

**COMMENT LETTER 95 - HELLER EHRMAN WHITE & MCAULIFFE, GARY C.
EPPERLEY (OCTOBER 4, 1996), RECEIVED OCTOBER 7, 1996**

Response to Comment 95-1 and 95-2

Comment Summary: The comment states that the Draft EIR/EIS lacks a concise, stable, and complete Project description, and therefore deprives the public, City, and the responsible agencies of an opportunity to understand and meaningfully comment on the Project, its impacts, and mitigation measures.

Specifically, the comment indicates that the Draft EIR/EIS is defective because:

- 1. A concise, yet complete Project description is not provided at any one location; the Project's purpose and need are described in the Introduction and Summary (Chapter 1) but not in the Description of Existing System and Alternatives (Chapter 3);*
- 2. The Project Description is confusing; The Project is described as consisting of all of the five alternative configurations, each of the Project components of those alternatives (even though not all of the components would be necessarily included in the Project), and a list of measures governing the design of those components*
- 3. The Project description is deficient because it omits an element of the Project objectives, namely wastewater "treatment".*

For an explanation regarding the organization of the Draft EIR/EIS, see Master Response 1, located in section 6.2. The Draft EIR/EIS is not structured around a single "preferred project" because all alternatives are analyzed at an equal level of detail, and the City of Santa Rosa will not select a Project from among the alternatives until after a Final EIR is prepared and certified.

As described on page 1-1 of the Draft EIR/EIS, the Project (i.e. the Santa Rosa Subregional Long Term Wastewater Project) is the "reclaimed water disposal solution" that will be utilized by the City of Santa Rosa to comply with the requirements of the North Coast Regional Water Quality Control Board. As the Draft EIR/EIS further explains, the Project "includes expansion of the headworks capacity...at the Laguna Plant as well as disposal of wastewater." Finally, Page 1-3 of the Draft EIR/EIS explains that "[t]he Project is intended to provide for reliable disposal of existing reclaimed water flows and the increased volume expected at buildout of the General Plans....of the communities making up the Subregional System approximately through the year 2010." In accordance with the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), the purpose of the Draft EIR/EIS is to assess all reasonable alternatives for that Project, provide a full discussion of significant impacts of the alternatives, and inform decision makers and public of Project alternatives that could avoid or minimize adverse impacts or actually enhance environmental quality. Following certification of the Final EIR, the Project selected by the City of Santa Rosa may be any

of the five alternatives or combinations thereof and will comply with all of the design mitigation measures noted on pages 3.3-1 and 3.3-2 and described in greater detail on pages 2-20 through 2-60 of the Draft EIR/EIS.

The City will expand wastewater treatment capacity by expanding the headworks of the treatment plant, and this described on page 3.3-4 of the Draft EIR/EIS. This is the only aspect of the treatment plant that is part of the Project.

Also refer to Responses to Comments 95-3 through 95-11.

Response to Comment 95-3

Comment Summary: The comment contends that the Project should include evaluation of improvement of the City's wastewater treatment facilities.

The comment is correct that the City's overall objectives include providing adequate wastewater treatment; however, this project addresses disposal of reclaimed water. As described in Response to Comment 95-2, the Project includes expansion of the Laguna Plant headworks capacity. The Draft EIR/EIS did not include proposed changes in the treatment process as part of the Project because environmental analysis has not identified deficiencies in treatment capability. The Laguna Treatment Plant has undergone considerable improvement over the last 10 years, and now produces high-quality tertiary reclaimed water that meets the requirements of the City's discharge permits. Tables 4.6-1 and 4.6-2 on pages 4.6-6 and 4.6-9 provide data on reclaimed water quality that demonstrate that reclaimed water from the Laguna Treatment Plant meets all permit requirements. The definition of the Project alternatives is consistent with the responses to comments in the Scoping Report, as cited in the comment. Because treatment is adequate, the Draft EIR/EIS focused on the one area of the Subregional System that was not adequate: disposal of reclaimed water. The Draft EIR/EIS does evaluate, however, improvements in treatment as mitigation for water quality impacts that were identified during the analysis of Project alternatives. For example, possible nitrogen removal at the treatment plant is discussed in Measure 2.5.6, Total and Ammonia Nitrogen Source Control Program, on page 2-131.

Response to Comment 95-4

Comment Summary: The comment indicates that the Draft EIR/EIS should identify or address the impacts resulting from the "interim" improvements to the Subregional System treatment facilities as described on page 3.2-4 of the Draft EIR/EIS because said improvements are linked to the disposal and reuse aspects of the Santa Rosa Subregional Long Term Wastewater Project.

As noted on page 3.2-4 of the Draft EIR/EIS, the "Interim Period System Improvements" implemented in 1995 and 1996 precede the Project, and are considered part of the No Action (No Project) Alternative. Environmental documentation was prepared as required by CEQA for each of the Interim Improvements.

Response to Comment 95-5

Comment Summary: The comment states that the Project Description is deficient because the projected flow volumes are based on outdated growth projections (i.e. the aggregate buildout permitted by the combined Subregional member General Plans which were in effect as of April 1994) without consideration of subsequent General Plan updates or proposed updates and actual physical buildout which has taken place in Santa Rosa vicinity.

The projected flows presented in the Draft EIR/EIS are estimates based on complete buildout in accordance with the General Plans in effect in April 1994 and estimated unit wastewater flow factors for residential, commercial, industrial, and institutional sewer users as adjusted for effects of current water conservation programs. This is consistent with the statement of purpose and need for the Project, and specifically with that portion of the statement on Page 1-3 of the Draft EIR/EIS which addresses increased wastewater volumes expected at buildout of the General Plans of the member entities of the Subregional System.

Projected reclaimed water flow is the dominant factor in definition of the Project alternatives and the analysis of impacts. Projected flows determined the sizing of pipelines, pump stations, and storage reservoirs, as well as the amount of acreage required for urban and agricultural irrigation. Projected flows also determined all water quality impact analyses; sizing of facilities determined land use, geologic, and all other impacts. Because of this dependence of the environmental analyses on projected reclaimed water flows, it was imperative that a baseline flow be chosen at the outset and not changed in response to general plan updates, general plan amendments or other factors potentially affecting these flows. Therefore, any such potential changes have been treated as cumulative projects and analyzed in the cumulative impact analyses in Section 4.1 through 4.17 of the Draft EIR/EIS.

Regarding the City of Santa Rosa's 1996 General Plan Update, refer to page 3.5-1 of the Draft EIR/EIS.

Response to Comment 95-6

Comment Summary: The comment indicates that the wastewater flow projections in the Draft EIR/EIS may not be realistic since preference was given to the Subregional member buildout projections over projections based on data from any other source. The comment requests that information in Appendices D-1 and D-2 be brought forward into the main body of the EIR/EIS.

As noted on page 3-1 of the Draft EIR/EIS, preference was given to the member entity General Plans over any other source because, in general, California Department of Finance historic data agreed more closely with the General Plans than the Association of Bay Area Governments (ABAG) 1994 data. Although the comment offers an opinion that the Subregional member buildout information may not be as realistic as other

projections (e.g., by ABAG), the EIR/EIS authors do not agree that the ABAG numbers are necessarily better indicators. The difference has been disclosed in the Draft EIR/EIS and the differences thus will be apparent and before the decision makers when they certify the EIR and select the ultimate project. The EIR/EIS authors do not agree that the discussion regarding differing methodologies of projecting buildout need be in the body of the EIR/EIS rather than the appendices.

Response to Comment 95-7

Comment Summary: The comment suggests that headworks expansion would increase treatment plant beyond the 21 million gallons per day (mgd) described in the Draft EIR/EIS because peak flows up to 80 mgd could be pumped at the headworks.

The comment confuses peak flows and average dry weather flows. As described on page 3.3-4 of the Draft EIR/EIS, the existing treatment plant capacity of 18 mgd average dry weather flow corresponds to a required peak pumping capacity of 60 mgd peak hourly wet weather flow. This capacity is needed because of the large increases in flow that can occur during wet weather periods. The design capacity of the Project at 21 mgd average dry weather flow corresponds to about 80 mgd peak hourly wet weather flow. The headworks pumps are not oversized.

Response to Comment 95-8

Comment Summary: The comment states that the Draft EIR/EIS fails to account for the headworks expansion impacts resulting from higher sludge yields except for a reference to another EIR prepared five years ago.

As noted on page 3.3-4 of the Draft EIR/EIS, the impacts resulting from disposal of the projected sludge volumes are addressed in the Santa Rosa Subregional Sludge Beneficial Use Project Environmental Impact Report (LSA 1991). That document addressed the ultimate capacity of the sludge facility to accommodate solids from a treatment plant with a 21 million gallons per day average dry weather flow capacity. Although the comment offers an opinion that the 1991 environmental impact report does not adequately address the sludge disposal impacts, no additional data or analysis is provided to suggest why the environmental impact report is inaccurate or insufficient. The Sludge Beneficial Use EIR found only one significant unavoidable impact, namely the potential for odor. That impact is reported in the Long-Term Project EIR/EIS in impact 12.2.5 on page 4.12-18.

Response to Comment 95-9

Comment Summary: The comment states that the headworks expansion at the Laguna Plant along with the interim improvements at the Laguna Plant and other Subregional System facilities are being constructed without comprehensive environmental review to prepare the Subregional System for a vast increase in capacity.

The Comment's chief concerns are the headworks expansion and interim improvements, both of which are discussed in Response to Comments 95-4, 95-7 and 95-8. There is a very definitive dividing line between interim improvements which are constructed, have been previously subject to environmental review, and provide little, if any, increased capacity; and the Long-Term Project Alternatives which have not been constructed, are currently under environmental review, and which provide substantial increased capacity.

In addition, as Page 1-11 of the Summary of the Draft EIR/EIS discloses, the Regional Water Quality Control Board first directed the City in 1985 to develop a long-term project that would prevent illegal releases of wastewater. Development of that overall long-term project thus has proceeded in tandem with the improvements to the treatment system that were necessary in the interim.

Response to Comment 95-10

Comment Summary: The comment indicates that the Project Description in the Draft EIR/EIS is deficient because it lacks sufficient information regarding government agency permits and approvals which may be required for Project implementation, and notes that Table 3.6-1 fails to specify which of the listed permits or approvals are applicable to each of the five alternatives identified in the Draft EIR/EIS. The comment also indicates that the Draft EIR/EIS readers should not be compelled to find and read the Permitting Report in order to find such information.

As noted on pages 3.6-3 through 3.6-13 of the Draft EIR/EIS, Table 3.6-1 indicates the alternatives affected by each of the listed permits or approvals (in column titled, "Alternative No."). The required permits and approvals listed on pages 3.6-1 and 3.6-2 are addressed in greater detail in Appendix D-5 (Permitting Report), of the Draft EIR/EIS. Refer to Master Response 1, located in Section 6.2 of this document, regarding the organization of the Draft EIR/EIS.

Response to Comment 95-11

Comment Summary: The comment indicates that the deficiencies in the Project description described in the preceding comments must be corrected in a revised Draft EIR/EIS that is recirculated for public review and comment.

Refer to the Responses to Comments 95-1 through 95-10 which address the preceding comments regarding the Project description. Based on the responses to said comments, there is no need to correct the Project description and recirculate a revised Draft EIR/EIS for public review.

Response to Comment 95-12

Comment Summary: The comment asserts that the Draft EIREIS is deficient because the West County alternative is infeasible and has significant environmental effects; and because smaller-scale alternatives were not considered.

Refer to Master Response 6, located in Section 6.2 of this document, regarding feasibility of the West County alternative. The Draft EIR/EIS recognizes that the West County alternative will have a number of significant impacts. Refer to Response to Comment 5-9 regarding the reasons that Project alternatives cannot be discarded from the Draft EIR/EIS because they have significant impacts. Refer to Master Response 14, located in Section 6.2 of this document, regarding small-scale storage options.

Response to Comment 95-13

Comment Summary: The comment indicates that the alternatives analysis in the Draft EIR/EIS is deficient since it fails to disclose and evaluate any information that might contradict the alleged feasibility of the West County alternative.

Written correspondence and oral testimony of Tom Yarish and Richard Charter of Friends of the Esteros are included in Appendix U-3 (Final Scoping Report Volume II) of the Draft EIR/EIS. Responses to their comments are included in Appendix U-2 (Final Scoping Report Volume I). Information presented by Friends of the Esteros is included in the Draft EIR/EIS and was used in designing evaluation criteria, points of significance, and the extent and scope of environmental analyses. In addition, the Comments submitted by Friends of the Esteros and its members have been carefully analyzed and the Final EIR includes responses to each. The information submitted by Friends of the Esteros, as well as all other information submitted by those with an interest in the Project, has been considered and evaluated as part of the EIR/EIS process. Regarding feasibility of the West County Alternative, refer to Master Response 6, location in Section 6.2 of this document. Refer also to Responses to Comment 95-14 through 95-21.

Response to Comments 95-14 and 95-15

Comment Summary: The comment asserts that the evaluation of the West County alternative ignores whether a dependable market for wastewater irrigation exists in the West County, and whether landowners would willingly sell their property for construction of reservoirs or whether the City will be required to condemn property.

For a discussion of the feasibility of irrigation as part of the West County alternative, please see Master Response 6, located in Section 6.2 of this document. Section 3.3 of the Draft EIR/EIS (page 3.3-19) states that while the City would attempt to purchase the land needed for reservoir construction from voluntary sellers, the City would use its powers of condemnation if necessary to acquire property for this purpose.

Response to Comment 95-16

Comment Summary: The comment asks who would be responsible for provision of an alternate water supply if wells are contaminated.

As noted in Measure 2.3.12: Provide Replacement Water Supply for Affected Wells, on page 2-85 of the Draft EIR/EIS, the City of Santa Rosa will be responsible for

construction of the replacement water system, if needed, due to elevated nitrate concentrations in proximity to reservoirs. The Draft EIR/EIS concluded, in Impact 5.7.1, discussed on pages 4.5-52 and 4.5-53 that the agricultural irrigation component will not have a significant effect on existing or future drinking water wells.

Response to Comment 95-17

Comment Summary: The comment asks who would provide new septic systems, if needed.

As indicated in Mitigation Measure 2.5.9: Implement Septic System Monitoring and Replacement Program, on Page 2-137 of the Draft EIR/EIS, The City will construct new septic systems if monitoring showed that reservoirs adversely affected operation of existing systems.

Response to Comment 95-18

Comment Summary: The comment asks who would be responsible for providing booster pump stations necessary to convey wastewater to the fields for irrigation.

The City will be responsible for construction and operation of booster pump stations required to lift reclaimed water to the higher zones of the irrigation areas. In addition, small booster pump stations may be required on individual parcels in order to maintain adequate pressure; these pump stations will be the responsibility of the individual irrigator (refer to page 3.3-34 of the Draft EIR/EIS).

Response to Comment 95-19

Comment Summary: The comment states that the evaluation of the West County alternative ignores what might be required in the way of local water distribution networks beyond what the comment characterizes as the cursory description provided in the Draft EIR/EIS, and asks who would provide funding and staffing to construct and operate these networks.

The Draft EIR/EIS, in Section 3.3 (page 3.3-36) acknowledges that the specific location and design of the local distribution and irrigation systems on individual parcels of private property has not been determined, but provides a description of a typical system including the size and type of pipeline and type of irrigation mechanism. Also as indicated in Section 3.3, the systems will be operated by the individual users. The users would also be responsible for design and construction of the systems. The design, construction and operation of the systems will have to comply with the City's Irrigation Management Guidelines. A more detailed design of the individual systems cannot be completed until specific users apply to receive reclaimed water. For additional discussion of the construction and operation of the individual irrigation systems, refer to Response to Comment 65-20.

Response to Comment 95-20

Comment Summary: The comment questions the feasibility of winter irrigation.

Refer to Response to Comment 64-7 for a discussion of the feasibility of using winter irrigation as part of the Contingency Plan.

Response to Comment 95-21

Comment Summary: The comment expresses concern about potential impacts of a reservoir at Two Rock on the nearby Sonoma County Solid Waste Disposal Site (landfill).

As discussed on page 4.7-48 of the Draft EIR/EIS, the proposed reservoir is located in a separate groundwater subbasin from the solid waste landfill. The two facilities are separated by a groundwater divide and groundwater seepage at a Two Rock reservoir will not affect operation of the landfill.

Response to Comment 95-22

Comment Summary: The comment requests consideration of a smaller Project including growth limitations and conservation.

The Subregional System does not have the power to limit growth of its member entities. Growth is managed through the general plan process of each City. Conservation is an important part of each alternative, and a detailed evaluation of conservation options is contained in Appendix D-3 (Water Conservation Element) of the Draft EIR/EIS. The Draft EIR/EIS also considers the smaller reservoir and irrigation system configurations that are possible with higher levels of discharge. Refer to Appendix A (Range of Discharge Evaluation) of the Draft EIR/EIS

Response to Comment 95-23

Comment Summary: The comment requests consideration of a phased Project using smaller reservoirs.

Refer to Master Response 14, located in Section 6.2 of this document.

Response to Comment 95-24

Comment Summary: The comment suggests that slower growth policies and stronger conservation measures should be addressed in order to be consistent with Project objectives.

Refer to Response to Comment 95-22 concerning limitations on growth. The Draft EIR/EIS authors believe that the conservation program included in the Project is consistent with Project objectives. Conservation measures that are reliable and

quantifiable have been included in the Project. Also refer to Response to Comment 85-29.

Response to Comment 95-25

Comment Summary: The comment urges consideration of a joint project with Petaluma.

Refer to Response to Comment 38-8.

Response to Comment 95-26

Comment Summary: The comment objects to the organization of the document by component, and suggests that analysis of varying discharge rates was not presented in the Draft EIR/EIS.

The Draft EIR/EIS does not consider components as alternatives in and of themselves, but instead evaluates them as building blocks for the Project alternatives. All impacts are described relative to specific alternatives and a Summary of Impacts by Alternative is provided at the end of each Section in Chapter 4 in the Draft EIR/EIS. Refer to Master Response 1, located in Section 6.2 of this document, for a discussion of the organization of the Draft EIR/EIS. The analysis of varying discharge rates, and the environmental evaluation of these options is contained in Appendix A (Range of Discharge Evaluation). Thus, the analysis is in the Draft EIR/EIS.

Response to Comment 95-27

Comment Summary: The comment states that the City may be able to select a Project that "bears little resemblance to those proposed configurations on which the public had a meaningful opportunity to comment."

The Draft EIR/EIS acknowledges the fact that "this analysis, by addressing impacts of individual components as well as the five alternatives, is intended to allow the selection of a Project that falls within the range of alternatives included in this Draft EIR/EIS, and which may include components which are reduced in scope, or may combine components from more than one alternative." The evaluation of Project components as building blocks for alternatives is intended to provide the public with a meaningful opportunity to comment on all of the possible elements of a Project that may be selected by the City. Importantly, this method of presentation means that the list of components evaluated is inclusive: that is, each of the proposed actions is included and analyzed as a component in the Draft EIR/EIS. While variations on the basic Project alternatives may be selected, any selected Project will thus necessarily bear significant resemblance to one of the configurations that was described in the Draft EIR/EIS, and will be within the range of alternatives analyzed in the document. Additional environmental review will be required should the City decide to adopt a Project with components different than those described in the Draft EIR/EIS.

Response to Comment 95-28

Comment Summary: The comment states that because the approach utilized in preparing the Draft EIR/EIS included analysis of Project components rather than Project configurations (i.e. alternatives), the opportunity for comparison of impacts between alternatives may be downplayed.

Refer to Master Response 1, located in Section 6.2 of this document, regarding document organization. Rather than reducing opportunities for comparison, the organization of the Draft EIR/EIS facilitates comparison. Regarding the example mentioned in the comment, irrigation in West County and South County can be compared by impact (refer to Impact 3.7.8 on page 4.3-82 which is significant for South County, but less than significant for West County); or can be compared by subject through the Summary of Alternatives at the end of each section of Chapter 4 (for example, Table 4.3-16 on page 4.3-96 shows in a tabular format that irrigation in South County has significant impacts for soils, whereas irrigation in West County does not.)

Response to Comment 95-29

Comment Summary: The comment asserts that the alternatives analysis is deficient because it fails to provide sufficient information about the relative costs of the alternatives, particularly the West County alternative, and underestimates the long-term costs of the West County alternative. The comment specifically mentions the cost of irrigation management and the costs to mitigate impacts to the esteros.

The Draft EIR/EIS authors do not agree that the Draft EIR/EIS fails to provide sufficient cost information about the alternatives. As stated in Section 3.4 the cost estimates were prepared at a planning level of detail to identify major costs and allow a relative cost comparison between alternatives. More detailed cost estimates cannot be prepared until Project design is completed, and the Draft EIR/EIS authors believe that the comparison of relative costs between alternatives provides an adequate evaluation.

With respect to the claimed understatement of long-term costs, the comment specifically cites the costs of irrigation management and costs to mitigate impacts to the esteros. As indicated in Tables 6, 6.1 and 6.2 of Appendix D-30 (Alternative Projects Construction Cost Estimate) of the Draft EIR/EIS, annual operating costs for the agricultural irrigation system, along with construction costs, and additional costs incurred in setting up the irrigation management program are included in the cost estimates for the West County alternative, as is \$2,000,000 related to initial mitigation activities in the esteros. All of the alternatives, and not just the West County alternative, will have additional costs associated with mitigation and mitigation monitoring. While detailed cost estimates were not prepared for mitigation measures for any alternative (except as described above), a contingency of 25% of the total construction cost is included in the cost estimate to account for additional costs involved in the Project, but not separately accounted for. For the West County alternative, this contingency averages approximately \$40 million depending upon the reservoir site. Further, mitigation has not been identified which can

reduce impacts in the esteros to a level below significance. Therefore no attempt has been made to forecast costs for such complete mitigation.

Response to Comment 95-30

Comment Summary: The comment pertains to soil erosion in reservoir sites as a result of fluctuating water levels.

Potential impacts from unstable slopes at reservoir sites are discussed in the Draft EIR/EIS beginning on page 4.3-69. Refer to Response to Comment 110-3.

Response to Comment 95-31

Comment Summary: The comment states that the Draft EIR/EIS fails to provide sufficient cost information on the relative costs of the various permutations of the five alternatives.

The EIR/EIS authors do not agree that the Draft EIR/EIS fails to provide sufficient cost information. Table 3.4-1 on page 3.4-2 lists estimated costs for each Project Alternative, and for subalternatives for Alternatives 2, 3 and 5. In addition, Appendix A (Range of Discharge Evaluation) provides comparable cost estimates for alternative discharge scenarios for Alternatives 2 and 3. Appendix D-30 (Alternative Construction Cost Estimate) provides separate cost information for each of the major components within each of the alternatives. For a discussion of the level of detail provided in the cost estimates, refer to Response to Comment 95-29.

Response to Comment 95-32

Comment Summary: The comment indicates that the deficiencies in the alternatives analysis described in the preceding comments must be corrected in a revised Draft EIR/EIS that is recirculated for public review and comment.

Refer to the Responses to Comments 95-29 through 95-31, which address the preceding comments regarding the alternatives analysis. Based on the responses to said comments, there is no need to correct the alternatives analysis and recirculate a revised Draft EIR/EIS for public review.

Response to Comment 95-33

Comment Summary: The comment states that the Draft EIR/EIS should state that soil erosion in the West County area will be a significant, unavoidable impact and that erosion will reduce agricultural productivity to a significant degree.

The analysis of erosion impacts due to irrigation in the West County, as evaluated in Impact 3.7.6 on page 4.3-81 of the Draft EIR/EIS, shows no impact on off-site water-related erosion, due to Measure 2.2.10, adopted as part of the Project. Also, the evaluation of Impact 2.7.3 on pages 4.2-22 and 4.2-23 finds there is a significant

reduction in soil productivity due to erosion of topsoil for new orchard and vineyards on slopes greater than 10 percent; or on slopes greater than 5 percent for specialty crops. Mitigation Measures 2.3.2 and 2.3.3 (described on pages 2-63 and 2-64) have been recommended to reduce the impact to less than significant. The Draft EIR/EIS authors do not agree that these mitigation measures are infeasible, and the commentor has not submitted any evidence to demonstrate infeasibility. Refer to Response to Comment 1-10.

Response to Comment 95-34

Comment Summary: The comment states that the Draft EIR/EIS fails to address the fact that acquisition of land for reservoirs in the West County will require condemnation and that the State Legislature has codified a policy against condemnation of lands under Williamson Act contract. The comment also states that this should be recognized as a significant, unavoidable land use impact.

The EIR/EIS authors do not agree that condemnation of land for reservoirs in the West County is required. Section 3.3 of the Draft EIR/EIS (page 3.3-19) states that the City will attempt to purchase the land needed for reservoir construction from willing sellers, but will, if necessary, use its powers of condemnation. Section 4.2 of the Draft EIR/EIS (pages 4.2-3 and 4.2-4) describes in detail the State's policies for condemnation of Williamson Act lands as set forth in Article 6 of the Act (and as amended by Senate Bill 1534 in 1994). These policies, as described in Section 4.2, include notification of the Director of the Department of Conservation and findings that the location of the improvements is not based primarily on the lower cost of the agricultural land, and in the case of a location involving Prime Agricultural land (as defined by the Department of Conservation), that there is no other feasible location.

In the event the City is compelled to use its powers of condemnation to acquire a reservoir site in the West County, each of the sites has Williamson Act contracts which will be affected. Because the reservoir sites have not been selected based upon the lower cost of agricultural land, and because (as shown in Table 4.2-6 on page 4.2-12 of the Draft EIR/EIS) none of these sites contains any Prime Farmland, the EIR/EIS authors do not agree that acquisition of the sites per se will constitute a significant impact. However, Section 4.2 of the Draft EIR/EIS (page 4.2-13) does conclude that the cancellation of the Williamson Act contracts for parcels on the Bloomfield and Huntley sites, regardless of the method of acquisition, constitutes a significant impact, because it would create remainder parcels below the minimum size required for Williamson Act participation.

Response to Comment 95-35

Comment Summary: The comment states that the West County Alternatives would create shallow groundwater flow that could result in increased erosion.

As indicated in the evaluation of Impact 5.7.3, beginning on page 4.5-53 of the Draft EIR/EIS, agricultural irrigation will result in less than significant impacts on groundwater

mounding. This is a result of irrigation practices, local hydrogeology, and because irrigation would occur in the summer when groundwater levels are lower than the typical winter levels. Also, in the evaluation of Impact 5.5.3, groundwater levels are increased, but do not reach the surface. Surface erosion cannot occur unless groundwater flows reach the surface; thus no erosion impacts are expected to result from Project groundwater flows. The comment also refers to separate technical comments; these are not included in Comment 95-35 nor is any specific reference given. Therefore no further response can be provided at this point. If the comment is intended to refer to comments submitted by Eugene Kojan, refer to Responses to Comments 110-1 through 110-8.

Response to Comment 95-36

Comment Summary: The comment addresses the appropriateness of roughening the channel to mitigate oxygen impacts.

Refer to Response to Comment 92-175.

Response to Comment 95-37

Comment Summary: The comment states that groundwater in the vicinity of the reservoir sites will be degraded and that the proposed mitigation measure of providing replacement water supply would not mitigate the degradation of groundwater.

Based on the groundwater Evaluation Criteria and Points of Significance (page 4.5-22 and 4.5-23 of the Draft EIR/EIS) the proposed mitigation measure would eliminate the potential drinking water supply impacts. Refer to Response to Comment 8-3 for a discussion of the non-degradation policy.

Response to Comment 95-38

Comment Summary: The comment questions the evaluation of reservoir and irrigation impacts on septic systems.

The potential groundwater mounding impacts of reservoir operations and likely effects on septic systems are evaluated in Impact 5.5.3 (discussed on page 4.5-48 of the Draft EIR/EIS). Groundwater mounding calculations indicate that adverse impacts could occur at the Carroll Road, Bloomfield, Huntley, and Valley Ford sites. Impacts on septic systems of agricultural irrigation are discussed in page 4.5-53. Agricultural irrigation is not expected to result in significant groundwater mounding. The proposed Mitigation Measure 2.5.9 on page 2-136 recommends monitoring of septic system performance in the vicinity of the aforementioned reservoir sites. The mitigation measure does not, as the comment suggests, recommend future studies, only groundwater monitoring to verify the presence of the potential groundwater mounding phenomenon indicated in the analysis so as to determine where replacement systems may be required.

Response to Comment 95-39

Comment Summary: The comment, citing an article from Cascadia magazine, states that the public health risk associated with nitrate contamination has recently become better understood.

Refer to Response to Comment 92-25, which references the same article from Cascadia magazine.

Response to Comment 95-40

Comment Summary: The comment questions whether the agricultural irrigation pesticide and fertilizer application Best Management Practices are capable of adequately protecting groundwater quality.

As indicated in the evaluation of Impact 5.7.1, beginning on page 4.5-52 of the Draft EIR/EIS, agricultural irrigation will result in less-than-significant impacts on groundwater quality. For existing crops, irrigation with reclaimed water that contains some nitrate would reduce the need for fertilizer application. Pesticides will be managed in accordance with the Irrigation and Conservation Management Program. The Best Management Practices outlined in the Irrigation and Conservation Management Program were derived from standard and generally accepted U. S. Department of Agriculture recommendations for crop management set out in field handbooks for Best Management Practices. These recommendations are based on specific regions and types of crops and years of experience in the field, and are thus deemed to be feasible. Refer also to Responses to Comments 77-5 and 92-110.

Response to Comment 95-41

Comment Summary: The comment states that impacts of siltation in the esteros in the West County were not evaluated.

The Draft EIR/EIS evaluates erosion impacts associated with agricultural irrigation in areas within the watershed of the esteros in Impact 2.7.3, starting on page 4.2-22. Irrigation will occur during the summer and water application will be managed in such a way that erosion and sedimentation would be less than significant after mitigation. In fact for most types of agriculture, erosion will be less than with the existing situation. For those areas where erosion potential is significant, Mitigation Measure 2.3.2: Restrict Approval of Agricultural Irrigation Contracts, on page 2-63, will reduce impacts to less than significant. Because erosion will, overall, be less than existing, siltation in the esteros would be less than existing.

Response to Comment 95-42

Comment Summary: The comment states that the Draft EIR/EIS fails to address impacts associated with tidewater goby.

The EIR/EIS authors do not agree that the tidewater goby was inadequately addressed in the Draft EIR/EIS. The species is included Table 4.9-1, Special-Status Species Associated with Aquatic Habitats, on page 4.9-4; the special-status species listed here were analyzed in the Draft EIR/EIS. Provided below is additional species information (summarized from *Fish Species of Special Concern in California*. P. B. Moyle, J. E. Williams. and E. D. Wikramanayake, 1989):

The tidewater goby is federally-listed as endangered by the U.S. Fish and Wildlife Service (Federal Register Vol. 59, No. 24, February 4, 1994). Tidewater gobies are found in shallow lagoons and lower stream reaches where the water is brackish (salinity usually <10 ppt) to fresh. The species is capable of living in saline water ranging from 0 to 50 ppt salinity and at temperatures of 8 to 23 degrees Celsius. They are known to persist under anoxic conditions that eliminate other fish species. Gobies have been observed to gulp air at the water surface. Primary threats to tidewater goby include coastal development, diversion of freshwater supplies, pollution, siltation, bridge construction, and invasion by non-native predatory fish and frog species.

The primary impact associated with the tidewater goby is the potential for agricultural irrigation runoff to enter the esteros. Since the species can thrive in a relatively large range of salinities, the potential for increased freshwater from agricultural runoff is not expected to harm the species. The ecological risk assessment model demonstrates that potential impacts to aquatic life associated with pesticide runoff will be less than significant (refer to Impacts 9.5.9 and 9.7.9 on pages 4.9-73 and 4.9-80 respectively). As a result, impacts to tidewater goby will be less than significant. However, under the strict evaluation criterion established for the Gulf of Farallones National Marine Sanctuary, any change in salinity is considered significant even though aquatic life may not necessarily be adversely affected.

However, in order to respond to the comment's concerns, additional text has been added to the following pages of the Draft EIR/EIS that addresses potential impacts to tidewater goby:

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

Page 4.9-68: The Analysis section of Impact 9.5.6 is revised as follows:

Analysis: *Significant; Alternative 3.*

West County reservoirs may affect salinity in the Estero Americano and Estero de San Antonio through subflow entering streams. Changes in salinity may result in potential adverse effects to aquatic life found within the Estero Americano and Estero de San Antonio. For example, tidewater goby have been found in both of the Esteros. A significant change in salinity could result in the degradation of habitat. The tidewater goby can tolerate salinity ranges from 0 to over 50 parts per thousand (Swift et al.

1989). Based on this wide range of tolerance with regard to salinity, it is not expected that the Project would adversely impact the tidewater goby. However, based on the status of both the Estero Americano and Estero de San Antonio as part of a National Marine Sanctuaries, a strict evaluation criterion has been developed which establishes zero change in salinity as the point of significance. Therefore, this will be considered a significant impact.

No Impact; Alternatives 1, 2, 4, and 5.

Alternative 2 storage reservoir components are located in the South County and not located in watersheds that will contribute to the flows of the esteros.

Alternatives 1, 4, and 5 do not have a storage reservoir component.

Page 4.9-79. The first paragraph of the Analysis section of Impact 9.7.6 is revised as follows:

Analysis: *Significant; Alternative 3.*

Under various water quality models, small sub-surface wastewater flows from irrigation field leaching may discharge to reaches of the esteros, resulting in small alterations in the salinity distribution in certain reaches. See *Aquatic Biological Resources Impact Analysis Report* for more detailed analysis (Merritt Smith Consulting 1996e). These small changes in salinity are not expected to adversely affect the tidewater goby, a species which can tolerate salinity ranges from 0 to over 50 parts per thousand (Swift et al. 1989).

Response to Comment 95-43

Comment Summary: The comment indicates that the cancellation of Williamson Act contracts anticipated by the Project should be recognized as a growth inducing impact since conversion of agricultural lands to nonagricultural uses has the effect of urbanizing agricultural areas.

The potential impacts of storage reservoir and agricultural irrigation components on the cancellation of Williamson Act contracts are addressed on pages 4.2-13 through 4.2-16, and 4.2-22 of the Draft EIR/EIR. As discussed on page 4.2-15, “cancellation will not result in discontinuous patterns of urban development. Cancellation is not for the purpose of unplanned urban development. Development of a reservoir to store nonpotable reclaimed water is expected to enhance the long-term prospects of agriculture in the area, and therefore, reinforce agricultural land uses.” Because cancellation would not encourage urbanization, it will not have growth inducing effects.

Response to Comment 95-44

Comment Summary: The comment indicates that the Draft EIR/EIS anticipates that additional or alternative “centralized” public water supplies will be required to address groundwater impacts to the West County, and that providing such supplies should be recognized as a growth inducing impact.

The potable water system that may be provided downgradient of a reservoir if a reclamation alternative is chosen, is described in Mitigation Measure 2.3.12, on page 2-85, of the Draft EIR/EIS. As noted on page 5-11 of the Draft EIR/EIS, a maximum of 84 parcels may receive a new water supply, and because development within those parcels must comply with existing General Plan and zoning policies, the potential new houses on said parcels are not considered growth inducing. Refer also to Response to Comment 29-1.

Response to Comment 95-45

Comment Summary: The comment indicates that the Draft EIR/EIS fails to establish the effectiveness or feasibility of the proposed mitigation measures. This includes failing to document that adequate staffing and funding is available to administer the monitoring and enforcement program, and proposing to enforce irrigation requirements through cessation of reclaimed water deliveries for non-compliant irrigators.

The Mitigation and Monitoring Program for all Santa Rosa Subregional Long-Term Wastewater Project alternatives, including the West County Reclamation Alternative, is presented on pages 2-1 through 2-144 of the Draft EIR/EIS. The Program describes each mitigation measure and identifies the affected alternatives and/or components, the implementing and monitoring agencies, the duration of the monitoring (in many cases coincident with the life of the Project), and the validation criteria. The over seventy mitigation measures described include measures incorporated as part of the Project, planning measures, construction measures, and operation and maintenance measures. Completion of the specified monitoring results is to be documented through completion of Verification reports by the in-field monitor, responsible agency, or construction manager, and completion of quarterly Mitigation Monitoring Checklists by the City of Santa Rosa.

By State law, the City is required to implement applicable portions of the adopted Mitigation and Monitoring Program. Funding for implementation of the Mitigation and Monitoring Program is included in estimated costs for operation and maintenance. Although cessation of reclaimed water deliveries is only intended to be used to enforce repeated or other serious violations of irrigation requirements, the Regional Water Quality Control Boards will require that the City have that authority. The EIR/EIS authors do not agree that enforcing mitigation by terminating the action that causes the impact is an ineffective measure, or that it “undermines the mitigation measure”. The authors of the EIR/EIS also note that the United States Environmental Protection Agency (Comment Letter 2) disagrees with this Comment: the EPA specifically commended the

Corp's and the City of Santa Rosa's "commitment to the detailed mitigation and monitoring program (Chapter 2) which provides validation and implementation monitoring with a focus on compensatory mitigation on an ecosystem basis." Refer to Master Response 11, located in Section 6.2 of this document, concerning potential success of wetlands mitigation.

Response to Comment 95-46

Comment Summary: The comment indicates that the Draft EIR/EIS fails to adequately analyze "source reduction" mitigation measures such as growth control in the service area and source reduction of pollutants entering the wastewater system.

Although, as a mitigation measure, "growth control" would affect the rate at which new development occurs, it would not reduce the overall capacity requirements for the wastewater facilities necessary to handle the projected flows presented in the Draft EIR/EIS. As noted on page 1-1 of Appendix D-4 (Wastewater Flow Projections) of the Draft EIR/EIS, the wastewater flow projections are based on complete buildout in accordance with the adopted general plans for each member entity in effect in April 1994, as adjusted for effects of current water conservation programs. Consequently, as noted on page 4.18-8 of the Draft EIR/EIS, the buildout projections for the City of Sebastopol are based on the growth capacity within the existing City limits and sphere of influence in accordance with City's General Plan, although the City adopted a growth management ordinance in 1994 which limits the number of new housing units that can be built in the next 20 years.

The Project also includes certain source reduction programs. As noted on page 3.2-4 of the Draft EIR/EIS, the Santa Rosa Regional Water Reclamation System already has and is implementing a U. S. Environmental Protection Agency approved industrial wastewater pretreatment program. The program requires pretreatment and/or control of wastes to prevent or reduce discharges of pollutants to the sewer system. Also, when necessary to reduce a specific impact, mitigation measures requiring source control of specific pollutants have been proposed, for example, Mitigation Measures 2.4.16, 2.5.5 and 2.5.6.

In addition, the individual Irrigation and Conservation Management Programs required by Measure 2.2-1 as part of the project for irrigated lands will incorporate the State Water Resources Control Board Technical Advisory Committee's management recommendations concerning pesticides, which include requirements for application of the least toxic and the lowest amounts of pesticides necessary.

Response to Comment 95-47

Comment Summary: The comment expresses skepticism about the statement in the Draft EIR/EIS that impacts in the National Marine Sanctuary cannot be fully mitigated, and indicates that such a statement has not been adequately documented.

Feasibility of mitigation for impacts in the National Marine Sanctuary is discussed on page 225 in Appendix I-16 (Water Quality Impact Analysis Report Volume I - Text) of the Draft EIR/EIS. The point of significance for an estero impact is extremely stringent; any water quality change from existing conditions is considered significant. Potential mitigation measures would not completely avoid significant impacts because they could not be implemented to perfectly re-create existing conditions. The potential impacts after implementation of mitigation and avoidance measures would be different than those without mitigation, but these potential impacts will also be significant.

The comment has not provided any specifics or evidence supporting its claim that the conclusions of the Draft EIR/EIS regarding mitigation "are suspect," nor does it suggest additional potential mitigation that has not been considered. The EIR/EIS authors are thus unable to respond more specifically.

Response to Comment 95-48

Comment Summary: The comment asserts that measures associated with the Irrigation Conservation and Management Programs (ICMPs) are not feasible or enforceable because irrigators would not be willing to participate in "the manner hypothesized in the Draft EIR/EIS".

In the opinion of the EIR/EIS authors, the measures described in Measures 2.2.1 through 2.2.7 on pages 2-21 through 2-36 of the Draft EIR/EIS constitute a reasonable, feasible, and achievable program for managing irrigation with reclaimed water. The central tenet of the ICMPs is a site specific mapping of resources and design of an irrigation program that acknowledges the problems and opportunities at each site. The sprinkler and drip irrigation methods and use of deficit irrigation management and drainage improvements are well-established methods for managing irrigation to limit water use. Slope limitations are an obvious method to limit erosion. Other measures center around avoidance of sensitive resources. It is true that a high level of management is required to ensure that irrigation is done properly. These measures would become a part of individual irrigation contracts, and would thus be enforceable. Irrigators who were unwilling to manage reclaimed water appropriately will not be included in the system. While the City will work to correct any problems before taking more drastic measures, the ultimate enforcement measure of cutting off reclaimed water supply will be used if needed.

The Comment has not provided any specifics or evidence that the ICMPs are not feasible, and the authors are thus unable to respond any more specifically in this Response to Comment. Please see also Master Response 6, concerning the feasibility of West County irrigation.

Response to Comment 95-49

Comment Summary: The comment questions whether West County agricultural users would be willing to comply with agricultural best management practices, and questions the City's ability to enforce such practices.

The practices described in the Draft EIR/EIS as mitigation for potential impacts will be required of any users signing contracts to receive reclaimed water. The City of Santa Rosa has a commitment to enforcing these measures and will monitor to ensure compliance. While assistance may be provided to aid users in complying with measures, the ultimate enforcement of cutting off reclaimed water supply will be used if needed.

Response to Comment 95-50

Comment Summary: The comment states that mature habitats cannot be mitigated, and suggests that the Draft EIR/EIS include the specification of known sites with resource values adequate to compensate for Project impacts.

Mitigation of mature habitats can be accomplished, but the full resource value of the habitat may not be obtained for several years. The City will select the appropriate mitigation site and detail the conceptual plans provided in the Draft EIR/EIS for the selected project during the permitting phase.

Though specific mitigation sites are not presented in the Draft EIR/EIS, Table 2.3-3 in Mitigation Measure 2.3.11 of the Draft EIR/EIS provides classification and impact acreage estimates of the habitats present within the construction footprint of each reservoir site. Though the primary intent of the data collection task was to identify impacts resulting from reservoir construction, these results illustrate the variety of resources and mitigation opportunities that are available in the region and the plausibility of the mitigation plan. Also, refer to Master Response 11, located in Section 6.2 of this document, regarding feasibility of wetland mitigation.

In addition, any impacts on wetlands will be considered by the Corps of Engineers in the Section 404 permitting process, and the City will be required by federal law to comply with the mitigation requirements of that process, including all requirements for replacement wetlands that mitigate the impacts of the project. Please refer also to Response to Comment 101-22, which notes that the mitigation ratios used in the EIR reflect the fact that a 100% success rate cannot be guaranteed.

Response to Comment 95-51

Comment Summary: The comment contends that the Draft EIR/EIS does not demonstrate that the loss of habitat at the Two Rock site can be mitigated.

Page 2-83 of the Draft EIR/EIS provides a table with the identified sensitive resources of each reservoir site. The Two Rock reservoir site does not provide a unique habitat that is not available or cannot be restored or preserved on another storage site. In addition, multiple mitigation opportunities are available outside of the storage sites (see page 2-77 of the Draft EIR/EIS.). The comment does not specifically address these conclusions. Refer also to Response to Comment 95-50.

Response to Comment 95-52

Comment Summary: The comment requests documentation of the feasibility of the recommended mitigation measure to reduce impacts to septic systems in the vicinity of reservoir sites.

The Sonoma County Permit and Resource Management Department regulates the installation, operation, and monitoring of septic systems in the County. The mitigation measure was developed through consultation with the County. Conventional septic systems must have a six-foot separation from the groundwater. Mounded systems and other non-conventional systems may be installed with a two- to three-foot separation from the groundwater. Numerous non-conventional septic systems are operating effectively in the County (personal communication, Ted Walker, Sonoma County, 1996).

REFERENCE: Ted Walker, 1996, Sonoma County Permit and Resource Management Department, telephone conversation with Dennis Worrell, 19 December.

Response to Comment 95-53

Comment Summary: The comment states that the Draft EIR/EIS does not adequately address permanent loss of raptor nests upon Project completion.

Loss of active raptor nests is evaluated in Impact 8.5.3 on page 4.8-91 of the Draft EIR/EIS and found to be significant. This impact is reduced to a level below significance by Mitigation Measure 2.4.5: Active Raptor Nest Location and Monitoring Program (refer to page 2-103) through monitoring and avoidance.

In addition, permanent loss of raptor nests is evaluated as part of raptor habitat, under Impact 8.5.4 on pages 4.8-91 through 4.8-94, and is found to be less than significant for all wildlife habitats, including raptor habitat.

However, because raptors for the most part nest in trees in oak woodland or riparian woodland plant communities, and because impacts to these communities are found to be significant under Impact 8.5.5 (page 4.8-94), Mitigation Measure 2.3.11: Sensitive Resource Conservation Program is recommended. This measure would replace or preserve nest sites permanently lost due to the Project.

