Appendix A

Notice of Preparation and Scoping Summary Report

Notice of Preparation

Notice of Preparation and Scoping Session

Corte Madera Creek Flood Risk Management Project, Phase 1 Environmental Impact Report

Applicant: Marin County Flood Control and Water Conservation District

Project Address: Corte Madera Creek Watershed in the Town of Ross and unincorporated Kentfield

Project Manager: Joanna Dixon **Email:** cortemaderacreek@marincounty.org

Project Summary: The Marin County Flood Control and Water Conservation District (the District) proposes the Corte Madera Creek Flood Risk Management Project, Phase 1 (the project). The project will make improvements to the concrete channel that the US Army Corps of Engineers built in the 1960s. The proposed channel improvements provide protection from the 25-year flood event to residents and businesses within the Town of Ross and Kentfield and improve fish passage and habitat. Additional information about the project is available at: https://bit.ly/30FILcR

Date and time of (web-based) Scoping Session: August 27, 2020 6 p.m. to 8 p.m.

Zoom Link: https://us02web.zoom.us/j/85658763657 **Meeting ID:** 856 5876 3657

Passcode: 799931 **Phone Number:** +1 669-900-9128

Last Day to Submit Comments: September 18, 2020 at 5 p.m.

Scoping Session Materials: Available after the scoping meeting on the project website at: https://bit.ly/30FILcR

All public meetings and events sponsored or conducted by the County of Marin are held in accessible sites. Requests for accommodations may be made by calling (415) 473-4381 (Voice) 473-3232 (TDD/TTY) or by e-mail at disabilityaccess@marincounty.org at least five business days in advance of the event. Copies of documents are available in alternative formats, upon request.

Marin County Flood Control and Water Conservation District
c/o: Panorama Environmental, Inc.
717 Market Street, Suite 650
San Francisco, CA 94103

[Recipient Address]

Scoping Summary Report

Responses to Notice of Preparation

This appendix contains written responses to letters received by the Marin County Flood Control & Water Conservation District (the District) in response to the Notice of Preparation (NOP), of a Draft EIR for the Corte Madera Creek Flood Risk Management Project, Phase 1. Publication of the NOP on August 21, 2020 started the CEQA 30-day scoping period, during which the District received comments from responsible and trustee agencies and the public about the scope and range of alternatives that should be analyzed in the EIR. Also included are responses to comments received during the virtual scoping meeting held on August 27, 2020. Sixteen written comment letters were received, and fourteen speakers provided comments during the scoping meeting. The 30-day scoping period closed on September 21, 2020. Table A- 1 includes a summary of the comments received by the District for the EIR in response to the NOP. Responses to the comments are provided in the table.

The comment letters received on the NOP follow Table A- 1.

Table A- 1 Summary of Public Comments Received in Response to the NOP

Date	Commenter (Organization)	Comments	EIR Topic and Section
		State Agencies	
September 21, 2020	CDFW	Various comments regarding Project Description, Biological Resources, and alternatives. Refer to letter for specific comments (clearly organized by topic).	• Comment noted
		Recommends incorporating the long-term (end of century) scenarios for sea level rise, beyond the 15 year estimate, to fully evaluate Project impacts.	• Section 3.9 Hydrology and Water Quality
		The CEQA Guidelines (§§15124 and 15378) require that the draft EIR incorporates a full project description, including reasonably foreseeable future phases of the Project, and that it contains sufficient information to evaluate and review the Project's environmental impact. Please include a complete description of the following Project components in the Project description: - Footprints of permanent Project features and temporarily impacted areas, such as staging areas and access routes - Encroachments into riparian habitats, wetlands, or other sensitive areas - Area and plans for the proposed floodwalls, ground disturbing activities, channel fill removal, fencing, paving, stationary machinery, landscaping, stormwater systems, and any other construction activities - Operational features of the Project, including level of anticipated human presence (describe seasonal or daily peaks in activity, if relevant), artificial lighting/light reflection, noise and greenhouse gas generation, traffic generation, and other features - Construction schedule, activities, equipment, and crew sizes - Dewatering and species relocation plan, including species likely to be encountered	• Chapter 2 Project Description • Section 3.3 Biological Resources, Impact 3.3-1, Impact 3.3-2 • Chapter 4 Growth Inducing and Cumulative Effects

Date	Commenter (Organization)	Comments	EIR Topic and Section
		Sufficient information regarding the environmental setting is necessary to understand the Project's, and its alternative's (if applicable), significant impacts on the environment (CEQA Guidelines, §§15125 and 15360). CDFW recommends that the CEQA document prepared for the Project provide baseline habitat assessments for special-status plant, fish, and wildlife species located and potentially located within the Project area and surrounding lands, including all rare, threatened, or endangered species (CEQA Guidelines, §15380). Fully protected, threatened or endangered, candidate, and other special-status species that are known to occur, or have the potential to occur in or near the Project site, include, but are not limited to: Coho salmon south of Punta Gorda (Oncorhynchus kisutch), state and federally listed as endangered: - California Ridgway's rail (Rallus obsoletus obsoletus), state and federally listed as endangered, and a Fully Protected Species - Salt-marsh harvest mouse (Reithrodontomys raviventris), state and federally listed as endangered, and a Fully Protected Species - California black rail (Laterallus jamaicensis coturniculus), state listed as threatened and a Fully Protected Species - Central California Coast Distinct Population Segment steelhead (Oncorhynchus mykiss irideus pop. 8), federally listed as threatened - California red-legged frog (Rana draytonii), federally listed as threatened and a California Species of Special Concern (SSC) - Foothill yellow-legged frog (Rana boylii), SSC - Western pond turtle (Emys marmorata), SSC - Pallid bat (Antrozous pallidus), SSC - White-tailed kite (Elanus leucurus), Fully Protected Species	• Section 3.3 Biological Resources • Appendix D

Date	Commenter (Organization)	Comments	EIR Topic and Section
		- Napa false indigo (Amorpha californica var. napensis), California Rare Plant Rank 1B	
		Habitat descriptions and species profiles should include information from multiple sources, including: aerial imagery, historical and recent survey data, field reconnaissance, scientific literature and reports, and findings from positive occurrence databases such as the California Natural Diversity Database (CNDDB). Based on the data and information from the habitat assessment, the CEQA document can then adequately assess which special-status species are likely to occur in the Project vicinity.	• Section 3.3 Biological Resources
		CDFW recommends that prior to Project implementation, surveys be conducted for special-status species with potential to occur, following recommended survey protocols if available. Survey and monitoring protocols and guidelines are available at: https://www.wildlife.ca.gov/Conservation/Survey-Protocol.	• Section 3.3 Biological Resources, Impact 3.3-1
		Botanical surveys for special-status plant species, including those with a California Rare Plant Rank (http://www.cnps.org/cnps/rareplants/inventory/), must be conducted during the blooming period for all sensitive plant species potentially occurring within the Project area and require the identification of reference populations. Please refer to CDFW protocols for surveying and evaluating impacts to rare plants available at: https://www.wildlife.ca.gov/Conservation/Plants.	• Section 3.3 Biological Resources, Impact 3.3-1
		The Project takes place along an urbanized corridor of Corte Madera Creek with residential, business, and community structures developed near the creek. The upstream segments of the Project provide freshwater habitat and a riparian corridor composed mostly of hardwood trees (CDFW 2009).	• Section 3.3 Biological Resources

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		The farthest downstream segment of the Project is tidally influenced and transitions to tidal wetland with fewer riparian trees. Corte Madera Creek is designated critical habitat for the state and federally listed as endangered Coho salmon South of Punta Gorda and the federally listed as threatened Central California Coast Distinct Population Segment steelhead. Corte Madera Creek is also designated essential fish habitat for various life stages of salmon. Steelhead are present in the creek and Coho have historically utilized the watershed.	
		The quality of Corte Madera Creek as a migration corridor for steelhead and Coho was degraded by the construction of the concrete flood control channel and the installation of the Denil fish ladder, a partial barrier to passage. The upstream portion of the concrete channel, identified as Unit 3, contains 28 evenly spaced concrete pools intended to function as resting pools for migrating salmonids installed when the concrete flood channel was constructed by the Army Corps of Engineers. However, most of the pools fail to reduce flow velocity and provide inadequate cover. Only a few of the existing pools provide suitable resting habitat, and migration is extremely challenging to steelhead currently utilizing the channel. The construction of the flood control channel was likely a contributing factor to Coho salmon's extirpation (Love et al. 2007).	• Section 3.3.3 Biological Resources
		Based on reviewing the Phase 1 Project Information Sheet, CDFW looks forward to reviewing the resting pool proposals throughout Unit 3 of the Project. CDFW recommends that improvement of fisheries habitat and fish passage be included as part of the planning objectives for developing and analyzing alternatives. CDFW recommends including an alternative that	• Chapter 2 Project Description • Chapter 5 Alternatives

Date	Commenter (Organization)	Comments	EIR Topic and Section
		includes an improvement for all 28 resting pools to address fish passage in Unit 3.	
		Specifically, CDFW recommends that the draft EIR incorporate recommendations proposed in the Corte Madera Creek Flood Control Channel Fish Passage Assessment and Alternatives Analysis (Love, 2007). Remediation of the fish passage impediments in Unit 3 by incorporating treatments into the concrete channel, such as those presented in Love (2007), would provide suitable upstream fish passage under the range of anticipated tidal and streamflow conditions through all of Unit 3. The Love report states that the preferred alternative design for resting pools would improve fish passage from 2% to 78% for low flows, and from 1% to 65% for high flows, vastly improving the ability for fish passage during high and low flows. Incorporating the 2007 Love report offers the opportunity for both remediation of impacts to steelhead and Coho, while also providing flood risk management to protect life and property.	• Chapter 2 Project Description • Section 3.3 Biological Resources
		The CEQA Guidelines (§15126.2) necessitate that the draft EIR discuss all direct and indirect impacts (temporary and permanent) that may occur with implementation of the Project. This includes evaluating and describing impacts such as: - Potential for "take" of special-status species - Loss or modification of breeding, nesting, dispersal and foraging habitat, including vegetation removal, alteration of soils and hydrology, and removal of habitat structural features (e.g. snags, roosts, overhanging banks) - Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic or human presence	• Chapter 3 Environmental Setting, Impacts, and Mitigation Measures • Section 3.3.6 Biological Resources

Date	Commenter (Organization)	Comments	EIR Topic and Section
		- Obstruction of movement corridors, fish passage, or access to water sources and other core habitat features	
		The CEQA document should also identify reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and assess the significance of the Project's contribution to the impact (CEQA Guidelines, §15355). Although a project's impacts may be insignificant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant cumulative impact – e.g., reduction of available habitat for a listed species – should be considered cumulatively considerable without mitigation to minimize or avoid the impact.	• Chapter 4 Growth-Inducing and Cumulative Effects
		Based on the comprehensive analysis of the direct, indirect, and cumulative impacts of the Project, the CEQA Guidelines (§§ 15021, 15063, 15071, 15126.2, 15126.4 and 15370) direct the lead agency to consider and describe all feasible mitigation measures to avoid potentially significant impacts in the draft EIR, and/or mitigate significant impacts of the Project on the environment. This includes a discussion of take avoidance and minimization measures for special-status species, which are recommended to be developed in early consultation with the U.S. Fish and Wildlife Service, the National Marine Fisheries Service and CDFW. These measures can then be incorporated as enforceable Project conditions to reduce potential impacts to biological resources to less-than-significant levels. Fully protected species such as California Ridgway's rail, California black rail, and salt marsh harvest mouse, may not be taken or possessed at any time (Fish and Game Code § 3511). Therefore, the draft EIR is advised to	• Section 3.3 Biological Resources, Impact 3.3-1

Date	Commenter (Organization)	Comments	EIR Topic and Section
		include measures to ensure complete take avoidance of these fully protected species.	
		CDFW is available to provide biological Mitigation Measures for fully protected species and other special-status species, including California Ridgeway's rail, California black rail, salt marsh harvest mouse, California red-legged frog and foothill yellow-legged frog, western pond turtle, bats, special-status plants, and nesting birds to name a few.	• Comment noted
		Based on our virtual meeting on September 17, 2020, CDFW is pleased that you will be incorporating the tree replacement ratios provided by CDFW: Oak trees: - 4:1 replacement for trees 5 to 10 inches diameter at breast height (DBH) - 5:1 replacement for trees greater than 10 inches to 15 inches DBH - 15:1 replacement for trees greater than 15 inches DBH, which are considered old-growth oaks Replacement oaks will come from nursery stock grown from locally sourced acorns, or from acorns gathered locally, preferably from the same watershed in which they are planted.	• Section 3.3 Biological Resources, Impact 3.3-2
		Other tree species greater than or equal to 6 inches DBH will be mitigated at the following ratios: - 1:1 replacement for non-native trees - 3:1 replacement for native trees	• Section 3.3 Biological Resources, Impact 3.3-2
		CDFW considers riparian habitat a sensitive plant community that is valuable for a diversity of wildlife species. Riparian zones maintain shade (which is especially important for regulating water temperatures for fish), protect against windthrow, produce litterfall, provide important migratory	• Project Description • Section 3.3 Biological Resources, Impact 3.3-2 • Chapter 5 Alternatives

Date	Commenter (Organization)	Comments	EIR Topic and Section
		routes for wildlife, and serve to recruit instream woody debris which provides habitats, food and shelter for invertebrates and fish. Riparian vegetation also acts as a filter strip for sedimentation from erosion sources. Based on the virtual meeting on September 17, 2020, CDFW is concerned with the placement of up to 10-foot high flood walls along long portions of the Project. CDFW recommends a buffer between the wall and the creek and recommends the area be planted with native riparian vegetation of all types, including grasses, herbs, vines, shrubs, and trees, with trees being utilized to the maximum extent possible.	
		The Project area should be revegetated and restored within the same season as construction following a Restoration Plan accepted in writing by CDFW. CDFW recommends habitat mapping and tree surveys be conducted to refine potential impacts prior to submitting the Restoration Plan. CDFW is available to work with the County to determine an appropriate offsite planting location as well.	• Section 3.3 Biological Resources, Impact 3.3-2
		Both the on-site and potentially off-site Restoration Plan should monitor and maintain, as necessary, all plants for a minimum of ten (10) years to ensure successful revegetation. Planted trees and other vegetation should each have a minimum of 85 percent survival at the end of five years. If revegetation survival and/or cover requirements do not meet established goals, replacement planting, additional watering, weeding, invasive exotic eradication, or any other practice, to achieve these requirements should occur. Replacement plants should be monitored with the same survival and growth requirements for five years after planting.	• Section 3.3 Biological Resources, Impact 3.3-2
		Any proposed regrading in the draft EIR should assess impacts, and at a minimum, be designed to maintain existing year-round instream habitat. The analysis should include the	• The bypass outlet was part of the original USACE project and is no longer being proposed.

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		geomorphology of the creek upstream of the bypass outlet. CDFW recommends a critical riffle analysis utilizing CDFW's Standard Operating Procedure for Critical Riffle Analysis for Fish Passage in California. This may include addressing fish passage design criteria, sediment transport, design storm elevations, scour potential, and shear stress involved in the bypass structure.	• The regrading in Unit 4 and adjacent to Frederick Allen Park is designed to maintain and expand year-round instream habitat.
		CDFW recommends implementing guidance and recommendations from the California Salmonid Stream Habitat Restoration Manual. Fish passage should include rearing, foraging, osmoregulation, smoltification, and related functions necessary to support fish through a range of life stages. Avoid use of heavy geotextile fabric and minimize the use of rock riprap to the extent feasible to achieve bank stabilization. If fabric is needed, it should be made of natural, biodegradable materials. Stabilization should be achieved through integration of biological bank stabilization methods, including use of live willow cuttings and other appropriate native species.	• Chapter 2 Project Description
		Fish and Game Code section 5901 states that unless authorized, it is unlawful to construct or maintain a device that prevents or impedes the passing of fish up and downstream. Fish and Game Code section 45 defines "fish" as wild fish, mollusks, crustaceans, invertebrates, or amphibians, including any part, spawn or ova thereof.	• Comment noted
		Please coordinate with CDFW for technical support and assistance. CDFW supports channel naturalization and the restoration of habitat and channel complexity to support fisheries and a broad range of aquatic and riparian wildlife.	• Comment noted

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		The State of California Sea-Level Rise Guidance/2018 Update (California Natural Resources Agency 2018) provides a science-based methodology for state and local governments to analyze and assess the risks associated with sea-level rise and incorporate sea-level rise into their planning, permitting, and investment decisions. The Marin Shoreline Sea Level Rise Vulnerability Assessment/Bay Waterfront Adaptation & Vulnerability Evaluation (BayWAVE) (Marin County 2017) provides context and estimates of the physical and fiscal impacts across the County's bayside shoreline over the coming decades. It includes sea level rise scenarios ranging from 10 inches in the near-term (15 years) to 20 inches in the medium-term (mid-century) and to 60 inches in the long-term (end of century). Since the purpose of the Project is to reduce long-term flood risk, and a portion of this downstream channel is tidal, CDFW recommends incorporating the long-term (end of century) scenarios for sea level rise, beyond the 15 year estimate, to fully evaluate Project impacts.	• Section 3.9 Hydrology and Water Quality 3.9.3 Environmental Setting – Sea Level Rise; 3.9.5 Approach to Impact Analysis
		Please be advised that a CESA ITP must be obtained if the Project has the potential to result in take3 of plants or animals listed under CESA, either during construction or over the life of the Project. Issuance of a CESA Permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the project and mitigation measures may be required in order to obtain a CESA ITP.	• Comment noted
		CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c), 21083; CEQA Guidelines,	• Comment noted

Date	Commenter (Organization)	Comments	EIR Topic and Section
		§§ 15380, 15064, and 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the project proponent's obligation to comply with CESA.	
		CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et. seq., for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW will consider the CEQA document for the Project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.	• LSA Agreement requirements are included in Table 2.8-1 Required Permits or Approvals for the Project in Chapter 2 Project Description
		CDFW also has authority over actions that may disturb or destroy active nest sites or take birds without authorization. Fish and Game Code sections protecting birds, their eggs, and nests include sections 3503, 3503.5, and 3513. Fully protected species may not be taken or possessed at any time (Fish and Game Code, § 3511). Migratory birds are also protected under the federal Migratory Bird Treaty Act.	• Comment noted
		CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any	• Comment noted

Date	Commenter (Organization)	Comments	EIR Topic and Section
		special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form, online field survey form, and contact information for CNDDB staff can be found at the following link: https://wildlife.ca.gov/data/CNDDB/submitting-data.	
		The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).	• Comment noted
September 21, 2020	California State Lands Commission	Various comments regarding Project Description, Biological Resources, GHG, and Cultural Resources. Refer to letter for specific comments (clearly organized by resource topic).	• Comment noted
		Request Draft EIR include information concerning the potential effects of sea-level rise, including adverse effects on public access.	• Section 3.9 Hydrology and Water Quality, 3.9.5 Approach to Impact Analysis
		The California State Lands Commission (Commission) staff has reviewed the subject NOP for an EIR for the Corte Madera Creek Flood Risk Management Project, Phase 1 (Project), which is being prepared by the Marin County Flood Control and Water Conservation District (District). The District, as the public agency proposing to carry out the Project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The Commission is a trustee agency for projects that could directly or indirectly affect State sovereign land and their accompanying Public Trust resources or uses. Additionally, because the Project	• Chapter 1 Introduction

Date	Commenter (Organization)	Comments	EIR Topic and Section
		involves work on State sovereign land, the Commission will act as a responsible agency. Commission staff requests that the District consult with us on preparation of the Draft EIR as required by CEQA section 21153, subdivision (a), and the State CEQA Guidelines section 15086, subdivisions (a)(1) and (a)(2).	
		The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6009, sub d. (c); 6009.1; 6301; 6306). All tidelands and submerged lands granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust Doctrine.	• Chapter 1 Introduction
		After review of the information contained in the NOP, Commission staff has determined that the waterway, over which the proposed Project will extend, includes State-owned sovereign land, as specified above. On April 25, 1968, the Commission authorized Lease No. PRC 3926 to the Marin County Flood Control and Water Conservation District for the construction of a flood control channel northwesterly of the Bon Air Bridge. This lease expired in 2017. Therefore, a new lease application is required.	• Lease requirements are included in Table 2.8-1 Required Permits or Approvals in Chapter 2 Project Description.
		From the Project Description, Commission staff understands that the Project would include the following component that has the potential to affect State sovereign land: - Unit 2. Enhancement of the Creek habitat by replacing the concrete channel with an earthen channel and vegetation downstream of Stadium Way. - Submerged lands downstream of Stadium Way are considered State sovereign land. Modifying the channel	• Chapter 2 Project Description

Date	Commenter (Organization)	Comments	EIR Topic and Section
		would include removal of the concrete channel and installation of vegetated and unvegetated rock slope protection.	
		Project Description: A thorough and complete Project Description should be included in the Draft EIR in order to facilitate meaningful environmental review of potential impacts, mitigation measures, and alternatives. The Project Description should be as precise as possible in describing the details of all allowable activities (e.g., types of equipment or methods that may be used, maximum area of impact or volume of sediment removed or disturbed, seasonal work windows, locations for material disposal, etc.), as well as the details of the timing and length of activities. In particular, illustrate on figures and engineering plans and provide written description of activities occurring below the mean high tide line for Project area waterways. For the work in Unit 2, describe how the Creek would be dewatered prior to concrete removal. Thorough descriptions will facilitate Commission staff's determination of the extent and locations of its leasing jurisdiction, make for a more robust analysis of the work that may be performed, and minimize the potential for subsequent environmental analysis to be required.	• Chapter 2 Project Description
		For land under the Commission's jurisdiction, the Draft EIR should disclose and analyze all potentially significant effects on sensitive species and habitats in and around the Project area, including special-status wildlife, fish, and plants, and if appropriate, identify feasible mitigation measures to reduce those impacts. The District should conduct queries of the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database and U.S. Fish and Wildlife Service's (USFWS) Special Status Species Database to identify any special-status plant or	• Section 3.3 Biological Resources • Refer to responses to CDFW comments below.

Date	Commenter (Organization)	Comments	EIR Topic and Section
		wildlife species that may occur in the Project area. The Draft EIR should also include a discussion of consultation with the CDFW, USFWS, and National Marine Fisheries Service (NMFS) as applicable, including any recommended mitigation measures and potentially required permits identified by these agencies.	
		Invasive Species: One of the major stressors in California waterways is introduced species. Therefore, the Draft EIR should consider the Project's potential to encourage the establishment or proliferation of aquatic invasive species (AIS) such as the quagga mussel, or other nonindigenous, invasive species including aquatic and terrestrial plants. For example, construction boats and barges brought in from long stays at distant projects may transport new species to the Project area via hull biofouling, wherein marine and aquatic organisms attach to and accumulate on the hull and other submerged parts of a vessel. If the analysis in the Draft EIR finds potentially significant AIS impacts, possible mitigation could include contracting vessels and barges from nearby, or requiring contractors to perform a certain degree of hull-cleaning. The CDFW's Invasive Species Program could assist with this analysis as well as with the development of appropriate mitigation (information at https://www.wildlife.ca.gov/Conservation/Invasives).	• Section 3.3 Biological Resources, Impact 3.3-1 and Impact 3.3-7
		Construction Noise: The Draft EIR should also evaluate noise and vibration impacts on fish and birds from construction and restoration activities in the water. Mitigation measures could include species-specific work windows as defined by CDFW, USFWS, and NMFS. Again, staff recommends early consultation with these agencies to minimize the impacts of the Project on sensitive species.	• Section 3.3 Biological Resources, Impact 3.3-1

Date	Commenter (Organization)	Comments	EIR Topic and Section
		Greenhouse Gas (GHG): A GHG emissions analysis consistent with the California Global Warming Solutions Act (Assembly Bill [AB] 32) and required by the State CEQA Guidelines should be included in the Draft EIR. This analysis should identify a threshold for significance for GHG emissions, calculate the level of GHGs that will be emitted as a result of construction and ultimate build-out of the Project, determine the significance of the impacts of those emissions, and, if impacts are significant, identify mitigation measures that would reduce them to the extent feasible. For the proposed Project, the removal and disposal of the concrete in Unit 2 may result in substantial emissions.	• Section 3.7 Greenhouse Gas Emissions • Appendix C
		Sea-Level Rise: A tremendous amount of State-owned lands and resources under the Commission's jurisdiction will be impacted by rising sea levels. Because of their nature and location, these lands and resources are already vulnerable to a range of natural events, such as storms and extreme high tides. The State of California released the 2018 Update to the Safeguarding California Plan in January 2018 to provide policy guidance for state decision-makers as part of continuing efforts to prepare for climate risks. The Safeguarding Plan sets forth "actions needed" to safeguard ocean and coastal ecosystems and resources as part of its policy recommendations for state decision-makers. In addition, Governor Brown issued Executive Order B-30-15 in April 2015, which directs state government to fully implement the Safeguarding Plan and factor in climate change preparedness in planning and decision making. Commission staffbelieves the goals of the proposed Project are consistent with the guidance and recommendations presented in the Safeguarding Plan, and that Project would benefit coastal management agencies' efforts to plan for more resilient shorelines and minimize adverse ecosystem impacts resulting	• Section 3.9 Hydrology and Water Quality, Section 3.9.5 Impact Assessment Methodology

Date	Commenter (Organization)	Comments	EIR Topic and Section
		from sea-level rise. Please note that when considering lease applications, Commission staff will (1) request information from applicants concerning the potential effects of sea-level rise on their proposed projects, (2) if applicable, require applicants to indicate how they plan to address sea-level rise and what adaptation strategies are planned during the projected life of their projects, and (3) where appropriate, recommend project modifications that would eliminate or reduce potentially adverse impacts from sealevel rise, including adverse impacts on public access. Therefore, this information should be included in the Draft EIR.	
		The Draft EIR should also mention that the title to all abandoned archaeological sites and historic or cultural resources on or in the submerged lands of California is vested in the state and under the jurisdiction of the Commission (Pub. Resources Code, § 6313). Commission staff requests that the District consult with Staff Attorney Jamie Garrett, should any cultural resources on State lands be discovered during construction of the proposed Project. In addition, Commission staff requests that the following statement be included in the EIR's Mitigation and Monitoring Plan: "The final disposition of archaeological, historical, and paleontological resources recovered on state lands under the jurisdiction of the California State Lands Commission must be approved by the Commission."	• Section 3.4 Cultural Resources, Impact 3.4-2
		Local Agencies	
September 17, 2020	Town of Ross	The Town of Ross, as a major stakeholder, a responsible agency, and as a partner, wants to ensure that the level of information and analysis provided by the EIR is sufficient to adequately evaluate the potential project impacts that are likely to occur within the Town.	• Comment noted. The impact analysis is broken down by project element where impacts would different between areas. This approach to analysis is used to provide clarity to the public

Date	Commenter (Organization)	Comments	EIR Topic and Section
			regarding the location of potential project impacts.
		The EIR must analyze an alternative that proposes removal of the fish ladder with a nominal transition back to the existing concrete channel and little or no impact to the existing Frederick Allen Park (i.e. the "fish ladder only" alternative)	• Chapter 5 Alternatives. Note, this alternative is referred to as the Reduced Footprint: Avoid Frederick Allen Park Alternative. An alternative that only removes the fish ladder and involves no other construction within the Corte Madera Creek channel or other areas in Units 2 and 3 was considered, but rejected as discussed in Chapter 5.
		The EIR project description, goals, and objectives should be written such that they do not preclude the approval of a "fish ladder only" alternative for the portions of the project within the Town of Ross.	• Chapter 5 Alternatives. See response to prior comment.
		The EIR must provide adequate and detailed information and mitigation measures related to the extent of grading, tree removal and replacement, landscaping, and continued pedestrian and bicycle access. The existing Park has established mature vegetation and provides tree covered pedestrian and bicycle access from Kentfield to the Town of Ross along the creek corridor and the resultant project will result in a more open corridor that has limited vegetation and relief from sun exposure for people and fish. The EIR should identify all the potential CEQA impacts related to replacing the existing Park with the proposed floodplain park including the following information: • Earth disturbance and quantity of cubic yards of off-haul. • A detailed list of the type, number, size, and location of trees to be removed within the Park and within the overall Riparian Corridor. • The impact of sediment buildup within the proposed	• Chapter 2 Project Description • Section 3.3 Biological Resources, Impact 3.3-2 • Section 3.12 Recreation, Impact 3.12-3 • Appendix B Planting Plan • Section 3.9 Hydrology and Water Quality, Impact 3.9-2

Date	Commenter (Organization)	Comments	EIR Topic and Section
		floodplain and associated maintenance responsibilities. • A project diagram showing the specific locations of the walls within the Frederick Allen Park Corridor and the proposed creek streambed that meanders through the Corridor should be provided. • A fencing plan and where construction staging, and storage of materials will be located. • Maintenance responsibilities of the proposed floodplain and the park.	
		• Number of trees and species to be removed and replanted in Frederick Allen Park and within the overall Riparian Corridor. • The impacts related to the lack of shade and habitat during the initial years of growth of younger replacement trees including at completion of construction, at 5 years after, and at 10 years after construction.	• Chapter 2 Project Description • Section 3.3 Biological Resources, Impact 3.3-2 • Section 3.1 Aesthetics, Impact 3.1-2
		• The impact of sediment buildup within the proposed floodplain and associated maintenance responsibilities	• Chapter 2 Project Description • Section 3.9 Hydrology and Water Quality
		• The location and amount of pedestrian and multi-purpose paths.	• Chapter 2 Project Description
		• Mechanisms and procedures to keep the public safe during high water events.	• Chapter 2 Project Description • Section 3.8 Hazards and Hazardous Materials, Impact 3.8-4
		The EIR should illustrate the comparison of the 10-year and the 25-year flood risk reduction benefits under existing, existing with cumulative impacts, and proposed project conditions for all alternatives and including the "fish ladder only" alternative for the entire reach of Corte Madera Creek between San Anselmo and Kentfield and including all drainage tributaries within Ross.	• Section 3.9 Hydrology and Water Quality, Impact 3.9-5 • Chapter 5 Alternatives

Date	Commenter (Organization)	Comments	EIR Topic and Section
		The EIR should recognize the Town of Ross as both an integrated regulatory agency in the review process for design and construction activities, and as a landowner pertaining to Fredrick Allen Park and that the Town of Ross Planning, Building, and Public Works Departments are included in the appropriate sections as having regulatory jurisdiction within the Town limits and public rights of way.	• Chapter 1 Introduction • Chapter 2 Project Description
		Organizations	
September 21, 2020	Marin Conservation League	What would be the impacts to adjacent and nearby properties if the proposed flood control and ecosystem measures are not implemented at Frederick Allen Park?	• Chapter 5 Alternatives
		Does the Project modeling and planning take into account the likelihood of greatly increased extreme storms and rainfall and how could these affect Project efficacy?	• Section 3.9 Hydrology and Water Quality, Section 3.9.5 Impact Assessment Methodology
		What effect if any would the proposed Project have on sediment accumulation in the concrete channel and downstream in the natural channel bed?	• Section 3.9 Hydrology and Water Quality, Impact 3.9-2
		How do elements of the Project affect flood risk on Kent Avenue?	• Section 3.9 Hydrology and Water Quality, Impact 3.9-5
		Would the Granton Park floodwall or pump station – or any other aspect of the Project - affect, either increase or alleviate, flood risk along Kent Avenue, which runs parallel to the creek opposite to Granton Park?	• Section 3.9 Hydrology and Water Quality, Impact 3.9-5
September 21, 2020	Marin Audubon Society	Removing the concrete channel has been far too long in coming. This channel has minimal to no habitat value and has not even done much for flooding.	• Comment noted
		The project would have many environmental benefits. It would restore much of the creek to a more natural condition,	• Comment noted

Date	Commenter (Organization)	Comments	EIR Topic and Section
		improve riparian habitat, remove the concrete lining, remove the inadequate fish ladder, and improve fish resting pools	
		Suggest that designs for the floodwalls be considered that would provide some habitat value. For a sea wall project it is considering, the Port of San Francisco has researched designs for walls that have spaces of various size and shapes that can support aquatic habitat, vegetation and small creatures. While the Corte Madera Creek walls are not inundated frequently enough to warrant such designs throughout; they could be beneficial in the lower levels of the section that is frequently inundated. We also note that such designs will be increasingly useful as sea level rise progresses. Examples of possible designs are included in a Power Point the Port of San Francisco presented to the SF Bay Joint Venture Conservation Delivery Committee in August 2020 to support their request for the JVs support (saved in B. Organizations folder). The DEIR should discuss which of the various designs would be appropriate for the sea walls on Corte Madera Creek, i.e., which would provide substrate that supports species found in Corte Madera Creek. One or even more of these wall designs should be added to the project to provide habitat on the floodwall, unless there is strong reason that such designs would have adverse impacts. The design(s) that is or are most appropriate for supporting species native to Corte Madera Creek should be used.	• Chapter 5 Alternatives
		The DEIR should address the following: What is the purpose of the steps to the creek; are the steps intended to allow people to view the water, or go into or play in the water?	• Chapter 2 Project Description
		What are the potential impacts of the steps to fish and birds attempting to feed or rest in the creek? We are concerned that use of the steps would result in the creek waters in the vicinity being reduced in habitat value for wildlife, particularly	• Section 3.3 Biological Resources, Impact 3.3-2

Date	Commenter (Organization)	Comments	EIR Topic and Section
		birds. Usually more wildlife can be viewed from further away, i.e. from the trail on the top of the bank. Many studies have confirmed that wildlife leave when humans come close, and we would expect that would occur here.	
		Discuss the risk of folks getting hurt, drowning or being adversely affected by poor water quality, as a result of constructing steps to the creek. Discuss the legal risk to the county should someone get sick, be hurt or drown.	• Section 3.8 Hazards and Hazardous Materials, Impact 3.8-4
		Analyze an alternative that does not include the section of the project in Ross. We understand there is not clear support for the project from the Town of Ross. It is important to have an alternative that will allow a project to move forward without delay, even if the Ross Town Council does not support it. There also should not be delay due to inadequate environmental review. Therefore, the DEIR should address a reduced project alternative that does not include the sections in the Town of Ross that the Ross council does not support.	• Chapter 5 Alternatives
		Individuals	
August 18, 2020	Edi Alvarez	What noise, if any, may be associated with the ongoing operation of a pump station located at the foot of Laurel Avenue and adjacent to the creek?	• Section 3.10 Noise, Impact 3.10-1
August 27, 2020	Michael Wanger	Regarding the Granton Park Flood Wall, as indicated in Figure 01c, is the location of the upstream end of the wall accurate, or just an estimate?	• Chapter 2 Project Description • The locations of the floodwalls reflect current engineering and design
		Will the pedestrian path between (a) the Flood Control access at the end of Locust Avenue and (b) the Kentfield Hospital Bridge be preserved?	• Section 3.12 Recreation, Impact 3.12-1

Date	Commenter (Organization)	Comments	EIR Topic and Section
		Regarding the Granton Park stormwater pump station, where will the water be pumped to?	• Chapter 2 Project Description
September 3, 2020	Jeff Abend	Bike path is a critical artery for many people in the area. How will the bike path be impacted? Will it be closed at all?	• Section 3.12 Recreation, Impact 3.12-1
September 9, 2020	Michael Wanger	Will the foot path on the south side of the creek, which currently runs downstream from the Stadium Way footbridge, connect to the downstream section of the path as it does now? This is a major access way.	• Section 3.12 Recreation, Impact 3.12-1
September 14, 2020	Charles Goodman	The County is using the Army Corps EIR/EIS Plan J Bypass as the basis for their own EIR/EIS. This is flawed because the County has left out all of the residents of Sylvan Lane and Shady Lane from hydraulics and hydrology.	• Section 3.9 Hydrology and Water Quality, Section 3.9.5 Impact Assessment Methodology and Impact 3.9-5
		They have failed to account for any overload water flows from Bolinas Avenue, Fernhill, Southwood, Norwood, Ames or Lagunitas Road.	• Section 3.9 Hydrology and Water Quality, Section 3.9.5 Impact Assessment Methodology
		The EIR/EIS must address the significant impact on reducing the flow through Fred Allen Park, from supercritical flow to a 10-25 year level of Flood Protection (per comment from Liz Lewis, at the July 9,2020 Ross Town Council Meeting). The number of 10-25 year is baseless and has not been verified by the County.	• Section 3.9 Hydrology and Water Quality, Section 3.9.5 Impact Assessment Methodology
		The County must address the removal of over 200 mature trees and how it plans to replace the Park Setting, Privacy, and Habitat Coverage in a timely manner.	• Section 3.1 Aesthetics and Visual Resources, Impact 3.1-2 • Section 3.3 Biological Resources, Impact 3.3-2 • The EIR evaluates direct, indirect, and cumulative physical effects of the project on the environment. Privacy is not an impact that is considered within the context of CEQA.

Date	Commenter (Organization)	Comments	EIR Topic and Section
		The County must address sediment removal. ("This study's uncalibrated sediment budget estimates that the Corte Madera Creek Watershed supplies about 7,250 tons of bedload each year to the reach above Ross. The calibrated Parker-Klingerman sediment transport model estimated average bedload sediment inflow at Ross is about 6,750 tons/year. Using an average of the two results, the study estimates that about 7,000 tons/year of bed load are delivered to Ross, or about 450 tons/sq. mi. /year.") Source: Geomorphic Assessment of the Corte Madera Creek Watershed, final report. To remove 7,000 sediment at 20 tons per truck= 350 trucks (loads). Load 6 trucks per hour, (1 every 10 minutes) equals 58 hours or over 7 works days for removal. How does the County plan to mitigate this substantial disruption of removing sediment from the Town?	• Section 3.9 Hydrology and Water Quality, Impact 3.9-2 • Impacts form upstream projects are addressed under cumulative impacts (Chapter 4 Growth-Inducing and Cumulative Effects). The project will not create conditions that would result in increased sediment load into the Town of Ross.
September 15, 2020	Leslie and J. Bradley O'Connell	Removal of the concrete channel in Ross, which has functioned well, will expose some homes on Sir Francis Drake to the prospect of greater flooding. Will the County or Town of Ross be responsible for these damages? There are safety risks presented by increased access via Frederick Allen Park to rushing water. The County's model as to the reduction in flooding does nothing to address the flooding caused by overland or runoff water. It is acknowledged as a problem in the previous EIR draft, but no specific approaches were suggested. The FAP flood wall design has not taken into account the possible introduction of increased flooding caused by overland water or creek overflow water trapped behind the walls. Project would introduce the possibility of greater harm during floods, greater harm to fish and trees, and greater risk throughout the year for families and homes becoming more vulnerable to flooding.	• Section 3.9 Hydrology and Water Quality, Impact 3.9-5

Date	Commenter (Organization)	Comments	EIR Topic and Section
		Project will strip out mature trees providing shade and moisture for greater ecosystem.	• Section 3.3 Biological Resources, Impact 3.3-2 and Section 3.1 Aesthetics, Impact 3.1-5.
		The removal of the foliage between the creek and the homes on Sir Francis Drake will result in a grievous diminution of privacy.	• The EIR evaluates direct, indirect, and cumulative physical effects of the project on the environment. Privacy is not an impact that is considered within the context of CEQA.
September 18, 2020	Garril Page	Areas of controversy that remained in this EIR from 2018 EIR/EIS: 1.Community perception of floodwalls on private property; 3.Potential vegetation removals for for floodwalls per USACE guidelines; 5.Increased flood risk downstream of project sites; 6.Adequate passage and habitat for enhances fish species. Additional unresolved issues: Refinements to TSP; Floodwall heights of the TSP; Vegetation Variance along Floodwalls. Questioning the new project objectives. Where is information on the proposed Access Ramp. Extensive additional comments organized by resource topic (see pdf file). Strongly opposes FAP component.	• Comment noted • Response or response location in the EIR for each comment is provided below.
		Added to the above list should be the selection of Public Access and Recreational Quality as one of the six Project Objectives. What is the justification for this addition except to capture the DWR grant to finance downstream project elements? It is an objective that appears not widely shared, an area of controversy.	• Section 2.4 Project Objectives. The evaluation of project objectives in consideration of alternatives is addressed Section 5 Alternatives.
		What opportunity has the public to comment on the need for the project to be Fiscally Responsible per the list of six Project Objectives? If an EIR will not include consideration of fiscal issues, then fiscal responsibility is not relevant to solicitation of public commentary for that EIR. Why was this irrelevant Fiscally Responsible project objective made part of the August 27, 2020 scoping session and repeated in the Project Information Sheet on the County's website?	• Economic viability of a project or alternative is a consideration under CEQA Guidelines Section 15364. The purpose of this objective is to focus the project in a manner that will allow the project to be implemented.

Date	Commenter (Organization)	Comments	EIR Topic and Section
		Refinements to TSP…: relocation of sanitary sewer line which intersects with the fish ladder and Allen Park Riparian Corridor … pump stations are not in the cost estimate and the project team has not performed an interior drainage analyses to determine if there is need.	• Chapter 2 Project Description. It was determined that relocation of the sanitary sewer line is not necessary. • Section 3.9 Hydrology and Water Quality, Impact 3.9-5
		Floodwall Heights of the TSP: USACE has not completed a Risk and Uncertainty Analysis to determine exact heights of floodwalls… some vegetation removal within the creek channel may be needed within Unit 4…;	• Chapter 2 Project Description. Floodwall heights and the vegetation removal within Unit 4 is described in the Project Description and analyzed in the EIR.
		Vegetation Variance along Floodwalls: … assuming a 15-foot buffer… A risk analysis will be performed for Corte Madera Creek…This will determine to what extent riparian vegetation could be restored at Frederick Allen Park Riparian Corridor within 15 feet of floodwalls.	• Chapter 2 Project Description. We have presented an upper and lower range of tree removal and vegetation planting to reflect the range of USACE requirements. USACE could also currently enforce a 15-foot setback for tree removal from the existing concrete wall based on its guidance.
		The Access Ramp in the vicinity of the Kentfield Pump Station was indicated in the icons, but not depicted in Figure 01c [Minute 6:44] in the Presentation nor included in Project Elements discussion. Where is information on the proposed Access Ramp? Has the ramp been deleted from consideration?	• A new permanent access ramp to the Corte Madera Creek flood control channel is planned for completion in 2021 as a separate to provide access for District maintenance of the flood control channel. The access ramp is discussed as a cumulative project and is discussed in more detail in Chapter 4.0 Growth-Inducing and Cumulative Effects.
		Ross' essence and character are defined by the high canopy of its majestic heritage trees. The proposed Frederick Allen Park (FAP) Riparian Corridor as proposed is barren, stark, denuded of natural beauty, and very inhospitable. The proposed man-made shade structures are not in keeping with any aspect of the town, and appear to be poor substitutes for the trees that would be removed. The shade structures	• Section 3.1 Aesthetics and Visual Resources, Impact 3.1-2 and Impact 3.1-5

Date	Commenter (Organization)	Comments	EIR Topic and Section
		provide relatively little shade for humans, none for fish in the basin, and are not appropriate, welcoming, nor attractive to gaze upon.	
		Tree loss creates emphasizes the proximity of Sir Francis Drakes traffic. This becomes visual pollution for Ross Common. The intrusion will be particularly notable within the proposed FAP Riparian Corridor.	• Section 3.1 Aesthetics and Visual Resources, Impact 3.1-2
		Alternative suggested: Removal of Fish Ladder Only. Preserve the mature alders lining the creekbed.	• Chapter 5 Alternatives
		Ross is distinguished by its trees: the high canopy overlays the town, creating a unique character immediately evident on entering Ross' shaded streets. FAP is Ross' urban forest, adjacent to a major arterial, yet a peaceful and relatively serene oasis on even the hottest days.	• Section 3.3 Biological Resources, Impact 3.3-5
		All along the creeks and roads, Ross' trees reduce pollution, store carbon, help control storm water, reduce noise and raise property values. Trees promote biodiversity: plants, birds, insects, small animals and microscopic soil dwellers thrive under the tree canopy. Root systems of mature alders and willows in creek bank toes and along walls create stability. The native oaks and redwoods resist wildfire and provide shade and cool water for creeks. These attributes exist; they must be valued proportionately and weighed against the odds of an improbable return of endangered, extirpated coho, the small number of observed migratory salmon and trout, the ecological disturbances resulting from the FAP proposal's expanded development and habitat loss, increased susceptibility to invasive pests and alterations in the forest plant composition and lessened quality of life for residents.	• Section 3.3 Biological Resources, Impact 3.3-2 • Section 3.7 Greenhouse Gases, Impact 3.7-1

Date	Commenter (Organization)	Comments	EIR Topic and Section
		Ross public life centers around the Post Office, The Common, Ross School, and the commercial area. If the FAP Riparian Corridor Project creates pools of still water, bats and other insect-eaters become an even more important resource. Residences along Ross' creeks benefit from bats and insect predators. The proposed extent and duration of the FAP Riparian Corridor project will result in disturbance of roosts and habitat, and adversely affect enjoyment of exterior areas throughout Ross. Wildlife displaced by the project may never return to the denuded habitat.	• Section 3.3 Biological Resources, Impact 3.3-2
		I combine these two headings as I have commented extensively on these subjects in prior EIR, and EIR/EIS opportunities. Having been told the USACE and County have collected such materials for inclusion in the current EIR, I herewith incorporate those Comments by reference. If, in fact, the current consultants have found and read my prior Comments, they have been advised regarding historical, cultural and tribal resources in Ross from 1960-2018. I assume the Town of Ross has mentioned relevant reports and resources for which Ross has contracted separately.	• Section 3.4.5 Cultural Resources • Section 3.14.3 Tribal Cultural Resources
		I will add that the FAP Riparian Corridor proposes excavation and land disturbance in areas of early tribal settlements. The Project lead agency must exercise extreme diligence in honoring artifacts uncovered in the project area.	• Section 3.4 Cultural Resources, Impact 3.4-2 • Section 3.14.4 Tribal Cultural Resources
		The proposed FAP Riparian Corridor lies within a watershed remarkable for the quantity of sediment shed into its waterways. Prior projects repeatedly miscalculated the effects of erosion and aggregation, and failed to comprehend the effects of these elements. Dysfunction results. This is history best NOT repeated.	• Section 3.9 Hydrology and Water Quality

Date	Commenter (Organization)	Comments	EIR Topic and Section
		Marin's Countywide Plan is a resource: maps and geological reports as well as data collected during annual creek maintenance and dredging should be part of this EIR.	• Section 3.6.3 Geology and Soils
		Floodwalls, retaining walls and grade control structures create potential entrapment for those behind proposed new and modified walls. If flows outflank these structures, hazardous conditions result. The selected project should correct, not create, risk.	• Section 3.9 Hydrology and Water Quality
		The proposed side path, and steps to the creek invite access by the public. This creates dangerous conditions for unsuspecting people unaware that flows in the project area are forceful enough to transport an 18-inch boulder past the College of Marin into the downstream, natural channel. The unwary are not afraid of the creek: a Kentfield resident drowned in the channel. During flood conditions, small watercraft and surfboards are in use along Berens Drive and at the Bon Air Center.	• Section 3.8 Hazards and Hazardous Materials, Impact 3.8-4
		Enhancing fish habitat should not invite incompatible human recreational activities.	• Biological Resources, Impact 3.3-2. Chapter 5 Alternatives
		A realigned multi-use pathway encourages speeding bikes that endanger pedestrians, small children and pets enjoying walks along the path.	• Section 3.13 Transportation and Circulation, Impact 3.13-1
		Excessive tree removal proposed for FAP Riparian Corridor creates ecological disturbances, expanded development, habitat loss, increased susceptibility to invasive pests and alterations in the forest plant composition where planned riparian growth may be more susceptible to wildfire.	• Section 3.3 Biological Resources, Impact 3.3-2

Date	Commenter (Organization)	Comments	EIR Topic and Section
		Adding 11 -17 new larger fish resting pools to the channel bottom has unknown effect on the existing concrete structure's stability and safety.	• Section 3.6 Geology and Soils, Impact 3.6-3
		The Oct 2018 EIR/IS predicted increased flooding downstream of Ross and specifically in the College of Marin area. By removing the channel walls in the lower Unit 2 channel, approximately the areas extending from Stations 332+00 to 320+00, increases the potential for toxic waste entering the natural creek habitat. The College of Marin's dumping facility, a.k.a. trash transfer station, has been a source of protest and concern. The facility is wrapped within the channel's curve. Lowering walls, and widening banks destabilizes existing conditions and increases potential encroachment of flood waters into this COM facility.	• Section 3.9 Hydrology and Water Quality, Impacts 3.9-1, 3.9-3, and 3.9-5
		The cumulative effect of removing San Anselmo's Azalea, Madrone, Nokomis, Center/ Sycamore and Ross' Winship bridges, plus removal of the fish ladder constraint, is to increase downstream flood flows. This increases potential flooding at the trash transfer station, spilling toxic waste into the surrounding habitat.	• Chapter 2 Project Description • Section 3.9 Hydrology and Water Quality, Impact 3.9-5
		The EIR/EIS states Alt J induces more frequent flooding at the College of Marin per Appendix A sections 7.1,7.5.6, 8.2, 9.1 and in Areas of Controversy #5 above.	• Section 3.9 Hydrology and Water Quality, Impact 3.9-5
		The proposed sediment basin for FAP is needlessly disruptive, depends on massive excavation for function. The concept: dig the biggest possible hole, fill with water.	• Chapter 5 Alternatives
		The proposed FAP Riparian Corridor lies within a watershed unique due to the quantity of sediment shed into its waterways. Prior projects repeatedly have miscalculated the effects of erosion and aggregation, and also have used	• Section 3.9 Hydrology and Water Quality, Section 3.9.5 Impact Assessment Methodology

Date	Commenter (Organization)	Comments	EIR Topic and Section
		incorrect, challenged Mannings 'n' values with resultant flawed concepts, dysfunction, and failed performance.	
		Concepts rendered infeasible due the channel's existing slope constraints, sinuosity, lack of freeboard, steepness and elevation restrictions now further complicated by rising tidal influence, must be part of this EIR.	• Chapter 5 Alternatives
		Partial consideration wherein only certain aspects and areas of the channel are included in studies and reports ensures continued failure: Winship Bridge to Lagunitas Bridge must be included the proposed project.	• Chapter 5 Alternatives • Section 3.9 Hydrology and Water Quality, Section 3.9.5 Impact Assessment Methodology
		Replacing the V-shaped bottom that directs sediment to the channel's center seems a better alternative than a flat-bottomed, slow-flowing basin that traps sediment. The hope that cobbles and fine sediment can form a more natural creek bottom for fish is unrealistic in a channel grossly affected by sediment dynamics, where flood events historically are varied and diverse. I think it is far more likely that the planned low-'n' value plants will be swept away, creating greater maintenance and expense for both Ross and the downstream areas receiving the detritus. Unstable, choked, silted areas do not provide good fish habitat. A v-shaped channel has the potential for chutes, falls, pools and plunges with quieter flows along the channel slides. This appears to be an appropriate concept that enables both fish passage and flood protection.	• Chapter 2 Project Description • Chapter 5 Alternatives
		Adding 11 -17 new larger fish resting pools to the channel bottom has unknown effect on flow, sediment transport and sedimentation. Since formulas used to model proposals are limited by data uncertainty, odds of selecting correct assumption(s) essential to determining the appropriate	• Section 3.9 Hydrology and Water Quality, Section 3.9.5 Impact Assessment Methodology and Impacts 3.9-5

Date	Commenter (Organization)	Comments	EIR Topic and Section
		computer programming lessen exponentially with additional unquantified designs.	
		The new larger fish resting pools in the channel bottom creates unknown effect on the existing concrete structure's stability, coefficient of roughness, profile at the time of any given flood event. Therefore, reliable, accurate predictions of potential turbulence and other hydraulic effects become less likely.	• Section 3.6 Geology and Soils, Impact 3.6-3 • Section 3.9 Hydrology and Water Quality, Section 3.9.5 Impact Assessment Methodology and Impacts 3.9-5 6
		The EIR/EIS states Alt J induces more frequent flooding downstream of Ross at, for example, the College of Marin per Appendix A sections 7.1,7.5.6, 8.2, 9.1 and in Areas of Controversy #5 above. Induced flooding is a significant adverse consequence, an added risk, and must be identified as such.	• Section 3.9 Hydrology and Water Quality, Impact 3.9-5
		The design for the Access Ramp is listed as complete, but plans for the proposed structure are hard to find. What will be done to ensure the Access Ramp does not allow water to escape from the channel back into Granton Park? What prevents flows trapped by the ramp from increasing Granton Park flooding?	• Chapter 4.0 Growth-Inducing and Cumulative Effects, Section 4.3 Cumulative Impacts.
		Suggested Alternative: Fish ladder removal only. More transparency and response to public concerns over function; answers to questions and concerns raised over hydrology and hydraulics, performance of concepts. The process to date has not inspired confidence.	• Chapter 5 Alternatives
		No one in Ross welcomes the noise of Sir Francis Drake Blvd. The FAP Riparian Corridor results in permanent, increased noise intrusion from SFD throughout a large portion of Ross. The longer construction period of FAP Riparian	• Section 3.10 Noise, Impact 3.10-1

Date	Commenter (Organization)	Comments	EIR Topic and Section
		Corridor means extended, expanded exposure to all aspects of construction noise.	
		No one in Ross welcomes the toxic traffic fumes of Sir Francis Drake Blvd. The FAP Riparian Corridor results in increased air pollution from SFD and diminished air quality for at least 10 years, probably longer, until proposed trees mature. Deciduous trees will be less effective in removing toxic fumes. and improving air quality. The longer construction period of FAP Riparian Corridor means extended, expanded exposure to all aspects of construction-caused air pollution.	• Section 3.2 Air Quality, Impact 3.2-3
		Biking has become more and more popular form of recreation and for some people, of transportation. Unfortunately, the increase in popularity has meant increases in heedless behavior, traffic violations and increased speed that endangers pedestrians. Upgrading the multi-use path encourages greater use and abuse, requires more regulation, increased supervision, and added demands on Town staff and services as well as less privacy for town residents. The lengthy period of construction for the FAP Riparian corridor increases traffic disruption and inconvenience for Ross residents and drivers on SFD. The proposed FAP Riparian Corridor is maximum disruption for minimal gain.	• Section 3.11 Recreation, Impact 3.12-3. • Section 3.13 Transportation and Circulation, Impact 3.13-3.
		The county cannot capture DWR funds if Ross refuses design approval or balks at granting the easement. The Ross Council repeatedly has requested a more moderate alternative and increased information. It is time to honor their requests.	• This is an inaccurate statement. The Town of Ross does not have jurisdiction over elements of the project outside of the Town of Ross. The Town of Ross is not a party to the DWR grant with the District. The EIR has been prepared to address comments provided by the Town. • Chapter 5 Alternatives
		After 48 years, and approximately the same amount in millions of dollars wasted, accountability is due. It is time to provide	• This comment addresses the merits or content of the project and not the scope of the EIR.

Date	Commenter (Organization)	Comments	EIR Topic and Section
		an honest assessment of project performance for Units 4,3,2,1. People who pay taxes and flood fees are weary of force-fed, piecemeal projects and undeveloped, ill-defined concepts.	• This EIR has been prepared consistent with the requirements of CEQA and incldues a detailed evaluation of the physical impacts of the project.
September 18, 2020	Samantha Hobart	Advise each property owner where the flood elevations are before and after any creek work is completed. Be able to discuss changes to individual's properties and not only a select few property owners like with the San Anselmo Flood Risk Reduction Project. Provide a Fish Ladder removal-only alternative. The root systems of the mature trees in Frederick Allen Park are an integral part of flood prevention and protection; removing these trees and their root sytems will cause significant damage and increased risk to flooding and the erosion.	• Section 3.9 Hydrology and Water Quality, Impacts 3.9-2 and 3.9-5 • Chapter 5 Alternatives
September 20, 2020	Doung Ryan	If any mitigation is required, will it be done at the County's expense, or will the County introduce the novel concept of "proportionality" to try to offload the cost of preventing flooding on a homeowner's house to the homeowner, even though it is actions taken by the County that would be causing the flooding? What does the model being used show as the water level and flood levels before the san anselmo creek project and after? Does the impact of the Winship Bridge replacement have a similar effect on the houses downstream in the scope of this project and how is this accounted for? Why is so-called beautification being included as part of a flood control project? Resources are scarce and should be focused on flood control and nothing else. What does the beautification project do to reduce flooding?	• Section 3.9 Hydrology and Water Quality, Impact 3.9-5
		One of the alternatives that should be considered is removal of the fish ladder and nothing else. How much would that cost? This has been requested several times and the County has deliberately chosen to ignore this alternative. What is the benefit to cutting down 200 mature trees?	• Chapter 5 Alternatives • Section 3.3 Biological Resources, Impact 3.3-2

Date	Commenter (Organization)	Comments	EIR Topic and Section
		Scoping Meeting	
August 27, 2020	Barbara Salzman	Will this presentation be available on the project website?	• The Scoping Meeting presentation is available on the project website at https://www.marinwatersheds.org/resources/projects/corte-madera-creek-flood-risk-management-project.
		This is a great project, and I think getting rid of the concrete wall would be an incredible benefit. Surprised about steps down to the creek. Do not like the idea of creek access. Not clear where that will be. Increases county liability and it isn't good for the resources.	• Chapter 2 Project Description • Section 3.8 Hazards and Hazardous Materials, Impact 3.8-4 • This EIR evaluates direct, indirect, and cumulative physical effects of the project on the environment. Legal liability related to creek access is not an impact that is considered within the context of CEQA.
		Typical scoping process, everyone's comments will be addressed in the EIR. Does not like that you can't see what comments people have typed in the zoom platform.	• All written and oral comments submitted during the scoping meeting have been included in this report.
	Charlie	Want to look at just removal of fish ladder alternative.	• Chapter 5 Alternatives
		County has made this a piecemeal project from Fairfax, San Anselmo, Ross, and Kentfield.	• Section 4.3 Cumulative Impacts
		Concerned about area between Sir Francis Drake and Lagunitas Bridge – left out of project	• Chapter 5 Alternatives
		Don't agree with the calculations of volume coming out of the creek – new Lagunitas Bridge will not handle that water. Water comes out at Lagunitas and Sylvan Lane and will flood all houses on Poplar. Homes not protected by project. Continually will not address the interior drainage that has no way of getting back into the concrete channel.	• Section 3.9 Hydrology and Water Quality, Section 3.9.5 Impact Assessment Methodology and Impact 3.9-5

Date	Commenter (Organization)	Comments	EIR Topic and Section
		Talk about sediment dynamics, want an explanation of what sediment dynamics consists of.	• Section 3.9 Hydrology and Water Quality, Section 3.9.3 Erosion and Sedimentation
		Is there a way to find out how many people are attending?	• Thirty-seven people attended the web-based scoping meeting on August 27, 2020. • Refer to Attachment A for the meeting attendee report.
	Elizabeth Robins	Wonder why you haven't looked into the possibility of just removal of the fish ladder. Several Council members requested that EIR look at that option. Removing the flood ladder would be relatively inexpensive, the whole project is very expensive.	• Chapter 5 Alternatives
		Safety is a big problem with this project. Don't want people going into the creek during a storm. Dangerous creek when there is a lot of rain. Concerned about steps down to creek and not fencing off water. Puts people up close to rapidly flowing water.	• Chapter 2 Project Description • Section 3.8 Hazards and Hazardous Materials, Impact 3.8-4
		Where does the Town of Ross come in? How can they discuss it? Didn't see any listing for presenting the project to Town of Ross and Town Council.	• Chapter 1 Introduction
	Garril Page	Concerned about hydraulics and design of the project. When you have larger fish resting pools, it changes the way the water and the sediment moves in the channel.	• Section 3.9 Hydrology and Water Quality, Impact 3.9-5
		Where there are new flood walls, potential to trap people behind those walls with flood waters. Liability potentially increased by people being close to the creek.	• Section 3.8 Hazards and Hazardous Materials, Impact 3.8-4
		In the watershed there is local drainage and a large source of flooding in Ross. Not considering the watershed, because not considering any local drainage.	• Section 3.9 Hydrology and Water Quality, Section 3.9.5 Impact Assessment Methodology

Date	Commenter (Organization)	Comments	EIR Topic and Section
		Would like to see some specifics, what is the regrading of the fish ladder? How much regrading? Regrading affects the function, the function affects the hydraulics and the hydraulics affects the results.	• Chapter 2 Project Description • Section 3.9 Hydrology and Water Quality, Impacts 3.9-2 and 3.9-5
	Jenny Mota	Residents who live along this track please stay informed and to make sure if plans or aspects of the project change that they are well aware. I have been told mitigation would be provided and now being told my home will receive no mitigation even though water levels will be increasing at my residence because of the San Anselmo Flood Risk Reduction Project.	• Comment refers to a different project and different EIR. Not relevant to CEQA analysis for the proposed project.
		Modeling seems to be inaccurate and/or changing and people need to be aware there could be changes that may impact them negatively.	• Comment refers to a different project and different EIR. Hydrologic modeling for the Corte Madera Creek Flood Risk Management Project is provided in Section 3.9.5 Impact Assessment Methodology
		If a mitigation measures is changed after the Draft and Final EIR are finalized and accepted could you explain why this would happen or why this is ok?	• Mitigation measures included in the EIR will be incorporated into the mitigation monitoring and reporting program (MMRP). The mitigation measures in the MMRP will be adopted as part of project approval and will be implemented by the District. (CEQA Guidelines Sections 15091 and 15097)
	John Crane	What percentage of the budget is allocated for Frederick Allen Park vs. flood prevention?	• The EIR evaluates direct, indirect, and cumulative physical effects of the project on the environment. Budget allocation is not an impact that is considered within the context of CEQA.
		Is there a way to respond to comments? Very off putting, feels deliberate.	• The purpose of the scoping meeting is to solicit agency and public input on the scope of environmental issues that should be addressed in the EIR. All scoping comments are included

Date	Commenter (Organization)	Comments	EIR Topic and Section
			and addressed in this Scoping Report and in the EIR to the extent the comment is relevant to CEQA. There will be another opportunity to provide input during the 45-day public review period for the Draft EIR.
		Who are you, and how are you being compensated?	• The public scoping meeting held on August 27, 2020 at 6:00 p.m. was led by Liz Lewis, Marin Flood Control and Water Conservation District and Susanne Heim, Panorama Environmental, Inc. • The EIR evaluates direct, indirect, and cumulative physical effects of the project on the environment. Compensation is not an impact that is considered within the context if CEQA.
	Julie McMillan	Would like to look into the alternative of removing just the fish ladder.	• Chapter 5 Alternatives
		If Frederick Allen Park is used as a flood plain, many trees will be removed, will be bad aesthetically and expensive to add replacement trees	• Section 3.1 Aesthetics and Visual Resources, Impact 3.1-2
	Leslie	No mention of the over ground water and how that will be dealt with. The whole modeling has been so inconsistent as seen with the San Anselmo area, could be inaccurate. If you cause more flooding, who will be responsible?	• Section 3.9 Hydrology and Water Quality, Section 3.9.5 Impact Assessment Methodology
		What is meant by "reduced footprint in Frederick Allen Park"?	• Chapter 5 Alternatives
		Why did the Army Corps of Engineers pull out of the project last time, and why are they not interested in participating this time?	• Chapter 1 Introduction
		During the last project proposal, even if the plan was approved, the town would still have the ability to say no. At	• The Town of Ross owns Frederick Allen Park and has discretionary authority to approve or

Date	Commenter (Organization)	Comments	EIR Topic and Section
		what point during this process does the town loose the power to say no?	deny work within the park. The Town will have the ability to decide on whether to approve of the work within the park after the EIR has been adopted by Marin County Board of Supervisors.
	Marta Osterloh	What are the plans for recreation opportunity?	• Section 3.12 Recreation, Impact 3.12-3
	Nicholas Salcedo	One of the project objectives should be to remove as much concrete as possible, raising of the concrete wall seems to be in conflict with that. Would like to see an alternative that uses as much natural material, boulders and woody debris, as possible. Would like to see an alt. that would minimize the need and height of the walls. Locate on outside edge of easement and construct of wood to minimize need for additional concrete.	• Chapter 5 Alternatives
	Pam	Will cement between College of Marin and Ross be dismembered? Will there be a natural channel to cement then natural channel?	• Chapter 2 Project Description
		Hopes that the project will not remove fences at the back of the property in cement area so that people do not get pulled in during a flood. If someone falls in they will be dead – too fast moving and rapid water.	• Section 3.8 Hazards and Hazardous Materials, Impact 3.8-4
		Look into option of putting in a pump. Last flood – College Court really affected. Homeowner would do something prior to flooding to get prepared. Doesn't know if this is what the pumping station will be. College Court has some sort of a device and gets drastically hit.	• Chapter 2 Project Description
		Ross has sewer system in the streets. Stops at Ross border. Good to have some sort of drainage under Kent Avenue to flow water out. Drain that opens up. If redoing plumbing on Kent Avenue, include that.	• This project does not involve plumbing work on Kent Avenue. All project features are described in Chapter 2 Project Description.

Date	Commenter (Organization)	Comments	EIR Topic and Section
		Very happy that everyone is attending, are these comments going to be in the EIR report?	• All scoping comments are included in this Scoping Report.
	Peter Hogg	Is there a risk of losing grant funds if you do not proceed with this project?	• DWR grant funding (approximately $7 million) is only available if construction is completed before the end of 2022.
	Richard Gumbiner	Will public be notified prior to completion of the EIR of the proposed trees slated for removal in each segment of the project, and will replacement trees be identified at that point?	• The Draft EIR will be available for the public to review and comment when it is complete. Information regarding tree removal and replacement is provided in Section 3.3 Biological Resources described in Chapter 2 Project Description and Appendix B.
	Samantha Hobart	Guidelines of first finished floor as a mitigation measure for hydrology. Require a 1-foot margin of floor if District wishes to use first finished floor as a measure. Requests measure reflects first finished floor less 1-foot to protect the residents.	• Section 3.9 Hydrology and Water Quality, Section 3.9.5 Impact Assessment Methodology and Impact 3.9-5
		Concerns if EIR will be abided by and concerned mitigation measures will be changed after the fact. Residents noticed as part of EIR continue to receive mitigation measures and measures are not changed after the EIR.	• Mitigation measures included in the EIR will be incorporated into the mitigation monitoring and reporting program (MMRP). The mitigation measures in the MMRP will be adopted as part of project approval and will be implemented by the District. (CEQA Guidelines Sections 15091 and 15097)

Comment Letters Received

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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

September 21, 2020

Ms. Joanna Dixon, Associate Civil Engineer
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3501 Civic Center Drive, Suite 304
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cortemaderacreek@marincounty.org

Subject: Corte Madera Creek Flood Risk Management Project, Phase 1, Notice of Preparation of a Draft Environmental Impact Report, SCH No. 2020080353, Marin County

Dear Ms. Dixon:

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) of a draft Environmental Impact Report (EIR) provided for the Corte Madera Creek Flood Risk Management Project, Phase 1 (Project) located in Ross and Kentfield, Marin County. CDFW previously submitted comments in response to the former NOP and Draft Environmental Impact Statement/Environmental Impact Report (SCH No. 2008072036) for the Project.

CDFW is a Trustee Agency with responsibility under the California Environmental Quality Act (CEQA) §15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as a California Endangered Species Act (CESA) Incidental Take Permit, a Lake and Streambed Alteration (LSA) Agreement, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources. Pursuant to our jurisdiction, CDFW has the following concerns, comments, and recommendations regarding the Project.

PROJECT DESCRIPTION AND LOCATION

Proponent: Marin County Flood Control and Water Conservation District

Objective: The objective of the Project is to reduce the risk of flooding in the communities of Ross and Kentfield. Primary Project activities include removing the wooden Denil fish ladder in Ross; excavating portions of Corte Madera Creek to lower channel elevation and increase flow capacity; removing concrete channel and constructing a natural floodplain in Frederick Allen Park; replacing floodwalls along portions of Corte Madera Creek; installing a stormwater pump station to control flooding in the Granton Park neighborhood; creating larger fish resting pools in reaches of concrete channel; and removing the concrete channel downstream of Stadium Way to improve fish and wildlife habitat.

Conserving California's Wildlife Since 1870

Location: The Project is located in the Town of Ross and the unincorporated Community of Kentfield in Marin County. The Project's upstream extent within Corte Madera Creek is at Lagunitas Road in the Town of Ross and the Project terminates at the earthen channel in Kentfield, downstream of Stadium Way. The approximate Project centroid occurs at Latitude 37.95669°, Longitude -122.54892°.

Timeframe: Project construction is proposed for 2022 beginning in spring and finalizing in fall.

The CEQA Guidelines (§§15124 and 15378) require that the draft EIR incorporates a full project description, including reasonably foreseeable future phases of the Project, and that it contains sufficient information to evaluate and review the Project's environmental impact. Please include a complete description of the following Project components in the Project description:

- Footprints of permanent Project features and temporarily impacted areas, such as staging areas and access routes
- Encroachments into riparian habitats, wetlands, or other sensitive areas
- Area and plans for the proposed floodwalls, ground disturbing activities, channel fill removal, fencing, paving, stationary machinery, landscaping, stormwater systems, and any other construction activities
- Operational features of the Project, including level of anticipated human presence (describe seasonal or daily peaks in activity, if relevant), artificial lighting/light reflection, noise and greenhouse gas generation, traffic generation, and other features
- Construction schedule, activities, equipment, and crew sizes
- Dewatering and species relocation plan, including species likely to be encountered

ENVIRONMENTAL SETTING

Sufficient information regarding the environmental setting is necessary to understand the Project's, and its alternative's (if applicable), significant impacts on the environment (CEQA Guidelines, §§15125 and 15360). CDFW recommends that the CEQA document prepared for the Project provide baseline habitat assessments for special-status plant, fish, and wildlife species located and potentially located within the Project area and surrounding lands, including all rare, threatened, or endangered species (CEQA Guidelines, §15380). Fully protected, threatened or endangered, candidate, and other special-status species that are known to occur, or have the potential to occur in or near the Project site, include, but are not limited to:

- Coho salmon south of Punta Gorda (*Oncorhynchus kisutch*), state and federally listed as endangered
- California Ridgway's rail (*Rallus obsoletus obsoletus*), state and federally listed as endangered, and a Fully Protected Species
- Salt-marsh harvest mouse (*Reithrodontomys raviventris*), state and federally listed as endangered, and a Fully Protected Species
- California black rail (*Laterallus jamaicensis coturniculus*), state listed as threatened and a Fully Protected Species
- Central California Coast Distinct Population Segment steelhead (*Oncorhynchus mykiss irideus pop. 8*), federally listed as threatened
- California red-legged frog (*Rana draytonii*), federally listed as threatened and a California Species of Special Concern (SSC)
- Foothill yellow-legged frog (*Rana boylii*), SSC
- Western pond turtle (*Emys marmorata*), SSC
- Pallid bat (*Antrozous pallidus*), SSC
- White-tailed kite (*Elanus leucurus*), Fully Protected Species
- Napa false indigo (*Amorpha californica* var. *napensis*), California Rare Plant Rank 1B

Habitat descriptions and species profiles should include information from multiple sources, including: aerial imagery, historical and recent survey data, field reconnaissance, scientific literature and reports, and findings from positive occurrence databases such as the California Natural Diversity Database (CNDDB). Based on the data and information from the habitat assessment, the CEQA document can then adequately assess which special-status species are likely to occur in the Project vicinity.

CDFW recommends that prior to Project implementation, surveys be conducted for special-status species with potential to occur, following recommended survey protocols if available. Survey and monitoring protocols and guidelines are available at: https://www.wildlife.ca.gov/Conservation/Survey-Protocol.

Botanical surveys for special-status plant species, including those with a California Rare Plant Rank (http://www.cnps.org/cnps/rareplants/inventory/), must be conducted during the blooming period for all sensitive plant species potentially occurring within the Project area and require the identification of reference populations. Please refer to CDFW protocols for surveying and evaluating impacts to rare plants available at: https://www.wildlife.ca.gov/Conservation/Plants.

The Project takes place along an urbanized corridor of Corte Madera Creek with residential, business, and community structures developed near the creek. The upstream segments of the Project provide freshwater habitat and a riparian corridor composed mostly of hardwood trees (CDFW 2009). The farthest downstream segment of the Project is tidally influenced and transitions to tidal wetland with fewer riparian trees. Corte Madera Creek is designated critical habitat for the state and federally listed as endangered Coho salmon South of Punta Gorda and the federally listed as threatened Central California Coast Distinct Population Segment steelhead. Corte Madera Creek is also designated essential fish habitat for various life stages of salmon. Steelhead are present in the creek and Coho have historically utilized the watershed.

The quality of Corte Madera Creek as a migration corridor for steelhead and Coho was degraded by the construction of the concrete flood control channel and the installation of the Denil fish ladder, a partial barrier to passage. The upstream portion of the concrete channel, identified as Unit 3, contains 28 evenly spaced concrete pools intended to function as resting pools for migrating salmonids installed when the concrete flood channel was constructed by the Army Corps of Engineers. However, most of the pools fail to reduce flow velocity and provide inadequate cover. Only a few of the existing pools provide suitable resting habitat, and migration is extremely challenging to steelhead currently utilizing the channel. The construction of the flood control channel was likely a contributing factor to Coho salmon's extirpation (Love et al. 2007).

Based on reviewing the Phase 1 Project Information Sheet, CDFW looks forward to reviewing the resting pool proposals throughout Unit 3 of the Project. CDFW recommends that improvement of fisheries habitat and fish passage be included as part of the planning objectives for developing and analyzing alternatives. CDFW recommends including an alternative that includes an improvement for all 28 resting pools to address fish passage in Unit 3.

Specifically, CDFW recommends that the draft EIR incorporate recommendations proposed in the Corte Madera Creek Flood Control Channel Fish Passage Assessment and Alternatives Analysis (Love, 2007). Remediation of the fish passage impediments in Unit 3 by incorporating treatments into the concrete channel, such as those presented in Love (2007), would provide suitable upstream fish passage under the range of anticipated tidal and streamflow conditions through all of Unit 3. The Love report states that the preferred alternative design for resting pools would improve fish passage from 2% to 78% for low flows, and from 1% to 65% for high flows, vastly improving the ability for fish passage during high and low flows.

Incorporating the 2007 Love report offers the opportunity for both remediation of impacts to steelhead and Coho, while also providing flood risk management to protect life and property.

IMPACT ANALYSIS AND MITIGATION MEASURES

The CEQA Guidelines (§15126.2) necessitate that the draft EIR discuss all direct and indirect impacts (temporary and permanent) that may occur with implementation of the Project. This includes evaluating and describing impacts such as:

- Potential for "take" of special-status species
- Loss or modification of breeding, nesting, dispersal and foraging habitat, including vegetation removal, alteration of soils and hydrology, and removal of habitat structural features (e.g. snags, roosts, overhanging banks)
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic or human presence
- Obstruction of movement corridors, fish passage, or access to water sources and other core habitat features

The CEQA document should also identify reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and assess the significance of the Project's contribution to the impact (CEQA Guidelines, §15355). Although a project's impacts may be insignificant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant cumulative impact – e.g., reduction of available habitat for a listed species – should be considered cumulatively considerable without mitigation to minimize or avoid the impact.

Based on the comprehensive analysis of the direct, indirect, and cumulative impacts of the Project, the CEQA Guidelines (§§ 15021, 15063, 15071, 15126.2, 15126.4 and 15370) direct the lead agency to consider and describe all feasible mitigation measures to avoid potentially significant impacts in the draft EIR, and/or mitigate significant impacts of the Project on the environment. This includes a discussion of take avoidance and minimization measures for special-status species, which are recommended to be developed in early consultation with the U.S. Fish and Wildlife Service, the National Marine Fisheries Service and CDFW. These measures can then be incorporated as enforceable Project conditions to reduce potential impacts to biological resources to less-than-significant levels. Fully protected species such as California Ridgway's rail, California black rail, and salt marsh harvest mouse, may not be taken or possessed at any time (Fish and Game Code § 3511). Therefore, the draft EIR is advised to include measures to ensure complete take avoidance of these fully protected species.

CDFW is available to provide biological Mitigation Measures for fully protected species and other special-status species, including California Ridgeway's rail, California black

rail, salt marsh harvest mouse, California red-legged frog and foothill yellow-legged frog, western pond turtle, bats, special-status plants, and nesting birds to name a few.

Based on our virtual meeting on September 17, 2020, CDFW is pleased that you will be incorporating the tree replacement ratios provided by CDFW:

Oak trees:

- 4:1 replacement for trees 5 to 10 inches diameter at breast height (DBH)
- 5:1 replacement for trees greater than 10 inches to 15 inches DBH
- 15:1 replacement for trees greater than 15 inches DBH, which are considered old-growth oaks

Replacement oaks will come from nursery stock grown from locally sourced acorns, or from acorns gathered locally, preferably from the same watershed in which they are planted.

Other tree species greater than or equal to 6 inches DBH will be mitigated at the following ratios:

- 1:1 replacement for non-native trees
- 3:1 replacement for native trees

Riparian Habitat Impact Analysis

CDFW considers riparian habitat a sensitive plant community that is valuable for a diversity of wildlife species. Riparian zones maintain shade (which is especially important for regulating water temperatures for fish), protect against windthrow, produce litterfall, provide important migratory routes for wildlife, and serve to recruit instream woody debris which provides habitats, food and shelter for invertebrates and fish. Riparian vegetation also acts as a filter strip for sedimentation from erosion sources. Based on the virtual meeting on September 17, 2020, CDFW is concerned with the placement of up to 10-foot high flood walls along long portions of the Project. CDFW recommends a buffer between the wall and the creek and recommends the area be planted with native riparian vegetation of all types, including grasses, herbs, vines, shrubs, and trees, with trees being utilized to the maximum extent possible.

The Project area should be revegetated and restored within the same season as construction following a Restoration Plan accepted in writing by CDFW. CDFW recommends habitat mapping and tree surveys be conducted to refine potential impacts prior to submitting the Restoration Plan. CDFW is available to work with the County to determine an appropriate offsite planting location as well.

Both the on-site and potentially off-site Restoration Plan should monitor and maintain, as necessary, all plants for a minimum of ten (10) years to ensure successful revegetation. Planted trees and other vegetation should each have a minimum of 85 percent survival at the end of five years. If revegetation survival and/or cover requirements do not meet established goals, replacement planting, additional watering, weeding, invasive exotic eradication, or any other practice, to achieve these requirements should occur. Replacement plants should be monitored with the same survival and growth requirements for five years after planting.

Modifications to Corte Madera Creek

Any proposed regrading in the draft EIR should assess impacts, and at a minimum, be designed to maintain existing year-round instream habitat. The analysis should include the geomorphology of the creek upstream of the bypass outlet. CDFW recommends a critical riffle analysis utilizing CDFW's Standard Operating Procedure for Critical Riffle Analysis for Fish Passage in California.[1] This may include addressing fish passage design criteria, sediment transport, design storm elevations, scour potential, and shear stress involved in the bypass structure.

CDFW recommends implementing guidance and recommendations from the California Salmonid Stream Habitat Restoration Manual.[2] Fish passage should include rearing, foraging, osmoregulation, smoltification, and related functions necessary to support fish through a range of life stages. Avoid use of heavy geotextile fabric and minimize the use of rock riprap to the extent feasible to achieve bank stabilization. If fabric is needed, it should be made of natural, biodegradable materials. Stabilization should be achieved through integration of biological bank stabilization methods, including use of live willow cuttings and other appropriate native species.

Fish and Game Code section 5901 states that unless authorized, it is unlawful to construct or maintain a device that prevents or impedes the passing of fish up and downstream. Fish and Game Code section 45 defines "fish" as wild fish, mollusks, crustaceans, invertebrates, or amphibians, including any part, spawn or ova thereof.

Please coordinate with CDFW for technical support and assistance. CDFW supports channel naturalization and the restoration of habitat and channel complexity to support fisheries and a broad range of aquatic and riparian wildlife.

[1] https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=93986&inline
[2] https://www.wildlife.ca.gov/Grants/FRGP/Guidance

Sea Level Rise

The State of California Sea-Level Rise Guidance/2018 Update (California Natural Resources Agency 2018) provides a science-based methodology for state and local governments to analyze and assess the risks associated with sea-level rise and incorporate sea-level rise into their planning, permitting, and investment decisions. The Marin Shoreline Sea Level Rise Vulnerability Assessment/Bay Waterfront Adaptation & Vulnerability Evaluation (BayWAVE) (Marin County 2017) provides context and estimates of the physical and fiscal impacts across the County's bayside shoreline over the coming decades. It includes sea level rise scenarios ranging from 10 inches in the near-term (15 years) to 20 inches in the medium-term (mid-century) and to 60 inches in the long-term (end of century). Since the purpose of the Project is to reduce long-term flood risk, and a portion of this downstream channel is tidal, CDFW recommends incorporating the long-term (end of century) scenarios for sea level rise, beyond the 15 year estimate, to fully evaluate Project impacts.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA ITP must be obtained if the Project has the potential to result in take[3] of plants or animals listed under CESA, either during construction or over the life of the Project. Issuance of a CESA Permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the project and mitigation measures may be required in order to obtain a CESA ITP.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c), 21083; CEQA Guidelines, §§ 15380, 15064, and 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the project proponent's obligation to comply with CESA.

Lake and Streambed Alteration Agreement

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et. seq., for Project activities affecting lakes or streams and associated riparian habitat.

[3] Take is defined in Fish and Game Code section 86 as hunt, pursue, catch, capture, or kill, or attempt any of those activities.

Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW will consider the CEQA document for the Project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.

Migratory Birds and Raptors

CDFW also has authority over actions that may disturb or destroy active nest sites or take birds without authorization. Fish and Game Code sections protecting birds, their eggs, and nests include sections 3503, 3503.5, and 3513. Fully protected species may not be taken or possessed at any time (Fish and Game Code, § 3511). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form, online field survey form, and contact information for CNDDB staff can be found at the following link: https://wildlife.ca.gov/data/CNDDB/submitting-data.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Ms. Amanda Culpepper, Environmental Scientist, at amanda.culpepper@wildlife.ca.gov; or Ms. Karen Weiss, Senior Environmental Scientist (Supervisory), at karen.weiss@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Gregg Erickson
BE74D4C93C6D4EA...

Gregg Erickson
Regional Manager
Bay Delta Region

cc: Office of Planning and Research, State Clearinghouse (SCH No. 2020080353)

REFERENCES

California Natural Resources Agency. 2018. State of California Sea-level Rise Guidance. https://opc.ca.gov/webmaster/ftp/pdf/agenda_items/20180314/Item3_Exhibit-A_OPC_SLR_Guidance-rd3.pdf

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STATE OF CALIFORNIA GAVIN NEWSOM, *Governor*

CALIFORNIA STATE LANDS COMMISSION
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September 21, 2020

File Ref: SCH # 2020080353

Joanna Dixon
Marin County Flood Control and Water Conservation District
c/o: Panorama Environmental, Inc.
717 Market Street, Suite 650
San Francisco, CA 94103

VIA ELECTRONIC MAIL ONLY (cortemaderacreek@marincounty.org)

Subject: Notice of Preparation (NOP) for an Environmental Impact Report (EIR) for Corte Madera Creek Flood Risk Management Project, Phase 1, Marin County

Dear Ms. Dixon:

The California State Lands Commission (Commission) staff has reviewed the subject NOP for an EIR for the Corte Madera Creek Flood Risk Management Project, Phase 1 (Project), which is being prepared by the Marin County Flood Control and Water Conservation District (District). The District, as the public agency proposing to carry out the Project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The Commission is a trustee agency for projects that could directly or indirectly affect State sovereign land and their accompanying Public Trust resources or uses. Additionally, because the Project involves work on State sovereign land, the Commission will act as a responsible agency. Commission staff requests that the District consult with us on preparation of the Draft EIR as required by CEQA section 21153, subdivision (a), and the State CEQA Guidelines section 15086, subdivisions (a)(1) and (a)(2).

Commission Jurisdiction and Public Trust Lands

The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6009, subd. (c); 6009.1; 6301; 6306). All tidelands and submerged lands granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust Doctrine.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The state holds these lands for the benefit of all people of the state for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

After review of the information contained in the NOP, Commission staff has determined that the waterway, over which the proposed Project will extend, includes State-owned sovereign land, as specified above. On April 25, 1968, the Commission authorized Lease No. PRC 3926 to the Marin County Flood Control and Water Conservation District for the construction of a flood control channel northwesterly of the Bon Air Bridge. This lease expired in 2017. Therefore, a new lease application is required.

Project Description

The District proposes this Project with the primary goal to reduce the frequency and severity of flooding in the communities of Ross and Kentfield. The objectives of the Project include:

1. Flood Risk Reduction. Reduce overall flood inundation extent and depth in the Town of Ross and Kentfield areas.
2. Environmental Benefits. Improve fish passage, natural creek processes, and fish and riparian habitat adjacent to the creek.
3. Public Access and Recreational Quality. Maintain public access along the creek via the multi-use path and enhance the recreational experience and amenities along the Creek corridor to meet Town of Ross and Kentfield area community needs.
4. Operational Reliability. Improve operational reliability and reduce long-term maintenance costs through improving channel stability and protecting existing utilities.
5. Regulatory Compliance. Comply with local, state, and federal environmental laws and regulations.
6. Fiscally Responsible. Implement a flood risk reduction project that can be accomplished with local and grant funding and reasonably foreseeable grant funding opportunities.

From the Project Description, Commission staff understands that the Project would include the following component that has the potential to affect State sovereign land:

- Unit 2. Enhancement of the Creek habitat by replacing the concrete channel with an earthen channel and vegetation downstream of Stadium Way. Submerged lands downstream of Stadium Way are considered State

sovereign land. Modifying the channel would include removal of the concrete channel and installation of vegetated and unvegetated rock slope protection.

Environmental Review

Commission staff requests that the District consider the following comments when preparing the Draft EIR to ensure that impacts to State sovereign land are adequately analyzed for the Commission's use of the certified EIR to support a future lease approval for the Project.

General Comments

1. Project Description: A thorough and complete Project Description should be included in the Draft EIR in order to facilitate meaningful environmental review of potential impacts, mitigation measures, and alternatives. The Project Description should be as precise as possible in describing the details of all allowable activities (e.g., types of equipment or methods that may be used, maximum area of impact or volume of sediment removed or disturbed, seasonal work windows, locations for material disposal, etc.), as well as the details of the timing and length of activities. In particular, illustrate on figures and engineering plans and provide written description of activities occurring below the mean high tide line for Project area waterways. For the work in Unit 2, describe how the Creek would be dewatered prior to concrete removal. Thorough descriptions will facilitate Commission staff's determination of the extent and locations of its leasing jurisdiction, make for a more robust analysis of the work that may be performed, and minimize the potential for subsequent environmental analysis to be required.

Biological Resources

2. For land under the Commission's jurisdiction, the Draft EIR should disclose and analyze all potentially significant effects on sensitive species and habitats in and around the Project area, including special-status wildlife, fish, and plants, and if appropriate, identify feasible mitigation measures to reduce those impacts. The District should conduct queries of the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database and U.S. Fish and Wildlife Service's (USFWS) Special Status Species Database to identify any special-status plant or wildlife species that may occur in the Project area. The Draft EIR should also include a discussion of consultation with the CDFW, USFWS, and National Marine Fisheries Service (NMFS) as applicable, including any recommended mitigation measures and potentially required permits identified by these agencies.

3. Invasive Species: One of the major stressors in California waterways is introduced species. Therefore, the Draft EIR should consider the Project's potential to encourage the establishment or proliferation of aquatic invasive species (AIS) such as the quagga mussel, or other nonindigenous, invasive species including aquatic and terrestrial plants. For example, construction boats and barges brought in from long stays at distant projects may transport new species to the Project area via hull

biofouling, wherein marine and aquatic organisms attach to and accumulate on the hull and other submerged parts of a vessel. If the analysis in the Draft EIR finds potentially significant AIS impacts, possible mitigation could include contracting vessels and barges from nearby, or requiring contractors to perform a certain degree of hull-cleaning. The CDFW's Invasive Species Program could assist with this analysis as well as with the development of appropriate mitigation (information at https://www.wildlife.ca.gov/Conservation/Invasives).

4. Construction Noise: The Draft EIR should also evaluate noise and vibration impacts on fish and birds from construction and restoration activities in the water. Mitigation measures could include species-specific work windows as defined by CDFW, USFWS, and NMFS. Again, staff recommends early consultation with these agencies to minimize the impacts of the Project on sensitive species.

Climate Change

5. Greenhouse Gas (GHG): A GHG emissions analysis consistent with the California Global Warming Solutions Act (Assembly Bill [AB] 32) and required by the State CEQA Guidelines should be included in the Draft EIR. This analysis should identify a threshold for significance for GHG emissions, calculate the level of GHGs that will be emitted as a result of construction and ultimate build-out of the Project, determine the significance of the impacts of those emissions, and, if impacts are significant, identify mitigation measures that would reduce them to the extent feasible. For the proposed Project, the removal and disposal of the concrete in Unit 2 may result in substantial emissions.

6. Sea-Level Rise: A tremendous amount of State-owned lands and resources under the Commission's jurisdiction will be impacted by rising sea levels. Because of their nature and location, these lands and resources are already vulnerable to a range of natural events, such as storms and extreme high tides. The State of California released the 2018 Update to the Safeguarding California Plan in January 2018 to provide policy guidance for state decision-makers as part of continuing efforts to prepare for climate risks. The Safeguarding Plan sets forth "actions needed" to safeguard ocean and coastal ecosystems and resources as part of its policy recommendations for state decision-makers.

   In addition, Governor Brown issued Executive Order B-30-15 in April 2015, which directs state government to fully implement the Safeguarding Plan and factor in climate change preparedness in planning and decision making. Commission staff believes the goals of the proposed Project are consistent with the guidance and recommendations presented in the Safeguarding Plan, and that Project would benefit coastal management agencies' efforts to plan for more resilient shorelines and minimize adverse ecosystem impacts resulting from sea-level rise.

   Please note that when considering lease applications, Commission staff will (1) request information from applicants concerning the potential effects of sea-level rise on their proposed projects, (2) if applicable, require applicants to indicate how they

plan to address sea-level rise and what adaptation strategies are planned during the projected life of their projects, and (3) where appropriate, recommend project modifications that would eliminate or reduce potentially adverse impacts from sea-level rise, including adverse impacts on public access. Therefore, this information should be included in the Draft EIR.

Cultural Resources

7. Title to Resources: The Draft EIR should also mention that the title to all abandoned archaeological sites and historic or cultural resources on or in the submerged lands of California is vested in the state and under the jurisdiction of the Commission (Pub. Resources Code, § 6313). Commission staff requests that the District consult with Staff Attorney Jamie Garrett, should any cultural resources on State lands be discovered during construction of the proposed Project. In addition, Commission staff requests that the following statement be included in the EIR's Mitigation and Monitoring Plan: "The final disposition of archaeological, historical, and paleontological resources recovered on state lands under the jurisdiction of the California State Lands Commission must be approved by the Commission."

Thank you for the opportunity to comment on the NOP for the Project. As a trustee and responsible agency, Commission staff requests that you consult with us on this Project and keep us advised of changes to the Project Description and all other important developments. Please send additional information on the Project to the Commission staff listed below as the Draft EIR is being prepared.

Please refer questions concerning environmental review to Cynthia Herzog, Senior Environmental Scientist, at (916) 574-1310 or cynthia.herzog@slc.ca.gov. For questions concerning archaeological or historic resources under Commission jurisdiction, please contact Staff Attorney Jamie Garrett, at (916) 574-0398 or at jamie.garrett@slc.ca.gov. For questions concerning Commission leasing jurisdiction, please contact Al Franzoia, Public Land Management Specialist, at (916) 574-0992 or al.franzoia@slc.ca.gov.

Sincerely,

Eric Gillies, Acting Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
J. Garrett, Commission
A. Franzoia, Commission
C. Herzog, Commission

TOWN OF ROSS

September 17, 2020

Marin County Flood Control and Water Conservation District
c/o Joanna Dixon, P.E.
3501 Civic Center Drive, Suite 304
San Rafael, CA 94903

RE: CORTE MADERA CREEK FLOOD RISK MANAGEMENT PROJECT PHASE 1: COMMENTS ON THE AUGUST 27, 2020 SCOPING MEETING FOR THE PROPOSED DRAFT ENVIRONMENTAL IMPACT REPORT

Dear Ms. Dixon:

Thank you for the opportunity to provide comments regarding the Corte Madera Creek Flood Risk Management Project (the Project) Environmental Impact Report (EIR) scoping meeting. The Town of Ross appreciates the outreach efforts of the Marin County Flood Control District staff and will continue to support any planning efforts which facilitate flood risk reduction measures in the Ross Valley basin. The Town of Ross, as a major stakeholder, a responsible agency, and as a partner, wants to ensure that the level of information and analysis provided by the EIR is sufficient to adequately evaluate the potential project impacts that are likely to occur within the Town.

With respect to these concerns and for your consideration, the Town provides the following comments on the scope of the Project EIR:

- The EIR must analyze an alternative that proposes removal of the fish ladder with a nominal transition back to the existing concrete channel and little or no impact to the existing Frederick Allen Park (i.e. the "fish ladder only" alternative.)

- The EIR project description, goals, and objectives should be written such that they do not preclude the approval of a "fish ladder only" alternative for the portions of the project within the Town of Ross.

- The Town is concerned with the environmental impacts associated with the proposed reconfiguration of Frederick Allen Park (the Park) into a floodplain park. The EIR must provide adequate and detailed information and mitigation measures related to the extent of grading, tree removal and replacement, landscaping, and continued pedestrian and bicycle access. The existing Park has established mature vegetation and provides tree covered pedestrian and bicycle access from Kentfield to the Town of Ross along the creek corridor and the resultant project will result in a more open corridor that has limited vegetation and relief from sun exposure for people and fish. The EIR should identify all the potential CEQA impacts related to replacing the existing Park with the proposed floodplain park including the following information:

    - Earth disturbance and quantity of cubic yards of off-haul.

P.O. BOX 320, ROSS, CA 94957-0320
415.453.1453 • FAX 415.453.1950
www.townofross.org

- A detailed list of the type, number, size, and location of trees to be removed within the Park and within the overall Riparian Corridor.
- Number of trees and species to be removed and replanted in Frederick Allen Park and within the overall Riparian Corridor.
- The impacts related to the lack of shade and habitat during the initial years of growth of younger replacement trees including at completion of construction, at 5 years after, and at 10 years after construction.
- The impact of sediment buildup within the proposed floodplain and associated maintenance responsibilities.
- The location and amount of pedestrian and multi-purpose paths.
- A project diagram showing the specific locations of the walls within the Frederick Allen Park Corridor and the proposed creek streambed that meanders through the Corridor should be provided.
- A fencing plan and where construction staging, and storage of materials will be located.
- Mechanisms and procedures to keep the public safe during high water events.
- Maintenance responsibilities of the proposed floodplain and the park.

– The EIR should illustrate the comparison of the 10-year and the 25-year flood risk reduction benefits under existing, existing with cumulative impacts, and proposed project conditions for all alternatives and including the "fish ladder only" alternative for the entire reach of Corte Madera Creek between San Anselmo and Kentfield and including all drainage tributaries within Ross.

– The EIR should recognize the Town of Ross as both an integrated regulatory agency in the review process for design and construction activities, and as a landowner pertaining to Fredrick Allen Park and that the Town of Ross Planning, Building, and Public Works Departments are included in the appropriate sections as having regulatory jurisdiction within the Town limits and public rights of way.

Thank you in advance for considering the Town of Ross' comments and incorporating them into the Corte Madera Creek Flood Risk Management Project Phase 1 EIR.

Sincerely,

Joe Chinn
Town Manager

cc: Mayor Julie McMillan and Council Members

September 21, 2020

Joanna Dixon
Marin County Department of Public Works
3501 Civic Center Drive
San Francisco, CA 04903
cortemaderacreek@marincounty.org

RE: Scoping Comments on the Corte Madera Flood Risk Management Project.

Dear Ms. Dixon,

Thank you for the opportunity to submit scoping comments on the Corte Madera Flood Risk Management Project Draft Environmental Impact Report. Removing the concrete channel has been far too long in coming. This channel has minimal to no habitat value and has not even done much for flooding. Discussed below are a few issues we want the DEIR to discuss, toward the goal of ensuring that environmental benefits of the project are maximized.

The project would have many environmental benefits. It would restore much of the creek to a more natural condition, improve riparian habitat, remove the concrete lining, remove the inadequate fish ladder, and improve fish resting pools. The points that we request are:

1. Floodwall:

It is unfortunate that, due to development along the creek, the project must include long floodwalls. It appears that the proposed walls would be straight and smooth-sided - devoid of benefit for wildlife, as is the usual design for floodwalls. Instead of a smooth wall throughout, we suggest that designs be considered that would provide some habitat value.

For a sea wall project it is considering, the Port of San Francisco has researched designs for walls that have spaces of various size and shapes that can support aquatic habitat, vegetation and small creatures. While the Corte Madera Creek walls are not inundated frequently enough to warrant such designs throughout; they could be beneficial in the lower levels of the section that is frequently inundated. We also note that such designs will be increasingly useful as sea level rise progresses.

Examples of possible designs are included in a Power Point the Port of San Francisco presented to the SF Bay Joint Venture Conservation Delivery Committee in August 2020 to support their request for the JVs support. There is a link to this presentation in the body of the email message conveying this letter and the link is also included as an attachment.

We suggest that one or more of the designs be evaluated for use in the wall length within the tidal range, i.e. that is covered with algae in the photos of the scoping presentation for the project. The DEIR should discuss which of the various designs would be appropriate for the sea walls on Corte Madera Creek, i.e., which would provide substrate that supports species found in Corte Madera Creek.

One or even more of these wall designs should be added to the project to provide habitat on the floodwall, unless there is strong reason that such designs would have adverse impacts. The design(s) that is or are most appropriate for supporting species native to Corte Madera Creek should be used.

2. Public Access:

At the scoping hearing for the project, it was reported that the project will include steps down to the creek. While steps to the creek might appeal to some, they would have a number of adverse impacts. The DEIR should address the following: What is the purpose of the steps; are the steps intended to allow people to view the water, or go into or play in the water?

What are the potential impacts to fish and birds attempting to feed or rest in the creek? We are concerned that use of the steps would result in the creek waters in the vicinity being reduced in habitat value for wildlife, particularly birds. Usually more wildlife can be viewed from further away, i.e. from the trail on the top of the bank. Many studies have confirmed that wildlife leave when humans come close, and we would expect that would occur here.

There are also potential adverse impacts to people. We would expect that some folks, particularly young people, would be drawn to, and even into, the water. Discuss the risk of folks getting hurt, drowning or being adversely affected by poor water quality. Discuss the legal risk to the county should someone get sick, be hurt or drown.

3. Alternatives Analysis.

Analyze an alternative that does not include the section of the project in Ross.

We understand there is not clear support for the project from the Town of Ross. It is important to have an alternative that will allow a project to move forward without delay, even if the Ross Town Council does not support it. There also should not be delay due to inadequate environmental review. Therefore, the DEIR should address a

reduced project alternative that does not include the sections in the Town of Ross that the Ross council does not support.

The project will have many public benefits: flood control improvements for many residents and improved habitat for special status fish and birds. Critical funding would be lost if the project does not proceed now. The project should move forward with no delay so that these benefits would not be lost or delayed. To best assure that such an outcome can occur, a reduced project without the section in Ross should be evaluated in the DEIR.

Thank you for responding to our concerns.

Sincerely,

Barbara Salzman, Co-chair
Conservation Committee

Phil Peterson, Co-chair
Conservation Committee

Enhancing habitat for rocky shore species in the face of SLR

Chela Zabin, PhD

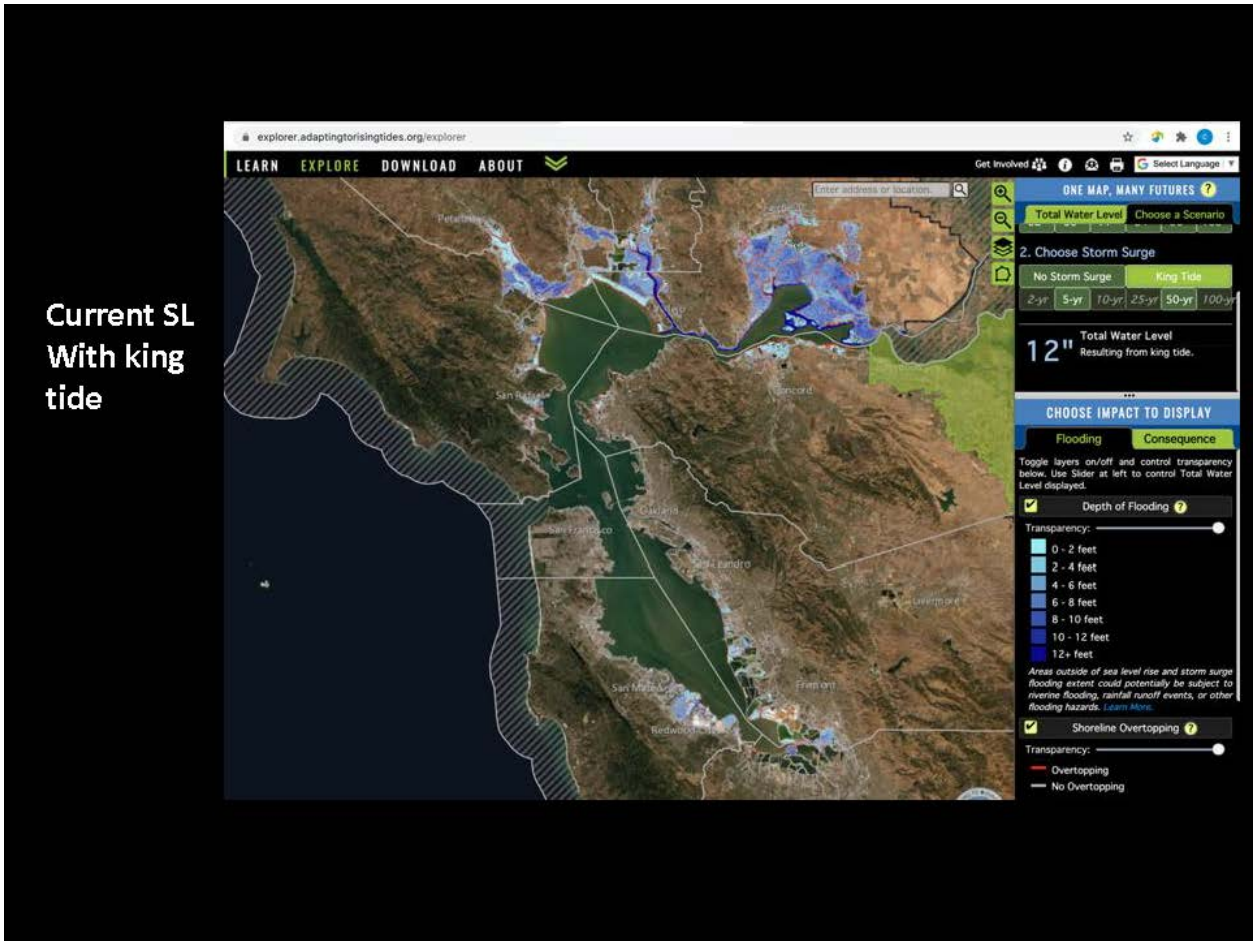
Smithsonian Environmental Research Center & Estuary & Ocean Science Center, Tiburon CA

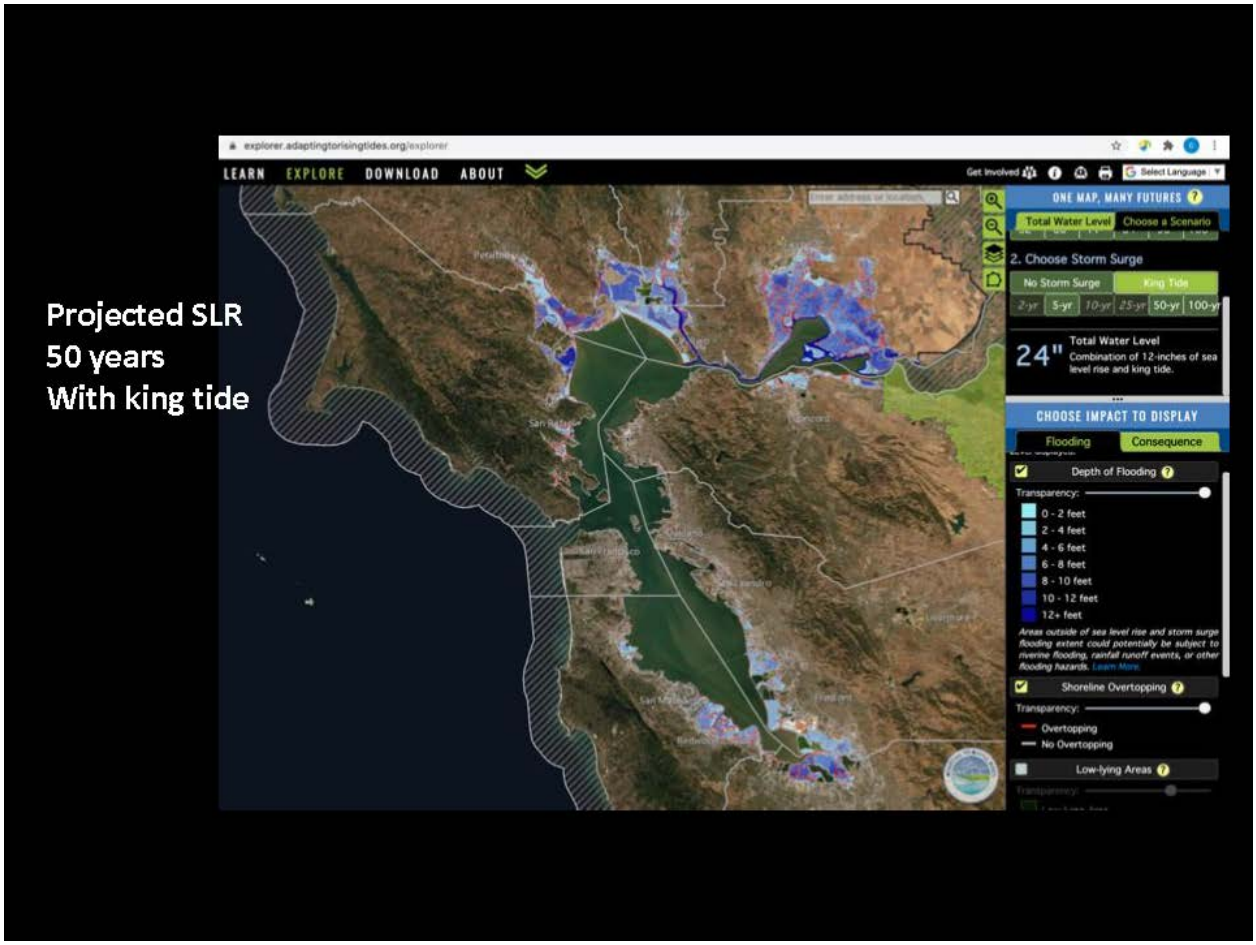
Smithsonian Environmental Research Center

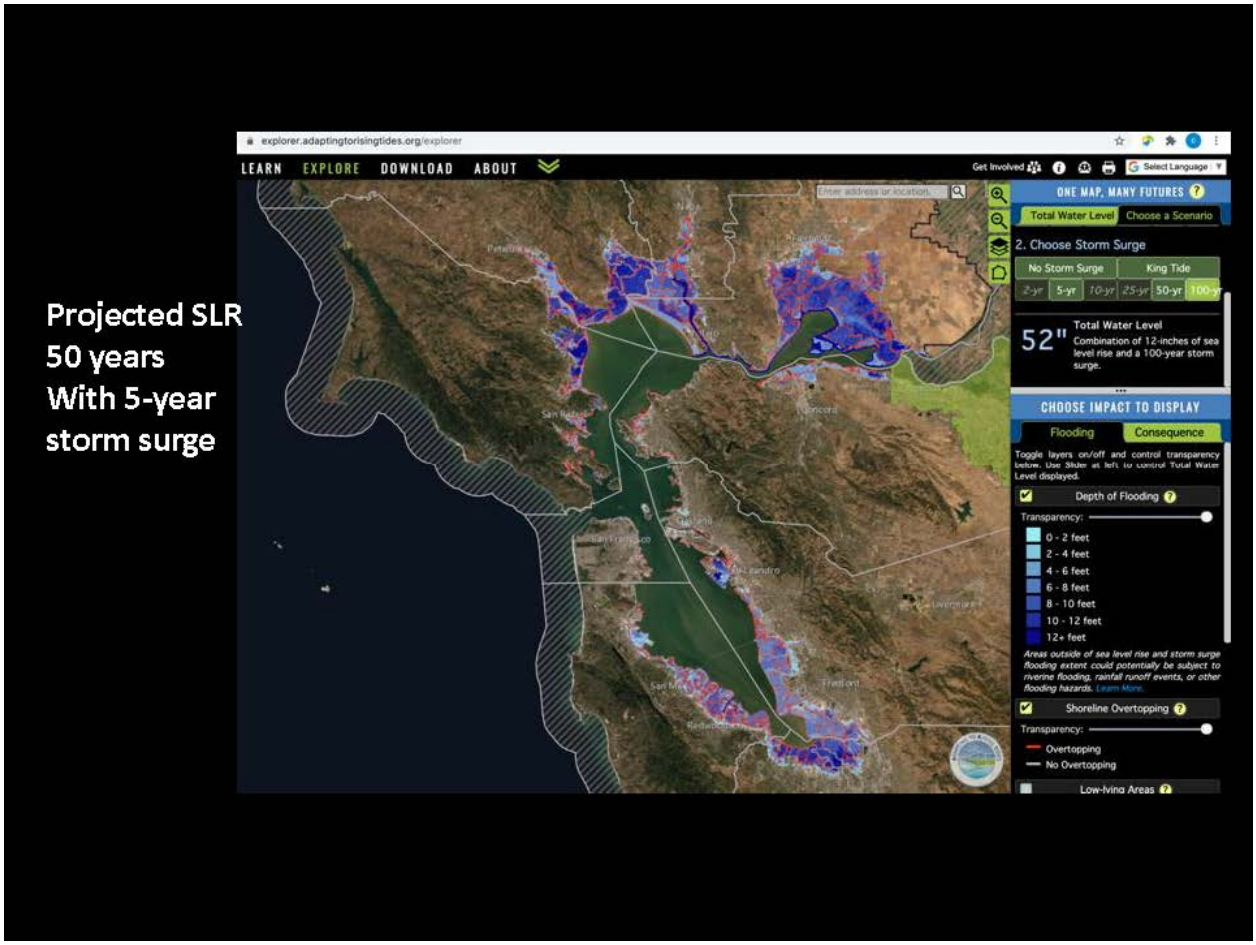
SERC-West

Edgewater, MD
(Chesapeake Bay)

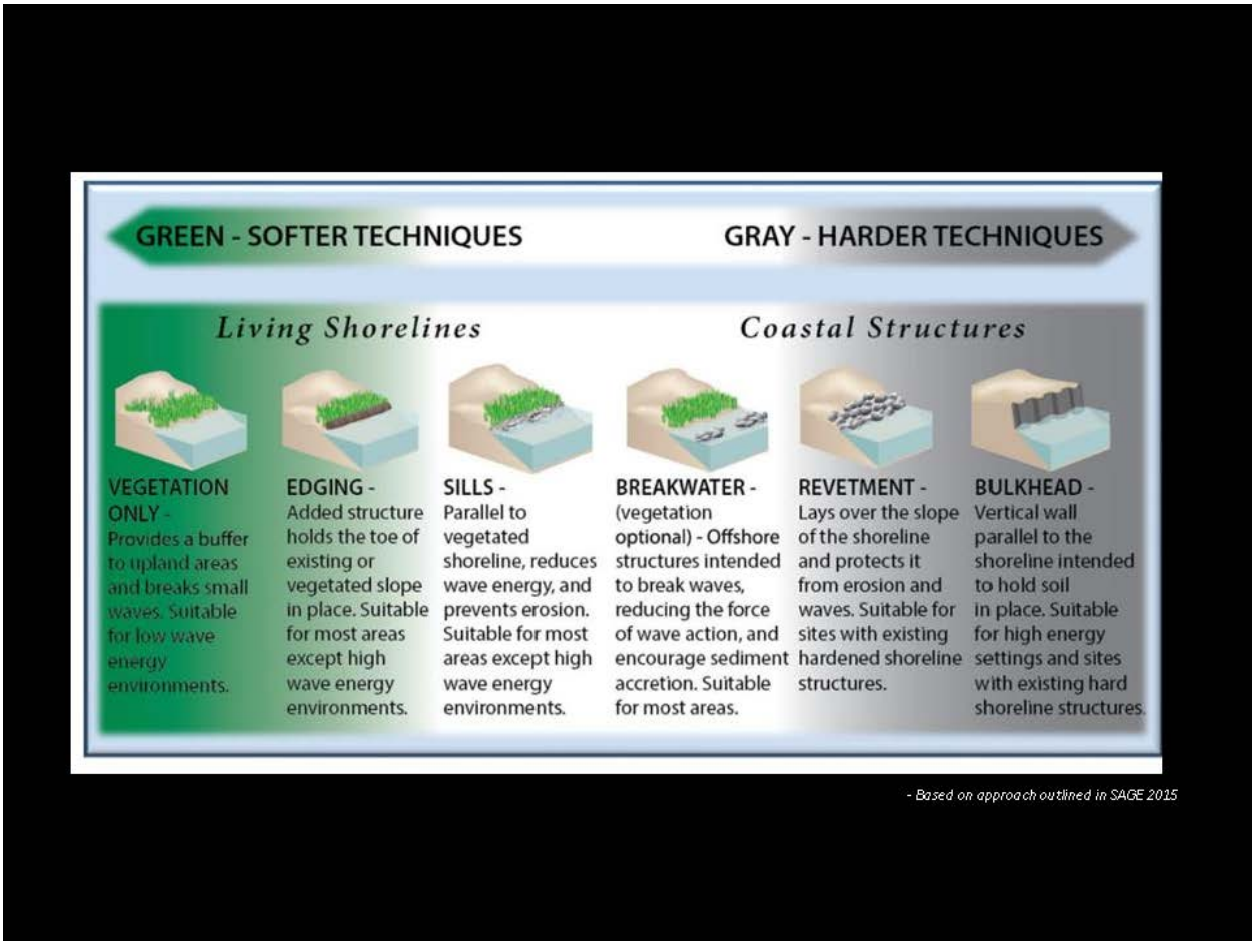
At SFSU's Estuary & Ocean Science Center since 2000)

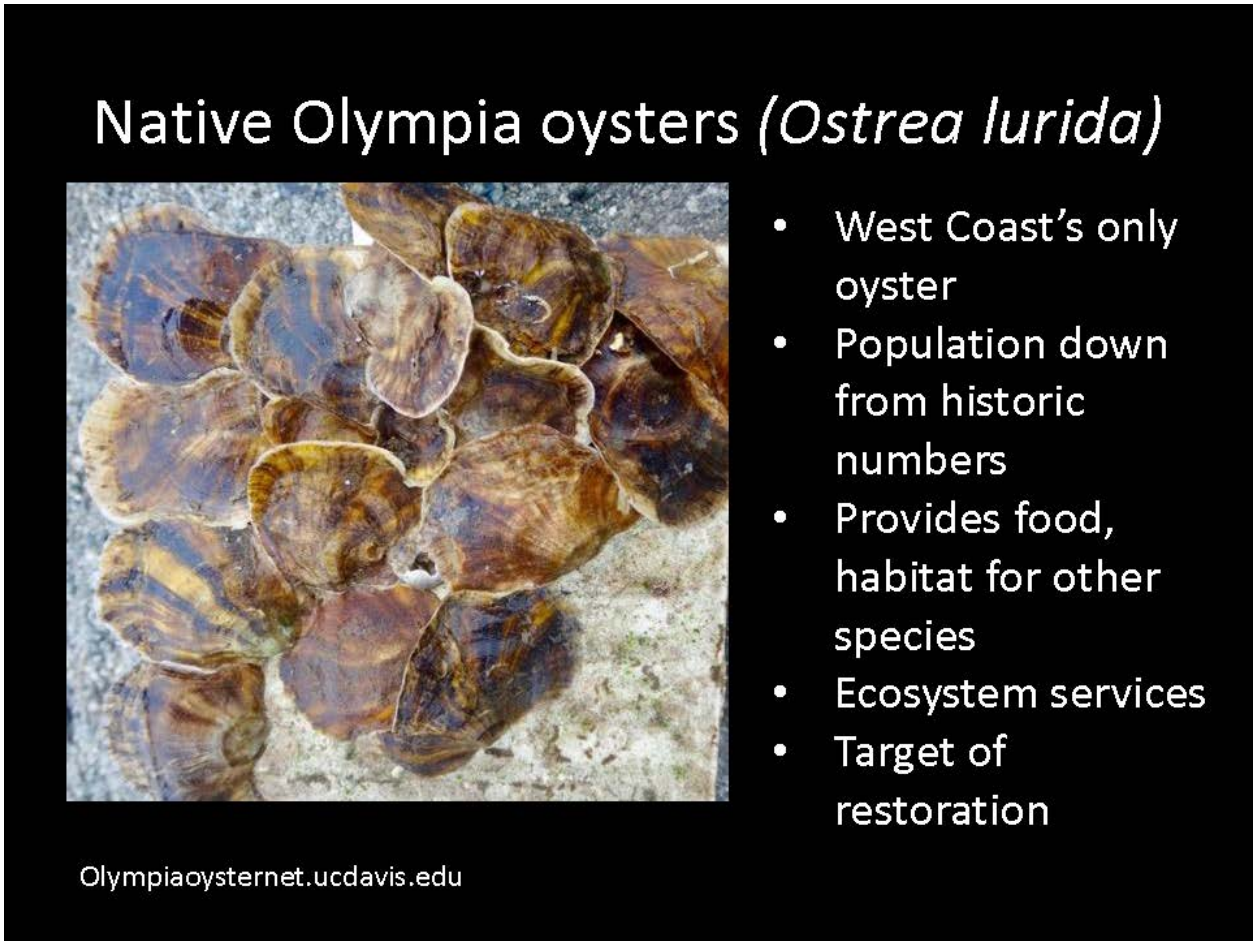

Current SL
With king
tide
explorer.adaptingtorisingtides.org/explorer
LEARN
EXPLORE
DOWNLOAD
ABOUT
Get Involved
Select Language
Enter address or location
ONE MAP, MANY FUTURES
Total Water Level
Choose a Scenario
2. Choose Storm Surge
No Storm Surge
King Tide
2-yr
5-yr
10-yr
25-yr
50-yr
100-yr
12"
Total Water Level
Resulting from king tide.
CHOOSE IMPACT TO DISPLAY
Flooding
Consequence
Toggle layers on/off and control transparency below. Use Slider at left to control Total Water Level displayed.
Depth of Flooding
Transparency:
0 - 2 feet
2 - 4 feet
4 - 6 feet
6 - 8 feet
8 - 10 feet
10 - 12 feet
12+ feet
Areas outside of sea level rise and storm surge flooding extent could potentially be subject to riverine flooding, rainfall runoff events, or other flooding hazards. Learn More.
Shoreline Overtopping
Transparency:
Overtopping
No Overtopping
Petaluma
San Rafael
Concord
Oakland
San Francisco
San Leandro
Livermore
San Mateo
Fremont
Redwood City


Projected SLR
50 years
With king tide
explorer.adaptingtorisingtides.org/explorer
LEARN
EXPLORE
DOWNLOAD
ABOUT
ONE MAP, MANY FUTURES
Total Water Level
Choose a Scenario
2. Choose Storm Surge
No Storm Surge
King Tide
2-yr
5-yr
10-yr
25-yr
50-yr
100-yr
24"
Total Water Level
Combination of 12-inches of sea level rise and king tide.
CHOOSE IMPACT TO DISPLAY
Flooding
Consequence
Depth of Flooding
Transparency:
0 - 2 feet
2 - 4 feet
4 - 6 feet
6 - 8 feet
8 - 10 feet
10 - 12 feet
12+ feet
Areas outside of sea level rise and storm surge flooding extent could potentially be subject to riverine flooding, rainfall runoff events, or other flooding hazards. Learn More
Shoreline Overtopping
Transparency:
Overtopping
No Overtopping
Low-lying Areas


Projected SLR
50 years
With 5-year
storm surge
explorer.adaptingtorisingtides.org/explorer
LEARN
EXPLORE
DOWNLOAD
ABOUT
Get Involved
Select Language
ONE MAP, MANY FUTURES
Total Water Level
Choose a Scenario
2. Choose Storm Surge
No Storm Surge
King Tide
2-yr
5-yr
10-yr
25-yr
50-yr
100-yr
52"
Total Water Level
Combination of 12-inches of sea level rise and a 100-year storm surge.
CHOOSE IMPACT TO DISPLAY
Flooding
Consequence
Toggle layers on/off and control transparency below. Use Slider at left to control Total Water Level displayed.
Depth of Flooding
Transparency:
0 - 2 feet
2 - 4 feet
4 - 6 feet
6 - 8 feet
8 - 10 feet
10 - 12 feet
12+ feet
Areas outside of sea level rise and storm surge flooding extent could potentially be subject to riverine flooding, rainfall runoff events, or other flooding hazards. Learn More.
Shoreline Overtopping
Transparency:
Overtopping
No Overtopping
Low-lying Areas


Shrinking intertidal habitats


GREEN - SOFTER TECHNIQUES
GRAY - HARDER TECHNIQUES
Living Shorelines
Coastal Structures
VEGETATION ONLY - Provides a buffer to upland areas and breaks small waves. Suitable for low wave energy environments.
EDGING - Added structure holds the toe of existing or vegetated slope in place. Suitable for most areas except high wave energy environments.
SILLS - Parallel to vegetated shoreline, reduces wave energy, and prevents erosion. Suitable for most areas except high wave energy environments.
BREAKWATER - (vegetation optional) - Offshore structures intended to break waves, reducing the force of wave action, and encourage sediment accretion. Suitable for most areas.
REVETMENT - Lays over the slope of the shoreline and protects it from erosion and waves. Suitable for sites with existing hardened shoreline structures.
BULKHEAD - Vertical wall parallel to the shoreline intended to hold soil in place. Suitable for high energy settings and sites with existing hard shoreline structures.
- Based on approach outlined in SAGE 2015


Native Olympia oysters (Ostrea lurida)
West Coast's only oyster
Population down from historic numbers
Provides food, habitat for other species
Ecosystem services
Target of restoration
Olympiaoysternet.ucdavis.edu

Rockweed *(Fucus distchus)*

- Mid- high intertidal zone
- Foundation species
- Provides food, habitat for other species
- Not good at dispersing
- Target for mitigation funding

Pacific herring *(Clupea pallasii)*

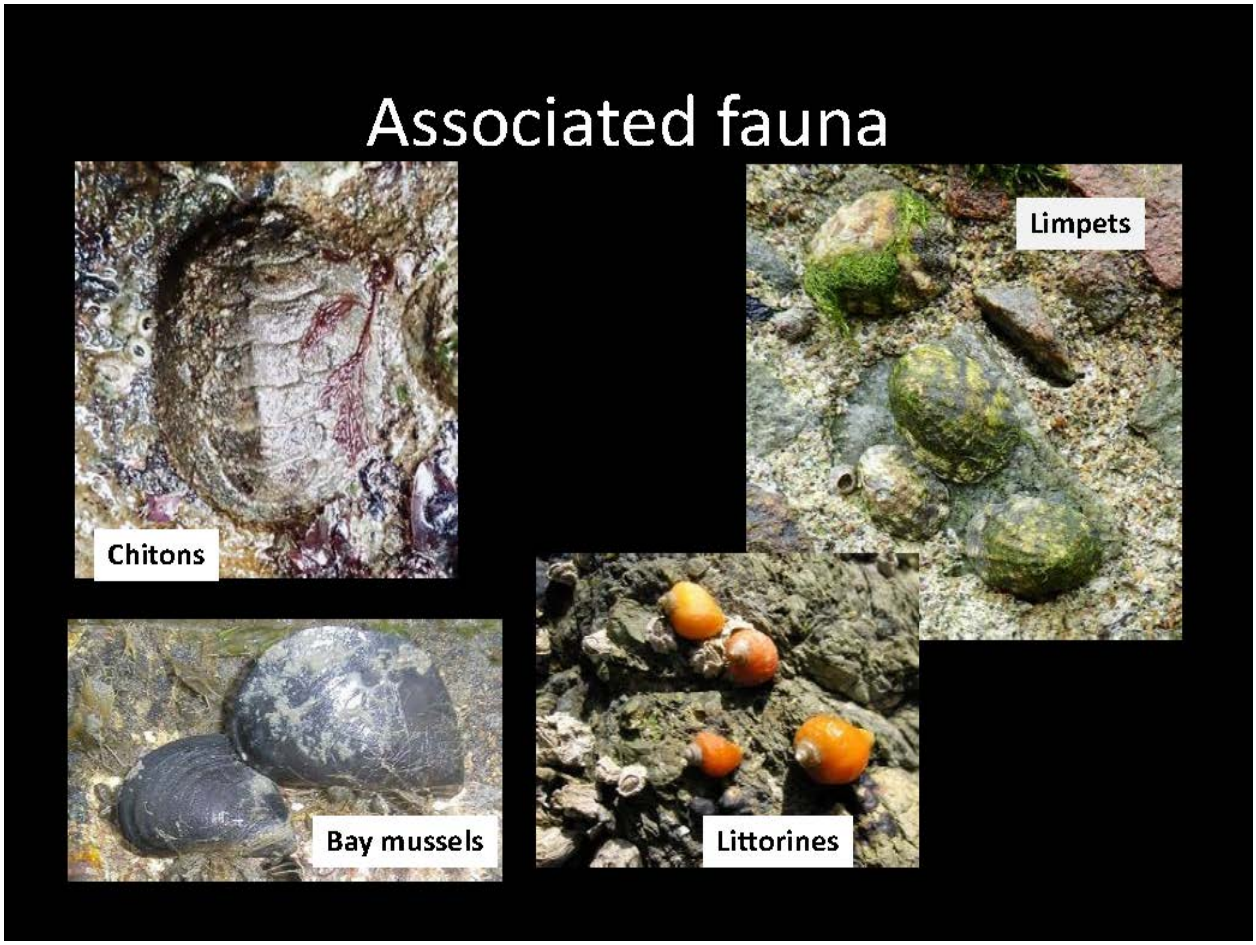
- Supports Bay food webs
- Commercial fishery
- Requires hard substrate for spawning

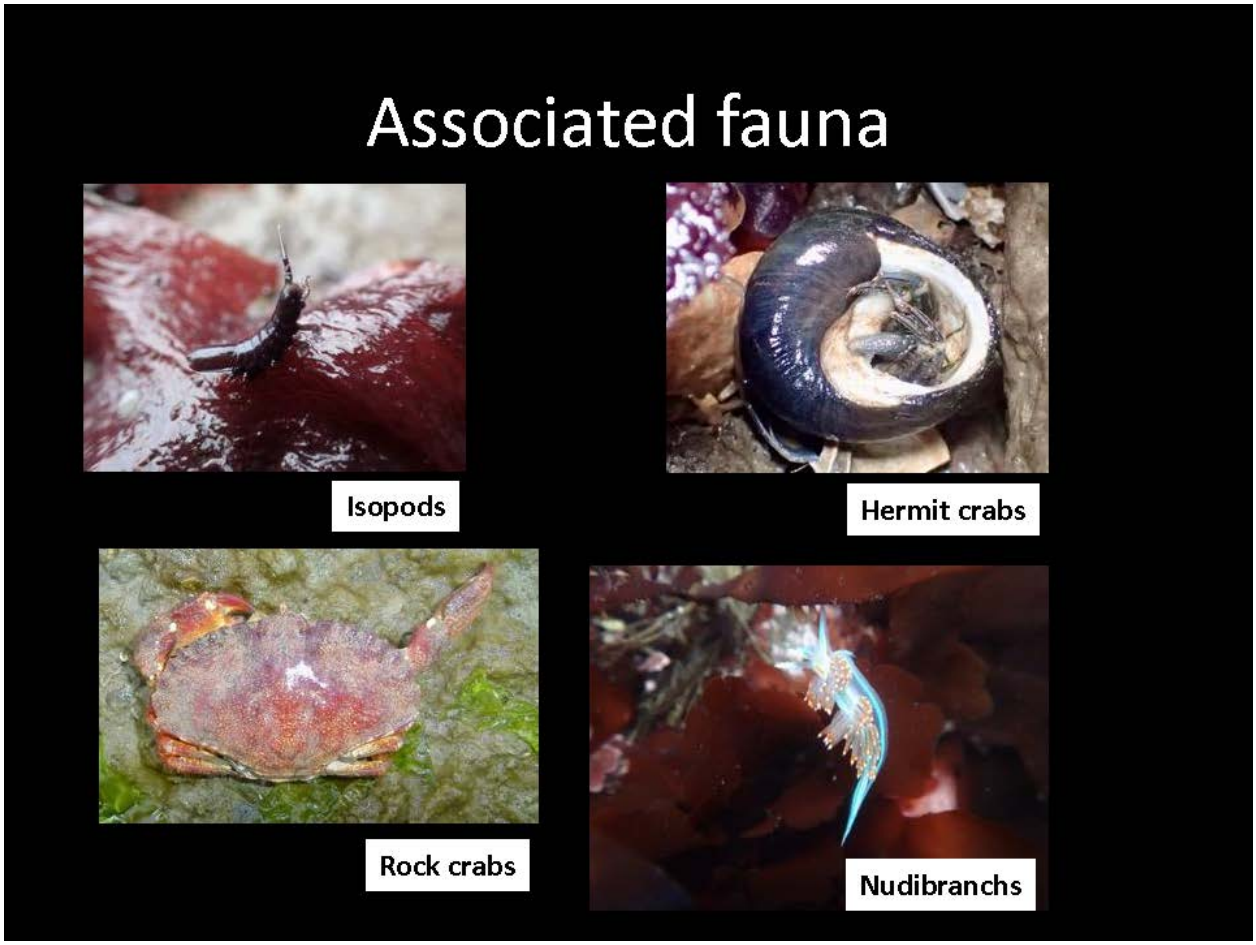
Pacific herring spawning

-Watters et al. 2004

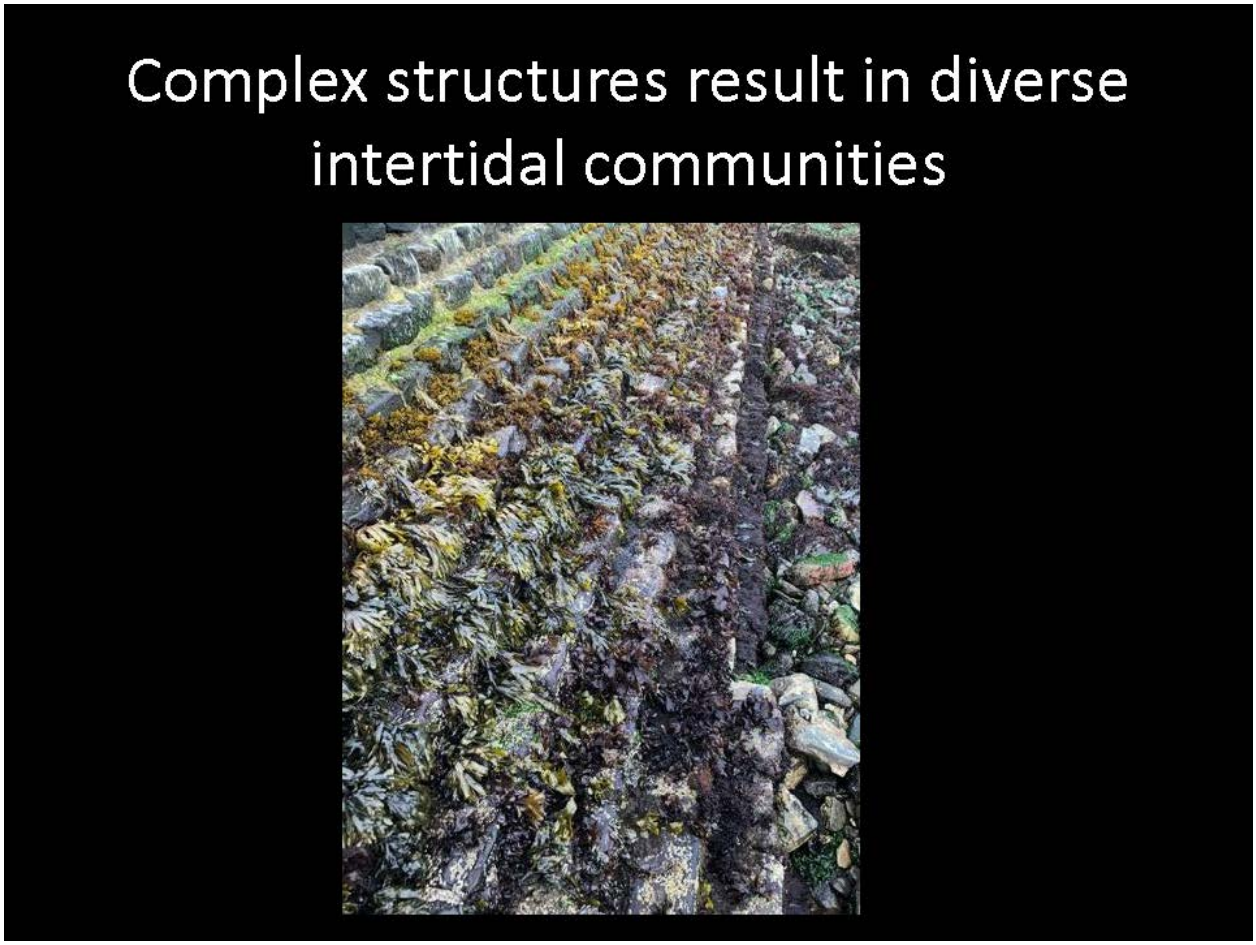
- Macroalgae substrate for herring eggs

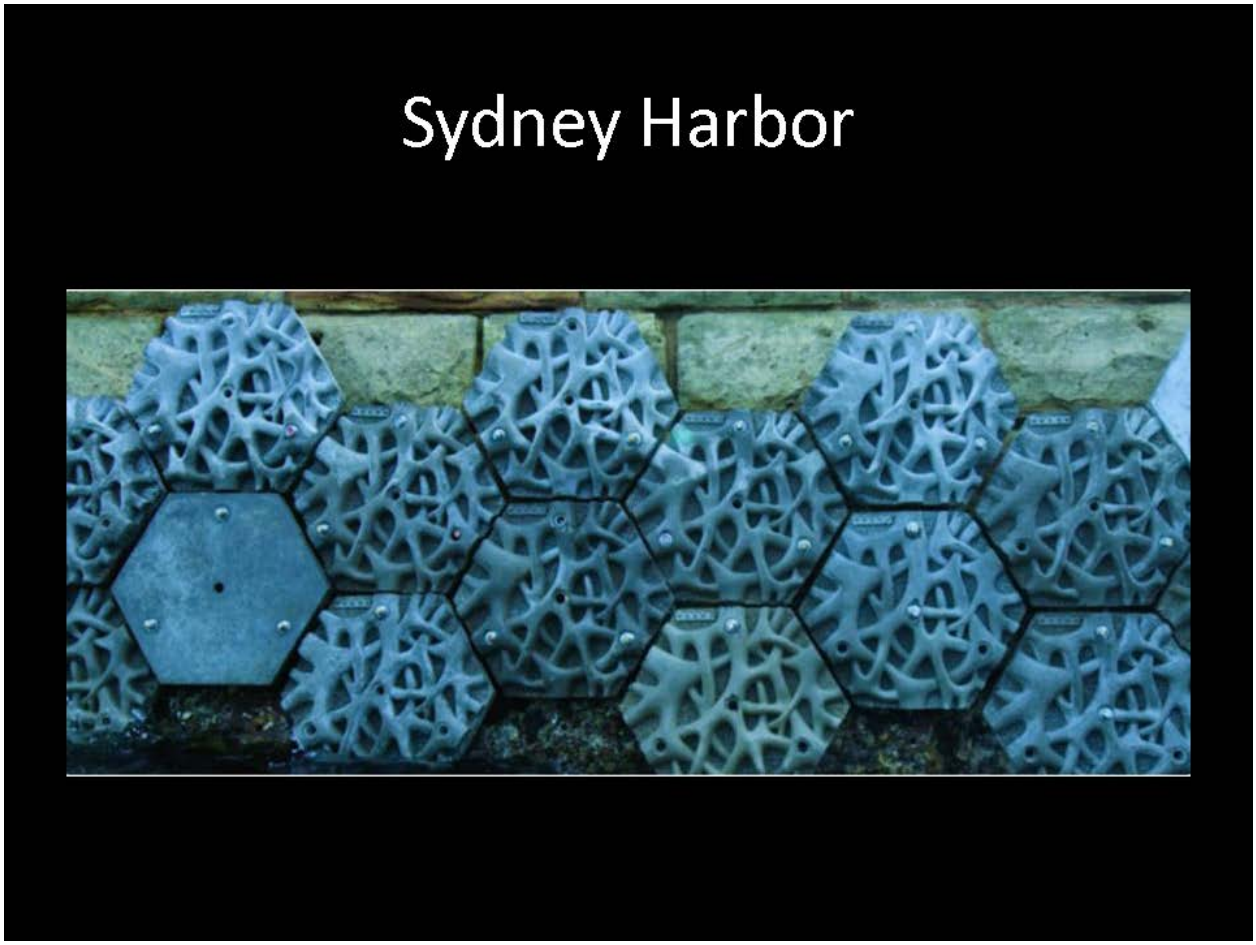

Rocky shore communities
Feather boa kelp
Rainbow sea weed
Red seaweed


Associated fauna
Chitons
Limpets
Bay mussels
Littorines

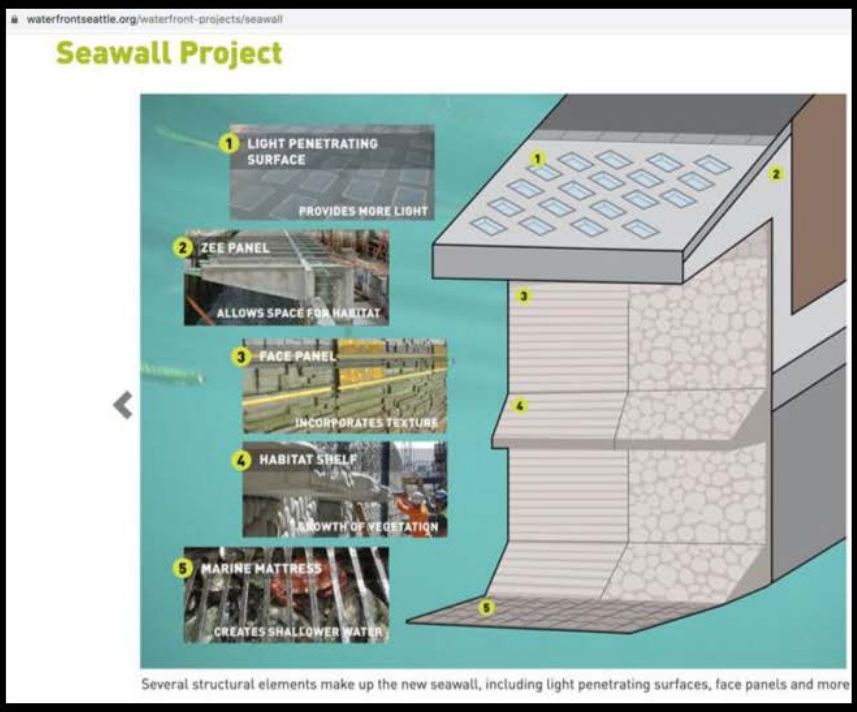

Associated fauna
Isopods
Hermit crabs
Rock crabs
Nudibranchs


Seawalls that mimic nature
Crevices, grooves, pits
Tide pools
Interstitial spaces
- Office of Environment and Heritage, NSW 2012

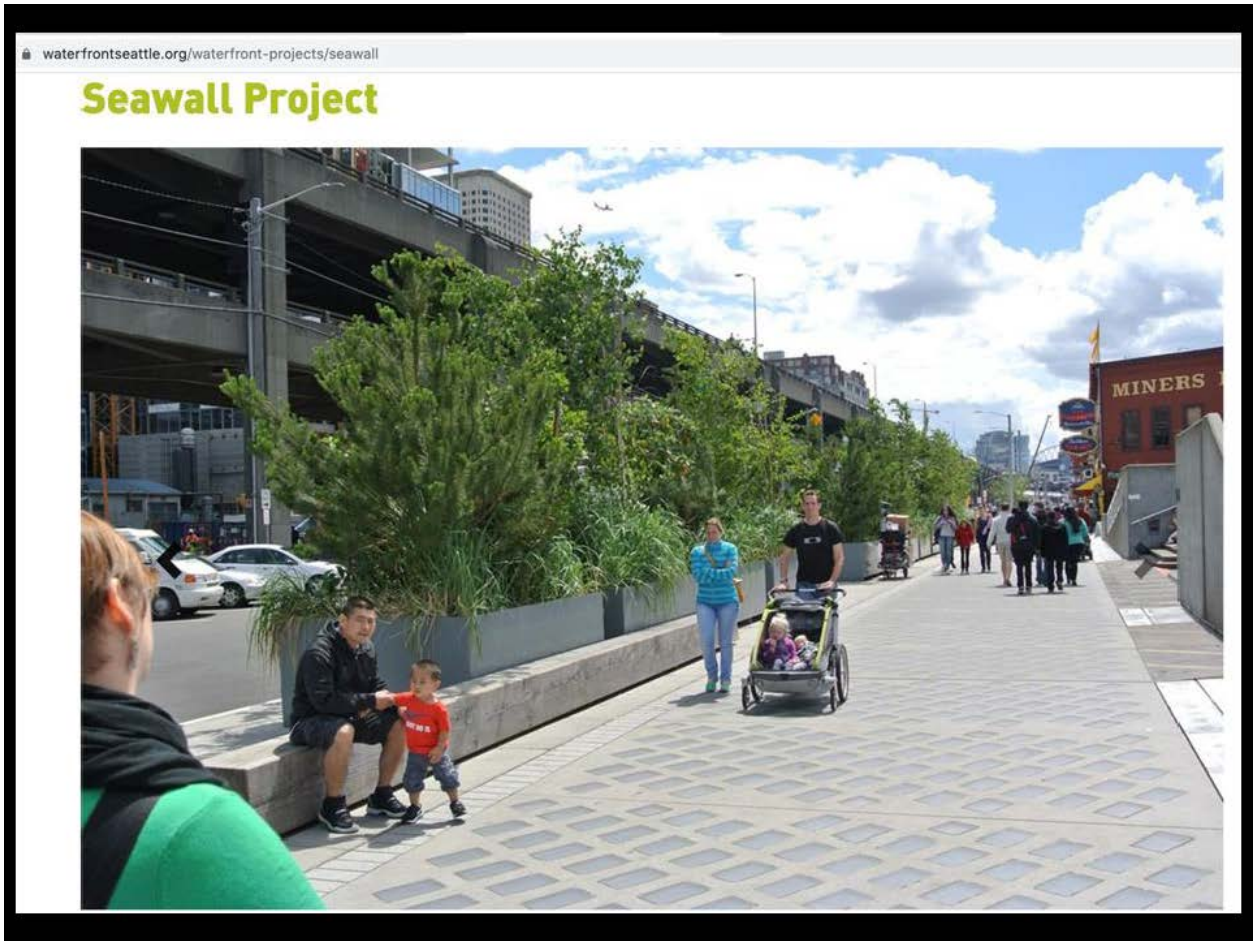

Complex structures result in diverse intertidal communities

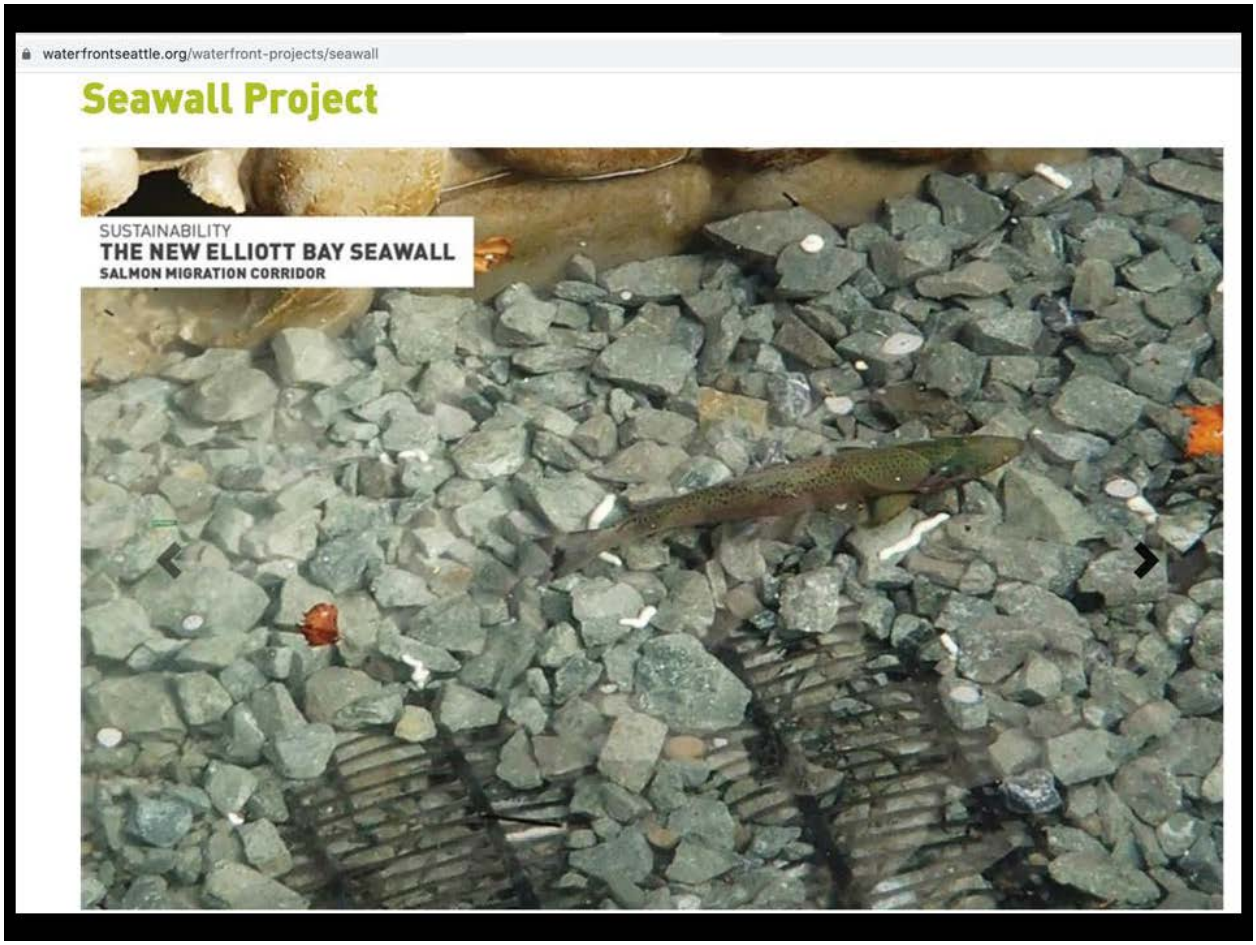

Sydney Harbor

Seattle Seawall

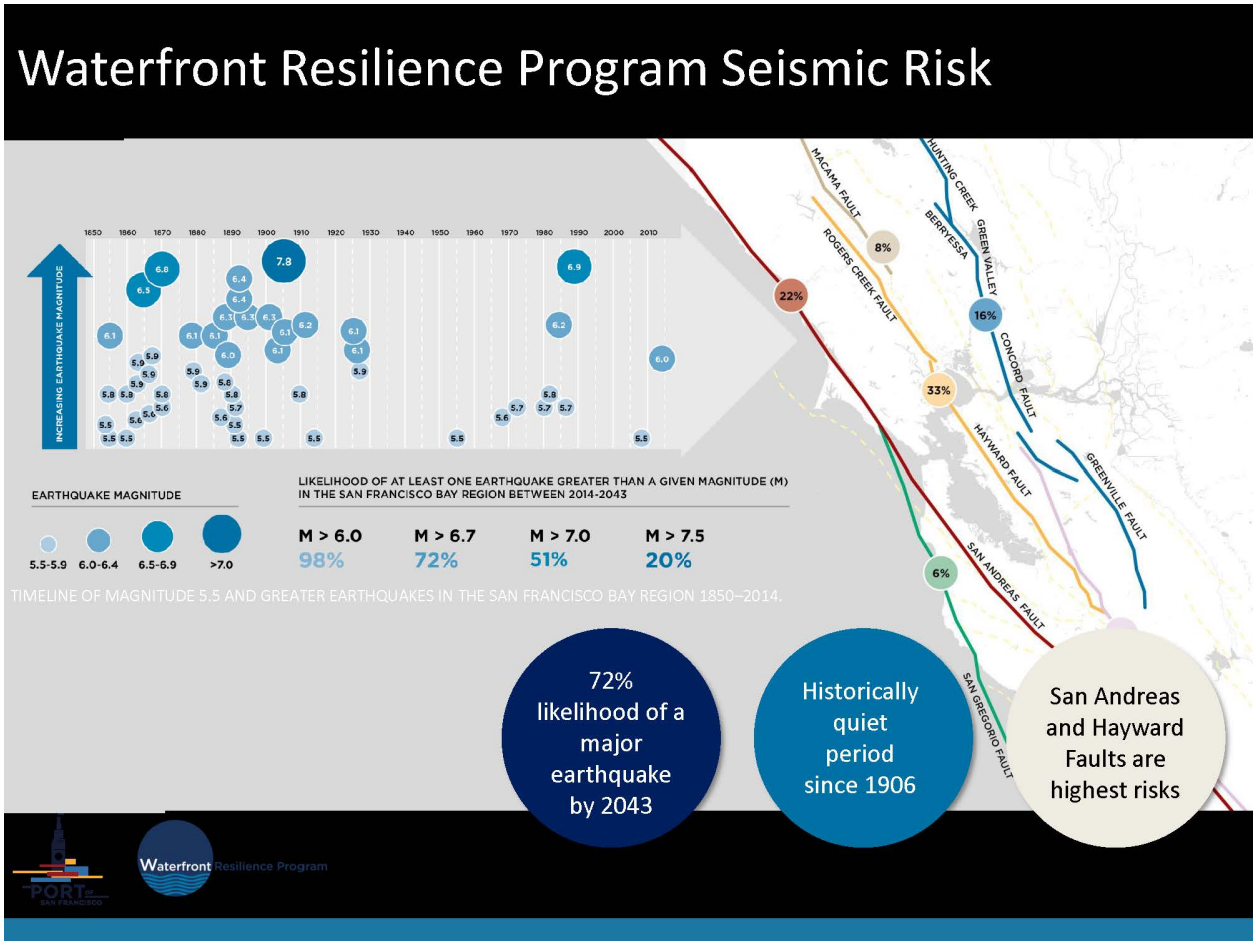


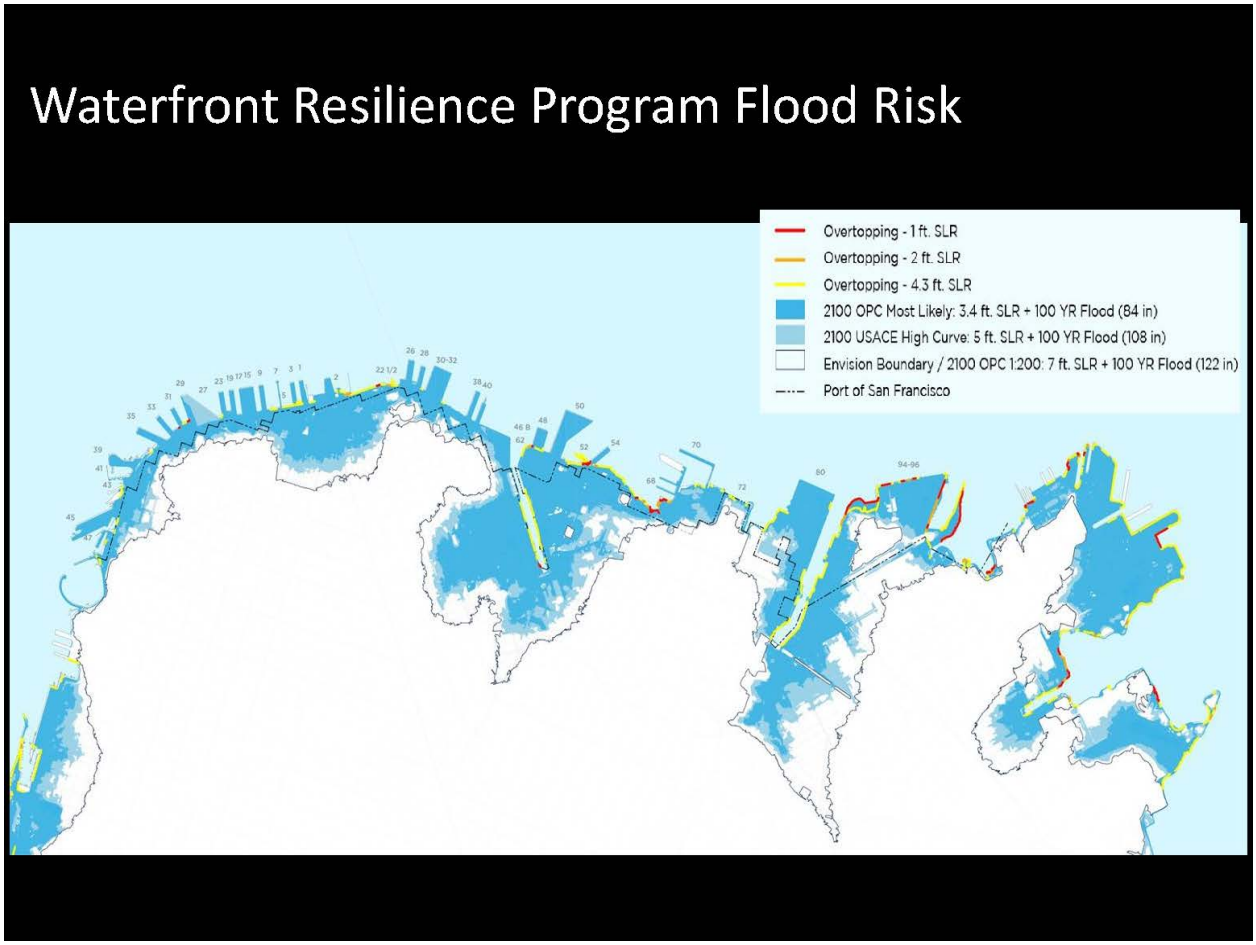

waterfrontseattle.org/waterfront-projects/seawall
Seawall Project
HIGH HIGH
HIGH TIDE

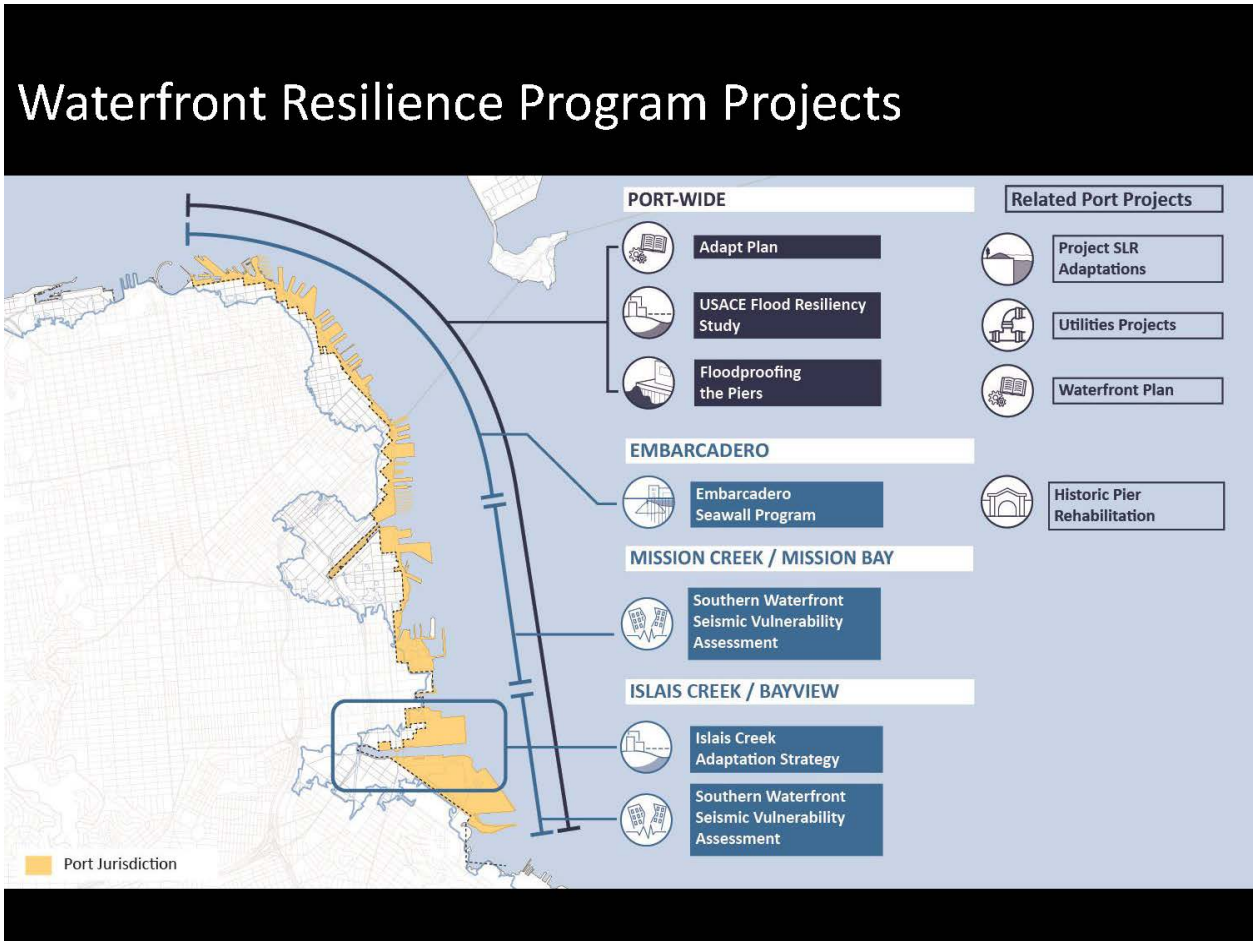

waterfrontseattle.org/waterfront-projects/seawall
Seawall Project
MINERS


waterfrontseattle.org/waterfront-projects/seawall
Seawall Project
SUSTAINABILITY
THE NEW ELLIOTT BAY SEAWALL
SALMON MIGRATION CORRIDOR

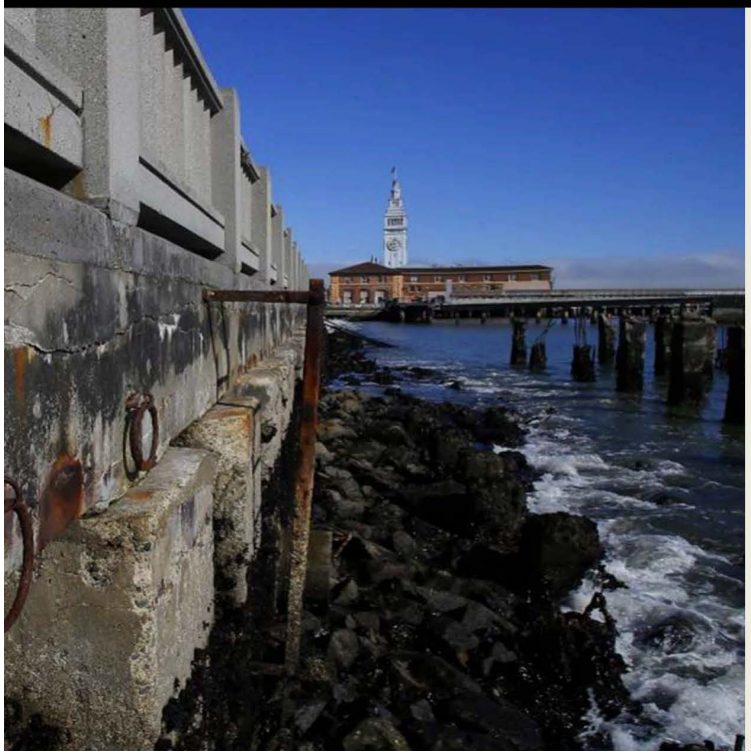

Port of San Francisco's Waterfront Resilience Program
The Port of San Francisco's Waterfront Resilience Program will create a safe, equitable, sustainable, and inspiring waterfront.


Waterfront Resilience Program Seismic Risk
1650 1860 1670 1880 1890 1900 1910 1920 1930 1940 1950 1960 1970 1980 1990 2000 2010
INCREASING EARTHQUAKE MAGNITUDE
EARTHQUAKE MAGNITUDE
5.5-5.9 6.0-6.4 6.5-6.9 >7.0
LIKELIHOOD OF AT LEAST ONE EARTHQUAKE GREATER THAN A GIVEN MAGNITUDE (M) IN THE SAN FRANCISCO BAY REGION BETWEEN 2014-2043
M > 6.0 98%
M > 6.7 72%
M > 7.0 51%
M > 7.5 20%
TIMELINE OF MAGNITUDE 5.5 AND GREATER EARTHQUAKES IN THE SAN FRANCISCO BAY REGION 1850–2014.
MACAMA FAULT
ROGERS CREEK FAULT
HUNTING CREEK
BERRYESSA
GREEN VALLEY
CONCORD FAULT
HAYWARD FAULT
GREENVILLE FAULT
SAN ANDREAS FAULT
SAN GREGORIO FAULT
22%
8%
16%
33%
6%
72% likelihood of a major earthquake by 2043
Historically quiet period since 1906
San Andreas and Hayward Faults are highest risks
PORT OF SAN FRANCISCO
Waterfront Resilience Program


Waterfront Resilience Program Flood Risk
Overtopping - 1 ft. SLR
Overtopping - 2 ft. SLR
Overtopping - 4.3 ft. SLR
2100 OPC Most Likely: 3.4 ft. SLR + 100 YR Flood (84 in)
2100 USACE High Curve: 5 ft. SLR + 100 YR Flood (108 in)
Envision Boundary / 2100 OPC 1:200: 7 ft. SLR + 100 YR Flood (122 in)
Port of San Francisco


Waterfront Resilience Program Projects
PORT-WIDE
Adapt Plan
USACE Flood Resiliency Study
Floodproofing the Piers
EMBARCADERO
Embarcadero Seawall Program
MISSION CREEK / MISSION BAY
Southern Waterfront Seismic Vulnerability Assessment
ISLAIS CREEK / BAYVIEW
Islais Creek Adaptation Strategy
Southern Waterfront Seismic Vulnerability Assessment
Related Port Projects
Project SLR Adaptations
Utilities Projects
Waterfront Plan
Historic Pier Rehabilitation
Port Jurisdiction

Waterfront Resilience Program
Embarcadero Seawall Project



- **Project Area:** Fisherman's Wharf to Mission Creek
- **Timing:** 2017 to 2021 project planning followed by implementation / construction
- **Focus:** Seismic and flood risk associated with the Embarcadero Seawall
- **Funding:** $425 million General Obligation Bond passed in November 2018

Waterfront Resilience Program
USACE Flood Resiliency Study

Project Area: Aquatic Park to Heron's Head Park

Timing: September 2018 to June 2021

Focus: Flood risk to the federal interest from 2040 to 2090

Funding: Port is the local sponsor. Recommendation to Congress expected in late 2023. If selected, design/construction of Federal plan cost shared 65% Fed / 35% local

Waterfront Resilience Program Community Engagement

WHAT DO YOU CARE ABOUT?

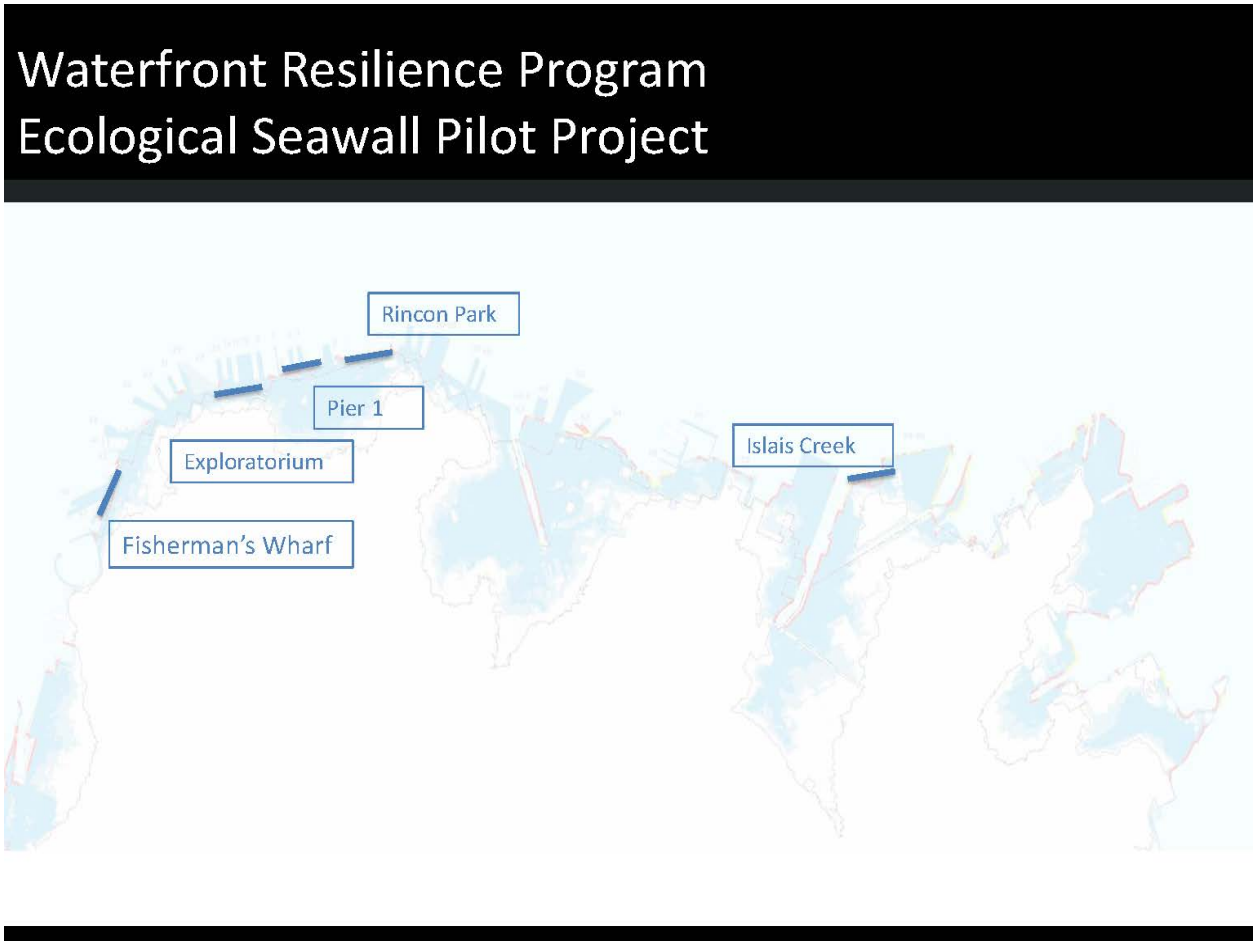
- Open space and public space
- Transportation, utilities and lifeline infrastructure
- Emergency response and evacuation
- Ferry Building
- Bay and marine life

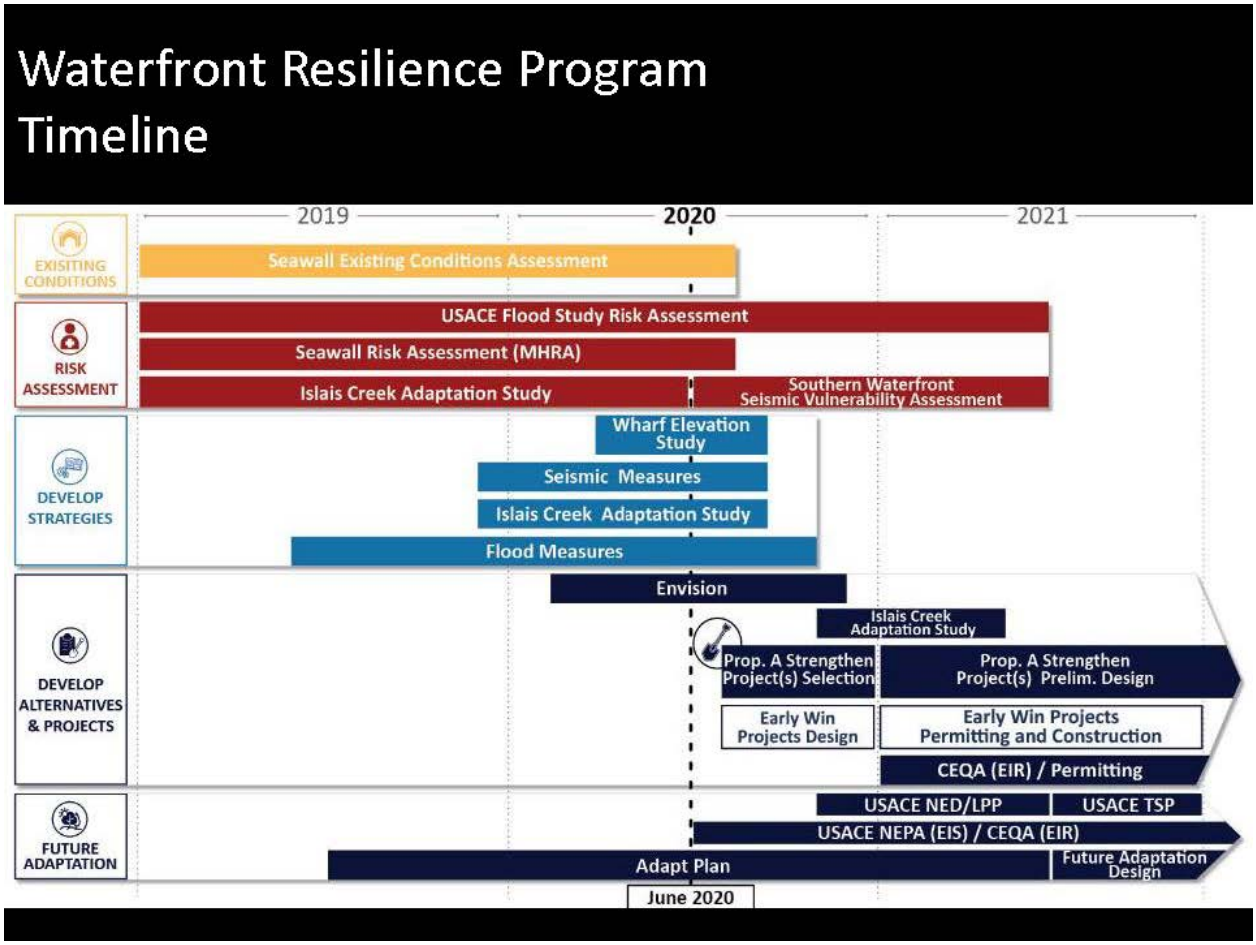
ARE THESE THE RIGHT GOALS?

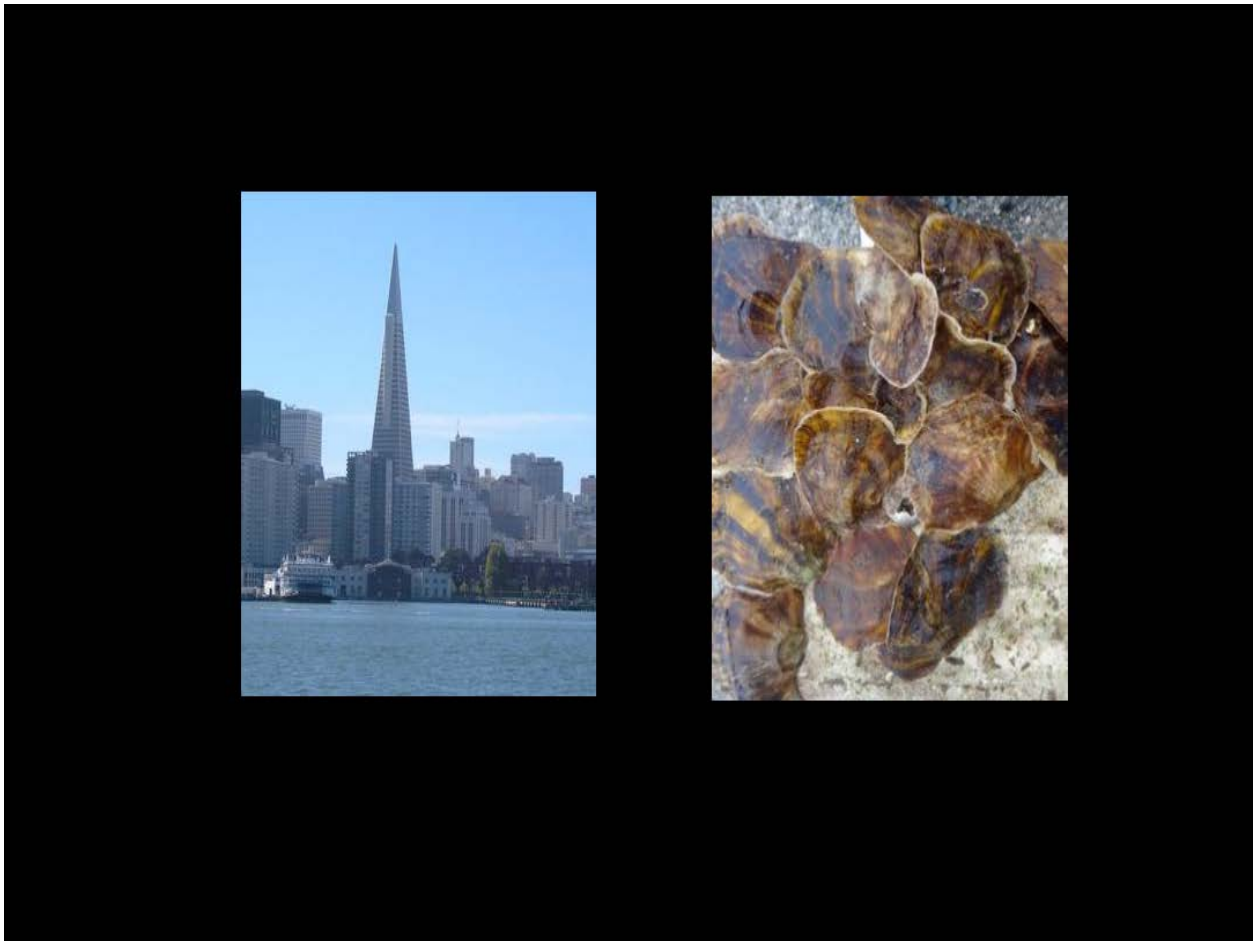
- Focus on public assets
- Improve transit all along the waterfront
- Provide adequate, equitable redevelopment of the Seawall
- Include 500-year flood event for risk management

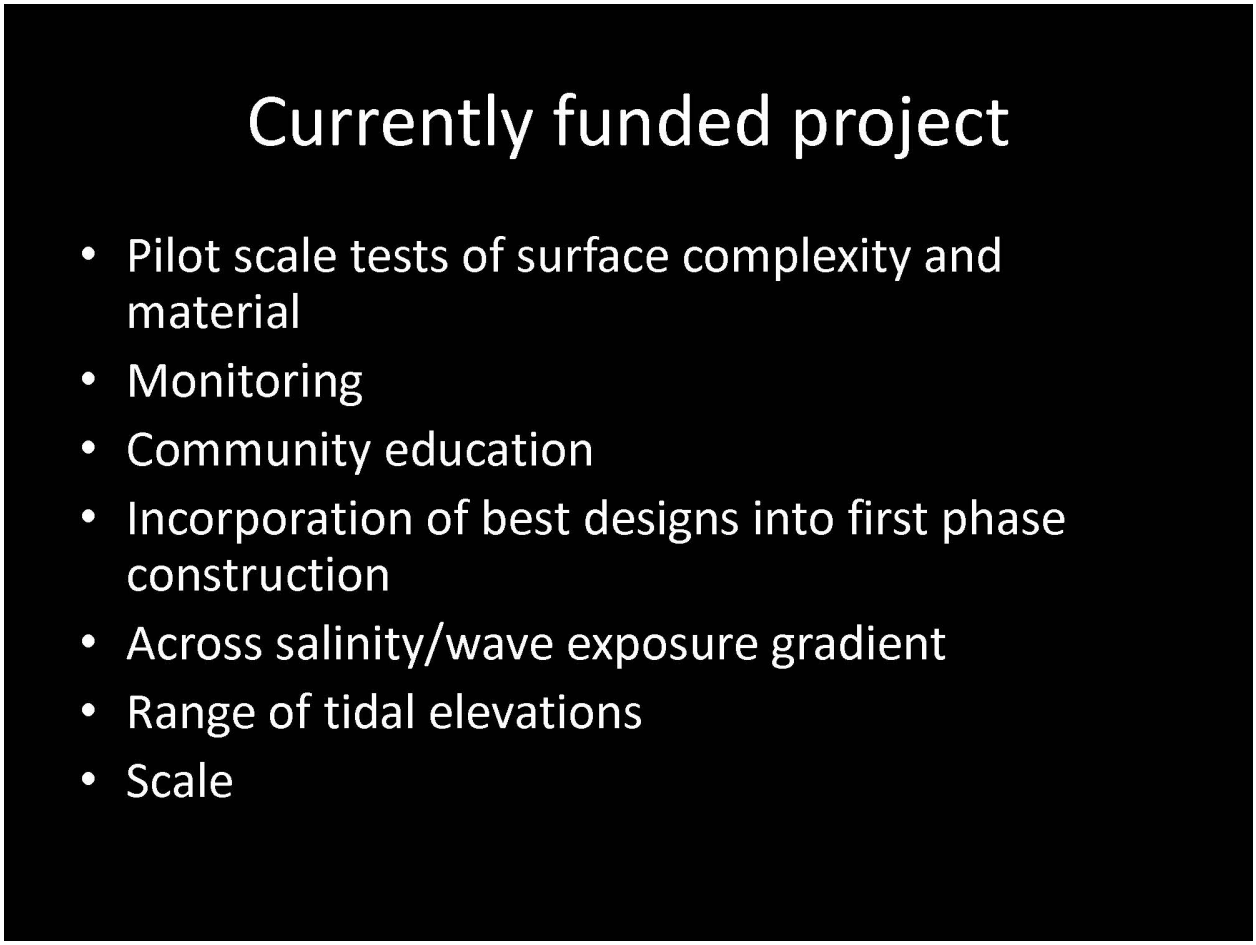
HOW SHOULD WE EVALUATE?

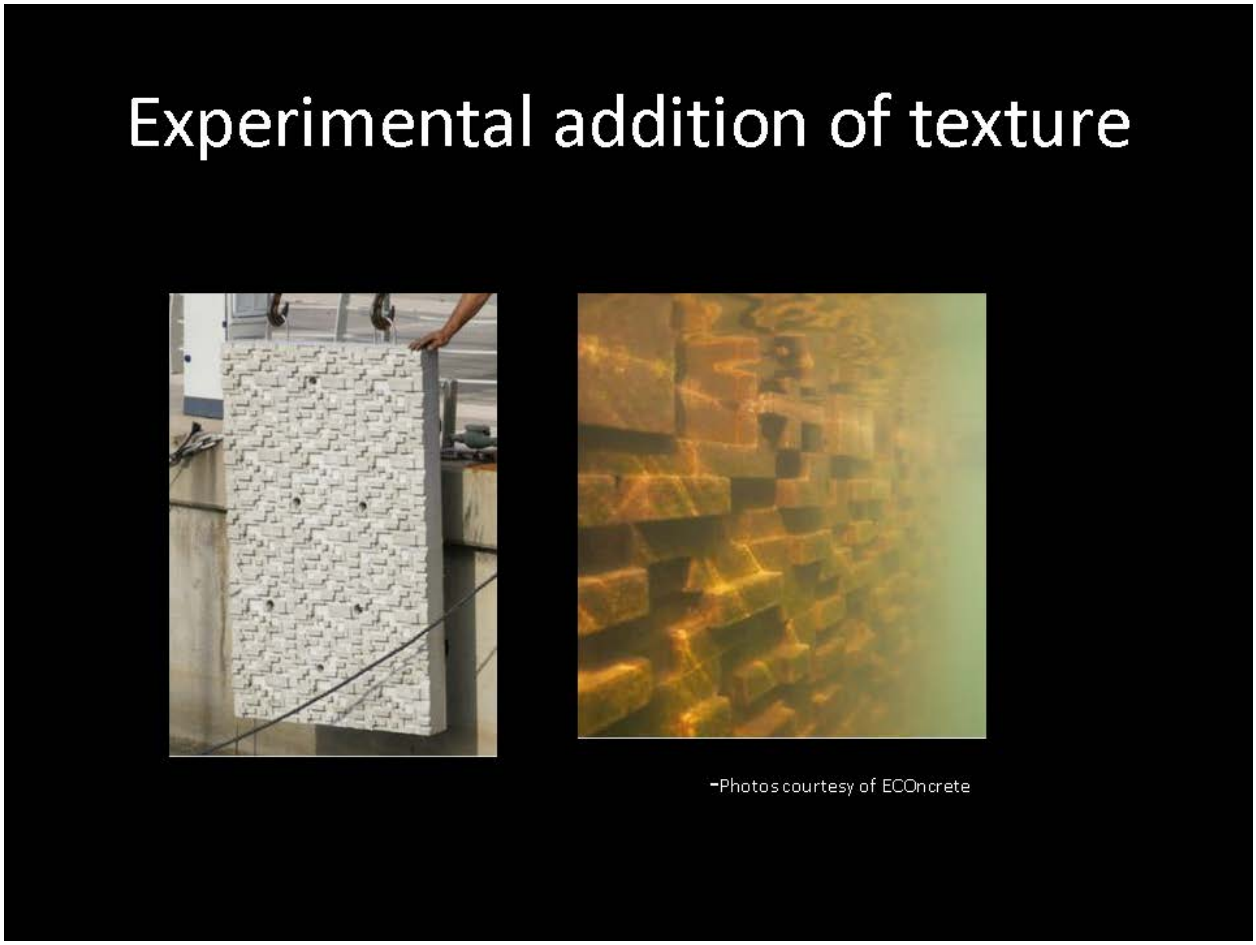
- People first
- Consider larger systems
- Protect existing residents
- Consider equity
- Environmental opportunities
- Prioritize economy


Waterfront Resilience Program
Ecological Seawall Pilot Project
Rincon Park
Pier 1
Exploratorium
Fisherman's Wharf
Islais Creek


Waterfront Resilience Program Timeline
2019
2020
2021
EXISTING CONDITIONS
Seawall Existing Conditions Assessment
RISK ASSESSMENT
USACE Flood Study Risk Assessment
Seawall Risk Assessment (MHRA)
Islais Creek Adaptation Study
Southern Waterfront Seismic Vulnerability Assessment
DEVELOP STRATEGIES
Wharf Elevation Study
Seismic Measures
Islais Creek Adaptation Study
Flood Measures
DEVELOP ALTERNATIVES & PROJECTS
Envision
Islais Creek Adaptation Study
Prop. A Strengthen Project(s) Selection
Prop. A Strengthen Project(s) Prelim. Design
Early Win Projects Design
Early Win Projects Permitting and Construction
CEQA (EIR) / Permitting
FUTURE ADAPTATION
USACE NED/LPP
USACE TSP
USACE NEPA (EIS) / CEQA (EIR)
Adapt Plan
Future Adaptation Design
June 2020




Currently funded project
• Pilot scale tests of surface complexity and material
• Monitoring
• Community education
• Incorporation of best designs into first phase construction
• Across salinity/wave exposure gradient
• Range of tidal elevations
• Scale


Experimental addition of texture
-Photos courtesy of ECOncrete

Seeking funding for

- Options for integration of different shoreline types

-eelgrass habitat

-subtidal enhancements

- Options for community interactions

-constructed tidepools

-access points

-interpretation

- Longer term monitoring
- Longer term monitoring
- Further enhancements for crabs, fish, birds
- Transfer of lessons learned to larger seawall design


SLR solutions challenge us!
Protect people, businesses, infrastructure
Provide habitat for native species
Connect people to nature
Preserve a working waterfront
Address social inequities
Support innovation in green technology
Provide educational opportunities

MARIN CONSERVATION LEAGUE
Protecting Marin Since 1934

September 21st, 2020

Joanna Dixon
Project Manager
3501 Civic Center Drive, Suite 304
San Rafael, CA 94903
Email: cortemaderacreek@marincounty.org

Re: Scoping Comments: Corte Madera Creek Flood Risk Management Project

Dear Ms. Dixon:

Marin Conservation League has only general comments to be considered as part of the environmental review of this project.

Frederick Allen Park. What would be the impacts to adjacent and nearby properties, if the proposed flood control and ecosystem measures are not implemented at Frederick Allen Park?

The proposed restoration of the park and channel to increase channel capacity and improve aquatic ecosystem habitat is a linchpin of the Flood Risk Management Project, but this work is still not fully agreed to by all parties. What back-up measures could be taken if the work is not implemented? The immediate area of the Park is densely developed on both sides of the channel - with businesses, recreational features, and homes that front on Sir Francis Drake Blvd that have rear property lines abutting the creek right-of-way. Some of the residential properties sit atop the concrete channel walls and some, upstream of the fish ladder, have backyards overhanging the open creek and supported by retaining walls in varying states of maintenance. What would be the flood risk to these properties if the Allen Park work is not done and are there fallback measures to protect these properties?

Overland Flow. Does the Project modeling and planning take into account the likelihood of greatly increased extreme storms and rainfall and how could these affect Project efficacy?

About 85 percent of the area drained by Corte Madera Creek and its tributaries is hilly and about two square miles of the valley are between mean sea level and elevation 50 feet above mean sea level, making many valley floor properties susceptible to overland flow from the surrounding watershed.

175 N. Redwood Dr., Ste. 135, San Rafael, CA 94903 | 415.485.6257 |
mcl@marinconservationleague.org

Marin Conservation League was founded in 1934 to preserve, protect and enhance the natural assets of Marin County.

Strip Erosion and Sediment Deposition. What effect if any would the proposed Project have on sediment accumulation in the concrete channel and downstream in the natural channel bed?

A 1989 Army Corps of Engineers (ACE) sediment analysis indicated that sediment flow, deposition, and increased channel roughness resulted in a flow capacity lower than planned for in the original design of the ACE project. Further, strip erosion along the channel alignment is extensive, contributing eroded material downstream that is deposited in the creek system's channel reaches. As a result, dredging in the concrete channel and downstream in the natural channel bed has been an ongoing need and cost.

Kent Avenue. How do elements of the Project affect flood risk on Kent Avenue? Would the Granton Park floodwall or pump station – or any other aspect of the Project - affect, either increase or alleviate, flood risk along Kent Avenue, which runs parallel to the creek opposite to Granton Park.

Kent Avenue accumulates water that falls as rain and also water that flows down the street from the Town of Ross, including overland flows from Mount Baldy and water that originates upstream of Ross and cannot reenter the creek in Ross or Kentfield. As such, in past events it has been one of the most impacted neighborhoods.

Marin Conservation League appreciates efforts of the County, the funding agencies, and the Friends of Corte Madera Creek Watershed to address the flood risk challenges and ecosystem deficiencies that characterize the existing channel. We look forward to a completed project that benefits the community and improves fish passage and the creek ecosystem.

Thank you for this opportunity to comment.
We look forward to the Environmental Impact Report.

Yours truly,

Robert Miller
President

175 N. Redwood Dr., Ste. 135, San Rafael, CA 94903 | 415.485.6257 |
mcl@marinconservationleague.org

Marin Conservation League was founded in 1934 to preserve, protect and enhance the natural assets of Marin County.

From: Edi + Neil <edi-neil@dualent.com>
Sent: Tuesday, August 18, 2020 10:09 AM
To: cortemaderacreek@marincounty.org
Cc: 'Gilboy - Haven' <cherilyng@prodigy.net>
Subject: Corte Madera Creek Flood Risk Management Project - Comment re Proposed Storm Drain Pump Station

Dear Ms Dixon,

We presently reside at 1 Cedar Avenue, Kentfield, which is the residential property nearest the proposed Storm Drain Pump Station. Aside from the obvious construction and aesthetic issues, our concern, if any, is noise mitigation once the project is complete. We'd be very interested to know what noise, if any, may be associated with the ongoing operation of a pump station located at the foot of Laurel Avenue and adjacent to the creek.

Thank you,

Edi Alvarez and Neil Dukas

1 Cedar Avenue, Kentfield

edi-neil@dualent.com

FW: Corte Madera Creek Flood Risk Management Project

1 message

-----Original Message-----
From: Michael Wanger <vidkid@well.com>
Sent: Thursday, August 27, 2020 4:07 PM
To: cortemaderacreek@marincounty.org
Subject: Corte Madera Creek Flood Risk Management Project

I will be attending the Zoom Scoping Meeting, August 27, at 6 PM, and have some questions about the proposed project.

My property, 28 Locust Ave., is at the upstream end of Locust Avenue in Granton Park, and borders part of the proposed flood wall and pedestrian path..

1. Regarding the Granton Park Flood Wall, as indicated in Figure 01c, is the location of the upstream end of the wall accurate, or just an estimate?

2. Will the pedestrian path between (a) the Flood Control access at the end of Locust Avenue and (b) the Kentfield Hospital Bridge be preserved?

3. Regarding the Granton Park stormwater pump station, where will the water be pumped to?

Thank you,
Michael Wanger
28 Locust Avenue
Kentfield

Email Disclaimer: https://www.marincounty.org/main/disclaimers

FW: Corte Madera Creek Flood Risk Management Project

1 message

> On Aug 27, 2020, at 4:35 PM, Dixon, Joanna <JDixon@marincounty.org> wrote:
>
> Hello Michael,
> Thank you for listening and participating in the scoping meeting for the project tonight.
> To address your questions, at this time 1) the extent of the increased floodwall height at the upstream end along the Granton Park reach is just an estimate. The hydrology and modeling will need to be re-run as the design elements of the various alternatives are considered and the final

shapes and cross sections are developed and can then be reflected in the modeling work. 2)It is our intent to preserve the current informal pathway between the Granton Park neighborhood and the Kentfield Hospital bridge. 3) The granton park pump station will collect the water that drains from the street surfaces and storm drainage pipes within the granton park neighborhood and from runoff coming from Sir Francis Drake, and then pump it through the concrete wall and into Corte Madera Creek.
>
> I hope this information is helpful. Please feel free to contact me with any other questions as we move along through the project process.
> Thank you,
> Joanna Dixon
> Associate Civil Engineer
> Marin County Flood Control District
>
> -----Original Message-----
> From: Michael Wanger <vidkid@well.com>
> Sent: Thursday, August 27, 2020 4:07 PM
> To: Corte Madera Creek <cortemaderacreek@marincounty.org>
> Subject: Corte Madera Creek Flood Risk Management Project
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> Michael Wanger
> 28 Locust Avenue
> Kentfield
>
> Email Disclaimer: https://www.marincounty.org/main/disclaimers

Email Disclaimer: https://www.marincounty.org/main/disclaimers

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You're receiving this message because you're a member of the Corte Madera Creek group from County of Marin.

Leave group:
https://outlook.office365.com/owa/cortemaderacreek@marincounty.org/groupsubscription.ashx?source=EscalatedMessage&action=leave&GuestId=33a90849-7818-48f0-849e-84c3d5dfeec9

From: jeff abend <boxxorain@hotmail.com>
Sent: Thursday, September 3, 2020 10:55 AM
To: cortemaderacreek@marincounty.org
Subject: Stadium Way bike access.

Hi Joanna,

I was unable to tune in for the meeting on August 27th. about the concrete removal project at Stadium Way that is being proposed. My question is how will the bike path be impacted. I'm sure all involved realize what a critical artery this is for many people in the area. Will it be closed at all? Thanks

Jeff Abend

FW: Corte Madera Creek Flood Risk Management Project

1 message

-----Original Message-----
From: Michael Wanger <vidkid@well.com>
Sent: Wednesday, September 9, 2020 4:47 PM
To: Dixon, Joanna <JDixon@marincounty.org>
Subject: Re: Corte Madera Creek Flood Risk Management Project

Joanna,
Thank you for getting back to me in a timely manner prior to the Scoping Meeting August 27. I have another question.

Regarding the Lower College of Marin Concrete Channel Removal, the proposed conditions look like the foot path on the south side of the creek, which currently runs downstream from the Stadium Way footbridge, will not connect to the rest of the path as it does now. Will the path connect to the downstream section of the path? I really hope so as this is a major access way.

Thanks,
Michael Wanger

FW: Corte Madera Creek Flood Risk Management Project

1 message

-----Original Message-----
From: Dixon, Joanna <JDixon@marincounty.org>
Sent: Wednesday, September 9, 2020 8:47 PM
To: Michael Wanger <vidkid@well.com>
Cc: Corte Madera Creek <cortemaderacreek@marincounty.org> Subject: RE: Corte Madera Creek Flood Risk Management Project

Hi Michael,

The foot path on the College of Marin side/south side of the creek or right bank as you look downstream is currently an informal path. We have had a request from the College of Marin to maintain an informal pathway here on this side of the creek, which we may likely combine with a future maintenance access. The informal nature of the existing path is not planned to be improved into an official publicly accessible path.

I hope this information is helpful,
Thank you,
Joanna

-----Original Message-----
From: Michael Wanger <vidkid@well.com>
Sent: Wednesday, September 9, 2020 4:47 PM
To: Dixon, Joanna <JDixon@marincounty.org>
Subject: Re: Corte Madera Creek Flood Risk Management Project

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Thanks,
Michael Wanger

> Hello Michael,

CHARLES GOODMAN
20 Sylvan Lane
PO Box 1325
Ross, CA 94957
Phone 415-485-0911

September 14, 2020

Joanna Dixon, P.E.
3501 Civic Center Drive, Suite 304
San Rafael, CA 94903

Dear Joanna,

There are several issues that need to be addressed in the EIR/EIS.

1. Hydrology: The County is using the Army Corps EIR/EIS Plan J Bypass as the basis for their own EIR/EIS. This is flawed because the County has left out all of the residents of Sylvan Lane and Shady Lane from hydraulics and hydrology.
2. Land Use, Planning: They have failed to account for any overload water flows from Bolinas Avenue, Fernhill, Southwood, Norwood, Ames or Lagunitas Road.
3. Hydrology: The EIR/EIS must address the significant impact on reducing the flow through Fred Allen Park, from supercritical flow to a 10-25year level of Flood Protection (per comment from Liz Lewis, at the July 9,2020 Ross Town Council Meeting). The number of 10-25year is baseless and has not been verified by the County.
4. Aesthetics: The County must address the removal of over 200 mature trees and how it plans to replace the Park Setting, Privacy, and Habitat Coverage in a timely manner.
5. Transportation, Noise, Hydrology: The County must address sediment removal. ("This study's uncalibrated sediment budget estimates that the Corte Madera Creek Watershed supplies about 7,250 tons of bedload each year to the reach above Ross. The calibrated Parker-Klingerman sediment transport model estimated average bedload sediment inflow at Ross is about 6,750 tons/year. Using an average of the two results, the study estimates that about 7,000 tons/year of bedload are delivered to Ross, or about 450 tons/sq. mi. /year.") Source: Geomorphic Assessment of the Corte Madera Creek Watershed, final report;

   FACT: To remove 7,000 sediment at 20 tons per truck = 350 trucks (loads). Load 6 trucks per hour, (1 every 10 minutes) equals 58 hours or over 7 works days for removal.

   How does the County plan to mitigate this substantial disruption of removing sediment from the Town?

Charles Goodman

Charles Goodman

Leslie and J. Bradley O'Connell
P.O. Box 653
Ross, CA 94957
tel: 415-459-9939
laoconnell@sbcglobal.net

15 September 2020

Marin County Flood Control and Water Conservation District
Joanna Dixon, P.E.
3501 Civic Center Drive, Suite 304
San Rafael, CA 94903

Re: Corte Madera Creek Flood Risk Management Project Phase 1:
Comments on the August 2020 Scoping Meeting for the proposed draft EIR

Dear Ms. Dixon:

We are submitting this comment in response to the August 27, 2020 Scoping Meeting for the proposed Corte Madera Creek Flood Risk Management Project Phase 1 Draft EIR. We reside at 15 Sir Francis Drake Blvd. We will be particularly impacted by several aspects of the project as currently proposed – including the removal of the concrete channel (which is likely to *reduce* flood protection for our home's location) and removal of foliage and other changes in connection with the proposed "riparian" corridor and redesign of Frederick Allen Park (which, among other impacts, would greatly diminish our privacy).

The purpose of the EIR is to assess environmental impact. Yet, in our view, the removal of the concrete channel in Ross, which has functioned well, will expose some homes on Sir Francis Drake, including ours, to the prospect of greater flooding. For those of us who will be adversely affected by the removal of the channel, it is important to know who will be responsible. Will the County be responsible for any damages resulting from flooding along Sir Francis Drake that retention of the concrete channel could have prevented or abated? Will the Town of Ross be responsible for such damages? In not, to what agency or institution will we be able to look for redress in the event that the project results in flooding which could have been prevented by retention of the current concrete channel?

There are also safety risks presented by increased access via Frederick Allen Park to rushing water, even if danger signs are posted. In addition to threats during periods of high water, there are year-round concerns for those of us whose homes will become more visible and vulnerable. In particular, in addition to eliminating habitat, the removal of the foliage between the creek and the homes on Sir Francis Drake will result in a grievous diminution of our privacy.

The suggested plan replaces a section of the concrete channel – which functioned properly during our 100-year storms – with an untested widened Frederick Allen Park. I have little confidence in the County's models as to the reduction in flooding. I note that the County has changed its models in the past in the course of its advocacy of this project – for example, in connection with

the impact of the San Anselmo phase on its residents.

The model does nothing to address the flooding caused by overland or runoff water. It is acknowledged as a problem in the previous EIR draft, but no specific approaches were suggested. Additionally, the FAP flood wall design has not taken into account the possible introduction of increased flooding caused by overland water or creek overflow water trapped behind the walls.

While the project ostensibly is intended to help protect fish, the County's plan will strip out mature trees providing not only shade (which the project offers to remedy through structures), but also moisture, affecting the greater ecosystem necessary for the fish and other species dependent on these trees. This plan might conceivably provide some help in a 10-year or 25-year event, but would introduce the possibility of greater harm during floods, greater harm to fish and trees, and the certainty of greater risk throughout the year for those of us whose families and homes become more vulnerable.

Thank you considering public comments.

Respectfully,

Leslie and J. Bradley O'Connell

FW: EIR Comment Corte Madera Creek

1 message

From: Garril Page <obility@comcast.net>
Sent: Friday, September 18, 2020 10:00 AM
To: cortemaderacreek@marincounty.org
Cc: Lewis, Liz <lizlewis@marincounty.org>
Subject: EIR Comment Corte Madera Creek

September 18, 2020

To Whom It May Concern:

I appreciate the opportunity to comment on the foundation EIR/EIS as it relates to the current EIR, and to submit subsequent, specifically-focused comments developed during the August 27, 2020, Scoping Session and presentations of June 25 and 30, 2020.

Comment on EIR/EIS Relevance

The scoping meetings of 2015-2016 identified the following issues associated with **Alt J**, the Tentatively Selected Plan (**TSP**) without bypasses:

USACE OCT 2018 EIR/EIS, ES-8:

Areas of Controversy

1. Community perception of floodwalls on private property...

3. Potential vegetation removals for for floodwalls per USACE guidelines…

5. Increased flood risk downstream of project sites.

6. Adequate passage and habitat for enhances fish species.

The above remained as Areas of Controversy in public meetings held June 25 and June 30, 2020, and in the scoping session held August 27, 2020.

Added to the above list should be the selection of **Public Access and Recreational Quality** as one of the six Project Objectives. What is the justification for this addition except to capture the DWR grant to finance downstream project elements? It is an objective that appears not widely shared, an area of controversy.

What opportunity has the public to comment on the need for the project to be **Fiscally Responsible** per the list of six Project Objectives? If an EIR will not include consideration of fiscal issues, then fiscal responsibility is not relevant to solicitation of public commentary for that EIR. Why was this irrelevant Fiscally Responsible project objective made part of the August 27, 2020 scoping session and repeated in the Project Information Sheet on the County's website?

USACE OCT 2018 EIR/EIS, ES-8:

Unresolved Issues

Refinements to TSP…: relocation of sanitary sewer line which intersects with the fish ladder and Allen Park Riparian Corridor … pump stations are not in the cost estimate and the project team has not performed an interior drainage analyses to determine of there is need.

Floodwall Heights of the TSP: USACE has not completed a Risk and Uncertainty Analysis to determine exact heights of floodwalls… some vegetation removal within the creek channel may be needed within Unit 4…;

Vegetation Variance along Floodwalls: … assuming a 15-foot buffer… A risk analysis will be performed for Corte Madera Creek…This will determine to what extent riparian vegetation could be restored at Frederick Allen Park Riparian Corridor within 15 feet of floodwalls.

These above sections of the OCT 2018 EIR/EIS **Alt J** remain unaddressed. Panorama Environmental Inc. should address these publicly-stated concerns and unresolved issues, not continue to kick this can down the road. I, for one, am tired of playing games introduced by revolving consultants.

Confusion is created by the discrepancies between the online instruction and the information in the scoping meeting. Susanne Heim of Panorama Environmental Inc. stated alternatives presented in scoping session would be included in consideration.

But, reading the presentation, one is led to believe comment is limited to this county-selected FAP Riparian Corridor Project only. [see Minute 15:21of August 27, 2020, Scoping Presentation.]

By relegating comment on the merits of the project to some future and undisclosed forum, by failing to consider merits or contents of the Project, and by limiting comments to this county-selected Project only, "consultation with the public" is truncated. Public participation is manipulated using restrictions of the EIR process.

Disabling the chatbox feature in the August 27, 2020, scoping session was overly restrictive and hampered the flow of information, put a damper on participation.

The Access Ramp in the vicinity of the Kentfield Pump Station was indicated in the icons, but not depicted in Figure 01c [Minute 6:44] in the Presentation nor included in Project Elements discussion. Where is information on the proposed Access Ramp? Has the ramp been deleted from consideration?

Comments Limited to Scope of the Environmental Effects:

Aesthetics

Ross' essence and character are defined by the high canopy of its majestic heritage trees. The proposed Frederick Allen Park (FAP) Riparian Corridor as proposed is barren, stark, denuded of natural beauty, and very inhospitable. The proposed man-made shade structures are not in keeping with any aspect of the town, and appear to be poor substitutes for the trees that would be removed. The shade structures provide relatively little shade for humans, none for fish in the basin, and are not appropriate, welcoming, nor attractive to gaze upon.

Tree loss creates emphasizes the proximity of Sir Francis Drakes traffic. This becomes visual pollution for Ross Common. The intrusion will be particularly notable within the proposed FAP Riparian Corridor.

Alternative suggested: Removal of Fish Ladder Only.

Agriculture and Forestry Resources

Ross is distinguished by its trees: the high canopy overlays the town, creating a unique character immediately evident on entering Ross' shaded streets. FAP is Ross' urban forest, adjacent to a major arterial, yet a peaceful and relatively serene oasis on even the hottest days.

All along the creeks and roads, Ross' trees reduce pollution, store carbon, help control storm water, reduce noise and raise property values. Trees promote biodiversity: plants, birds, insects, small animals and microscopic soil dwellers thrive under the tree canopy. Root systems of mature alders and willows in creek bank toes and along walls create stability. The native oaks and redwoods resist wildfire and provide shade and cool water for creeks. These attributes exist; they must be valued proportionately and weighed against the odds of an improbable return of endangered, extirpated coho, the small number of observed migratory salmon and trout, the ecological disturbances resulting from the FAP proposal's expanded development and habitat loss, increased susceptibility to invasive pests and alterations in the forest plant composition and lessened quality of life for residents.

Sacrificing the perceived peace and privacy created by existing trees exposes the town to a major traffic arterial, Sir Francis Drake, and is detrimental to Ross environment.

Alternative Suggested: Fish Ladder Only. Preserve the mature alders lining the creekbed.

Biological Resources

Ross public life centers around the Post Office, The Common, Ross School, and the commercial area. If the FAP Riparian Corridor Project creates pools of still water, bats and other insect-eaters become an even more important resource. Residences along Ross' creeks benefit from bats and insect predators. The proposed extent and duration of the FAP Riparian Corridor project will result in disturbance of roosts and habitat, and adversely affect enjoyment of exterior areas throughout Ross. Wildlife displaced by the project may never return to the denuded habitat.

Alternative suggested: Fish Ladder Only has smaller scope, shorter construction period, less potential harm and disruption while providing comparable protection.

Cultural Resources,

Tribal Cultural Resources

I combine these two headings as I have commented extensively on these subjects in prior EIR, and EIR/EIS opportunities. Having been told the USACE and County have collected such materials for inclusion in the current EIR, I herewith incorporate those Comments by reference. If, in fact, the current consultants have found and read my prior Comments, they have been advised regarding historical, cultural and tribal resources in Ross from 1960-2018.

I assume the Town of Ross has mentioned relevant reports and resources for which Ross has contracted separately.

I will add that the FAP Riparian Corridor proposes excavation and land disturbance in areas of early tribal settlements. The Project lead agency must exercise extreme diligence in honoring artifacts uncovered in the project area.

Alternative suggested: Fish Ladder only takes place within prior disturbed area.

Geology and Soils

The proposed FAP Riparian Corridor lies within a watershed remarkable for the quantity of sediment shed into its waterways. Prior projects repeatedly miscalculated the effects of erosion and aggregation, and failed to comprehend the effects of these elements. Dysfunction results. This is history best NOT repeated.

Marin's Countywide Plan is a resource: maps and geological reports as well as data collected during annual creek maintenance and dredging should be part of this EIR.

Alternative suggested: fish ladder only affects a smaller area where some reinforcement and stabilization have been installed.

Hazards and Hazardous Materials

Floodwalls, retaining walls and grade control structures create potential entrapment for those behind proposed new and modified walls. If flows outflank these structures, hazardous conditions result. The selected project should correct, not create, risk.

The proposed side path, and steps to the creek invite access by the public. This creates dangerous conditions for unsuspecting people unaware that flows in the project area are forceful enough to transport an 18-inch boulder past the College of Marin into the downstream, natural channel. The unwary are not afraid of the creek: a Kentfield resident drowned in the channel. During flood conditions, small watercraft and surfboards are in use along Berens Drive and at the Bon Air Center.

Enhancing fish habitat should not invite incompatible human recreational activities.

A realigned multi-use pathway encourages speeding bikes that endanger pedestrians, small children and pets enjoying walks along the path.

Excessive tree removal proposed for FAP Riparian Corridor creates ecological disturbances, expanded development, habitat loss, increased susceptibility to invasive pests and alterations in the forest plant composition where planned riparian growth may be more susceptible to wildfire.

Adding 11 -17 new larger fish resting pools to the channel bottom has unknown effect on the existing concrete structure's stability and safety.

The Oct 2018 EIR/IS predicted increased flooding downstream of Ross and specifically in the College of Marin area. By removing the channel walls in the lower Unit 2 channel, approximately the areas extending from Stations 332+00 to 320+00, increases the potential for toxic waste entering the natural creek habitat. The College of Marin's dumping facility, *a.k.a.* trash transfer station, has been a source of protest and concern. The facility is wrapped

within the channel's curve. Lowering walls, and widening banks destabilizes existing conditions and increases potential encroachment of flood waters into this COM facility.

The cumulative effect of removing San Anselmo's Azalea, Madrone, Nokomis, Center/ Sycamore and Ross' Winship bridges, plus removal of the fish ladder constraint, is to increase downstream flood flows. This increases potential flooding at the trash transfer station, spilling toxic waste into the surrounding habitat.

The EIR/EIS states Alt J induces more frequent flooding at the College of Marin per Appendix A sections 7.1,7.5.6, 8.2, 9.1 and in Areas of Controversy #5 above.

Hydrology and Water quality

The proposed sediment basin for FAP is needlessly disruptive, depends on massive excavation for function. The concept: dig the biggest possible hole, fill with water.

The proposed FAP Riparian Corridor lies within a watershed unique due to the quantity of sediment shed into its waterways. Prior projects repeatedly have miscalculated the effects of erosion and aggregation, and also have used incorrect, challenged Mannings 'n' values with resultant flawed concepts, dysfunction, and failed performance.

Concepts rendered infeasible due the channel's existing slope constraints, sinuosity, lack of freeboard, steepness and elevation restrictions now further complicated by rising tidal influence, must be part of this EIR.

Partial consideration wherein only certain aspects and areas of the channel are included in studies and reports ensures continued failure: Winship Bridge to Lagunitas Bridge must be included the proposed project.

Replacing the V-shaped bottom that directs sediment to the channel's center seems a better alternative than a flat-bottomed, slow-flowing basin that traps sediment. The hope that cobbles and fine sediment can form a more natural creek bottom for fish is unrealistic in a channel grossly affected by sediment dynamics, where flood events historically are varied and diverse. I think it is far more likely that the planned low-'n' value plants will be swept away, creating greater maintenance and expense for both Ross and the downstream areas receiving the detritus. Unstable, choked, silted areas do not provide good fish habitat.

A v-shaped channel has the potential for chutes, falls, pools and plunges with quieter flows along the channel slides. This appears to be an appropriate concept that enables both fish passage and flood protection.

Adding 11 -17 new larger fish resting pools to the channel bottom has unknown effect on flow, sediment transport and sedimentation. Since formulas used to model proposals are limited by data uncertainty, odds of selecting correct assumption(s) essential to determining the appropriate computer programming lessen exponentially with additional unquantified designs.

The new larger fish resting pools in the channel bottom creates unknown effect on the existing concrete structure's stability, coefficient of roughness, profile at the time of any given flood event. Therefore, reliable, accurate predictions of potential turbulence and other hydraulic effects become less likely.

The EIR/EIS states Alt J induces more frequent flooding downstream of Ross at, for example, the College of Marin *per* Appendix A sections 7.1,7.5.6, 8.2, 9.1 and in Areas of Controversy #5 above. Induced flooding is a significant adverse consequence, an added risk, and must be identified as such.

The design for the Access Ramp is listed as complete, but plans for the proposed structure are hard to find. What will be done to ensure the Access Ramp does not allow water to escape from the channel back into Granton Park? What prevents flows trapped by the ramp from increasing Granton Park flooding?

Suggested Alternative: Fish ladder removal only. More transparency and response to public concerns over function; answers to questions and concerns raised over hydrology and hydraulics, performance of concepts. The process to date has not inspired confidence.

Noise

No one in Ross welcomes the noise of Sir Francis Drake Blvd. The FAP Riparian Corridor results in permanent, increased noise intrusion from SFD throughout a large portion of Ross.

The longer construction period of FAP Riparian Corridor means extended, expanded exposure to all aspects of construction noise.

Air Quality

No one in Ross welcomes the toxic traffic fumes of Sir Francis Drake Blvd. The FAP Riparian Corridor results in increased air pollution from SFD and diminished air quality for at least 10 years, probably longer, until proposed trees mature. Deciduous trees will be less effective in removing toxic fumes. and improving air quality.

The longer construction period of FAP Riparian Corridor means extended, expanded exposure to all aspects of construction-caused air pollution.

Recreation

Transportation

Biking has become more and more popular form of recreation and for some people, of transportation. Unfortunately, the increase in popularity has meant increases in heedless behavior, traffic violations and increased speed that endangers pedestrians. Upgrading the multi-use path encourages greater use and abuse, requires more regulation, increased supervision, and added demands on Town staff and services as well as less privacy for town residents.

The lengthy period of construction for the FAP Riparian corridor increases traffic disruption and inconvenience for Ross residents and drivers on SFD.

Suggested Alternative: smaller project. Looking at the June 30 breakout of 25-year Event Flood Depth Change Map of inches saved per proposal, the Fish Ladder Only wins the Common Sense award.

Conclusion

The proposed FAP Riparian Corridor is maximum disruption for minimal gain.

The county cannot capture DWR funds if Ross refuses design approval or balks at granting the easement. The Ross Council repeatedly has requested a more moderate alternative and increased information. It is time to honor their requests.

After 48 years, and approximately the same amount in millions of dollars wasted, accountability is due. It is time to provide an honest assessment of project performance for Units 4,3,2,1. People who pay taxes and flood fees are weary of force-fed, piecemeal projects and undeveloped, ill-defined concepts.

Thank you for considering the above comments.

Sincerely,

Garril Page

FW: Subject: Corte Madera Creek Flood Risk Management Project, Phase I | Scoping Comments

1 message

From: Hobart, Samantha <Samantha.Hobart@morganstanley.com>
Sent: Friday, September 18, 2020 3:30 PM
To: cortemaderacreek@marincounty.org
Subject: Subject: Corte Madera Creek Flood Risk Management Project, Phase I | Scoping Comments

To Joanna Dixon:

c/o Joanna Dixon, P.E.,

3501 Civic Center Drive, Suite 304, San Rafael, CA 94903

Please include my below comments and concerns addressing the Corte Madera Creek Flood Risk Management Project.

Thank you and enjoy your weekend.

1. **Transparency among property owners:** To protect the residents, please advise each property owner where the flood elevations are before and after any creek work is completed. This should be a transparent side-by-side and simple-to-understand method not buried in a 700 page document. In addition, all property owners need to be addressed and able to discuss the changes to their properties and not only a select few property owners as we have seen happen with the San Anselmo Flood Risk Reduction Project.
2. **Fish Ladder Only Alternative**: Please require the Flood District provide a Fish Ladder removal-only alternative. The removal of the fish ladder provides the only benefit to flood risk reduction and other projects such as Frederick Allen Park should not be added since it does not provide flood benefit. The addition of Fredrick Allen Park is not a benefit to the residents of Ross and is an added and unnecessary expense.
3. **Mature Trees:** The town of Ross has a long history of arbor preservation and for good reason especially along creeks.

The rootsystems of the mature trees in Frederick Allen Park are an integral part of flood prevention and protection. Removing these trees and their rootsytems will cause significant damage and increased risk to flooding and the erosion.

Samantha Hobart

78 Sir Francis Drake

Ross, CA 94957

FW: Comments for Corte Madera Creek Flood Risk Management Project EIR

1 message

From: Doug Ryan <dougryan999@gmail.com>
Sent: Sunday, September 20, 2020 9:54 PM
To: cortemaderacreek@marincounty.org; jdixon@marincounty.org
Subject: Comments for Corte Madera Creek Flood Risk Management Project EIR

September 20, 2020

Joanne Dixon PE

Re: Corte Madera Creek Flood Risk Management project Environmental Impact Report

I wanted to pass along my comments.

Mitigation. If any mitigation is required, will it be done at the County's expense, or will the County at the last minute (after the draft eir, before the final eir, as was done with the san anselmo flood control project) introduce the novel concept of "proportionality" to try to offload the cost of preventing flooding on a homeowner's house to the homeowner, even though it is actions taken by the County that would be causing the flooding?

What does the model being used show as the water level before the san anselmo creek project and after? My home, at 74 Sir Francis Drake Blvd in Ross, shows increased flood levels. Do theirs?

Does the impact of the Winship Bridge replacement (increase of four inches of water at my house) have a similar effect on the houses downstream in the scope of this project? How is this accounted for?

Why is so-called beautification being included as part of a flood control project? It is clear to even the most dimwitted among us that resources are scarce and should be focused on FLOOD CONTROL and nothing else. Is this a ploy to get Town of Ross approval? One of the options that should be laid forth is removal of the fish ladder and NOTHING ELSE. how much would that cost? What does the beautification project do to reduce flooding? Anything? This has been requested several times and the County has deliberately chosen to ignore this alternative. Why?

I find the efforts to date to be wholly unsatisfactory. I am very concerned that the project will change and morph until magically no homeowners receive the required necessary remediation. That would be totally in keeping with the San Anselmo Flood Control Project.

What is the benefit to cutting down 200 mature trees? If a homeowner attempted this, the County would be the first ones attacking.

Please confirm receipt of this email and acknowledge it as timely submitted.

Doug Ryan

74 Sir Francis Drake Blvd Ross CA 94957

mail: Po box 1151 Ross CA 94957

415.297.8402

PANORAMA ENVIRONMENTAL, INC.

MEMORANDUM

Date: August 27, 2020

To: CMC Project Team

From: Panorama Environmental, Inc.

Subject: August 27 Scoping Meeting, Public Comments

Table 1 Oral Comments (Not verbatim)

No.	Name	Time	Question
1	Pam	6:19 PM	Will cement between College of Marin and Ross be dismembered? Will there be a natural channel to cement then natural channel
2	John Crane	6:20 PM	What percentage of the budget is allocated for Frederick Allen Park vs. flood prevention?
3	Barbara Salzman	6:21 PM	Will this presentation be available on the project website? Answered – yes. I think this is a great project, and I think getting rid of the concrete wall would be an incredible benefit. Surprised about steps down to the creek. Do not like the idea of creek access. Not clear where that will be. Increases county liability and it isn't good for the resources.
4	Samantha Hobart	6:21 PM	My home is directly impacted by the San Anselmo Flood Risk Reduction Project. Concerned for the people impacted by the Corte Madera Creek FRM project. EIR for San Anselmo project and neighbors affected changed greatly. Concerns if EIR will be abided by and concerned mitigation measures will be changed after the fact. Guidelines of first finished floor as a measure. Require a 1-foot margin of floor if District wishes to use first finished floor as a measure. Requests measure reflects first finished floor less 1-foot to protect the residents. Residents noticed as part of EIR continue to receive mitigation measures and measures are not changed after the EIR.
5	Nicholas Salcedo	6:25 PM	One of the project objectives should be to remove as much concrete as possible, raising of the concrete wall seems to be in conflict with that. Would like to see an alt that uses as much natural material, boulders and woody debris, as possible. Would like to see an alt. that would minimize the need and height of the walls. Locate on outside edge of easement and construct of wood to minimize need for additional concrete.

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No.	Name	Time	Question
6	Elizabeth Robbins	6:26 PM	Wonder why you haven't looked into the possibility of just removal of the fish ladder. Several council members requested that we look at that option. Removing the flood ladder would be relatively inexpensive, the whole project is very expensive. Safety is a big problem with this project. Don't want people going into the creek during a storm. Dangerous creek when there is a lot of rain. Concerned about steps down to creek and not fencing off water. Puts people up close to rapidly flowing water Where does the Town of Ross come in. How can they discuss it. Didn't see any listing for present project to Town of Ross and Town Council.
7	Leslie	6:29 PM	No mention of the over ground water and how that will be dealt with. The whole modeling has been so inconsistent as seen with the San Anselmo area, could be inaccurate. If you cause more flooding, who will be responsible?
8	GGP- Garyl Paige	6:30 PM	Environmental list of what will be analyzed does not include function, all environmental goals are based on conceptual design and not quantified. Concerned about hydraulics. When you have larger fish resting pools changes the way the water and the sediment moves in the channel. Concerned about hydraulics and design of the project. Where there are new flood walls, potential to trap people behind those walls with flood waters. Liability potentially increased by people being close to the creek. In the watershed there is local drainage and a large source of flooding in Ross. Not considering the watershed, because not considering any local drainage. Would like to see some specifics, what is the regrading of the fish ladder. How much regrading. Regrading affects the function, the function affects the hydraulics and the hydraulics affects the results.
9	Julie McMillan	6:33 PM	Would like to look into the alternative of removing just the fish ladder. If Frederick Allen Park is used as a flood plain, many trees will be removed, will be bad aesthetically and expensive to add replacement trees
10	Charlie	6:34 PM	Want to look at removal of fish ladder alternative. County has made this a piecemeal project from Fairfax, San Anselmo, Ross, and Kentfield. Concerned about area between Sir Francis Drake and Lagunitas Bridge – left out of project. Live at confluence of Corte Madera Creek and Ross Creek and don't agree with the calculations of volume coming out of the creek – new Lagunitas Bridge will not handle that water. Water comes out at Lagunitas and Sylvan Lane and will flood all houses on Poplar. Homes not protected by project. Continually will not address the interior drainage that has no way of getting back into the concrete channel.

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No.	Name	Time	Question
11	Pam	6:38 PM	Live in unincorporated area. Fish ladder has always been an issue. Wish her son had blown up fish ladder. She is in the cement area and hopes that the proejct will not remove fences at the back of the property so that people do not get pulled in during a flood. Waters were very rapid and all the way to the top of the channel during last flood. If someone falls in they will be dead – too fast moving and rapid water. Putting in a pump. Last flood – College Court really affected. Homeowner would do something prior to flooding to get prepared. Doesn't know if this is what the pumping station will be. College Court has some sort of a device and gets drastically hit. Ross has sewer system in the streets. Stops at Ross border. Good to have some sort of drainage under Kent Avenue to flow water out. Drain that opens up. If redoing plumbing on Kent Avenue, include that.
12	Charlie	6:43 PM	Talk about sediment dynamics, want an explanation of what sediment dynamics consists of.
13	Samantha Hobart	6:45 PM	Can you read Jenny Mota's comment outloud? (Read out loud)
14	Leslie	6:48 PM	Please explain what reduced footprint means.
15	John Crane	6:58 PM	Is there a way to respond to comments? Very off putting, feels deliberate.
16	Barbara Salzman	6:59 PM	Typical scoping process, everyone's comments will be addressed in the EIR. Does not like that you can't see what comments people have typed in the zoom platform.
17	Charlie	7:00 PM	Is there a way to find out how many people are attending?
18	Pam	7:01 PM	Very happy that everyone is attending, are these comments going to be in the EIR report?
19	Leslie	7:10 PM	Why did the Army Corps of Engineers pull out of the project last time, and why are they not interested in participating this time?
20	Leslie	7:38	During the last project proposal, even if the plan was approved, the town would still have the ability to say no. At what point during this process does the town loose the power to say no?
21	John Crane	7:40 PM	Who are you, and how are you being compensated?

Table 2 Written Comments

No.	Name	Time	Question
1	Leslie	6:20 PM	What is meant by "reduced footprint in Frederick Allen Park"?

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No.	Name	Time	Question
2	Richard Gumbiner	06:21 PM	Will public be notified prior to completion of the EIR of the proposed trees slated for removal in each segment of the project , and will replacement trees be identified at that point?
3	martaosterloh	06:28 PM	What are the plans for recreation opportunity?
4	Jenny Mota	06:33 PM	Hello, I am Jennifer Mota and I live at 82 Sir Francis Drake Blvd., Ross CA. I would like to second everything Samantha Hobart just spoke about. I also urge residents who live along this track to please stay informed and to make sure if plans or aspects of the project change that they are well aware. I have been told mitigation would be provided and now being told my home will receive no mitigation even though water levels will be increasing at my residence becuase of the San Anselmo Flood Risk Reduction Project. Modeling seems to be inaccurate and/or changing and people need to be aware there could be changes that may impact them negatively. Thank You. Could you please read this out loud, my computer audio is not working!
5	Jenny Mota	06:38 PM	Could you please read my comment? my computer audio isn't working
6	Jenny Mote	6:42 PM	I would also like to ask… It mitigation measures change after the Draft and Final EIR are finalized and accepted could you explain why this would happen or why this is ok?
7	Peter Hogg	06:43 PM	Is there a risk of losing grant funds if you do not proceed with this project

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Attachment A Scoping Meeting Attendee Report

Attendee Report

Report Ger		8/27/2020 20:02						
Topic	Webinar ID	Actual Start Time	Actual Duration (minutes)	# Registered	# Cancelled	Unique Vie	Total Users	Max Concurrent Views
Public Scop	856 5876 3657	8/27/2020 17:22	158	37	0	37	52	35

Host Details

Attended	User Name (Original Name)	Email	Join Time	Leave Time	Time in Session (minutes)	Country/Region Name
Yes	Kathleen Cuschieri (Panorama Environmental)	admin@panoramaenv.com	8/27/2020 17:22	8/27/2020 19:59	158	United States of America

Panelist Details

Attended	User Name (Original Name)	Email	Join Time	Leave Time	Time in Session (minutes)	Country/Region Name
Yes	Patrick Streeter	pstreeter@townofross.org	8/27/2020 18:02	8/27/2020 19:59	117	United States of America
Yes	Joe Chinn	jchinn@townofross.org	8/27/2020 18:01	8/27/2020 19:16	75	United States of America
Yes	Tonya Redfield	tonya.redfield@ghd.com	8/27/2020 17:50	8/27/2020 17:53	4	United States of America
Yes	Tonya Redfield	tonya.redfield@ghd.com	8/27/2020 17:55	8/27/2020 19:06	71	United States of America
Yes	Raymond Wong (Susanne Heim)	susanne.heim@panoramaenv.com	8/27/2020 17:26	8/27/2020 19:59	154	United States of America
Yes	Liz Lewis (Susanne Heim)	susanne.heim@panoramaenv.com	8/27/2020 17:27	8/27/2020 19:59	153	United States of America
Yes	Joanna Dixon (Susanne Heim)	susanne.heim@panoramaenv.com	8/27/2020 17:28	8/27/2020 19:59	152	United States of America
Yes	Susanne Heim	susanne.heim@panoramaenv.com	8/27/2020 17:29	8/27/2020 19:59	151	United States of America
Yes	Richard Simonitch (Susanne Heim)	susanne.heim@panoramaenv.com	8/27/2020 17:31	8/27/2020 17:36	6	United States of America
Yes	Susanne Heim	susanne.heim@panoramaenv.com	8/27/2020 17:43	8/27/2020 17:47	4	United States of America
Yes	Susanne Heim	susanne.heim@panoramaenv.com	8/27/2020 17:54	8/27/2020 17:55	2	United States of America
Yes	Richard Simonitch (Susanne Heim)	susanne.heim@panoramaenv.com	8/27/2020 17:56	8/27/2020 19:59	124	United States of America

Attendee Details

Attended	User Name (Original Name)	First Name	Last Name	Email	Registration Time	Approval S	Join Time	Leave Time	Time in Se	Country/Region Name
Yes	John Crane	John	Crane	john@johncranefilms.com	8/27/2020 18:01	approved	8/27/2020 18:01	8/27/2020 19:14	74	United States of America
Yes	John Crane	John	Crane	john@johncranefilms.com			8/27/2020 19:37	8/27/2020 19:44	7	United States of America
Yes	Beach Kohl	Beach	Kohl	beachkuhl35@gmail.com	8/27/2020 17:54	approved	8/27/2020 17:56	8/27/2020 18:51	55	United States of America
Yes	Anne Petersen	Anne	Petersen	annepetersen129@gmail.com	8/27/2020 18:35	approved	8/27/2020 18:35	8/27/2020 19:59	85	United States of America
Yes	Bjorn Griepenburg	Bjorn	Griepenburg	bjorn@marinbike.org	8/27/2020 18:09	approved	8/27/2020 18:09	8/27/2020 18:38	29	United States of America
Yes	Tilda	Tilda		wthomp139@aol.com	8/27/2020 17:59	approved	8/27/2020 17:59	8/27/2020 18:52	54	United States of America
Yes	Pam	Pam		pamdonahuegrant@hotmail.com	8/27/2020 18:01	approved	8/27/2020 18:01	8/27/2020 19:55	115	United States of America
Yes	susan Stompe	susan	Stompe	ssstompe@aol.com	8/27/2020 18:06	approved	8/27/2020 18:06	8/27/2020 19:03	58	United States of America
Yes	martaosterloh	martaosterloh		martaosterloh@comcast.net	8/27/2020 18:01	approved	8/27/2020 18:01	8/27/2020 18:42	41	United States of America
Yes	samanthahobart	samanthahobart		samanthahobart@gmail.com	8/27/2020 18:09	approved	8/27/2020 18:09	8/27/2020 19:30	81	United States of America
Yes	Anthony Williams	Anthony	Williams	twilliams@marincounty.org	8/27/2020 18:00	approved	8/27/2020 18:00	8/27/2020 18:19	19	United States of America
Yes	Charlie	Charlie		charlie@usa.net	8/27/2020 17:59	approved	8/27/2020 17:59	8/27/2020 19:05	67	United States of America
Yes	Nicholas Salcedo	Nicholas	Salcedo	nicholas.m.salcedo@gmail.com	8/27/2020 17:58	approved	8/27/2020 17:58	8/27/2020 19:18	80	United States of America
Yes	Erik Young	Erik	Young	fivesharks@gmail.com	8/27/2020 17:58	approved	8/27/2020 17:58	8/27/2020 18:38	40	United States of America
Yes	David Peterson	David	Peterson	dpeterson307@aol.com	8/27/2020 18:19	approved	8/27/2020 18:19	8/27/2020 19:13	54	United States of America
Yes	Barbara Salzman	Barbara	Salzman	bsalzman48@gmail.com	8/27/2020 18:02	approved	8/27/2020 18:02	8/27/2020 19:05	63	United States of America
Yes	Steph	Steph		sglitman@sbcglobal.net	8/27/2020 18:07	approved	8/27/2020 18:07	8/27/2020 18:38	32	United States of America
Yes	Christopher Martin	Christopher	Martin	zapwharf@comcast.net	8/27/2020 18:06	approved	8/27/2020 18:06	8/27/2020 18:47	41	United States of America
Yes	Sandra Guldman	Sandra	Guldman	sandra.guldman@gmail.com	8/27/2020 17:59	approved	8/27/2020 17:59	8/27/2020 18:38	40	United States of America
Yes	Julie McMillan	Julie	McMillan	juliemcmillan@comcast.net	8/27/2020 17:58	approved	8/27/2020 17:58	8/27/2020 18:38	40	United States of America
Yes	ggp	ggp		obility@comcast.net	8/27/2020 17:55	approved	8/27/2020 17:56	8/27/2020 19:59	124	United States of America
Yes	Elise Semonian	Elise	Semonian	elisesemonian@gmail.com	8/27/2020 18:11	approved	8/27/2020 18:11	8/27/2020 19:05	54	United States of America
Yes	Michael Wanger	Michael	Wanger	vidkid@well.com	8/27/2020 17:57	approved	8/27/2020 17:57	8/27/2020 18:42	46	United States of America
Yes	Peter Hogg	Peter	Hogg	system2020@msn.com	8/27/2020 18:31	approved	8/27/2020 18:31	8/27/2020 19:59	89	United States of America
Yes	Nancy Vernon	Nancy	Vernon	nvernon@marincounty.org	8/27/2020 18:02	approved	8/27/2020 18:03	8/27/2020 18:54	52	United States of America
Yes	Laura Lovett	Laura	Lovett	lelovett@earthlink.net	8/27/2020 18:02	approved	8/27/2020 18:02	8/27/2020 18:42	40	United States of America
Yes	Brian	Brian		briansalmen@gmail.com	8/27/2020 17:57	approved	8/27/2020 17:57	8/27/2020 18:51	55	United States of America
Yes	Eric Ziegler	Eric	Ziegler	eszieglер@comcast.net	8/27/2020 18:35	approved	8/27/2020 18:35	8/27/2020 18:41	7	United States of America
Yes	Richard Gumbiner	Richard	Gumbiner	rich.gumbiner@cbcnrt.com	8/27/2020 18:00	approved	8/27/2020 18:00	8/27/2020 19:31	92	United States of America
Yes	Jenny Mota	Jenny	Mota	jmota@mcds.org	8/27/2020 18:01	approved	8/27/2020 18:01	8/27/2020 18:46	46	United States of America
Yes	Pamela Scott	Pamela	Scott	pamelabscott@gmail.com	8/27/2020 19:39	approved	8/27/2020 19:39	8/27/2020 19:46	8	United States of America
Yes	Raoul Wertz	Raoul	Wertz	RaoulWertz@gmail.com	8/27/2020 17:57	approved	8/27/2020 17:57	8/27/2020 19:11	75	United States of America
Yes	Kristen Swann	Kristen	Swann	ben.swann@marinfc.com	8/27/2020 18:03	approved	8/27/2020 18:03	8/27/2020 18:29	26	United States of America
Yes	fmalin	fmalin		fmalin@aol.com	8/27/2020 18:06	approved	8/27/2020 18:06	8/27/2020 18:46	41	United States of America
Yes	Leslie	Leslie		laoconnell@sbcglobal.net	8/27/2020 17:55	approved	8/27/2020 17:56	8/27/2020 19:59	123	United States of America
Yes	Harold Sherley	Harold	Sherley	hsherley@gmail.com	8/27/2020 18:24	approved	8/27/2020 18:24	8/27/2020 18:38	14	United States of America
Yes	T Mc	TMc		tmcintire@marincounty.org	8/27/2020 17:59	approved	8/27/2020 17:59	8/27/2020 18:42	43	United States of America
Yes	TMc	TMc		tmcintire@marincounty.org			8/27/2020 18:01	8/27/2020 18:38	38	United States of America
Yes	Elizabeth Robbins	Elizabeth	Robbins	eliz.robbins@gmail.com	8/27/2020 17:59	approved	8/27/2020 17:59	8/27/2020 18:51	52	United States of America