

**COMMENT LETTER 78 - JAMES JACOBS (SEPTEMBER 17, 1996), RECEIVED
OCTOBER 4, 1996**

Response to Comment 78-1

Comment Summary: The comment questions the feasibility of the West County alternative, stating that the West County alternative requires irrigation to be feasible but that it lacks willing irrigators and that the requirement for agricultural irrigation land is all but ignored in the Draft EIR/EIS. The comment also asserts that the results of a 1994 preliminary survey of landowner interest in using reclaimed water have been incorrectly used to justify the West County Alternative to the public. The comment also states that lack of willing irrigators, based upon a preliminary survey of landowners, was one of the reasons stated in the Draft EIR/EIS for the decision not to carry forward the Chileno Valley irrigation area as part of the project, but that there are no documents in the Draft EIR/EIS to support this survey.

For a discussion of the feasibility of agricultural irrigation in the West County refer to Master Response 6, located in Section 6.2 of this document.

The Draft EIR/EIS does not ignore the agricultural irrigation component of the project. Agricultural irrigation is described in Chapter 3.3 (pages 3.3-36 to 3.3-40) along with all other components of the project, and impacts related to the agricultural irrigation component are addressed in Sections 4.1 through 4.18 of Chapter 4 of the Draft EIR/EIS, which presents a comprehensive analysis of the project alternatives and components by environmental discipline.

The Draft EIR/EIS cites the results of the 1994 preliminary survey of landowners only to explain one of the reasons why the Chileno Valley component was not carried forward, and not to justify the feasibility of agricultural irrigation in the West County. The determination not to carry forward the Chileno Valley agricultural irrigation component was made during the scoping process in 1994 primarily because it was not cost effective. This process was documented in the Scoping Report for the project, which is included as Appendix U of the Draft EIR/EIS. Also, refer to Response to Comment 64-6 concerning the results of the 1994 survey and to Response to Comment 13-1 concerning the decision not to carry forward the Chileno Valley irrigation.

Response to Comment 78-2

Comment Summary: The comment asserts that a West County alternative is not feasible because the alternative requires agricultural irrigation and landowners in the West County area have signed a petition circulated by the Agricultural Property Rights Alliance stating they will not accept wastewater for irrigation. The comment further states that the petition should have been included in the Draft EIR/EIS.

Refer to Master Response 6, located in Section 6.2 of this document, concerning feasibility of a West County alternative. The Agricultural Property Rights Alliance (APRA) did not comment during the scoping process; it appears to have been formed after the scoping process was complete. However, several members of the Alliance did submit their comments during the scoping phase. A transcript of oral comments and a copy of written comments is in Appendix U-2 (Scoping Report, Volume II), of the Draft EIR/EIS.

Response to Comment 78-3

Comment Summary: The comment states that, in order to complete a West County project, the City would have to condemn land for a reservoir, irrigation, pipeline and power line rights-of way, pump stations and access roads, totaling 10,000 to 15,000 acres. The comment further states that this would add about 50 million to the cost of the project and force ranchers and dairymen from their homes and ranches. Further, the comment states that lack of this information in the Draft EIR/EIS makes the document inadequate.

With respect to acquisition of property for reservoirs, pipelines, pump stations and their ancillary facilities such as power line rights-of-way and access roads, the Draft EIR/EIS, in Section 3.3, (pages 3.3-5, 3.3-19, and 3.3-25) states that the City of Santa Rosa would attempt to purchase only that portion of a parcel required for construction of such facilities; that if required to purchase the entire parcel, the City would maintain the land use existing on the remainder portion at the time of acquisition, unless subsequent environmental documentation is prepared by the City; and that, if necessary, the City would use its power of condemnation to acquire property or easements necessary to construct such Project facilities. With respect to irrigation of agricultural lands, the City does not intend to acquire land for the purpose of agricultural irrigation, and therefore acquisition of land for such purpose, either by purchase or condemnation is not identified as a Project activity. Most pipelines would be located in public right-of-way, with only small portions of pipeline being located in private property. In these areas the City would acquire easements, rather than actually purchasing the property.

The amount of land needed to be acquired by the City for a West County Alternative including a reservoir, pipelines, pump stations and ancillary facilities, as identified in Tables 2 and 3 on pages 5 and 8 of Appendix S-2 (Land Value Estimates), is between 190 and 240 acres. The cost of acquisition of land for the West County Alternative is addressed in Table 3.4-1 on page 3.4-2, which estimates the cost of acquiring land for reservoirs, pipelines, pump stations and their ancillary facilities at between \$1.85 and \$2.35 million. Further information about land acquisition for the Project and the estimates of acquisition cost is contained in Appendix S-1 (Acquisition Options Report) and Appendix S-2 (Land Value Estimates).

The Draft EIR/EIS recognizes that homes and agricultural buildings as well as land may need to be acquired for reservoir facilities. (No homes, businesses or other buildings will need to be acquired for construction of the Project pipelines and pump stations.) Table 2

on page 5 of Appendix S-2 identifies each parcel potentially affected by acquisition for a reservoir site, the total acreage required for the reservoir, and any houses or agricultural buildings which would be affected by the acquisition.

Response to Comment 78-4

Comment Summary: The comment states that the Carroll Road wildlife species list is incomplete and inadequate. The comment also states that all possible species should be reported for each reservoir site.

A bird species list was submitted to the Draft EIR/EIS authors by Mr. Jim Jacobs (Manager for the Boothe Ranch). The Carroll Road Wildlife Species List represents the results of field studies conducted in association with the Draft EIR/EIS. It is not intended to represent a complete list of species known to occur or potentially occur on the site.

The EIS/EIS authors do not agree that all possible species should be reported for each site. The impact assessment has not been conducted on a species by species basis; rather it has been conducted for each wildlife habitat type, which the authors of the EIR/EIS believe is a more comprehensive and relevant methodology. Special status species are identified through the use of the California Wildlife Habitat Relationship Program and field surveys. Potential impacts to all other species of birds, mammals and reptiles are accounted for through the habitat assessment.

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

Page A-2, Appendix A to Appendix K-1. Add the following footnote:

Adobe Road Wildlife Species List*

* Species observed at each reservoir sites during surveys conducted in support of the Draft EIR/EIS

Page A-4, Appendix A to Appendix K-1. Add the following footnote:

Lakeville Hillside Wildlife Species List*

* Species observed at each reservoir site during surveys conducted in support of the Draft EIR/EIS

Page A-6, Appendix A to Appendix K-1. Add the following footnote:

Sears Point Wildlife Species List*

* Species observed at each reservoir site during surveys conducted in support of the Draft EIR/EIS

Page A-8, Appendix A to Appendix K-1. Add the following footnote:

Tolay Wildlife Species List*

[* Species observed at each reservoir site during surveys conducted in support of the Draft EIR/EIS](#)

Page A-10, Appendix A to Appendix K-1. Add the following footnote:

Bloomfield Wildlife Species List*

[* Species observed at each reservoir site during surveys conducted in support of the Draft EIR/EIS](#)

Page A-12, Appendix A to Appendix K-1. Add the following footnote:

Carroll Road Wildlife Species List*

[* Species observed at each reservoir site during surveys conducted in support of the Draft EIR/EIS](#)

Page A-15, Appendix A to Appendix K-1 .Add the following footnote:

Huntley Wildlife Species [List*](#)

[* Species observed at each reservoir site during surveys conducted in support of the Draft EIR/EIS](#)

Page A-17, Appendix A to Appendix K-1 .Add the following footnote:

Two Rock Wildlife Species List*

[* Species observed at each reservoir site during surveys conducted in support of the Draft EIR/EIS](#)

Page A-20, Appendix A to Appendix K-1. Add the following footnote:

Valley Ford Wildlife Species List*

[* Species observed at each reservoir site during surveys conducted in support of the Draft EIR/EIS](#)

Response to Comment 78-5

Comment Summary: The comment asks why more extensive burrowing surveys were not conducted at the Carroll Road site.

Burrowing owls and suitable burrowing owl habitat have been identified in Appendix K-1 (Biological Resources, Volume 1) of the Draft EIR/EIS as occurring at the Carroll Road site. Impact 8.5.3 on page 4.8-91 finds that impacts on raptors such as burrowing owls at

Carroll Road is significant and recommends implementation of Mitigation Measure 2.4.5: Active Raptor Nest Location and Monitoring Program to reduce this impact to less than significant.

Response to Comment 78-6

Comment Summary: The comment lists some common mammal and reptile species found at the Carroll Road site.

Refer to Response to Comment 78-4.

Response to Comment 78-7

Comment Summary: The comment states that the survey results are not reflective of the western pond turtle population at the Carroll Road site.

The aquatic life surveys referenced in the comment were conducted to assess the potential habitat for sensitive species. Sensitive species identified in these surveys were documented. Though northwestern pond turtles were not identified through these surveys, the habitat was identified as potentially supporting this species. Subsequent surveys determined the presence of northwestern pond turtle on the Carroll Road reservoir site. The intent of the northwestern pond turtle surveys was to determine presence/absence of the species and map suitable habitat. An estimate of the minimum number of individual northwestern pond turtles that would be impacted was not made. This is documented in the Draft EIR/EIS on page 4.9-61. The impact on northwestern pond turtle habitat (impact 9.5.3) is found to be less than significant and therefore no mitigation is proposed.

The following additions will provide clarification to the reader.

The following change is made to the Draft EIR/EIS:

Page 4.9-61. The third paragraph is revised as follows:

Construction of the Two Rock, Bloomfield, Carroll Road, Valley Ford, and Huntley reservoirs will result in the loss of occupied western pond turtle habitat. The loss of habitat at each reservoir will be less than 20 percent of potential habitat for western pond turtle in the local watershed of

Response to Comment 78-8

Comment Summary: The comment indicates that a more thorough red-legged frog survey should have been conducted at the Carroll Road site.

The Carroll Road reservoir site contains approximately 2,700 linear feet of Coldwater Type B stream habitat, 3,400 linear feet of Warmwater Type A stream habitat, 6,900 linear feet of Warmwater Type B stream habitat, and 3 acres of pond habitat that could

provide potential red-legged frog habitat and that will be impacted by construction of a reservoir. These impacts, described in impact 9.5.5 on pages 4.9-63 through 4.9-67, are found to be significant at Carroll Road for Coldwater Type B habitat only; mitigation is proposed to reduce this impact to a level below significance.

The survey methodology that was used for determining the presence/absence of red-legged frogs resulted in no observations of red-legged frogs at the Carroll Road site. This methodology was developed by the California Department of Fish and Game and U.S. Fish and Wildlife Service and is considered adequate by these regulatory agencies for determining presence/absence of the species.

Response to Comment 78-9

Comment Summary: The comments states that biological studies conducted at the Carroll Road site are incomplete and cast doubt on the adequacy of all biological studies in the Draft EIR/EIS.

The biological study program for the Draft EIR/EIS was developed as a result of extensive coordination with the California Department of Fish and Game, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers and California Native Plant Society, and was considered adequate for the environmental review process by these agencies and organizations. Also, the significance criteria and points of significance were available to the public for review at an early date prior to publication of the Draft EIR/EIS.

Response to Comment 78-10

Comment Summary: The comment asks how condemnation of any Williamson Act lands can be consistent with Sonoma County General Plan Objective AR-8.1, "Continue participation in the Williamson Act program", and City of Santa Rosa General Plan Objective OSC-8a, "Use existing regulations and procedures to preserve prime agricultural lands and commercial agriculture in the Planning Area outside the Urban Boundary by encouraging the County of Sonoma to protect agricultural areas within county jurisdiction."

Cancellation for an alternative use is consistent with the general plan if in considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment. The overall goal which Objective AR-8.1 supports is to assist in stabilizing farmers' economic situation. Objective AR-8.2 encourages participation with wastewater generators to establish programs that would be beneficial to agriculture. As stated on page 4.2-15 of the Draft EIR/EIS, Sonoma County has not made a determination of consistency with regard to cancellation of Williamson Act contracts for the purpose of constructing storage reservoirs. The preliminary assessment in the Draft EIR/EIS concludes that cancellation for this purpose will not result in unplanned urban development, and will enhance the long-term prospects for agriculture in the area.

The Sonoma County General Plan contains policies to implement its goals and objectives with regard to stabilization of farmers' economic situation. One policy that addresses Williamson Act land is Policy AR-8c which states that subdivision of any Williamson Act lands shall not result in any new parcel less than 10 acres in size for status or prime (Type 1, as defined by Sonoma County) farmland or 40 acres in size for non-status (Type 2) preserves. This has been incorporated into the Section 4.2 of the Draft EIR/EIS as an evaluation criterion for determining whether cancellation of a Williamson Act parcel is significant. As is the case with Sonoma County, the City of Santa Rosa General Plan contains broad goals and objectives to conserve agricultural land, and the ultimate decision regarding compatibility with the City's plans and policies lies with elected City officials. The Williamson Act contains provisions for cancellation of contracts under certain conditions, which are discussed in the Agriculture section. Generally key local considerations are:

- size of the resulting parcel(s);
- proposed use of parcel(s);
- environmental issues associated with cancellation and mitigation recommended; and
- compatibility with local plans and policies.

Response to Comment 78-11

Comment Summary: The comment asks if condemnation will be used to obtain irrigation acreage.

The City does not propose to use condemnation to obtain land for irrigation. Refer to Master Response 6, located in Section 6.2 of this document regarding availability of irrigation land.

Response to Comment 78-12

Comment Summary: The comment asks how condemnation of land to obtain irrigation acreage would serve to improve agriculture in the project area.

The City does not propose to use condemnation to obtain land for irrigation.

Response to Comment 78-13

Comment Summary: The comment asks if Williamson Act contracts can be canceled for reservoir sites because they are not on prime farmland, how can surrounding land, which is presumably also non-prime farmland, be capable of growing competitive crops.

There are many factors that must be considered prior to any Williamson Act contract cancellation, as discussed on pages 4.2-2 through 4.2-4 and 4.2-13 through 4.2-16 of the Draft EIR/EIS. Cancellation of Williamson Act contracts on prime farmland can be

approved if there is no other land on which it is feasible to locate a public improvement, and if other criteria as stated on page 4.2-15 are met.

The Draft EIR/EIS uses the California Department of Conservation Important Farmland Inventory system to define prime farmland. This system uses 10 soil and climate characteristics which are key factors affecting productivity. "Evidence of a reliable supply of water" is one of those key factors. In addition to the specific prime farmland definition, the Important Farmland Inventory system involves three other land categories that are important in the state for growing crops: Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance. These categories are described on page 4.2-2 of the Draft EIR/EIS.

The Important Farmland Inventory system of categorizing farmland is a good one because it uses specific measured criteria; it is flexible; it involves local residents; and it uses many easily understood agricultural capability categories. The system is weak because it is imprecise for parcels less than 10 acres; the irrigation requirement may exclude high quality land from the Prime and Statewide Importance categories if there is an inadequate water supply; and soil and climate conditions such as pH, permeability, and temperature) may change over a period of years making the Important Farmland Inventory designations obsolete. The most important factor with regard to a parcel of farmland is productivity, whether it produces food or fiber. Thus, parcels that are not currently considered prime farmland may be considered prime farmland when a supply of irrigation water is available. Also, other categories of farmland besides prime farmland are certainly suitable for growing crops.

Response to Comment 78-14

Comment Summary: The comment wonders why unplanned growth would not occur if drinking water is piped in as mitigation for potential contamination of wells and springs in West County.

Refer to the evaluation of growth inducing impacts of the new water supply that is presented starting on page 5-10 of the Draft EIR/EIS. Development in West County is controlled by the Sonoma County General Plan. This will not change because of the proposed Project. Also, refer to Response to Comment 15-42.

Response to Comment 78-15

Comment Summary: The comment inquires why the Draft EIR/EIS did not include a list of the number of homes and buildings, as page 4.2-14 only shows the amount of land that would be acquired for each reservoir site. The comment also inquires as to how a ranch can remain viable without a main house and livestock facilities.

The Draft EIR/EIS recognizes that homes and agricultural buildings as well as land may need to be acquired for reservoir facilities. Table 2 of Appendix S-2 (Acquisition Options Report) identifies parcels potentially affected by acquisition for each reservoir

site, the total acreage of the parcels affected, the required acres for the reservoir, the percent acquisition represents of the total, and the square footage of houses or agricultural buildings that would be affected by acquisition.

The specific use of each agricultural building, a garage versus a storage shed, is not necessary for a comparison of reservoir sites or to determine impacts.

The continuing viability of a ranch or agricultural operation is a decision that will have to be made by each owner in the event of acquisition. Where land or buildings are acquired, the owner can use the amount paid to rebuild or relocate, based upon an individual evaluation of continued viability.

Response to Comment 78-16

Comment Summary: The comment asks how the Renati dairy could continue with the loss of much of its pastureland and how the dam site would affect the dairy's milking and feeding operation that would remain near the base of the dam.

The continued viability of the Renati dairy is a decision that will have to be made by the owners in the event of acquisition. Refer to Response to Comment 78-15.

Response to Comment 78-17

Comment Summary: This comment requests a list of all homes and buildings that would be acquired at each reservoir site.

Refer to Response to Comment 78-15.

Response to Comment 78-18

Comment Summary: The comment suggests that the estimated average annual irrigation water use of 23 inches for the West County study area is too high and cites the California Soils Survey, as saying that West County soils become saturated at about 11 inches by water from irrigation or rainfall.

No citation was found concerning the amount of water required to saturate West County soils in the Soil Survey of Sonoma County, U.S.D.A., Soil Conservation Service, 1972. The comment apparently has confused available water capacity with soil saturation. Refer to Response to Comment 29-3. Average rainfall is considered in the calculation of crop water requirements.

Response to Comment 78-19

Comment Summary: The comment says a survey of West County water tables is required because amount of water in the soil affects irrigation capacity.

Groundwater in the project area was studied. Appendix H-4 (Well Installations and Groundwater Monitoring Results) of the Draft EIR/EIS provides data from the eight monitoring wells that were installed in West County. Table 2.1 on page 2-9 in Appendix H-4 provides a well construction summary, including depth to water. Hydrogeology of the project area is further described in Appendix H-1 (Hydrogeology of Storage/Reuse Areas and Evaluation of Potential Impacts to Groundwater).

Response to Comment 78-20

Comment Summary: This comment consists of a duplicate copy of Comment Letter 78 written by James Jacobs to the City of Santa Rosa (September 17, 1996).

All comments in this duplicate letter have been addressed in Responses to Comments 78-1 through 78-19.