

**COMMENT LETTER 115 - TRENT W. ORR (OCTOBER 7, 1996), RECEIVED  
OCTOBER 7, 1996**

**Response to Comment 115-1**

*Comment Summary: The comment states that the Draft EIR/EIS does not provide a legally adequate basis for the approval of the West County alternative since impacts to the esteros could not be mitigated.*

Analysis of alternatives under CEQA and NEPA is aimed at identifying alternatives evaluating their environmental impacts, and identifying ways to avoid or lessen those impacts. All of the alternatives, not just Alternative 3 (West County), have significant impacts for which no feasible mitigation has been identified (refer to Table 1-13 on pages 1-44 through 1-57 of the Draft EIR/EIS). It is not the purpose of the Draft EIR/EIS to determine which alternative should be approved; its purpose is to present the information and analyses for each of the alternatives so that an informed decision may be made as to the preferred alternative. The authors of the EIR/EIS believe that this has been achieved. Refer also to Response to Comment 95-47.

**Response to Comment 115-2**

*Comment Summary: The comment states that the Draft EIR/EIS fails to acknowledge that the area surrounding the Estero Americano and the Estero de San Antonio is under consideration by the National Park Service for inclusion to the Point Reyes National Seashore and the potential impacts associated with this inclusion. The comment also states that the West County alternative cannot be approved under CEQA and NEPA until a supplement Draft EIR/EIS is prepared to address the proposed expansion and the West County Alternative's potential impact on the expansion.*

The Project will not conflict with the proposed legislation. Refer to Response to Comment 3-8 for a discussion of the proposed expansion of the Point Reyes National Seashore.

**Response to Comment 115-3**

*Comment Summary: The comment states that the Draft EIR/EIS does not seriously take into account the obstacles to implementation of the West County Alternative because of the Gulf of the Farallones National Marine Sanctuary's restrictive regulations relating to any discharge into sanctuary waters.*

The comment does not identify how the information and analyses in the Draft EIR/EIS do not seriously address impacts to the Gulf of the Farallones National Marine Sanctuary and the Estero Americano and the Estero de San Antonio. The impacts to this sensitive habitat were examined thoroughly in the Draft EIR/EIS in the Aquatic Sections 4.9 and 4.6, and the unavoidable impacts with no feasible mitigation were identified. Criteria in both sections include special, more stringent, standards that apply to the Sanctuary. Refer

to the description of special sites criteria on page 4.6-66 and to criterion 6 on page 4.9-37 of the Draft EIR/EIS. Refer also to Response to Comment 95-47.

#### **Response to Comment 115-4**

*Comment Summary: The comment states that the Draft EIR/EIS has identified significant impacts to the watersheds and esteros in West County and has acknowledged that no feasible mitigation has been identified for the impacts. The comment asserts that the West County alternative must be rejected as infeasible and that the City of Santa Rosa does not have the legal authority to override the regulations of the federal government.*

The comment calls for the rejection of the West County Alternative; please refer to Response to Comment 5-9, which addresses the reasons that it is not within the purview of the Draft EIR/EIS to reject options. (Refer also to Response to Comments 95-47.) In addition, it should be pointed out that the Draft EIR/EIS does not promote nor suggest the overriding of federal regulations by the City of Santa Rosa. The purpose of the Draft EIR/EIS is to present the information and analyses for each of the alternatives so that an informed decision may be made as to the preferred alternative.

#### **Response to Comment 115-5**

*Comment Summary: The comment doubts that there are 3,450 acres in the West County owned by ranchers who would willingly accept wastewater for irrigation. The comment states that the City of Santa Rosa is aware of the opposition in West County to irrigation or condemnation of farmland for reservoir construction.*

Section 3.3 of the Draft EIR/EIS (page 3.3-36) recognizes that not all property owners in the areas evaluated for agricultural irrigation will be willing to use reclaimed water. Refer to Master Response 6, located in Section 6.2 of this document for a discussion of the feasibility of West County irrigation.

#### **Response to Comment 115-6**

*Comment Summary: The comment states the Draft EIR/EIS does not provide a legally sufficient basis under either CEQA or NEPA to approve the West County alternative and that the document makes it clear that the West County alternative is infeasible and that the Final EIR should recognize its infeasibility.*

Refer to the Responses to Comments 115-1 and 115-4.

#### **Response to Comment 115-7**

*Comment Summary: The comment consists of a copy of letter 115 that was received on October 10, 1996.*

This is a virtual duplicate of letter 115 that has corrected the typos in the letter that was faxed on October 7, 1997. Refer to Responses to Comment 115-1 through 115-6.