

Letter 151

David Mohlenbrok

From: Bart Orrick [bartandpam@hotmail.com]
Sent: Thursday, March 02, 2006 6:05 PM
To: David Mohlenbrok
Subject: Clover Valley Planning

151-1

I am a resident of Springfield and moved here for the peace and quiet it provided. My husband and I have been here almost 8 years, one of the first residents, and now all of this is in jeopardy. We very much OPPOSE the plan and the traffic it will bring to Park Drive! I have not spoken to even 1 Springfield resident who is not opposed to this development.

Sincerely,

Pamela Orrick
2510 Spring Ct.

LETTER 151: ORRICK, PAMELA

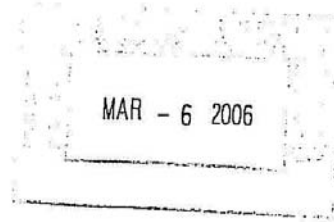
Response to Comment 151-1

The commenter expresses opposition to the proposed project. This comment does not address the adequacy of the DEIR.

The commenter also notes opposition to the traffic on Park Drive that would be introduced by the project. It should be noted that impacts to Park Drive are mitigated to a less-than-significant level as identified on page 4.4-30 of the DEIR. Impact 4.4I-5 addresses the potential impacts to Park Drive. The DEIR states that the “greatest increases in daily traffic volume in Rocklin occur on Park Drive” due to the introduction of Valley View Parkway, an east-west connector. As shown in Table 4.4-7 on page 4.4-29 of the DEIR, the Valley View Parkway/Park Drive intersection would operate at an unacceptable Level of Service D without mitigation. However, with implementation of Mitigation Measure 4.4MM-5(a), the project would result in a less-than-significant impact on the intersection of Valley View Parkway and Park Drive.

Letter 152

March 2, 2006



Mr. Dave Mohlenbroke
Rocklin Planning Dept.
2970 Rocklin Rd.
Rocklin, CA 95765

Subject: Save Clover Valley

Dear Mr. Mohlenbroke:

There are just so many issues regarding the development of Clover Valley I hardly know where to begin.

Traffic, pollution, air quality, lack of open space, danger to our children and seniors. Not to mention the extremely important historical significance of the property. Seven Thousand Years of history completely destroyed!! As it surely will be with all the traffic, etc.

Speaking of traffic I personally have witnessed several incidents where kids were scuffling on the sidewalk and in the process forced one child on a bike off into the street and causing him to fall off onto pavement in line of traffic. This may not be a common occurrence but only one incident of a tragedy is one too many. Nearly all traffic on Park does not abide by the speed limit. I know because I am always being passed by as I drive the posted 40 mile speed.

What about the other developments in the planning? It seem there plenty of slick backroom operations in the planning of Rocklin. It seems in a previous EIR the matter of the historical sites were not even disclosed. Is this a way to encourage citizen trust?

Couldn't the council come up with another approach to this matter? Possibly a community preserve with state and/or federal grants and maybe private \$s.

Thank you to the Council for bringing this important matter to the citizens.

Sincerely,

Ida S. Pace
203 Villa Serena Circle
Rocklin 95765

152-1

LETTER 152: PACE, IDA S.

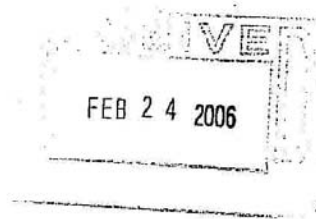
Response to Comment 152-1

The commenter expresses concerns with the general impacts of the proposed project. Any impacts not mitigated below the threshold of significance would require the City to make Findings of Overriding Consideration.

The commenter also notes a personal observation that much of the traffic along Park Drive does not currently comply with the speed limit. This comment does not address the adequacy of the DEIR.

The comment also notes a preference for keeping the project site in open space as a preserve, established by government and private funds. As noted in the Alternatives chapter of the DEIR (Chapter 6) on page 6-5, an Open Space With Some Public/Quasi-Public Uses was considered as a project alternative but dismissed from further consideration because it would not meet most of the project objectives as stated on page 3-11, and would not achieve the City's General Plan objectives, which include development of the project site.

Letter 153



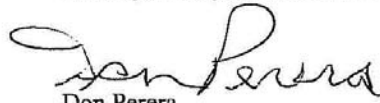
4000 Silver Star Ct.
Rocklin, CA 95765
February 21, 2006

Sherri Abbas
Planning Services Manager
3970 Rocklin Rd.
Rocklin, CA 95677

Subject: Clover Valley DEIR Hearing

I am enclosing my expanded comments regarding the Clover Valley DEIR. I could not get all the quotes and comments within the 3 minute time frame of the Hearing.

Thank you for your attention to this matter.


Don Perera
916-435-1063

**Letter 153
cont'd**

My name is Don Perera. I live at 4000 Silver Star Ct. in Rocklin. I would like to make some comments about the cultural aspects of this Project.

Quoting from the 2002 Peak & Associates, Inc. Cultural study.

Introduction

“All of the 34 cultural resources have been evaluated for their eligibility to the National Register of Historic Places (NRHP). An archeological district, the Clover Valley Lakes Archeological District, has been proposed for 33 of the 34 cultural resources”

153-1

“The project **will have** an adverse effect on historic properties.”

“To determine if an undertaking could affect NRHP, eligible properties, and cultural sites (including archeological, historical and architectural properties) **must be inventoried** and evaluated for the NRHP. Compliance with section 106 is the responsibility of the Corps (of Engineers) as the lead Federal agency.”

Has this inventory been completed??? If so, what were the results??

Research Design for Prehistoric Period Resources

153-2

Sierra Nevada Region

“In summary, while the broad chronological framework may be accepted by

**Letter 153
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153-2
cont'd

↑ most investigators, its details are still unclear and the archeological focus diffuse. The need for more investigation, structured by research designs with local and regional orientation, is paramount to further our knowledge of the cultural phenomena that occurred on the west slopes of the Sierra (including Clover Valley).

Central Valley Region

“The project is located in an interesting area for Archeological research because it is between three areas with defined archeological sequences”

153-3

Ethnographic Background

“The cemetery sites were usually associated with the permanent villages, but could be a separate location. Villages would be moved occasionally, but the cemetery site traditionally remain in the same location”

There are four large cemetery sites within the project. How will they be handled and the Native American remains protected? I'm not sure I believe “sensitivity training” for the bulldozer and backhoe operators will be adequate.

153-4

Research Domain

Cultural Chronology Domain

↓

**Letter 153
cont'd**

153-4
cont'd

“Given the location of the project along the edge of the Sierra Nevada foothills, the issue of the relationship between the cultural material at these sites and the archeological sequence recognized in the Central Valley must be addressed.”

“the archeological remains unearthed during test excavations may be a unique assemblage.”

Native American Consultation

153-5

The Native American Heritage Commission assigned Rose Enos and Sam Starkey of Auburn as the Most Likely descendants after human bones were found at one of the sites evacuated. As the project area is immediately adjacent, we contacted Ms Enos and Mr. Starkey prior to the initiation of evacuation”

Do Ms Enos or Mr. Starkey have any qualifications for this special position, other than they were of Native American ancestry? Was the United Auburn Indian Community contacted regarding these positions?

“At their (Enos & Starkey) request, all burials were left in situ. At the first discovery of human bones at each site, the Native American Heritage Commission was notified.”

Is this the normal or recommended procedure for handling of Native

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153-5
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American remains?

“ Mr. Starkey has expressed an on-going interest in the project, particularly in monitoring construction activities. Mr. Starkey, Mr. Murray, and others will assist in development of the Cultural Resources Management Plan.

Again. What qualifications are required for these positions. Do Mr. Murray and Mr. Starkey have these qualifications?

Proposed Clover Valley Lakes Archeological District

“The 4000 year period of use and/or occupation at the sites within then proposed Clover Valley lakes Archeological District covers a critical period of prehistory in the Region”

Project Effects

153-6

“The final treatments for all sites will be discussed with concerned Native American individuals and groups, with their agreement obtained for the final treatment”

“Initiation of the project will have an adverse effect on the proposed NTHP district primarily through direct construction impacts for residential development, parks, roadways and other infrastructure improvements. Even if direct impacts could be avoided, to some of the individual sites in the district, indirect impact could occur through vandalism or artifact collection

**Letter 153
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the proposed project would be considered a **less-than-significant** impact”.

Less-than-significant to whom????

The Native Americans who inhabited this valley for thousands of years, and whose ancestors are buried their in what they consider sacred ground.

The residents of Rocklin, and the surrounding area, who will be losing the history and natural of this beautiful valley to replaced by more air, water, noise pollution and increased traffic????

The developers who need to add to their bank accounts???

There are ways to satisfy all parties. They need to be explored more fully.

Thank you for your consideration.

153-6
cont'd

LETTER 153: PERERA, DON (UNDATED; RECEIVED FEBRUARY 24, 2006)

Response to Comment 153-1

The commenter asks whether the cultural sites have been inventoried for the National Register of Historic Places. As stated on page 4.7-21 of the DEIR, the Corps of Engineers submitted their determination of 34 prehistoric period resources and one historic period resources within the project site and on October 3, 2002, the State Historic Preservation Officer concurred that the site form a district eligible for the National Register of Historic Places.

Response to Comment 153-2

The comment does not address the adequacy of the DEIR.

Response to Comment 153-3

As noted on page 4.7-34, sensitive training for heavy equipment operators is not the sole mitigation measure to reduce impacts to cultural resources. Mitigation Measures 4.7MM-1(b) and (c) would also be implemented with the project if approved, and require the erection of orange fencing to fully enclose the site during construction, and until certain conditions have been met. Additionally, eight sites would require data recovery excavations.

Response to Comment 153-4

This comment does not address the adequacy of the DEIR.

Response to Comment 153-5

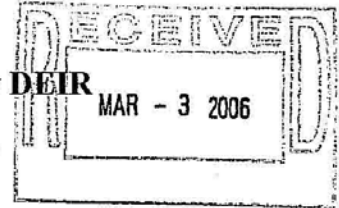
Ms. Enos and Mr. Starkey are respected elders; they need no other qualifications. It is the responsibility of the Native American Heritage Commission to appoint the Most Likely Descendant. Normal practices regarding burials were followed. No qualifications are specified in any State of federal guidelines for Native American individuals to be allowed to assist in developing plans for resources.

Response to Comment 153-6

Losses are not expected to occur through the implementation of the Historic Properties Management Plan, see Master Response 7 – Cultural Resources. The cumulative impact on cultural resources is less than significant because the knowledge gained by means of excavation mitigates for the loss of the cultural resources left in their buried state. In other words, excavation already performed by Peak & Associates and that which will likely be required by means of the federal NHPA Section 106 process will add to what is known about Native American occupancy in the foothill region. Imposition of mitigation measures like excavation ensures history is not “lost” through construction activity.

Letter 154

Questions/comment concerning the Clover Valley DEIR Cultural & Paleontological Resources; DEIR Section 4.7



Looking through section 4.7, *Cultural and Paleontological Resources*, under the Mitigation section, the only Mitigation Measures are:

- 154-1 Section 4-MM-4a: "Sensitivity Training" of all Construction Personnel.
- I assume this means the developer is telling construction personnel, i.e. bulldozer and back hoe operators, to look out for Native American artifacts and bones. In practice, this seems like it wouldn't do much for artifact preservation when you are moving many hundreds of thousands of cubic yards of dirt and the visibility from these large pieces of equipment is not very good. Will there be a Native American representative or qualified archeologist with every piece of earth-moving equipment?
- 154-2 Section 4-10MM-4b: Cultural resource discovery, preservation and protection.
- Who chooses the "qualified archaeologist, retained at the applicant's expense"? The applicant would seem to have reasons to have a less than qualified person in site. Would the Native Americans have a say in who fills this position??
- 154-3 With many pieces of heavy equipment operating at the same time, would there be more than one "qualified archaeologist" available to cover all the areas of earth moving?
- 154-4 What is the level of confidence in the Peak & Associates Cultural Study that they identified all the cultural resource locations? Based on my reading of the Cultural Study, there are many important areas of Native American habitation. Does Peak think that they covered the whole area with only 34 excavations no more than 15 yards apart. This doesn't seem like it would cover the valley bottom of a two mile long valley with ideal living conditions through most of it.
- 154-5 Section 4.101-s Cumulative Impacts
- Based on the information provided by the Peak & Associates Cultural Study about the importance of this valley and it's thousands of years of Native American habitation and history, how can anybody come to the conclusion that the project impact is considered "less-than-significant".

Some quotes from the Peak & Associates Cultural Study:

“Cultural resources are unique and non-renewable resources, and development activities continue to damage and destroy both prehistoric and historic sites and features, in many cases, before the information inherent in them can be reviewed, recorded, and interpreted”.

“All of the 34 cultural resources have been evaluated for their eligibility to the National register of Historic Places. An archeological district, the Clover Valley Lakes Archeological District has been proposed for 33 of the 34 cultural resources”.

“The project will have an adverse effect on historic properties”.

“Given the location of the Project along the edge of the Sierra Nevada foothills, the issue of the relationship between the cultural material at these sites and archeological sequence recognized in the Central Valley MUST be addressed”.

“The archeological remains unearthed during the test evacuations may be a unique assemblage”.

“The project essentially encompasses a unique geographic feature. A spring fed drainage enclosed by steep hill sides adjacent to the treeless expanse of the Sacramento Valley”.

“The 4000 year period of use and/or occupation at the sites within the proposed Clover Valley Lakes Archeological District covers a critical period of prehistory in the region”.

Other areas of the Cultural Study indicate the importance of the material contained within the Project area and that this material will be adversely affected by construction, and later on, by possible vandalism and artifact collection by residents or other visitors to the area.

154-5
Cont.

A question and a comment:

154-6

Where was this cultural information during the last EIRs? Prior studies had been made of the Valley and its important cultural and historic resources, but I never heard it mentioned during past EIR presentations.

154-7

With the Peak and Associates Cultural Study indicating the importance of the cultural resources in the Project area, why can't the City of Rocklin, the developer, and interested Native American tribes, along with possibly the State, come up with a compromise that lets the developer make a reasonable profit on the land while saving the natural beauty, the wildlife, and the Native American history for posterity. The developer would save millions of dollars by not having to put in the needed infrastructure

Tree Removal: DEIR section 4.8

154-8

Many EIRs require the builders/developers mitigate the removal of Oak trees by replacing them in a one for one or two for one ratio for the removed trees. Why wasn't this required on this project? "Back-yard" trees are not a reasonable substitute for the beautiful old blue oaks trees.

154-9

The DEIR indicates that "any oak tree removed for the construction of the public streets indicated on Exhibit C shall not be counted as oaks trees removed by the developer". Except for Valley View Parkway, none of the streets and the tree removal in the project would be necessary except for the development. Under this situation, why shouldn't the trees be counted? The same comment for the commercial area. How will the trees removed/damaged due to the construction of the sewer extension be counted? Again, no project, no tree removal, so they should be counted also.

California, and its residents, value trees, especially oaks trees, to the point that they require special protection. Cutting down 7422 trees, and possibly damaging/destroying many more during construction, does California, its residents and environment, a great disservice.

154-10

Noise: DEIR Section 4.6

Park Drive appears to have both a considerable increase in traffic, and also the largest increase in noise level due to the traffic increase. The existing Springfield homes on Park Drive will get the greatest noise level increase which may raise it to an objectionable level.

154-11

Traffic: DEIR Section 4.4

Traffic increases past Springfield and various schools in the area may increase the likelihood of accidents to Springfield residents as well as the school children. Were these hazards areas considered when developing the project plans? What can be done to mitigate the problems?

154-12

Final comment

I would refer a "no development" alternative, but this would not be fair or equitable to the current owners. The 180 Units development, with the possibility of the Native Americans purchasing part of the valley, and the developers saving many millions of dollars in infrastructure construction, would seem the best compromise for the developer, who would still be making millions, the City and the residents of the area.



DON PERERA
4000 SILVER STAR COURT
ROCKLIN, CA 95765

LETTER 154 PERERA, DON (UNDATED; RECEIVED MARCH 3, 2006)

Response to Comment 154-1

The commentor is incorrect. The training will be conducted by a qualified professional to help instruct workers on site what to look for how and how to identify potential sites. Sensitivity training for equipment operators will supplement the other lines of protection for previously undiscovered resources and will not serve as a substitute for the archeological monitors on the ground (see Mitigation Measure 4.7MM-1(a)) who have the experience in the recognition of cultural materials derived from field training. This method is used on a routine basis on all types of construction projects.

Response to Comment 154-2

Choice of a “qualified archaeologist is discussed in the Historic Properties Management Plan currently being drafted pursuant to federal NHPA Section 106. Standards developed by the Secretary of the Interior define who is a “qualifying an archaeologist”.

Response to Comment 154-3

Yes, an adequate number of personnel would be required.

Response to Comment 154-4

The study is believed to be adequate according to the cultural resource professionals at the Army Corps of Engineers and the Office of Historic Preservation.

Response to Comment 154-5

The comment asks why the cumulative impacts to cultural resources are considered less-than-significant when the resources on the project site are identified as important. Project-specific impacts are addressed in Impacts 4.7I-1 through 4.7I-4. As explained in Impact 4.7I-5, the project, in combination with other foreseeable projects in the Clover Valley Creek watershed, would be less-than-significant because they have been addressed in the Rocklin General Plan EIR, which found that cumulative impacts to cultural resources would be less-than-significant. Additionally, because the project-specific impacts are mitigated to a less-than-significant level in the Clover Valley LSLTSM DEIR, the project’s contribution to cumulative impacts would also be reduced to a less-than-significant level. See Response to Comment 153-6.

Response to Comment 154-6

The comment states that cultural resources information was not included in the previous EIRs for the project site. The 1995 Annexation EIR did include an Archaeology/Cultural Resources chapter in Section W. Because the project did not change substantially between 1995 and 2002, the 2002 Clover Valley Large Lot Tentative Subdivision Map

tiered off the 1995 Annexation EIR and did not include a new cultural resources chapter because the information that had not changed from the 1995 Annexation EIR. However, Appendix C to the 2002 EIR, the Initial Study, did include a discussion and mitigation of cultural resources impacts.

Response to Comment 154-7

Alternatives to the proposed project are discussed in Chapter 6 of the DEIR. As noted in the Alternatives chapter of the DEIR (Chapter 6) on page 6-5, an Open Space With Some Public/Quasi-Public Uses was considered as a project alternative but dismissed from further consideration because it would not meet many of the project objectives as stated on page 3-11. This alternative would also not achieve the City's General Plan objectives, which include development of the project site.

Response to Comment 154-8

The oak tree mitigation, which involves the creation of an oak tree preserve, was part of the 1997 Development Agreement. Therefore, the City's Oak Tree Ordinance, which requires replacement trees or in-lieu fees, does not apply to the proposed project.

Response to Comment 154-9

The exemption of public streets from the oak tree removal count is part of the 1997 Development Agreement, and therefore is non-negotiable. Per California Government Code § 65865.4, a project proponent who is a party to a development agreement receives "vested rights" to complete the project as approved. This occurs immediately upon execution of the agreement, by virtue of the fact that a development agreement "freezes" applicable local land use regulations with respect to the proposed project.

As noted in Chapter 2 of this Final EIR, Revisions to the DEIR Text, trees that would be removed or damaged from the commercial development on the project site were part of the tree count and are included in the estimate of 7,422 to be removed during project implementation. The trees on the commercial site were also part of the 1997 Development Agreement and the oak tree preserve is thus the mitigation for the removal of trees from the commercial site.

Response to Comment 154-10

All project-related noise levels were evaluated relative to the Federal, State, and City standards discussed on pages 4.6-7 to 4.6-7. It should be noted that Park Drive was constructed after Valley View Parkway had already been planned and included in the City's General Plan, and was designed in anticipation of, and to receive, additional traffic from Valley View Parkway.

Response to Comment 154-11

Please refer to the responses to comments 74-4 and 84-1.

Response to Comment 154 -12

The comment notes support of the Maximum of 180 Units Alternative. The comment does not address adequacy of the DEIR.