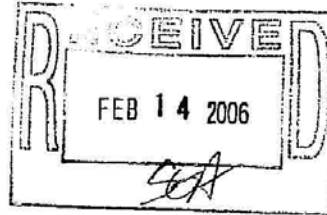


## Letter 139

Lothar Mader, PhD  
Melanie Mader  
3163 Stardust St.  
Rocklin, CA 95677

February 12, 2006

Sherri Abbas  
Planning Services Manager  
City of Rocklin  
3970 Rocklin Rd  
Rocklin, CA 95677



Re: Clover Valley Project #SD-98-05 – Recirculated Draft Environmental Impact Report, January 2006

Dear Ms Abbas, Rocklin City Council and Planning Commission:

While the new development proposal is a definite step in the right direction, there are several problems that have been inadequately addressed in the Recirculated Environmental Impact Report (REIR).

### Chapter 4.6 – Noise

139-1 The noise data, which the REIR quotes, were collected **outside** the valley by Bollard Acoustical Consultants (see page 4.6 – 12). We believe that this does not adequately reflect what residents in the entire valley will be exposed to, particularly with the extension of the Valley View Parkway from Park Drive to Sierra College Blvd. Sound reverberates off the steep sides of the valley and is magnified. For example, we can hear golfers talk on the Sunset Whitney golf course at a distance of about a quarter mile and the train is very audible at a distance of about two miles. There should be a requirement to conduct **sound tests inside** the valley with a sound generator and measurements at different locations.

139-2 Section 4.6I-1: While this section addresses the increased level of noise to residents at the intersection of Park Drive and the proposed connection with Valley View Parkway, which is "anticipated to carry appreciable traffic volumes", the presence of a park with playground for children close to such a busy intersection is not mentioned. This should be addressed.

### Chapter 4.3 – Aesthetics

139-3 The REIR states that build-out of the northern ridgeline would result in an "abrupt change in visual character of the area". The impact of this was deemed "significant and unavoidable". We agree with this analysis and strongly urge non-development of the ridge. However, should the developer unwisely get his way in this regard, we believe that there **are** mitigating measures, contrary to the

**Letter 139  
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139-3  
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↑ REIR's conclusion. Visual screening through fencing, trees and shrubs should be **mandatory**. Also, the exterior colors of the homes should be prescribed to blend in with the environment (i.e. brown tones for exterior walls and roof coverings). Rocklin does not need another Bluffs Dr.

Chapter 4.4 – Transportation and Circulation

139-4

Section 4.4I – 5 describes the proposed intersection of Valley View Parkway and Park Drive as operating "at unacceptable levels", when compared to "no project". The proposed mitigation of adding "turning lanes" to Park Drive to achieve a "less than significant level" is highly questionable. The REIR does not explore a one lane fire access road that can also be used by pedestrians and bicyclist as potential mitigation to the proposal.

Chapter 4.8 – Biological Resources

139-5

On page 24 of this section, the REIR notes under the Standard of Significance portion that the impact of a project on the "movement of any native resident or migratory fish or wildlife species" should be assessed. This was **not done** for native mammal species, such as deer, foxes, etc. Clover Valley is connected to open space to the west as far as Whitney Blvd. The proposed Valley View Parkway would cut off the migration routes of the animals now frequently seen by Valley View School and as far away as Stardust Street. Especially with a potential sound wall around Valley View Pkwy, mitigation needs to be addressed as to how to provide a **contiguous natural habitat**.

Chapter 4.5 – Air Quality

139-6


The proposed project is expected to exceed the PCAPCD Air Quality Significance Threshold by a substantial amount. The inversion problems of the valley were noted and some mitigation measures proposed, which would still keep the overall cumulative impact at "significant and unavoidable". The mitigation suggestions did not address reducing pollution by **eliminating the Valley View Pkwy/Park Drive connection** and thus reducing anticipated traffic by over 14 000 trips per day (!) (increased anticipated car volume at Park Drive: 9000 in one direction and 5100 in the other direction). Mitigation measures also

139-7

did not suggest the complete **ban** of fireplaces.

Thank you for your consideration of our concerns and a request for an amended EIR.

Sincerely,

  
Lothar Mader, PhD

  
Melanie Mader

**LETTER 139: MADER, LOTHAR, PH.D. AND MELANIE**

**Response to Comment 139-1**

As shown in Figure 4.6-2, noise level measurements were performed at 4 locations within the project site. Although noise levels at different locations on the project site are expected to vary, these measurement sites were selected in order to generally quantify existing ambient noise levels at the project site. Although audible, reverberation of sound at the project site is not expected to cause an appreciable increase in noise levels within the center of the valley relative to these noise measurement locations. Please refer to the Response to Comment 110-4 for additional information on sound reflections in the valley.

Impacts related to noise within the valley are addressed in Impacts 4.6I-3, 4.6I-4, 4.6I-6 and 4.6I-8. While Impact 4.6I-3 was found to be less-than-significant without mitigation, the remaining impacts were determined to be less-than-significant after the implementation of suggested mitigation measures. The analysis included within the DEIR concluded that increases in noise that would result from the construction of the proposed project (including Park Drive) would be less-than-significant.

Additionally, the development of Park Drive is within the scope of the City of Rocklin General Plan Circulation Element and a large proportion of the vehicle trips along Park Drive are not expected to originate within the valley. Therefore, the development of Park Drive and impacts associated with pass-through traffic are not considered to be project-specific impacts, but rather impacts related to the buildout of the City of Rocklin General Plan Circulation Element. Please see the City of Rocklin General Plan EIR for more information regarding the impacts related to the buildout of the General Plan.

**Response to Comment 139-2**

Future traffic noise levels at the park site are not anticipated to exceed City of Rocklin noise level standards applicable to park uses.

**Response to Comment 139-3**

The commentor agrees with the significant and unavoidable conclusion reached by the DEIR. The commentor's additional comments and suggestions related to the aesthetics along the ridgeline are noted and will be forwarded to the appropriate decision-making bodies.

**Response to Comment 139-4**

The addition of turning lanes at an intersection is a common method to improve intersection capacity and the resulting traffic operating conditions. The effects of a one-lane fire access road accommodating pedestrians and bicyclists on intersection operations are difficult to predict, but it is unlikely to reduce the impact to a less-than-significant level.

**Response to Comment 139-5**

See Section 6 of Master Response 8 – Biological Resources.

**Response to Comment 139-6**

Due to concerns related to adequate traffic circulation on for the proposed project site, the elimination of the Valley View Parkway / Park Drive connection was not considered to be a feasible alternative. The trips generated by the proposed project would be required to take more lengthy routes resulting in a further increase in cumulative traffic, noise and air quality impacts.

**Response to Comment 139-7**

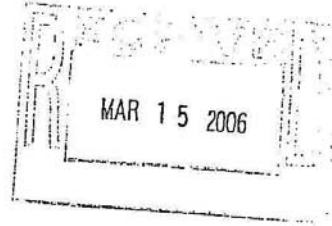
The first bullet of Mitigation Measure 4.5MM-2(e) on page 4.5-14 states that “all fireplaces shall be plumbed for natural gas.” Though the commentor is correct in that this is not a complete ban on fireplaces, the use of natural gas fireplaces would result in a significant decrease in PM<sub>10</sub> emissions when compared to traditional wood-burning fireplaces and is considered to be an adequate mitigation measure.

## Letter 140

March 15, 2006

To: City of Rocklin  
3970 Rocklin Road  
Rocklin, CA 95677-2720

From: Joseph L. Medeiros  
1300 Merry Knoll Road  
Auburn, CA 95603



Re: **Comments on Recirculated Draft EIR for  
Clover Valley Subdivision Project (SCH# 93122077)**

140-1

Thank you for the opportunity to comment on the RDEIR for Clover Valley dated January 2006. I am a Placer County resident and professor at Sierra College. My training is in botany/biology/ecology and I have been a college instructor for more than 30 years. I moved to Rocklin in 1990 and have been employed at Sierra College since that time. My comments are personal and professional and do not represent those views of any one or any group at Sierra College. I have observed significant land-use change in western Placer County since I arrived. Open space conversion in the Roseville, Rocklin and Lincoln areas have been staggering; there has been a tremendous, largely unappreciated and unrecognized loss of habitat, environmental quality, open space for humans, and precious ecological services in this part of Placer County. This project, like most others like it, fails miserably to address the true cumulative losses to the citizens who now live here and to those who would live here in the future. It responds to the desires of wealthy land developers, addresses only the few legal opportunities for the public to resist such a major project, barely represents the true public trust overseen by the lead government agencies, and most importantly, completely lacks the true vision so desperately needed in Placer County at this time.

### **General Comments.**

It appears, from documents and publicity, that the City of Rocklin has clearly painted itself into a corner. One might easily assume that this Recirculated DEIR is but window dressing as Rocklin finds itself in a legal conundrum: it already promised the developer a project. From the developer's own slick promotional, "*Since the early 1980's, Clover Valley has been zoned for development. Over the past two decades, nearly all the surrounding property has been developed. In 1998, the City of Rocklin entered into a Development Agreement with the Clover Valley Partners, annexing Clover Valley into the city and legally binding the city to approve a conforming project. In return, we contributed \$1.5 million to help fund the Rocklin Sunset Center.*" If this doesn't suggest a "done deal" authorization, then what would? Did the developer pay for the City's approval? The City's unabashed advocacy of support for this development has been palpable; it appears that the rights of the owners/developers supersede those of the City's people. The concern, frustration, and outrage that hundreds of local citizens have brought forth have been met with smug remarks and know-it-all staff who behave as if this

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## Letter 140 cont'd

- 140-1  
cont'd
- ↑ project is but a *fait accompli* and that all the issues that the public might bring forth are or will be adequately addressed by mitigating measures, or worse yet, no mitigation for significant losses. It appears that that the City is deaf to the valid and very serious concerns of its very own citizens. It is even clearer that the City is functionally deaf to the wildlife and people of the future of its own region. The City is responsible first to its citizens. The owner/developer is probably not even a Rocklin citizen! Is the City acting, first and foremost, in behalf of its citizens? After accepting a \$1.5 million contribution is it capable of saying "no"?
- 140-2
- The entire RDEIR lacks a complete (both ecological and philosophical) understanding of the significance of Clover Valley (as it is today) as well as an honest appreciation of the severity of the negative environmental impacts, especially as they relate to the cumulative disruptions of surrounding, already-approved large development projects. The RDEIR fails miserably to address the true values (ecological and economical) of the ecological services currently rendered by Clover Valley (flood control, soil stabilization, water quality improvement, habitat for wildlife, oxygen production, carbon dioxide sequestration, local climate amelioration, air quality improvement, etc.) as well as the tremendous human benefits (open space, landscape/viewscape availability, etc.) that are not so easily incorporated into an evaluation limited by modern economic parameters. It completely ignores the future values to Rocklin, and regional citizens of the future with regards to the value of open space, recreation, biological diversity, etc.). Unfortunately, the RDEIR only addresses those topics which, due to the few environmental regulations that have been required by state and federal laws, and it does those in a sadly inadequate fashion.
- 140-3
- In a nutshell, this is how I see this project:
- 1) the owners/developers are frustrated that they can't make as much money as they had hoped to, but their (pre?)approved project will still satisfy their monetary interests. They will get rich and move away (where it's less crowded).
  - 2) the environment (the complete environment – including the wildlife, vegetation, watershed, habitat, humans – now and in the future) will be significantly and forever negatively impacted.
- 140-4
- 3) the "mitigation measures" will be observed, more-or-less, for the duration of the development phase, the monitoring will occur haphazardly for a while, and sometime, not too far into the future, all the noble attempts at "doing the right thing" will be forgotten and the result will be a) loss of significant natural habitat, b) loss of significant biodiversity, c) water quality decrease, d) traffic and noise increases, e) air quality decreases, f) cats, dogs, and a variety of escaped and wild "domesticated" animals that will continue to prey upon the remaining natural wildlife, g) continuous disruptions to the natural flows of Clover Valley Creek, h) huge environmental problems from Bickford Ranch upstream [and resulting lawsuits] and other surrounding "permitted" projects, i) significant and additional loads of fertilizers, pesticides, herbicides, fungicides, and other biocides entering Clover Valley Creek, j) significant losses of oaks, pines and the foothill woodland habitat – replaced with non-native trees, shrubs, lawns, and landscapes, k) the current fauna (deer, coyotes, red-shouldered hawks, quail, etc) will be replaced by
- ↓



**Letter 140  
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- 140-4  
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- “weedy” and disturbance-tolerant species like ground squirrels, scrub jays and similar species, l) the native flora of California species will be destroyed and replaced by weedy plant species or those under cultivation by homeowners, m) water consumption (including huge wastes) will increase drastically due mostly to landscaping of large, expensive, high-end homes, and lots (truly lots) more problems.
- 140-5
- 4) The future taxpayers of Rocklin and Placer County will continue to pay for the resulting problems produced by increased population, traffic, noise, air pollution, water quality degradation, flooding, habitat losses, decreased environmental and medical health, etc., etc., etc.

**Specific comments.**

- 140-6
1. Stop describing the project as 622+/- vacant acres. This emphasizes the City’s lack of complete understanding of the scope and value of Clover Valley. The term “vacant” is defined as “containing nothing; empty; unfilled”. Clover Valley, while privately owned by non-resident developers, is a rich and productive asset of the City of Rocklin. The City has reduced Clover Valley to a piece of “vacant” property. It instead is a large parcel of unspoiled, natural, productive habitat currently enjoyed (directly or indirectly) by the citizens of the city.
- 140-7
2. Hundreds of concerned citizens have attended meetings and workshops and have expressed their serious and valued concerns against this project. Their comments and concerns (regarding traffic, air quality, cultural resources, water supply, water quality, flood control, public health, congestion, wildlife, habitat degradation, oak tree and forest degradation/loss, etc.) should be included in the Final EIR. You should, at least, summarize the number of comments and letters that you have received and the issues that they addressed in the FEIR. You should indicate that you received 185 pages of input/responses by October 2006 in response to the NOP for the 2006 RDEIR and that the responses were overwhelmingly against this project as it stands and that there was a clear and obvious interest by your citizens to deny this project. You should clearly and obviously indicate that you received strong and specific letters of concerns and disapprovals from Placer County, Whitney Oaks, Springfield, California Highway Patrol, City of Loomis, California Regional Water Quality Control Board, California Department of Fish and Game, Dry Creek Conservancy, Loomis Basin Horsemen’s Association, Granite Bay Flycasters, the Native American Heritage Commission, Placer County Water Association, Union Pacific Railroad, the California Oak Foundation, Audubon Society, Sierra Club, Save Clover Valley Foundation, and hundreds of concerned Rocklin citizens. They are owed, at least in summary form, a significant place in the FEIR. Do not let their comments and concerns die in the next bureaucratic document.
- 140-8
3. With regard to the mitigation measures, they are hopeful if not hilarious. While they are detailed and even diligent (only to the letter of the current law), who will oversee (and guarantee) their compliance? There is little doubt that compliance for these lofty (and unattainable) mitigation measures is virtually impossible as

**Letter 140  
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- 140-8 cont'd  the city does not have the enforcement funds or capabilities to do so. Even if such mitigation measures could be achieved, they are for the developers alone. What about the same measures for the future parcel/home owners? Does the City's responsibilities to its constituents end with the construction phase? Will (can) the City promise to fulfill its obligations to state and federal environmental quality laws and its citizens after 558 new homeowners have taken over "their" land?
- 140-9 The RDEIR reinforces the City's reticence to illustrate the real future needs of its citizens; The mitigation measures only addresses that which it is required to address. Why else would it have 5 pages dedicated to the Valley Elderberry Longhorn Beetle? Three pages for peak storm water flow? Eight pages for construction phase erosion? Six pages for water quality?
- 140-10 The mitigation measures are written by educated/trained writers and researchers. Are we to assume that everyone in the construction phase will read, understand, and abide by all these requirements? (If you were a bulldozer operator and you knew that a "find" would put a halt to the contract, would you report it?).
- 140-11 Other impacts, even those that the RDEIR finds significant the document provides mitigation measures as "none feasible" (4.3I-2, 4.3I-12, 4.3I-13, 4.4I-6, 4.5I-1, 4.5I-4, 4.8I-1, 4.8I-6, 4.8I-16). Where no mitigation measures are required, the RDEIR has no input whatsoever! (none required, no need to think about it!) Another obvious omission by a City that doesn't want to undertake the true significance of this ponderous issue.
- 140-12 4. Paleontological Resources – Significant and good mitigation measures, but who will oversee and guarantee that these measures are carried out? This "guarantees" compliance during construction, but what about for the future? Doesn't the City have a responsibility to guarantee the same protections to its future citizens, as much as those who live here now?
- 140-13 5. Oak Tree losses and mitigations are significantly lacking and illustrate a complete disregard for the significance of the loss of oaks, pines, foothill woodland habitat and this important Sierran ecosystem (the most threatened in the Sierra). Rocklin's oak tree mitigation strategy is insufficient and inadequate. There are no details regarding replanting/mitigation of thousands of destroyed oak trees. What assurance to citizens have that replacement trees succeed? Or that they won't eventually be replaced by non-native/unwanted/water-consuming trees?
- 140-14  6. Grasslands and grassland plant species – No mitigation suggested (because its not required!). This is an enormous oversight. Grasslands are an important Sierra foothill ecosystem (as important as the oak and pine forests). The RDEIR make no mention of the significance of this loss nor any attempt to mitigate for its loss. This illustrates non-understanding of natural ecosystems by the City.



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- 140-15 7. Wetlands – RDEIR deals only with construction phase impacts to wetland habitats. What about future impacts? Isn't the City's job to continue protection of the public domain?
- 140-16 8. Mitigation Measure 4.8MM-4(d) *For areas within 200 feet of riparian habitat, temporary high visibility fencing shall be used for the duration of construction activities, on or off the project site. To prevent inadvertent impacts from encroachment into this area, fencing shall be placed 75 feet away from the outside edge of riparian vegetation and/or the dripline of riparian trees...*
- We can't protect riparian habitat/vegetation and at the same time allow development of homesites near/adjacent to Clover Valley Creek. This project places scores of homesites much closer than this 200-275foot protective bufferzone.
- 140-17 9. Riparian and seasonal wetland habitat impacts – NONE REQUIRED mitigation measures? Is this a complete abrogation of responsibility to this extremely important habitat?
- 140-18 10. Conversion of grassland habitat, loss of oak woodland habitat, cumulative biological impacts to vegetation and wildlife in combination with other projects in the Rocklin area. – It is completely irresponsible to list “none feasible” and “none required” as mitigation for these critically important issues.
- 140-19 11. Construction during breeding/spawning (birds and fish) – Once again, attention is only for time periods where sensitive species might be breeding/spawning during the construction phase of this project. Where are assurances to the public that significant negative environmental impacts won't occur after the project is completed? (Remember, you're allowing 558 new homes into this area!). This is a very important part of the potential environmental impacts of this large-scale project!
- 140-20 12. Valley Elderberry Longhorn Beetle – I find it humorous that the consultants for this project can find only a single plant of elderberry in this entire 622 acre project.
- 140-21 13. Setbacks from Clover Valley Creek and other riparian/creek areas are too close. Fifty-foot (average) setbacks are inadequate. I suggest following the delineated floodplain line, or nor less that 100 feet (actual, not averaged) minimum from the center of any stream.
- 140-22 14. Go back and reanalyze all your flooding/floodplain data. Include the upstream contributions from Bickford Ranch (our county's irresponsible contribution to sprawl and non-planning).

**Letter 140  
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140-23

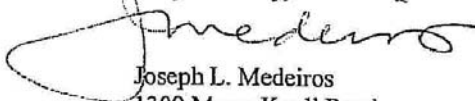
15. Make an honest attempt at a complete and honest evaluation of Clover Valley to the citizens of Rocklin. Include ecosystem services as well as recreational/well-being contributions. Evaluate whether or not it would be more valuable/useful as a regional park/open space.
16. **Choose the No Development Alternative** (costly now, invaluable later)
17. Choose the Environmentally Superior Alternative if you just can't chose the No Development Alternative. Then, get to work and design a model eco-friendly, sustainable development with lots of open spaces, dedicated preserves for biodiversity and habitat, pro-active aquatic habitat and wetland restoration projects, small-footprint/modest sized/concentrated housing, public transportation access, and all the right stuff! (instead of all the wrong stuff).
18. Take the hit! Let the damned developers sue the City and spend some money (even lots of money) on going back to the drawing board on this one of a kind, outstanding natural resource. The developers may have money, but you have constituents (your citizens!). Do more than what they want, do what they NEED! Design and build a world-renowned functional development (the one that is planned is the same-old, business as usual "Tract Mansions" or "Starter Castles" type project that is destroying Placer County).
19. DO NOT TRUST this developer. They are rich, powerful, and deceitful. Their literature is misleading and completely self-serving. They have no real interest in the future of the City of Rocklin.

**Summary.**

Due to time constraints I cannot detail all of my serious concerns about this large-scale project. However, it is clear to me that it is being done as a "do only that which is required" project. Somehow, I would hope that the City's "fathers" would take their responsibilities much more seriously – to be true visionaries; true planners – to think far into the future (The Iroquois said, "In our every deliberation, we must consider the impact of our decisions on the next seven generations.").

Go to work for your constituents – the good people of Rocklin and the future citizens (humans as well as other fellow mortals) that are yet to come.

Very sincerely,



Joseph L. Medeiros  
1300 Merry Knoll Road  
Auburn, CA 95603

**LETTER 140: MEDEIROS, JOSEPH L.**

**Response to Comment 140-1**

This is an introductory comment that does not raise any specific concerns related to the adequacy of the EIR.

**Response to Comment 140-2**

The EIR addresses topics of environmental concerns included in the Environmental Checklist from CEQA Guidelines Appendix G. In accordance with CEQA and standards of significance set by local, state and federal regulations, the EIR found that the proposed project would have a number of significant and unavoidable environmental impacts (see Chapter 5, Statutorily Required Section of the DEIR). The City disagrees with the commenter regarding the quality and scope of the environmental analysis conducted for the Clover Valley project.

**Response to Comment 140-3**

The first part of this comment does not address the adequacy of the EIR.

The second part of this comment concludes that the project would have significant environmental impacts, though does not provide information regarding the specific impacts beyond citing wildlife, vegetation, watershed, habitat and humans. This comment is consistent with the EIR, which found that the proposed project would have significant and unavoidable impacts to aesthetics, biological resources, traffic and circulation, air quality and geology. If the project were approved, the City Council would be required to issue a statement of overriding consideration, acknowledging these impacts and explaining the reasoning behind their determination that the benefits of the proposed project would outweigh the impacts.

**Response to Comment 140-4**

Commenter raises concerns over long-term environmental impacts of the project but offers no specific criticism or evidence to support a position that long-term impacts have not been adequately considered in the RDEIR. The RDEIR adequately assesses with supporting evidence loss of natural habitat (4.8I-1 to 4.8I-9); loss of biodiversity (4.8I-16); water quality (4.11I-5); traffic (4.4I5); noise (4.6I-1 to 4.6I-4; 4.6I-6 to 4.6I-8); air quality (4.5I-2 to 4.5I-4); domesticated animals preying on remaining native wildlife (4.8I-9); disruption to flows of Clover Valley Creek (4.11I-1, 4.11I-4, 4.11I-6, 4.11I-10); biocides entering Clover Creek (4.11I-5); loss of woodland habitat (4.8I-9); loss of current fauna (4.8I-6, 4.8I10 to 4.8I-16); loss of native flora (4.8I-1 to 4.8I-9); and water consumption (4.12I-1).

### **Response to Comment 140-5**

As noted in numerous places within the EIR, prior to the approval of the final maps, the developer would be pay fair-share impact fees to a number of public services to mitigate impacts that would result from the development of the proposed project. Additionally, residents of the proposed project would also contribute to the City and County through property taxes to help maintain necessary services.

### **Response to Comment 140-6**

The term vacant is commonly used in the context of environmental analysis to imply the absence of structures and development. The EIR does not imply that there are no existing natural resources on the proposed project site. See the Aesthetics or Biological Resources chapters of the EIR for a thorough description of existing resources on the proposed project site.

### **Response to Comment 140-7**

Pursuant with CEQA Guidelines section 15088 and 15089(b), the FEIR includes copies of the comments and the associated responses to every public and agency comment received during the commenting period for the DEIR.

### **Response to Comment 140-8**

This Final EIR includes a Mitigation Monitoring Plan (see chapter 4 of this FEIR.) The Mitigation Monitoring Plan is a checklist, which allows for the City to monitor the implementation of mitigation measures included in the EIR. A number of these mitigation measures, such as those relating to the upkeep of storm drainage basins, include the creation of long-term maintenance planning and the implementation of best management practices (BMPs) in post-construction phases of the project (see Impact 4.11I-3.) Additionally, upon completion of the proposed project, the development would be subject to all existing state and local ordinances and guidelines.

### **Response to Comment 140-9**

The comment makes a generalized statement implying that the EIR is inadequate and does not cover all potential impacts; however, the commenter does not identify any neglected impacts. The EIR addresses environmental impacts based upon the environmental checklist provided in Appendix G of the CEQA Guidelines.

### **Response to Comment 140-10**

The EIR includes measures, such as Mitigation Measure 4.7MM-1(a) which would ensure that works on the proposed project site would receive training from a qualified archeologist to help them identify potential cultural sites.

The commenter's contention that workers on the site would be unwilling to identify potential sites is highly speculative and based upon the assumption that the location of one cultural site would bring the entire construction operation for the proposed project to a halt. This assumption is unfounded, as stated in Mitigation Measure 4.7MM-4(a), if a previously unknown cultural site is located all work within 100 feet would be required to cease (see Mitigation 4.7MM-4 for more details.) Given the scale of the proposed project, a 100-foot buffer area around a potential cultural site would not be likely to cause a halt to all construction activities on the project site; therefore, the commenter's concern regarding worker's unwillingness to report cultural sites would not be significant.

### **Response to Comment 140-11**

Impacts for which no mitigation measures are feasible to reduce an impact to a less-than-significant level are considered to be significant and unavoidable impacts. If the project were approved, any impacts that the EIR determines to be significant and unavoidable would require a statement of overriding consideration to be filed by the City Council, acknowledging these impacts and explaining the reasoning behind their determination that the benefits of the proposed project would outweigh the impacts.

The EIR determines that a number of impacts do not require mitigation. This is because these impacts are not considered significant according to the standards of significance outlined in the EIR (which are formulated in accordance with CEQA presidents as well as state, local and federal standards.) Impacts that are determined to be less-than-significant do not require mitigation.

### **Response to Comment 140-12**

The implementations of the mitigation measures included in the EIR are the responsibility of the project applicant. The applicant must utilize the Mitigation Monitoring Plan to ensure that all mitigations included in the EIR are followed (see chapter 4 of this Final EIR.) Additionally, the EIR includes specific measures, such as 4.7MM-1(a), which include provisions for the applicant to contract with qualified specialists to ensure that mitigation, measures are properly implemented and adequate training is provided.

The second half of this comment does not clearly identify the commenter's concern regarding future compliance to mitigation measures regarding paleontological resources. Impacts related to existing and currently unknown paleontological resources that would result from the development of the proposed project would be limited to the construction phase of the project. Impact 4.7MM-1 includes mitigation measures that would ensure that eight of the sites undergo data recovery operations as detailed in the Historic Properties Management Plan.

### **Response to Comment 140-13**

See Section 2 of Master Response 8 - Biological Resources.

#### **Response to Comment 140-14**

Implementation of the proposed project would potentially affect the grassland habitat and the related foraging environment, which provides for a number of species in Clover Valley. The grasslands cover approximately 30 percent of the project site, and characterize the majority of the existing level ground in the valley. Both native and non-native grasslands present in Clover Valley provide habitat value (foraging, nesting opportunity, overwintering area). However, no special-status or rare plant species associated with grasslands were documented during 2006 surveys (Dittes & Guardino 2006).

A detailed discussion of the conversion of grassland habitat in Clover Valley can be found in the RDEIR (page 4.8-33).

#### **Response to Comment 140-15**

Impact 4.8I-5 addresses long-term operational impacts to riparian and seasonal wetland habitat.

#### **Response to Comment 140-16**

See Section 1 of Master Response 2 - Land Use.

#### **Response to Comment 140-17**

The commenter is correct in stating that the long-term operational impacts related to riparian and seasonal wetland habitats were found to be less-than-significant (see Impact 4.8I-5). This conclusion is based upon a projection of conditions on the project site after the construction activities have been concluded, the long-term operational impacts do not include construction activities. Construction-related impacts (see Impact 4.8I-4) were found to be potentially significant and reduced to less-than-significant after the implementation of suggested mitigation measures.

#### **Response to Comment 140-18**

The DEIR states that these impacts would be significant and unavoidable and that the objectives of the project as proposed do not allow any feasible mitigation. However, the DEIR does discuss alternatives, including a no-project alternative and maximum 180 units alternative to the project as proposed. See page 6-6 and 6-8 respectively in the DEIR.

#### **Response to Comment 140-19**

If construction activities are planned during the nesting season (February to August), surveys to identify presence and location of active nests of special-status birds will be completed *prior to* initiation of construction activities, as stipulated under 4.8MM-10(d) on

page 4.8-45 of the RDEIR. If an active nest is located, a buffer zone around the nest will be established through consultation with CDFG. Activities associated with construction will be avoided within this buffer zone between February 1 and September 1 (RDEIR page 4.8-46).

**Response to Comment 140-20**

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

**Response to Comment 140-21**

See Section 1 of Master Response 2 - Land Use.

**Response to Comment 140-22**

See Section 1 of Master Response 11 – Hydrology and Water Quality.

**Response to Comment 140-23**

This comment states the commenter's opinions regarding the proposed project and the commenter's preferred alternative. This comment will be forwarded to the appropriate decision-making bodies.