

ORAL COMMENTOR 500, KEITH KAULUM

Response to Comment 500-1

Comment Summary: The commentor sent a letter to the City during the CEQA scoping process that was not responded to. The issue raised in the letter was the impact of the Kelly Farm 2 pond on the habitat of the tiger salamanders.

The City received a letter from the commentor dated February 11, 2007 during the EIR public scoping period (the scoping period ran from January 22 to February 27, 2007.) The comments contained in the letter were responded to in the Seasonal Storage Project Scoping Report (Scoping Report) as responses 305-1 and 305-2. The Scoping Report states that the location of the storage pond alternatives in relation to CTS Conservation Areas will be addressed in EIR Section 4.8 Biological Resources. The EIR will assess any potential loss of preserve habitat within CTS conservation areas that could result from the project.

In addition to being included in the Scoping Report, all comments received during the EIR public scoping period that recommended project alternatives to be included in the SSP EIR were considered in the Seasonal Storage Project Draft Screening Report (Draft Screening Report) which was published on April 11, 2007. On April 19, 2007, based upon the information contained in the Draft Screening Report, the Board of Public Utilities (BPU) confirmed the selection of alternatives to be included in the EIR.

On April 17, 2007, the City received a second letter from the commentor (a duplicate copy of this letter was received by the City on April 19, 2008). This letter recommends that the KF2 storage pond be dropped as an alternative to be included in the EIR. Because this letter was received almost two months past the close of the EIR public scoping period, it was not included in the Draft Screening Report. However, because the Scoping Report was not published until March 26, 2008, the comments contained in the letter are responded to in the Response to Comments 417-1 through 417-3 in the Scoping Report. In response to the commentor's statement that the KF2 pond should be dropped as an alternative to be evaluated in the Draft EIR because of its impact on the Kelly Conservation Area, the Scoping Report states the following:

The EIR will assess any potential loss of preserve habitat within CTS conservation areas that could result from the project in Section 4.8 Biological Resources. The full extent of the impact will be considered and mitigations provided to avoid or substantially lessen the impact, if feasible. If no mitigation measures are available to reduce any significant impact to a less than significant level, then the EIR will state this conclusion. The City will consider this impact, along with many other factors, when considering which sites to select for construction of storage ponds.

It further states:

An estimate of construction costs, including costs for CTS mitigation, and costs of operation and maintenance for the SSP alternatives will be provided to decision-makers for their consideration. It is anticipated that the City will consider the cost of the ponds,

along with many other factors, when considering which site or sites to select for construction of storage ponds.

Similar issues were raised by the commentor in his letter to the City dated May 26, 2008 on the Draft EIR for SSP. Please refer to Response to Comments 417-3 through 417-5. To summarize, if additional mitigation acreage is required, the City would either use its own existing properties for mitigation or purchase additional mitigation acreage from a mitigation bank. Various state and federal regulations, including CEQA requirements for mitigation implementation, Section 404 of the Clean Water Act and Section 7 of the Endangered Species Act, would bind the City to provide adequate acreage of mitigation.

Response to Comment 500-2

Comment Summary: The commentor states that the Kelly Farm 2 pond would eliminate about 122 acres of the CTS Conservation Area, leaving only 90 acres available to make the whole process of acquiring preserves within the conservation area practical. This is not adequately covered in the analysis within the Draft EIR.

Please see Response to Comments 417-3 through 417-5, which address similar concerns raised by the same commentor in his letter to the City dated May 26, 2008. In summary, the land south of Duer Creek running through Kelly Farm will still have value to California tiger salamanders even if the KF2 pond is constructed, and therefore the additional mitigation would not be required. However, if additional mitigation acreage is required for any reason, 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 developer 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.

Further, the commentor expresses concerns regarding the ability of the project to fully mitigate impacts within the Kelly Conservation Area. The 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). In addition, the SRPCS allows for adding preserves located outside the conservation area to the conservation areas provided they meet the criteria established in the SRPCS. The commentor is referred to Response to Comment 102-4 for a discussion of adding preserves to conservation areas.

COMMENT LETTER 501, BRENDA ADELMAN

Response to Comment 501-1

Comment Summary: The commentor thanks the City for extending the deadline for both EIRs and expresses a desire that the hard copy price could be lowered.

The City acknowledges the commentor's appreciation of the extended EIR public comment period. CEQA allows lead agencies to charge the public the actual cost to reproduce the document. The City has also made the EIR available on CD at a lower price and electronically on the City's website for free.

Response to Comment 501-2

Comment Summary: The commentor states that the KF1 site is of concern because it comes close to the Laguna's 100-year floodplain and states that the EIR probably describes exactly where the floodplain is.

Section 4.4, Surface Water Hydrology, of the Draft EIR describes and shows the relation of the KF1 site to both the 1992 FEMA 100-year floodplain and the actual surveyed base flood elevation (BFE) contour (75-foot elevation, as set by FEMA and determined by survey). As described and as illustrated in Figure 4.4-2, the KF1 pond would have minor encroachment on the existing FEMA-mapped 100-year floodplain, but does not encroach below the surveyed 75-foot BFE. The City has requested that FEMA review and possibly revise the 100-year floodplain map for this area, because the map is inconsistent with the surveyed BFE. Upon publication of the revised 100-year floodplain map, ponds are expected to be found to be completely outside of the floodplain. However, even if the ponds are found to encroach into the floodplain, impacts would remain less than significant due to implementation of Project Measure 3.2.23, Flood Storage Management. This measure requires that the City avoid encroachment on the 100-year floodplain or compensate for the loss of flood storage capacity in an adjacent area.

Response to Comment 501-3

Comment Summary: The commentor states that in the Public Hearing opening presentation it was stated that the drawdown in groundwater at the Kelly Farm site would be two feet. The pond site is located between two major Water Agency wells on Highway 12 and Occidental Road. Perhaps the EIR fully describes the impact of this pond on those wells and on the nearby private property parcels also. How will all this interact with the floodplain being so close to the Laguna? KF1 is the pond of concern; the other ponds are further away from the Laguna.

Section 4.5, Groundwater, of the Draft EIR evaluates the potential impact of the storage ponds on groundwater levels and quality at municipal and private wells. Section 4.4, Surface Water Hydrology, describes the location of the ponds in relation to the Laguna floodplain. Also, please see Response to Comments 402-4, 404-5 and 406-6, above, for discussions of the potential effects of the KF1 pond on groundwater levels and quality in municipal and private wells, and the location of the KF1 pond in relation to the Laguna floodplain.

The cumulative effects of the SCWA wells and the SSP ponds on groundwater has been evaluated; please refer to the Draft EIR Section 4.5, Groundwater, and *TM 4, Groundwater Evaluation*, for detailed analysis and modeling.

Response to Comment 501-4

Comment Summary: The commentor states that she supports Keith Kaulum and his remarks (Comments 500-1 and 500-2).

Please refer to Response to Comments 500-1 and 500-2.