

**COMMENT LETTER 69 - BOB SMITHFIELD (OCTOBER 1, 1996), RECEIVED  
OCTOBER 2, 1996**

**Response to Comment 69-1**

*Comment Summary: The comment refers to several sections of the Draft EIR/EIS, suggests that there are a variety of deficiencies associated with the Draft EIR/EIS (i.e., omissions, insufficient detail, and inadequate information for the public and decision-makers) and quotes several portions of the State CEQA Guidelines in support of this contention.*

This opening statement offers no information on which impact analyses it believes were omitted from the Draft EIR/EIS, which impact analyses it believes to be inaccurate and why, or why it believes there is insufficient information provided in the Draft EIR/EIS to allow decision-makers to make an informed decision regarding selection of an alternative and project approval. Specific concerns were expressed in subsequent comments and these comments are addressed specifically in Responses to Comments 69-2 through 69-6 below.

**Response to Comment 69-2**

*Comment Summary: The comment suggests that because the Draft EIR/EIS relies primarily upon land use plans and categories produced by political jurisdictions, it tends to selectively limit land use issues to a too narrowly focused context; that this is only part of the context required by CEQA; and that public comment on record identifies specific resource conflicts and environmental impacts which should have been considered in the land use analysis.*

The evaluation criteria for the land use analysis listed in Table 4.1-2 (page 4.1-24) and the methodology described in Section 4.1 (page 4.1-25) are consistent with the CEQA Guidelines for evaluation of land use impacts. A list of references used in the analysis presented in section 4.1 may be found at the end of the section (page 4.1-42). In addition to the documents referenced and persons contacted, as listed in Section 4.1, the methodology indicates that other sources were used, including field observations in areas adjacent to project facilities. The comment's quotation from the Draft EIR/EIS "Land Use/No supporting documents produced" refers only to the fact that no separate technical reports or memoranda addressing land use were produced.

Section 4.1 states (page 4.1-1) that while the Land Use section focuses on land use planning issues, issues related to land use, such as traffic and conversion of agricultural land are evaluated in other sections. Impacts addressed in other sections are not repeated in the Land Use section in order to eliminate repetition. The Draft EIR/EIS is intended to be considered as a whole, and within the document, it addresses all impacts that have been identified resulting from project activities. Section 1.7 of the Draft EIR/EIS (page 1-28) identifies issues raised during the scoping phase, and indicates which Chapter and

Section of the Draft EIR/EIS addresses each of these issues. Because the comment does not indicate any specific land use conflicts or impacts which were not considered in the Draft EIR/EIS, or identify any specific documents in the public record as the basis for its statement, no further response can be provided. For further discussion of public comment in relation to the Draft EIR/EIS, please see Response to Comment 69-3.

### **Response to Comment 69-3**

*Comment Summary: The comment identifies two primary premises. These premises are that public input has pointed to certain impacts that must be analyzed pursuant to the State CEQA Guidelines and that a lead agency shall regard an impact as adverse if a substantial body of opinion considers the impact to be adverse. Specifically, the public input includes “rural land use and agricultural community land use practices” and “diverse valued ways of living on the land...in regard to the position of the APRA”. The comment also questions the feasibility of the agricultural irrigation alternatives.*

The comment suggests that adverse public opinion about loss of agricultural land at reservoir sites and potential impacts on the Gulf of the Farallones National Marine Sanctuary should have led to a conclusion that impacts were significant. In fact, the Draft EIR/EIS concludes that because of the special sites criterion, water quality changes in the esteros are considered significant. The Draft EIR/EIS has also concluded that loss of homes at reservoir sites is a significant impact. A number of other impacts associated with the West County Alternatives have been determined to be significant (e.g. noise, loss of farmland, visual impacts).

All impacts that were identified in the public facilitation process and scoping process that are relevant to the environmental review of the Project are addressed in the Draft EIR/EIS. In addition, by providing separate and early public review of impact evaluation criteria and points of significance used in the various Draft EIR/EIS analyses, there has been an opportunity for the public to comment specifically on the adequacy of the approach used in the document, and comments and suggestions from the public were incorporated in the Draft EIR/EIS.

The Land Use Environmental Setting in Section 4.1 of the Draft EIR/EIS describes the rural nature and agricultural practices of the Project area on pages 4.1-8 through 4.1-19. Descriptions of existing land uses are consistent with the reports of the public during the scoping process. The Agricultural Property Rights Association (APRA) did not comment during the scoping process; it appears to have been formed after the scoping process was complete. However, several individuals who are now members of the Association did submit their comments during the scoping phase. A transcript of oral comments and a copy of written comments is in Appendix U-2 (Final Scoping Report Volume II) of the Draft EIR/EIS. Regarding feasibility of the West County agricultural irrigation alternative, refer to Master Response 6, located in Section 6.2 of this document.

#### **Response to Comment 69-4**

*Comment Summary: The comment states that lack of discussion of the shrimp club in the Draft EIR/EIS is a significant omission.*

Refer to Response to Comment 5-78.

#### **Response to Comment 69-5**

*Comment Summary: The comment expresses concern that the report entitled "Button Ranch, Sonoma County: Preliminary Site Assessment of the Property as a Potential Addition to the University of California Natural Reserve System" was not used as a reference in the Draft EIR/EIS.*

The report was used as a source of information to describe the botanical resources located at the Two Rock storage reservoir site. This report is referenced on page 14 in the Storage Reservoirs Botanical Resources section of Appendix K-3 (Biological Resources, Volume III), of the Draft EIR/EIS.

#### **Response to Comment 69-6**

*Comment Summary: The comment suggests that the Draft EIR/EIS provide more discussion on the Gulf of the Farallones National Marine Sanctuary, including its jurisdiction and the public position on avoidance of impacts.*

The Code of Federal Regulations (Title 15, Part 922, Subparts A and J) specifies that the Gulf of Farallones National Marine Sanctuary was designated for the purpose of protecting and preserving the ecosystem, including marine birds, mammals, and other natural resources of the waters surrounding the Farallon Islands and Point Reyes. The Sanctuary is also protected to ensure the continued availability of the area as a research and recreational resource.

The special status of the sanctuary was considered in developing criteria for impacts to water quality and aquatic biota. For example, the special sites criterion for water quality considers any change in water quality to be a significant impact (Refer to page 4.6-66 of the Draft EIR/EIS). Thus, criteria for the Sanctuary reflect a lower tolerance for any potential impact, which is consistent with both public and Sanctuary concerns regarding the Sanctuary.

The EIR/EIS authors agree that additional information regarding Sanctuary jurisdiction should be included in the Water Quality Section of the Draft EIR/EIS.

Therefore the following changes are made to the Draft EIR/EIS:

Page 4.9-35. Add the following after the first paragraph:

According to the Code of Federal Regulations (Title 15, Part 922, Subparts A and J), the Gulf of Farallones National Marine Sanctuary was designated for the purpose of protecting and preserving the ecosystem, including marine birds, mammals, and other natural resources of the waters surrounding the Farallon Islands and Point Reyes. The Sanctuary is also protected to ensure the continued availability of the area as a research and recreational resource.

Also, refer to Response to Comment 5-66 concerning revisions to Section 4.6 of the Draft EIR/EIS.

The Gulf of the Farallones National Marine Sanctuary has stated in Comment Letter 5 that all of the “West County Alternatives” would have detrimental effects on the sanctuary and are therefore unsuitable.

NOAA will review the Section 404 permit application for consistency with the regulations for which NOAA is responsible, specifically, where Project facilities affect marine sanctuaries. NOAA’s responsibilities are described on page 20 of Appendix D-5 (Permitting Report) of the Draft EIR/EIS):

NOAA has responsibilities under the Marine Protection, Research Sanctuaries Act; the Marine Mammal Protection Act; the Fisheries Conservation and Management Act; the Coastal Zone Management Act; and the Endangered Species Act. NOAA does not, however, issue any permits directly. They fulfill their responsibilities by commenting to the Corps or other federal agency regarding a project. In addition, NOAA has the authority to act to protect the resources of the marine sanctuary through the federal court system.