

## Letter 121

**David Mohlenbrok**

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**From:** Ymr71@aol.com  
**Sent:** Friday, March 03, 2006 11:50 AM  
**To:** David Mohlenbrok  
**Subject:** Clover Valley

121-1

I am a Rocklin resident who would like to see NO development in the Clover Valley area. We moved to the Springfield development because it is quiet and surrounded with open space. The traffic on Park Ave will be very disturbing to say the least, if more homes are built.

Rosemary Houston

03/03/2006

**LETTER 121: HOUSTON, ROSEMARY**

**Response to Comment 121-1**

This comment states the commenter's opinions regarding the project and does not address the adequacy of the EIR.



Raul & Cheryl Euan  
5225 Bay Street  
Rocklin, Calif. 95765

Dear Sirs,

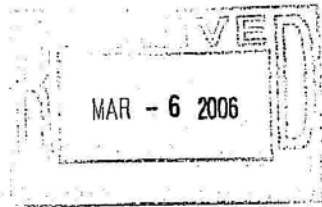
**Letter 122**

122-1

I am a Homeowner/Taxpayer of Rocklin, having moved to Rocklin in 1995. The beauty and attraction of this area is it's open and undeveloped natural areas. I have watched as one wooded hillside after another or a beautiful panoramic view of the Sutter Buttes and the Sierra Nevadas have gone covered or hidden behind a maze of gated communities and privacy fences. It would seem the beauty of this area is increasingly open to only those with the largest billfold, and City of Rocklin planners need to think of all of our and our children's legacies when making seemingly "everyday" business decisions which extend beyond the understanding of their lifetimes. Cookie-Cutter "Estates" can be built anywhere. There will never be another Clover Valley. City of Rocklin Taxpayers/Homeowners have chosen to pay higher than normal property taxes because we value our surroundings, and the wisdom of preserving and not developing the natural beauty and open spaces in Rocklin, such as Clover Valley. I Believe all citizens of Rocklin should have the right to have an unspoiled and natural environment as rare as Clover Valley, and are willing to pay for it with thoughtful consideration and planning. City of Rocklin Planners and David Mohlenbrok, I urge you to make the right decision regarding Clover Valley.

Hopefully,

Cheryl Jarne-Euan



**LETTER 122: JARNE, EUAN, CHERYL**

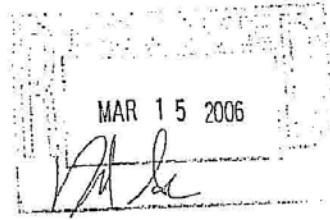
**Response to Comment 122-1**

This comment states the commenter's opinions regarding the project and does not address the adequacy of the EIR.

## Letter 123

March 13, 2006

Sherri Abbas  
Planning Services Manager  
3970 Rocklin Road  
Rocklin, CA 95677



RE: CLOVER VALLEY RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)

Thank you for the opportunity to review the Clover Valley DEIR. The following is separated into two sections. The first section consists of comments on the accuracy and comprehensiveness of the DEIR. The second section addresses discrepancies between the Notice of Preparation (NOP) of September 12, 2005 and the DEIR released January 17, 2006.

### SECTION ONE—Comments on the Clover Valley Recirculated DEIR

123-1

Realizing the amount of time and work the DEIR entails, in light of the denial of repeated requests from citizens for a reasonable time extension, it must be noted that CEQA does have specific recommendations: Section 15141. Page Limits, states: "The text of draft EIRs should normally be less than 150 pages and for proposals of unusual scope or complexity should normally be less than 300 pages." It appears likely that the Clover Valley DEIR, including both Volumes I and II (or possibly either one) are more than those recommendations. The last-minute 9-day extension that was granted on the original deadline date, although quite welcome, came too late and was too short for many citizens as well as public agencies to adequately comment.

123-2

The DEIR has omitted pertinent information, overlooked additional potentially significant environmental impacts, and failed to recognize feasible mitigation measures. But perhaps the biggest obstacle to public review of this DEIR is constant reference to incomplete documents, or documents that are to be planned or likely to change, giving the impression that this DEIR was released prematurely. Unable to review complete plans, we are asked to evaluate the feasibility or adequacy of mitigation measures covered by non-existent, hypothetical plans, which is impossible. **Therefore, please correct the failings addressed, require plans and programs be completed for public review, and recirculate the Draft EIR for comments.**

123-3

Throughout the DEIR, reference is made to the Developer Agreement (DA) signed in December 1997. In granting immunity to the applicant from the 25% General Plan (GP) threshold for oak tree removal by exempting roadway tree removal, the City effectively plants an incentive for the applicant to build more roadways, needed or not. Because the DA resulted in entitlements that impacted the environment (tree removal and immunity from usual mitigation measures, exemption from phasing tree removal constraints, roadways, and others), **was the DA subject to CEQA? If so, why wasn't an EIR prepared for the DA? Did the public have an opportunity to comment on**

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↑ **the DA as an adequate or appropriate Mitigation Measure (MM) for impacts to this project under the CEQA umbrella?**

Page 3-11, Project Objectives:

123-4

**No. 1.** The applicant's objective of increased housing "in close proximity to existing transportation corridors" is a lofty idea. **Please describe where these "close proximity" transportation corridors exist. If the reference refers to the proposed Valley View Parkway, how can the homes at the south end of the proposed project (over a mile from the proposed corridor) be considered "close"?**

123-5

**No. 2.** The applicant's objective of a "reasonable rate of return" needs more detailed examination and clarification, especially in light of using economic "infeasibility" claims that result in "unavoidable impacts," less vigorous mitigation measures (MM), and "unavoidable" impacts. Since reportedly the property was for sale in the late 70's and 80's for 1.5 million dollars and could not secure a buyer, the sales price was reduced to "take over payments." Reportedly, it remained unsold, but one partner eventually purchased the property from the other existing partners at that time. As entitlements were gathered, the current partners' attempts to sell the property as a speculative venture continued throughout the 90's and early 2000's. Again, escrows did not close, and no sales were completed.

Potential buyers would assess the property as having too many sensitive issues (wetlands, woodlands, wildlife, steep slopes, prehistoric sites, creek, etc.) and impacts and would walk away from a purchase. However, if inquiries to purchase were made, the price tag would inflate upwards in millions of dollars within weeks.

**Since the DEIR contains reference to a "reasonable rate of return," what is that reasonable rate and how is it being used to influence "feasible" thresholds in the MM's?**

**Would a purchase in the late 70's or 80's for possibly less than one million, followed by decades of failed sales, and a sale price reported at \$100 million in 2005 constitute a reasonable return? How does this rate of return influence "infeasible" mitigation measures when based on economic considerations?**

**Is the applicant's objectives of a "reasonable return" on this speculative venture being guaranteed by the City via this DEIR? Should the applicant's objective override the larger objectives of protecting the public's health and safety as well as protecting the many natural and cultural resources?**

**Please explain the relationship between feasibility and reasonable rate of return and how these factors influenced decisions derived in this DEIR. Please explain how economic feasibility under CEQA can be applied to this project given the applicant's investment totals to date.**

Cultural Resources:

123-6

↓ **Page 4.7-33, I-1.** Under the cloak of "sensitive nature" of information, we are not being allowed to review the management plan(s). This is unacceptable since a management plan can be described without revealing site locations. However, the DEIR

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↑ states that the temporary orange construction fencing will be installed to avoid short-term impacts. **Won't the location of orange fencing pretty much inform anyone who looks down into the valley as to the specific site location of the "sensitive information"?**

123-7

Assuming information in the Peak and Associates cultural report is correct, then it appears that the bike path, Nature Trail Way, Forest Clover Road, Wild Ginger Loop, as well as numerous residential units will be constructed directly over, in contact with, or adjacent to a prehistoric site. It appears that all but approximately six sites will be directly impacted by this proposed project. Yet the public is not to know this information. It is one thing to keep the location of the sites confidential; however, for a number people who do know where the sites are located, and have compared the prehistoric sites locations with the proposed project, we can only lament (1) the ruse that is being foisted on the city, the public, and descendants of the Nisenan, Maidu and Miwok with hollow claims of avoiding the sites, and (2) the lack of reverence being demonstrated by deliberate destruction/desecration and compromise of the integrity of the sites.

Instead of addressing the impacts to the sites, the DEIR addresses a diversion: Namely, that data recovery excavations may not occur prior to the initiation of construction and THAT delay would result in a potentially significant impact. This is then mitigated to less than significant with inadequate and inappropriate "sensitivity training" for construction personnel, orange fencing, and recovery excavations for possibly eight sites. Once a known site or a newly discovered site is disturbed by huge construction equipment, the irreversible destruction is done. The integrity of the site is destroyed. The monitor and the now-sensitized bulldozer operator can only say, "Oops" and carry on with the work. **An appropriate, feasible mitigation for this impact is glaringly obvious: Postpone the initiation of construction until data recovery excavations can be conducted. Why isn't that alternative MM considered?**

123-8

By focusing on only one data-recovery-timing impact to the cultural resources in light of the destruction and compromise that will occur on approximately 28 prehistoric sites that are highly regarded due to their setting and integrity, and then reducing that one impact's significance with dubious MM, the CEQA process is mocked and violated. By ignoring major impacts to approximately 28 prehistoric sites that will be destroyed forever with trails, roads and residences (not just for Native Americans but for all citizens), significant impacts that can be reasonably and feasibly mitigated with avoidance are also ignored and omitted. By destroying approximately 28 prehistoric sites, opportunities to gather information that could unlock many archaeological mysteries, opportunities for National Registry and formation of an Archaeological District, will all be lost forever. **Please provide meaningful thresholds of significance for this destruction, provide adequate MM, and recirculate for public review.**

123-9

↓ The City of Rocklin's General Plan, Action Plan for Open Space, Conservation, and Recreation Needs, #15 (page 61) states: "The City will require that an archaeological easement to the City of Rocklin be recorded over all significant archaeological sites to be preserved. Such easements shall provide for scientific and cultural research on the

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property with City approval.” This is followed with Policies 1 thru 4, all of which reinforce the stated goal.

With the honor and privilege of having unique prehistoric sites within the city limits comes the responsibility to protect and preserve. The violation of the intention of the General Plan is monumentally significant, must be analyzed and mitigated appropriately. **Please provide the public with adequate information as to the value of the 33 prehistoric sites, with appropriate designations of significance, and adequate MM that conform to the intention of the General Plan. Please analyze all impacts to the 33 prehistoric sites in their unique and valuable existing conditions, and follow CEQA mandates for public review.**

Biological:

123-10

Page 4.8-37, 4.8 I-9—Loss of oak woodland habitat. Even after a discussion of the value of the oak woodlands and the impacts of their loss, even after acknowledging removal of over 26% of the existing oaks, the DEIR states that because 75% are preserved [primarily on steep slopes], because public road and sewer line losses are not to be considered, and because most of the oak trees removed are isolated from, or at the edges of the stands, then the impact would be considered less than significant. Without the developer agreement, this magnitude of oak removal (26%) would have required a minimum 2 to 1 replacement (or TDBH inch-for-inch replacement) MM under the City’s Oak Tree Preservation Policy. Even with the developer agreement, 25% removal was the threshold, but with the exemptions, discounts, and allowances, the project is being absolved from obligations that others must meet. **Because the tree removal impacts are significant, and because adequate MM are not required, please explain whether or not the developer agreement is subject to CEQA review? Please explain how a DA can legally supercede an Oak Tree Preservation Policy and a General Plan?**

123-11

The Biological Opinion (BO) from NOAA that is referenced on page 4.8-13 (duplicated on page 7 of the ECORPS report in Vol I), and mentioned again in the MM section 4.8-54 & 55 and elsewhere throughout the DEIR, is **not readily available**. It is NOT listed in the Federal “Regulatory Context” lists (page 4.8-20), nor in any References/Endnotes that I can find. **Is it something generic that everyone is supposed to know about? (As I assume the “NOAA Fish Passage Guidelines” must be).** The DEIR indicates this NOAA document is specific to the CV project. **Please provide this document for public reference and recirculate the DEIR for review.**

123-12

The DEIR dismisses NOAA’s recommended 75 feet buffer recommendation by constantly referencing the discretionary “should” “encourage” and “consider” verbiage. NOAA fisheries does not arbitrarily throw darts or use a weegie board to come up with its figures for setbacks. They are based on years of national experience and represent the best data available. To try to scrimp on the setbacks in an area that has exceptionally steep slopes on both sides of the creek, especially in the proposed residential areas where steep slopes will send sheets of water and sediment down into the creek is to invite creek pollution.

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If NOAA's reasoning is not convincing enough, California Department of Fish and Game (DFG) reinforces NOAA's recommendations in their NOP statement, "... eliminating any and all proposed urban development proposed immediately adjacent to Clover Valley Creek (lots 71-95)." (Item 7) **Please enforce the NOAA 75 feet recommended buffers as well as the DFG's suggestion.**

123-13

Not content to ignore the 75 feet buffers, the project proponents use the DEIR to defend the encroachment of even the 50 feet buffers by putting a blatant spin on "balancing acts" (page 4.8-32). In a feeble attempt to convince the public that we must choose between development and protection of resources, a gross insensitivity to environmental concerns is revealed. Protecting the environment, the health and safety of our own habitat, our own nest, the greater good for the majority of people, is a higher priority than any development, let alone a few homes in a speculative development.

But because "balancing act" is in this DEIR for review, the City needs to perfect the balancing act and even the scales: As an open space alternative, reduce the project to 100 units—50 units on 25 acres at the north end and 50 units on 25 acres at the south end. Leave the remaining 572 acres as open space wildlife preserve, museum, non-invasive trails, cultural/nature interpretive centers—the perfect balancing act if "balancing" is indeed a genuine objective.

For the 75 feet recommended buffers to be encroached is significant enough; but to then encroach upon the 50 feet buffers and to use a "balancing act" as a defense in a DEIR suggests a total disregard for the CEQA intent and process. To further claim that since the sewer line improvements will be underground and not regularly accessed, they also can encroach within the 50 feet buffer zones, and all will be less than significant to the riparian areas both on and off the project site so no mitigation is necessary, is unacceptable.

To adequately review this portion of the DEIR, **distances must be provided on each of the encroachments (no measurements are given as to the degree of encroachment)**. A look at the maps indicates that there may be many more encroachments than just what is mentioned along Nature Trail Way. **The impacts from all the encroachments (bike trail, residential units or their fencing, on and off site sewer line, or any others) are significant and must be mitigated. Please reveal all distances, evaluate the impacts, and provide the information to the public for review.**

123-14

An open space alternative potential (referenced above) would conform to Rocklin's General Plan (Action Plan for Open Space, Conservation, and Recreation Needs; Page 60, Item 4): "The City will investigate the availability of, and consider applying for, state and federal grants to be used for the preservation and enhancement of open space, conservation, and recreation areas." **Please explore the many sources of funding to acquire open space easements for 572 acres of the ecologically sensitive center portions of the Clover Valley proposed project.**

123-15

Low Impact Development (LID) principles do not appear to have been considered for this proposed project. **Please incorporate LID principles into the project.**

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123-16

This project violates many of Rocklin's 1991 General Plan policies. Under Open Space, Conservation and Recreation Element, on page 9, Policy 3 states, "To encourage the protection of historically significant and geologically unique areas and encourage their preservation. Most communities might not even have this policy because they would have nothing to protect. But Rocklin has not only an incredibly significant historical site (probably rated by archaeologists as one of the richest in the country), but also one of the most geologically unique areas located in one narrow two-mile stretch. **The intent of the GP policy is obviously to protect it. Please meet the mandated obligations of the city to follow the policies and to protect the resources found in the city.**

123-17

Page 1.11-16 to 20--Construction-Phase Erosion. The extent of the MM illustrates the problems inherent in this proposed project, especially with erosion problems. We are informed that the entire 309 + acres will be graded en masse, and then we must evaluate many pages of MM to offset possibly 5 to 7 or more years of ruined landscape that has been scraped and that may sit idly while sheets of sediment foul the viable creek.

"High risk areas" are described and appear to apply to the entire project. In light of mass grading, **how can the high-risk area grading be scheduled to avoid the rainy season? If all is graded at once, how can the directive to not schedule more "active disturbed soil than can be managed"....be enforced?**

123-18

The applicant must not be allowed to grade the entire 309 acres at once. A major impact from grading 309+ acres at once and then possibly having them sit for 5 to 7 or more years is ruinous to wildlife, the creek, and the aesthetics, to mention a few. The impact from this type of destruction (all grading done at once, whether construction is to be completed or not) must be analyzed for what it is—a blatant destruction of wildlife habitat, with potential devastating impacts on environmental and cultural resources.

The health and safety risks this type of mass grading creates for years for downstream residents reeks of irresponsibility. Mass grading of this magnitude may have a place in some "flat" developments, but not in this proposed development when the fragile ecology and lives downstream are at stake. The City needs to take a more proactive position in protecting citizens and the environment from the lack of study, analysis or concern for impacts of mass grading. **Please follow the intent of the General Plan and not allow the mass grading to occur. Please analyze the impacts of grading half the project site and then waiting for favorable market conditions to complete.**

123-19

Each "phase" must be graded and completed as a unit. To destroy the entire landscape for years is not acceptable. There are no guarantees that the housing market will be conducive to completing the project, but the damage will have been irreversibly done.