

**PUBLIC COMMENTOR 219 - ELISABETH GUNTHER, SEPTEMBER 24, 1996**

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Yes. Good afternoon. Of course my name is Elizabeth Gunther. I'm an environmental attorney specializing in project permitting and environmental review under NEPA and CEQA. I'm here today on behalf of Dr. Lee Schaller, who's a resident of Petaluma and whose property will be affected by the Tolay extended reservoir. That's the largest Tolay project.

Dr. Schaller owns pristine agricultural land that would be destroyed by the reservoirs through the construction of a back dam on his property and inundation by the reservoir. I'd like to make several comments on adequacy of the EIR, and we will supply written comments that will expand on our comments that we give today.

**Mayor Wright:**

Thank you.

**ELISABETH GUNTHER:**

But before doing so, I'd like to state Dr. Schaller's adamant opposition to the tol原因 extended project. Not only will it affect, it will completely destroy his pristine agricultural land We believe it's environmentally inferior, has disproportionate costs to its benefits, and as such is not a viable alternative and should be eliminated from consideration. First and foremost, we question the alternatives analysis as many people have done today. The primary purpose of this project was supposedly to dispose of wastewater, but it's clear that the reuse component is driving this project, and the need to dispose of an enormous amount of wastewater. If that's the case, and if there's a concern over reuse, there should have been greater consideration given to the issue of development and the impact of development on the environment In addition, there should have been greater consideration given to conservation, and the fact that we generate as much wastewater as we do But holding that aside, and the fact that this should be the threshold question, greater consideration should have been given to other uses for the reclaimed water that do not require substantial infrastructure investment to the extent of a reservoir such as the Tolay extended reservoir. Those may include nonpotable commercial and industrial uses, small supply alternatives, sole user agricultural projects, and some of the other innovative solutions people have proposed today

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We do agree with many of the conclusions in the document, particularly as they relate to the unavoidable significant effects of the Tolay extended alternative. We do not believe it's an acceptable alternative for the reasons I've stated. It will result in the loss of substantial habitat and biological resources visual and noise impacts, and substantial socioeconomic impacts. Moreover, the document fails to point out that it will result in a substantial land use impact. In fact, a great deal of land will be lost, land used for other purposes, and there will be noise visual, open space, and socioeconomic impacts that

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result to adjacent land owners. | There will also be a loss of pristine agricultural land by this alternative as well, and we think that should be pointed out in the EIR, and that is unavoidable and significant. | 129

| Finally, we question many of the mitigation measures that have been proposed for the tolay alternatives and request whether they can truly reduce the impacts to a level that's not significant, as claimed in the document. | Frankly, those impacts that we're most concerned with include the seismic impacts, | flooding hazard, | disruption of service at their seismic impacts to the pipe lines or to the dam itself. | 130  
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| Second is the biological mitigation proposed, which suggests that simple replacements can truly mitigate fully the impacts to the resources in this area, which include substantial biological, aquatic, and terrestrial habitat. | In addition, the document indicates that there can be full mitigation of impacts to ground water resulting from the large reservoir sites. We question if the mitigation is truly replacement of the water supply if it does become polluted. Frankly, I don't think you can fully mitigate for the loss of a resource such as ground water. And finally we question whether or not there are indeed public hazards for ground water impacts that would result from these alternatives which cannot be fully mitigated, again because we don't agree that simply replacing the water supply will mitigate those impacts. | In sum, I'd like to again reiterate that we strongly oppose the tolay extended alternative because of its significant environmental effects and its disproportionate costs. We don't think it's viable, and we think you should eliminate it from further consideration. Thank you very much. | 134  
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**Mayor Wright:**

Thank you, Ms. Gunther.