during construction, the project is not anticipated to result in odors that would be detectable beyond the project boundaries. In practice, the Subregional System has not found ponds to have odor problems, and no complaints have been filed (see pages 4.11-22 and -23).

Response to Comment 404-12

Comment Summary: The commentor states a concern that if water leaks from the ponds into the aquifer it will eventually seep into their private wells and contaminate them.

Please see Response to Comment 402-4 for a discussion of this issue.

Response to Comment 404-13

Comment Summary: The commentors state that the large storage ponds will impact their view of the Laguna de Santa Rosa and disrupt its wildlife. Living right next to the wastewater storage pond will depreciate the commentors' property value.

The comment accurately reflects the impact assessment contained in the Draft EIR. Storage ponds at the KF1 and KF2 sites would impact wildlife (see Impacts 8.1, 8.3, 8.4, and 8.6 in Section 4.8 Biological Resources); impacts would be mitigated to less than significant through a variety of avoidance, reduction, and compensatory measures. Storage ponds would also impact

views of the Laguna from residences near the terminus of Ver-Ni Road off Duer Road (see pages 4.14-10 through -17). Despite implementation of Mitigation Measures 3.3.18. Minimize Temporary and Permanent Visual Impacts and 3.4.4. Landscape and Architectural Screening, impacts would remain significant. The comment regarding depreciation of home values does not pertain to the adequacy of the Draft EIR nor the City's compliance with CEQA.

Response to Comment 404-14

Comment Summary: The commentors state that they have been told that the Laguna de Santa Rosa is part of the California Open Space Conservation Act.

The commentors' reference to the California Open Space Conservation Act is unclear. Perhaps the commentors are referring to the California Land Conservation Act, commonly referred to as the Williamson Act, which is the State's primary program for the conservation of private land in agricultural and open space use. Please refer to Response to Comment 402-2.

The statement on page 4.2-10 of the Draft EIR that reads "The Pump Station Component at the KF1, KF2, BF1, BF2 and AF sites would be located in land that is under Williamson Act contract and thus no conflicts with Williamson Act contract could occur" is in error. This sentence was corrected in Response to Comment 201-7.

Response to Comment 404-15

Comment Summary: The commentors state that they have a lack of trust with Santa Rosa's Recycled Water Program given the problems with flooding at the Laguna Treatment Plant, the proposal of programs that they were assured would not be implemented, and the continual use of wells alongside Highway 12 that were intended for temporary emergency use, and the pumping of water out of the aquifer to sell to Marin County despite the claim that Santa Rosa does not have enough water.

This is not a comment on the SSP Draft EIR, and therefore no further response is provided. However, to clarify, the wells alongside Highway 12 belong to the Sonoma County Water Agency, not the City of Santa Rosa. Similarly, the Water Agency is responsible for contracting to sell water to Marin County, not the City.

Response to Comment 404-16

Comment Summary: The commentor states that since the Laguna de Santa Rosa Watershed is part of the California Open Space Conservation Act, the City will need State of California authorization to build any of the storage ponds or lose grant money.

Please refer to Response to Comment 404-14.

Response to Comment 404-17

Comment Summary: The commentors ask that the City take their concerns seriously and relocate the pond elsewhere perhaps near the existing pond on Llano Road where some of the impacts to the community can be minimized.

The commentors' reference to the existing pond on Llano Road is unclear. Of the alternatives analyzed in the Draft EIR, both the Brown Farm and Alpha Farm are on Llano Road and both sites have existing ponds. Please refer to Master Response A, Statement of Opinion For or Against a Project Alternative.

PUBLIC COMMENTOR 405, WALTER G. PETERSON AND CAROLYN S. PETERSON

Response to Comment 405-1

Comment Summary: The commentors are primarily concerned with the proposed project sites on Kelly Farm. The fresh water they receive directly from their wells comes underground from the Kelly Pond area. They do not want anything nearby that could even have the potential to damage a live water source.

Please refer to Response to Comment 402-4 for a discussion of the potential project effect on groundwater quality and Response to Comment 402-5 for a discussion of the potential project effect on groundwater levels.

Response to Comment 405-2

Comment Summary: The commentor states that the City has not mentioned what it plans to do with the stored water, how it is to be used or distributed. Hopefully it is not planned to be injected into the aquifer system, directly or otherwise. A test in the 90s proved it was incompatible with the natural live water in the aquifer and had to be flushed out of the system.

The purpose of the storage ponds is provided on page 1-1 of the Introduction to the Draft EIR: “The Project is necessary to provide storage of the recycled water generated by the Subregional Water Reuse System members in a manner that is reliable and in compliance with regulatory requirements. The volume of recycled water the Project must store is based on the Master Plan. Under the Master Plan, storage is needed for both urban reuse and discharge.” In addition, please refer to Response to Comment 400-3. The City’s Recycled Water Master Plan does not include, and the City has no other plans, to inject the recycled water into a local aquifer.

Response to Comment 405-3

Comment Summary: The commentors are concerned with the continuing noise, smell and home devaluation that the project promises. They believe the City can find an amicable solution without damaging their homes and property values, or the water quality.

The Draft EIR evaluates impacts regarding noise, odors, and water quality in Section 4.12 Noise, Section 4.11 Air Quality, Section 4.5 Groundwater and Section 4.6 Surface Water Quality. The comment regarding depreciation of home values does not pertain to the adequacy of the Draft EIR nor the City’s compliance with CEQA. The comment’s concern regarding potential impacts on home values is noted. The City is not aware of any evidence that existing facilities have caused home values to depreciate, or that the SSP would cause home values to depreciate.

Response to Comment 405-4

Comment Summary: The commentors ask if the large berms are built on the floodplain, what will happen to homes when the water flows around them and rises into areas that in the past were not affected. The City has the responsibility for all flooding damage each time the water rises to new heights due to the berms. This will impact other areas of Sebastopol and surrounding countryside as well.

Please refer to Response to Comment 402-6 for a discussion of the effect of the pond embankments at Kelly Farm on flooding.

Response to Comment 405-5

Comment Summary: The commentors want the City to use their comment letter as a firm objection to any thoughts of building berms on or near the Kelly Pond area.

Please refer to Master Response A, Statement of Opinion For or Against a Project Alternative.

Response to Comment 405-6

Comment Summary: The commentors ask to be kept apprised of any and all changes regarding the Seasonal Storage Project.

The commentors' names have been added to the City's CEQA notification list for the SSP EIR. In addition, any action taken on the Draft EIR will be posted on the City's website at www.SRCity.org/IRWP.

COMMENT LETTER 406, BOB AND GAIL HIGHT

Response to Comment 406-1

Comment Summary: The commentors state that they are writing to express opposition to the location of the water treatment ponds on Kelly Farm, near the end of Ver-Ni Road.

Please refer to Master Response A, Statement of Opinion For or Against a Project Alternative.

Response to Comment 406-2

Comment Summary: The commentors state that the proximity of proposed ponds on Kelly Farm to homes in the neighborhood has the potential to create health hazards, ecological damage and financial damage including potential groundwater and well contamination which is a primary concern. The wells are already suffering from poor water quality and low quantity, and have been severely affected by the diminished local water table.

Please refer to Response to Comment 402-4 for a discussion of the potential project effect on groundwater quality and Response to Comment 402-5 for a discussion of the potential project effect on groundwater levels. The comment regarding depreciation of home values does not pertain to the adequacy of the Draft EIR nor the City's compliance with CEQA. Also, please refer to the Draft EIR Section 4.7, Public Health and Safety, and Section 4.8, Biological Resources.

Response to Comment 406-3

Comment Summary: The commentor states that another concern with location of ponds at Kelly Farm is air quality contamination, including odor problems from the ponds.

The air quality impacts from project construction and operation are evaluated in the Draft EIR Section 4.11, Air Quality. The Draft EIR concludes that air quality impacts would be less than significant, except for greenhouse gas emissions from the pump station which would be significant. The Draft EIR also describes that except during construction, the project is not anticipated to result in odors that would be detectable beyond the project boundaries. In practice, the Subregional System has not found ponds to have odor problems, and no complaints have been filed.

Response to Comment 406-4

Comment Summary: Another concern with the location of ponds at Kelly Farm is mosquitoes breeding in the ponds.

Please see Response to Comment 402-11 for a discussion of measures that would be taken to prevent mosquito breeding in the ponds.

Response to Comment 406-5

Comment Summary: The commentor states that when the Laguna overflows during winter months, the Duer/Ver-Ni/Hart Lane neighborhood has been completely cut off from access to Sebastopol via Highway 12 during extreme weather conditions. Creating huge berms will drastically change the way water flows and drains when winter rains are at their peak. The location of ponds on Kelly Farm endangers homes and the neighborhood and creates potential flooding problems for downtown Sebastopol.

The comment is correct that the pond embankments would change the way water flows over the pond sites. Please refer to Response to Comment 402-6 for a discussion of the effect of the pond embankments on flooding.

Response to Comment 406-6

Comment Summary: The commentors state that the Laguna de Santa Rosa is a fragile ecosystem that provides wetland and meadowland to animals, birds, and plant life. The months of construction required to build the ponds will destroy the habitat and change it forever. Recent efforts to save and preserve the Laguna are in direct opposition to the proposed location of the treatment ponds.

The comment is correct that storage pond construction would impact wetland and agricultural habitat. These impacts and mitigation measures that would reduce the impacts are evaluated in the Draft EIR in Sections 4.8, Biological Resources and Section 4.9, Jurisdictional Wetlands Resources. Also, please refer to Response to Comment 404-1.

Biological surveys were performed at each of the potential sites, including at the potential Kelly Farm sites. Surveys were performed for special status plant and animal species. The results of the surveys appear in Appendices F-1 and F-2 in the Draft EIR, as well as in Section 4.8, Biological Resources. Habitat on the KF1 and KF2 sites consists primarily of irrigated hayfields. The Draft EIR concludes that the KF1 and KF2 sites would result in significant impacts to biological resources. The Draft EIR also identifies mitigation measures that would avoid these impacts. For more information, please see Draft EIR Section 4.8.

Response to Comment 406-7

Comment Summary: The commentors state that constructing the ponds will lower the value of homes in the neighborhood which represent their primary lifetime financial investment.

The comment regarding depreciation of home values does not pertain to the adequacy of the Draft EIR nor the City's compliance with CEQA. The comment's concern regarding potential impacts on home values is noted. The City is not aware of any evidence that existing facilities have caused home values to depreciate, or that the SSP would cause home values to depreciate.

Response to Comment 406-8

Comment Summary: The commentors state that the above noted health, ecological and economic factors, in addition to the visual impacts of these ponds will be catastrophic to their neighborhood. They ask the City to reconsider this proposed location.

If the City decides to approve a seasonal storage project, the City will select among all five alternatives analyzed in detail in the Draft EIR. This will be done by balancing a variety of public objectives, including economic, environmental, and social factors, and will consider public comments on the Draft EIR. Please refer to Master Response A, Statement of Opinion For or Against a Project Alternative.

COMMENT LETTER 407, EFTON HOLBEN

Response to Comment 407-1

Comment Summary: The commentor states that it is the proposed ponds on the Kelly Farm that primarily concern residents on Duer Road, Ver-Ni, and Hart Lane. The fresh water they receive directly from their wells comes underground from the Kelly Pond area. They do not want anything nearby that could even have the potential to damage a live water source.

Please refer to Response to Comment 402-4 for a discussion of the potential project effect on groundwater quality and Response to Comment 402-5 for a discussion of the potential project effect on groundwater levels.

Response to Comment 407-2

Comment Summary: The commentor states that the City has not mentioned what it plans to do with the stored water, how it is to be used or distributed. Hopefully it is not planned to be injected into the aquifer system, directly or otherwise. A test in the 90s proved it was incompatible with the natural live water in the aquifer and had to be flushed out of the system.

Please refer to Response to Comment 405-2.

Response to Comment 407-3

Comment Summary: The commentor is concerned with the continuing noise, smell and home devaluation that the project promises. They believe the City can find an amicable solution without damaging their homes and property values, or the water quality.

Please refer to Response to Comment 405-3.

Response to Comment 407-4

Comment Summary: The commentor asks if the large berms are built on the floodplain, what will happen to homes when the water flows around them and rises into areas that in the past were not affected. The City has the responsibility for all flooding damaging each time the water rise to new heights due to the berms. This will impact other areas of Sebastopol and surrounding countryside as well.

Please refer to Response to Comment 402-6 for a discussion of the effect of the pond embankments on flooding.

Response to Comment 407-5

Comment Summary: The commentor asks that the City take the comment letter as a firm objection to any thoughts of building berms on or near the Kelly Pond area.

Please refer to Master Response A, Statement of Opinion For or Against a Project Alternative.

Response to Comment 407-6

Comment Summary: The commentor asks to be kept apprised of any and all changes regarding the Seasonal Storage Project.

The commentor's name has been added to the City's CEQA notification list for the EIR. In addition, any action taken on the Draft EIR will be posted on the City's website at www.SRCity.org/IRWP.

COMMENT LETTER 408, GLENN NEMHAUSER

Response to Comment 408-1

Comment Summary: The commentor objects to the proposed construction of waste water storage ponds KF1 and KF2.

Please refer to Master Response A, Statement of Opinion For or Against a Project Alternative.

Response to Comment 408-2

Comment Summary: The commentor states that the proposal seeks to construct the ponds at KF1 and KF2 in a known flood plain. Flooding could cause spillage thus contaminating the commentor's residential wells and the aquifer.

Please refer to Response to Comment 402-3 for a discussion of the location of KF1 and KF2 ponds in relation to the floodplain. Please see Response to Comment 402-6 for a discussion of the effect of the storage ponds on flooding potential. A potential cause of spillage from the ponds would be if the ponds filled to a level that exceeded pond capacity. It is for this reason that the California Division of Safety of Dams requires the ponds to include a spillway which would act as an emergency overflow. The spillway would be located 3 feet below the embankment crest and 2 feet above the normal water surface elevation. This means that the water in the pond would have to rise 2 feet above normal maximum water surface elevation. At the KF1 and KF2 sites, water from the spillway would be directed into the nearest drainage that flows into the Laguna. Should a spillway release occur during a period of heavy rain when the Laguna was in flood stage, the water released via the spillway would co-mingle with the Laguna floodwaters. Some of these floodwaters would retreat back into the Laguna and some would infiltrate into the aquifer. As described in the Draft EIR on page 2-43, in accordance with DSOD requirements, the spillway would be designed for a minimum IDF (intensity duration frequency) of 1,000 years. This means that, on average, the spillway would be used every 1,000 years.

The Subregional System operates the system to prevent use of the spillway, thereby further reducing the frequency of such an event. Operators maintain all ponds at 2 feet (freeboard) below the spillway during the winter when storms may occur, ponds would never be filled when pond levels were high during a storm, and recycled water is moved between ponds when necessary to balance the system and reduce levels in a particular pond.

As stated on page 4.6-15 in Section 4.6, Surface Water Quality, of the Draft EIR, the probability of spillway use is so low that evaluation of the surface waste quality impacts of such a rare event is not reasonable.

Also, please see Draft EIR pages 2-30 to 2-32, 2-43 to 2-44, 4.4-16 to 4.4-17 and *TM 3, Site Hydrology Evaluation Technical Memorandum* provided in Volume 5 of the Draft EIR.

Response to Comment 408-3

Comment Summary: The commentor states that seepage at KF1 and KF2 would contaminate the commentor's residential wells and the aquifer.

Please refer to Response to Comment 402-4 for a discussion of the reasons pond seepage is not expected to reach domestic wells.

Response to Comment 408-4

Comment Summary: The commentor states that odor at KF1 and KF2 would be unpleasant and would decrease property values and the ability to sell their homes.

The Draft EIR (Section 4.11, Air Quality) describes that except during construction, the project is not anticipated to result in odors that would be detectable beyond the project boundaries. In practice, the Subregional System has not found ponds to have odor problems, and no complaints have been filed. The comment regarding depreciation of home values does not pertain to the adequacy of the Draft EIR nor the City's compliance with CEQA.

Response to Comment 408-5

Comment Summary: The commentor states that mosquitoes are known pests which cause health hazards. It is against County policy to have areas of standing water, which can become mosquito breeding areas.

The County does not have a policy against storage of recycled water in open storage ponds. Please refer to Response to Comment 402-11 regarding mosquito breeding prevention requirements.

Response to Comment 408-6

Comment Summary: The commentor states that storage ponds at KF1 and KF2 would contribute to the further loss of farmland in the county.

Section 4.2 (Agriculture) analyzes the impact of the KF1 and KF2 sites on agricultural resources. The storage ponds at the KF1 site would result in the permanent loss of 62.1 acres of status farmland, and at the KF2 site would result in the permanent loss of 48.1 acres of status farmland. As shown in Draft EIR Table 4.2-5, all of the project alternatives evaluated in the Draft EIR would result in loss of farmland.

Response to Comment 408-7

Comment Summary: The commentor states that proposed ponds at KF1 and KF2 are adjacent to the Laguna de Santa Rosa which is a protected wetlands environment.

As described in the Draft EIR in Section 4.9, Jurisdictional Wetlands Resources, the proposed ponds at the KF1 and KF2 sites would permanently impact 1.06 acres and 1.16 acres of wetlands, respectively. Compensation for this loss would be in the form of restoration or creation of new wetlands such that there would be no net loss of wetland function and values. Sufficient land is available on each site to create wetlands for mitigation if the City chooses to do so rather than purchase wetlands mitigation credits. Please refer to Mitigation Measure 3.3.15.

Response to Comment 408-8

Comment Summary: The commentor states that there are alternative sites to KF1 and KF2 in the City's proposal which are not adjacent to residential housing, such as the Brown Farm. Please explore them.

Five alternative sites are evaluated in detail in the Draft EIR. In addition to the KF1 and KF2 sites, two sites at the Brown Farm and one site at the Alpha Farm are evaluated. A number of residences are also near the Brown Farm and Alpha Farm pond sites. If the City decides to approve a seasonal storage project, a number of public objectives, including economic, environmental and social factors, will be considered in the City's selection among the five alternatives.

COMMENT LETTER 409, JAMES NEIDER

Response to Comment 409-1

Comment Summary: The commentor finds it ridiculous that the City is thinking of installing sewer holding ponds on the Kelly Ranch, let alone adjacent to their small rural housing community especially when the City could place them on Brown Farm which is outside the commentor's community and not next to any houses.

Please refer to Master Response A, Statement of Opinion For or Against a Project Alternative. Please note that the ponds being considered are for storage of recycled water, not sewage.

Response to Comment 409-2

Comment Summary: If the ponds on placed on Kelly Ranch they will block views from the commentor's area looking west and block the beautiful views looking towards Mount Saint Helena from Sebastopol.

The Draft EIR identifies visual impacts of the KF1 and KF2 pond sites as significant, even after mitigation; see pages 4.14-10 through -17.

Response to Comment 409-3

Comment Summary: The commentor states that the ponds at Kelly Ranch will bring smells, mosquitoes, and leak sewer water into the commentor's well aquifers. The commentor is almost certain the City would not hook them up to the Santa Rosa water system.

The Draft EIR concludes that such impacts either would not occur or be mitigated with implementation of protective measures. The Draft EIR (Section 4.11, Air Quality) describes that except during construction, the project is not anticipated to result in odors that would be detectable beyond the project boundaries. In practice, the Subregional System has not found ponds to have odor problems, and no complaints have been filed. Please see Response to Comment 402-11 for a discussion of measures that would be taken to prevent mosquito breeding in the ponds. The potential for the project to affect groundwater quality in domestic wells is discussed in the Draft EIR in Section 4.5 Groundwater and in Response to Comment 402-4.

Response to Comment 409-4

Comment Summary: The commentor states that there are many issues with the ponds at Kelly Ranch such as disturbing the Laguna de Santa Rosa which should be considered a pristine open space and not a place to dump sewage.

The KF1 and KF2 sites do not encroach on the Laguna de Santa Rosa; refer to Section 4.9 Jurisdictional Wetlands Resources, pages 4.9-18 through -21. To clarify, the project proposes to construct ponds for seasonal storage of tertiary-treated recycled water.

Response to Comment 409-5

Comment Summary: The commentor states that another issue is months of construction noise.

Although construction noise controls measure would be taken to minimize construction noise levels, as outlined in the Draft EIR in Section 4.12, these measures may not reduce noise levels to less than significant, and impacts are therefore identified as significant and unavoidable.

Response to Comment 409-6

Comment Summary: Another issue is that the City wants to build in a flood zone. The City knows that residents of Hart Lane are only about 75' above sea level.

The City would meet regulatory requirements related to siting facilities within flood zones. As described in Section 4.4, Surface Water Hydrology, of the Draft EIR, as currently sited the KF1, BF1, and BF2 ponds are located completely out of the 100-year floodplain as defined by either the FEMA Flood Insurance Rate Maps or by the 75-ft elevation BFE set by FEMA. The KF1 and AF ponds have minor encroachments into the 100-year floodplain as shown on FEMA maps, but they do not extend onto lands below the 75-ft BFE (base flood elevation). If upon FEMA publication of the revised 100-year floodplain map for the area, the ponds are found to encroach into the floodplain, the City would avoid encroachment or would compensate for the loss of flood storage capacity in an adjacent area as required by Mitigation Measure 3.2.23, Flood Storage Management. In this way, the presence of seasonal storage facilities would not increase the flood hazard.

Response to Comment 409-7

Comment Summary: Another major concern is the depreciation of property values which are already in decline due to the mortgage crunch.

The comment regarding depreciation of home values does not pertain to the adequacy of the Draft EIR, nor the City's compliance with CEQA, because it is not an environmental issue. The comment's concern regarding potential impacts on home values is noted. The City is not aware of any evidence that existing facilities have caused home values to depreciate, or that the SSP would cause home values to depreciate.

Response to Comment 409-8

Comment Summary: The commentor states that the City needs to give a lot of thought to what the City is about to do.

The City has given, and continues to give, a great amount of consideration to its decision on the seasonal storage project.

The City first identified the need for seasonal storage with development of the Incremental Recycled Water Master Plan in 2004. The Master Plan built on the findings of the Incremental Recycled Program Feasibility Report prepared in 2003. The Santa Rosa Board of Public Utilities adopted the Purpose and Need Statement for the Project on October 5, 2006, which was

confirmed by the City Council on October 17, 2006. In 2006 conceptual design for the project was begun. A range of storage sites was investigated and evaluated for their feasibility and ability to meet the Project Objectives. The sites considered included potential sites from Alexander Valley to Cotati, and from Forestville to Oakmont. Using certain exclusionary criteria (e.g., sites within active faults zones were eliminated) and preferential criteria (e.g., proximity to existing infrastructure) resulted in the identification of 34 potential sites in the Santa Rosa Plain, east of Rohnert Park, and in the Alexander Valley. The next step was to apply the remaining evaluation criteria to the 34 sites to evaluate and eliminate potential sites. Six sites remained after the screening process. This list of preliminary alternatives was provided to the public in a Notice of Preparation (NOP) and at the scoping meeting in Santa Rosa in February 2007. In response to the NOP and at the scoping meeting additional alternatives were proposed by the public. These proposed alternatives were evaluated in a Draft Screening Report for the SSP, which was issued on April 11, 2007. The alternatives to be included in the EIR were confirmed by the Santa Rosa Board of Public Utilities (BPU) at their meeting on April 19, 2007, based upon the information provided in the Draft Screening Report, and further information presented at the meeting by the public. Subsequent to that meeting and as a result of the geotechnical investigations of sites for the EIR, information became available which concluded that three of the alternatives were not feasible. This information was brought before the BPU on October 4, 2007, and they confirmed the elimination of these three pond sites as alternatives in the Draft EIR.

The Draft EIR was prepared to provide information to the City regarding the potential environmental impacts that could result from implementation of each alternative. When the City's Board of Public Utilities makes its final decision on the project, they will consider the information contained in the EIR, including public comments. If the City decides to select a project that would have significant environmental impacts that cannot be mitigated, it will do so by balancing a variety of public objectives, including economic, environmental, and social factors.

COMMENT LETTER 410, EMMA J. BECK

Response to Comment 410-1

Comment Summary: The commentor states that as a homeowner on the west end of Ver-Ni, adjacent to the Kelly Farm, she is deeply concerned about the construction of storage ponds on the site. Because of the possible threats to homeowners' properties, such as the effect on well water, odors, months of construction, etc the commentor requests that the City consider some other site for the project.

Please refer to Master Response A, Statement of Opinion For or Against a Project Alternative.

COMMENT LETTER 411, CLAUDE PIEHOF

Response to Comment 411-1

Comment Summary: The commentor states that this has been an ongoing battle with the City for the past 30 years. The answer to the City's sewage problem will never end. As long as the City continues to build new homes and businesses, the problem will only get larger. Ponds are not the answer.

Please refer to Master Response A, Statement of Opinion For or Against a Project Alternative. The need for additional storage capacity was identified in the Incremental Recycled Water Program Master Plan in response to the General Plans of the Subregional System partners. The SSP EIR tiers from the IRWP Program EIR. Information regarding the sizing of the program and the need for additional storage capacity can be found in the IRWP Master Plan and the IRWP Program EIR.

Response to Comment 411-2

Comment Summary: The commentor states that the ponds [at KF1 and KF2] are to be built in a flood zone. Water flows in the field and backs up. The ponds will cause a dam where water now runs freely. Will the City be responsible for damages to homes when this happens?

Please refer to Response to Comment 402-6 for a discussion of the location of the storage ponds in relation to the flood zone and the reasons why the ponds would not increase flood levels. As described in the Draft EIR, for KF1 and KF2 ponds the upland runoff from local drainages to the east of the KF1 and KF2 pond locations would require interception and diversion away from the pond embankments via a diversion ditch as illustrated on Figures 4.4-1 and 4.4-5 in the Draft EIR. An unnamed tributary drainage to the Laguna, which lies between the KF1 and KF2 ponds, would be used to convey the intercepted runoff.

Response to Comment 411-3

Comment Summary: The commentor states that the homes in the area [of the KF1 and KF2 ponds] rely on wells for their water. Will the City provide free water to everyone when the wells become contaminated from the ponds?

Please see Response to Comment 402-4 for a discussion of this issue.

Response to Comment 411-4

Comment Summary: The value of the commentor's property has depreciated from the recession, but by building sewage ponds near them, the value will drop even more. Will the City make up the loss from having their sewage pond so close with the smell, noise, air quality, insects, and anything else caused by the ponds?

The comment regarding depreciation of home values does not pertain to the adequacy of the Draft EIR nor the City's compliance with CEQA, because it is not an environmental issue. The comment's concern regarding potential impacts on home values is noted. The City is not aware

of any evidence that existing facilities have caused home values to depreciate, or that the SSP would cause home values to depreciate.

Response to Comment 411-5

Comment Summary: The commentor states that the Laguna de Santa Rosa has always been a protected zone from construction of any kind.

The KF1 and KF2 sites do not encroach on the Laguna; refer to Section 4.9 Jurisdictional Wetlands Resources, pages 4.9-18 through -21.

Response to Comment 411-6

Comment Summary: The commentor stands with his neighbors in the fight against the ponds [at KF1 and KF2].

Please refer to Master Response A, Statement of Opinion For or Against a Project Alternative.

COMMENT LETTER 412, STEVE CARVER AND JO ANNE ALLEN

Response to Comment 412-1

Comment Summary: The commentors' home borders the Kelly Farm. The commentors express their disapproval and disappointment in the City's plans to construct water storage ponds immediately west of their property and residential neighborhood.

Please refer to Master Response A, Statement of Opinion For or Against a Project Alternative. To clarify, the ponds would store tertiary-treated recycled water.

Response to Comment 412-2

Comment Summary: The Draft EIR states many points that would greatly impact the homes in the area, including many months of construction with resulting noise, dust and traffic; the risk of water leaking into the local aquifer and wells; odors/visual impact, and the potential for decreased property values. Construction of the ponds [at KF1 and KF2] so close to a residential neighborhood does not make sense. The commentors ask that the City find other land with less impact on its citizens.

Please refer to Master Response A, Statement of Opinion For or Against a Project Alternative. The Draft EIR identifies construction impacts relative to noise, dust and traffic in Section 4.12 Noise, Section 4.11 Air Quality, and Section 4.10 Transportation. Please refer to Response to Comment 402-4 regarding seepage from the pond into the aquifer. The Draft EIR (Section 4.11, Air Quality) describes that except during construction, the project is not anticipated to result in odors that would be detectable beyond the project boundaries. In practice, the Subregional System has not found ponds to have odor problems, and no complaints have been filed. The Draft EIR identifies significant impacts on visual resources from both KF1 and KF2 ponds, even after implementation of Mitigation Measures 3.3.18 Minimize Temporary and Permanent Visual Impacts and 3.4.4 Landscape and Architectural Screening. The comment regarding depreciation of home values does not pertain to the adequacy of the Draft EIR nor the City's compliance with CEQA, because it is not an environmental issue.

COMMENT LETTER 413, BILL AMATNEEK

Response to Comment 413-1

Comment Summary: The commentor states that the use of Kelly Farm for water storage ponds will negatively impact home values by obstructing views to the west. No one endures a higher price-to-value ratio for the taxes paid to the county. To have the City block the view would be an insult to all who live here.

The comment regarding depreciation of home values does not pertain to the adequacy of the Draft EIR nor the City's compliance with CEQA, because it is not an environmental issue. The comment's concern regarding potential impacts on home values is noted. The City is not aware of any evidence that existing facilities have caused home values to depreciate, or that the SSP would cause home values to depreciate.

Response to Comment 413-2

Comment Summary: In time, the Kelly Farm ponds will leak and the leakage will reach the aquifers and contaminated water will reach the wells and impact the quality of the water they drink, rendering it undrinkable. The city may not do this.

Please refer to Response to Comment 402-4 for a discussion of this issue.

Response to Comment 413-3

Comment Summary: The commentor states that Sonoma is an agricultural county, and this land [Kelly Farm] must remain devoted to agricultural usage.

Please refer to Section 4.2 Agriculture which identifies a significant unavoidable impact on farmland.

Response to Comment 413-4

Comment Summary: Winter rains flood the Laguna de Santa Rosa and the Kelly Farm. As rain increases due to global warming, as forecasted for the county, and water levels rise, the Kelly Farm ponds would be weakened and the berms compromised and possibly breached, resulting in flooding of the surrounding community with contaminated, recycled water. This would be unacceptable.

Please refer to Response to Comment 400-1.

Response to Comment 413-5

Comment Summary: The commentor states that like the exposed county well pumps in the vicinity, no effort will be made to dampen the noise of the pumps.

As described in the Draft EIR in Sections 2.0, Project Description, and Section 4.12, Noise, the pump stations would be enclosed in a masonry building to contain noise from the motors. Please see Response to Comment 404-10 for a detailed discussion of this issue.

Response to Comment 413-6

Comment Summary: The commentor states that everything about the ponds [on Kelly Farm] would be incompatible with the neighborhood. The ponds should be kept within Santa Rosa city limits where the water is created. Perhaps the City would see, hear and smell that its growth should be restrained. The neighborhood does not want the City's problem there.

Please refer to Master Response A, Statement of Opinion For or Against a Project Alternative. Refer also to Section 4.1 Land Use that discusses compatibility with the local land use controls on the property.

Response to Comment 413-7

Comment Summary: Of all the alternatives presented in the Draft EIR, the "No Project" seems to be the best and, as stated in the EIR, the environmentally superior alternative. The EIR also states that any "indirect effects" of the No Project alternative on the Subregional System are speculative. One effect, curbing growth, is a positive effect of the No Project alternative.

The commentor is correct that the No Project Alternative was identified in the Draft EIR as the Environmentally Superior Alternative. The possible effect of the No Project Alternative in curbing growth is not considered positive or negative, in accordance with CEQA guidelines Section 15126.2(d).

Response to Comment 413-8

Comment Summary: The commentor suggests the City solve its wastewater problem with the "No Project" solution. Those who live next to the Kelly Farm do not want wastewater ponds on their doorsteps, or wastewater flooding their streets and home, or wastewater in their wells. Build the pond within City limits, or do not build at all.

Please refer to Master Response A, Statement of Opinion For or Against a Project Alternative. The No Project alternative would not help the City improve the Subregional System's wastewater disposal operations. As stated in the Draft EIR on page 4.15-17, if the no project alternative were implemented, the options for recycled water discharge compliance would be restricted, flexibility in solving discharge challenges would be reduced, and potentially, significant discharge water quality impacts would result, causing a significant and unavoidable impact to sewage treatment services. Also, Kelly Farm, as well as Brown Farm and Alpha Farm have been annexed into the City of Santa Rosa, and are, therefore, within the city limits. Section 6 of the Draft EIR includes a discussion of alternative locations considered and rejected. These alternatives include locating many smaller ponds near points of delivery. (See Draft EIR, p. 6-5.) These alternatives also include sites located within or adjacent to urban areas, such as the City of Santa Rosa. This approach would entail constructing a larger number of smaller ponds. The City concluded that this approach was infeasible and would not meet project objectives due to much higher cost, reduced reliability, and the need for increased maintenance. (See Revised

Final Screening Report, pages B-18 to B-19 (March 2008) provided in Appendix B to this EIR.) For further information on the screening of potential sites, please refer to Response to Comment 417-1. Further information on the screening process used to identify alternative sites is available in the Revised Final Screening Report (March 2008) and in the Draft Engineering Report (December 2006). These documents describe the rationale used by the City to select sites for detailed analysis, and apply the rationale to a broad range of particular sites.

COMMENT LETTER 414, ART TRINEI

Response to Comment 414-1

Comment Summary: The commentor states that Kelly Farm is the only storage pond site that would directly impact a neighborhood. One concern is that an increase in the height of the groundwater could affect the septic systems.

The potential for the project to affect septic systems due to groundwater mounding is evaluated in the Draft EIR in Section 4.5, Groundwater, pages 4.5-21 and -22. As described on Draft EIR on page 4.5-21, the project at the KF1 or KF2 sites would not result in increased groundwater levels. While the KF1 and KF2 pond sites are near the Duer Road and Ver-Ni road neighborhood, three residences along Llano Road are closer to the BF1 pond site than any residences are to the KF1 or KF2 sites (please refer to Table 4.5-5 on page 4.5-18 in the Draft EIR for the distance of the closest domestic well to each of the pond sites).

Response to Comment 414-2

Comment Summary: The commentor states that another concern with the storage ponds at the Kelly Farm site is there is no assurance that domestic wells will not be negatively impacted.

Please see Response to Comments 402-4 and 402-5 for discussions of the potential for the storage ponds at the KF1 and KF2 sites to affect domestic well water levels and water quality.

Response to Comment 414-3

Comment Summary: The commentor states that another concern is that farmland would be lost.

This issue is evaluated in the Draft EIR in Section 4.2, Agriculture, and is identified as a significant, unavoidable impact.

Response to Comment 414-4

Comment Summary: The commentor states that another concern is that storage ponds at Kelly Farm would have a visual impact on the neighborhood.

This issue is evaluated in the Draft EIR in Section 4.14, Visual Resources, and is identified as a significant, unavoidable impact.

Response to Comment 414-5

Comment Summary: The commentor states that the potential damage to the ponds from a major earthquake has not been adequately addressed and could have a devastating effect on homes and lives.

Please refer to Response to Comment 404-4.

COMMENT LETTER 415, RONALD HLAVAC, MAXINE HLAVAC, AND JERRY HLAVAC

Response to Comment 415-1

Comment Summary: This is not a project that should be contemplated for the Laguna de Santa Rosa. It is better fit close to the existing treatment plant facilities or areas that have little or no development. As stated in the EIR, there are significant drawbacks to this location including it takes away a large area of hay production, reduces the available flood storage capacity of the area, and will effect wetlands. The destruction of the view from the properties on Duer Road and Ver-Ni Road cannot be mitigated.

Please refer to Master Response A, Statement of Opinion For or Against a Project Alternative. The commentator is correct that the Draft EIR identifies a significant unavoidable impact to farmland (see Section 4.2 Agriculture), and a significant but mitigable effect on wetlands at KF1 and KF2 (see Section 4.9 Jurisdictional Wetlands Resources). However, the KF1 and KF2 ponds would not reduce flood storage capacity; please refer to Response to Comment 402-3. The Draft EIR does identify significant unavoidable impacts to visual resources from the KF1 and KF2 ponds (see Section 4.14 Visual Resources). Also, the Laguna is closer to the Laguna Plant than it is to the KF1 or KF2 ponds.

Response to Comment 415-2

Comment Summary: The commentator states that odors from the existing ponds are not pleasant in the sparsely populated area and would be intolerable in the populated area of the proposed project.

The Draft EIR (Section 4.11, Air Quality) states that except during construction, the project is not anticipated to result in odors that would be detectable beyond the project boundaries. In practice, the Subregional System has not found ponds to have odor problems, and no complaints have been filed. The commentator mentions odors from the existing ponds; this is considered unlikely. The region is often subject to odors from farming practices, manure ponds, or manure management, which may have been mistaken for odors from the existing recycled water storage ponds.

Response to Comment 415-3

Comment Summary: The commentator states that property values would be drastically affected and could reduce tax assessment to the County.

The comment regarding depreciation of home values does not pertain to the adequacy of the Draft EIR nor the City's compliance with CEQA, because it is not an environmental issue. The comment's concern regarding potential impacts on home values is noted. The City is not aware of any evidence that existing facilities have caused home values to depreciate, or that the SSP would cause home values to depreciate.

Response to Comment 415-4

Comment Summary: The dirt, noise and nuisance of the construction [at the KF1 and KF2 sites] would be detrimental to the residents of the area, along with the added potential of creating mosquito breeding grounds.

Please refer to Master Response A, Statement of Opinion For or Against a Project Alternative. The Draft EIR identifies construction impacts relative to noise, dust and traffic in Section 4.12 Noise, Section 4.11 Air Quality, and Section 4.10 Transportation. Please refer to Response to Comment 402-11 regarding mosquitoes.

Response to Comment 415-5

Comment Summary: Should the City decide to proceed with the project at [the Kelly Farm] location, it is anticipated that years of litigation could ensue. The Comment letter is submitted as a protest to the project.

Please refer to Master Response A, Statement of Opinion For or Against a Project Alternative.

COMMENT LETTER 416, JAY LEVINE-GOLDBERG AND ANITA LEVINE-GOLDBERG

Response to Comment 416-1

Comment Summary: There are multiple concerns with the proposal to construct storage ponds on Kelly Farm. If the City constructs the ponds, the existing flooding issue will become worse and possibly be displaced to homes and make the storage ponds and equipment inaccessible.

Please see Responses to Comments 402-3 and 402-6 for discussions of the potential effect of the storage ponds on flooding. Regarding the accessibility of the storage ponds during a flood event, as discussed in the Draft EIR in section 4.10, Transportation, both the KF1 and the KF2 sites would be accessible via Highway 12 and Occidental Road. In a 100-year flood event, KF2 would continue to be accessible via Occidental Road. KF1, however, would not be accessible by either Highway 12 or Occidental Road. Access from Hwy 12 is partially within the 75' base flood elevation (BFE) and access from Occidental Road is partially transected by the 100-year floodplain. If the City needed access to KF1 during a flood event, other means of travel would be used, such as a boat.

Response to Comment 416-2

Comment Summary: The commentor is concerned about the environmental impact. These spaces need to be protected for the growing and thriving wildlife. The effects of a major flood would be catastrophic ruining the neighborhood and harming wildlife. The Laguna, which is an essential part of the natural drainage system, may suffer irreparable destruction.

The seasonal storage ponds would not create a major flood for the reasons provided in Response to Comment 404-4. In case of a spillway release from the pond, the Laguna would not suffer irreparable destruction because the spillway would be designed to protect drainages and the Laguna. Energy dissipators would reduce the velocity of flows discharging from the spillway, and riprap would be installed in the surface water drainageway to prevent erosion. The emergency spillway would consist of a concrete overflow standpipe, low-level entrance pipe, gate and trash rack, baffle wall energy dissipater and stilling basin (to dissipate the energy prior to entering the local drainage), as well as the riprap in the receiving drainage. Please refer to Section 4.8 Biological Resources regarding effects on wildlife.

Response to Comment 416-3

Comment Summary: The commentor states that the community [adjacent to Kelly Farm] is a quiet rural neighborhood that has already been impacted by other storage and wastewater facilities and some have had to dig deeper wells because intrusions on the aquifer have caused wells to run dry.

Please see Response to Comment 402-5 for a discussion of the project's potential effects on groundwater levels near Kelly Farm. To clarify, none of the other storage or wastewater facilities on Kelly Farm or other City-owned farms has been identified as lowering groundwater levels.

Response to Comment 416-4

Comment Summary: The commentor states that the community [adjacent to Kelly Farm] is concerned about possible contamination of groundwater wells.

Please see Response to Comment 402-4 for a discussion of this issue.

Response to Comment 416-5

Comment Summary: The commentor says the community is concerned with the beauty of the neighborhood and surrounding area and how the ponds and equipment will be aesthetically detracting.

The Draft EIR identifies a significant unavoidable impact on visual resources from the KF1 and KF2 ponds (see Section 4.14 Visual Resources).

Response to Comment 416-6

Comment Summary: The commentor hopes the City reconsiders [placing ponds on Kelly Farm]. There have to be better and safer alternatives.

Please refer to Master Response A, Statement of Opinion For or Against a Project Alternative.

COMMENT LETTER 417, KEITH KAULUM

Response to Comment 417-1

Comment Summary: The commentor states that the Project Alternatives discussion in the Draft EIR (page 2.0-10) describes the project alternatives as five specific pond sites with varying design capacities. The project description states that the project objective of 500 MG of storage capacity would be later selected from some subset of the five pond sites. This approach to specifying project alternatives which do not in fact satisfy the stated project objectives appears to be in conflict with the CEQA guidelines which specify a proposed project (Section 15124) to satisfy project objectives, and in addition a reasonable range to alternatives (Section 15126.6) which may reduce environmental impacts and feasibly satisfy project objectives. In this Draft EIR no specific complete Project has been specified, only subunit alternatives which cannot in themselves meet the project objective. Some combination of at least two or more of the indicated alternatives are needed to meet project objective, but none is offered.

Section 15124(b) of the CEQA guidelines states that the description of the project shall contain “[a] statement of objectives sought by the proposed project. A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIRThe statement of objectives should include the underlying purpose of the project.”

The Draft EIR is in accordance with this section of the CEQA guidelines. The purpose of the project is presented on pages 1-1 through 1-3 of the Draft EIR, which states

“The Project is necessary to provide storage of the recycled water generated by the Subregional Water Reuse System members in a manner that is reliable and in compliance with regulatory requirements. The volume of recycled water the Project must store is based on the Master Plan. Under the Master Plan, storage is needed for both urban reuse and discharge.”

A clearly written statement of objectives sought by the project is also provided on page 1-2 of the Draft EIR. This statement includes three primary objectives and eight supporting objectives.

The Draft EIR is in accordance with Section 15126.6 of the CEQA Guidelines, which states:

“(a) . . . An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives. . . .”

The Draft EIR describes five project alternatives. None of the alternatives alone would fully meet the project objective of providing a total seasonal storage capacity of approximately 500 MG. Each alternative, however, feasibly attains most of the basic objectives of the project, and therefore satisfies this requirement.

As described on page 2-8 of Chapter 2 Project description: “To provide meaningful and manageable information regarding the potential feasibility of particular alternatives, Chapter 5

identifies combinations of alternatives with each pond sized at its maximum capacity as listed in Table 2-2.” Chapter 5, Combinations of Alternatives, identified the maximum impact scenario from a combination of three ponds, providing a summary of their combined environmental impacts in Table 5-2. Also, the comparative merits of each of the alternatives are presented in Draft EIR Table 1-5.

The comment refers to the Draft Screening Report released by the City in April 2007. The City released the Revised Final Screening Report in March 2008. The Final Screening Report describes in detail the process the City used to identify potential alternatives. The Revised Final Screening Report is provided in Appendix B of the EIR.

During the scoping process, the City received comments from agencies and the public concerning the alternatives that should be evaluated in the EIR. The suggested alternatives are listed at page B-10 of the Final Screening Report. As the report indicates, the City received comments recommending that the City locate ponds exclusively within the Santa Rosa Plain. Other comments recommended that the City locate ponds exclusively outside the Santa Rosa Plain, or within the City limits.

Many of the sites considered in the Final Screening Report are located outside the Santa Rosa Plain. All of the sites located outside the Santa Rosa Plain were eliminated from detailed consideration. The comment states that these sites were eliminated due to cost considerations. That statement is incorrect. The sites located outside the Santa Rosa Plain were eliminated for a variety of reasons. Some of these reasons related to cost. Other reasons related to engineering or geotechnical obstacles. Other reasons concerned the ability of the sites to meet project objectives. In other instances, sites were eliminated due to environmental impacts associated with particular sites. Specific information concerning the sites considered appears in the Final Screening Report at pages B-12 through B-26. The comment does not address this analysis. For this reason, no further response can be provided.

The comment states that an alternative should not be considered unless the alternative meets all of the City’s objectives for the project. In this case, one of the primary project objectives is to provide approximately 500 MG of seasonal storage capacity. According to the comment, an alternative should not be considered unless the alternative meets the entire 500 MG objective.

The City disagrees with this comment. The City’s screening process considered 34 potential pond sites. Each of these sites was evaluated using criteria addressing a range of issues (e.g., geotechnical suitability, cost, proximity to existing infrastructure, avoiding inundating existing residences, hydrology). The screening process resulted in a total of eight potential seasonal storage ponds sites. The eight sites would have storage capacity of between 105 MG and 282 MG each, and combined would have a total storage capacity of 1,464 MG. Thus, after application of the City’s screening criteria, the City did not identify a single site with capacity of 500 MG. Instead, the City identified eight sites that, combined, would have capacity of 1,464 MG. The eight sites thus would have more than sufficient capacity to provide the 500 MG of capacity called for by the IRWP. (See Draft Screening Report (April 2007) and Draft Engineering Report, Chapter III (December 2006) provided in Volume 3 of the EIR.) After geotechnical reports were prepared for the sites, three sites were eliminated in October 2007 due

to infeasibility, leaving five sites. These five sites would have capacity for 994 MG, still more than sufficient capacity to provide the 500 MG in the project objectives.

The City considered development of a single in-channel reservoir as a means of providing sufficient capacity to meet the entire 500 MG need. Such a reservoir would require constructing an in-channel dam located on a creek or stream. The evidence indicates that such an approach is infeasible. It would be much more expensive than constructing smaller ponds on relatively flat terrain. It could impact sensitive species, such as anadromous fish. Such an approach would also face potentially insurmountable hurdles with respect to securing necessary water rights, or obtaining other necessary permits. For this reason, the City has concluded that constructing a single in-channel reservoir is infeasible. (See Revised Final Screening Report, pp. B-17 – B-18 (March 2008).)

The City is not aware of any principle under CEQA requiring the City to identify a single site providing the entire 500 MG required by the project. As noted above, no such feasible site was identified during the screening process. No commenter has proposed a single, feasible site providing 500 MG of capacity. The objective, established by the SSP, is to provide 500 MG in storage capacity. The City's obligation under CEQA is to identify feasible sites that provide such capacity, to examine a reasonable range of alternatives that would meet that need, and to approve the alternative that substantially lessens or avoids the impacts of the project (to the extent it is feasible to do so). The City believes the EIR provides the information necessary for the City to meet those obligations.

Response to Comment 417-2

Comment Summary: The commentor states that by subdividing the project into smaller subunits and calling them Alternatives, the Draft EIR has subverted the intent of CEQA which is to clearly set out the full environmental impacts of the proposed project, and then the contrasting alternatives. The Draft EIR's approach appears to seek avoidance of evaluating the full impact of the project by analyzing the environmental impacts of many subunits separately in a confusing array of impacts. If approved as the Final EIR, it would then provide the environmental documentation that would cover any combination of subunits that the City may later choose while never really exposing the full project to the mandated environmental review process. This is not the intent of CEQA. If the City has not really reached the level of engineering decisions necessary to select a project, the environmental review process should not be undertaken.

The Draft EIR does not avoid evaluating the full impact of the project. The Draft EIR evaluates the potential impacts of implementing each of the six project alternatives at the same level of detail and compares the impacts among the alternatives. In addition, because the City may select a combination of the alternatives, Chapter 5 of the Draft EIR provides an analysis of the minimum to maximum impact that could result from combining alternatives. This approach is intended to assist the City in identifying the environmentally superior combinations of alternatives and to ensure that the maximum potential impact of any combination selected by the City will have been evaluated in the EIR.

This approach is consistent with the intent of CEQA which is to provide information needed by the City to make an informed project decision. It satisfies one of the basic purposes of CEQA

which is to inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities (CEQA Guidelines §15002).

The comment suggests the City has not performed the level of engineering necessary to identify specific storage sites. The City disagrees. The screening process is described in detail in the Draft Engineering Report (December 2006) and the Revised Final Screening Report (March 2008). Engineering studies considered geology, hydrology, permitting requirements, cost, reliability, and a range of other factors.

A total of five sites are analyzed. The capacity at each site ranges from 105 MG to 282 MG. Taken together, the five sites would provide 975 MG of capacity. The City will not approve ponds at all five sites because the project need requires 500 MG of capacity.

Response to Comment 417-3

Comment Summary: The commentor states that the discussion on Page 4.8-30 of the Draft EIR inadequately considers the full impact of the project on the survival of the California Tiger Salamander (CTS) within the proposed Kelly Conservation Area because it fails to consider the critical impact of the KF2 pond location within the Conservation Area. If the pond is built, as proposed, a large portion of the Conservation Area, about 80 acres to the south of the KF2 pond, and west of the developed residential area, extending to Hwy 12 becomes for all practical purposes, of no value as a CTS preserve. The narrow corridor formed by the pond presents a major obstruction to the migrating CTS, and thus they are unlikely to successfully find their way into or out of the constricted southern area of the KF2 pond.

The proposed KF2 pond would be northwest of the subdivision (not “NE”) as stated in the commentor’s letter. Duer Creek runs east to west across Kelly Farm. This creek is south of the proposed KF2 pond and north of the proposed KF1 pond. Duer Creek is designated on FEMA maps as within the 100-year floodplain.

The commentor asserts that the area south of storage pond KF2 would have no value as a California tiger salamander preserve area. The City believes this assertion is overstated. Installation of the pond would have a significant impact, but the impact would not result in complete loss of habitat value of land to the south.

The Santa Rosa Plain Conservation Strategy (SRPCS) sets the goal for a preserve in this area as a minimum of 450 *non-contiguous* acres. This preserve goal assumes that not all parcels preserved within the conservation area would share a boundary and therefore sets the acreage higher than for a preserve of contiguous parcels (minimum 350 acres).

During trapping studies of Kelly Farm in 2004, an adult California tiger salamander was trapped in the area south of Duer Creek (LSA 2004) demonstrating that this area is occupied and provides upland habitat for California tiger salamander. Based on an inspection of aerial photographs of the Kelly Conservation area, features on the private property south of Ver-Ni Road appear similar to those features on parcels at the north end of Duer Road that have been confirmed as California tiger salamander breeding habitat. Although unconfirmed, a breeding site likely occurs on private property south Ver-Ni Road and such a site would provide breeding

habitat for California tiger salamanders south of Duer Creek. If no breeding site currently exists on the private parcels, the area of Kelly Farm south of the creek would still be viable as habitat if a breeding pond were constructed in the area south of Duer Creek. The conservation strategy anticipates that such construction would occur and would be required in order to provide habitat for listed plants and California tiger salamanders (USFWS 2005, Section 4.8 – Habitat Improvement).

The comment also asserts that only a narrow corridor approximately 200-400 feet wide would exist between storage pond KF2 and the residential development along Ver-Ni Road. Although this bottleneck area does represent a constricted area of upland habitat for animals to pass through as they move between breeding ponds at the northwest end of Duer Road and fields of Kelly Farm south of Duer Creek, a 200-400-foot corridor is still adequate to allow movement between these areas. This constriction point is very short, no more than 100-200 feet long.

Assuming that the constriction point between storage pond KF2 and the residential development is 200 feet long, the ratio of width to length (width:length) for this corridor is 2:1. This exceeds the ratio of width to length for corridors established in the SRPCS (USFWS 2005) for the Southwest Santa Rosa Preserve System in which designated corridors are 500 feet wide, but range in length from approximately 500 feet to 2,000 feet. This results in width to length ratios of 1:1 to 0.25:1. In general, greater width to length ratios result in wide corridors that are easier for wildlife to pass through and create less of a bottleneck than corridors with low width to length ratios. The constriction point at KF2 would be at least 2 times greater than those ratios that are designated in the strategy for the Southwest Santa Rosa Preserve System and therefore would be considered adequate.

The comment is correct that a narrow passage point between KF2 and the adjacent residential development appears on a map of the area, California tiger salamanders would not experience a narrow passage point at this location in a way suggested by a map. Ver-Ni Road and the residential development along it, although not habitat, does not form a barrier to California tiger salamander movement. This is evidenced by the fact that California tiger salamanders are regularly observed by the residents of this area on the roads and in their yards during the winter rainy season (LSA field notes). Given the current low level of development along Duer Road, Ver-Ni Road, and Hart Lane, salamanders are still able to move throughout the area.

Response to Comment 417-4

Comment Summary: The commentor states that since the KF2 pond is within the Kelly Conservation Area, the Santa Rosa Plain Conservation Strategy demands that all the mitigation for loss of habitat be within the Conservation Area. Since the KF2 pond isolates, and makes the area south of it useless as potential CTS Preserve, it should be seen as an element or consequence of the project and thus the 80 acres southern area must be added to the 47 acres lost as a result of the project, to give a total of 127 acres requiring mitigation. At the specified 2:1 ratio, the total mitigation is now 254 acres to be provided for preservation. The remaining 120 acres of Kelly Conservation land owned or leased by the City falls short of the 254 acres needed to provide mitigation, and an additional 134 acres would have to be acquired from other landowners within the Kelly Conservation area.

The comment states that construction of storage pond KF2 would result in the area south of the pond being unusable as part of the preserve system. This statement is not substantiated. Please refer to the response to Comment 417-3. Because the land south of the Duer Creek running through Kelly Farm would still have value to California tiger salamanders even if the KF2 pond is constructed, the additional mitigation discussed by the comment would not be required.

If additional mitigation acreage is required based on future changes to the project footprint, the City would mitigate at the appropriate ratio according to the terms of the Santa Rosa Plain Conservation Strategy (SRPCS). The City is not restricted to using its own land for mitigation. Just like any other land owner on the Santa Rosa Plain, the City may purchase mitigation land from other land owners. The SRPCS also allows the use of mitigation bank land for mitigation, although this EIR further restricts the City to only use mitigation bank land within the affected conservation area.

Response to Comment 417-5

Comment Summary: The commentor states that for the full Preserve Area of 450 acres to be reached within the 662-acre Kelly Conservation Area, all but 85 acres of the Conservation Area would be needed. Since finding a willing landowner to sell the needed land is unpredictable, the storage pond at the KF2 site would seriously jeopardize the ultimate success of the entire Kelly Preserve. Thus the mitigation proposed for the KF2 site should be recognized in the EIR as having a clear unavoidable impact on the CTS. Normally such mitigation measures should be firmly in place via an agreement or approval process (§15126.4). As presented in the Draft EIR, the proposed mitigation is merely vague incomplete speculation.

The comment expresses concerns regarding the ability of the project to fully mitigate impacts within the Kelly Conservation Area. The commentor is referred to Response to Comments 417-3 and 417-4. The larger mitigation requirement posited by the comment is not justified and therefore does not exacerbate the problem of assembling an even larger mitigation area than proposed in the Draft EIR. In addition, the Santa Rosa Plain Conservation Strategy (SRPCS) allows for adding preserved lands located outside the conservation area to the conservation areas provided they meet the criteria established in the SRPCS. Please refer to Response to Comment 202-4 for a discussion of adding preserves to conservation areas.

The comment states that under CEQA Guidelines section 15126.4, mitigation measures “should be firmly in place via an agreement or approval process.” CEQA Guidelines section 15126.4 requires that “[m]itigation measures be fully enforceable through permit conditions, agreements, or other legally binding instruments.” The mitigation measures addressing impacts to CTS meet these requirements. Mitigation Measure 3.3.10 includes detailed requirements addressing potential impacts to CTS. Those measures require mitigation for impacts to the CTS in accordance with the Santa Rosa Plain Conservation Strategy (USFWS 2005). The SRPCS requires implementation of interim and long-term measures, including securing a mitigation site to compensate for any habitat impacted by the project. The City must also develop a long-term management plan for the mitigation site, and provide sufficient funding for long-term maintenance and monitoring.

The comment states that the SRPCS is “merely vague, incomplete speculation.” The City disagrees. The SRPCS is a framework for conserving listed species of the Santa Rosa Plain that is recognized by all permitting entities. The terms of the conservation strategy are fully enforceable as they are implemented in the wetland and endangered species permitting process, as well as through the CEQA Mitigation Monitoring Program to be adopted by the City when it approves the project. The U.S. Fish and Wildlife Service (USFWS) and Army Corps of Engineers (Corps) have both adopted the SRPCS as the overall framework for mitigation projects on the Santa Rosa Plain that affect these covered species. The actual mitigation requirements are made enforceable and binding on a project-by-project basis in the permits that are issued for take of listed species or their habitat by the USFWS under Section 7 of the federal Endangered Species Act and/or wetland permits issued by the Corps under Section 404 of the Clean Water Act.

As further evidence that the terms of the SRPCS are not merely speculative but also fully enforceable, one may refer to 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)(USFWS 2007). The mitigation measures contained in the Programmatic Biological Opinion are legally binding and enforceable through the nationwide permit process and programmatic Section 7 consultation.

Similar mitigation programs addressing impacts to listed species have been upheld by the Courts. (See, e.g., *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261; *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4th 1018.) The City concludes that mitigation measures addressing impacts to CTS meet the requirements of CEQA.