

Jessica Hankins

Letter 20

From: Don Ballanti [dballanti@comcast.net]
Sent: Wednesday, February 22, 2006 10:14 AM
To: Jessica Hankins
Subject: Clover Lakes Typos

20-1

The Placer County APCD review of the ADEIR revealed two typos in Table 4.5-3. I've attached a file that contains that table with the errors corrected. Please incorporate these changes in the next draft of the document.

3/1/2006

**Table 4.5-3
 Construction Emissions for Project**

Construction Phase	ROG	NO_x	CO	PM₁₀
Site Grading	53.0	385.3-347.6	441.4	1208.6
Building Construction	16.1	98.1	129.0	45.3-4.1
PCAPCD Significance Threshold	82.0	82.0	550.0	82.0
Note: The significance thresholds apply to each phase of construction separately, not additively, because the phases would occur sequentially and the construction emissions would not thus not be cumulative. Source: Donald Ballanti, Certified Consulting Meteorologist.				

LETTER 20: BALLANTI, DON, CONSULTING METEROLOGIST

Response to Comment 20-1

The comment refers to two typographic errors in RDEIR Table 4.5-3, in which project-related NO_x and PM10 emissions are overestimated. The corrected table is provided below.

Table 4.5-3 Construction Emissions for Project				
Construction Phase	ROG	NO_x	CO	PM₁₀
Site Grading	53.0	385.3 347.6	441.4	1208.6
Building Construction	16.1	98.1	129.0	15.3 4.1
PCAPCD Significance Threshold	82.0	82.0	550.0	82.0
Note: The significance thresholds apply to each phase of construction separately, not additively, because the phases would occur sequentially and the construction emissions would not thus be cumulative. Source: Donald Ballanti, Certified Consulting Meteorologist.				

This is a minor change, which indicates a reduction in total emissions, is included for clarification purposes.

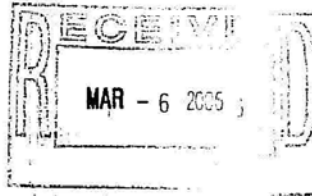
Letter 21



CALIFORNIA NATIVE PLANT SOCIETY

The mission of the California Native Plant Society is to increase understanding and appreciation of California's native plants and to preserve them in their natural habitat through scientific activities, education, horticulture, and conservation.

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



March 3, 2006.
Subject: Clover Valley Recirculated DEIR

Dear Ms. Abbas:

I am writing on behalf of the Redbud Chapter, California Native Plant Society, with members in Placer and Nevada County. The California Native Plant Society is a non-profit statewide organization dedicated to the preservation of California's native flora. The following are our chapter's comments regarding the Clover Valley Recirculated DEIR of 2006.

Botanical surveys:

21-1

The botanical surveys used in the Recirculated DEIR were conducted in 1991 and 1992 by Acorn Environmental. This fieldwork is not recent enough to be acceptable for such a large scale project in Placer County. In addition, botanical surveys need to be conducted when plants can be identified. For example, *Fritillaria agrestis*, is mentioned as a possible special status species with potential to occur within Clover Valley. Directed searches for this species should take place in late February and early March.

Volume 1, Chapter 4.8, page 12:

21-2

The report states on this page that certain "species do not require mitigation because they are not federal or state listed as Endangered, Threatened, Fully Protected, or Species of Special Concern". The whole intention of the 1973 Endangered Species Act is to prevent extinction and to plan for the recovery of endangered species.

The *Inventory of Rare and Endangered Plants* published by CNPS is based on field research and scientific evaluation. Many plants that are not listed by the federal or state governments are included in the CNPS *Inventory*. CNPS designates categories such as List 1B or List 4 to inform the public about rare plants. If populations of already rare plants (List 1B or List 4) continue to be ignored by planners and developers, the situation will become worse. Recovery plans to bring species back from the brink of extinction are expensive.

List 1B are plants rare, threatened or endangered in California and elsewhere. Usually there are less than 50 extant occurrences of List 1B plants. Under the California Environmental Quality Act it is mandatory that they be fully considered during preparation of environmental documents.

Included on List 4 are sensitive plants of limited distribution. CNPS strongly recommends that List 4 plants be evaluated for consideration during preparation of environmental documents relating to CEQA.

Letter 21 cont'd

21-2
cont'd

The Rocklin area is one of the fastest growing areas in our state with rapid, drastic, and irreversible changes happening in the local environment. Redbud Chapter objects to the statement that the sensitive species that have potential to occur at Clover Valley or, in the case of *Quercus lobata*, Valley Oak, do grow there, are to be ignored or written off as unimportant.

Oak Woodlands:

An estimated 185 acres of oak woodland, 29% of the project, and 7,500 oak trees would be destroyed if the Clover Valley Lakes project is built. Homes and roads already surround Clover Valley. Clover Valley is geographically quite close to and similar to the Bickford Ranch development with its loss of hundreds of oak trees.

The Blue Oaks and Valley Oaks that grow at Clover Valley are trees that are found only in California. The proposed development will destroy an environment that supports whole ecosystems and replace it with more buildings, roads, and exotic landscaping. The Rocklin community should place the highest value on preserving its beautiful and unique native California Oaks and reject the proposed project for Clover Valley.

From the Atlas of the Biodiversity of California
Published by: California Dept of Fish and Game 2003
Article author: Barrett Garrison

21-3

"Oak woodlands occupy approximately 10 million acres or 10% of the state.

*Oak woodlands support a large number of plant and animal species. Some 5,000 species of insects; more than 330 species of amphibians, reptiles, birds and mammals; and several thousand plant species live in these woodlands. Some of California's more characteristic wildlife, including acorn woodpecker (*Melanerpes formicivorus*), mule deer (*Odocoileus hemionus*), mountain lion (*Puma concolor*), California quail (*Callipepla californica*), and western scrub jay (*Aphelocoma californica*), and western gray squirrel (*Sciurus griseus*) are found in these habitats.*

Approximately 50 species of birds and mammals eat acorns, an important value of oak woodlands to the state's wildlife.

Because of their beauty, favorable climates, and location, California oak woodlands are desirable places for houses, golf courses, businesses, vineyards, and orchards. Oak woodlands are being reduced by these developments. Habitat is also being modified by the cutting of oaks for firewood. All Californians should carefully consider the long term effects of various land use practices if we are to conserve oak woodlands for future generations."

Yours truly,



Karen I. Callahan
Rare Plant Coordinator,
Redbud Chapter, CNPS
P. O. Box 818,
Cedar Ridge, CA 95924-0818

LETTER 21: CALIFORNIA NATIVE PLANT SOCIETY, REDBUD CHAPTER

Response to Comment 21-1

Mitigation Measure 4.8MM-4(e), on RDEIR page 4.8-31, requires the project applicant to sponsor a determinate survey for Sanford's arrowhead, a federal Species of Concern, within one year prior to construction and during the appropriate blooming season for the species. At the applicant's discretion, further directed surveys targeting California Native Plant Society (CNPS) listed plant species may be conducted; however, no legal requirement exists for the applicant to conduct such surveys, since only species listed as Threatened or Endangered require mitigation under the California and Federal Endangered Species Acts. Please refer to page 4.8-5 of the RDEIR.

Also see Section 1 of Master Response 8 – Biological Resources.

Response to Comment 21-2

As noted on page 4.8-12 of the RDEIR, surveys conducted on-site by Acorn Environmental Consulting and Dr. Robert Holland failed to reveal the presence of legally protected special-status plant species, or any CNPS List 1B species. Please refer to Response to Comment 21-1.

While Valley Oak (CNPS List 4) occurs on the site, the removal of individual valley oak trees during implementation of the proposed project would not constitute a violation of applicable laws or regulations affecting the site. Nonetheless, the RDEIR acknowledges that implementation of the proposed project would result in significant and unavoidable impacts to oak trees. Please refer to RDEIR pp. 4.8-25 to 4.8-27.

Response to Comment 21-3

The comment does not address the adequacy of the RDEIR.

Letter 22

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BOARD OF DIRECTORS

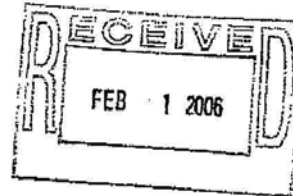
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- Lyon Barris
- Michael Beck
- Kally McDonald

January 30, 2006

David Mohlenbrok
City of Rocklin
Community Development Department
3970 Rocklin Road
Rocklin CA 95677

Re: Clover Valley RDEIR

Dear Mr. Mohlenbrok:



ADVISORY COUNCIL

- Norman Assman
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- J. K. Szekli
- Ginger Strong
- Sonnie Tamez
- Jack Vartan
- Charles Waeren
- Richard Wilson

22-1

The California Oak Foundation (COF) writes to advise the City of Rocklin that the Clover Valley RDEIR is in violation of Public Resources Code (PRC) §750 *et seq.*, Professional Foresters Law and California Environmental Quality Act (CEQA) Guidelines §15149, Use of Registered Professionals in Preparing EIRs.

The Clover Valley RDEIR and previous versions of the EIR failed to utilize the services of a Registered Professional Forester to quantify site conditions, oak habitat impacts or mitigation measures as required by PRC §750 *et seq.* and CEQA Guidelines §15149. Therefore, the Clover Valley RDEIR oak woodland findings are illegal.

The Board of Forestry has sent the attached letter informing Lake County officials of Professional Foresters Law relevance when characterizing oak woodlands under CEQA processes. The Board letter was prompted by the failure of the City of Clearlake to comply with state law for a housing/golf course development. Two project consultants are facing state disciplinary action.

22-2

Although it is pointless to comment on an illicit EIR, COF must mention that the 1997 Development Agreement oak tree preserve doesn't constitute an oak woodlands mitigation measure. If a project has a significant impact, it is not a mitigation to say you will not add to it. As the RDEIR admits, Clover Valley oak woodland impacts remain significant even with the proposed oak preserve. The RDEIR deems project oak woodland impacts unavoidable. This fact, however, does not relieve the applicant from the CEQA responsibility to provide "feasible" and "proportional" oak habitat mitigation. The Clover Valley project must mitigate the remaining substantial oak woodland impacts.

COF urges Rocklin to immediately halt the Clover Valley project review until such time as a lawful CEQA oak woodlands evaluation is conducted. Failure to obey state laws naturally would result in enforcement actions.

TECHNICAL ADVISORS

- Roger Boudaert
- Ron Cowan
- Rosemary Dagitt
- Rob Gross
- Walter Mark
- Doug McCreery
- Noem Pillabury
- Malcolm Sprout
- Rick Standiford

Sincerely,

Janet Cobb
Janet S. Cobb, President
California Oak Foundation

attachment

cc: Clover Valley Foundation



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Letter 22
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CITY OF ROCKLIN CDD

PAGE 03/04

STATE OF CALIFORNIA—THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

**BOARD OF FORESTRY AND FIRE PROTECTION
PROFESSIONAL FORESTERS REGISTRATION**

P.O. Box 944246
SACRAMENTO, CA 94244-2460
Website: www.bof.fire.ca.gov/licensing/licensing_main.html
(916) 653-8031



January 9, 2006

Mr. Anthony Farrington, Chair
County of Lake Board of Supervisors
255 North Forbes Street
Lakeport, California 95453

Dear Mr. Farrington,

This letter is in response to the growing misconception regarding the application of the Professional Foresters Law (PFL), within the context of the California Environmental Quality Act (CEQA). As you may be aware, the PFL became effective on January 1, 1973, one year prior to the effective date of the Z'berg-Nejedly Forest Practice Act. With the passage of the PFL, the Legislature declared the existence of a public interest in the management and treatment of California's forest resources, and regulates all persons who practice the profession of forestry. The intent of the Law is to provide the consuming public with a source of forest management experts—knowledgeable, trained, experienced and skilled in the scientific fields relating to forestry.

Though the PFL is often characterized as applicable only to activities related to the Forest Practice Act, i.e. preparation of Timber Harvest Plans (THP's, NTMP's, etc.) the PFL is in fact far broader in scope and no less applicable to oak woodlands or any other forest type. Public Resources Code (PRC) §750, *et seq.* states that only a Registered Professional Forester (RPF) may practice forestry on non-federal, forested landscapes.

Forestry is defined as,

...the science and practice of managing forested landscapes and the treatment of the forest cover in general, and includes, among other things, the application of scientific knowledge and forestry principles in the fields of fuels management and forest protection, timber growing and utilization, forest inventories, forest economics, forest valuation and finance, and the evaluation and mitigation of impacts from forestry activities on watershed and scenic values... (PRC §753)

Forested Landscapes are defined as,

...those tree dominated landscapes and their associated vegetation types on which there is growing a significant stand of tree species, or which are naturally capable of growing a significant stand of native trees in perpetuity, and is not otherwise devoted to non-forestry commercial, urban, or farming uses. (PRC §754)

22-1
cont'd

CONSERVATION IS WISE—KEEP CALIFORNIA GREEN AND GOLDEN

PLEASE REMEMBER TO CONSERVE ENERGY. FOR TIPS AND INFORMATION, VISIT "FLEX YOUR POWER" AT WWW.CA.GOV.

**Letter 22
cont'd**

The Board of Forestry and Fire Protection has generally interpreted the term *significant stand of tree species* to mean those stands with a canopy cover of 10% or greater.

While it has been argued that the preparation of tree inventories and forest cover characterizations in support of CEQA compliant documents does not constitute the practice of forestry, this perspective does not satisfy the Law. Regardless of context, be it a Timber Harvest Plan for a stand of ponderosa pine or an Environmental Impact Report (EIR) for development conversion of blue oak woodland, if the project occurs on a *forested landscape* an RPF must be involved. Certified arborists, vegetation ecologists, botanists, biologists or individuals from any other discipline may not serve as surrogates for a Registered Professional Forester.

The Board of Forestry and Fire Protection respectfully requests the assistance of your Board to ensure that CEQA projects under county control comply with the Professional Foresters Law. To that end, this office will provide whatever assistance it may to your Board and county departments. Further information on the Registration of Professional Foresters may be found at www.bof.fire.ca.gov/licensing/licensing_main.asp.

Thank you for your time and consideration in the review of this correspondence. Questions or concerns may be directed to me at (916) 653-8031.

Sincerely,

Eric K. Huff, RPF No. 2544
Executive Officer, Foresters Licensing

22-1
cont'd

TREES

Time-honored, beautiful, solemn and wise,
Noble, sacred and ancient
Trees reach the highest heavens and penetrate the deepest
secrets of the earth.

Trees are the largest living beings on this planet.
Trees are in communion with the spiritual and the material.
Trees guard the forests and the sanctified places that must
not be spoiled.

Trees watch over us and provide us with what we need to
live on this planet.

Trees provide a focal point for mediation, enlightenment,
guidance and inspiration.

Trees have a soul and a spirit.

- Tree Magick by Lavenderwater

A fool sees not the same tree that a wise man sees.
William Blake, *Proverbs of Hell*, 1970

Character is like a tree and reputation like it's shadow.
The shadow is what we think of it; the tree is the real thing.
- Abraham Lincoln

Woodsman, spare that tree!
Touch not a single bough!
In youth it sheltered me,
And I'll protest it now.
- General George P. Morris

" I firmly believe one of the greatest legacies we can leave to future generations is the heritage of our land, but unless we can preserve and protect the unspoiled areas which god has given us, we will have nothing to leave them"

*Governor Ronald Reagan
April 3, 1971*

LETTER 22: CALIFORNIA OAKS FOUNDATION

Response to Comment 22-1

The City disagrees that the Professional Foresters Law applies to the project to require use of a Registered Professional Forester for this project. However, to avoid any dispute over this issue, the applicant has retained a Registered Professional Forester to conduct an Oak Woodland Evaluation. His report is attached as Appendix F.

Response to Comment 22-2

Minimization of impact to resources and establishment of preserves by conservation easement are common forms of mitigation under CEQA. (See CEQA Guidelines 15370)

Also see Sections 2 and 3 of Master Response 8 – Biological Resources.