3.2 MASTER RESPONSES

Master Response 1 – Introduction to the Final Environmental Impact Report and Master Responses.

Several commenters on the Clover Valley Lakes Large and Small Lot Tentative Subdivision Map (LSLTSM) DEIR provided similar comments on technical issues. Master Responses 1 through 12 correspond to each section of the environmental analysis in Chapter 4 of the DEIR and an additional Master Response 13 addresses growth-inducing impacts. Chapter 3 of this Final EIR provides individual responses to each of the comments provided and refers to the master responses as appropriate.

Project Description -- Roadway Creek Crossings

There has been a lack of clarity in the RDEIR and some confusion in the comments regarding the nomenclature used to identify the roadway crossings over Clover Valley Creek. Since this issue is relevant to several different subjects in the EIR (aesthetics, biology, and hydrology,) this issue is being addressed here at the outset.

The RDEIR has, in various places, used the term bridges, culverts, arched culverts, and bottomless culverts to describe the roadway crossings, but these terms are all describing the same structures. The project proposes to use elevated roadway crossings with bottomless arches that encompass the width of the active creek channel (See 4.8MM-15[a]). The stream course, during normal flow and mild storms, would not reach both sides of the natural bottomless area spanned by the arched structure, thereby leaving a portion of the spanned active creek channel dry, allowing passage of wildlife. Details for the proposed structures are shown on Sheet SP-3 of 58 of the project's plan set; Detail 6 is Creek Crossing Concept Type 1, and Detail 7 is Creek Crossing Concept Type 2.

Creek Crossing Concept Type 1 is the no detention design which will be constructed at Valley View Parkway and Forest Clover Road. Creek Crossing Concept Type 2 is the detention design and which would be built at Valley Clover Way and Nature Trail Way. The arches at the roadway crossings at Valley Clover Way and Nature Trail Way will be sized to restrict water flow for large storm events, thereby detaining storm water and decreasing downstream stormflows. (See Table 4.11-2 of page 4.11-12)

The roadway crossings are addressed in the Aesthetics chapter under Impact 4.3I-7. The first bullet on page 4.3-16 includes a discussion of a typical construction technique for a creek roadway crossing, but that is not what is proposed for the project. This project proposes utilizing

the natural streambed with the addition of rip rap to control erosion and scouring as more fully described in Master Response 11 – Hydrology and Water Quality. The first bullet of Mitigation Measure 4.3MM-7 refers to crossings to be bridged or culverts. However, this aesthetics mitigation measure does not control the structural design of the roadway crossings, but addresses the aesthetics of whatever type of roadway crossing is ultimately used. The importance of mitigation measure 4.3MM-7 is to require a pleasing appearance and to minimize encroachment of the manmade structures into the natural terrain.

Comments addressed in this Master Response include 43-40, 46-12 and 48-1.

Master Response 2 – Land Use

Comments that refer to the complete Master Response include 10-9, 19-9, 19-10, 19-11 and 64-24.

Section 1 - 50' Riparian Area Buffer Zone

The language in the RDEIR regarding the extent of encroachments into the 50-foot buffer area is incorrect. There are two locations where a proposed roadway will be within 50 feet of the creek, and the project will have no other encroachments into the 50-foot buffer area. The current project design has now eliminated all residential lots which encroached into the 50-foot buffer area. The City strives to keep roadway crossings and encroachments out of the 50-foot buffer to the maximum extent feasible, but cannot entirely eliminate the necessity of interconnecting public rights of way through open space areas. Contrary to the statement in the RDEIR, the project will not be inconsistent with *Open Space Policy 15*, since no yard areas or building setbacks will encroach into the 50-foot buffer. The language on page 4.2-10 of the DEIR is hereby corrected to read as follows:

> The City of Rocklin *General Plan Open Space, Conservation and Recreation Action Plan, Item 1*, as quoted immediately below, states that the City will apply open space designations to all lands located within 50 feet from the edge of the bank of all perennial and intermittent streams and creeks providing natural drainage, and to areas consisting of riparian habitat (p. 60). *Open Space Policy 15* requires the provision of adequate yard areas and building setbacks from creeks, riparian habitat, hilltops, and other natural resources. In addition, the City of Rocklin's General Plan Open Space/Conservation Action Plan states, "The City will apply open space designations to all lands located within 50 feet from the edge of the bank of all perennial and intermittent streams and creeks providing natural drainage, and to areas consisting of riparian habitat. The City will designate a buffer area greater than 50 feet for perennial streams when it is determined that such a buffer area is necessary to adequately protect drainage and habitat areas. In designating these areas as open space, the City is preserving natural resources and protecting these areas from development." Due to site-specific constraints at individual locations, ~~the proposed project would be inconsistent with these policies in that a 50-foot buffer from Clover Valley Creek would be encroached in a few locations. However, it should be noted that the~~

~~project would maintain a minimum 50-foot buffer from Clover Valley Creek in other locations.~~ there are two locations within the project site where one of the roads, Nature Trail Way, comes within 50 feet of Clover Valley Creek. Other than the bike trail and four roadway creek crossings, these are the only two locations within the Project site where there will be any development within 50 feet of the Creek. Re-aligning Nature Trail Way to maintain a 50-foot setback at these two locations would result in additional environmental impacts including greater hillside grading and the loss of additional oak trees.

The DEIR states that the proposed project would designate the 50-foot buffer area as open space land. Open space land is defined by the City of Rocklin General Plan as "unimproved and… devoted to natural uses" (Page 51). The City of Rocklin has historically allowed for the construction of necessary roadways and public bike trails within the 50-foot open space buffer surrounding creeks.

Additionally, the City determined that if Nature Trail Way was moved outward beyond the 50-foot buffer, the road would require additional grading and the clearing of a number of oak trees which exist on the western side of the proposed location for Nature Trail Way. The City considers the placement of Nature Trail Way within the 50-foot open space buffer area to be the environmentally superior design choice due to the fact that placement outside of the buffer at these locations would result in additional hillside grading and additional loss of oak trees.

The public comments received on the DEIR raised concerns regarding the placement of the bike trail within the 50-foot open space buffer area along the Clover Valley Creek. The placement of bike trails within the 50-foot open space buffer is not considered by the City to be a violation of the land use requirements for open space. A number of other projects within the City of Rocklin have included the construction of bike paths within the 50-foot open-space buffers surrounding creeks, including Whitney Oaks, Granite Lakes Estates and Sunset West.

Some commenter's were concerned that NOAA Fisheries' October 22, 2002 Biological Opinion prohibited bike trail encroachment into the 50' buffer. Madelyn Martinez of NOAA Fisheries confirmed in an October 5, 2006 e-mail that the following two provisions, that the design "should include maintaining a setback from riparian vegetation of 50'," and that trail layout and construction "should avoid disturbance and removal of riparian vegetation to the maximum extent possible" allow discretion where specific site conditions do not allow complete adherence to the requested standard. Therefore, encroachment within the 50' riparian buffer in the interest of minimizing other environmental effects is not inconsistent with the NOAA Fisheries Biological Opinion.

The California Department of Fish and Game Notice of Preparation letter recommended "eliminating any and all proposed development immediately adjacent to Clover Valley Creek." The recommendation was similar in substance to National Oceanic & Atmospheric Administration Fisheries' Biological Opinion recommendation of a 75-foot buffer along the creek. The City responded to these recommendations by including in the RDEIR an "Elimination of Creekside Development Alternative." See RDEIR, Vol. I, p. 6-16 *ff*.

Comments addressed by this Master Response include 26-4, 26-12, 29-4, 34-2, 39-19, 43-18, 43-19, 43-155, 43-156, 43-160, 43-161, 43-162, 43-163, 43-164, 43-167, 43-173, 43-174, 43-175, 43-176, 64-8, 64-13, 64-14, 64-15, 64-16, 72-13, 123-12, 123-13, 140-16, 140-21, 144-3, 169-4, 173-4, 173-5, 173-10, 191-23, 191-28, 191-30, and Verbal Comments 7-2, 15-3, 60-5.

Section 2 – Land Use Consistency Findings

The project as proposed would include clustered development of residential homesites in areas that are adjacent to existing residential development. This clustering approach would allow approximately half of the site to be retained in open space parcels that would have conservation easements applied to them. Proposed roads have been aligned in a manner that would minimize impacts to resources while still maintaining necessary design standards for safety and access. These design considerations have all been used to implement Open Space Policy 1.

General Plan Land Use Policy 7 is intended to ensure that no incompatible land uses are placed in close proximity with residential developments. Incompatible land uses would include intense commercial or industrial developments or other disparate land uses. Incompatibility is judged in terms of the impacts of development from one type of land use in relation to a different fundamental land use. For example, heavy industrial uses often involve large looming structures, extensive lighting, 24 hour operations, and noise levels all of which are generally incompatible with residential uses. The proposed project would place single-family residential units in close proximity with other single-family residential units. The proposed development would not be considered to be incompatible.

Comments correctly point out that the Springfield development is a smaller lot development than the proposed project, but lot size does not determine land use compatibility, but rather the type of use is the standard. The development of the proposed project would not create a land use that would be considered incompatible with the existing Springfield development as it is placing single-family residential units next to an existing single-family residential development. Incompatibility, as used in the General Plan, is intended to ensure that incompatible uses, such as industrial developments, do not occur next to residential without adequate buffering and mitigation. A development does not have to be "identical" in design to be deemed "compatible."

Comments addressed by this Master Response include 43-12, 164-6, 164-7, 164-8, 164-9, 164-10, 164-52, 164-54, 190-10, and Verbal Comments 17-3 and 40-2.

Section 3 – Open Space Designations and Park Sites

As stated on page 3-15 of the Project Description chapter in the DEIR, open space that would not be graded equals 312.7 acres. Open space that would be temporarily impacted by surface grading for slopes, landscape lots, and utility corridors is 53.3 acres, which is included in the total count of open space of 366 acres because it would ultimately remain unused and unpaved. General Plan Open Space, Conservation and Recreation Element Policies 1, 2, and 4 "encourage" the protection of natural resources, and the project is consistent with those policies even though the project site is not being left as complete open space. If the slopes, landscape lots, and utility corridors are not counted in the open space acreage, natural open space that would remain

ungraded and undeveloped upon project implementation would be 312.7 acres. Of a total of 622.3 acres, more than half the project site would remain in undeveloped open space.

The General Plan land use designation for "open space" as that term is used in this EIR is R-C (Recreation/Conservation) with a corresponding zoning of (OA) Open Space. As stated in Table 5 of the City of Rocklin General Plan, the purpose of the R-C (Recreation/Conservation) land use designation is to:

A. Provide land to be used for active and passive recreation.
B. Designate land to be preserved for future recreational use.
C. Protect land having important environmental and ecological qualities.

As described in the current General Development Plan for Clover Valley, the purpose of the OA zoning designation is to:

> "Ensure the protection of open space in the wooded hillside and the open drainage areas for the purpose of maintaining adequate drainage, access to hazardous fire areas for fire suppression and maintenance of routes for linear bikeways and pathways."

Based upon the above discussions, open space, in broad terms, has a variety of uses within the community. Active and passive parks are considered open space and are designated to meet the direct recreational needs of the citizens. However, open space may be designated to create fire breaks from developed sites, or to preserve natural features such as creeks, wetlands, significant geologic features, cultural resources, oak trees, and vegetative communities or habitats required to be protected by state and federal laws.

Depending upon the resource or feature involved, the preservation of open space for the protection of resources is recognized as creating a variety of benefits to the community including but not limited to biological, historical, aesthetic and/or benefits related to protection of water quality. Open land does not need to be physically accessible to the public in order to create these benefits.

In addition to designating open space within the City's land use and zoning documents, there are a variety of ways to protect areas containing environmental resources or constraints as development occurs. These include placing them in open space parcels that are both owned and maintained by the City with appropriate funding for management of the parcels or by creating them as parcels that are owned and maintained by a private entity such as a Home Owners Association or Conservancy.

In the past, the City has also allowed areas containing various resources to be located within private parcels with requirements for Open Space Conservation Easements with restrictions to be applied to the open space portions of the lot. This latter approach was used when development in lower Clover Valley occurred several years ago and in other locations throughout the City. However, in recent times it has been determined by the City and resource agencies that

maintaining open space in large parcels outside of individual private property ownership has generally been a more effective way to protect and maintain the resources.

The current project includes a General Plan Amendment and Zone Change/General Development Plan Amendment that will redesignate a number of areas from residential land use designations to bring the total amount of land in designated open space to 366 acres. This is a significant amount of open space set aside, since of a total of 622.3 acres, more than half the project site would remain in open space. The project design also includes a trail along Clover Valley Creek that would provide public access to the creek area, which is currently inaccessible without trespassing. This design also differs from the lower portion of the existing developed Clover Valley because the creek through that development is within private lots.

City practice has been to evaluate development proposals and through that process identify areas that can be justified for retention in open space. However, when open space acreage is removed from the developable area, the density that was previously assigned to the land as a whole is not then reduced. The developer is not penalized from a density perspective for retaining land in open space. The City encourages clustering development to minimize disturbance of sensitive areas instead.

Several comments were received regarding the elimination of the southern neighborhood park site and resulting compliance with City park land requirements. During the process of evaluating the project it was determined that the roughly five acre neighborhood park site that had been previously designated in the southern portion of the site was not going to be acceptable for development of an active park facility because of multiple environmental constraints present within that portion of the property. Upon making this finding, staff and the developer examined the entire property through review of constraint maps and field visits in an attempt to identify another more suitable location for a neighborhood park site. Unfortunately no sites were found to be suitable that would meet the City's park selection criteria requiring:

A. Adequate developable acreage
B. Relatively flat topography
C. Minimum separation distance away from the other neighborhood park site within the project
D. Safe access to a public road
E. Adequate space for installation of desired park site facilities without environmental constraints.

As a result, staff directed the applicant to eliminate the southern park site and incorporate that area into the open space. The City's standard for neighborhood parks is 5 acres per 1,000 residents. With 558 lots, Clover Valley is estimated to generate a population of approximately 1,451 utilizing the General Plan factor of 2.6 persons per household. Based upon that population, the developer is obligated to provide 7.25 acres of neighborhood park land. This is less than the neighborhood park demand of 10 +/-acres that would previously been required based upon maximum zoning, but still leaves a deficit of approximately 2.25 acres. The City as part of the final processing and conditioning of the project will evaluate this deficit and require the

developer to pay an in lieu fee as set forth in Article II of Chapter 16.28 of the Rocklin Municipal Code.

Comments addressed by this Master Response include 43-10 and 190-5.

Master Response 3 – Aesthetics

Comments that refer to the complete Master Response include 19-12, 19-13, 24-26, 24-27, 24-29, 43-30, 43-33, 43-35, 43-36,43-37, 43-39, 43-58, 43-92, 43-99, 73-1, 123-23, 126-1, 164-4, 164-7, 164-8, 164-9, 164-10, 176-1, 185-6, 190-8, and Verbal Comments 38-1 and 64-3.

Section 1 - Citywide Aesthetic Impact of Development

The City Of Rocklin is a foothill community with development throughout the City on hillsides and ridges. This project is another single family detached residential project in a hillside location, as is Stanford Ranch, The Highlands in southeast Rocklin, and Whitney Oaks to name just a few of the larger developments incorporating hilly and often steep grades and terrain. The City has years of experience balancing visual impacts on views from, and of, hillside development with the need to allow housing to be constructed to fulfill the general plan objective of building a City.

The conversion of the project site to urban uses was anticipated in the Environmental Impact Report prepared for the 1991 City of Rocklin General Plan (City of Rocklin 1991). The City's General Plan EIR addressed aesthetics impacts recognizing the significant and unavoidable impacts resulting from building out a City where no City had previously existed. Because feasible mitigation measures to eliminate those visual impacts do not exist, the City Of Rocklin made findings of fact and a statement of overriding considerations accepting the significant and unavoidable impact on aesthetics due to buildout of the City. The General Plan is the fundamental starting point of the discussion of aesthetics impacts from this single family residential project proposed for development on hillside terrain.

City Of Rocklin Resolution No. 91-114 approved the Environmental Impact Report for the City's General Plan. Exhibit C of that resolution sets forth the Significant Adverse Impacts not capable of mitigation to a less than significant level. Item 3 of Exhibit C addresses Visual Resources as follows:

> "While the goals and policies contained in the General Plan Land Use Element and Open Space, Conservation and Recreation Element will help to reduce the visual impact of new development, viewsheds and vistas will still be substantially altered as mixed urban development occurs on presently vacant land. New development will also generate new sources of light and glare. As a result, future development in accordance with the General Plan is considered to be a significant impact with regard to visual resources, which cannot be mitigated to the less than significant levels."

The RDEIR identifies the overall aesthetic impact resulting from construction and development of the project, Impacts 4.3I-1, 4.3I-2, 4.3I-12 and 4.3I-13, as being significant and unavoidable. This is the only reasonable outcome of building a City where no City previously existed. That determination is simply a restatement of, and is consistent with, the findings made in the General Plan EIR as discussed above. The various mitigation measures throughout Section 4.3 will lessen the visual impacts of construction and development of the Project to some extent, but the visual impacts of development of the Project will remain significant and unavoidable, just the same as first time development in any other area of the City, and as recognized in the General Plan.

Paragraph 2 of Impact 4.3I-1 discusses specifically the impacts from grading and construction of Valley View Parkway. Due to site constraints, this General Plan roadway will require significant cuts, fills and terracing to complete. Some portions of Valley View Parkway will be visually different from any other roadway in the City. As noted above, this impact is significant and unavoidable.

Comments addressed by this Master Response include 169-9.

Section 2 - Visual Consistency of Adjacent Developments

This Project is a single family detached residential project with a small area of neighborhood commercial at the intersection of Valley View Parkway and Sierra College Boulevard. Surrounding the Project is primarily single family detached residential of various zoning densities. The City Of Rocklin General Plan instructs that though visual impacts from the buildout of the City are significant and unavoidable, a method to lessen those impacts is to place like uses adjacent to each other. The Project is designed to minimize visual impacts by incorporating segregated low-density style residential villages interspersed with over 350 acres of open space.

Some of the comments questioned the conclusions that certain of the view-related impacts were less-than-significant, particularly Impacts 4.3I-4, 4.3I-5, and 4.3I-6. These comments appear to misunderstand the point of these impact discussions. As explained above, and as set forth in the discussion of Impact 4.3I-1 and 4.3I-12, the overall aesthetic impact of developing the project site is significant and unavoidable due to the loss of existing visual resources within the project site. The discussions under Impacts 4.3I-3 through 4.3I-6 address the *additional* question of the aesthetic consistency of the proposed development with surrounding development. Because the project proposes development that is consistent with surrounding development, this additional impact is deemed less than significant, even though the overall aesthetic impact is significant and unavoidable.

As explained in the RDEIR, aesthetic impacts to viewers from western Loomis are not considered to be significant, due to the visual consistency of project development with surrounding off-site homes and the incorporation of a visual buffer of 250-280 feet at the crest of the hill. Contrary to the statement made in comment, the EIR does not state that homes in the development site will be "invisible" to Loomis residents. To the contrary, the RDEIR acknowledges that development would be visible. The natural buffer with nonetheless provide

some visual relief to Loomis residents, and the overall aesthetic impact, in terms of views from western Loomis, has been determined to be insignificant.

It should nonetheless be stressed that the RDEIR identifies the overall aesthetic impact resulting from development of the project, Impacts 4.3I-1, 4.3I-2, 4.3I-12 and 4.3I-13, as being significant and unavoidable. Impacts 4.3I-3, 4.3I-4, 4.3I-5, and 4.3I-6 all focus on the consistency of the project development with surrounding homes.

Master Response 4 – Transportation and Circulation

Comments that refer to the complete Master Response include 24-31, 24-32, 24-33, 36-4, 43-64, 49-13, 80-1, 82-3, 130-6 and 189-2.

Section 1 – Method of Analysis and Trip Generation Rates.

The Placer County Travel Demand Model is the source of the traffic generation figures used in the RDEIR. The model provides that residential uses generate 9 trips per day, and retail commercial uses generate 35 trips per 1000 square feet. These figures were derived based upon actual traffic counts in the region, and have been cross checked and found to be valid based upon local conditions in the County.

The Placer County Travel Demand Model has been used by numerous jurisdictions for traffic impact analysis for a number of years because it has been validated to local conditions and is the best tool available for regional and local studies in Placer County and its cities. The cities of Lincoln, Rocklin, and Roseville, as well as Placer County, have consistently used the Placer County Travel Demand Model (and the trip generation rates contained within) for use in traffic impact analyses.

For this project analysis, trip generation rates were derived from the project-specific traffic study conducted by DKS Associates. Project specific trip generation rates, rather than the ITE Trip Generation Manual rates, were used by DKS Associates to analyze the traffic impacts associated with the Clover Valley project for the reasons discussed below.

A travel demand model is a system of equations that are calibrated and validated (as a system) to replicate measured values for a set of predetermined variables. For example, the home-to-work travel times and trip distances from the model are compared to those from a household travel survey; likewise model traffic volumes are compared to actual counted traffic volumes. This calibrated system of equations (i.e. mathematical model) consist of a set of matched inputs and parameters; roadway and transit networks, trip generation rates, distribution friction factors, etc. Models developed for different purposes and of different scales may, and often times do, have different calibrated parameters.

For example, the network for a statewide model might contain only interstate freeways and state routes with very few or no urban arterial streets, no urban minor arterials or collectors, and no rural roads. This level of network detail might be sufficient for modeling travel on the state highway system. As such, this statewide model could have been developed to replicate only

those trips that use the state highway system. For this example of a statewide system analysis, shorter trips made solely on urban collectors and urban arterials not using the state highway system do not necessarily need to be included in the trip generation rates, in trip distribution, etc.

To extend the example, regional travel demand models normally contain freeways, state highways, major arterials, some level of minor arterials, and usually very few collector or neighborhood streets. At this level of roadway network detail (and like the statewide models), it is not necessary to replicate very short trips which use only neighborhood and collector streets that are not represented in the modeling roadway network. As such, modeling trip generation rates might very well be somewhat lower than the published national average ITE trip generation rates for a given land-use category. A valid model can be developed that reliably replicates travel behavior which has trip generation rates and other model parameters which do not match ITE (or other measured) trip rates.

The published ITE trip generation rates are based on decades of generation studies from all across the United States and Canada. Page 268 of the ITE Trip Generation Manual (7th Edition) which is specific to Single-Family Detached Housing states "The sites were surveyed from the late 1960s to the 2000s throughout the United States and Canada." Whereas the Placer County travel demand model's parameters (i.e. trip generation rates) were estimated from local surveys – from households throughout the greater Sacramento region, including household travel surveys from households in Placer County. The ITE manual does recognize "the need to collect local trip generation data to either validate the use of *Trip Generation* data for local use or establish a new local trip generation rate." (Quote Source: ITE Trip Generation Manual, 7th Edition, Chapter 1, page 1).

Comments addressed by this Master Response include 39-16, 107-3 and 191-8.

Section 2 – Sierra College Boulevard Improvements and the South Placer Regional Transportation Association (SPRTA)

In January, 2002, the cities of Rocklin, Roseville, and Lincoln, the County of Placer, and the Placer County Transportation and Planning Agency created a Joint Powers Authority (JPA) known as the South Placer Regional Transportation Authority (SPRTA). The purpose of SPRTA is to allow the various jurisdictions to cooperate together to develop a regional traffic fee, the proceeds of which is to be used to fund necessary regional traffic improvements to mitigate the cumulative traffic impacts of future development within the region. The Town of Loomis declined the invitation to participate in the creation of this agency. As a result, developers in Loomis are not required to pay the regional fee to mitigate their cumulative traffic impacts, and Loomis has no program in place to provide such mitigation. It would not be equitable for Rocklin to provide for payment of fees to Loomis to fund traffic mitigation improvements within Loomis, when Loomis is not likewise providing funding for regional traffic improvements in areas outside its jurisdiction. Mitigation Measure 4.4MM-6 does require a fair share contribution for future improvements to the intersection of Sierra College Blvd. and King Road in Loomis.

Comment 3-2 requests the addition of a mitigation measure which would require construction of frontage improvements along a small segment of Sierra College Boulevard which is adjacent to

the project site. The comment suggests that this mitigation measure is necessary to mitigate project impacts to Sierra College Boulevard, and states that the EIR should "not have payment of the SPRTA fee as the sole mitigation for Sierra College Blvd."

In responding to this comment, a distinction needs to be made between what is a CEQA "mitigation measure," and what constitutes mitigation under the Mitigation Fee Act (Government Code section 66000). Because the project will contribute some traffic to Sierra College Boulevard, and because it will benefit from improvements to this arterial, it is being required to pay the SPRTA fee, the proceeds of which will be used to fund such improvements. Likewise, as is further discussed in Response to Comments 3-4 and 5-1, the project will also be required to provide right-of-way for the necessary roadway frontage on Sierra College Boulevard for the limited portion of the project which fronts on that road, and to provide funding for the costs associated with such frontage improvements.

However, the EIR has not identified any significant traffic impacts which this project will have on this segment of Sierra College Blvd. Therefore, the construction of frontage improvements will not "mitigate" any significant impact for CEQA purposes, and it would not be accurate to characterize the construction of such improvements as a "mitigation measure" for CEQA purposes.

The EIR does conclude that the construction of Valley View Parkway will result in a significant traffic impact at the intersection of Sierra College Boulevard and King Road. But construction of the frontage improvements to the north will not serve to mitigate this impact. Thus, while the comment is correct insofar as it suggests that the project will be responsible for frontage improvements, it is not correct that these improvements should be identified as fully the responsibility of this project and mitigation measure 4.4MM-6 requires a fair share contribution.

The project will have to pay for Sierra College Boulevard frontage improvements as described above, however, the timing of such improvements is not anticipated to occur with the project and thus it was not analyzed in the DEIR. Because the project's obligation for frontage improvements is for a relatively short distance and installing additional lanes for such a short distance would create potential safety issues where the additional lanes transitioned from the existing two-lane road to four lanes and then back to two lanes, the City felt it was more appropriate to do the frontage improvements required of the Clover Valley project as part of a larger future Sierra College Boulevard widening effort. At the time that such a project goes forward, the project will be subject to the CEQA process and potential impacts will be analyzed. In the interim, the Clover Valley project will be require to dedicate the necessary roadway frontage and pay the costs associated with their frontage improvements.

The DEIR included information regarding the South Placer Regional Transportation Authority (SPRTA) in the section of the Traffic and Circulation chapter (Chapter 4.4) on pages 4.4-14 through 4.4-15. However, to clarify and complete this information, the following information is hereby added to page 4.4-14:

> In January 2002, the cities of Rocklin, Roseville, Lincoln, the County of Placer, and the Placer County Transportation and Planning Agency entered into a Joint Powers

Authority (JPA) known as the South Placer Regional Transportation Authority (SPRTA). The JPA's purpose is to coordinate planning, design, financing, determining construction timing, and construction of several transportation improvements located in member jurisdictions. The Placer County Transportation Planning Agency (PCTPA) provides staffing and accounting support for SPRTA. See www.pctpa.org for more detail. The primary purpose of the JPA is to generate revenue to construct a program of transportation improvements.

Additionally, the following information is hereby added to the top of page 4.4-15:

In general, the improvements are expected to be made during the next several years, but the timing of these roadway and transit system projects is ultimately dependent on the collection of the fees necessary to fund them.

One of SPRTA's powers is to collect and implement a regional transportation and air quality management fee on new development. This fee is to assist funding several regional transportation projects. Except for the Placer Parkway and Rail & Transit projects, member jurisdictions are responsible for overseeing the construction of transportation improvements. For all transportation improvements, it is assumed that:

1. Curbs, gutters and sidewalks, where required by zoning, are the responsibility of the applicable developer or member jurisdiction; and
2. Frontage improvements of a lane plus shoulder, where required by zoning, will be constructed along development property at no cost to the SPRTA improvement program.

Because Sierra College Boulevard would serve as a primary transportation link to the Clover Valley project, the improvements related to this roadway included in the JPA are described below:

Finally, the following information is hereby added to page 4.4-15:

The Sierra College Boulevard segments affected by the Clover Valley development and to be funded or credited by the fee program include:

- *Segment 1 – from State Route 193 to the northern city limits of the City of Rocklin. This segment would consist of a four-lane facility.*
- *Segment 2a – from the northern city limits of the City of Rocklin to the northern boundary of the Town of Loomis. This facility would also be built to four lanes.*
- *Segment 5 – Interstate 80 to Rocklin Road. This segment would consist of six lanes.*
- *Segment 6 – Rocklin Road to the southern city limits of the City of Rocklin. This segment would consist of six lanes.*

- *Segments that are not included but could be funded in later years of the fee program include:*

- Segment 2b – Front of the northern boundary of the Town of Loomis to Taylor Road all within the Town of Loomis; and
- Segment 3 – From Taylor Road to Granite Drive all within the Town of Loomis.

Segments that would be funded by other sources include:

- Segment 4 – I-80/Sierra College Boulevard Interchange.

Comments addressed by this Master Response include 3-2 and 19-26.

Section 3 - Increased Traffic and Safety Concerns on Park Drive

Impacts to Park Drive are discussed in detail on page 4.4-30 of the RDEIR. With project implementation, Park Drive would be expected to carry approximately 9,000 additional vehicles per day north of the proposed Park Drive/Valley View Parkway intersection and roughly 5,100 additional vehicles daily south of the intersection. This equates to 27 percent of all project-generated trips under Existing Plus Project conditions, although this number would be reduced to 16 percent by the year 2025 (see Figure 4.4-5 and page 4.4-19). Because this extra traffic is identified in the RDEIR as a significant project-related impact (see Table 4.4-7, Line 16), Mitigation Measure 4.4MM-5(a) would require the project applicant to make improvements to the proposed intersection of Park Drive and Valley View Parkway. These improvements would reduce future PM peak hour traffic impacts to a less-than-significant level.

The study area of the proposed project is based upon the magnitude of the traffic generated by the project and its anticipated routes in relationship to non-project traffic volumes and roadway capacities. (See Section 1 above.) Some locations mentioned by commenters were not included in the study area because the change in traffic volumes resulting from the project were small in relationship to available roadway capacity. For informational purposes, the table below summarizes 2025 Current General Plan daily traffic volumes at selected locations with and without the Clover Valley project including a number of locations on Park Drive. The information in the table was derived from the December 2005 Clover Valley Transportation/Circulation report prepared by DKS Associates. Increases in traffic on Park Drive will not cause degradation in operating conditions beyond the level of service "C" standard maintained by the City of Rocklin.

Table 3.2-1
Selected Daily Traffic Model Volumes and Roadway Level of Service
City of Rocklin 2025 Current General Plan

Location	Without Project		With Project	
	Volume	LOS	Volume	LOS
Argonaut Avenue east of Midas Avenue	5,100	A	6,500	A
Crest Drive east of Whitney Boulevard	4,100	A	5,200	A
Midas Avenue south of Argonaut Avenue	10,800	C	10,200	B
Park Drive northeast of Sunset Boulevard	19,000	A	20,500	A
Park Drive south of Valley View Parkway	2,700	A	7,800	A
Stanford Ranch Road northeast of Sunset Blvd.	21,000	A	20,900	A
Victory Drive east of Park Drive	700	A	800	A
Whitney Boulevard northeast of Sunset Blvd.	7,500	A	7,600	A
Wyckford Boulevard north of Park Drive	3,700	A	3,700	A

Source: DKS Associates, December 2005.

Concerns were expressed regarding safety along Park Drive due to the presence of pedestrians in the area as a result of nearby schools, the entrances/exits into the residential areas along Park Drive, and the excessive speeds used by vehicles traveling in the area.

Roadways in the City of Rocklin are sized and designed to ensure that the use of the roadway will accommodate the future anticipated traffic volumes that are expected to occur. The City of Rocklin's roadway designs also account for the accommodation of pedestrians and bicyclists in a safe manner, either through the use of dedicated area along the roadway for bicyclists or through the use of sidewalks for pedestrians. As new areas are planned for development and the development includes new roadways, the City reviews and evaluates the design of the proposed roadways on their own and as they relate to any existing roadways that would be connected to. The City's Engineering Division and Police and Fire Departments participate in the review and evaluation process by assessing such items as hazards due to a design feature or incompatible uses, and to ensure that adequate emergency access is provided. Such a review and evaluation process and any required changes to the design as a result of the review and evaluation processes help to ensure that the roadway safety impacts are minimized. Developments and subdivisions that currently exist in Rocklin, including the communities that access onto Park Drive, were subject to such a review and evaluation process, and likewise, the Clover Valley project has undergone such a review and evaluation process. With respect to current conditions of excessive speeding, there is no reason to believe, and therefore speculative to assume, that the Clover Valley project will add to this condition. It is recognized that there will always be those members of our society who choose to ignore posted speed limits and other traffic laws, but the Clover

Valley project cannot be singled out as a project that could contribute to more violations of posted speed limits and other traffic laws.

Finally, it should also be noted that the California Education Code requires school districts to use certain criteria for the siting and location of school facilities, and school districts must also comply with the California Environmental Quality Act (CEQA) when proposing school facilities. It is through compliance with the Education Code requirements and the CEQA environmental documentation process that school districts are able to ascertain potential environmental impacts, including safety-related impacts, associated with locating a school facility in a particular location. Schools in the City of Rocklin have been planned in proximity to arterial roadways and appropriate design has been provided for pedestrian access.

Comments addressed by this Master Response include 39-5, 57-1, 60-1, 77-2, 87-3, 87-8, 97-1, 160-1, 169-11, 169-12, 172-4 and Verbal Comments 43-3, 44-1, 44-2, 44-3, 52-4, 64-2 and 68-2.

Section 4 - Valley View Parkway

Valley View Parkway is identified as a future 4-lane facility in the Circulation Element of the City of Rocklin General Plan. The City is currently in the process of updating its General Plan, and as a part of that effort, the City Council gave conceptual support for reducing the size of Valley View Parkway from 4 lanes to 2 lanes. Consistent with this direction, the applicant for the Clover Valley project has proposed constructing Valley View Parkway as a 2-lane facility. However, the grading and right-of-way width could physically accommodate a 4-lane facility if the proposed landscaping and medians were removed/altered. Although the traffic analyses conducted as part of the Clover Valley project and the General Plan Update effort indicate Valley View Parkway could operate as a 2-lane facility and still maintain Level of Service (LOS) C, this would only be feasible by including necessary widenings at the transition areas where Valley View Parkway meets both Park Drive and Sierra College Boulevard. The proposed Clover Valley project includes a General Plan Amendment to the Circulation Element to reflect the 2-lane configuration for Valley View Parkway.

For purposes of assessing tree removal impacts in the RDEIR, it was assumed that all trees within the full-graded width of a 4-lane facility would be removed.

Regarding the need for Valley View Parkway, the City's General Plan has long called for the construction of Valley View Parkway in this location and the roadway is meant to provide an alternate Citywide traffic connection between the east and west areas of the City. Valley View Parkway would provide a new access route for all Rocklin citizens, including public safety vehicles, service vehicles, children and senior citizens. Valley View Parkway traffic will be distributed primarily to Park Drive and Sierra College Boulevard, both of which are identified as arterials in the Rocklin General Plan. See figure 4.4-5 on page 4.4-20 of the RDEIR for more details regarding trip distribution.

The 12% grade associated with the proposed Valley View Parkway is not considered to be excessive or unsafe. There are roadways in Rocklin and in the surrounding areas that are at or even exceed a 12% grade. While the City of Rocklin does not have a maximum slope standard

for roadways, there are other jurisdictions in the area that do have such a standard. By way of example, Placer County's Land Development Manual, Section 4.05(1) (a) states the following: "Maximum grade on new streets shall be 15%. In snow areas, the grade shall not exceed 10%, unless otherwise approved by the Engineer." Further consultation with Placer County staff indicates that snow level is considered to be approximately 3500 feet in elevation.

Master Response 5 – Air Quality

Comments that refer to the complete Master Response include 24-35 and 87-9.

Section 1 – Project-Specific and Cumulative Air Quality Impacts

Some comments questioned the RDEIR's analysis and conclusions relating to the project's air quality impacts. The RDEIR concludes that the short-term construction-related air quality impacts (particularly impacts of grading the site) will be significant and unavoidable. (See RDEIR pp. 4.5-8 to 4.5-14 (Impact 4.5I-1).) It also concludes that the long-term operational impacts of the Project (both due to increased vehicle use and due to area source emissions within the development) will be potentially significant, but explains that those impacts will be mitigated to less than significant with the adoption of specified mitigation measures. (See RDEIR pp. 4.5-12 to 4.5-14 (Impact 4.5I-2).) However, while the project-specific air quality impacts, by themselves, are deemed mitigated, the RDEIR concludes that the cumulative air quality impacts of this project, taken together with the air quality impacts of other existing and future development in south-western Placer County and the greater Sacramento area, will be significant and unavoidable. (See RDEIR pp. 4.5-16 to 4.5-17 (Impact 4.5I-4).)

It is noted at the outset that the air quality impacts of this project are expected to be consistent with the air quality impacts of the existing surrounding development. The residential and limited commercial uses proposed by the project will generate the same type of pollutants as are already being generated by other residences and small businesses. Therefore, overall, the project will result in an incremental increase of the pollutants which are already presently being generated. The incremental increase is, by itself, mitigatable to a level of less-than-significant, but the overall cumulative air quality impact is unavoidably significant, given existing air quality problems in the region discussed in the RDEIR.

With respect to operational impacts (Impact 4.5I-2), Table 4.5-4 of the EIR explains that the Project emissions will exceed Placer County Air Pollution Control District ("PCAPCD") Significance Thresholds for ROG and PM_{10}. Mitigation Measures 4.5MM-2(a) through -2(d) identify numerous measures to mitigate this impact, including various on-site measures and the payment of a fee to provide for off-site mitigation of impacts under PCAPCD's fee program. Please refer to Comment Letter no. 2 (from PCAPCD) for additional information related to this program and to the calculation of the fee.

PCAPCD's comment letter recommends an additional mitigation measure – essentially, a prohibition of wood-burning fire places and wood stoves. With the implementation of this mitigation measure, PCAPCD agrees that the project's PM_{10} emissions will be mitigated to a less

than significant level. The City is complying with PCAPCD's request to add this additional mitigation measure, and the applicant has agreed to this measure.

PCAPCD's comment letter opines that the project's operational emissions of ROG will still be significant and unavoidable even after implementation of Mitigation Measures 4.5MM-2(a) through -2(d). The City disagrees. As shown on Table 4.5-4, total operational ROG emissions are estimated to be 94.1 lbs/day, which exceeds the significance threshold (82.0 lbs/day) by 12.1 lbs/day, or 13 percent. Implementation of the mitigation measures should suffice to accomplish this 13 percent reduction necessary to conclude that this project-specific impact (ROG emissions) will be mitigated to a level below the significance threshold. However, consistent with PCAPCD's comment letter, and as discussed above, the cumulative impact is deemed significant and unavoidable.

Another comment (Comment No. 39-7) asserts that the analysis of cumulative impacts is insufficient and asks for the response to specifically address Ozone, PM_{10}, and CO. However, the RDEIR specifically analyzes each of these constituents, and the comment does not explain why it feels the analysis is not sufficient, other than to contend that the health impacts of these pollutants were not addressed. However, the RDEIR does address the health effects. Further information is provided herein.

The DEIR discusses problem pollutants and their general health effects on pages 4.5-3 and 4.5-3 of the DEIR. Carbon monoxide, which is a localized pollutant, was analyzed using available air quality models and compared to state and federal ambient air quality standards in impact 4.5-3 on page 4.5-15

The DEIR utilized a conservative (over-predictive) method to estimate carbon monoxide concentrations at worst-case intersection. Concentrations were estimated at locations within 20 feet of the most congested intersections in an effort to obtain the highest concentrations that might be expected to occur at any location affected by project traffic. These predicted worst-case concentrations were included in Table 4.5-5 on page 4.5-16 of the DEIR. Because these concentrations are for worst-case locations, concentrations at nearby schools, senior housing, residences or any other sensitive receptor would be less than those shown in Table 4.5-5.

The DEIR utilized the significance thresholds of the Placer County APCD. The threshold of significance carbon monoxide is a predicted violation of the California Ambient Air Quality Standard. Worst-case predicted concentrations were found to be substantially below the state standards considering both the addition of project traffic and cumulative traffic increases, so carbon monoxide impacts were determined to be less than significant.

The other two problem air pollutants in the Rocklin area are ozone and particulate matter. Both these pollutants have been shown to be correlated with adverse heath effects. However, predicting the increases in health effects is not possible for the following reasons:

1. Estimating long-term concentrations of pollutants such as ozone and particulate matter (PM_{10} and $PM_{2.5}$) resulting from an indirect source of air pollutants such as the project is not possible. Project emissions do not just occur on the project site, but are spread over

several counties. Forecasting changes in ozone levels or particulate matter due to an individual project is not practical, given that ozone and a portion of urban particulate matter are a result of a complex series of photochemical reactions in the atmosphere. Computer models of photochemical ozone/particulate matter formation capable of providing a project-caused concentration change described both spatially and temporally would require massive amounts of weather and emissions data. While such models do exist they are typically used in the development of regional air quality plans, and are not usable for forecasting effects of an individual project.

2. Even if spatially and temporally distributed project-related concentrations could be generated, information on dose-response relationships is lacking that would allow a quantitative analysis of health effects. While general correlations between pollutant concentrations as measured in urban environments and such factors as hospital visits or deaths from respiratory diseases such as asthma, bronchitis or lung cancer have been established, this does not establish a causal relationship for any one pollutant.

Since the impact of an indirect source cannot be determined in terms of concentration, the Placer County Air Pollution Control District, like other air districts across the state, have recommended that project impact significance be not based on a specific change in projected concentration, but is based on a mass emission. This analysis is discussed in Impact 4.5-2 of the DEIR, which concluded that the project, without mitigation, would have a significant impact for both ozone and PM_{10}.

Section 2 – Railroad Emissions

In 1998 the California Air Resources Board identified particulate matter from diesel-fueled engines as a toxic air contaminant (TAC). CARB has completed a risk management process that identified potential cancer risks for a range of activities using diesel-fueled engines. High volume freeways, stationary diesel engines and facilities attracting heavy and constant diesel vehicle traffic (distribution centers, truckstop) were identified as having the highest associated risk. No such facilities are located near the project site. Studies of health risks associated with diesel emissions from the Roseville Rail Yard found that emission from that source have a significant health risk effect on the City of Roseville.

The California Air Resources Board recently published an air quality/land use handbook.[1] The CARB handbook recommends that planning agencies strongly consider proximity to these sources when finding new locations for "sensitive" land uses such as homes, medical facilities, daycare centers, schools and playgrounds. Air pollution sources of concern include freeways, rail yards, ports, refineries, distribution centers, chrome plating facilities, dry cleaners and large gasoline service stations. The handbook includes a recommendation to avoid siting new, sensitive land uses within 1,000 feet of a major service and maintenance rail yard (such as the Roseville Rail Yard). The project is over 5 miles from the Roseville Rail Yard. Being located at

[1] California Air Resources Board, Air Quality and Land Use Handbook: A Community Health Perspective, April 2005.

the northeast corner of Rocklin, the project site has a lower exposure to emissions from the Roseville Rail Yard than any location within Rocklin.

The handbook has no recommendations regarding siting sensitive land uses near a rail corridor. Because of the limited number of trains, lack of stationary idling of locomotives and the dispersion of pollutants by moving trains, the potential exposure near a rail corridor is only a small fraction of that near a major rail yard.

As noted in the RDEIR on page 4.5-1, "climatic factors that effect air quality near the project site are wind and atmospheric stability. The daytime wind direction is generally southwesterly. During the nighttime, downstream air "drainage" flows are frequent, particularly in the winter. These nighttime winds are generally light and follow the watercourse in a downstream direction." The exposure of Clover Valley to rail emissions is quite limited. The train corridor runs along the eastern edge of the southern two-thirds of the project site before moving further east. The corridor is actually in the Antelope Creek watershed at that location, separated from Clover Valley by a ridge of land. The train corridor does not enter in to the Clover Valley watershed until it is several miles north of the project site.

Health risks from Toxic Air Contaminants are function of concentration. Long-term concentrations are in turn determined by distance from the source and location with respect to prevailing winds. During the daytime up-valley winds predominate which carry pollutants to the north and east, largely away from the project site. During nighttime hours, when downhill drainage flows predominate, transport of pollutants would be toward the south and east, and the presence of the ridge on the east side of Clover Valley would tend to keep railroad pollutants outside Clover Valley.

Residences on the east side of the project would be closest to the rail corridor, and would have the largest exposure to railroad emissions. Residences would all have a substantial setback from the rail corridor, provided either by intervening properties outside the project boundaries or open space corridors provided within the project boundaries. Also, these residences would be substantially elevated above the rail line. Because of the above reasons, exposure of project residents to diesel exhaust from would be minimal, and the impact of rail line emissions on the project deemed less-than-significant.

Master Response 6 – Noise

Comments that refer to the complete Master Response include 24-28, 43-78, 43-79, 43-80, 110-4, and Verbal Comments 52-2 and 64-1.

Section 1 – Supplemental Analyis of Noise Barrier Requirements Along Sierra College and the UPRR Right of Way.

The City's acoustical consultant, Bollard Acoustical Consultants, Inc., recently conducted an updated noise study of potential traffic noise impacts to lots along Sierra College Boulevard and along the UPPR tracks (See Appendix H). His analysis is as follows:

Supplemental Analysis of Noise Barrier Requirements Along Sierra College and the UPRR Right of Way:

BAC used the latest site and grading plans and cross sections provided by the City of Rocklin to re-evaluate noise impacts and noise barrier requirements for the residences proposed adjacent to Sierra College Boulevard and the UPRR tracks. The barrier requirements evaluated at representative lots located adjacent to Sierra College Boulevard and the UPRR tracks, with the detailed results of the analysis included in the attached appendices.

Sierra College Boulevard Noise Barriers:

The lots proposed along Sierra College fall into two distinct categories. Those lots which are north of Valley View Parkway (115, 116, 125, 126, 133-137) will all have pad elevations (and corresponding back yard elevations), which are **below** the elevation of Sierra College Boulevard following site grading. As a result, there will be varying degrees of natural shielding provided by the intervening topography. After accounting for this shielding, it was determined that a 6-foot tall solid noise barrier along the portion of Sierra College Boulevard north of Valley View Road would be adequate to reduce future Sierra College Boulevard traffic noise levels to 60 dB Ldn or less. It is important to note, however, that these barriers should be constructed at the top of the slopes for these lots, rather than at the back yard elevation or intermediate position, as lower barrier placement could lead to traffic having a "view" over the top of the walls.

Those lots which are south of Valley View Parkway (191-214) will all have pad elevations (and corresponding back yard elevations), which are **above** the elevation of Sierra College Boulevard following site grading. As a result, there will be varying degrees of natural shielding provided by the intervening topography. After accounting for this shielding, it was determined that a 6-foot tall solid noise barrier along the portion of Sierra College Boulevard south of Valley View Road would be adequate to reduce future Sierra College Boulevard traffic noise levels to 60 dB Ldn or less. It is important to note, however, that this barrier should be constructed relative to backyard elevation (the direct opposite as the recommendation of the lots north of Valley View), as a lower barrier placement could lead to traffic having a "view" over the top of the walls.

While the project proposed 6 foot masonry soundwalls, as indicated in the above analysis, those soundwalls will only be sufficient if they are located at the top of the slopes (for lots 115, 116, 125, 126, 133-137) and at relative to backyard elevation (as to lots 191-214). Based on the above supplemental analysis, the text of impact discussion 4.6I-8 on page 4.6-18 and mitigation measure 4.6MM-8(a) are amended as follows:

At residences proposed adjacent to Park Drive and Sierra College Boulevard, 6-foot tall masonry noise walls have been proposed, as indicated on the project fencing plans. Given a cumulative plus project traffic noise exposure of 70 dB

Ldn along Sierra College Boulevard, the proposed 6-foot tall noise barriers would be insufficient to reduce outdoor activity area noise exposure to 60 dB Ldn or less at those locations. ~~despite the advantage of being elevated relative to Sierra College Boulevard.~~

Given a cumulative plus project traffic noise exposure of 62 dB Ldn along Park Drive, the proposed noise barriers would reduce outdoor activity area noise exposure to approximately 57 dB Ldn or less at those locations. Because cumulative plus project traffic noise levels are predicted to exceed 60 dB Ldn at the outdoor activity areas of the residences located adjacent to Sierra College Boulevard even with the proposed 6-foot tall barriers, this impact is considered ***potentially significant***.

Mitigation Measures

Implementation of the following mitigation measures would reduce impacts related to cumulative plus project noise impacts to residences along Valley View Parkway to a *less-than-signifciant* level.

4.6MM-8(a) Prior to approval of the project improvement plans, the improvement plans shall indicate the following:

- *The proposed 6-foot tall barriers along Sierra College Boulevard extending from lots 115, 116, 125, 126, 133-137 shall be six feet in height as measured from the top of the slopes so that noise exposure in outdoor activity areas is reduced to 60 dB Ldn or less.*
- *The proposed fences located along lots 191 to 214 shall be replaced with a 6-foot tall solid noise barrier, relative to backyard elevation, so that noise exposure in outdoor activity areas is reduced to 60 dB Ldn or less.*

~~*4.6MM-8(a) Prior to approval of the final map, the map shall indicate the following:*~~

- ~~*The proposed 6-foot tall barriers along Sierra College Boulevard extending from lots 137 to 115 shall be increased in height to 8 feet, relative to backyard elevation.*~~
- ~~*The proposed fences located along lots 191 to 208 shall be replaced with 8-foot tall solid noise barriers, relative to backyard elevation.*~~
- ~~*The proposed fences located along lots 209-214 shall be replaced with 6-foot tall solid noise barriers, relative to backyard elevation.*~~

Section 2 - Railroad Noise

The RDEIR noted on page 4.6-6 that at-grade railroad crossings are not proposed in the immediate project area. It should also be noted that at-grade railroad crossings do not exist in the immediate project area. This information is important because most at-grade crossings require train engineers to sound their horns, although train engineers can sound their horns whenever they feel safety dictates that they do so. The exception to the sounding of horns for at-grade crossings is when the at-grade crossing has been fitted with other motorist warning devices, to the satisfaction of the Public Utilities Commission. However, this type of at-grade crossing does not exist in the immediate project area either. Because of the lack of at-grade crossings that would require train engineers to sound their horns, the RDEIR noise assessment assumed railroad noise levels without warning horns.

In response to several railroad noise-related comments received on the DEIR, additional railroad noise level monitoring was conducted by the noise section authors. The supplemental measurements were conducted at the location of the nearest proposed residences in Clover Valley to the railroad tracks (proposed Lot # 211). The railroad noise level measurements were conducted from 5 pm April 24 through 12 pm April 26. The measurement site was 205 feet from the tracks. During the measurement period, a total of 33 railroad events were registered, for an average of approximately 18 trains per 24 hour period. The City of Rocklin Noise Element reports approximately 15 trains per day on these tracks, so the number of apparent railroad events logged during the noise survey appears reasonable. The results of the railroad noise level measurements were used to compute noise exposure in terms of Ldn, which computed as 51 dB. This predicted level is consistent with values reported in the RDEIR based on noise level data contained within the City of Rocklin General Plan Noise Element. Following site grading, portions of the top of the bluff will be leveled, which may result in a reduction in natural shielding of railroad noise. Nonetheless, the railroad tracks will continue to be depressed at least 80 feet relative to the project site, with the natural terrain continuing to provide substantial shielding to the point where noise levels associated with railroad operations would be below the City of Rocklin General Plan Noise Element 60 dB Ldn noise level standard for residential uses.

Section 3 – Noise Amplification Impacts From Valley Setting on Existing Residents

Traffic noise impacts along the roadways which are anticipated for appreciable use by project traffic were assessed, with the results contained in Tables 4.6-2 and 4.6-5 of the RDEIR. Rawhide Road is not proposed for connection to the Clover Valley project roadways. As a result, no appreciable change in traffic noise levels along Rawhide Road is anticipated to result from the project. Table 4.6-4 predicts the sound generation of the internal roadways to be approximately 51 dB Ldn at a distance of 100 feet from those internal roadways. This predicted level is very low, consistent with similar roadways which serve low-density neighborhoods. Ambient noise levels conducted within the project boundaries (page 4.6-4 of the RDEIR) were measured to range from 46-48dB Ldn. When the traffic noise levels from the internal project roadways are projected to the nearest existing residences (greater than 100 feet from the roadway centerlines), those levels will be at or below measured existing ambient noise levels. Noise generated by typical residential activities (yard maintenance, children playing, etc.) would be similar to those

same sources occurring at the existing residences surrounding the project vicinity, including residences along Rawhide Road.

With respect to the concerns expressed regarding the potential for the valley setting of the project site, or the construction of the terraced Valley View Parkway to result in amplified noise levels, such concerns are unfounded. For natural sound amplification to occur, the sound arriving at a receiver directly (unimpeded) from the source must mix with sound that is reflected off of a surface in the direction of the receiver. The assumption is that the reflected sound would not have otherwise reached the receiver.

If a perfect reflection of noise were to result from the Valley View Parkway retaining walls, Valley View Parkway noise levels would be approximately 3 dB higher at the residences. This is because a 3dB increase represents a doubling of sound energy (which would be the case with a perfect reflection.) However, the proposed terracing of walls and some sound absorption associated with the wall material will ensure that the walls did not provide a perfect reflection of sound. As a result, reflections resulting from Valley View Parkway retaining walls would likely be on the order of 1-2 dB at the nearest residences, which would still be well below existing noise levels and applicable noise standards.

It should be noted that the intensity of sound reflected towards a receiver is dependant on several factors. Those factors include the orientation of the reflecting surface relative to the receiver (the angle of reflected sound is equal to the angle of incident sound), as well as the sound absorption of the reflecting surface. The sloping hills of the project site and the proposed terraced design of Valley View Parkway are not as conducive to the reflection of sound as purely vertical elements would be. Soft or porous surfaces, such as vegetation and earth found in Clover Valley, are not good reflectors of sound. As a result, anecdotal evidence of sound amplification, such as noise from the nearby school or golf course which were noted in the comments, is believed to be due more to periodic changes in atmospheric conditions than due to sound reflections within Clover Valley.

Master Response 7 – Cultural Resources

Comments that refer to the complete Master Response include 31-2, 31-3, 31-4, 31-5, 39-9, 39-22, 39-23, 43-7, 43-109, 43-110, 43-111, 47-2, 58-3, 72-18, 72-19, 72-20, 72-21, 72-22, 87-18, 87-20, 123-6, 123-7, 123-8, 123-9, 123-10, 148-1, 148-2, 148-3, 148-6, 153-6, 164-16, 164-17, 164-97, 169-20, 169-21, 179-1, and Verbal Comments 9-6, 14-1, 60-4, 61-2, 68-1 and 71-1

Section 1 - Identification and Management of Cultural Resources

CEQA does not require the in depth and detailed analysis of the federal Section 106 process prior to project approvals and certification of an EIR, however, for this project the CEQA process and the Section 106 process overlap in timing. Therefore, the cultural resources are being identified, evaluated and managed under the federal National Historic Preservation Act (NHPA) Section 106 guidelines as this project is considered a federal undertaking, due to the need for a permit from the U.S. Army Corps of Engineers (Corps).

Table 4.7-2 (RDEIR at 4.7-22, 23) discloses the archaeologically important elements of each cultural site. This site-specific information coupled with the exhaustive ethnographic context in the RDEIR provides an adequate description of the significance of the sites for purposes of public disclosure. City personnel with a need-to-know have access to Peak & Associates' 2002 *Determination of Eligibility and Effect on Cultural Resources within the Clover Valley Lakes Project Area* ("DOE") and the draft Historic Properties Management Plan ("HPMP") that explain in detail the nature of each site and proposed avoidance, minimization of impact and mitigation. Thus the City has access to sufficient technical information concerning the cultural resources with which to make informed decisions as to site design, mitigation measures and conditions of approval. As noted in the RDEIR at 4.7-33, the same level of disclosure cannot be made public due to concerns for the security of the cultural sites. A detailed description of site contents, even without specific location information, could result in site vandalism or looting.

The field surveys of the project site resulted in the identification of numerous cultural resources. The information on the sites was relayed to the lead federal agency, the Corps, who after thorough review, sent this information on the cultural resources present and their eligibility under the criteria of the National Register of Historic Places to the California State Office of Historic Preservation (OHP). The OHP concurred with the conclusion that the sites present within the Area of Potential Effect form an archeological district, eligible for the National Register of Historic Places (NRHP).

The federal process will insure that the cultural resources will be preserved, mitigated, and managed using a higher standard than what is provided for in the CEQA review process. In all cases, resources will be preserved to the maximum degree possible, with the oversight of the Corps, the OHP, and potentially, the Advisory Council on Historic Preservation. All of the concerns expressed for the CEQA process will be dealt with in the federal Section 106 review. The Section 106 process is many decades old, and provides extensive guidance for the identification, evaluation, and other measures related to cultural resources. The evaluation of resources for the California Register of Historical Resources (CRHR) is derived from the federal process; a resource considered eligible for the NRHP is assumed eligible for the CRHR, and this District has been recognized and listed on the California Register of Historical Resources.

The federal process is much more highly developed than the State process, which is less stringent. The federal process involves review and revisions by a federal agency and their staff of cultural resource professionals, to be assured that the federal guidelines are met. The agency then sends the documents on to the OHP, where they are then reviewed by cultural resource professionals at the OHP to ensure full compliance with the requirements of the Section 106 review process.

This process includes the development of management documents that describe in great detail the means for the protection and preservation of cultural resources, specifically relative to the nature and type of proposed impacts. The plans are developed as a Historic Properties Treatment Plan (HPTP) and/or a Historic Properties Management Plan (HPMP). These involve extensive impact analysis, project re-design, consultation with Native Americans, and other consultation with agencies to develop a plan that provides for the best possible preservation planning and other mitigation measures for the resources present at the project site.

For this project, cultural sites will be subjected to both treatments and management measures; two documents are in preparation in consultation with the Corps of Engineers to address the management measures for the sites or portions of sites to be preserved, and treatments for the sites that must be subject to data recovery excavations or other measures. These documents are in preparation in consultation with cultural resource professionals, and will meet the needs of the Section 106 process, thereby also more than satisfying the needs of the CEQA process. They will only be adopted when all parties concur that the right measures are being set for the sites.

Section 106 implementing regulations require the agency official (Corps) to seek and consider the views of the public concerning the project's effects on Clover Valley's cultural resources. To meet this requirement, the Corps has requested the project applicant to submit the RDEIR cultural resources section, comments and responses to comments concerning the Project's cultural resources. The comments will inform the Corps as to how it will proceed with seeking additional public participation. The Corps has sole discretion over how to meet the public outreach requirements. The Corps may use various means for public outreach including, but not limited to, formal notice, public hearings and publication of a notice in local newspapers. Members of the public may also provide views on their own initiative for the agency official to consider in decision making.

The City would like to emphasize that the federal Section 106 process is a much more stringent process than the CEQA process. CEQA allows an archeologist to determine eligibility with no input from others, then to develop mitigation measures with review only by the local agency through the project entitlement process. In the federal process, the archeologist's work is overseen by two reviewing parties—the federal lead agency (Corps) as well as the OHP. In some cases, the proposed mitigation measures are also reviewed by the Advisory Council on Historic Preservation (ACHP), also a federal agency, depending on the nature of the undertaking.

Every year, the Corps of Engineers and the OHP review projects from throughout California involving the implementation of management plans. Their acceptance of the plans will ensure that adequate measures are in place. Without Corps and OHP approval, no permit will be issued and the project will not proceed.

Comments addressed by this Master Response include 43-108, 130-11, 148-1, 148-2, 164-92, 164-94, 164-96, 164-98, 164-99, 191-30, and Verbal Comment 61-3.

Section 2 - Locations and Treatment of Sensitive Cultural Sites

The issue of cultural resources has aroused significant public interest. Applicant, Clover Valley Partners, has disclosed ample technical information to the City for purposes of decision-making. The City has considered the numerous requests to make public the location and character of the cultural resources at Clover Valley. It is the City's position that the confidentiality of the site locations is essential at this time to prevent vandalism to the resources. Public release of information on the sites may allow their discovery by trespassers on the project site, leading to potential excavation and looting. The City's position is consistent with the intent of National Historic Preservation Act Section 304(a):

> The head of a Federal agency . . . shall withhold from disclosure to the public, information about the *location, character,* or ownership of a historic resource if the Secretary and the agency determine that disclosure may . . . risk harm to the historic resources . . ."

As a result, it is enough to know that the specific nature of the resources has been reviewed by cultural resource professionals at the Corps and the OHP who believe that the cultural resource sites at Clover Valley meet federal standards for significance as an archeological district. No specific descriptions will be provided. For the preservation of the sites, specific information on the location and nature of findings at the resources cannot be included in the CEQA documents. Site-specific content and location information will be reviewed by appropriate federal and State agency officials on a need-to-know basis thereby protecting the confidential information regarding location and content of the sites.

The Historic Properties Management Plan (HPMP) and Historic Properties Treatment Plan (HPTP) are still in development. They will be reviewed and approved by cultural resource professionals at the Corps of Engineers and the Office of Historic Preservation. Some information, for example, location of resources, must be kept from public disclosure to protect the integrity of resources. The City is unable to disclose management measures developed in the HPMP and HPTP because, at the time of this writing, the federal NHPA Section 106 process has not been completed. CEQA allows for mitigation measures to be developed in the future so long as the EIR includes performance standards for the mitigation to be developed. (CEQA Guidelines 15126.4(a)(1)(B)) The federal NHPA Section 106 process is the mitigation performance standard to which the applicant will be held.

The majority of the cultural resources are located in open space areas which will be managed under a formal Open Space Management Plan. The Open Space Management Plan ("OSMP") is at the time of this writing in draft form and will be approved as part of the federal NHPA Section 106 process. The Preserve Manager(s) will be required to receive training from a qualified archaeologist in the area of cultural resources generally and additional training with respect to the resources at Clover Valley specifically. Responsibilities for oversight of the cultural resources will be fully developed in the OSMP and will include the responsibility to annually report to the U.S. Army Corps of Engineers. The Corps enforces the requirements developed pursuant to the federal NHPA Section 106 process by means of the individual permit issued under Section 404 of the Clean Water Act.

The City believes protecting the confidentiality of certain information concerning the location and nature of the resources from public disclosure is the best way to preserve the integrity of the valuable resources at Clover Valley. Moreover, the City believes the review required pursuant to the federal NHPA Section 106 process and the management and treatment measures issuing therefrom will provide adequate protection of the resources.

Comments addressed by this Master Response include 41-7, 72-22, 148-1, 148-2 and 164-95.

Section 3 – Rock Walls

The rock walls are early remnant fencing, sometimes evidence of property boundaries and at other times designed to keep animals from overgrazing near water sources. They cannot be absolutely dated and they cannot be tied to individuals or groups of importance in history. They are not a significant cultural resource under either State or federal standards. It is always better to avoid impacts to any resources if possible; but the rock wall sites are not important or significant in the context of thresholds of significance for environmental review under CEQA, and nothing further need be done with these features within the narrow confines of analysis of cultural resources as required by CEQA.

The discussion of the on-site stone walls included in Impact 4.3I-9 states that the stone walls are not recognized as protected historic resources. The cultural resources study conducted by Peak & Associates determined that the walls were nonunique archaelogical resources. Peak's conclusion was confirmed by a second study conducted by archaeological consulting firm SWCA (*Cultural Resources Survey and Evaluation for the Proposed Clover Valley Project, Rocklin*, SWCA Environmental Consultants, June 16, 2006). Public Resources Code § 21083.2(a) states: "An environmental impact report, if otherwise necessary, shall not address the issue of nonunique archaeological resources." For this reason, the discussion of the stone walls was included in the Aesthetics chapter rather than the Cultural and Paleontological Resources chapter of the DEIR.

For the sake of clarification, the following shall hereby be added to page 4.7-21 of the Cultural and Paleontological Resources chapter of the EIR.

> *Volcanic Rock Walls*
>
> The Phase 1 Environmental Site Analysis conducted by Wallace, Kuhl & Associates noted that a personal interview with landowner Bud Taglio and an *Archaeology/Cultural Resources* report compiled by Foothill Archaeological Services for Clover Valley determined that the rock walls on the project site consist of native volcanic rock and were constructed in the 1880s by Chinese laborers working on a ranch owned by Parker Whitney to help corral sheep. The report estimates that the walls were originally up to five feet in height, the tallest now stands at approximately three feet in height (see page 4 of Appendix M for more details). The cultural assessment performed by Foothill Archeological Services determined that the remains of the historic stone walls have not been designated for protection by state, county, or municipal policy. Because the rock walls are not considered by be a historic resource, impacts related to the removal of the rock walls is included in the Aesthetics Chapter of the EIR.

This change is for clarification and does not change the analysis included in the RDEIR.

Comments addressed by this Master Response include 30-3, 43-47, 43-48, 43-49, 43-50, 43-51, 43-52, 53-53, 43-54, 43-55, 43-56, 43-57 and 123-23.

Master Response 8 – Biological Resources

Comments that refer to the complete Master Response include 43-118, 43-135- 43-136, 43-137, 43-138, 43-139, 43-140, 43-141, 49-13, 64-2, 72-13, 164-18, and Verbal Comment 59-5.

Section 1 – Adequacy of Biological Studies

This response addresses comments related to the adequacy and sufficiency of the biological studies preformed for the proposed project. Prior to the issuance of the FEIR, the following additional biological surveys were conducted on the proposed project site:

1.1 Special-Status Plant Species Investigation Conducted for the Proposed Clover Valley Subdivision. (Prepared by Dittes & Guardino Consulting, July 17, 2006.)

The City received a number of comments on the DEIR concerned with impacts related to the adequacy of on-site surveys regarding special-status plant species.

An updated special-status plant survey of the Clover Valley property was conducted in the spring/summer of 2006 (Dittes & Guardino 2006, see Appendix B to this FEIR). Target species were identified based on information in the CNPS Inventory, on a query of the CNDDB (CDFG 2005), and on known geographical distributions, elevation ranges, and habitat associations. Three CNPS List 1B species were determined to have a likelihood of occurring in the vicinity of the site: Brandegee's clarkia (*Clarkia biloba* ssp. *Brandigeae*), big-scale balsamroot (*Balsamorhiza macrolepis var. macrolepis*), and Sanford's arrowhead (*Sagittaria sanfordii*).

The on-site floristic surveys did not find any special-status plant species in June and July 2006 (Dittes & Guardino 2006). In addition, stinkbells (*Fritillaria agrestis*), a CNPS List 4 Species previously identified with potential to occur, was determined not likely to occur in Clover Valley after review of its distribution, soil associations, and information from a local botanist (Dittes & Guardino 2006). Because no special-status plant species were documented within the Clover Valley site, no mitigation is necessary.

1.2 Foothill Yellow-Legged Frog (Rana Boylii) Habitat Assessment and Survey at Clover Valley. (Prepared by ECORP Consulting, Inc. July 17, 2006.

The City received a number of comments on the DEIR concerned with impacts related to the potential presence of Foothill Yellow-Legged Frogs on the project site. Updated biological surveys were performed in 2006 for foothill yellow-legged frog (ECORP 2006a) No Foothill Yellow-Legged Frogs, Red-Legged frogs, or special-status fish or plant species were found during these surveys. See Response to Comment 129-16 for a discussion of Red-Legged frog.

1.3 Exploration for California Black Rails at Clover Valley. (Prepared by Jerry Tecklin, July, 2006.)

In June 2006, Jerry Tecklin conducted surveys for California black rails at five wetland sites within Clover Valley (Tecklin 2006). Surveys followed standard protocols consisting of

broadcasting taped black rail calls to elicit a response. Surveys were conducted in early morning and early evening hours. A California black rail was detected in wetland habitat within Clover Valley during Mr. Tecklin's survey. The additional survey work conducted by Mr. Tecklin did not identify any new significant impacts that were not previously identified in the RDEIR. The RDEIR, without listing the species individually, proposes mitigation in the form of pre-construction surveys and other measures for marsh occupying birds (Black rail and tri-colored blackbird). The potential impacts and mitigation are discussed in the DEIR starting at page 4.8-50, impact 4.8I-13.

1.4 Aquatic Habitat Survey and Fisheries Assessment for Clover Valley. (Prepared by ECORP Consulting, Inc. July 17, 2006.)

The City received a number of comments on the DEIR concerned with impacts related to the adequacy of aquatic and fish habitat assessments. In June 2006, ECORP (2006b – aquatic and fish habitat assessment) conducted stream habitat mapping and fish sampling in Clover Valley Creek within the Project area. Based on the results of the habitat mapping, the creek within the Project area was divided into a lower, middle, and upper reach. During the electrofishing effort, hitch, Sacramento sucker, and western mosquitofish were the only fish species collected.

We acknowledge that Pacific lamprey may have been historically present in Clover Valley Creek prior to existing creek channel modifications (e.g., culvert installations, impoundments, and other stream channel modifications). The most current assessment, however, produced no evidence of the presence of Pacific lamprey.

In reference to the NOAA 2002 BO, while it is true that the barriers and other obstacles to upstream fish migration in Clover Valley Creek can be removed, there are additional watershed issues that would also need to be addressed. In any event, to re-establish salmonids within Clover Valley Creek would require major watershed-wide planning and stream restoration efforts. There is substantial infrastructure within and along the creek (i.e, bridges, storm water outfalls, semi-permanent dams, golf course facilities, residential development along the stream banks, etc.) and current stream conditions are not suitable for supporting salmonids. Specific barriers to upstream fish migration that were identified by ECORP (2001) include:

- The perched culvert at the Argonaut Bridge crossing
- Impoundment near Cimmeron Court with two semi-permanent gate structures with no provisions for passage
- Impoundment with semi-permanent dam at Rawhide Drive

In addition, to these barriers, a bifurcated stream section downstream of Cimmeron Court also creates passage problems.

Based on a stream assessment conducted by ECORP (2001), between the confluence with Antelope Creek upstream to the Project site, instream habitats were dominated by sand and silt and were not suitable for salmonid spawning or rearing. In 2006, ECORP conducted habitat mapping and a fishery assessment within the Project area. The results of this investigation showed that similar unsuitable instream conditions also exist in the Project area.

As a result, a full watershed restoration plan would be essential to any instream restoration activities to determine the feasibility of removing the barriers and restoring this creek for salmonid production. Additionally, even though NOAA has stated that the barriers can be removed, they have not designated this creek as critical habitat for salmonids.

A comment questioned the validity of the National Marine Fisheries Service ("NMFS") 2002 Biological Opinion ("BO") because NMFS in 2005 issued an updated critical habitat designation that the Commenter believes includes Clover Valley Creek.

The BO2 is not invalidated by NMFS's September 2005 designation of critical habitat. An examination of the coordinates included with the 2005 NMFS designation reveals the reach of Clover Valley Creek at the project site is not designated critical habitat. This conforms to the fact that impediments downstream of the project site likely prevent migration of anadromous species.

Even assuming the 2005 critical habitat designation included Clover Valley Creek, this fact would not invalidate the BO. The BO was developed during a time in which Clover Valley Creek was designated critical habitat. NMFS designated critical habitat for Central Valley Spring Run Chinook and Central Valley Steelhead in February 2000 that included the Sacramento River and all river reaches accessible to the listed species. (65 Fed. Reg. 7778, 7779 (February 16, 2000)) The U.S. Army Corps of Engineers ("Corps") initiated formal consultation with NMFS for the Clover Valley project in October 2001. On April 30, 2002, a legal challenge to the process of designating critical habitat resulted in a district court vacating the critical habitat designations for nineteen salmon and steelhead species including Central Valley Chinook and Central Valley Steelhead (National Home Builders v. Evans (D.D.C. 2002)). Notwithstanding the withdrawal of the critical habitat designation, the project applicant and the Corps chose to complete the NMFS consultation on the basis that the project "may affect" anadromous species. Thus, the BO was developed as if Clover Valley Creek were in fact critical habitat even though it was issued October 22, 2002, after the court vacated the critical habitat designation. Consequently, even if the portion of Clover Valley Creek at the project site were considered critical habitat (which it is not) the BO would not be invalidated by a subsequent reinstatement of critical habitat because it was already developed to analyze the impact and make recommendations as if the Creek were critical habitat. The BO's conclusion that the project would not likely jeopardize the continued existence of Central Valley steelhead remains valid. Further, the City will require Mitigation Measure 4.8MM-15(a) whereby the terms and conditions outlined in the BO shall be implemented.

One comment referred to a document reporting occurrences of Salmon in the lower reaches of Clover Valley in the 1960's. (Streams of Western Placer County - Literature Review, 3/3/04) Findings within this document are consistent with conclusions reached by the California Department of Fish and Game ("CDFG"). In a May 9, 2002, letter CDFG acknowledged the

2 The EIR at page 4.8-13 refers to the NMFS Biological Opinion as having been issued May 9, 2002. That date is not correct. The NMFS BO was issued October 22, 2002. The May date refers to a letter from the California Department of Fish and Game in which Dr. Eng notes there are no records indicating salmonids use Clover Valley Creek at the project site and that culverts downstream of the project site potentially prohibit migratory salmonid upstream migration.

existence of records indicating Clover Valley Creek was used by migratory salmonids downstream of the project site. Specifically, Chinook salmon carcasses were recovered in 1963 below the Sunset-Whitney Golf Course, which is below the project site. Notwithstanding the possible downstream presence of salmon in 1963, the CDFG letter stated that there were no records indicating salmonids used Clover Valley Creek at the project site. CDFG further reported Department staff visited the site on April 23, 2002, and found impediments near the golf course that would potentially prohibit upstream migration.

These impediments were installed after the reported downstream occurrences of salmonids in Clover Valley Creek. Thus the potential occurrence of salmonids in the lower reaches of Clover Valley Creek in 1963 does not mean the fish had overcome existing stream impediments. Spawning salmonids using Clover Valley Creek in the 1963 would be deceased by now. After installation of the impediments salmonids would find it impossible to return to Clover Valley Creek because of later-installed impediments. Thus, because salmonids are migratory and do not spend their life cycle in streams like Clover Valley Creek, the in-stream impediments ensure the absence of salmonids subsequent to installation of the impediments. Notwithstanding the improbability of salmonids successfully negotiating the various impediments, the City is requiring Mitigation Measure 4.8MM-15(a) that calls for bottomless culverts at road crossings to span the active channel of the creek in accordance with guidelines recommended by the October 22, 2002 NMFS Biological Opinion. If salmonids were to bypass the in-stream impediments, the project as planned creates no additional barriers to upstream migration.

Potential impacts to Clover Valley Creek or anadromous salmonids that could potentially result from the Project are based on existing creek conditions. The impacts of this project based on future stream restoration activities are impossible to determine. However, Clover Valley Creek has some protection under the National Marine Fisher Service's Essential Fish Habitat. Developers are required to protect stream habitats by implementing Best Management Practices (BMPs), including, but not limited to, minimizing erosion potential and establishing buffer zones, etc.

These additional surveys did not result in the discovery of any new significant impacts. Therefore, because these surveys did not reveal any new significant and unavoidable impacts, the DEIR remains adequate and recirculation of the DEIR is not required. For more information related to riparian buffer zones, see Section 1 of Master Response 2 – Land Use. For more information related to the sedimentary impacts of the proposed stream crossings, see Section 1 of Master Response 11 – Hydrology and Water Quality.

Comments addressed by this Master Response include 21-1, 34-3, 41-4, 41-5, 43-116, 43-117, 43-121, 43-122, 43-126, 43-127, 43-128, 43-131, 43-132, 43-148, 43-149, 43-161, 43-162, 43-163, 43-164, 43-171, 43-172, 43-173, 43-174, 43-175, 43-176, 43-181, 49-14, 64-10, 72-2, 72-3, 72-5, 72-6, 72-7, 72-9, 82-5, 107-5, 183-1, 191-9, 191-10, 191-12, 191-15, 191-16, 191-20, 191-24, 191-26, and Verbal Comments 9-2, -25-4 and 25-5.

Section 2 – Oak Tree Preservation under the Development Agreement

The City received a number of comments on the DEIR related to the adequacy, applicability and nature of the Development Agreement for the proposed project in regard to on-site Oak Trees

and the *City of Rocklin Oak Tree Preservation Guidelines*. The comments commonly focused on questioning the total tree-count in the DEIR in regard to the number of trees that would be removed by major versus minor roadways as well as the general adequacy and legitimacy of the Development Agreement.

The Development Agreement (DA) was made between the developer of the proposed project and the City of Rocklin in 1997. The Planning Commission and the City Council considered the DA and its associated CEQA document during public hearings at the conclusion of which the City Council adopted the CEQA document and approved by ordinance the DA. Because the DA was approved by the City Council in this manner, the DA is a binding legal agreement between the City of Rocklin and the developer.

The DA includes specific language that notes that the proposed Oak Tree Preserve and Open Space Trail System were deemed acceptable "as full mitigation for oak tree removals under Rocklin Municipal Code Chapter 17.77 so long as the number of oak trees which may be removed by Developer does not exceed the greater of 25 percent of the Project's total oak tree diameter at breast height (DBH) or 25 percent of the total number of trees in the Project."

The mitigation determined by the DA is adequate and applicable under the condition that the proposed project builds within the framework of development contemplated by the DA and does not include the removal of more than 25 percent of the existing Oak Trees. As stated on page 4.8-26 of the DEIR, the total number of trees on the project site is 28,246. The anticipated development of minor streets and small lots would result in the loss of an estimated 5,790 (or 20.4 percent) of the on-site Oak Trees.

In addition the DEIR determines that construction of major roadways would result in the removal of an additional 1,632 (or 5.8 percent) of on-site oak trees. The total of trees removed on site would equal approximately 26.3 percent. These "major roadways," are comprised of the Valley View Parkway, Nature Trail Way and Wild Ginger Way. The DA states that, "for the purposes of foregoing calculations, any oak trees removed for the construction of public streets indicated in Exhibit C shall not be counted as oak trees removed by the Developer." (see Figure 3.1 below.)

For clarification purposes and to reflect the details expounded above, the discussion for Impact 4.8I-1 starting at the first full paragraph on page 4.8-26 is hereby changed to the following:

> The proposed creation of the Oak Tree Preserve and Open Space Trail System along with improvements of the trail system were deemed acceptable "as full mitigation for oak tree removals under Rocklin Municipal Code Chapter 17.77 so long as the number of oak trees which may be removed by [the] Developer does not exceed the greater of 25-percent of the Project's total oak tree diameter at breast height (DBH) or 25-percent of the total number of trees in the Project." <u>In addition, any oak trees removed for the construction of public streets indicated in Exhibit C of the DA shall not be counted as oak trees removed by the Developer. These roadways include Valley View Parkway, Nature Trail Way and Wild Ginger Way, hereafter referred to as "major roadways."</u>

Based on calculations of the potential tree loss, of the existing 28,246 total trees on the project site, the construction of the major roadways would result in the removal of approximately 1,632 trees. The anticipated development of the minor streets and the small lots would result in the loss of an estimated 5,790 trees, for a total estimated loss of 7,422 trees. The Development Agreement specifies that trees removed for the construction of public streets indicated in Exhibit C of the DA ~~as a result of General Plan project roadways~~ are not counted towards the 25 percent cap. Therefore, although the total loss of trees is approximately 26.3 percent, for the purposes of the Development Agreement, the number of trees removed as a result of the project equates to 20.5 percent and is therefore in compliance with the Development Agreement.

In addition, oak trees removed as a result of the development of the off-site sewer extension are not considered to be project-specific impacts under the Development Agreement, as the off-site sewer extension is an element of the SPMUD Master Plan and the proposed project is being required to contribute to this extension. As stated in Mitigation Measure 4.8MM-1(b) the off-site sewer extension would be required to abide by the City of Rocklin Oak Tree Ordinance, thus mitigating any impacts to a less-than-significant level.

Comments addressed by this Master Response include 11-4, 22-2, 24-18, 24-19, 24-22, 24-23, 24-24, 26-14, 43-124, 43-144, 69-2, 70-2, 123-3, 129-1, 129-4, 140-13, 141-2, 144-6, 164-3, 169-22, 169-23, 185-4, 190-7 and 191-8.

SECTION 3 - OAK TREE LOSS FROM CONSTRUCTION OF ROADWAYS

The impacts of development under the General Plan, including the need to build roadways as the City built out, were analyzed in the Environmental Impact Report prepared for the 1991 City of Rocklin General Plan (City of Rocklin 1991). The City's General Plan EIR addressed impacts to biological resources in both a direct impacts and cumulative impacts context. Recognizing the significant and unavoidable cumulative impacts resulting from building out a City where no City had previously existed, a significant and unavoidable cumulative impact was found.

However, the City did recognize the need to preserve trees and areas of significant vegetation and at that time adopted Open Space, Conservation and Recreation policy number 4 "to encourage the protection of oak trees, including heritage oaks, and other significant vegetation from destruction." This General Plan policy has been incorporated consistently into the planning and development of the City since adoption. The policy is implemented in two primary ways, the City Of Rocklin Oak Tree Preservation Ordinance, codified at Rocklin Municipal Code Chapter 17.77 and through the planning review and entitlement process requiring significant landscaping, tree planting, and open space preservation.

To judge the effectiveness of the application of this policy, the City prepared an extensive report and management plan entitled "Planning for the Future of Rocklin's Urban Forest" prepared by Phytosphere Research. This report was presented to and adopted by the Rocklin City Council on

October 24, 2006. Section 3.1 of the report presents overall changes in tree canopy levels within the City from 1952 to 2003 and sets forth the following findings:

1. Canopy cover in the currently developed portion of Rocklin has increased from an average of 11.3% in 1952 to 18.5% in 2003.
2. Gains in canopy cover over the past 50 years are due to both canopy growth of conserved native oaks and planting of trees in new developments.
3. Conserved oak canopy accounts for a high percentage of the total tree cover in many parts of Rocklin
4. Tree canopy cover in residential areas is typically much greater than canopy cover at other types of developments.
5. The overall distribution of oak woodlands within Rocklin's current boundaries has not changed substantially since at least the 1930s.

Section 3.2 of the report, "City-owned oak woodlands" goes on to present the following information. "The City of Rocklin owns lands with substantial stands of native woodlands in at least 11 locations throughout city. Many of these woodland areas are adjacent to traditional multi-use City parks and are used recreationally to varying degrees. These woodland areas provide City residents a nearby connection to the natural environment and Rocklin's natural history. In addition, these areas provide wildlife habitat, protect slopes and watercourses from erosion, moderate storm water runoff, provide shade and evaporative cooling, and contribute to Rocklin's aesthetics and community identity. The woodlands are also important as a source of locally-adapted native tree genetic stock."

Mitigation for oak tree loss resulting from construction of general plan roadways throughout the City is accomplished at a Citywide level by implementation of Open Space, Conservation and Recreation policy number 4 through the planning review and entitlement process requiring significant landscaping, tree planting, oak tree preservation and restoration, and open space preservation. Consequently, the oak trees removed to construct "major roadways" Valley View Parkway, Nature Trail Way and Wild Ginger Way, which are not counted as losses caused by the project, shall be mitigated on a Citywide level in accordance with Open Space, Conservation, and Recreation Policy number 4.

Comments addressed by this Master Response include 11-4, 22-2, 24-18, 24-19, 24-22, 24-23, 24-24, 26-14, 43-124, 43-144, 69-2 and 191-8.

SECTION 4 - OAK TREE LOSS FROM OFF LINE SEWER INFRASTRUCTURE AND INCIDENTAL CONSTRUCTION IMPACTS

Oak tree losses which are not covered under the large scale mitigation measure incorporated into the Development Agreement entitlement will be mitigated as set forth in the City of Rocklin Oak Tree Preservation Ordinance, Rocklin Municipal Code Chapter 17.77. Mitigation in this manner for loss of oak trees removed for the off-site sewer line (4.8MM-1(b)) and from incidental construction impacts is adequate under CEQA because the mitigation strategy is mandatory, assigned to a definite party (applicant), must be accomplished by a certain time (before recording

of final map) and subject to established guidelines (City of Rocklin Oak Tree Preservation Ordinance).

Impacts related to the unintentional loss of oak trees are discussed in Impact 4.8-2. The primary difference between the unintentional loss of trees discussed in Impact 4.8-2, which is concluded to be less-than-significant after the implementation of suggested mitigation measures, and the loss of oak trees due to project implementation is that the project impacts are certain and expected impacts from the proposed project. However, no unintentional loss of oak trees is desired, nor expected, but does occasionally happen. By constructing the project as proposed and implementing all necessary oak tree preservation mitigation measures, unintentional losses will be infrequent and isolated, and therefore a less than significant impact. Since there is no specific mitigation set forth for the unintentional, and uncertain, loss of oaks, such losses must be mitigated under the City Of Rocklin Oak Tree Preservation Ordinance.

Since the majority of the off-site sewer line construction will occur in the existing City street right of way there will be minimal oak tree loss related to that portion of the project.

Comments addressed by this Master Response include 24-18, 24-19, 24-22, 24-23, 24-24, 26-14, 43-144, 69-2 and 191-8.

SECTION 5 - LOSS OF OAK WOODLAND HABITAT

Some comments questioned the RDEIR's conclusion that the loss of oak woodland habitat resulting from development of the Project will be a less-than-significant environmental impact. The applicant retained the services of a registered professional forester ("RPF") to evaluate this issue. The RPF's report supports the RDEIR's conclusion on this point. A copy of his report is attached as Appendix F.

As the RPF's report explains, the Project proposes to cluster homes so as to allow for the retention of large contiguous woodland areas, preserve open space, and avoid development in both high density stands of oak trees and sensitive habitat areas, including wetlands, associated Valley Foothill Riparian woodland stands, and most of the Valley oak woodland stands.

The Project will protect 68.4% of the existing oak woodland stands and 78.6% of the existing oak woodland canopy. The stands of oak woodlands will be preserved mainly as large contiguous blocks of forest. There will be seven large contiguous forest areas that will be nearly devoid of impediments except for utility or trail easements, all of which are further identified in the RPF's report.

As further explained in the RPF's report, there are several million acres of Blue oak woodland types present in California. Considering this abundance of Blue oak woodland types, the preservation of approximately 72% of the existing oak woodlands in the project area, in a configuration that provides connectivity and large unfragmented woodlands, the loss of oak woodland habitat, by itself, is not deemed to be a significant environmental impact of the project.

It should also be noted that, in analogous circumstances, CEQA recognizes that the loss of oak woodland habitat can be mitigated through the preservation of oak woodlands by use of conservation easements. (Public Resources Code section 21083.4, subds. (b)(1), (e)(1).) This code section does not, by its terms, apply to the Project (as it only applies to projects approved by counties), but it illustrates that the approach taken here is consistent with the approach contemplated by CEQA. The Project as proposed includes conservation easements to preserve large stands of contiguous oak woodland habitat on the project site.

Comments addressed by this Master Response include 191-8.

Section 6 - Habitat Fragmentation

The City received a number of comments on the RDEIR concerned with impacts related to habitat fragmentation and how the development of the proposed project may potentially disrupt existing animal migrations and communities. The City agrees that the Project will significantly impact habitat values, and the RDEIR identifies both the loss of grassland habitat (Impact 4.8I-6) and the cumulative loss of biological resources to which this Project will contribute (Impact 4.8I-16) as significant and unavoidable environmental impacts of the Project. Likewise, the RDEIR extensively analyzes impacts to various different species and species types. The fact that a certain amount of habitat fragmentation will result from the Project is part of the reason why some of the biological impacts of the Project have been identified as significant or potentially significant. "Habitat fragmentation" is not deemed to be a separate or stand-alone impact in and of itself, but rather is an issue which was taken into account in the RDEIR's analysis of the significance of the Project's biological impacts.

In considering the issue of habitat fragmentation, it should be recognized that the Project site borders an existing urbanized area to the south. Because no natural habitat exists to the south of the Project site, the Project will not serve as a barrier to the movement of wildlife to the south, even though the loss of habitat itself is significant in the respects identified in the RDEIR. Also, as further discussed in Section 5 above, the Project has been designed to retain large contiguous stands of oak habitat on the Project site, which will provide for some limited connectivity of habitat.

However, in light of the comments requesting additional analysis of the issue of habitat fragmentation, the City has requested such analysis from the City's biological consultant on this project. That analysis follows:

Habitat fragmentation is an ecological disturbance within the makeup of a natural community that prevents it from sustaining its resident plants and animals. Large natural areas are broken into smaller, less productive, and often more isolated regions (i.e. patches) and some habitats are destroyed completely. These smaller, isolated patches or fragments provide fewer wildlife habitats (or niches) and are less stable and less resilient than the larger natural areas. As a result, certain wildlife species no longer have sufficient roaming space, access to food, protection from predators, etc. This ultimately leads to shifts in habitat use by wildlife, altered population dynamics, and changes in species compositions.

Habitat fragmentation, therefore, affects which species will inhabit a given area by changing the size of that available area. Research from isolated islands suggests that reducing the size of a patch (or fragment) of habitat by 90 percent will result in the loss of 50 percent of its species. Those that disappear first are usually the ones requiring "interior" habitats, such as deep woods. For species requiring more than one habitat, habitat fragmentation can separate them from the portion of the landscape they need for a particular stage of their lifecycle. The size of habitat fragments or patches is therefore a major feature influencing many plant and small mammal communities and some wildlife populations are vulnerable to complete collapse in patchy habitats. The composition, diversity, and spatial configuration of patch or fragment types, their distance from source habitats, their edge-to-area ratios, and their ecotonal features will surely also influence structure their resident plant and animal communities.

Some theories of habitat fragmentation emphasize "islands" of suitable habitat in a "hostile sea" of non-habitat with wildlife movement corridors through this "hostile sea." Animal movements through or between habitats can be either for daily or seasonal travel within an animal's home range or for long-distance dispersal or exploration outside an established home range. While the former affects an individual animal's survival and reproduction, the latter influences the level of gene flow between groups (subpopulations) of animals, the ability of animal populations to become established in unoccupied suitable habitat, and other functions of small populations.

Wildlife movement corridors are also called dispersal corridors or landscape linkages they can be linear or other "connecting" landscape features whose primary function for wildlife is to connect significant habitat areas. They may help to reduce or moderate some of the adverse effects of habitat fragmentation by facilitating dispersal of individuals between sufficiently large patches of remaining habitat, allowing for both long-term genetic interchange and for individuals to re-colonize habitat patches from which populations have been locally eliminated. Many natural areas function as critical core habitat, however, and are inappropriate for any development, so that the mere preservation of corridors will not mitigate their loss. In cases where some development may be acceptable, corridors can conserve an existing landscape linkage or restore a corridor's function as a connection between larger areas of intact habitat. The level of connectivity (i.e. efficacy) of a corridor needed to maintain a population of a particular species, however, will vary with the size of the population, its survival and birth rates, and genetic factors such as the level of inbreeding and genetic variance.

One recent approach to the concept of wildlife corridors complements the "linear connectivity" view and proposes that different landscape conditions create different levels of resistance to movement for different species. Landscapes between patches may encompass either habitats through which an animal can move easily or barriers that prevent or redirect movement. The composition and configuration of these characteristics define a landscape's "permeability." Landscape permeability therefore becomes the quality of a heterogeneous land area (i.e. a landscape) to provide for passage of animals (Singleton *et al.*, 2002). Rather than merely focusing on linear corridors or connected habitat patches, the evaluation of landscape permeability can provide a broader measure of resistance to animal movement and give a more consistent estimate of the relative potential for animal passage across entire landscapes.

For species that are able to move long distances through diverse habitats, maintaining landscape linkages that have relatively few barriers, but do not support breeding individuals, may be adequate to provide for movement between areas where populations of those species persist. However, for species not inclined to make long-distance movements, maintaining breeding habitat for at least a few individuals in the linkage area may be necessary to achieve a functional linkage between blocks of habitat supporting larger groups of animals. Consequently, landscape permeability and the effectiveness of wildlife corridors must be evaluated on a species-by-species basis.

Areas "of reduced landscape permeability between habitat concentrations" are called "fracture zones." Fracture zones can be relatively small, such as a road or highway and associated roadside development, or moderately sized such as the replacement of natural habitat with residential, commercial and industrial development. The extent to which reduced habitat permeability or habitat fragmentation creates a problem depends to large extent on the contrast between the background (i.e. natural) and the new uses, and the size of the new uses.

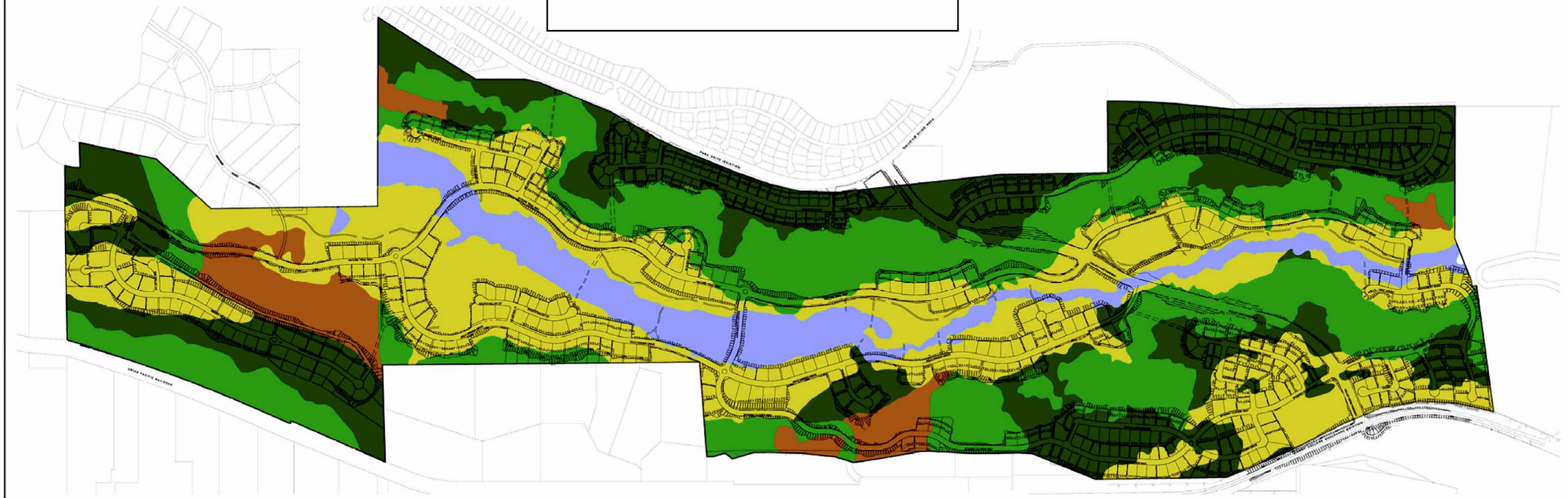
Project Impacts

The Figure 3.2-1 (habitat map) indicates that 33 percent (205 acres) of the 622-acre project area is covered by grasslands, 5 percent (33 acres) by oak woodlands, 27 percent by foothill mixed woodlands (169 acres), 27 percent (166 acres) by oak savannah, and 8 percent (50 acres) by riparian hardwoods. A total of 3 percent (22 acres) of the project area (generally within annual grassland habitat) has been identified as seasonal wetlands.

The proposed project will result in the loss of exactly one half (321 acres) of this existing natural habitat, including: 144 acres (70 percent) of existing grassland habitat, 9 acres (27 percent) of existing oak woodland, 48 acres (28 percent) of existing foothill woodland, 112 acres (67 percent) of existing oak savannah, and 7 acres (14 percent) of existing riparian hardwood habitat. Conversely, the project will preserve 61 acres (30 percent) of grassland habitat, 24 (73 percent) acres of oak woodland, 121 acres (72 percent) of foothill woodland, 53 (32 percent) acres of oak savannah, and 43 acres (86 percent) of riparian hardwood habitat.

While the acreages of natural habitats preserved by the proposed project is significant and laudatory, it is the spatial distribution of these remaining natural habitats within the proposed residential landscape that presents a significant ecological impact, based on the above discussion of habitat fragmentation and its effect on wildlife movements. For some species, such as resident deer, birds, and other mobile (and more human-tolerant) species, the preserved habitats will provide some available habitat for movement, foraging, shelter, and even nesting/breeding. However, for other, less mobile or more disturbance-sensitive species, the construction of a residential subdivision in the middle of this valley will effectively cut off movement through the valley and limit these species' historic ranges to the project's northern terminus.

Figure 3.2-1 Project Impacts to Vegetation Habitats



	PLANT COMMUNITY	PRE-PROJECT AREA (ACRES)	PROJECT IMPACT AREA (ACRES)	POST-PROJECT AREA (ACRES)
	ANNUAL GRASSLANDS	204.9	144.1	60.8
	FOOTHILL WOODLAND	168.8	47.9	120.9
	OAK SAVANNAH	165.5	112.3	53.2
	OAK WOODLAND	33.4	9.2	24.2
	RIPARIAN CORRIDOR	49.7	7.2	42.5
	AREA TOTALS	622.3	320.7	301.6

* NOTE: PROJECT IMPACT AREA INCLUDES LOTS, GRADING, STREETS, AND EASEMENTS.

NOTES:

1. THE RIPARIAN CORRIDOR DEPICTED COMPRISES VEGETATION HABITAT ONLY AND DOES NOT CORRESPOND TO THE THREE CRITERIA TEST USED TO DETERMINE JURISDICTION FOR PURPOSES OF THE CLEAN WATER ACT.
2. LOCATIONS OF PLANT COMMUNITIES ARE BASED UPON THE CLOVER VALLEY LAKES PLANT COMMUNITIES EXHIBIT DATED JULY 1990 PREPARED BY ACORN ENVIRONMENTAL CONSULTING.

Stantec Consulting Inc.
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CITY OF ROCKLIN, CALIFORNIA

SCALE:
DATE: DECEMBER 2006 | JOB NO. 844 38704
SHEET 1 OF 1

This adverse impact would be even more significant if substantial natural wildlife habitat persisted south of Clover Valley. However, no such natural habitat currently remains in this area and, consequently, while the proposed project will surely result in the loss of a significant natural area, it will not create a barrier to the regional migration of wildlife to natural habitat areas to the south of the proposed development, as none remain.

An important exception, however, would be the effect of the proposed project on those aquatic species that use Clover Valley Creek. A 2001 analysis of fish passage in Clover Valley Creek by ECORP Consulting (Clover Valley Creek Stream Channel and Fish Passage Investigation, ECORP 2001), indicated that no anadromous species use this portion of the creek. The proposed project, however, would have no effect on any other aquatic resource in Clover Valley Creek, as the proposed bridges would not hamper fish or other aquatic species movements in any way.

In short, the removal of large, contiguous tracts of grasslands, oak and foothill woodlands, oak savannah and riparian habitats would have a significant, adverse, and unmitigatible impact on the integrity and value of existing wildlife habitat in this region. The nature and extent of habitat fragmentation is obvious in a regional context and the effect on animal movements would therefore be considerable. Since there is no significant remaining habitat to the south of the project, the animals that may move through this area are not really going to/from anywhere, but the loss of natural habitat would significantly affect wildlife distributions and numbers in this area. Wildlife would, in the future, be restricted to the more natural habitats along Dutch Ravine, Caperton Canal and points north.

The Sacramento Region Blueprint (http://www.sacregionblueprint.org) includes Clover Valley as part of SACOG's vision for regional growth that promotes compact, mixed-use development and more transit choices as an alternative to low density development. Consequently, impacts to natural habitat within this "urban limit" have been anticipated in this planning process and have, apparently, been deemed "acceptable." This does not negate the adverse ecological impact of such development, but merely acknowledges the trade-offs that must be made to accommodate the future anticipated growth of the region.

This conclusion that habitat fragmentation and consequent restriction of animal movements through the project area results in a significant and unavoidable impact is not a newly described impact in the environmental document and therefore should not require recirculation of the RDEIR. It does not indicate a change of scope for the project or a change in the physical characteristics of the project. Rather, the analysis merely clarifies and further explains the loss of habitat value already addressed in the RDEIR, which was found to be significant and unavoidable.

- (Recirculation not required where new information added to EIR clarifies or amplifies an EIR. CEQA Guidelines 15088.5(b))
- Specifically, Impact 4.8I-6 – *Conversion of grassland habitat* – was found to be significant and unavoidable. This impact explains that conversion of grassland habitat into an area characterized by residential development, roadway structure and increased human presence would eliminate a substantial area of cover and a portion of the prey base of many wildlife species. (RDEIR 4.8-33)

- Additionally, the RDEIR at 4.8I-16 – *Cumulative biological impacts to vegetation and wildlife, in combination with other projects in the Rocklin area* – concludes the incremental and cumulative impact to wildlife habitat values would be considered significant and unavoidable.
- Moreover, the conclusions reached in the RDEIR are consistent with findings in the Rocklin General Plan Final EIR (p. 18) wherein the loss of wildlife habitat was significant an unavoidable. Specifically, the GP EIR found that "*Wildlife species which are not compatible with these uses [domestic landscaping, homes, streets and the relatively constant presence of people] would be permanently displaced from the site.*" (GP EIR p. 1, Exhibit C to Res. No 91-114)

The impact to wildlife habitat values has been addressed in the RDEIR and found to be significant and unavoidable, and the fragmentation of habitat resulting in significant interference with animal movement is a component of the loss of habitat value. The General Plan EIR addressed this impact, found it to be significant and unavoidable, and addressed it by findings and a statement of overriding considerations. The City therefore concludes that recirculation of the RDEIR is not required. The City will make findings and a statement of overriding significance to address this significant and unavoidable impact to loss of habitat values.

Comments addressed by this Master Response include 43-216, 64-8, 64-9, 64-20, 123-28, 139-5, 144-4, 164-29, 185-7, 190-7, 191-11, 191-21, 191-22, and Verbal Comments 15-4, 32-2, 40-3, 40-4, 43-1, 43-2, 50-2, 50-3, 50-4, -50-5, 63-1 and 64-4.

SECTION 7 - CURRENT STATUS OF THE PROJECT'S SECTION 404 PERMIT FROM THE U.S. ARMY CORPS OF ENGINEERS.

The project will be required to obtain a permit issued by the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act, as is further discussed on page 4.8-20 of the RDEIR. The current permit has expired as described below, therefore it is inappropriate to rely on the statements set forth explicitly or impliedly in that permit as to this project's effect on fisheries. The RDEIR is modified to eliminate the last sentence of the first paragraph under Other Impoundments on page 4.8-54. The elimination of that sentence does not change the analysis or conclusions set forth in the RDEIR.

> RDEIR Page 4.8-54: "~~In addition, the U.S. Army Corps of Engineers permit issued for the construction in and around the streams indicates that the project would have no effect on fisheries.~~"

The following information is provided as to the current status of the project's Section 404 Permit. The Clean Water Act of 1972 requires projects that propose filling "waters of the U.S." to obtain authorization or a permit from the U.S. Army Corps of Engineers. To quantify a project's impact to waters of the U.S., the Corps requires project proponents to submit a delineation of Waters of the U.S., which the Corps then verifies or requests changes. The Applicant submitted a delineation of waters that the Corps verified in 1990. The verification expired in 1992. In 1998, wetland biologist Sid Davis conducted a site visit with the Corps to

update the delineation. As a result of the field visit, the Corps requested the Applicant increase the total delineated Waters of the U.S. to 42 acres. The Applicant made the requested increase and submitted to the Corps Pre-Construction Notice for authorization to fill 2.56 acres of jurisdictional waters under Nationwide Permit ("NWP") 26 for Residential Developments. On March 9, 1999, the Corps authorized fill of 2.56 acres of jurisdictional wetlands pursuant to NWP 26 on the condition that Applicant satisfy all associated general conditions before commencing work. One of the general conditions required the Applicant to secure water quality certification pursuant to Clean Water Act section 401. All authorizations under NWP 26 expired April 14, 2000, except for projects under contract where work commenced before February 2002 and was completed by February 2003. The Applicant entered into a construction contract qualifying the Project for the extension. No work was performed, however, and the Project's authorization under NWP 26 expired.

The Corps subsequently reissued and renumbered the Nationwide Permits. NWP 39 replaced the expired NWP 26 for residential developments and reduced the maximum area of wetland fill an NWP could authorize from three acres to ½ acre, thereby making the Clover Valley project ineligible for authorization under an NWP. Accordingly, on August 22, 2002, Clover Valley Partners submitted to the Corps an application for an Individual Permit by Letter of Permission. The application for an Individual Permit included an updated wetland impact exhibit despite there being no change to total jurisdictional wetland acreage or the proposed 2.56 acre impact to jurisdictional waters. To confirm the accuracy of the RDEIR, biological consultant Sid Davis conducted a field visit and determined that the wetland delineation map sufficiently represented current conditions; the Corps will re-verify the delineation before it issues the Individual Permit.

The City recognizes that the expiration and reissuance of the Clean Water Act Nationwide Permits has contributed to the public's confusion regarding impact to wetlands. Nevertheless, the City has carefully followed the Applicant's progress and will require the Applicant obtain the required Clean Water Act permit before commencing work. (See Mitigation Measure 4.8MM-4(a)) Recirculation of the RDEIR is not required because the RDEIR accurately discloses the extent of, and impact to, Waters of the U.S. and no new impacts or mitigation measures are proposed.

Comments addressed by this Master Response include 43-7, 43-119 and 43-152.

Master Response 11 – Hydrology and Water Quality

Comments that refer to the complete Master Response include 10-7, 11-5, 26-16, 43-169, 43-207, 43-212, 43-213, 43-219, 43-221, 43-223, 43-235, 64-30, 64-31, 64-33, 64-40, 70-7e, 70-7f, 70-7g, 70-7h, 110-6, 110-7, 110-9, 110-12, 110-13 and 191-25.

Section 1 - Storm Water Detention

A number of comments expressed concerns regarding the proposed on-line detention basin design and the potential restriction of conveyance capacity, increased scouring at the roadway crossings, increased sedimentation, and threats to water quality. The project proposes to use elevated roadway crossings with bottomless arched culverts that encompass the width of the

active creek channel. (See 4.8MM-15(a)) The stream course, during normal flow and mild storms, will not reach both sides of the natural bottomless area spanned by the arched structure, thereby leaving a portion of the spanned active creek channel dry, allowing passage of wildlife. Details for the proposed structures are shown on Sheet SP-3 of 58 of the project plan set; Detail 6 is Creek Crossing Concept Type 1, and Detail 7 is Creek Crossing Concept Type 2.

To prevent scouring at the downstream detention roadway crossing, rip rap will be installed in the creek bed itself in the 15 inch to 2000 lb size for armoring. At the upstream crossing, the rip rap size must be increased due to higher water flow velocities. The rip rap will need to extend approximately 25' downstream at both detention locations. (West Yost Associates letter of March 21, 2007)

Creek Crossing Concept Type 1 is the no detention design which will be constructed at Valley View Parkway and Forest Clover Road. Creek Crossing Concept Type 2 is the detention design, which will be built at Valley Clover Way and Nature Trail Way. The arches at the roadway crossings at Valley Clover Way and Nature Trail Way will be sized to restrict water flow for large storm events, thereby detaining storm water and decreasing downstream stormflows. (See Table 4.11-2 of page 4.11-12)

Sizing the arches to restrict the larger storm runoff will create the two detention basins at Valley Clover Way and Nature Trail Way and provide a controlled discharge of stormwater to eliminate downstream flow impacts. No grading or sculpting of the basins is proposed. On the contrary, backwater will spread out over the upstream areas much as it does at present. Normal creek flow will be maintained without restriction in most circumstances. Roadway crossings at Valley View Parkway and Forest Clover Road will not restrict flows.

The detention basins will only function during very limited times of the year, during heavy rains. Runoff during storm events will continue to flow and pond in the area of the detention basin similar to existing conditions, with the exception that the detention basins will be designed to retain the ponded water for a slightly longer period of time. Total ponding in a detention basin during a heavy storm event is expected to last no longer than 48 hours during the heaviest of storms (the 100 year storm), and much less during smaller storms. The operation of the detention basins in this manner will not result in significant sediment or other impacts and will require limited, if any, dredging. It should be noted that sediment transport and deposit does occur along this creek under existing conditions, and similar sediment and deposit will continue in the future with or without the project.

The proposed use of on-line detention basins had been previously reviewed and approved by the California Regional Water Quality Control Board ("CRWCB). CRWQCB approved these detention basins when it issued its Section 401 Water Quality Certification for the project on March 12, 2002. Since that time, the permit particular to that application has expired and a new permit application has been submitted. The DEIR found that the cumulative long-term impacts related to water quality would be less-than-significant after the implementation of suggested mitigation measures (see Impact 4.11I-11.) This conclusion was based upon hydrologic modeling and analysis produced by West Yost and Associates, a reputable group of hydrologic professionals. The City accepts the conclusions reached by West Yost and Associates.

Comments addressed by this Master Response include 10-2, 25-2, 26-5, 43-202, 43-228, 43-229, 64-5, 64-6, 64-34, 64-35, 64-38, 64-49, 140-22, 164-37, 164-38, 173-8, 190-9, 190-12, and Verbal Comment 40-4.

Section 2 - Water Quality Concerns

The RDEIR recognized that the proposed project could create impacts related to water quality and in turn identified mitigation measures to either a) reduce the magnitude of the impact, but not to a less than significant level, or b) reduce the impact to a less than significant level. With respect to sedimentation in Clover Valley Creek, the hydrologic modeling conducted for the proposed project determined that there will be increased sediment deposition in the main channel and the overbank areas during storm events ranging from the 4-year to 100-year events. Sediment that is deposited in the main channel during these storms is likely to be re-suspended during smaller storms and conveyed downstream (similar to the existing conditions). Sediment deposited in the overbank areas will continue to accumulate until removed by maintenance activities. Because sediment deposition in the overbank areas could reduce the storage capacity of the detention basins over time, the RDEIR included mitigation measures to address the operation, maintenance, and associated funding costs of the detention basins, including the removal of excess sediment deposition (see 4.11MM-1a on page 4.11-13 and 14). The RDEIR also included mitigation measures to ensure that maintenance access is provided to the detention basin areas (see 4.11MM-6 on page 4.11-27 and 28).

With respect to scouring concerns as a result of the detention facilities and associated road crossing structures, the project applicant has proposed the use of rock rip-rap and other "armoring" techniques that will be placed in the creek channel. This method of minimizing or eliminating scouring was conceptually evaluated and supported by hydrologic experts and is considered to be an effective tool for addressing scouring concerns.

The RDEIR identified several mitigation measure that required the preparation of a Stormwater Pollution Prevention Plan (SWPPP) and the use of Best Management Practices (BMPs) and Best Available Technologies (BATs) to address water quality concerns. The BMPs and BATs will be incorporated into the project designs based upon the finalized site-specific hydrologic conditions that will accompany the project's final improvement plans. The mitigation measures include a list of BMPs and BATs that could potentially be implemented and specifies that the BMP and BAT maintenance mechanisms would be required and that mechanisms to maintain the BMPs and BATs be included for City review and approval. The BMPs and BATs that were listed in the RDEIR constitute minimum requirements that are to be complied with during construction activities and after project occupation. Beyond those listings, the specific BMPs/BATs that a project will have to comply with are not determined at this stage of project development. The identification of specific BMPs and BATs will occur as part of the projects' Stormwater Pollution Prevention Plan that is required to be prepared prior to any grading or construction activities. The final selection of BMPs and BATs will be subject to review by the City; this process will include the City's review of the project's Improvement Plans and final drainage reports that are consistent with the project as approved. The preparation of the final drainage reports and project Improvement Plans are deferred until such time after the project is approved

so as to ensure that any changes to the project that are made during the decision-making process are incorporated into the project's final design and associated drainage studies. The SWPPP is a fluid document that is constantly being modified based upon what is being experienced out in the field in terms of weather conditions, grading conditions, an evaluation of the effectiveness of already-selected and implemented BMPs and BATS, and inspections conducted by the City and State.

With respect to monitoring and maintaining the BMPs, the City is required to adopt a program for monitoring the mitigation measures which it has imposed on a project to mitigate or avoid significant environmental impacts. If the proposed projects are approved by the City of Rocklin, the approval must also include a Mitigation Monitoring Plan (MMP). The intent of the MMP is to establish a method for properly and successfully implementing a project's mitigation measures. The MMP will be used by City staff to ensure compliance with mitigation measures while the project is being developed. The City will routinely inspect a project site to see if the BMPs and BATs that have been required of a project are being implemented properly; the frequency of these inspections will increase prior to and after storm events. If non-compliance with the specified BMP and BAT measures becomes an issue, then the developer/contractor are notified of the problem by the City via a Notice to Comply. If non-compliance remains an issue after the issuance of a Notice to Comply, then the City will issue a Stop Work Order on the project and notify the California Regional Water Quality Control Board (CRWQCB) of the violations. At that point, the CRWQCB would investigate the situation and if non-compliance continued, penalties and/or fines could then be assessed at a State level.

It should also be noted that the mitigation measures related to the BMPs and BATs specify that mechanisms to maintain the BMPs and BATs shall be identified and submitted to the City Engineer for review and approval.

Preconstruction, construction period, and post construction water quality monitoring is required as described in mitigation measure 4.11MM-5(d). However, to clarify that the monitoring program would be submitted to the California Regional Water Quality Control Board, the following text is hereby amended:

4.11MM-5(d) Water quality monitoring (including biological monitoring which includes monitoring of the species and their abundance within the Creek and monitoring the overall toxicity of the Creek water and sediment to living organisms.) shall occur in Clover Valley Creek at the upstream and downstream edges of the development and at the most downstream detention basin. The list of constituents monitored ~~should~~ shall be consistent with the monitoring performed by the City and by the Dry Creek Council and the monitoring program shall be submitted to the California Regional Water Quality Control Board for review and approval. The applicant shall hire a qualified consultant to perform the water quality monitoring. Prior to construction, the consultant shall perform two rounds of water quality monitoring during wet weather events and one round of monitoring should occur during

> *dry weather. During and after construction, the water quality monitoring shall be continued annually with at least two rounds of monitoring during wet weather events and one round of monitoring during dry weather. This ongoing monitoring shall be funded by the project applicant. Monitoring shall also be implemented to document the benefit of the agreed upon BMPs at up to four storm drains systems. Monitoring results shall be made available to the public.*

As stated in the mitigation measure, the list of constituents monitored and the testing criteria shall be consistent with the monitoring performed by the City and the Dry Creek Council (Conservancy). The mitigation measure also states that the project developer shall fund the monitoring before and during the construction period, and that the post construction monitoring shall be performed in perpetuity and shall be funded by a CFD or other permanent funding source. The City of Rocklin currently implements water quality monitoring at select locations throughout the City to help measure the water quality of urban runoff within the City and to determine water quality as it enters and leaves the City. Water quality test results are compared to the *California EPA, RWQCB, Sacramento Valley Region – A Compilation of Water Quality Goals,* August 2003 and the *California Regional Water Quality Control Board, Central Valley Region, The Water Quality Control Board, Central Valley Region, The Water Quality Control Plan (Basin Plan) for the Sacramento River Basin and the San Joaquin River Basin.*

The proposed water quality facilities and required mitigation measures will greatly reduce the pollutants entering Clover Valley Creek to the point where water quality standards or waste discharge requirements will not be violated and therefore a substantial degradation of water quality is not anticipated.

Comments addressed by this Master Response include 26-2, 26-9, 26-17, 43-222, 43-227, 64-28, 64-32, 64-35, 64-36, 64-39, 64-41, 123-30, 147-2, and Verbal Comments 15-7 and 67-1.

Section 3 - Downhill Transmission of Storm Water

Impact 4.11I-4 on page 4.11-20 of the RDEIR recognized that the project's proposed hillside drainage systems could result in a potentially significant impact because of erosion, scouring and accumulated sedimentation concerns. Mitigation measure 4.11MM-4 required a redesign of the hillside drainage systems such that erosion control and water quality standards are met. Since the publication of the RDEIR, the project applicant has been able to further evaluate their proposed hillside drainage systems and has developed some preliminary concepts in terms of how to meet the requirements of the above-mentioned mitigation measure. The following discussion summarizes the evolution of the hillside drainages:

Two alternatives for conveying the collected stormwater from the ridges were included in the RDEIR, an open ditch configuration and a closed pipe system. A closed piped flow would provide the best solution in conveying the runoff from the developed ridgeline areas down the steep slope to the valley floor. The preference for a buried pipe configuration instead of an above ground system is primarily due to aesthetic reasons. The above ground approach would require

large concrete anchor pedestals to hold the pipe in place and additional support to address pipe design elements such as thrust along the curved pipe.

Exhibits depicting the conceptual alignment of the proposed hillside drainage pipe systems include the use of a meander in the alignment to help reduce the potential visual impacts as well as reduce impacts to trees. The current approach utilizes curved pipe alignments to create the meander. A zig-zag alignment is not a practicable approach, since the angle points require manholes. If manholes were added to the layout, provisions for access to the manholes would be required and result in additional impacts to trees, grading, etc.

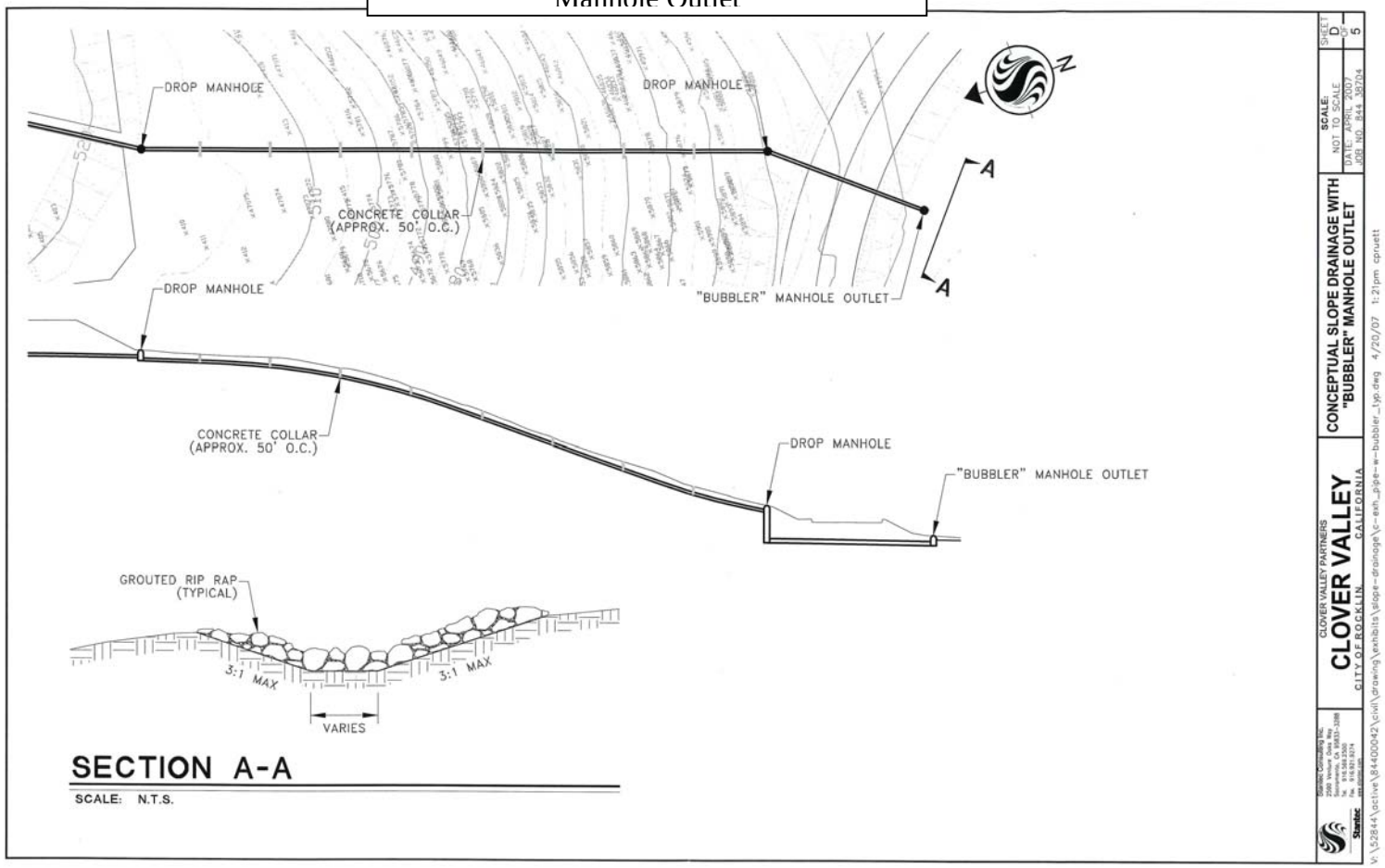
It should be noted that this pipe system is suggested for the runoff collected from the developed ridgeline lots and roadways. The runoff will be collected in a typical drainage pipe system and then treated by routing the collected flow through an in-street, below ground Stormwater 360 water quality structure prior to being directed down the slope. The open space areas will continue to flow naturally, by sheet flow down the hillsides and be intercepted by downslope rear yard drainage ditches and swales currently shown on the grading plans.

The pipe flow option would address energy dissipation through the use of vertical drops at the uphill and downhill locations. Additionally, the terminus of the pipe system at the valley floor would use a bubble up type manhole structure to further retard velocity prior to discharge into overland swales toward the creek. The amount of vertical fall is estimated at 3-4 feet at the uphill location and upwards of 10-12 feet at the downhill location (See Figure 3.2-2).

The hillside areas impacted by construction of the hillside utility lines (sewer, water, and drainage) will be revegetated to reduce visual impacts. Although trees are not suggested to be replanted in the utility easement areas, native grasses and other plant materials including shrubs will be included as part of a revegetation plan to be included as part of final design to reduce aesthetic impacts.

Comments addressed by this Master Response include 41-9, and Verbal Comments 28-1, 28-2, and 67-2.

Figure 3-2-2
Conceptual Slope Drainage with "Bubbler" Manhole Outlet



Master Response 12 – Public Utilities and Services

Section 1 - Water Supply

Surface Water Entitlements.

Various comments raised questions about the source of water being used to serve development of the project. Water service would be provided to the site by the Placer County Water Agency (PCWA). The PCWA was created under State legislation adopted in 1957 by the California Legislature. PCWA carries out a broad range of responsibilities, including water resource planning and management, retail and wholesale supply of irrigation water and drinking water, and production of hydroelectric energy.

The City of Rocklin is located entirely within PCWA Zone 1, which includes Rocklin and the rest of the Loomis Basin, the City of Lincoln, an industrial corridor along Highway 65, and residential areas south of Baseline Road and west of Roseville. Agricultural lands near Highway 65 are within Zone 5, and the PCWA has determined that the sources of water to meet demands in Zone 1 and Zone 5 were the same. PCWA does not have significant amounts of groundwater rights for use in Zones 1 and 5, and relies on surface water entitlements, which are described on pages 4.12-2 through the middle of page 4.12-4 of the RDEIR.

The last sentence of the second paragraph on page 4.12-4 incorrectly states that there is 241,373 afa of surface water normally available. The actual figure is 255,400 as correctly shown in Table 4.12-2. That table summarizes PCWA's existing water supply entitlements and demands, and shows the total surface water available for future demands. The incorrect figure was generated by mistakenly subtracting the optional surplus year water transferred to the San Juan and Roseville Water Districts. Since those transfers would only occur during surplus years, they should not be included in the calculation of PCWA's total available water supply of 255,400 afa. There is also a typographical error in Table 4.12-3 at the second line of the Delivery Capacity column. The amount of delivery capacity shown for the Middle Fork Project on the American River is revised from 113,400 to 13,000. Likewise, the total delivery capacity is revised from 248,800 to 148,400. While these numbers in the table were in error, the correct information is set forth in the discussion on pages 4.12-6 through 4.12-8 of the RDEIR.

As explained in pages 4.12-2 through 4.12-8, PCWA has various water sources to serve existing and future development within Zones 1 and 5, including future development of this project. Existing supplies currently in use include the Yuba/Bear River water through PG&E (100,400 afy), and the Middle Fork Project (MFP) (120,000 afy). In addition, as discussed further below, PCWA has an additional 35,000 afy of Central Valley Project water from the American River, which, as explained on pages 4.12-7 and 4.12-8 of the RDEIR, is anticipated to be available by 2015.

Currently, PCWA is only pumping 13,000 of its MFP water, but, with the completion of the American River Pump Station, that amount will increase to 22,500. PCWA has already completed CEQA review of and has approved this pump station, and construction of it has nearly been completed.

It is likely that development of this project will be fully served with water from these existing sources (PG&E and MFP), without the need to rely upon the Central Valley Proejct water from the American River. As explained at the top of page 6 of PCWA's SB 221 and SB 610 analysis for Clover Valley (attached as Appendix Q to the RDEIR), completion of this pump station will bring PCWA's total supplies to 135,900 afy. Subtracting 118,542 afy of current and committed demands will leave 17,358 afy of uncommitted raw water delivery capacity available for new development. By comparison, the Project's water demand at buildout is projected to be 631 afy.

However, in the event that development of this project is delayed unexpectedly, it is possible that other future development could secure rights to this 17,358 current surplus, since PCWA only issues water entitlements on a "first come first serve" basis. Thus, PCWA cannot presently guarantee that *this* water will go to *this* project. In the event of such a delay, it is possible that some or all of the Project will instead be dependent upon PCWA's plans to secure the aforementioned additional 35,000 afy of Central Valley Project water from the American River. That contingency is further discussed in the following paragraphs.

PCWA is authorized through a contract with Reclamation to take 35,000 afy of Central Valley Project contract water at Folsom Reservoir or other places that are agreed to by the affected parties. PCWA is currently pursuing a 35,000 afy diversion at the Sacramento River in accordance with the Water Forum Agreement. A separate EIR/EIS is currently in process for the water diversion project and an initial alternatives analysis has now been completed (*Sacramento River Water Reliability Study Initial Alternatives Report*). The Draft EIR/EIS is in production and is projected for public release some time in late 2007. (Placer County, April 2007, Second Partially Recirculated Revised Draft Environmental Impact Report for the Placer Vineyards Specific Plan, herinafter Placer County 2007)

There is a reasonable certainty that the water supply from the Sacramento River will become available in the future. First, as noted above, PCWA has Middle Fork American River water rights. Thus, the Sacramento River diversion entitlement is not analogous to the uncertain State Water Project (SWP) "entitlements" – a term no longer used -- that the appellate courts have said included substantial amounts of "paper water." (See *Planning and Conservation League v. Department of Water Resources* (2000) 83 Cal. App. 4th 892, see also *Santa Clarita Organization for Planning the Environment v. County of Los Angeles* (2003) 106 Cal. App. 4th 715).

Second, quite notably, the Sacramento River diversion project has the support of both the Water Forum Agreement signatories and, it appears, the U.S. Congress. The Water Forum Agreement represents a regional consensus that water purveyors, such as PCWA, with unexercised water rights on the American River could reduce the environmental impacts of their future diversions based on those rights if they agreed instead to pursue diversions of like amounts of water from the Sacramento River. Because of local environmentalist support for this approach, the Sacramento River supply is less likely to encounter environmental opposition than would supplies taken from the American River. Thus, on page 14 of the Introduction and Summary of the Water Forum Agreement (January 2000), "expansion of Sacramento River diversion and

treatment facilities" is listed as one of the major water supply projects that will receive Water Forum support upon signing the Water Forum Agreement, which has long since occurred.

The project is also contemplated by federal legislation known as Public Law 106-554, Appendix D, Division B, Section 103 (April 24, 2000). Subdivision (a) of Section 103 provides:
The Secretary of the Interior shall conduct a feasibility study for a Sacramento River, California, diversion project that is consistent with the Water Forum Agreement among the members of the Sacramento, California, Water Forum dated April 24, 2000, and that considers –

(1) consolidation of several of the Natomas Central Mutual Water Company's diversions;
(2) upgrading fish screens at the consolidated diversion;
(3) the diversion of 35,000 acre-feet of water by the Placer County Water Agency;
(4) the diversion of 29,000 acre-feet of water for delivery to the Northridge Water District;
(5) the potential to accommodate other diversions of water from the Sacramento River, subject to additional negotiations and agreement among the Water Forum signatories and potentially affected parties upstream on the Sacramento River; and
(6) an inter-tie between the diversions referred to in paragraphs (3), (4), and (5) with the Northridge Water District's pipeline that delivers water from the American River.

Third, for reasons suggested above in discussing the Water Forum Agreement, the Sacramento River diversion project is relatively benign from an environmental perspective. Essentially, the project would take water from the Sacramento River rather than the American River, thereby avoiding potential adverse environmental impacts on the American River, which, with its lower flows, is much more environmentally sensitive than the Sacramento River (Placer County 2007).

The City recognizes that there are regulatory hurdles that the Sacramento River diversion project must overcome before it can come to fruition. First, the project must complete the environmental review processes under both CEQA (with PCWA as lead agency) and the National Environmental Policy Act (NEPA) (with Reclamation as the federal lead agency) (Placer County 2007).

Among the approvals the project will need are (i) an exchange agreement between PCWA and Reclamation, (ii) an application from Reclamation to the State Water Resources Control Board for an additional point of "rediversion" at the SRWRS site, and (iii) actions by PCWA and Reclamation amending their water delivery contract to provide for delivery at the site. The project must also obtain a "Section 404" wetlands fill permit under the Clean Water Act from the United States Army Corps of Engineers (USACE). As the federal lead agency, Reclamation is obligated under section 7 of the federal Endangered Species Act to consult with both the United States Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA) Fisheries to determine whether the direct or indirect effects of the project could jeopardize the continued existence of any federally listed endangered or threatened species or cause the destruction or adverse modification of the designated critical habitat of any such species. Given the ecological pressures on both aquatic and terrestrial species from continuing population growth and agricultural activities in California, there is always the chance that these environmental processes and Endangered Species Act (ESA) requirements could lead to delays, which could postpone the acquisition by PCWA of this water supply. Further, although

it is not anticipated, there is always the chance that alternatives other than PCWA's entire 35,000 afy could be approved (Placer County 2007).

The local agencies participating in the Sacramento River diversion project, namely, the City of Sacramento, PCWA, the City of Roseville, and Sacramento Suburban Water District (SSWD) intend to try to minimize the indirect effects of the water supply on federally listed terrestrial species by agreeing that they will not undertake to provide new water service from SRWRS Project facilities to any new projects unless such new development can demonstrate that it is in compliance with the ESA. Under such a self-imposed limitation, the partners in the Sacramento River diversion project would not provide water to any developer who cannot prove "ESA compliance" in connection with its development plans (Placer County 2007).

Finally, virtually all water supplies in California that have yet to be perfected suffer from some uncertainty due to combination of evolving environmental factors. One such factor is possible future species listings under the ESA and its State analogue, the California Endangered Species Act (CESA), which could affect both Central Valley Project (CVP) and SWP operations, as well as the timing and extent of other water diversions throughout California (Placer County 2007).

Transmission and Treatment of Water Supply.

Upon payment of Water Connection Charges to PCWA, capacity will be reserved for the entire project. PCWA completed construction of a new 42-inch diameter water transmission line between Penryn and Lincoln in the fall of 2002. PCWA's transmission capacity is now equal to is treatment capacity in the Foothill/Sunset system which serves all of Rocklin, as well as, Lincoln, Loomis and the surrounding County jurisdiction areas. The December 16, 2005 SB221 and SB610 Clover Valley Lakes project analysis provided by PCWA indicates available and unallocated treated water capacity at 11,913 equivalent dwelling units which is well in excess of the 558 units proposed for this project.

Although PCWA indicates that water is provided on a "first come, first served" basis, it should be noted that PCWA routinely operates under this procedure in the event that a project should be denied or delayed and other projects arise with more immediate needs. More importantly, it is entirely appropriate for the City to rely on the expert testimony of PCWA, the professional agency charged with supplying water to the City, as to the capability of PCWA to provide an adequate water supply. The PCWA Water Supply Assessment states that "the Agency has an adequate water supply to meet the anticipated build out demands of the Clover Valley subdivision in addition to the build out demands currently anticipated for 20 years within the Agency's projected service area in western Placer County in normal, single dry and multiple dry years."

PCWA cannot assert that they will definitely serve the project due to potential unforeseen delays that could prevent other projects from receiving water, but have stated their ability to serve the project should it require water within a 20 year planning horizon. They also state that should the project be delayed for some extended and speculative time out into the future, some of their additional planned infrastructure may be required for service. Neither PCWA nor the City is required to speculate as to what may happen if the project is not developed as proposed. It is the City's duty under CEQA to evaluate the Project as proposed.

Some comments questioned the language on page 4.12-31 of the RDEIR which stated that, depending on the timing of the development, certain PCWA-planned infrastructure projects may be required to provide water service to the project, including completion of the American River Pump Station and the Ophir area water treatment plant project. These projects are further discussed on pages 4.12-7 and 4.12-8 of the RDEIR – PCWA has already approved (and completed CEQA review) of both projects and both are nearly complete. These PCWA projects are being constructed regardless of whether this project is approved. Please see PCWA, American River Pump Station Project Draft EIR/EIS, August 2001; PCWA, American River Pump Station Project Final EIR/EIS, September 2002; PCWA, Foothill Phase II Water Treatment Plant and Pipeline Draft and Final EIR, April 2005 (now known as the Ophir Water Treatment Plant/Pipeline Project) for additional analysis of the environmental impacts of these separate infrastructure projects.

Comments addressed by this Master Response include 19-31, 19-32, 164-46, 164-47, 164-48, 164-49, and Verbal Comment 68-5.

Section 2 - Off Site Sewer Infrastructure

The proposed off-site sewer extension is addressed throughout the RDEIR, including on pages 3-13 through 3-15, and pages 4.12-8 through 4.12-11. A final alignment for the sewer line has not been chosen as of this writing. However, as noted on page 4.12-11 of the RDEIR, specific environmental impacts from the construction of the off-site sewer line are discussed in Chapters 4.2, 4.4 through 4.9, and 4.11 of the RDEIR. Figures 4.12-1 through 4.12-8 depicting the various alignment options were inadvertently left out of the original printing of the RDEIR. The figures are included at Response to Comment 8-9 and are hereby amended into the Public Services and Utilities chapter (chapter 4.12) of the DEIR beginning at the bottom of Page 4.12-9. In recognition of the omission of the exhibits, the City issued a second Notice of Availability of the RDEIR that included the previously-omitted exhibits and also extended the RDEIR comment period by 9 days. The second Notice of Availability was mailed to the project's mailing list and was also sent to the State Office of Planning and Research, who in turn circulated the notice and figures to all reviewing agencies on March 9, 2006.

Though both the Clover Valley Creek riparian corridor and the Antelope Creek riparian corridor could be impacted as a result of the off-site sewer line extension, these two impacts are considered to be very similar for the sake of environmental review of aesthetic impacts from construction of sewer infrastructure, and were therefore considered under a single impact discussion (4.3I-7). The mitigation measures associated with this discussion were determined to reduce the impacts to a less-than-significant level and shall apply to both Clover Valley Creek and Antelope Creek.

Master Response 13 – Growth Inducing Impacts

Some of the comments questioned the adequacy of the EIR's analysis of growth inducing impacts. The sewer line for the project is being sized with additional capacity to serve up to 501 additional potential units in the City's planning sphere of influence to the north of the Project site and 23 additional residential units to the south of the site. Comments have suggested that the RDEIR needs to analyze the environmental impacts of such future development. The City disagrees with these comments.

The RDEIR addresses the growth inducing impacts of the sewer line extension on pages 5-1 to 5-2. The sites of the 501 potential units to the north and the 23 potential units to the south have already been designated for such development in the City's General Plan, and the EIR the City prepared for its General Plan already addresses, at a programmatic level, this proposed level of development. South Placer Municipal Utility District (SPMUD) provides wastewater and sewer conveyance and treatment for the City of Rocklin including the areas of the county within Rocklin's sphere of influence. SPMUD plans for their infrastructure needs based on the general plans of the City's and areas of Placer County within their service district. The extension of the sewer line will not induce any more growth than the City and SPMUD have already planned for. Project-specific environmental review in compliance with CEQA will be required before any of these units to the north or south can be approved for development.

Because the sewer line extension included as part of this Project is sized to also provide sewer service to this potential additional development, the Project eliminates an obstacle to development of these units, and, to that degree, could be considered "growth-inducing." However, in approving the project, the City is not approving the additional units, nor is the City committing itself to approving those units in the future. The City cannot and will not approve any such additional units without first analyzing the environmental impacts of such an approval in compliance with CEQA. CEQA does not require that this RDEIR analyze the environmental impacts of such future development, which may or may not ever occur. It is sufficient under CEQA that this RDEIR acknowledge that the project is removing an obstacle to such future growth.

Furthermore, it is important to recognize the distinction between inducing new growth and merely accommodating growth which is already planned for. The City's General Plan already designates the areas in question outside the project for the 501 additional units to the north and the 23 units to the south. By including these units to the north of the City limit in the General Plan, SPMUD must plan infrastructure to serve those units. The City's long-term plans (and SPMUD's) thus already call for the eventual development of these sites, and the City has already certified an EIR for its General Plan analyzing, at a programmatic level, the environmental impacts of such future development. A project's growth inducing impacts can be a problem where a project is inducing growth to occur which is not already planned for. The present project does not raise this problem. The City is requiring the present project to size the sewer pipes to accommodate this additional growth in order to be consistent with the SPMUD's Master Plan and in compliance with SPMUD's requirements. The project's growth "inducing" (or, rather, "accommodating") impacts thus do not constitute a significant adverse environmental impact.