

David Mohlenbrok

**Letter 61**

From: jgbartylla@juno.com  
Sent: Wednesday, March 08, 2006 5:06 PM  
To: David Mohlenbrok  
Subject: CLOVER VALLEY

Dear Mr. Molenbrok

My only objection to the latest EIR for the Clover Valley Lakes development is to the building of the new Valley View Parkway connector road the is planned to connect Park Drive and Sierra College Road.

61-1

I live in SPRINGFIELD and my home overlooks Park Drive. I DO NOT WANT MORE TRAFFIC on Park Drive.

With this letter, I am pleading with the city of Rocklin to not allow the installation of the Valley View Parkway street/road.

Thank you for taking the time to read this letter.

Sincerely

James G & Mary L. Bartylla  
4405 Newland Heights Court,  
Rocklin, CA 95765-5065  
Phone: 916-435-9095

03/09/2006

**LETTER 61: BARTYLLA, JAMES G. AND MARY L.**

**Response to Comment 61-1**

This comment opposes more traffic along Park Drive. With regard to traffic, as described in EIR Chapter 4.4, the impact from increased traffic on local streets in project site vicinity will be less-than-significant with no Mitigation Measures required. The project applicant shall include in the project design receiving lanes for northbound and westbound right-turn lanes at intersection of Valley View Parkway and Park Drive.

**Letter 62**

MR. MOHLENBROK

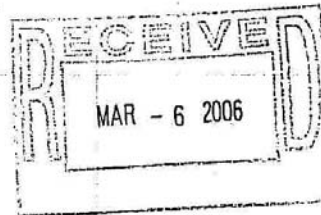
62-1

IF THE CITIZENS OF ROCKLIN  
DON'T WANT CLOVER VALLEY  
DEVELOPED FOR 500 HOMES  
WHY DO YOU?

WHO DO YOU REPRESENT?

DEVELOPERS?

JACK BASKIN  
4254 RAWHIDE RD  
ROCKLIN CA. 95677

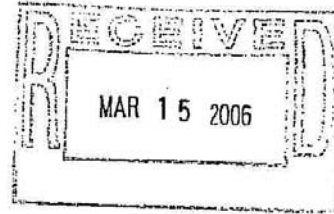


**LETTER 62: BASKIN, JACK**

**Response to Comment 62-1**

This comment does not address the adequacy of the EIR.

Letter 63



To: The City of Rocklin Planning Division

From: Charles and Jennifer Bates  
4380 Willowglen Way  
Rocklin,  
Also owners of property at 3320 Midas Ave.

Re: Comments regarding the Clover Valley Subdivision

To Whom It May Concern:

Jennifer and I have one concern and a comment regarding the above noted proposed development:

63-1

1) The disruption of traffic and the noise generated by construction vehicles on Midas Avenue during the installation of the sewer. We are frankly tired of putting up with the noise, dirt and disruption of traffic on a street that we travel frequently. This development is of no benefit to us or our family and therefore we should not have to put up with everything that goes with it. Further Jennifer's father and mother reside at 3320 Midas Avenue, are in their eighties and this would be a very stressful situation for them that we would prefer they not have to deal with. There are many elderly people who live on Midas who would be in the same boat.

Comment:

63-2

The area which is to be developed has been there longer than man. Although I respect an owners right to develop his property within City guidelines it does not mean that we must rush to allow such development and therefore suggest that the land is patient and will still be there long after anyone involved with this is. Take the time to make this right and minimize it's impact on the lives of those who have nothing to do with the development and will not benefit in any way by it's creation.

Thanks for listening,

Charles and Jennifer Bates

Handwritten signatures of Charles and Jennifer Bates. The signature for Charles is above the signature for Jennifer.

**LETTER 63: BATES, CHARLES AND JENNIFER**

**Response to Comment 63-1**

The commenter's opinions as to the value of the proposed project and their opposition to the development are noted. The noise analysis conducted for the proposed project determined that the impacts related to temporary increases in noise levels due to construction impacts would be potentially significant (See Impact 4.6I-5.) However, these impacts would be reduced to a less-than-significant level through the implementation of suggested mitigation measures. See mitigation measure 4.4MM-4. Because the mitigation measures would restrict construction to daytime hours, impacts related to increased noise levels are not expected to create a significant impact. In addition, these impacts will be short-term and would be limited to the construction phases of the proposed project.

**Response to Comment 63-2**

This comment does not address the adequacy of the EIR, but asks city officials to minimize the development's impact on city's existing residents.

## Letter 64

March 8, 2006

Sherri Abbas  
City of Rocklin Planning Department  
3970 Rocklin Road  
Rocklin, CA 95677

replace  
prior correspondence  
(3/3/06) with  
this one

Dear Ms. Abbas:

On March 6, 2006 I spoke with David Mohlenbrok of the City of Rocklin Community Development Department. He recommended that I write to you regarding submittal of revised comments for the Clover Valley RDEIR. Mr. Mohlenbrok told me that the public comment period for the Clover Valley RDEIR has been officially extended to Wednesday, March 15, 2006.

I submitted previous public comment on the Clover Valley DEIR to your office for the March 6, 2005 deadline. Please accept the enclosed public comment which I have revised from the original submittal.

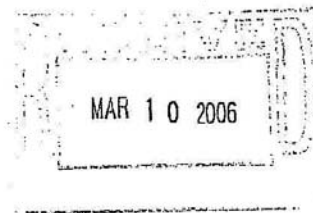
As long as the enclosed comments dated March 8, 2006 are received by your office prior to the March 15, 2006 deadline, I request that you dispose of my previous Clover Valley RDEIR comments to avoid any errors or duplication of documents. If you do not receive the enclosed comments by the March 15, 2006 deadline for submittal, you may retain my original comments for the record.

Thank you for your attention to this matter.

Sincerely,



Jo Bentz  
9990 Graton Road  
Sebastopol, CA 95472



**Letter 64  
cont'd**

**Date:** March 8, 2006  
**To:** Sherri Abbas, Planning Services Manager  
Rocklin City Planning Department  
**Subject:** Comments on January 2006 DEIR for Proposed Clover Valley Project

Please accept these comments on the Clover Valley RDEIR-

**PROJECT DESCRIPTION-**

Tentative Map TS-4 does not have the line denoting the 50 foot creek setback or the dashed biketrail path labeled anywhere on the map. Tentative map TS-5 has mislabeled a topographic contour line as the 100 year FEMA flood plain in the southern part of the map.

- 64-1 A physical description of slopes (percent) for proposed developed areas and Open Space areas should be provided in this section. This information is needed to understand the existing topography and the degree of slope of the canyon walls prior to grading and terracing.

**BIOLOGICAL RESOURCES-**

**Inconsistencies with the General Plan-**

- 64-2 The project as proposed is in direct conflict with City of Rocklin General Plan policies related to biological resources listed on page 4.8-22. By adopting this project, the City is not upholding it's own General Plan and presents mitigations which are inadequate and will not even marginally achieve the policy goals.

**Wetland Impacts-**

- 64-3 On pg. 4.8-31, the report states that the total loss of wetlands due to project construction is 2.56 acres, yet in other portions of the report it states that Mr. Davis of ACOE "will be requesting that the Corps re-verify the (wetland) delineation." (Pg. 4.8-29) If the wetland delineation process is not complete, then how can the City calculate the total loss of wetlands at 2.56 acres? Also, the map has changed since 1998, therefore, the wetland delineation must be redone with the current proposed subdivision lot map.

In order to clarify the vague and confusing information given about the wetland delineation in the DEIR, a wetland map reverified and approved (signed) by ACOE must be made available to the public for comment prior to approval of the final EIR. A verbal approval from ACOE (page 4.11-29) is not sufficient for an EIR.



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**Detention Basins-**

- 64-4 Section 4.8 MM-4 (c) Loss of wetlands due to the project must be replaced by the equivalent high quality wetlands which currently exist on the property. The “no net loss” wetlands determination by the ACOE and CDFG should not consider the in-stream detention basins as replacement wetlands.
- Wetland and riparian areas impacted by the detention basins will become degraded both in water quality, function, and habitat value. The two, proposed, in-stream detention basins will evolve into polluted and sediment filled seasonal water impoundments that in no way equal the high quality wetlands which currently exist on the property. In fact, because riparian and jurisdiction wetlands are impacted by the detention basins there needs to be mitigation for their loss.
- The ACOE, the RWB, and Fish and Game need to consider a “no net loss” replacement or mitigation of the creek and wetland areas used for the detention basins. According to the DEIR, the detention basins will eventually become filled with sediment and require dredging. The DEIR clearly states that maintenance of the detention basins will require “the removal of excess sediment (dredging) (page 4.11-28). The loss of the function and habitat value of wetlands due to the storm water detention basins needs to be added to the total loss, or 2.56 acres, of the calculated wetland loss for the project.
- 64-5 The estimated surface area impacted by the detention basins and the estimated time period of inundation is not calculated or provided in the DEIR. This is an omission and a flaw of the DEIR. The estimated area to be impacted by the detention basins needs to be shown on the small lot tentative maps in the DEIR. The maximum surface area impacted and time period of inundation needs to be provided to the trustee agencies (ACOE, Fish and Game, and the Regional Water Quality Control Board). This information is essential for an accurate assessment of impacts due to the loss of function, flooding of riparian vegetation for longer periods of time than current conditions, alteration of existing drainage patterns, and loss of wildlife and aquatic habitat (change from a creek to a maintained impoundment).
- 64-6 In-stream detention basins place polluted storm water in the creek and wetlands and will result in water quality degradation, loss of function and habitat values. An alternative to in-stream, or inline, detention basins for storage of polluted stormwater needs to be presented in the DEIR.
- 64-7 The construction of a successful wetland onsite to replace the loss of wetlands is addressed in the DEIR. However, the report states that a qualified biologist prepare the plan. This should be changed to a **qualified wetland biologist** who specializes in the creation of wetlands for the purpose of mitigating or replacing loss. The on-site wetland must be as high quality as the wetlands lost. The replacement wetlands should be contiguous to some portion of the 42 acres of natural, on-site wetlands to ensure their success and to further enhance the value of the adjacent, natural wetland.

**Letter 64  
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**Wildlife Fragmentation and Wildlife Corridor-**

64-8

Wildlife fragmentation and wildlife population isolation are not discussed as an impact in the DEIR. This is an omission, especially since wildlife fragmentation and species isolation are directly mentioned as a concern by CDFG. In CDFG's letter dated October 4, 2005 (Appendix B), the agency specifically requests that an alternative be given to eliminate lots 71-95 which are adjacent to Clover Valley Creek. These lots are too close to Clover Valley Creek and bring humans in contact with the sensitive riparian environment which bird and mammals use for food, cover and movement corridor. Property owners will erect fences and create obstacles that will further restrict movement of species. Elimination of those lots would reduce wildlife habitat fragmentation and increase the ability for movement of species according to CDFG. Elimination of 24 creekside parcels will not significantly affect the overall project. Removing these parcels from the tentative map plans would provide a tremendous reduction of negative impacts to Clover Valley Creek and a significant improvement to wildlife corridor and wildlife habitat. The DEIR does not address CDFG request to eliminate lots 71-95 which are adjacent to Clover Valley Creek.

64-9

Wildlife movement and corridor is not discussed in the DEIR even though this is a concern of CDFG as stated in their October 4, 2005 letter. An open and unrestricted upland corridor needs to be designated in the development plans and shown on a map. The wildlife corridor should be incorporated in the design plan to allow movement of species within Open Space containing a contiguous canopy of oaks and vegetation to provide cover, food and breeding grounds. The wildlife corridor should be devoid of roads, road crossings, fencing, structures, bike and pedestrian trails. Design of all road crossings in the project area should be required to allow movement of wildlife under the roadways.

The current design of the subdivision shows that there is not a contiguous Open Space for animals to travel from north to south or east to west along the length and breadth of the project area unimpeded and without encountering private lots, fencing, roads and other obstructions. Use of fencerows and hedgerows instead of fencing could improve the ability for unrestricted wildlife movement in the project.

Currently wildlife has free access to all portions of the canyon. Therefore, the negative impact to wildlife movement due to this project and the lack of consideration of wildlife corridor in the design plans is a significant omission in this DEIR.

**Exclusionary Fencing of Wildlife -**

Impacts to wildlife due to fencing are not addressed in the DEIR. With respect to wildlife movement and corridor, fencing should be prohibited in the creek corridor, creek setback area, ungraded open space and wetland areas. Any fencing used in the valley of the project should not restrict the movement of wildlife and should be wildlife friendly.

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64-9  
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If fencing is needed on the City maintained "landscaped lots", only wildlife friendly fencing should be used. Department of Fish and Game recommends the following structural requirements to achieve wildlife friendly fencing-

"Minimize any new fencing that is designed to exclude wildlife and which contains one or more of the following features: lowest horizontal is within 1.5 feet of ground or highest horizontal is over 6 feet or top or bottom wire is barbed or distance between top wires is less than 10 inches or it combines with existing structures or fences, even on neighboring parcels, to create an obstacle to wildlife up and down stream. Locate any such fencing closely around residences, crops, and gardens to enclose an area as small as possible. Encourage property owners to consult with CDFG and install wildlife friendly fencing generally less than 4.5 feet high and designed to allow passage of wildlife. (Sonoma County Draft General Plan 2020)."

This description needs to be included in the DEIR and wildlife friendly fencing must be required for designated wildlife corridors and sensitive wildlife habitat areas such as the oak woodland, the creek, and the wetlands.

64-10

**Lack of Adequate Footnotes/Documentation-**

The DEIR needs to use footnotes to supply information the reviewer needs to evaluate the quality of data and statements presented in the report. The dates of the various wildlife and plant surveys are not provided or referenced in the DEIR. For example, on page 4.8-16, the DEIR states that white-tailed kites are on-site, "but active nests were not observed during the initial field survey." To make this information valid, the reader needs to know the date and year of the survey and who conducted the survey and in which report the information is contained. The DEIR does not adequately reference the information it provides. The public does not know the source of the information. Some of the information may be too old to be useful and a new survey may be required.

64-11

**Migratory Bird Act-**

The Migratory Bird Act requires protection of the nesting sites of raptors due to disturbance from construction. The DEIR does not state if the survey will occur on one day or on multiple occasions during the breeding season (Feb 15 through August 1). I am concerned that one nest survey would be inadequate to cover the breeding season for all the various raptor species known to live in Clover Valley since different species have different schedules for breeding and nesting. Because of the many different raptors known to occupy Clover Valley, I recommend that multiple surveys be conducted. I highly recommend the enlistment of local Audubon members to help assist in the surveys. I also think that the results of the raptor nest surveys need to be provided on the City's website and made available for public review.

**Letter 64  
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**Tree Removal-**

64-12

If snags are removed (pg. 4.8-52) then the bat maternity roosts are completely eliminated and then, eventually, so are the bats. Bats are extremely beneficial mammals that consume large quantities of insects including gnats and mosquitoes. To lessen the impacts to special-status bats, a number of snags need to be saved permanently in the project area for use by bats as maternity roosts.

64-13

The removal of 7,400 native species oaks and other trees as a result of the project is criminal. The side deal the City of Rocklin made with the developer to keep below the 25 % cap is an example of how the City is willing to bend it's own rules to promote this ill-conceived development. What the City of Rocklin should have done was to hold the developer to a higher, not a lower standard because of the magnitude of tree removal for this project. Putting a trail system in the last remaining oak woodland on the property, the Open Space Trail System, devalues the Open Space for wildlife and increases the negative impacts to wildlife corridor.

It is ironic to this reviewer that the City of Rocklin, known for having air quality problems (read the public comment letters), would even consider removing 7,400 trees within the city limits. These contiguous, mature oak woodlands currently function to improve local air quality and benefit everyone in Rocklin and the surrounding communities.

**Creek Setback-**

64-14

The DEIR states that by using a 50 foot creek setback, the "City is preserving natural resources." This is a false statement. The DEIR admits that the proposed project will result in degradation of water quality and result in long term operational impacts to riparian and aquatic habitat which are significant and unmitigable (pg4.8-36). Nevertheless, the City of Rocklin, despite agency recommendation for an increased creek setback, supports a 50 foot creek setback for this project.

To lessen negative and significant impacts to water quality, wildlife habitat and aquatic species, the 50 foot or less buffer (creek setback) between Clover Valley Creek, and the roads, the Nature Trail, the biketrail and individual parcels needs to be increased. CDFG and NOAA (NMFS), both Interested Parties and trustee agencies for this project, asked for a greater than a 50 foot setback from the top of bank to protect natural resources and fisheries. The reason to have a wider, not a narrower, setback is to allow increased filtration due to vegetation, to enhance the habitat value for fish and other species living in the creek and riparian corridor, to maintain cold water temperatures for aquatic species, to allow natural meandering of Clover Valley Creek, and to protect water quality. The City of Rocklin has decided that the recommendations of the trustee agencies are not important and will sacrifice benefits to wildlife, water quality, Clover Valley Creek, and the wetlands to create more houses and roads. This development is being presented by the City of Rocklin as environmentally friendly, but it is not.

**Letter 64  
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Roads, utility easements, and the Nature Trail occur within 50 feet of Clover Valley Creek. Residential parcels are 20 feet from or directly adjacent to the 50 foot creek setback (lots 78-87, and 291-293). The bike trail, in many cases especially in the northern and middle parts of the project area, is located within and encroaches upon the 50 foot creek setback, in addition to crossing wetland areas.

The tentative maps show there are many more infringements of the 50 foot creek setback than the DEIR implies. On page 4.8-32 the DEIR states "the buffer is less than 50 feet only in limited instances..." This is a grossly inaccurate statement. On the same page (4.8-32), the DEIR states, "The only place in which the 50 foot buffer is not maintained is along Nature Trail Way with the bike trail as an integrated portion of the road." This statement is completely false. In studying tentative maps TS-1, TS-2, TS-3 and TS-4, the biketrail is shown within the 50 foot creek setback for long stretches. It also abuts Clover Valley Creek top of bank in several places, and crosses or abuts to ACOE delineated wetlands in eleven places. Only two of the eleven places where the biketrail or Nature Trail Way abuts or crosses the wetlands are shown as "seasonal wetland area to be filled." Development of the graded and paved bike trail and utility easements within the creek setback will impact the so called "50 feet from top of bank protected, or setback areas" by removal of vegetation, filling, compaction, grading and paving. To place the bike trail within the creek setback is in direct conflict with City of Rocklin Open Space Policy 19 which prohibits grading, placement of fill, and alteration of vegetation within the setback.

In order to protect the biological resources of this site, a greater than 50 foot setback from both the wetlands and Clover Valley Creek is needed. A greater setback would protect the high water quality of Clover Valley Creek, reduce impacts from the proposed cut and fill on steep slopes above the creek and wetlands, and would serve to better protect the fisheries and biological resources of the riparian area. Large trees that stand more than 50 feet from the creek need to be retained as they supply shade to the riparian area and keep water temperatures cold.

By designing the project with a narrower setback than recommended by the trustee agencies, the City of Rocklin puts itself at risk. Over time, a narrower creek setback will result in: degradation of water quality, a decrease in functions of the creek and wetlands, contribute to negative impacts due to storm water, cause removal or destruction of riparian and wetland vegetation needed for filtration and absorption, increase risks due to flooding, decrease available Open Space and wildlife habitat, and result in increased siltation of fisheries habitat. Most importantly, the City of Rocklin will be responsible for degradation of water quality of Clover Valley Creek. The minimum 50 foot creek setback combined with the many encroachments of the setback shown on the tentative maps will result in more expensive and more frequent maintenance of the in-stream detention basins.

64-14  
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## Letter 64 cont'd

- 64-15 **Wetland Buffer-**  
On page 4.8-36, the DEIR states, "Although a buffer would surround the wetland areas..." This is a false statement. Examination of the tentative maps contained in the DEIR show the project design has **no established setback limits for the wetlands**. During wet periods of the year, portions of the wetlands will be occupied by Clover Valley Creek. By building right up to and crossing the wetlands, the City of Rocklin is ignoring biological protections of the most the most environmentally sensitive areas in the project area. This is very poor urban planning and shows a lack of concern for the environment by the City of Rocklin.
- 64-16 **Biketrail-**  
**The biketrail, which I assume will be graded and paved, encroaches upon the 50 foot riparian setback and abuts or crosses ACOE delineated riparian or jurisdictional wetlands in many places.** Because the biketrail crosses ACOE delineated wetlands, there needs to be mitigation for the functional loss of these wetlands. The encroachment of the paved biketrail on the creek and wetlands and the functional loss of wetlands due to the biketrail is not addressed in the DEIR. In addition, the biketrail brings people, noise, trash, dogs, and dog waste into the most sensitive biological areas of the project. This will result in disturbance and disruption of wildlife and loss of the best habitat available to wildlife on the project site.
- 64-17 **Hire an Environmental Compliance Officer to Oversee the Entire Project-**  
Due to many significant environmental concerns surrounding this proposed project and to ensure compliance with the numerous permitting, monitoring, and mitigation requirements, the City of Rocklin needs to hire on-site environmental compliance officers to oversee the entire project from start to finish.  
The City of Rocklin must seriously consider that it will ultimately be held responsible for not following the requirements contained in the EIR. An environmental monitor needs to be present on-site during the entire construction project working closely with construction crews and supervisors, conducting daily briefing with the construction crews, checking fencing and keeping equipment, debris and soil out of sensitive areas. An on-site environmental monitor can ensure that the contractors and developers are in compliance and report any problems to the City of Rocklin.
- 64-18 **Staging Areas-**  
Staging areas are highly impacted areas of a development. The location of staging areas is not provided in the DEIR and this is an omission. Staging areas for the various phases of the projects need to be shown on a site map before the project begins. A staging area map needs to be included in the revised DEIR. Activities in the staging areas need to be described and the locations of the staging areas need to be provided to allow the public

## Letter 64 cont'd

- 64-18  
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- and trustee agencies an opportunity to evaluate their location and environmental conditions, such as slope, proximity to archeological sites, etc.
- During construction, staging areas become highly compacted, denuded, and rutted by truck and equipment traffic. Staging areas are used for storage of equipment, soil piles and hazardous chemicals. Areas used for staging must be distanced far away from the creek, wetlands and ungraded Open Space areas. The on-site environmental compliance officer needs to ensure that the boundaries of the staging areas are strictly enforced during work activities. Staging areas are not addressed in the DEIR in either the biological section or the land use section.
- 64-19
- Whose In Charge?-**
- Who is responsible for keeping track of the compliance monitoring and the permitting required for this project? Who will make sure the bird nest, fresh water marsh-occupying birds and turtle surveys are completed before construction begins? Are the City Engineers and the Community Development Department qualified and well staffed enough to do the tracking and compliance monitoring? Due to the magnitude and environmental impacts of this project, there needs to be at least one or two City staff dedicated to this project to ensure compliance. These staff should be biologists or environmental scientists well versed in CEQA regulations and compliance. The public has many eyes on this project and will be looking to ensure compliance with permitting, pre-construction surveys, and mitigations contained in the EIR. **The names and contact information of the City staff responsible for compliance tracking need to be provided in the DEIR. These individuals should be accessible and responsive to public inquiries.**
- 64-20
- Differentiate Open Space-**
- In their October 4, 2005 letter, CDFG asked to "describe all proposed uses and management strategies and activities associated with all Open Space." Pg 3-15 of the DEIR states that 53.3 acres of the 366 acres of Open Space will be impacted by construction activities. The Open Space includes "landscaped lots" which will not be of benefit to species that currently live on the property. The Open Space also includes the riparian setback which is part of the General Plan policy. The riparian setback is not protected Open Space since it is encroached on by roads, the utility easements, and the graded and paved biketrail.
- CDFG asks that the DEIR differentiate between Open Space according to the General Plan and those of benefit as habitat for native plants and animals. I do not see a Table which clearly differentiates Open Space in the DEIR even though this was specifically asked for by CDFG. This is an area where the DEIR is vague and misleading. A map that differentiates these Open Space areas is needed so that the reviewer can understand both the percentage and use of land dedicated to natural habitat conservation areas and those dedicated to public parks and "landscaped lots." This information should be included in the revised DEIR Land Use Chapter.