

Letter 71

David Mohlenbrok

From: Doug Brewer [brewer@ecologic-eng.com]
Sent: Tuesday, February 28, 2006 10:05 AM
To: David Mohlenbrok
Cc: Marilyn Jasper; David Bennett
Subject: Request for Extension of CV Comment Period

71-1

Hi Dave- I am respectfully requesting a 2-3 week extension of the comment period due to the inability of the public to obtain and review important references and reports cited in the Biology Chapter in a timely fashion. Independent review of these studies is critical in providing credible comments to the City on the adequacy of the EIR. Even in the absence of these missing references, the sheer volume of the DEIR, associated appendices and other reports dictate that a 60-90 day comment period is more appropriate for this document. As you know, the City must maintain a complete and up-to-date administrative record for the EIR including all reports, studies and communications used in the CEQA process. Recent court cases are very clear on the issue (*Mejia v. City of Los Angeles* 130 Cal.App.4th 322). It is my understanding that Marilyn Jasper from our organization has requested these studies but the City, while trying in earnest to locate them, has been unable to provide the references in a timely fashion. The City's inability to provide the requested references (Drs. Sanders and Holland reports) either via hardcopy or on the website precludes us from finishing our review of the EIR. AS you know, the Save Clover Valley organization has been concerned about the relative age of these studies (14 yrs+) and the details of these surveys. We request all critical information in the administrative record be easily accessed by the public via the website or at the City's planning desk.

Please let me know the City's decision with this request as soon as practicable.

Regards,

Doug Brewer

02/28/2006

LETTER 71: BREWER, DOUG (FEBRUARY 28, 2006)

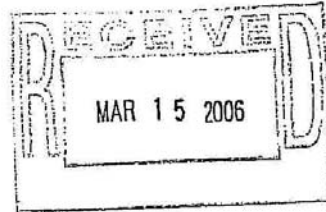
Response to Comment 71-1

As a result of this and other comments received during the comment period, the comment period for the DEIR was extended nine days ending March 15th, 2006.

Letter 72

March 15, 2006

Mr. Dave Mohlenbrok,
Senior Planner
City of Rocklin
Planning Department
3970 Rocklin Road
Rocklin, CA 95677



Re: Comments on Clover Valley Project REIR (SCH#93122077)

Dear Dave:

Thanks again for granting the time extension as it was greatly appreciated for all of us juggling jobs, families and associated activities. I also appreciate your help finding documents requested at the planning desk. As I said in the public meeting, I think this EIR is an improvement over the last EIR, however there are a few areas that need further work for proper disclosure. As a principal with Jones and Stokes for twenty-three years (and now with ECO:LOGIC in Rocklin) I have prepared, reviewed and scrutinized hundreds of environmental impact assessments for CEQA and NEPA compliance. I have developed an appreciation for the complexities of CEQA compliance as well as the vulnerabilities afforded an incomplete or inadequate document. I offer these comments in the spirit of assisting the City in preparing a legally adequate EIR and ensuring full disclosure of all impacts. In my opinion, the current document as written will not withstand the scrutiny and resources of the well educated and involved citizenry of Rocklin. Following are my comments on the Clover Valley LLTM and SMLTM Environmental Impact Report (EIR).

General Comments

72-1

The EIR purports many inconsistencies, misstatements, unsupported conclusions, and factual errors, some of which were cited at the public hearing and presumably will be submitted by others so won't be repeated here for brevity's sake. However, it is surprising that a document anticipated to receive the popular scrutiny of an educated community would be released with such a profusion of both technical and editorial issues. Important statements unsupported (in several cases) by any facts whatsoever make this document vulnerable to successful legal challenge.

I have outlined some of them in the following comments for your consideration.

Chapter 4.8 Biology

72-2

Special Status-Plant Species. REIR Page 4.8.5- The City incorrectly dismisses use of California Native plant Society (CNPS) listed rare or threatened plants as not requiring mitigation under CEQA because they are not included in federal or state Endangered Species Act (ESA) listings. In California, it is the general practice by

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72-2 ↑ professional botanists that prepare CEQA documents to use CNPS listed plants in their impact analysis. The City's disregard for CNPS plants may be true for dealing with species under the protection of ESA law but is an improper interpretation with regard to making proper disclosures and findings under state CEQA law. CNPS is considered the authoritative state organization, comprised of a wide range of members ranging from amateur botanists to university professors and senior botanists that are the known experts in California flora. Many plants initially listed by this professional organization as species threatened by extinction, get nominated and eventually afforded the strict legal protections under state and federal Endangered Species Acts. Therefore, disregarding this authoritative state organization is inconsistent with the intent of CEQA. The dismissal of CNPS 1B status plants because they are not afforded strict legal protections under ESA is a substantial error of this chapter and clearly inadequate for making proper disclosures.

72-3 The 1991 Acorn report, which forms the basis of the Botany section of the EIR, is now 15 years old and out of date. No new determinate plant surveys were conducted by ECORP in their 2005 biological evaluation, leaving the Acorn report as the only study used to defend project impacts. Since 1990, many new species have been listed by CDFG, USFWS and CNPS. Biological information older than 5 years is routinely considered by California Department of Fish and Game, United States Fish and Wildlife Service and National Oceanic and Atmospheric Administration biologists (DFG/USFWS/NOAA) to be outdated and cannot be relied upon for forming impact CEQA or ESA conclusions. The REIR is inadequate because no specific impact statements or information disclosures were made for many plant species including *Clarkia biloba* and *Balsamorhiza*.

72-4 The document cited in the Clover Valley Lakes EIR is deficient and should have been updated. Case in point: The significance of the loss of 30+ acres of open grasslands top ridges known to support these species are not disclosed because the City did not make any statements as to their significance in the EIR. Merely stating the City does not recognize CNPS under state or federal ESA laws is immaterial in disclosing effects under CEQA. Again, blatant dismissal of CNPS 1B status plants because they are not afforded strict legal protection is a substantial error of this chapter.

72-5 The significance threshold used for biological resources impact analysis cannot be less stringent than the mandatory findings of significance found in CEQA Guidelines Section 15065. A threshold that rests on statewide impacts to listed species to the exclusion of local effects on such species was *less stringent* than the mandatory finding of significance and therefore impermissible. (*Endangered Habitats League v. County of Orange* 131 Cal.App.4th 777)".

↓ In this court case the court took exception to Orange County's subtle change to the Section 15065 language in the County's determination of impact significance. The County changed the language such that only a substantial statewide or regional impact would be significant. The Court held that the intent of CEQA Section 15065 is that substantial local impacts should also be considered significant. In addition, CEQA

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Section 15380(d) states that even if species are not formally listed under state or federal laws but meet the tests as described in Section 15380 subsection (b) they should be considered in CEQA analysis. CNPS 1B listed plants clearly meet this legal test and should not have been dismissed in the EIR purely on the basis of not being on any formal governmental resource agency list.

CEQA provides *broader* protection for those plant species that have *not yet* been formally listed under state or federal ESA statutes. The City's biological consultant, ECORPs, stated on page 20 of REIR Appendix I that suitable habitat (annual grasslands) can be found on the site for three rare plants (Blasamorhiza, Clarkia biloba and Stinkbells) and recommended a mitigation measure in their report to the City for the updated EIR. The City decided not to include the recommended mitigation in the EIR for some reason. Obviously, suitable conditions for both of these species are found at Clover Valley. The EIR relies entirely on the outdated Acorn Environmental plant surveys, now over 15 years old that were conducted during the end of a severe six-year drought period in California from 1986-1992. Field surveys were conducted in the summer of 1990 and spring of 1991 according to the Acorn report. Clarkia biloba and Balsamorhiza seeds will not germinate and flower during these very dry meteorological conditions. Save Clover Valley raised this concern in the NOP comments. Surveys should have been performed during the proper flowering season to document their presence or absence in areas of suitable habitat. The DEIR Figure 4.8-1 depicts the presence of Clarkia near Ophir Road that is in very similar habitat as the proposed project. Based on this evidence, we have provided a fair argument that disclosure is deficient regarding the project's impacts to these important plant species. Therefore, new surveys should be conducted and the proper disclosures made in the REIR. If impacts are judged to be significant, the EIR must be recirculated (CEQA Guidelines Section 15088.5).

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REIR page 4.8. A detailed examination of Dr. Holland's 1992 letter report reveals that it does not explicitly state the dates and times of his field surveys and whether he conducted foot surveys of the site, nor does his report state that he conducted detailed surveys for RTE plant species or provide a detailed listing of plants he considered in his study. One gets the impression that Dr. Holland's report serves primarily as a "setting" and "impacts" section for the original EIR and relied upon reference materials and prior botanical work by Acorn. Did Dr. Holland ever actually visit Clover Valley? There is no statement that he did, and nothing in his report indicates any first hand knowledge. Normally such a reference is made if it occurred.

He also critique's Acorn's work by dismissing their suggestion to leave the annual lahar grasslands in open space (page 3). His report provides a general desktop discussion of the soils, geology and plant communities and provides recommendations (primarily related to oak trees and wetlands) for development activities. I do not believe his report can be relied upon to address ESA, CESA or CEQA special-status plant issues in findings of the EIR. I also note that Dr. Holland's botanical report makes no mention of VELB habitat even though it is obvious that the habitat is found on the project site

72-6

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↑ today and probably was there fourteen years ago when he prepared his report. This further dilutes the relevance of his inclusion in this EIR.

General reconnaissance-level surveys were conducted by ECORP in November 2005 but the species of concern do not flower in late fall/winter. Positive identification of many plant species to a species taxonomic level is highly dependent upon the detail of the flower itself to ensure correct identification. Updated surveys for the presence or absence of protected plant species that are included in contemporary plant lists were not part of this original survey. New field surveys for specific species where suitable habitat for them exists on the project should have been conducted for this REIR but was not. As such, the botanical impacts disclosed in this DEIR are incomplete and therefore inadequate.

72-7

On REIR page 21 of Appendix I of ECORP's report, their botanist recommended mitigation measures (updated field surveys) for these CNPS species but these measures were not included by the City in the EIR for some reason. The City either inadvertently omitted this mitigation measure or elected to disagree with their expert's conclusions. Discussions with City staff on March 6, 2006 indicated that it was not a clerical error but rather a discretionary action by City management to not require mitigation (Mohlenbrok pers. comm.). The City does not apparently recognize CNPS as an authoritative source of information for the CEQA disclosure process. Section 15380 and legal precedent should be consulted in this matter.

72-8

REIR Page 4.-28. 4.8I3. The statement that special-status plants are not associated with the on-site grasslands habitat is incorrect and is misleading. Both *Balsamorhiza* and *Clarkia biloba* are found locally in similar environments. The City's own botanical consultant, Ray Griffith, stated in his 1991 report that "A portion of the high quality ridge top annual grasslands should be set aside as open space to *protect this unique community*" (emphasis added) (Acorn Environmental 1991). Clearly, in the opinion of the City's botanical consultant, there is something special about these grasslands that has since been dismissed by the City. This fact is corroborated by ECORP's botanist in their evaluation of the site 15 years later.

Dr. Holland, whose presence on the project site was previously questioned, did not concur with Griffith's finding. This disagreement between experts should have been disclosed in the EIR to provide the reviewer the range of opinion on this important matter (CEQA Guidelines Section 15151). The fact that the EIR did not disclose this information brings into question its legal adequacy. This reviewer had to pore through the reference material to come to this conclusion which should have been clearly disclosed in the EIR by the City.

72-9

REIR Section 4.8-Red-Legged Frogs (RLF) - the EIR authors rely entirely on published information that RLF have been extirpated from the valley floor. However, suitable habitat exists for this species in Clover Valley Creek. *At a minimum a reconnaissance-level site assessment using USFWS protocols should have been prepared to document actual habitat conditions.*

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Letter 72 cont'd

72-9
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USFWS staff were concerned about the existence of RLF for the PCWA water pipeline that cut through CV Creek several years ago, and required a formal site assessment for that project's 404 permit. This inconsistency at the federal level generates a level of uncertainty about whether the author of the USFWS federal VELB BO consulted with their internal RLF experts. The fact that the BO did not include a specific discussion of RLF is *not supporting evidence* that the species are not an issue for the Clover Valley project as implied on page 4.8- in the REIR. This simply could be an oversight by a federal agency.

72-10

REIR Section 4.8I-10- Raptor Surveys- based on my own observations as a wildlife biologist, this general area of Rocklin has a healthy and abundant raptor population. Raptors rely on the open space in areas like Bickford Ranch, the Loomis Basin and Clover Valley for forage and nesting. Red shouldered hawks, red-tailed hawks, white tailed kites, great horned owls, barn owls, Northern Harrier, American Kestrels and others have been observed in the valley and are increasingly dependent upon the valley grasslands and nearby oak woodlands in CV and existing open areas for food and nesting due to surrounding urban encroachment.

The City has had ample time to conduct the raptor nest surveys called for in Mitigation Measure 4.8MM-10(a). Nest surveys are time intensive and require substantial effort to be done properly by a qualified wildlife biologist and **could have been easily done during the very labor-intensive detailed tree surveys**. The nest surveys are equal in importance to surveys conducted for listed endangered species as raptors are afforded legal protections under the Migratory Bird Treaty Act (MBTA). These surveys should have been done for the EIR to assist in documenting existing nest sites and disclosing with better specificity and detail the potential magnitude of impacts in the EIR and the sequencing of construction based on these restrictions. The EIR treats this issue generically and leaves the issue for later implementation during construction. Preconstruction nest surveys are used by CEQA professionals when time is of the essence in completing EIRs; however, in this instance there is really no excuse for not conducting the nesting survey and plotting their locations on the tree maps to disclose how these nest sites will be considered during construction activities. A resident of Rocklin would have to wonder why its own city would not require this.

72-11

Biology Section REIR 4.8MM-(15) b- As written, this is not a CEQA mitigation measure that this City Council can adopt and implement. The EIR is a City document and state disclosure process. Committing the Corps of Engineers (COE), a federal agency, to oversee operations and long-term maintenance of a rather small municipal stormwater system is not legally appropriate or within the COE's role on this project.

This text was pulled out of the NOAA BO for the EIR. The COE's federal action involves issuance of a permit for the placement of fill and deals with wetlands and waters of the US *under Clean Water Act Section 404, not under Clean Water Act Section 402*. The City has no control over the COE and the COE has no regulatory authority (in perpetuity) on this issue in the long-term maintenance of the Vortechincs stormwater

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72-11
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filtration system. The SWRCB and the City of Rocklin are the state governmental agencies that have proper authority and jurisdiction to enforce this mitigation measures. The City EIR must describe reasonable and feasible mitigation measures the City of Rocklin can adopt, implement and enforce, or show what actions the City will take to ensure that other agencies will do their jobs. *This impact has not been mitigated because, as currently written, this is an improper CEQA mitigation measure.*

72-12

Page 4.8-27 REIR MM 4.8MM-1(b). This is an inadequate mitigation measure. The details of this "oak tree mitigation strategy" should have been developed for the EIR so as to enable informed decision making by our City Council.

72-13

REIR Page 4.8-22- The City provides a presentation of the General Plan policies related to open space, conservation and recreation but does not provide any policy consistency analysis in the EIR. The EIR does not disclose the city's inconsistency with its own policies. This is a fundamental error in disclosure. The EIR should have disclosed these inconsistencies with specific statements regarding these important General Plan goals and policies in the EIR.

72-14

Chapter 4.5 Air Quality

REIR Page 4.5-10 - Many of these air quality mitigation measures are currently not enforced by the City or the Placer County Air Pollution Control District. The City Police Dept should be required to monitor speed limits at construction sites. How will the City ensure compliance with these measures? More detailed descriptions of enforcement and reporting will be needed in the CEQA mitigation monitoring program. If a mitigation measure is not enforced by the mitigation authority then by definition it is not a mitigation measure.

72-15

Air Speed Mitigation Measure- how will this mitigation measure be implemented and enforced? Will the City Bldg department or PCAPCD enforce this measure? It is general knowledge that the PCAPCD does not have sufficient manpower to ensure implementation of many of their recommended mitigation measures. Who will establish the local air speed monitoring system and report results to whom? As written, it is uncertain what state agency is responsible for this mitigation measure. This measure is commonly recommended in EIRs but to my knowledge and experience it is rarely enforced. A very detailed MMRP is required to ensure compliance with these measures.

72-16

REIR MM 4.5 2a - Bus turnouts- Ridership of local bus transportation by Rocklin residents is minimal to the extreme. Residents that would move into the CV development with home market values expected to be over \$500-\$1M are not of the socioeconomic class that statistically comprise bus ridership. It is fair to assume that bus use by these residents will be a rare adventure. Bus turnouts are an irrelevant "mitigation measure" included in this DEIR. Numerous other adjectives could be applied but won't be here.

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72-17

REIR MM 4.5 2c. The Park and Ride lot located on Sunset Blvd near Bel Air Supermarket sustains very low use and is visibly empty during the work week. These two measures will not reduce ROG and PM10 levels from the project because evidence indicates they will not be used by the general public. As such they do not constitute mitigation of air quality impacts.

The EIR needs to define mitigation measures that will actually mitigate project air emissions.

REIR Chapter 4.7 Cultural Resources

72-18

The cultural resources chapter floods the reader with 19 pages of general discussion of northern California ethnographic information and history of foothill Indians but offers the reader just **one paragraph** describing the actual resources on the site. This gross imbalance of background information in this chapter, given the great body of information available, is not a good faith effort of information disclosure.

72-19

Page 4.7-21. Volume 2 Appendix G is nothing more than a draft version of the EIR chapter and provides no additional information with which to make conclusions. The EIR fails to provide the decision-makers and our citizens a sense of the importance of the resources and their uniqueness when compared to isolated resources typically found on many residential development projects here in Rocklin. Given the vast amount of information available from the federal review process, this short discussion of the onsite resources is a gross oversimplification of the complexity and richness of the cultural resources on this specific site and is a serious disservice to our City Council and community.

72-20

Although the need for confidentiality is understood, the EIR should have at least discussed what resources will be lost and resources that will be recovered. The EIR fails to provide decision-makers with that most basic information.

72-21

Who is the designated Open Space Manager (OSM)? What qualifications will be required of the OSM? What will his responsibilities and authority be on enforcement?

72-22

Given the importance and citizen concern over this issue, it is disheartening to say the least, that the City gave this chapter such short treatment. The EIR preparers could have done a much better job explaining to the layperson the nature of the resources and the process used to ensure their protection.

72-23

Chapter 5.2 Cumulative Impacts

The DEIR fails to properly disclose that the project must mitigate to the extent practicable for their cumulative contributions to Nox, Sox and ROG and comply with the PCAPCD mitigation for paying for offsets and emissions. The PCAPCD has a threshold of 10 lbs/day for NOX and requires mitigation. *The REIR did not expressly disclose the incremental project contributions to the regional NOX issue. Therefore, according to*

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CEQA Guidelines Section 15088.5, the REIR must again disclose this significant impact to the public through recirculation of the REIR.

72-24

REIR Page 5-2. The City does not provide the boundaries for their cumulative impact discussion. The reader has no way of knowing if it is from a general plan level or within the CV watershed.

72-25

On REIR page 5-4, the EIR does not provide any factual information or evidence (either through a literature citation, expert opinion or personal communication) to support a conclusion for LTS cumulative impacts to cultural and paleontological impacts. The conclusion is unsupported by any data or evidence. The impacts to this potential archeological district and loss of this intact Nisenan tribal site in western Placer County is a significant cumulative impact in the strictest sense that cannot be mitigated and *must be overridden by the City or mitigated through project modifications*. The EIR fails to correctly disclose this impact. Recirculation is required.

REIR Chapter Alternatives Selection

72-26

The EIR does not disclose the specific criteria used to determine the alternatives to the project that were considered in the EIR. The EIR restates a lot of basic citations from the CEQA guidelines and presents information on the alternatives dismissed from previous EIRs but does not tell the reader how it judged the various alternatives offered by commentors. Alternatives that reasonably meet the project goals and objectives and avoid or reduce impacts from the proposed project are the foundation of CEQA analysis. Linkages between project goals and objectives and the project alternatives are not provided. SCV provided numerous alternatives to be considered during the NOP phase. The City did not provide a cogent description of the factors considered in selecting the range of alternatives considered in the EIR. The reader is expected to infer these details without being told them explicitly. Other feasible options, such as clustered development with fewer units, should have been considered that reasonably meet the project goals and objectives.

We look forward to reviewing the City's responses to these comments.

Regards,



Doug Brewer



Dave Bennett

LETTER 72: BREWER, DOUG AND DAVE BENNETT (MARCH 15, 2006)

Response to Comment 72-1

The comment is introductory; therefore, a response is not needed.

Response to Comment 72-2

The RDIER explains on page 4.8-12 that CEQA does not require mitigation for CNPS listed special status plants unless the species are federal or State-listed. Big-scale Balsamroot, Brandegees Clarkia and Stinkbells are not federal or State-listed. Previous botanical studies failed to find CNPS listed plants at the project site. Upon reviewing the July 2005 California Natural Diversity Database (“CNDDDB”) map ECORP concluded there is little probability of CNPS listed species occurring at the project site. Even so, ECORP noted that past botanical work was somewhat dated and recommended follow-up surveys targeting special status plants. (RDEIR Vol. II, App. I, p. 5)

ECORP commissioned Dittes & Guardino Consulting to conduct a special status plant species investigation to determine whether special status plants occur at the project site. (*Special-Status Plant Species Investigation Conducted for the Proposed Clover Valley Subdivision*, July 17, 2006) The investigation included a pre-field investigation query of the 2005 California Natural Diversity Database (CNDDDB) and a review of the 2001 California Native Plant Society’s Inventory of Rare and Endangered Plants of California for Placer County (CNPS). The evaluation targeted three CNPS List 1B plants; Brandegees Clarkia, Big-Scale Balsamroot and Sanford’s Arrowhead. “Stinkbells”, a CNPS List 4 species, was determined not likely to occur at the project site based on known geographic distribution and recorded soil associations.

Field surveys totaling approximately eight person-days were conducted. Plants were identified to the taxonomic level necessary to determine legal status and scientific significance. Surveys were timed so that all targeted species were identifiable. Even though Stinkbells was long past flowering, the investigation searched for dried Stinkbell fruit.

The Dittes investigation revealed none of the three targeted CNPS List 1B species were occur within the Clover Valley Project. Nor were any other rare or threatened or endangered plant species encountered during the survey. (Dittes, p. 5) No further mitigation is called required. Also see Section 1 of Master Response 8 – Biological Resources.

Response to Comment 72-3

See Section 1 of Master Response 8 – Biological Resources.

Response to Comment 72-4

See Response to Comment 72-2

Response to Comment 72-5

See Section 1 of Master Response 8 – Biological Resources..

Response to Comment 72-6

See Section 1 of Master Response 8 – Biological Resources..

Response to Comment 72-7

See Section 1 of Master Response 8 – Biological Resources.

Response to Comment 72-8

Please see response to comment 43-168 and 72-2 with respect to CNPS listed grassland species.

Response to Comment 72-9

Additional surveys were conducted prior to release of this FEIR, for a list of these additional studies see Section 1 of Master Response 8 – Biological Resources. These studies included Foothill Yellow-Legged Frog (FYLF) Habitat Assessment and Survey. The visual-encounter survey conducted for the FYLF determined that “Bullfrog tadpoles and juveniles were observed... and were the only amphibian documented within the surveyed sections of Clover Valley Creek.”

This combined with the BO, which did not indicate the presence of RLF in and around the proposed project area, would indicate that the development of the proposed project would not be expected to result in a significant impact.

Response to Comment 72-10

The commenter states that they would have preferred raptor surveys to be conducted prior to the release of the DEIR rather than including pre-construction surveys as mitigation measures. However, because the studies would still take place, and the surveys would be conducted prior to construction, any impacts associated with the presence of raptors would be reduced to a less-than-significant level.

Response to Comment 72-11

The comment is correct. See Response to Comment 46-11.

Response to Comment 72-12

Mitigation for loss of oak trees removed for the off-site sewer line (4.8MM-1(b)) 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 Ordinance).

Response to Comment 72-13

The comment mentions concern regarding the proposed project's consistency with conservation and recreation plans set forth in the City's General Plan. However, the comment does not address any specific points of concern. For a discussion regarding the proposed project's impacts regarding oak tree conservation, see Master Response 8 – Biological Resources. For further information regarding the 50-foot setbacks from Clover Valley Creek, see Section 1 of Master Response 2 – Land Use.

Response to Comment 72-14

Mitigation Measure 4.5MM-1(a) provides that the applicant will prepare and submit to the City Engineer and Placer County APCD a dust control plan that must be approved prior to issuance of a grading permit. Mitigation Measure 4.5MM-1(a) further requires designation of a person or persons to monitor the dust control program. Monitoring would be conducted by the dust control monitor, city building inspectors and PCAPCD inspectors if complaints are received.

Response to Comment 72-15

The implementation and enforcement of the wind speed mitigation measure would be determined during review and approval of the dust control plan that must be approved by the City Engineer and Placer County APCD prior to the issuance of a grading permit.

Response to Comment 72-16

The bus turnout mitigation measure has been required for other suburban developments within Placer County, and its inclusion was requested by the Placer County Air Pollution Control District. While admittedly unlikely to reduce project traffic substantially, it is part of a comprehensive effort to reduce emissions from all sources associated with the project.

Response to Comment 72-17

The park-and-ride mitigation measure has been required for other suburban developments within Placer County, and its inclusion was requested by the Placer County Air Pollution Control District. While admittedly unlikely to reduce project traffic substantially, it is part of a comprehensive effort to reduce emissions from all sources associated with the project.

Response to Comment 72-18, 72-19, & 72-20

Table 4.7-2 (RDEIR at 4.7-22, 23) discloses the archaeological 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. See Master Response 7 – Cultural Resources.

Response to Comment 72-21

The Open Space Management Plan ("OSMP") is in draft form and will be approved as part of the federal NHPA Section 106 process. The Preserve Manager 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. See Master Response 7 – Cultural Resources.

Response to Comment 72-22

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 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. (See Section 2 of Master Response 7) 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. See Master Response 7.

Response to Comment 72-23

See Response to Comment 2-9 and 28-5.

Response to Comment 72-24

Cumulative contexts vary from chapter to chapter depending on the issue area and are noted appropriately within each cumulative discussion in Chapter 5.

Response to Comment 72-25

The statement identified on page 5-4, which notes that cumulative impacts to cultural and paleontological resources are less-than-significant, is a summary of the discussion provided on page 4.7-40. The summary of the cumulative effects on cultural resources is not intended to provide a full justification for why a less-than-significant impact was found, but merely summarizes the conclusion. As noted in the Cultural and Paleontological Resources chapter on page 4.7-40, the less-than-significant conclusion is supported by the argument that because the Rocklin General Plan EIR did not find cumulative impacts to cultural and paleontological resources to be significant, and because of mitigation identified in the chapter, the impacts resulting from the project would be less-than-significant.

Response to Comment 72-26

As noted on page 6-1 of Chapter 6 in the DEIR, alternatives are chosen which would “feasibly attain the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project,” as required by CEQA Guidelines section 15126.6(a). Page 6-5 of the Alternatives Chapter notes which alternatives were considered for analysis in the DEIR and explains why they were not selected as alternatives. Reasons stated include the infeasibility of the alternatives or their lack of meeting most project objectives. Alternatives were thus selected based on their ability to meet most of the project objectives while reducing some of the effects of the project.