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Barriers do have limitations. For a noise barrier to work, it must be high enough and long enough to block the view of a road. Noise barriers do very little good for homes on a hillside overlooking a road or for buildings which rise above the barrier. Openings in noise walls for driveway connections or intersecting streets greatly reduce the effectiveness of barriers. In some areas, homes are scattered too far apart to permit noise barriers to be built at a reasonable cost.

The data presented also presents some negative perceptions of sound walls which include, but are not limited to: view restriction, feeling of confinement, loss of air circulation, loss of sunlight and lighting, and poor maintenance of the barrier. As mentioned, we would add the negative impact which is not addressed in this DEIR, that sound walls create a visual "tunnel" effect for citizens driving on roadways (such as Park Drive which is slated for sound wall on both sides of the road) as well as a loss of existing scenic views. Sound walls are NOT an appropriate catch-all, solve-all MM for noise impacts due to their limited efficacy as MM and to the negative impacts they create. **These impacts are not addressed in this DEIR. Please analyze them and recirculate for public review.**

(With reference to Volume II, Appendix F)

43-100

Vol II-Page 4.5-9—Impact 4.5-1: In discussing the increase in traffic noise levels at existing noise and sensitive land uses, the following is presented:

- Noise levels in excess of 5 dB may be considered significant.
- Rocklin considers such increases significant if they exceed the City's noise standards or if the City's noise standards are already exceeded.
- But because the **predicted** existing plus project traffic noise levels will be 5 dB lower due to noise barriers,
- Then existing plus project would not be considered significant.

However, the previous section points out: "...as ambient noise levels increase, a smaller increase in noise resulting from a project is sufficient to cause significant annoyance."

We know traffic will increase on both Park Drive and Sierra College Blvd. How can the resultant predicted noise increase be less than 5dB?

43-101

Vol II-Page 4.5-10—Impact 4.5-2: The statement is made that "... Valley View Parkway is anticipated to carry appreciable traffic volumes. Part of this traffic will be generated by project residences, and part will result from the *connection between Sierra College Boulevard and the Whitney Oaks area.*" [Emphasis added]

This section is grossly understated. In the Rocklin General Plan, on both pages 4 (Improvement 9) and 5 of Exhibit A (#11 of Item 7), reference is made to a connector from "Highway 65 to Sierra College Blvd" via Whitney (North). To now suggest that mere "appreciable" traffic volumes are "anticipated" is clearly misleading. With General Plan approved build out of proposed Rocklin and regional developments and roadways, this circulation route will become the preferred "shortcut" from Highway 65 to Sierra College Blvd.

Please conduct adequate and complete studies. Please provide data reflecting the accurate increased noise levels from a major cross-town/region connector?

43-102

Vol II-Page 4.5-11—Impact 4.5-3: It is stated that the substantial setbacks and shielding of the UPRR tracks from view by intervening topography is predicted to bring

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↑ noise levels well below the city's 60 dB noise level standard. Again, we believe this prediction is incorrect because we have been on the ridges, well back from the tracks, as trains have passed by below out of sight. The noise, vibration, and the fumes are highly evident and significant. "Out of sight" in no way computes to acceptable noise levels when slopes are involved.

When it is a known fact that sound can travel up hill, and that climatic conditions can greatly influence sound levels, please consider that freight train noise can travel vertically—up hill. Please reconsider the threshold designation and raise it to significant. Please require set backs as MM to protect unsuspecting homebuyers.

43-103

Vol II-Page 4.5-16, Impact 4.5-6. In discussing the inadequacy of 6-foot tall noise barriers, it is implied that elevation somehow diminishes the noise level ("... despite the advantage of being elevated relative to Sierra College Boulevard.") As anyone who lives above noise knows only too well, sound can travel up, and atmospheric conditions can facilitate such uphill sound projection.

Please do not allow or consider elevation as a mitigating factor when in fact it may be a contributing factor to increased noise impacts. Please provide appropriate adequate MM that do not include sound walls, but rather setbacks.

43-104

Vol II-Page 4.5-12—4.5-6: It is stated that "Project construction is not expected to require the use of exceptionally annoying equipment such as pile drivers, or blasting." The concern then seems to concentrate on the use of powered equipment and without blasting, considers it less than significant.

But this is contradicted in Volume I, page 4.12-11, where it is stated, "...rock may be uncovered... and may require blasting. *Blasting is a common occurrence in Rocklin...*" [Emphasis added] Isn't Rocklin named for its rock? The proposed deep excavations will most likely run into rock and require blasting. By even the wildest of exaggerations, even if a common occurrence, blasting is not welcome or appreciated by anyone with some degree of sanity and is often extremely disturbing to pets (traumatizing to some) and wildlife (birds in particular, often impacting nesting stages, causing parents to vacate nests leaving young vulnerable) as well as citizens. Even if blasting sounds are barely audible to humans, they can be heard and felt by wildlife.

The claim of "common occurrence" should not be allowed to diminish the significance of the impact nor to lessen the MM required. Blasting must not occur when wildlife offspring are in vulnerable stages. The MM needs to include the "blast blankets" to cover flying objects, as mentioned elsewhere.

43-105

The acoustical charts and graphs presented do not differentiate between traffic and railroad noises or other noises. The discussion of set backs from railroads or roadways cannot be conducted without such a differentiation.

Please present more meaningful and detailed, informative charts and graphs so that informed decisions can be made with regard to mitigation measures and recirculate that information for public review via a new EIR.

43-106

Pages 4.7-1 thru 4.7-24 consist primarily of a cultural narrative, taken from the cultural report and from Vol II, Appendix G. These pages give credence to the importance of the 33 prehistoric sites in the project. More importantly, the narration reinforces our belief that these sites are unique and must be protected. However, the

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construction of this proposed project will not only destroy the unique prehistoric sites, it will destroy any future opportunity to unlock the archeological unanswered questions. Words used in the DEIR such as "Paleontologic resources are non-renewable," and the many references to the unknown phases, "The need for more investigations, structured by research designs with local and regional orientation, is paramount to further knowledge of the cultural phenomena that occurred on the west slopes of the Sierra" (p. 4.7-6); "The project is located in an interesting area for archeological research because it is between three areas with defined archeological sequences" (p 4.7-8); and other statements prove beyond doubt that all 33 prehistoric sites are critical; they must be preserved and protected, but the proposed project does not avoid the sites nor does it mitigate adequately for the destruction of the sites.

One statement in the narration is particularly indicative in confirming the importance of the prehistoric sites in Clover Valley. According to a study conducted in 1982, when only a fraction of the sites were known, even at that time, in mentioning the wide variety of artifact types indicated that the area, the project area is referenced as "...could have served as a culture contact and exchange 'hub'..." (p 4.7-11). All the surrounding complexes may have traded here; destruction of the prehistoric sites will forever destroy any chance of opportunity to uncover remaining unanswered archaeological complex relationship questions.

The January 2002 Peak and Associates report, "A Determination of Eligibility and Effect on Cultural Resources Within the Clover Valley Lakes Project Area" (cultural report) clearly supports the contention that the project's known 33 sites are unique and important by referring to them with: "It is an important goal of archeology to determine how these differences relate to different cultural traditions, cultural adaptation to differing environmental conditions or other natural or cultural influences..." (page 14, cultural report).

The project area's known 33 prehistoric sites provide a relational context between the periods that other sites so far have not yielded; hence a precise chronology is still under development. Page 32 (cultural report) reiterates the importance of the project's prehistoric sites with and the importance of incorporating results from other excavations conducted within the immediate area.

Throughout the cultural report, reference is made to the limitations of the study conducted. In reference to the site evaluations, the following terms are used, "Only the central and western portions of this ... resource was subjected to test..." (CVL-7); "This large site was only investigated along the margins (shovel test pits) and the central and eastern area..." (CVL-9); "This resource was only minimally tested along the extreme northern portion..." (PA-98-103; "Only the extreme eastern edge of this resource was examined..." (PA-98-115). If the cultural report is accurate, that some of the sites may be 5,000 to 7,000 years old, then the uniqueness and richness of the sites, the entire valley, cannot be underestimated or, worse, ignored. Due to the terrain, thickness and size of vegetation barriers, it is reasonable and prudent to assume that the entire 622 acres could not possibly have been examined or analyzed for cultural resources. **We urge the City to require an in-depth, broader scale cultural survey to be conducted by an impartial archaeological firm to ensure that valuable undiscovered sites are NOT inadvertently destroyed BEFORE granting any construction permits of any kind. This survey must incorporate sensitive excavations with thorough monitoring. Please provide results for public review.**

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Pages 4,7-26 states that most projects of private developers and landowners do not require the level of compliance (Section 106) and goes on to say that federal

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regulations only apply in the private sector if a project requires a federal permit or uses federal money. This would appear to be an attempt to diminish both the significance of the prehistoric sites in the proposed project and the impacts to them by omitting the fact that (1) a Section 106 review is required if sites are eligible for listing on the National Register of Historical Places (which 33 sites in Clover Valley are) and that (2) a federal permit is required for this project as well. Thus the level of compliance required with this project is about as high as it can be; and this is just at the federal level.

Page 4.7-27 discusses state level involvement. With regard to the Governor's Office of Planning and Research (OPR), **did the applicant and lead agency follow the "strongly" recommended process to solicit input from the listed organizations and especially "other interested persons?"**

43-108

In another state-level involvement, SB 18 is also mentioned in relationship to protecting cultural places or resources. The lead agency should be contacting ALL tribes whose ancestors may have any connections (especially Maidu/Nisenan/Miwok) to the archaeological resources in Clover Valley. Until the most recent cultural report, the extent of the resources was greatly understated. Once the magnitude and significance of the cultural resources were known, the prehistoric sites identified, then all related California tribes should have been notified—especially those whose known ancestors may have a relationship to the Clover Valley area.

The City of Rocklin received two letters from the United Auburn Indian Community (UAIC), April 27, 2003 and August 29, 2003, in which the UAIC expressed detailed, in-depth concern over the paving and/or division of parts of the sites by roads and houses. The UAIC also expressed a clear, strong opinion that no individual tribal members had been authorized to review projects for the UAIC tribal government, and that the tribal member(s) who may have been contacted did not represent the UAIC. The project manager at the time was quoted as having defended the actions of the applicant in that when tribal representation was requested, only the designated individuals stepped forward. However true that may be, it is irrelevant in that the UAIC did not know, nor did anyone else (other than the applicant and possibly the City), that the new cultural report had discovered so many more major, significant sites. With the new discoveries and the UAIC's specific request to be consulted with the formation of the new DEIR, we find in Vol II, Appendix G, page 25 [unnumbered page 25], only that the Tribe (which means the previously mentioned representatives on page 24 and NOT the UAIC) has been involved in the drafting of the management plan. **Please explain who is actually representing the UAIC in drafting the management plan.**

43-109

We are disturbed by information in Vol II, Appendix G [unnumbered page 24] which states that one person was appointed by the Native American Heritage Commission (NAHC) as the most likely descendant (MLD) for the project. It then states that this individual represented the UAIC. However, this is refuted in the 2003 UAIC letter. The DEIR goes on to use the word "Tribe" to refer to these representatives as if to provide defense and credibility to their selection as representing the UAIC. Again, the UAIC refutes this in their 2003 letter(s). How did MLD become transformed and elevated into the "Tribe"? The DEIR continues to inform that another monitor was involved who also represented the "Tribe" at the request of two individuals, one of whom we know nothing about. Again, we do not believe that any of these three individuals represented the UAIC or any of the other tribes who would have valid, legitimate connections to the prehistoric sites and/or the formation of their future management. Continuing on page 25, reference is made to meetings between "Tribe Representatives" and the applicant's apparent representative. Which tribe is being referenced? The one-

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man MLD or the UAIC? Last, public input as to the management of the sites is required, yet is not mentioned. Where is the public participation in the management of sites that represent an important history of our land as well?

The UAIC and all other tribes in the area who may have had ancestors or interest in over 5000 years of ancestral resources should have been contacted and provided with an opportunity to consult on the management of the cultural resources. SB 18 requires meaningful consultation. All tribes that have Nisenan connections now must be contacted and provided with an opportunity to consult. **Please explain if other Nisenan, Maidu and Miwok descendants are involved in the drafting of the management plan, and if not, why not.**

Although SB 18 is a separate issue from CEQA, it has a nexus because of the potential for General Plan Amendments, in which case both CEQA and SB 18 issues may be involved.

43-110

Page 4.7-38, I-3. This impact refers to approximately six sites (unless permanent fence protection will also be provided to the sites that extend beyond the construction activities that will destroy them, in which case it will be more than six). **Please explain how “minimize access” will be consistent with “limit foot access.” Will the monitoring be in perpetuity? Who will fund the monitoring? Will a performance bond be required? If not, why not?**

43-111

Page 4.7-38, I-4. Not only does the potential exist that other artifacts and cultural resources which have not yet been discovered exist on the project site or at the off-site sewer location, but it is quite probable and predictable given the areas that were inaccessible to the archaeologists as well as the limits mentioned in the report. To rely on contractors, agents or successor to the applicant to (1) recognize a resource (even with “sensitivity” training); (2) report the discovery that will stop construction; (3) incur additional expense by retaining a qualified archaeologist; and/or (4) relinquish the “find” is unrealistic, unenforceable, and not a reasonable or adequate CEQA MM. **The archaeological evaluation must occur BEFORE construction begins. Where construction areas have been inaccessible (black berries, brush, steepness, poison oak, etc.), the areas must be made accessible and archaeological studies conducted prior to destruction and/or reliance on inadvertent discoveries.**

43-112

Throughout the cultural report, and both Vol I and Vol II of this DEIR, reference is made to a management plan, but no details are given. The location of the prehistoric sights can be kept secret, but the management plans MUST be divulged so that we, the public, may review those plans. These prehistoric sites are a part of our land’s history. At the very least, we must be given the opportunity to review the management plans. **Please provide information and allow timely public review before any site disturbance occurs.**

43-113

Page 4.7-40, Cumulative Impacts. We are presented with what may be an impact, but we are not told that it is (other than the sub title). Neither the reasoning for any threshold of significance nor any threshold of significance is presented. We are presented with a statement concerning regional loss of the cultural and paleontological resources in the watershed. This is followed by a discontinuous reversion to the 11-year old EIR with no mention of the 2002 Peak and Associates cultural report.

Even though the cultural report and DEIR narration reinforces the integrity and importance of the intact cultural resources found in the Clover Valley site; even though the narration explains how significant the sites are in unlocking previously unknown

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- relationships between the Martis, Oroville and other complexes; and even though the resources suggest that Clover Valley was a trading hub which meant many tribes would have visited the valley from great distances, the DEIR illogically claims that there is no regional loss due to development of the proposed project because the 1995 EIR did not find significant cumulative impacts. The rationale for the conclusion is based on the 1995 General Plan EIR, which contained incomplete, inadequate and unacceptable information on the number, size and significance of the prehistoric sites. **Did this DEIR take into consideration the findings of the 2002 Peak and Associates Cultural Report? Why would the 2006 DEIR revert back to an outdated 1995 EIR in order to avoid a significant impact. Please explain this possible statement of an impact, provide the threshold of significance and the rationale behind it, and determine the MM based on the latest cultural report. Please recirculate this information for public review.**
- 43-114
- Missing from this section of the DEIR was an analysis of the estimated more than 350 bedrock mortars that are in the project site. This is a conservative estimate because the blackberry-blocked, inaccessible areas near the creek and around some of the wetland areas undoubtedly hide many more. In one portion of either the DEIR or the cultural report, some significant depths of the bedrock mortars are given, but they are not discussed with regard to thresholds of significance. Bedrock mortars are considered historically significant if not archaeologically significant. **To have so many bedrock mortars in one locale is unique and significant by any standards. Please analyze the impacts to them, inform the public, and allow public comment.**

4.8 Biological Resources

- 43-115
- Page 4.8-1—Introduction**
The DEIR states in this section that its purpose is to evaluate the findings of previous biological studies and assess the need for modifications to impacts and mitigation measures from the DEIR of August 2002. Because the actual studies from the 2002 DEIR as well as the public comments from 2002 are not readily available, **how can the public make a meaningful review?**
- 43-116
- The inadequacy of the 2002 DEIR is apparent with continual reliance on outdated information as well as incomplete surveys. **Please conduct new biological studies that follow state and federal regulatory agency protocol.**
- 43-117
- While researching the 1995 Draft EIR, the Final of which is quoted repeatedly in the 2006 DEIR, in the Wildlife section, page AA-1, the first paragraph states: "The site was surveyed for wildlife by Susan D. Sanders, Ph.D. This report is contained within the separately bound Appendix of this EIR." However, no separately bound Appendix can be produced by the City for public review. For all we know, information in that missing appendix may be critical to our review. **A new EIR needs to be circulated, starting from scratch without layer upon layer of outdated, unavailable, incomplete data.**
- 43-118
- In order to review the Biological section, we must have at least 9 referenced biological documents, the 1995 EIR, and the DA. In addition, public agencies are cited in the narrative discussion, and the revised 2001 Davis2 assessment (which is a "DRAFT" copy) is nothing more than a reiteration of what has been previously studied 14 to 16 years ago. If the Davis2 Consulting firm updated its 1990 analysis due to changes in special-status plants, animals, or habitat listings, then it is logical to require another updated field survey because (1) the first Davis2 survey that took them into the field was focused on wetlands delineation, and (2) more than 5 years have passed since the plant and animal impact analysis was completed. Obsolete data must not be relied

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43-118 upon for the analysis. **Please conduct a more current biological assessment that includes updated field studies completed according to state and federal protocol.**

43-119 The DEIR is vague and non specific in areas where critical information is required to make a meaningful, substantive review. On page 4.8-28, the DEIR narrates important events which are glossed over but not dealt with or analyzed: (a) The wetlands delineation expired; (b) a request was made to re-verify the original delineation. (c) the Corps requested that the wetland acreage be increased; (d) ECORP does not know if a re-verification letter was received; (e) Mr. Davis performed ground-truthing to submit his re-verification request. **If the Corps requested an increase in the wetland delineation, how can the applicant, the consultant, and the public expect the Corps to re-verify something they have already indicated should be changed (increased)? How are we to analyze where the Corps increases were proposed? How will the new delineation affect other impacts? How are we to be a part of this CEQA process when even the DEIR does not and cannot provide the critical data? Please prepare a new, thorough DEIR to follow the intent of CEQA.**

43-120 The 1990 Davis2 assessment was a Wetlands Delineation. The first paragraph of the study states the objective was to evaluate areas of wetness to determine if they qualify as jurisdictional wetlands, as they relate to Section 404 of the Clean Water Act." (page 1, Davis2, "Wetlands Delineation for Clover Valley Ranch, August 20, 1990.") **We request a new EIR because there is no wetlands delineation update for the current 2006 DEIR, in spite of the fact that previous wetlands delineation maps have expired, and were expired even at the time of the 2002 DEIR. We have no current information with which to analyze and review either the large and/or the small lot placement or other construction elements with regard to the wetland delineation or the detention basin configuration.**

43-121 As continually referenced, Dr. Robert Holland's research (1992 Vegetation Survey Report—letter) does not define any type of actual field survey, but rather is referenced extensively—in the 1995 Annexation EIR, in the 2002 DEIR, and the current DEIR. In the 1995 EIR, it is stated that the project site was surveyed by Dr. Holland, "making extensive use of Wetland Delineation Data Sheets prepared by David2, and a Biotic Survey prepared by Acorn Environment Consulting" (page Z-1). Furthermore, on page AA-1, 1996 Final EIR it is stated that "Dr. Holland visited the site and prepared a report dated July, 1992." **Although he rightly concluded that the project would result in "substantial, extensive, and complete alteration of the current natural landscape, replacing it with an urban environment largely bereft of natural values," does this narrative constitute the extent of Dr. Holland's field survey and analysis? Is this considered substantial? Please provide information as to the depth and scope of Dr. Holland's "visit" to the site. Please explain how a one-day visit can formulate the basis of a study for a project of this magnitude in a valley that is rich with biological resources.**

43-122 Because Dr. Holland's report provides the basis for much of the applicant's impact analysis and subsequent MM, the public is hampered and denied information with the vagaries in the DEIR that were just as apparent in 1992 as they are now. In discussing the Grassland (page 3), Dr. Holland states, "There is no description of how the lots will be graded. I was unable to find any description of grading plans more detailed than the General Development Plan Standards and Guidelines for the City of Rocklin. Presumably [underscore added] these lots will be padded flat, removing the natural

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- ↑ vegetation and completely altering the topography..." These statements indicate that even Dr. Holland was lacking information to draw accurate conclusions.
- If disclosure of the impacts is so vague and lacking that a professional consultant cannot determine their significance, how can we, the public, be expected to make meaningful comments?** We need to be apprised of where the grading will be, how deep (not just on the roadways where the 60' cut and fill is mentioned, but throughout the project), how wide, how close to sensitive environmental and cultural resources, what the impacts will be. **Please prepare a new EIR, address these critical impacts and submit to the public for review.**
- 43-123
- The concern of relying on the Holland report is accentuated with other, more critical statements. On page 1 of the Holland report, Dr. Holland states, "I have made extensive use of the Wetland Delineation Data Sheets included in the Davis2 Wetland Delineation Report ... in compiling these descriptions and in preparing the attached draft vegetation map." (Again, reliance on outdated, expired data.)
- 43-124
- On page 3, in referring to the Oak woodland: "Even if I assume 1:1 cut slopes around building sites, enormous amounts of fill will have to be removed to create usable building pads." (Again, assumptions that form the foundation of the Biological analysis of this and previous DEIR and not based on sound data presented in the DEIR. Dr. Holland's assumption and subsequent conclusion may be correct, but the cut slopes may not be 1:1 as indicated in other sections of this DEIR. He and we are simply not given the information needed to properly review and participate in the CEQA process.)
- 43-125
- On page 4 of the Holland report, "There is no description of how the area around the ponds will be landscaped or how water will flow through the pond system.... Thus, at least 11.6 acres of seasonal wetland will be converted to other uses, and this number could go considerably higher depending on what becomes of the open space." (Again, if the hired consulting professionals are unable to fully analyze the impacts, and if they acknowledge the lack of informative, substantial data, how can we review ambiguous, incomplete, assumptive narratives?)
- 43-126
- Additionally, in the 1996 FEIR, it is stated that the 1991 referenced Acorn report consisted of three site visits in the spring within a 32-day period. (However the Acorn Analysis itself states additional visits in 1990.) State and federal protocol defines over 13 recommendations, including "a sufficient number of visits spaced throughout the growing season..."
- The current DEIR, in citing "Previous Biological Surveys, changes the wording to "previous biological studies" and again lists only one botanic field "survey" (Acorn, 1991). The remaining studies (except for the one noted) are simply narratives, built upon the conclusions found in the narratives of others' works with possibly one on-site cursory visit identified as "reconnaissance-level."
- Davis2, 1990, is a wetlands delineation, which is now outdated.
- Davis2, 2001 is a plant and animal impact analysis (not a survey) and is only available in DRAFT form.
- ECORP, 2001 is a creek investigation.
- Sanders, S., 1992, is a wildlife survey report "not available for review." More evidence that the biological studies are incomplete and inadequate is given on page AA-2, (1996 FEIR) in that Sanders visited the site on only two dates: March 26 and May 21, 1994. According to weather history data, Saturday, March 26, 1994 was a foggy day in the area. Whether the Sanders' survey was conducted after the fog burned off, if indeed it did, is unknown.
- ↓