

**COMMENT LETTER 120 - AGRICULTURAL PROPERTY RIGHTS ALLIANCE,
RICHARD SHANNON (OCTOBER 4, 1996), RECEIVED OCTOBER 7, 1996**

Response to Comment 120-1

Comment Summary: The comment indicates that the Agricultural Property Rights Alliance expects written responses to all of its comments (other than "Comment noted"), and expects that the written comments will be included in the Final EIR/EIS, and mailed to its Chairman.

Comments received during the public comment period will be considered, responded to in writing, and included in the Final EIR; however the responses will not be mailed, but will be available for public review at the same locations as the Draft EIR/EIS, and available for purchase from the City. None of the responses use the term "comment noted".

Response to Comment 120-2

Comment Summary: The comment states that the Draft EIR/EIS does not meet its requirement for access of information to the public due to its cost and lack of availability.

Refer to Master Response 3, located in Section 6.2 of this document, concerning cost and availability of the document.

Response to Comment 120-3

Comment Summary: The comment states that the Draft EIR/EIS does not meet its requirement for access of information to the public due to its incomprehensibility.

Refer to Master Response 1, located in Section 6.2 of this document, concerning organization of the document.

Response to Comment 120-4

Comment Summary: The comment requests a more detailed study of ambient noise.

Refer to Response to Comment 106-5.

Response to Comment 120-5

Comment Summary: The comment inquires about long-term effect of noise levels for each alternative.

The operation of pump stations is the only component that will produce long-term operational noise. Other components (pipelines, reservoirs, discharge locations) will not have any noticeable noise once construction is completed. The predicted noise levels at each pump station are shown in Table 4.13-19 on page 4.12-42 of the Draft EIR/EIS.

Pump station operation will have a significant unmitigable impact. Refer to Response to Comment 106-11 for additional discussion of long-term noise effects.

Response to Comment 120-6

Comment Summary: The comment expresses concern about impacts to septic systems, and who will be responsible for mitigation.

Potentially significant impacts to septic systems were identified in Impact 5.5.3 (page 4.5-48) in the Draft EIR/EIS. Groundwater mounding in the vicinity of the Carroll Road, Bloomfield, Huntley, and Valley Ford reservoir sites could interfere with septic system operation. The City will be responsible for providing replacement waste disposal systems, as described in Mitigation Measure 2.5.9: Implement Septic System Monitoring and Replacement Program, on page 2-136 of the Draft EIR/EIS.

Response to Comment 120-7

Comment Summary: The comment asks how replacement septic systems would be financed.

The City will pay for the removal and installation of a non-conventional system if deemed necessary by the Sonoma County Permit and Resource Management Department. Maintenance will be similar to existing systems, and will be the responsibility of the property owner.

Response to Comment 120-8

Comment Summary: The comment inquires about situations where land area may limit septic system operations.

The areas where the Project could affect septic system operation are rural. Most of the land in the vicinity of the reservoir sites is in agricultural use and minimum lot size will be adequate to accommodate a new septic system. In addition, non-conventional septic systems are not expected to require significantly more land area to operate than conventional systems.

Response to Comment 120-9

Comment Summary: The comment asks who would pay for additional land, if needed, to construct a new septic system.

It is not expected that additional land will be needed. If unusual circumstances occurred, the City will be responsible for providing and financing adequate waste disposal.

Response to Comment 120-10

Comment Summary: The comment states that irrigation suitability studies are inadequate because not all land was studied, and states that the United States Department of Agriculture Soil Survey-Sonoma County calculation of available water capacity is in conflict with crop water requirements published in Appendix E-2 (Irrigation Suitability Land Classification West County Area) of the Draft EIR/EIS.

There is no conflict because the two figures represent completely different things; refer to Response to Comment 29-3. Refer to Response to Comment 29-2 regarding irrigation land surveys.

Response to Comment 120-11

Comment Summary: The comment mentions two different water capacities in the Draft EIR/EIS which the comment states seem to be in conflict.

Neither figure is a water capacity. The figure of 19 inches is the approximate water use for improved pasture in West County (the overall average crop water use given a potential mix of crops is about 20 inches); 23 inches is the estimated application rate given an 80 percent irrigation efficiency ($19/0.8 = 23$). Refer to Response to Comment 29-3 for an explanation of the difference between water capacity and annual irrigation application.

Response to Comment 120-12

Comment Summary: The comment contends that the irrigation suitability study should be redone or the USDA data should be accepted.

As discussed above, the irrigation suitability study is not in disagreement with the USDA information. The Draft EIR/EIS does not disagree with the USDA figures for available water capacity. Available water capacity is not the same as annual irrigation application rate. Refer to Response to Comment 29-3.

Response to Comment 120-13

Comment Summary: The comment asks for a reference to the water table level in the West County area.

Groundwater occurrence, levels, and movements within the Project area are discussed throughout Section 4.5, and in Appendices H-1 (Hydrogeology of Storage/Reuse Areas and Evaluation of Potential Impacts to Groundwater) and H-4 (Well Installation and Groundwater Monitoring Results), of the Draft EIR/EIS.

Response to Comment 120-14

Comment Summary: This comment asks how water table level will affect water capacity in the West County.

Available water capacity, as defined by the U.S.D.A. is “The capacity of soils to hold water available for use by most plants. It is commonly defined as the difference between the amount of soil water at field capacity and the amount at wilting capacity.” (United States Department of Agriculture, Forest Service and Soil Conservation Service. 1972. *Soil Survey of Sonoma County, California.*). Water table does not affect the available water capacity of soils. Refer to Response to Comment 29-3 for an explanation of available water capacity.

Response to Comment 120-15

Comment Summary: The comment asks how water capacity will be accounted for.

Refer to Response to Comment 29-3 for a discussion of available water capacity. Available water capacity does not affect Project implementation.

Response to Comment 120-16

Comment Summary: The comment states that because four other alternatives do not affect Williamson Act contracts, the West County Alternative should be eliminated.

It is not correct that there are four alternatives without any impacts to properties under Williamson Act contract. Williamson Act properties affected by Project components are discussed in Section 4.2 of the Draft EIR/EIS. As shown in Table 4.2-7 on page 4.2-14, West County and South County reservoir sites affect properties under Williamson Act contract. The Sears Point reservoir site is the only one without any properties under Williamson Act contract. Although there is more flexibility in location of pump stations than in siting reservoirs, it may also be necessary to acquire some parcels under Williamson Act contract for pump station sites. Thus, it is possible that 20 percent Discharge may be the only Project alternative that can completely avoid Williamson Act properties. However, because the pump station sites are small, acquisition of pump station sites will not result in contract cancellation.

Also, the comment has quoted Section 51292 of the Williamson Act out of context. The full text of the section is "No public agency or person shall acquire prime agricultural land covered under a contract pursuant to this chapter for any public improvement if there is other land within or outside the preserve on which it is reasonably feasible to locate the public improvement." None of the parcels under Williamson Act contract is classified as prime agricultural land. See Table 4.2-6 on page 4.2-12 of the Draft EIR/EIS, which shows that no prime farmland is affected by reservoir sites.

Response to Comment 120-17

Comment Summary: The comment states that the Draft EIR/EIS does not recognize that land under Williamson Act contract would have to be condemned for irrigation.

The Project does not include condemnation of land for irrigation.

Response to Comment 120-18

Comment Summary: The comment suggests that the Draft EIR/EIS does not reflect limitation on growing various crops in West County.

The referenced information is contained on pages 12 through 14 in Appendix E-2 (Irrigation Suitability Land Classification, West County Area) of the Draft EIR/EIS. These limitations are reflected in the cropping scenarios developed for West County, which are presented in Appendix E-3 (Cropping Scenarios for the West County and South County Reclamation Alternatives), of the Draft EIR/EIS and these scenarios form the basis of impact analysis throughout the Draft EIR/EIS.

Response to Comment 120-19

Comment Summary: The comment states that no economic analysis was done for irrigated agriculture in West County.

A detailed analysis of agricultural economics of the various crop scenarios is presented in Appendix J-4 (Agricultural Impact Analysis Methodology) of the Draft EIR/EIS. The results of this analysis are summarized in Section 4.18 of the Draft EIR/EIS, beginning on page 4.18-25.

Response to Comment 120-20

Comment Summary: The comment expresses the opinion that transition to irrigated crops is not viable in West County.

The Draft EIR/EIS does not predict a massive transition from pasture to other crops. In fact, the Low Tech cropping scenarios assumes that in West County 5,450 acres will be in irrigated pasture; 900 acres in forage, hay and silage; and 50 acres in vegetable crops. None of the West County cropping scenarios presume conversion to apples or vineyards. Other scenarios are certainly possible, but conversion to irrigated pasture may be the most likely, and is certainly a viable transition, as demonstrated in the economic analysis.

Response to Comment 120-21

Comment Summary: The comment expresses concern about dam safety, and questions the possible selection of a project that could result in dam failure.

The figures on dams presented in the comment are not quite accurate. Dams in West County vary from 140 to 225 feet high (average 192 feet) and from about 1,350 to 3,000 feet long (average 2,450 feet). Extensive measures are required by the Division of Safety of Dams to ensure that the dams are built and maintained safely. Refer to the discussion of Division of Safety of Dams starting on page 4.3-51 of the Draft EIR/EIS, and the discussion of Probability of Dam Failure starting on page 4.19-1 of the Draft EIR/EIS. When properly built and maintained the risk of dam failure is exceedingly small. It will

be up to decision makers to weigh the overall impacts of each potential alternative and select a Project.

Response to Comment 120-22

Comment Summary: The comment asks for more details regarding the provision of alternative drinking water supply to reservoir sites.

As explained in Mitigation Measure 2.3.12: Provide Replacement Water Supply for Affected Wells, page 2-85 of the Draft EIR/EIS, replacement water supply will be provided by a water pipe that will originate at the Laguna Wastewater Treatment Plant. This pipe will be installed at the time of construction of the reservoir and will occupy the same trench as the reclaimed water pipe from the treatment plant to the reservoir. Potable water pipelines from the reservoir to users will be installed in the same trench as the reclaimed water distribution lines serving irrigation areas. All Project-related pipelines (including those constructed as part of mitigation measures) will be financed by the City and will be maintained by the City as part of the Subregional system. The City, operating the Subregional System, has long-term responsibility for all Project components.

Response to Comment 120-23

Comment Summary: The comment asks how a project with impacts on the esteros could be approved.

The Draft EIR/EIS is not attempting to justify any particular alternative; the task of the Draft EIR/EIS is to disclose impacts. Refer to Response to Comment 5-9.

Response to Comment 120-24

Comment Summary: The comment suggests that the West County Alternative is infeasible because based on City comments only approximately 3,000 of the required 6,500 acres are available from willing irrigators.

With respect to the feasibility of the West County alternative, refer to Master Response 6, located in Section 6.2 of this document. Also refer to response to Comment 64-6.

Response to Comment 120-25

Comment Summary: The comment suggests that the West County Alternative is infeasible because based on a 1995 Agricultural Property Rights Alliance survey conducted in the form of a petition, landowners representing 26,000 acres in the West County signed the petition stating they will not accept wastewater for irrigation. The Alliance asks why the petition was not included in the Draft EIR/EIS.

With respect to the feasibility of the West County alternative, refer to Master Response 6, located in Section 6.2 of this document. Also refer to Response to Comment 64-6. The

petition from the Agricultural Property Right Alliance is attached to Comment Letter 128 and this is part of the Draft EIR/EIS. Refer to Response to Comment 128-43.

Response to Comment 120-26

Comment Summary: The comment asks why the Draft EIR/EIS does not disclose that in order to implement the West County Alternative the City would have to condemn 10,000 to 15,000 acres at an additional cost of \$50 million and force ranchers and dairymen from their ranches.

The Project does not include condemnation of land for irrigation. Pipelines and power lines will primarily be located in public right-of-way, although some easements on private land will be necessary. Condemnation may be required for reservoirs and pump stations. Even for these facilities, the City would prefer to acquire land from a willing seller, if possible.

Response to Comment 120-27

Comment Summary: The comment states that the information contained in page A-12 of Appendix K-1 (Biological Resources Vol. 1) of the Draft EIR/EIS is incomplete and inadequate.

Refer to Response to Comment 78-4.

Response to Comment 120-28

Comment Summary: The comment states that no follow-up biological studies were conducted at the Carroll Road site.

Refer to Responses to Comments 78-4, 78-5, 78-7, 78-8 and 78-9.

Response to Comment 120-29

Comment Summary: The comment questions how an informed evaluation could be conducted.

Refer to Response to Comment 78-9.

Response to Comment 120-30

Comment Summary: The comment asks how the Draft EIR/EIS will be updated to reflect an accurate biological evaluation.

There are no current plans to update the biological evaluation. Refer to Response to Comment 78-9.

Response to Comment 120-31

Comment Summary: The comment asks how the Draft EIR/EIS will account for an inadequate biological evaluation.

Refer to Response to Comment 78-9.

Response to Comment 120-32

Comment Summary: The comment indicates that individual members of the Agricultural Property Rights Alliance have submitted comments on other issues and that those members expect responses. The comment also notes that attached to the comment letter is a list of the members who authorized submittal of the comment letter.

Comments submitted during the comment period will be considered, responded to in writing, and included in the Final EIR.