

Marin County Flood Control and Water
Conservation District
**Corte Madera Creek Flood Risk Management
Project, Phase 1**
Final Environmental Impact Report
Volume 1: Comments and Responses to Comments
State Clearinghouse No. 2020080353

July 2021

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July 2021

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TABLE OF CONTENTS

Table of Contents

Acronyms and Abbreviations.....	i
1 Introduction.....	1-1
1.1 Introduction to the Comments and Responses	1-1
1.2 Document Organization	1-1
1.3 District Staff Recommends Alternative 1	1-4
2 Comments and Responses.....	2-1
2.1 Approach	2-1
2.2 Master Responses.....	2-1
2.3 State, Regional, and Local Agencies	2-31
2.4 Organizations.....	2-91
2.5 Individuals	2-149
2.6 Public Hearing	2-275
3 Draft EIR Text Revisions.....	3-1
3.1 Introduction.....	3-1
3.2 Changes to the Draft EIR	3-1
4 References	4-1

List of Tables

Table 1.2-1	List of Commenters	1-2
Table 2.2-1	Summary of Benefits of Proposed Project Compared to Alternative 1 during the 25-Year Event.....	2-4
Table 2.2-2	Summary of Alternative 1 Flood Reduction Benefits, Existing Condition Scenario, 25-Year Event.....	2-9

List of Figures

Figure 1-1	Alternative 1 Elements (Map 1).....	1-7
Figure 1-2	Alternative 1 Elements (Map 2).....	1-8
Figure 1-3	Alternative 1 Elements (Map 3).....	1-9

TABLE OF CONTENTS

Figure 2-1	Alternative 1 Change in Water Surface Elevation from Existing Conditions, 10-Year Flood Event (Upper Corte Madera Creek)	2-13
Figure 2-2	Alternative 1 Change in Water Surface Elevation from Existing Conditions, 10-Year Flood Event (Lower Corte Madera Creek)	2-14
Figure 2-3	Alternative 1 Change in Water Surface Elevation from Existing Conditions, 25-Year Flood Event (Upper Corte Madera Creek)	2-15
Figure 2-4	Alternative 1 Change in Water Surface Elevation from Existing Conditions, 25-Year Flood Event (Lower Corte Madera Creek)	2-16
Figure 2-5	Alternative 1 Change in Water Surface Elevaton from Existing Conditions , 100-Year Flood Event (Upper Corte Madera Creek)	2-17
Figure 2-6	Alternative 1 Change in Water Surface Elevation from Existing Conditions, 100-Year Flood Event (Lower Corte Madera Creek)	2-18
Figure 2-7	Alternative 1 Changes in Water Surface Elevation from Future Conditions, 10-Year Flood Event (Upper Corte Madera Creek)	2-19
Figure 2-8	Alternative 1 Changes in Water Surface Elevation from Future Conditions, 10-Year Flood Event (Lower Corte Madera Creek)	2-20
Figure 2-9	Alternative 1 Changes in Water Surface Elevation from Future Conditions, 25-Year Flood Event (Upper Corte Madera Creek)	2-21
Figure 2-10	Alternative 1 Changes in Water Surface Elevation from Future Conditions, 25-Year Flood Event (Lower Corte Madera Creek)	2-22
Figure 2-11	Alternative 1 Changes in Water Surface Elevation from Future Conditions, 100-Year Flood Event (Upper Corte Madera Creek)	2-23
Figure 2-12	Alternative 1 Changes in Water Surface Elevation from Future Conditions, 100-Year Flood Event (Lower Corte Madera Creek)	2-24
Figure 2-13	Alternative 1 Changes in Water Surface Elevation Year 2100, 10-Year Flood Event (Upper Corte Madera Creek)	2-25
Figure 2-14	Alternative 1 Changes in Water Surface Elevation Year 2100, 10-Year Flood Event (Lower Corte Madera Creek)	2-26
Figure 2-15	Alternative 1 Changes in Water Surface Elevation Year 2100, 25-Year Flood Event (Upper Corte Madera Creek)	2-27
Figure 2-16	Alternative 1 Changes in Water Surface Elevation Year 2100, 25-Year Flood Event (Lower Corte Madera Creek)	2-28
Figure 2-17	Alternative 1 Changes in Water Surface Elevation Year 2100, 100-Year Flood Event (Upper Corte Madera Creek)	2-29
Figure 2-18	Alternative 1 Changes in Water Surface Elevation Year 2100, 100-Year Flood Event (Lower Corte Madera Creek)	2-30

ACRONYMS AND ABBREVIATIONS

Acronyms and Abbreviations

ADA	Americans with Disabilities Act
CEQA	California Environmental Quality Act
CLOMR	Conditional Letter of Map Revision
CNRA	California Natural Resources Agency
District	Marin County Flood Control and Water Conservation District
DWR	California Department of Water Resources
EIR	Environmental Impact Report
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FIGR	Federated Indians of Graton Rancheria
GHG	Greenhouse Gas
KOP	Key Observation Point
MMWD	Marin Municipal Water District
MOU	maintenance memorandum of understanding
project	Corte Madera Creek Flood Risk Management Project, Phase 1
SAFRR	San Anselmo Flood Risk Reduction
TACs	toxic air contaminants
TMP	Traffic Management Plan
Town	Town of Ross (government)
USACE	U.S. Army Corps of Engineers
WSE	water surface elevation

ACRONYMS AND ABBREVIATIONS

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1 Introduction

1.1 Introduction to the Comments and Responses

The Marin County Flood Control and Water Conservation District (the District) is the Lead Agency under the California Environmental Quality Act (CEQA) for the Corte Madera Creek Flood Risk Management Project, Phase 1 (project). The District published a Draft Environmental Impact Report (EIR) for the project on February 1, 2021, and provided agencies, interested parties, and the general public with an opportunity to comment on the Draft EIR. The District circulated the Draft EIR for a 45-day public review period, which ended on March 17, 2021. During the comment period, the District Board held a public hearing on March 2, 2021, to obtain public comments on the adequacy of the Draft EIR. The District received 27 comment letters in addition to oral testimony at the public hearing during the 45-day Draft EIR public review period. Three additional comment letters were submitted on March 22, 23, and 24, 2021, after the public comment period closed.

This document is part of the Final EIR and presents all the comments received on the Draft EIR during the comment period and immediately following the close of the public comment period, as well as the responses to those comments. The Responses to Comments together with the revised Draft EIR constitute the Final EIR. A list of the agencies, organization, and individuals who commented on the Draft EIR is shown in Table 1.2-1.

1.2 Document Organization

The Final EIR is organized as follows:

- **Volume 1: Comments and Responses to Comments:**
 - **Chapter 1: Introduction.** This chapter discusses the purpose and organization of the Final EIR and includes a list of agencies, organizations, and individuals who submitted written comments or made oral comments on the Draft EIR.
 - **Chapter 2: Comments and Responses.** This chapter presents the Master Responses to common comments, reproductions of all comment letters and oral comments received on the Draft EIR, and written responses for each comment.
 - **Chapter 3: Draft EIR Text Revisions.** This chapter shows the text revisions to the Draft EIR, necessary to clarify any minor errors, omissions, or misinterpretations.
 - **Chapter 4: References.** This chapter lists references cited in the Final EIR.
- **Volume 2:** Final EIR, as modified in the Responses to Comments

1 INTRODUCTION

Table 1.2-1 List of Commenters

Letter Designation	Letter Date	Date Received	Agency or Organization	Commenter's First Name	Commenter's Last Name
State Agencies					
A1	3/16/2021	3/16/2021	California State Lands Commission	Nicole	Dobroski
A2	3/17/2021	3/17/2021	San Francisco Bay Regional Water Quality Control Board	Nicole	Fairley
Regional and Local Agencies					
A3	3/17/2021	3/17/2021	Marin County Parks	Tara	McIntire
A4	2/3/2021	2/3/2021	Ross Valley Sanitary District	Steve	Moore
A5	3/15/2021	3/15/2021	Town of Ross	Joe	Chinn
A6	3/17/2021	3/17/2021	City of Larkspur	Julian	Skinner
Organizations					
B1	3/15/2021	3/15/2021	Friends of Corte Madera Creek Watershed	Sandra	Gulldman
B2	3/16/2021	3/16/2021	College of Marin	Klaus	Christiansen
B3	3/17/2021	3/17/2021	Marin Audubon Society	Barbara	Salzman
Individuals					
C1	2/1/2021	2/1/2021	-	Alan	Lutsky
C2	2/5/2021	2/5/2021	-	Mary	Leary
C3	2/9/2021	2/9/2021	-	Gary	Scales
C4	2/16/2021	2/16/2021	-	Sterling	Sam
C5	2/26/2021	2/26/2021	-	Cherilyn	Gilboy
C6	3/2/2021	3/2/2021	-	Suzanne	Mabardy
C7	3/5/2021	3/5/2021	-	Andrew	Avins
				Miriam	Kuppermann
C8	3/12/2021	3/12/2021	-	Hugh D.	Barron
C9	3/15/2021	3/15/2021	-	John	Crane
C10	3/15/2021	3/16/2021	-	Suzanne	Mabardy

1 INTRODUCTION

Letter Designation	Letter Date	Date Received	Agency or Organization	Commenter's First Name	Commenter's Last Name
C11	3/16/2021	3/16/2021	-	Leslie	O'Connell
				James Bradley	O'Connell
C12	3/16/2021	3/16/2021	-	Garril	Page
C13	3/16/2021	3/16/2021	-	Kyle	Rosseau
C14	3/17/2021	3/17/2021	-	Hugh and Luanne	Cadden
				Ben and Kristen	Swann
C15	3/17/2021	3/17/2021	-	Tyler and Jon	Child
C16	3/17/2021	3/17/2021	-	Beth	Foster
				Paul	Furusho
C17	3/17/2021	3/17/2021	-	Arlene	Fox
				Stephen	Whitcomb
C18	3/15/2021	3/18/2021	-	Charles	Goodman
C19	3/22/2021	3/22/2021	-	Dan	Little
C20	3/23/2021	3/23/2021	-	Nick	Romero
C21	3/24/2021	3/24/2021	-	Nick	Romero
Public Hearing					
PH (Oral Comments)	3/2/2021	3/2/2021	-	Michael	Wanger
			-	Garril	Page
			-	Laura	Conrow
			-	Charles	Goodman
			-	William	Conrow
			Town of Ross	Julie	McMillan
			-	Beth	Foster
			-	Pam	Grant

1.3 District Staff Recommends Alternative 1

District staff will be recommending that the District Board approve the Draft EIR Alternative 1. District staff recommends approval of Alternative 1 instead of the proposed project.

Alternative 1 avoids modifications to Frederick Allen Park and would instead install four additional large fish pools in the concrete channel. Alternative 1 involves the same project activities and elements in areas upstream and downstream of Frederick Allen Park. The staff's decision to recommend adoption of Alternative 1 reflects public comments received during the Draft EIR public review period, public comments made during the Town of Ross (Town) public workshop on April 15, 2021, the results of the Town survey about the project, and the support and preference for Alternative 1 expressed by Town Council members.

Section 15088.5 in the State CEQA Guidelines requires recirculation of a Draft EIR when:

... significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation include, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The Draft EIR does not need to be recirculated to address Alternative 1, as Alternative 1 would not result in any new significant impacts or increases in the severity of any impacts that were described in the Draft EIR. Alternative 1 was described and analyzed in detail in the Draft EIR.

1 INTRODUCTION

Alternative 1 includes the following elements of the proposed project, as described in Chapter 2 of the Draft EIR:

- Removal of the Denil fish ladder at the upstream limit of Unit 3
- Regrading and lowering the channel in Unit 4
- Installation of new grade control and slope protection in Unit 4
- New/modified short floodwalls (approximately 2 to 4 feet tall) in Unit 3 and Unit 2
- Stormwater pump station with backup power in Granton Park
- New and enlarged fish pools within the concrete channel in Unit 3 (with four additional fish pools in the concrete channel adjacent to Frederick Allen Park for Alternative 1, as described in Chapter 5 of the Draft EIR)
- Removal of a portion of the concrete channel walls and restoration of tidal wetland and transitional habitat in Unit 2.

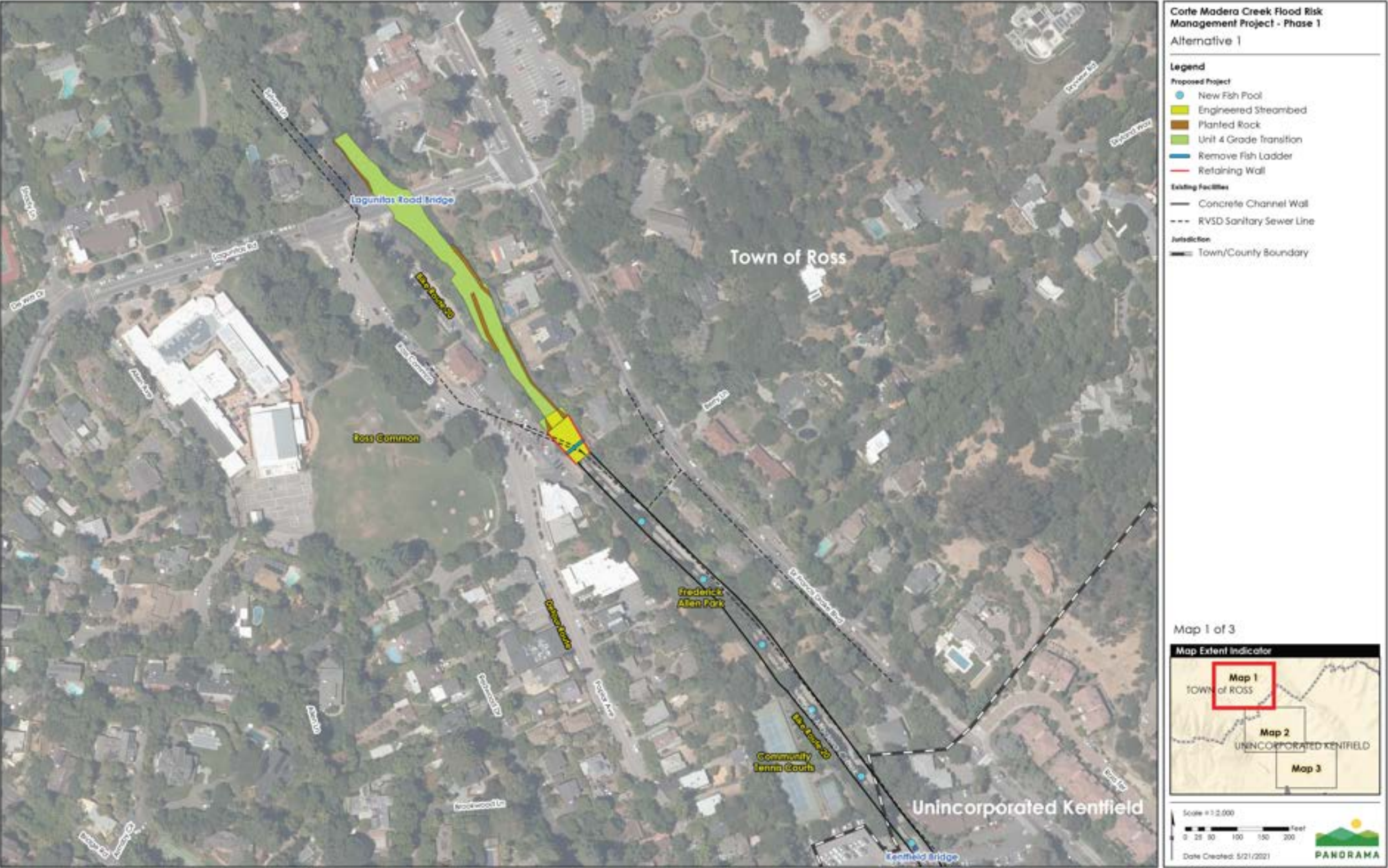
Alternative 1 would avoid removal of the concrete channel in upper Unit 3 in Frederick Allen Park. Alternative 1 would not involve tree removal, grading, or landscaping in Frederick Allen Park. Figure 1-1 through Figure 1-3 show the Alternative 1 elements that are proposed for implementation.

The analysis of potential project impacts in the Draft EIR also addresses the potential impacts of Alternative 1, where the proposed project and Alternative 1 elements would be the same. The different potential impacts of Alternative 1 are described and evaluated in Chapter 5 of the Draft EIR. Chapter 5 of the Draft EIR includes separate analyses of potential Alternative 1 flood risk reduction and air quality impacts. All mitigation measures required to address the potential impacts of Alternative 1 were described in the Draft EIR and would be implemented by the District. For these reasons, Alternative 1 was sufficiently evaluated in the Draft EIR to recommend for project approval, and recirculation of the Draft EIR is not required because none of the circumstances requiring recirculation of a Draft EIR have occurred.

1 INTRODUCTION

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Figure 1-1 Alternative 1 Elements (Map 1)



Source: (Tele Atlas North America, Inc., 2019; GHD, 2020; USGS, 2012; GHD, 2020; Prunuske Chatham, Inc., 2020; Golden Gate National Parks Conservancy, 2018)

Figure 1-2 Alternative 1 Elements (Map 2)



Source: (Tele Atlas North America, Inc., 2019; GHD, 2020; USGS, 2012; GHD, 2020; Prunuske Chatham, Inc., 2020; Golden Gate National Parks Conservancy, 2018)

Figure 1-3 Alternative 1 Elements (Map 3)



Source: (Tele Atlas North America, Inc., 2019; GHD, 2020; USGS, 2012; GHD, 2020; Prunuske Chatham, Inc., 2020; Golden Gate National Parks Conservancy, 2018)

1 INTRODUCTION

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2 Comments and Responses

2.1 Approach

This chapter presents the Master Responses to common comments, reproductions of all comment letters and oral comments received on the Draft EIR, and written responses to each comment. Each comment letter has been assigned an alphanumeric code, from A1 through C21, and each comment is numbered in the margin of the comment letter. Responses to the comments follow each letter, and responses are referenced using the same alphanumeric system. For example, the first comment from the first letter, from the California State Lands Commission, is designated A1-1, as is the response to it. Comments from the public hearing are assigned the code “PH” and follow the comment letters.

Several comments have prompted the District to revise the text of the Draft EIR. Revisions to the text of the Draft EIR are shown in this chapter as follows:

- Additions to the text in the Draft EIR are underlined; and,
- Deletions from the text in the Draft EIR are indicated by ~~strikeout~~.

All revisions to the text of the Draft EIR also are shown in Chapter 3, Volume 1 of the Final EIR.

2.2 Master Responses

This section presents Master Responses on topics where similar or the same comments were made by multiple commenters. The Master Responses address the following topics:

- Master Response 1: Preference for Alternative 1 and Comparison of Proposed Project and Alternative 1 Flood Risk Reduction
- Master Response 2: Alternative 3 Impacts and Feasibility
- Master Response 3: Project Design Process Flood Modeling
- Master Response 4: Impacts on Privacy and Private Views
- Master Response 5: Economic Impacts and Project Cost
- Master Response 6: Frederick Allen Park Habitat and Impacts

2 COMMENTS AND RESPONSES

2.2.1 Master Response 1: Preference for Alternative 1 and Comparison of Proposed Project and Alternative 1 Flood Risk Reduction

Preference for Alternative 1

Comments in Support of Alternative 1

Four comment letters stated support for Alternative 1: No Frederick Allen Park Alternative in lieu of the proposed project. Fourteen additional comment letters discussed concerns about the impacts of the proposed project construction in Frederick Allen Park. This Master Response summarizes the local support expressed for Alternative 1 and the environmental concerns about the proposed project that were raised by the local community in comment letters and in a survey conducted by the Town after publication of the Draft EIR. This Master Response also provides additional detail on the difference in flood risk reduction benefits between the proposed project and Alternative 1. This Master Response further clarifies that District staff will not be recommending the proposed project. Rather, District staff will be recommending approval of Alternative 1 to the District Board of Supervisors.

Additional Local Support for Alternative 1

The Town held a public workshop on April 15, 2021, to discuss the proposed project and obtain community input on a preference for the proposed project or Alternative 1. During the workshop, the majority of community members who commented indicated they did not support the Frederick Allen Park portion of the proposed project but did support Alternative 1. Local students gave a presentation in support of the proposed project, explaining why they wanted to remove the fence and open access to the creek, and how opening creek access would support educational opportunities. Following the workshop, the Town distributed an e-mail questionnaire via the town-wide e-mail system to gather feedback from residents on their preferences for the proposed project or Alternative 1, and to inform them about the Town Council's preference. A total of 363 residents and stakeholders completed the Town's questionnaire. 62 percent of the respondents preferred Alternative 1, compared to 29 percent who preferred the proposed project. The more than 300 responses to the survey provide a broader base to evaluate community preference than the 21 comment letters on the Draft EIR. The responses to the questionnaire indicate a strong community preference for Alternative 1. The most frequent reason (70.7 percent) for supporting Alternative 1 over the proposed project was that the trees could take up to 20 years to grow to the same height as the existing condition. The second most frequent (50.18 percent) reason for supporting Alternative 1 over the proposed project was the substantially similar flood benefits of Alternative 1 to the proposed project.

A Town Council meeting was held on May 13, 2021, to discuss the members' project preference and provide a recommendation to the District. The Town Council voted unanimously to recommend Alternative 1 to the District. The Town Manager submitted a letter to the District on May 14, 2021, formalizing the Town's recommendation for Alternative 1.

Key Community Concerns about Potential Project Impacts

Various community concerns were raised about the project during public outreach and the May 13, 2021, Town Council meeting.

2 COMMENTS AND RESPONSES

Trees, Shade, and Canopy Restoration

One primary concern is the significant impact on visual quality in Frederick Allen Park after project construction and for the 10-year period following, until planted trees and vegetation mature. An additional concern is that U.S. Army Corps of Engineers (USACE) could enforce a 15-foot “no tree” setback from the new and existing floodwalls.

Impacts to Tributary Drainage into Corte Madera Creek

According to the hydraulic model, the water surface elevation (WSE) would increase within the creek/channel downstream from the fish ladder under the proposed project and Alternatives 1, 2, and 3. The Town noted that compared with the proposed project, Alternative 1 would improve tributary drainage upstream from 15 Sir Francis Drake (approximately 250 feet south of the Denil fish ladder) but would hinder tributary drainage downstream from 11 Sir Francis Drake to Kentfield Hospital. The Town noted that Federal Emergency Management Agency (FEMA) requires any project that causes any increase in the 100-year WSE within a creek channel to demonstrate that no residential or commercial structures will be affected by the rise.

Flood Risk Reduction

The Town noted that Alternative 1 would have similar WSE reductions as the proposed project outside the creek/channel in 10-year and 25-year storm events. However, during a 100-year storm event, the WSE under Alternative 1 could be between 0.2 and 1 foot higher than the proposed project in areas adjacent to Frederick Allen Park and downstream in Kentfield. The difference between the proposed project and Alternative 1 flood risk reduction is discussed below in further detail.

Construction Impacts and Costs

Construction impacts of Alternative 1 would be confined to the fish ladder, creek bottom, and channels in Unit 4, while the construction impacts of the proposed project would require temporary closure of Bike Route 20 and a longer period of construction for the work in Frederick Allen Park. In addition, the construction cost for the proposed project would be greater than for Alternative 1. Master Response 5: Economic Impacts and Project Cost explains that cost is not an environmental consideration under CEQA.

Comparison of Proposed Project and Alternative 1 Flood Risk Reduction Benefits

Both the proposed project and Alternative 1 would result in flood reduction benefits, as presented in Section 3.9 and Chapter 5 of the Draft EIR. The proposed project would result in more flood reduction benefits than Alternative 1, as shown in Figure 5.3-8 in the Draft EIR (GHD, 2020). Table 2.2-1 shows the number of additional structures that would experience reduced flooding if the proposed project were implemented instead of Alternative 1. The proposed project would result in flood reduction at an additional 48 structures compared to Alternative 1. Alternative 1, although resulting in fewer flood reduction benefits than the proposed project, would reduce flooding at approximately 161 structures (see Master Response 3 for further details on Alternative 1 flood risk reduction benefits). Both the proposed project and Alternative 1 would result in substantial flood risk reduction benefits, compared to existing conditions.

2 COMMENTS AND RESPONSES

Table 2.2-1 Summary of Benefits of Proposed Project Compared to Alternative 1 during the 25-Year Event

Number of Additional Structures with Reduced Flooding under the Proposed Project, Compared to Alternative 1				
Jurisdictional Land Use	Area No Longer Inundated	Greater than 1-foot Reduction in Flood Depth	0.5 to 1-foot Reduction in Flood Depth	0.2 to 0.5-foot Reduction in Flood Depth
Commercial.	0	0	0	0
Institutional	0	0	0	0
Residential	6	3	8	29
Tax Exempt	0	0	0	2
Total	6	3	8	31

Source: (Town of Ross, 2021)

Town of Ross and Regulatory Approvals Required for Proposed Project

As described above, the Town Council voted unanimously to recommend Alternative 1 to the District. In addition, community members expressed a clear preference for Alternative 1 through a community-wide survey.

Project construction must be completed by the end of 2022 to comply with the stipulations of the California Department of Water Resources (DWR) grant funding for the project. The DWR grant would be used to fund 50 percent of the project. As described on page 1-5 in the Draft EIR, the Town owns Frederick Allen Park. The District would need to obtain the Town's approval of an easement for construction and maintenance of project elements on the Town's property, including Frederick Allen Park. The Town also would have permitting authority over project design review and tree removal within its jurisdiction. This discretionary review would make the Town a Responsible Agency under CEQA in the review of project elements under the Town's jurisdiction and could result in significant delays in project implementation.

During a meeting between the District and the USACE regarding Section 408 authorization for the project, USACE indicated that it would not initiate review of the Section 408 application until receipt of the 60 percent design plans for the project. Because of the complexity of the project's Frederick Allen Park component, the 60 percent design of Frederick Allen Park would take approximately 4 months to complete. In contrast, information on Alternative 1 sufficient to prepare 60 percent design currently is available (see Master Response 3). Given the amount of time that would be required to complete the permitting process with the Town and USACE, and to obtain an easement from the Town, it is unlikely that the District would be able to obtain all permits in time to start project construction in spring 2022 for the proposed project.

Conclusion and Staff Recommendation to Adopt Alternative 1

For these reasons, District staff will recommend the District Board of Supervisors approve Alternative 1. The recommendation to approve Alternative 1 reflects public preference for Alternative 1, the Town Council preference for Alternative 1, and the improved ability to meet

2 COMMENTS AND RESPONSES

the grant funding construction deadline under Alternative 1 because of the reduced complexity in the design and permit approval process compared to the proposed project.

2.2.2 Master Response 2: Alternative 3 Impacts

Several comments suggested that the new floodwalls should be constructed out of natural materials instead of concrete.

Alternative 3 in Chapter 5 of the Draft EIR considers the environmental benefits and potential impacts of using natural materials instead of concrete. . As discussed in the Draft EIR, construction of a natural material floodwall would involve a larger footprint and require additional tree removal because it would not be feasible to construct with natural materials on top of the existing concrete floodwall. A new natural materials floodwall would have to be set back from the existing floodwall. Construction of a natural material floodwall in Unit 2 would require the removal of 66 trees, compared to the removal of only two trees for construction of the proposed concrete floodwall attached to the existing floodwall in Unit 2.

Furthermore, although Alternative 3 was evaluated in the Draft EIR as including a non-concrete floodwall in Unit 2, on further consideration and an engineering evaluation, District staff determined that a non-concrete rock and earthen floodwall would be treated as a levee by USACE and would be subject to USACE review under Section 408. A levee designed to meet USACE standards would have an even larger impact area than that evaluated in the Draft EIR, and would result in a much greater setback for vegetation when compared with a concrete floodwall attached to the existing floodwall. The levee would result in removal of a substantial number of trees to construct and maintain the levee in compliance with USACE requirements and would not be compatible with the existing informal recreational uses on the left bank or any future recreational use of the area. Use of non-concrete materials for construction of the floodwall in Unit 2 would result in greater environmental impacts than a concrete floodwall attached to the existing floodwall.

The District has integrated non-concrete materials into the 60 percent design for Alternative 1 where feasible, and this would reduce environmental impacts. Specifically, the District is proposing to construct the transition structure at the connection between Units 3 and 4 using engineered streambed material instead of concrete to protect the existing sanitary sewer line and stabilize the channel grade.

2.2.3 Master Response 3: Future Design and Flood Modeling

Project Design Process

Several comment letters included questions about the process to be used by District staff in finalizing the project design, updating the hydraulic modeling, and sharing the model results with the community. The Draft EIR was prepared when District staff had developed a 35 percent concept level of design/engineering. The 35 percent design level is typical and sufficient for project evaluation in a CEQA document. Project proponents typically do not

2 COMMENTS AND RESPONSES

prepare final (100 percent) engineering and design before the CEQA process because a project may be modified during and as a result of the CEQA process.

District staff will recommend approval of an alternative, specifically Alternative 1, in lieu of the proposed project. After publication of the Draft EIR and in response to public comments on the Draft EIR, District staff completed 60 percent design and engineering of Alternative 1.

Additional engineering and design was not completed for the proposed project because the District staff are no longer recommending approval for the proposed project. After District staff completes the permitting process with the regulatory agencies, the final engineering and design documents will be prepared to comply with the requirements of the regulatory agencies. The requirements of the regulatory agencies are not known before completing the permitting process, and therefore the current design reflects this best available information at this time. Additional details on the Alternative 1 design and hydraulic modeling results for the 60 percent engineering are presented in this Master Response, in response to public comments. A significant adverse flood impact was defined in the Draft EIR as an increase in WSE at any structure of 0.2 foot or more. As discussed in this Master Response, the flood impacts of Alternative 1's 60 percent design are consistent with the impacts for this alternative described in the Draft EIR. None of the criteria required under CEQA for recirculation of a Draft EIR have occurred.

60 Percent Design and Updated Modeling

60 Percent Design for Alternative 1

After publication of the Draft EIR, 60 percent design was completed for Alternative 1. This 60 percent design includes additional details on the transition between the concrete channel and the natural channel in Unit 4. The fish ladder removal and transition between the concrete channel and natural channel after removal of the fish ladder would be substantially similar to the description of the proposed project Unit 4 activities described in Chapter 2 in the Draft EIR; however, the 60 percent design includes the following additional details about the Unit 4 transition:

- A planted rock slope would be installed for 510 feet along the left bank upstream from Lagunitas Road Bridge and within the District's easement.
- A sheet pile retaining wall would be installed for 122 feet along the right bank to protect the slope at 23, 25, and 27 Sir Francis Drake Boulevard.
- Engineered streambed material (large rock and fines) would be used to protect the buried sewer line instead of concrete.
- A fish resting pool would be created within the engineered streambed material, just upstream from the concrete channel.

2 COMMENTS AND RESPONSES

Hydraulic Model Updates

GHD has updated the hydraulic modeling for Alternative 1, to reflect the 60 percent design and incorporate additional details on the channel design that were not available before publication of the Draft EIR. A summary of the key updates to the hydraulic model is as follows:

- The model platform has been updated from HEC-RAS Version 5 to HEC-RAS Version 6.
- The hydraulic model upstream from the Ross Creek confluence has been updated based on the hydraulic model developed for the San Anselmo Flood Risk Reduction (SAFRR) project, which included project elements at the flood detention basin at the Sunnyside Nursery Site, the Bridge Building #2 site (634-636 San Anselmo Ave.) in downtown San Anselmo, and other foreseeable future projects in the reach.
- The earthen channel geometry downstream from the concrete channel has been updated based on the bathymetric data surveyed in 2018, as a part of the Corte Madera Creek Levee Evaluation project.
- A verification analysis has been prepared, using the December 15, 2016, January 10, 2017, and February 7, 2017 flood events to check and compare the model output with the high-water mark data at Bon Air Bridge. The n factor for the earthen channel in Unit 2 and Unit 1 was set at 0.02 foot, based on the observed high-water marks and model results.
- The existing Bon Air Bridge has been replaced in the hydraulic model with the new Bon Air Bridge geometry for the future condition scenarios.
- The hydraulic model geometries have been updated along the concrete channel and Unit 4 for the existing condition scenarios, based on survey data collected by GHD in 2020 and 2021.
- The hydraulic model geometries have been updated with the revised Corte Madera Creek Flood Risk Management Project design for Alternative 1 along the concrete channel and Unit 4 for the future condition scenarios.

Hydraulic Model Scenarios

The hydraulic modeling includes the following six scenarios:

1. Existing Condition Without Project
2. Existing Condition With Alternative 1
3. Future Condition Without Project
4. Future Condition With Alternative 1
5. Year 2100 Future Condition Without Project
6. Year 2100 Future Condition With Alternative 1

The existing condition without project reflects the current hydraulic conditions of Corte Madera Creek without construction of any planned or approved flood control projects. The existing condition with project reflects the existing condition model with all proposed Alternative 1 elements incorporated. The future condition without project reflects the hydraulic conditions of Corte Madera Creek with implementation of planned and/or approved projects listed in Table

2 COMMENTS AND RESPONSES

3.9-5 of the Draft EIR. The future condition without project scenario also includes an intermediate level of sea level rise for 2067, as described in the Draft EIR. The future condition with project reflects the future condition model with Alternative 1 elements incorporated into the model. The Year 2100 future condition without project scenario includes all projects included in the future condition without project scenario and incorporates the California Natural Resources Agency (CNRA) predicted long-term sea level rise for year 2100. The future Year 2100 future condition with Alternative 1 scenario adds the proposed project elements to the Year 2100 future condition without project scenario.

Figure 2-1 through Figure 2-6 show the Alternative 1 changes to the WSE and reflect the difference in WSE between the Existing Condition Without Project and Existing Condition With Alternative 1 scenarios under a 10-, 25-, and 100-year flood, using the updated modeling for the 60 percent design. Figure 2-7 through Figure 2-12 show the Alternative 1 changes to the WSE under for the future condition scenario, and reflect the difference in WSE between the Future Condition Without Project and Future Condition With Alternative 1 under the 10-, 25-, and 100-year flood conditions. The assumptions used in the future condition modeling are described on pages 3.9-35 through 3.9-37 in Section 3.9 in the Draft EIR and are supplemented by the model updates described above. Figure 2-13 through Figure 2-18 show the Alternative 1 changes to the WSE under a “high-emissions likely” sea-level rise scenario, to reflect 2100 projected sea-level rise based on the 2018 Update of the State of California Sea-Level Rise Guidance (California Ocean Protection Council, 2018). Figures 2-13 through 2-18 reflect the difference in WSE between the Year 2100 Future Condition Without Project and Year 2100 Future Condition with Alternative 1 scenarios under the 10-, 25-, and 100-year flood conditions.

Areas shown in the figures as “Flows Confined to Channel” are areas that are currently flooded by Corte Madera Creek, which are predicted to no longer have flood inundation from Corte Madera Creek overtopping after Alternative 1 is implemented. Areas shown in the figures with “Flooding Reduced” are areas with reduced flood inundation (greater than 0.2 foot) from creek overtopping after Alternative 1 is implemented. The change in WSE shown on the maps reflects a comparison between WSE without implementation of Alternative 1 and the WSE after implementation of Alternative 1 for each modeled scenario.

The geographic extent of the figures showing the changes in WSE differs from the figures included in the Draft EIR. The geographic extent of the figures was expanded to show areas downstream from Unit 2 in response to comments from the City of Larkspur. As discussed on page 3.9-39 in the Draft EIR, a threshold of 0.2 foot (2.4 inches) was used for determining whether a potentially significant increase or decrease in WSE would occur at any structure. The 0.2-foot threshold is a reasonable level of precision for evaluating flooding impacts, considering the standards for accuracy and precision associated with hydraulic modeling.

Table 2.2-2 shows the significant (greater than 0.2-foot) flood risk reduction benefits at parcels in Ross Valley that are predicted to result from implementation of Alternative 1. Table 3.9-7 of the Draft EIR provides the flood reduction benefits for the proposed project and shows the maximum flood depth reduction at each parcel within the study boundary. Table 2.2-2 below

2 COMMENTS AND RESPONSES

shows the average flood depth reduction at each parcel for Alternative 1. The average flood depth reduction at each parcel was obtained by averaging the change in water surface elevation geographically across the parcel in GIS. The average flood depth reduction differs from the maximum flood depth reduction provided in Table 3.9-7 in the Draft EIR for the proposed project. The methodology for calculating the flood depth reduction at parcels for was updated Alternative 1 to use the average instead of the maximum reduction to better represent the full range of flood depth reduction across the entire parcel.

Table 2.2-2 Summary of Alternative 1 Flood Reduction Benefits, Existing Condition Scenario, 25-Year Event

Jurisdiction/Land Use	Number of Structures with Reduced Flooding				Total
	Area No Longer Inundated After Project	1 to 4.5 feet reduction in water surface	0.5 to 1 foot reduction in water surface	0.2 to 0.5 foot reduction in water surface	
Kentfield					
Commercial	3	3			6
Institutional	17				17
Residential	36		10	22	68
<i>Kentfield Total</i>	<i>56</i>	<i>3</i>	<i>10</i>	<i>22</i>	<i>91</i>
Larkspur					
Commercial					0
Institutional					0
Residential					0
<i>Larkspur Total</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>
Town of Ross					
Commercial	1		1	8	10
Institutional	1	1	1	2	5
Residential	4		16	35	55
<i>Ross Subtotal</i>	<i>6</i>	<i>1</i>	<i>18</i>	<i>45</i>	<i>70</i>
Total All Areas	62	4	28	67	161

^a The reduction in flooding reflects changes in WSE based on model predictions for the existing hydrologic conditions. Reduction in flooding of less than 0.2 foot is below the model precision and is interpreted as no change in flood elevation.

2 COMMENTS AND RESPONSES

Consistency with Draft EIR Conclusions

The Draft EIR states Alternative 1 would have no significant impacts on flooding. No mitigation measures are therefore required to address downstream flooding. As described in the Draft EIR and above, a threshold of 0.2 foot (2.4 inches) was used for determining whether a potentially significant increase or decrease in WSE would occur. Similar to the proposed project, Alternative 1 would result in an increase in WSE of 2 to 6 inches in the parking lot at the College of Marin near College Avenue. These impacts would be limited to the parking lot and elevated trailers at the College of Marin, and, as such, are not considered new or significant impacts.

Similar to the proposed project, Alternative 1 would result in a WSE increase of approximately 1 inch or less (less than 0.2 foot) in residential areas. The modeled increase in WSE at all structures would be less than the threshold of significance. Therefore, Alternative 1 would result in a net reduction in flooding, as shown in Table 2.2-2, and would not result in any new significant flood risk impacts. The results of the updated hydraulic modeling based on the 60 percent design are consistent with the conclusions in the Draft EIR. As discussed in Section 1.3 above, none of the criteria for recirculation of a Draft EIR (Section 15088.5 of CEQA Guidelines) have occurred.

If the project is approved, the modeling will be updated after the final engineering and design are completed. If, following the District's certification of this EIR and project approval, the results of final design and modeling are inconsistent with the EIR conclusions and determine that the project would result in a new significant impact from flooding and no mitigation measures are available to address the impact, a responsible agency would be required under CEQA to prepare and circulate a subsequent or supplemental EIR to address the new significant impact before project implementation, consistent with the requirements of CEQA Guidelines Sections 15162(c) and 15163.

2.2.4 Master Response 4: Impacts on Privacy and Private Views

Several comment letters included comments about the impacts from private views (e.g., residences along Corte Madera Creek) from project implementation and impacts on privacy for the residences along Corte Madera Creek in the vicinity of Frederick Allen Park.

The visual and aesthetic conditions in the project area are discussed in Section 3.1, Aesthetic and Visual Resources, in the Draft EIR. On December 28, 2018, the California Natural Resources Agency published an update to the State CEQA Guidelines, clarifying that public views are the focus for environmental impacts under CEQA. The change to Appendix G in the State CEQA Guidelines specifically clarified that "public views are those that are experienced from a publicly accessible vantage point." A number of legal cases have addressed this issue, including: *Preserve Poway v. City of Poway* (2016) 245 Cal.App.4th 560; *Porterville Citizens for Responsible Hillside Development v. City of Porterville* (2007) 157 Cal.App.4th 885, 889, 901; *Bowman v. City of Berkeley* (2005) 122 Cal.App.4th 572; and *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 485, 492.

2 COMMENTS AND RESPONSES

Public views under CEQA include those views that are experienced by the collective public. These include views available from publicly accessible viewing spaces, as opposed to views from privately owned properties. Under CEQA, the question is whether a project would affect the environment of people in general, not whether a project would affect particular individuals (e.g., *Mira Mar Mobile Community v. City of Oceanside* [2004] 119 Cal.App.4th 477, 492 [14 Cal.Rptr.3d 308 Mira Mar]). Private views are views seen from privately owned land and typically are viewed by individual viewers, including views from private residences. The analysis in the Draft EIR focuses on public views as experienced from public vantage points (e.g., Bike Route 20 or local roadways), consistent with the State CEQA Guidelines and case law. Although the Draft EIR does not address private views, the visual simulation and analysis presented in it provide an approximation of the impact on private views, where the private views would be similarly situated to the public views evaluated in the Draft EIR.

2.2.5 Master Response 5: Economics and Project Cost

Several comment letters included questions about the project's cost or its benefits-to-cost ratio. In accordance with CEQA, the Draft EIR evaluated the potentially significant environmental effects of the project. Economic (e.g., financial liability, property values) and social or quality-of-life effects of a project are generally not considered to be environmental impacts under CEQA. Section 15131 in the State CEQA Guidelines limits the analysis of economic impacts to the environmental change that would have an anticipated economic impact. Specifically:

- (a) Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.

The Draft EIR included a thorough evaluation of the project's physical changes on the environment. The project's cost of implementation and the ratio of its economic benefits to its costs are not environmental impacts subject to CEQA analysis. Economic feasibility is factored into alternative feasibility, as discussed in Chapter 5 in the Draft EIR. As discussed in Chapters 1 and 2 in the Draft EIR, a project objective would be fiscal responsibility, which would include the ability to implement the project with existing and reasonably foreseeable funding.

2.2.6 Master Response 6: Frederick Allen Park Habitat

Several comment letters expressed concerns regarding removal of mature habitat in Frederick Allen Park.

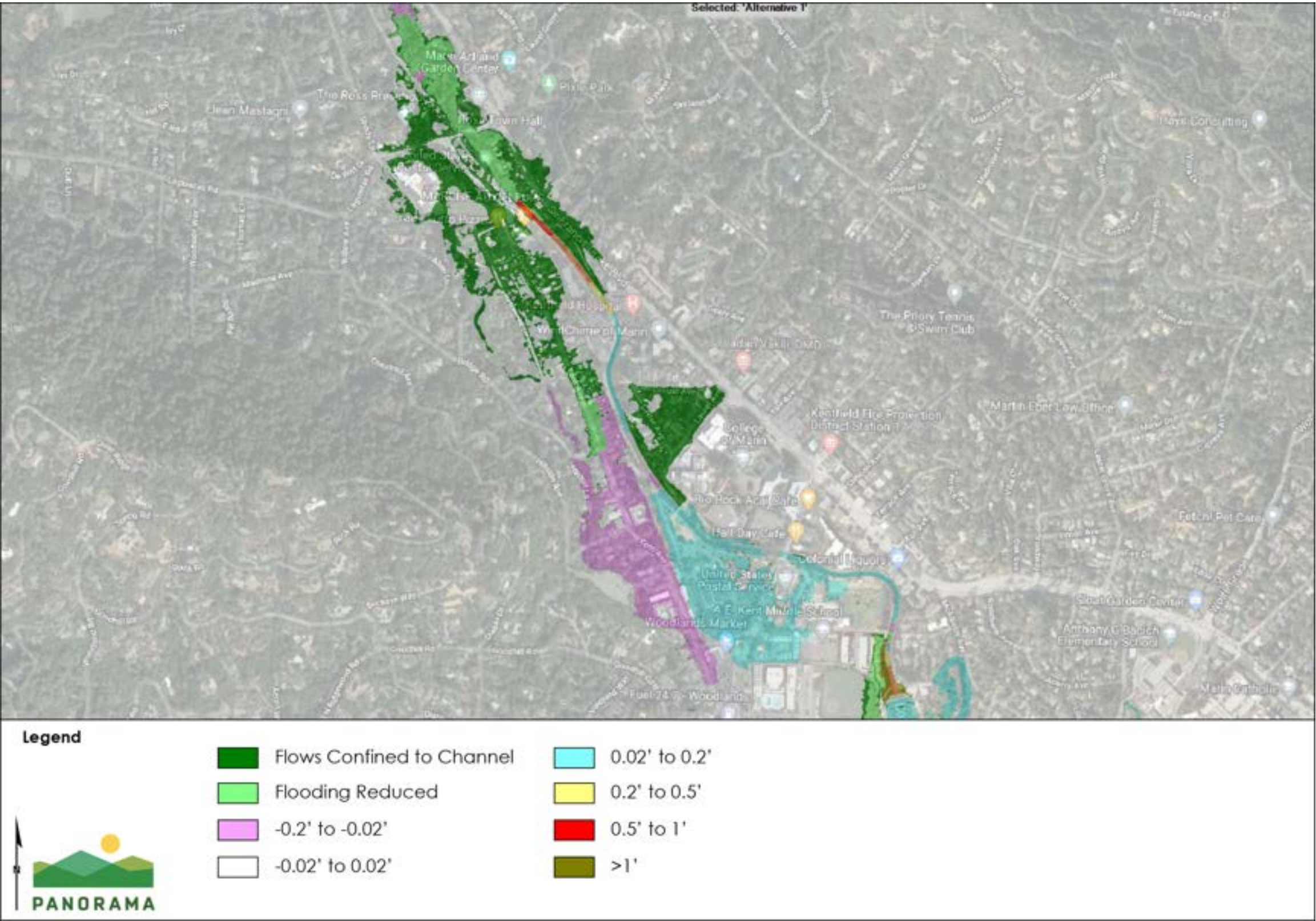
As shown in Figure 3.3-1 on page 3.3-8 in the Draft EIR, Frederick Allen Park is mapped as an urban/developed habitat type because it is a landscaped park with ornamental plantings. As

2 COMMENTS AND RESPONSES

discussed in Section 3.3, Biological Resources, in the Draft EIR, the existing concrete channel adjacent to Frederick Allen Park has restricted the establishment of riparian vegetation. Although mature trees are found in Frederick Allen Park outside the concrete walls, they are ornamental trees that were introduced to the area as part of residential development. These trees are not considered to be riparian habitat because they are not hydrologically connected to the creek. The vegetation in Frederick Allen Park includes numerous non-native trees and lacks an understory vegetation community because of the dense canopy cover and intensity of human disturbance throughout the area.

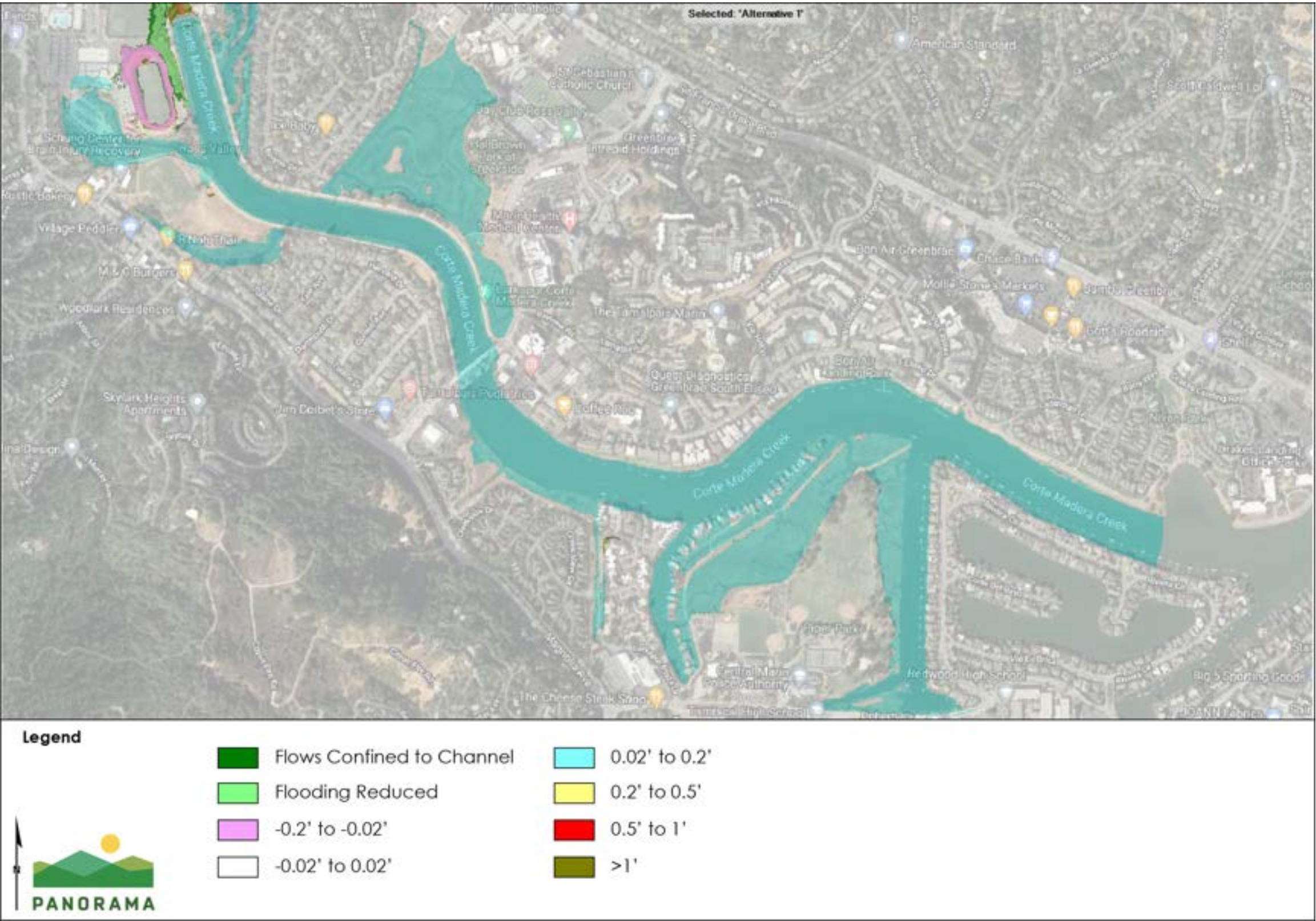
The project as proposed in the Draft EIR would create a natural riparian habitat in Frederick Allen Park by removing the concrete channel and planting with native riparian vegetation, which would include willows, grasses, forbs, and bushes as well as trees. Removal of the concrete channel would allow a connection between the creek and the riparian vegetation, to be planted as a part of the project. A riparian habitat in Frederick Allen Park would attract a larger diversity and abundance of birds and wildlife species than currently are present in the area, because the riparian vegetation and natural stream channels would provide suitable habitat for a greater number of species than the existing landscaped vegetation and concrete channel. While the riparian habitat creation was included in the proposed project, it would not be implemented with Alternative 1 and none of the existing trees or concrete channel in Frederick Allen Park would be removed with implementation of Alternative 1.

Figure 2-1 Alternative 1 Change in Water Surface Elevation from Existing Conditions, 10-Year Flood Event (Upper Corte Madera Creek)



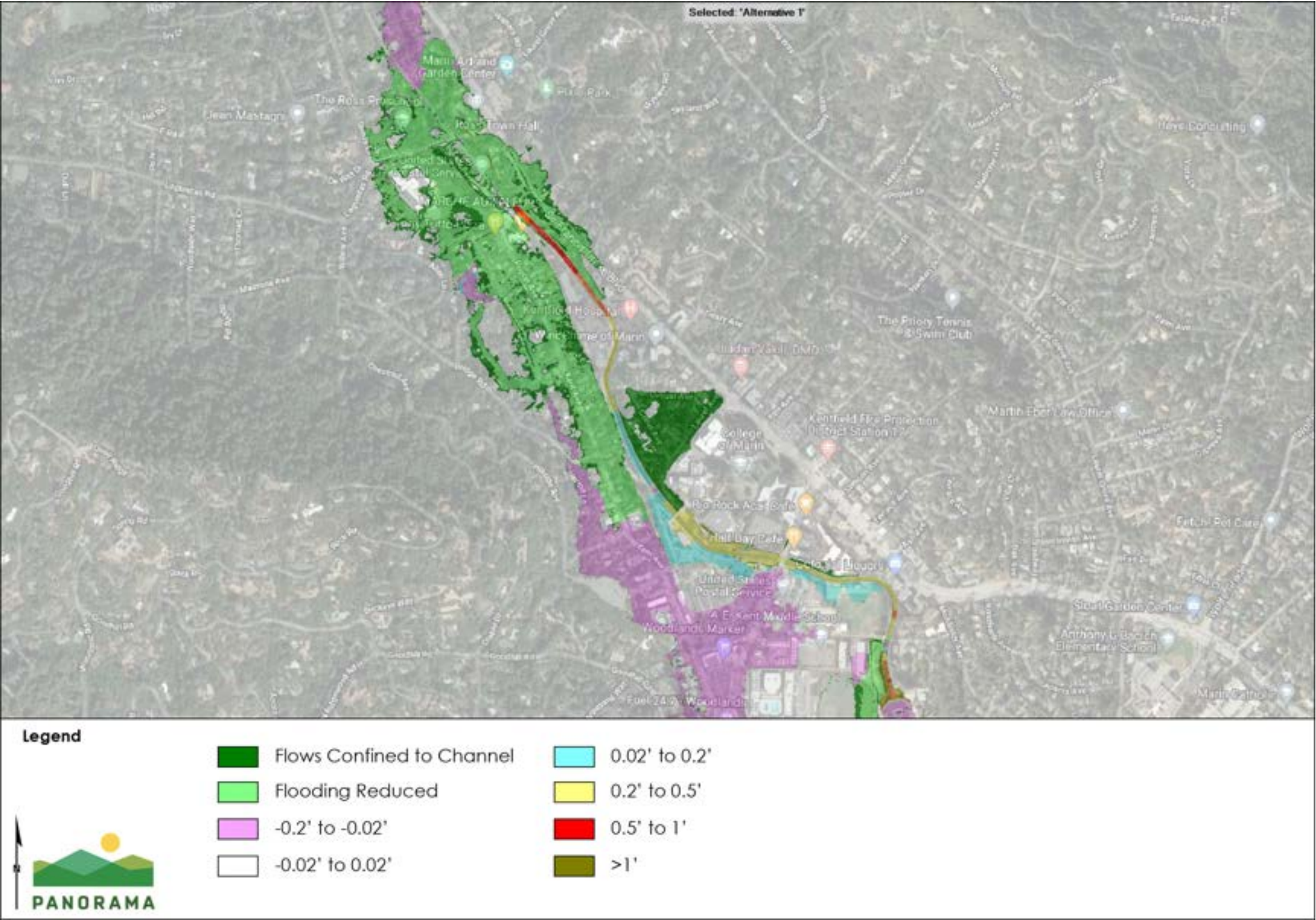
Source: (GHD, 2021)

Figure 2-2 Alternative 1 Change in Water Surface Elevation from Existing Conditions, 10-Year Flood Event (Lower Corte Madera Creek)



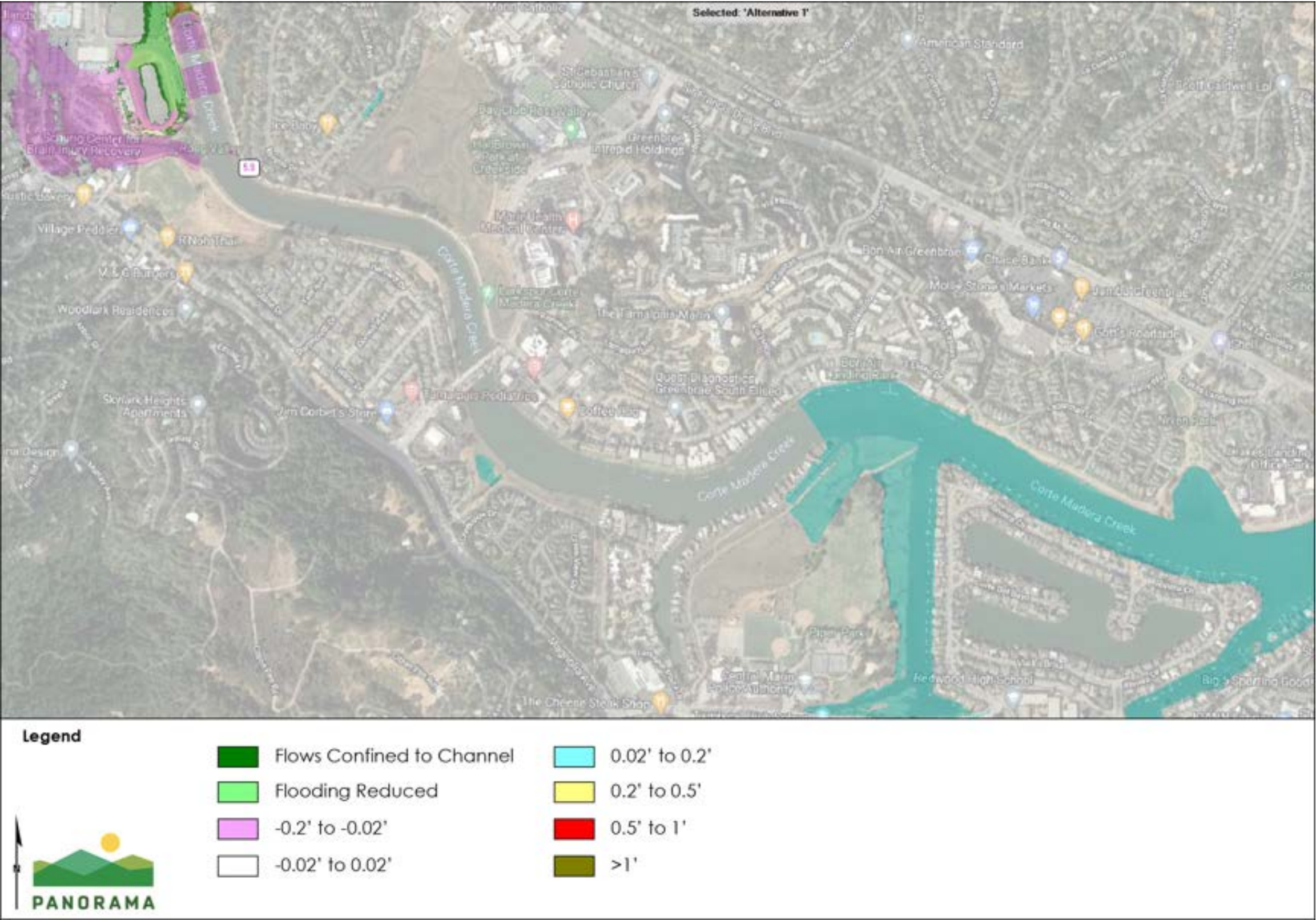
Source: (GHD, 2021)

Figure 2-3 Alternative 1 Change in Water Surface Elevation from Existing Conditions, 25-Year Flood Event (Upper Corte Madera Creek)



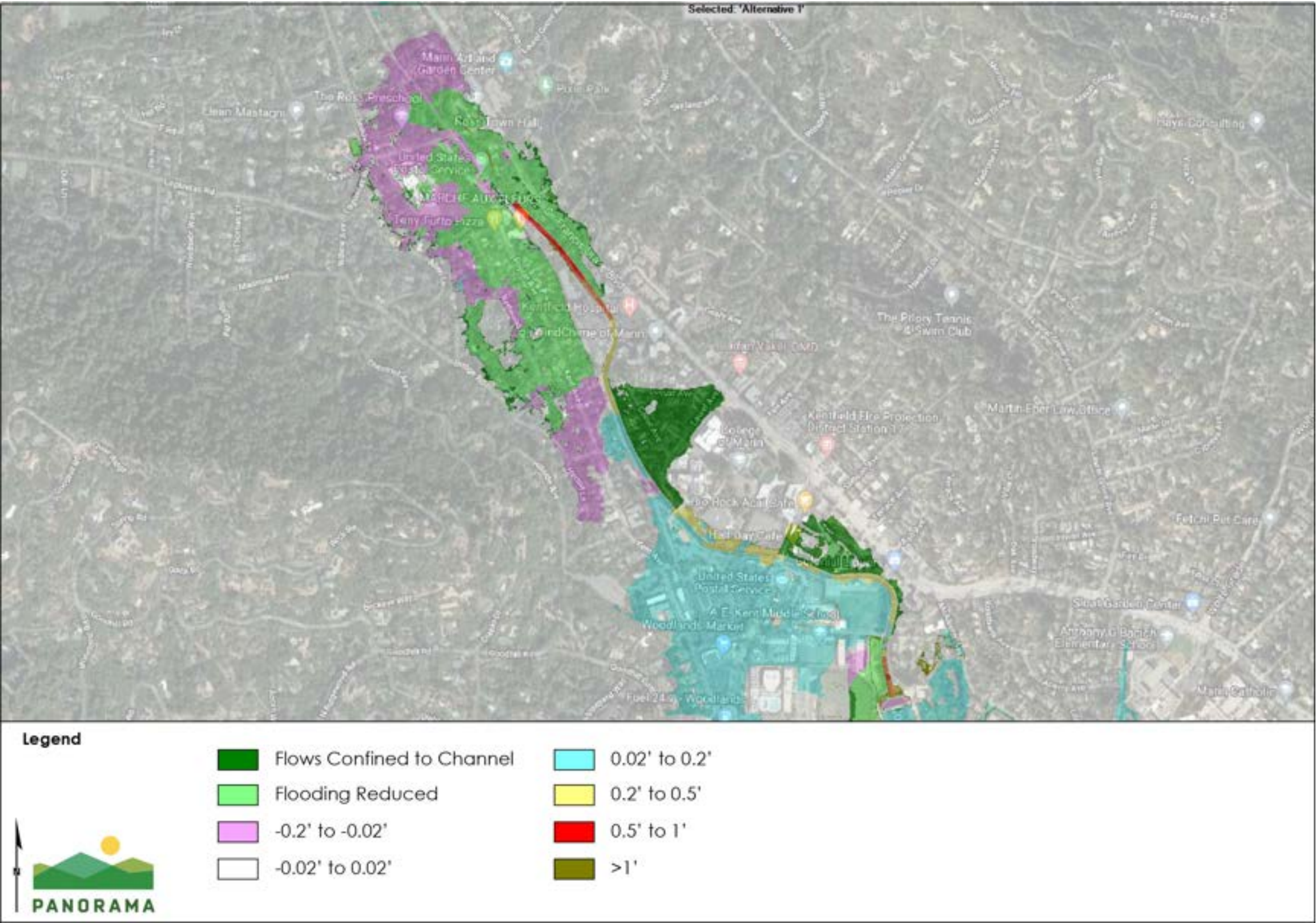
Source: (GHD, 2021)

Figure 2-4 Alternative 1 Change in Water Surface Elevation from Existing Conditions, 25-Year Flood Event (Lower Corte Madera Creek)



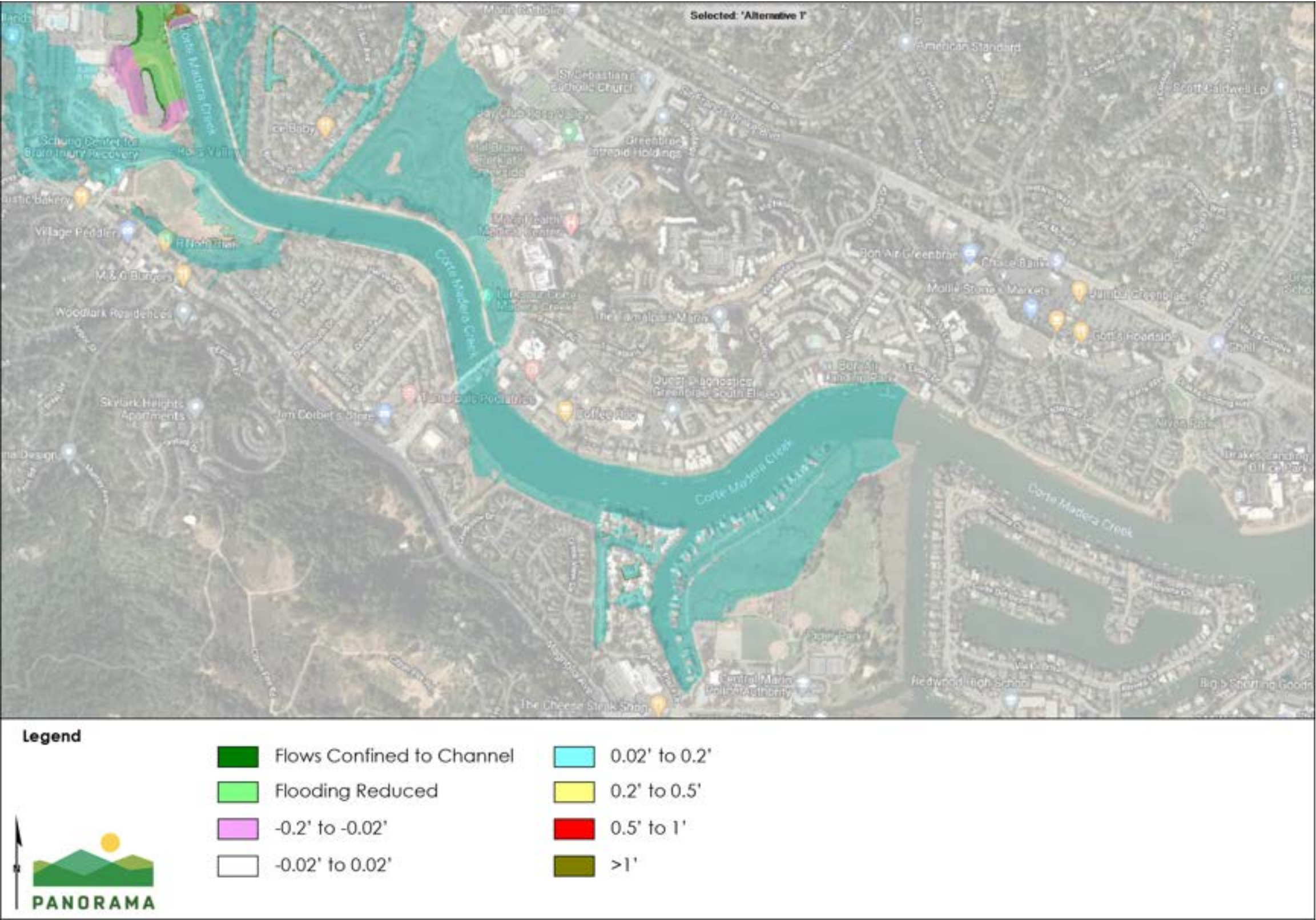
Source: (GHD, 2021)

Figure 2-5 Alternative 1 Change in Water Surface Elevaton from Existing Conditions , 100-Year Flood Event (Upper Corte Madera Creek)



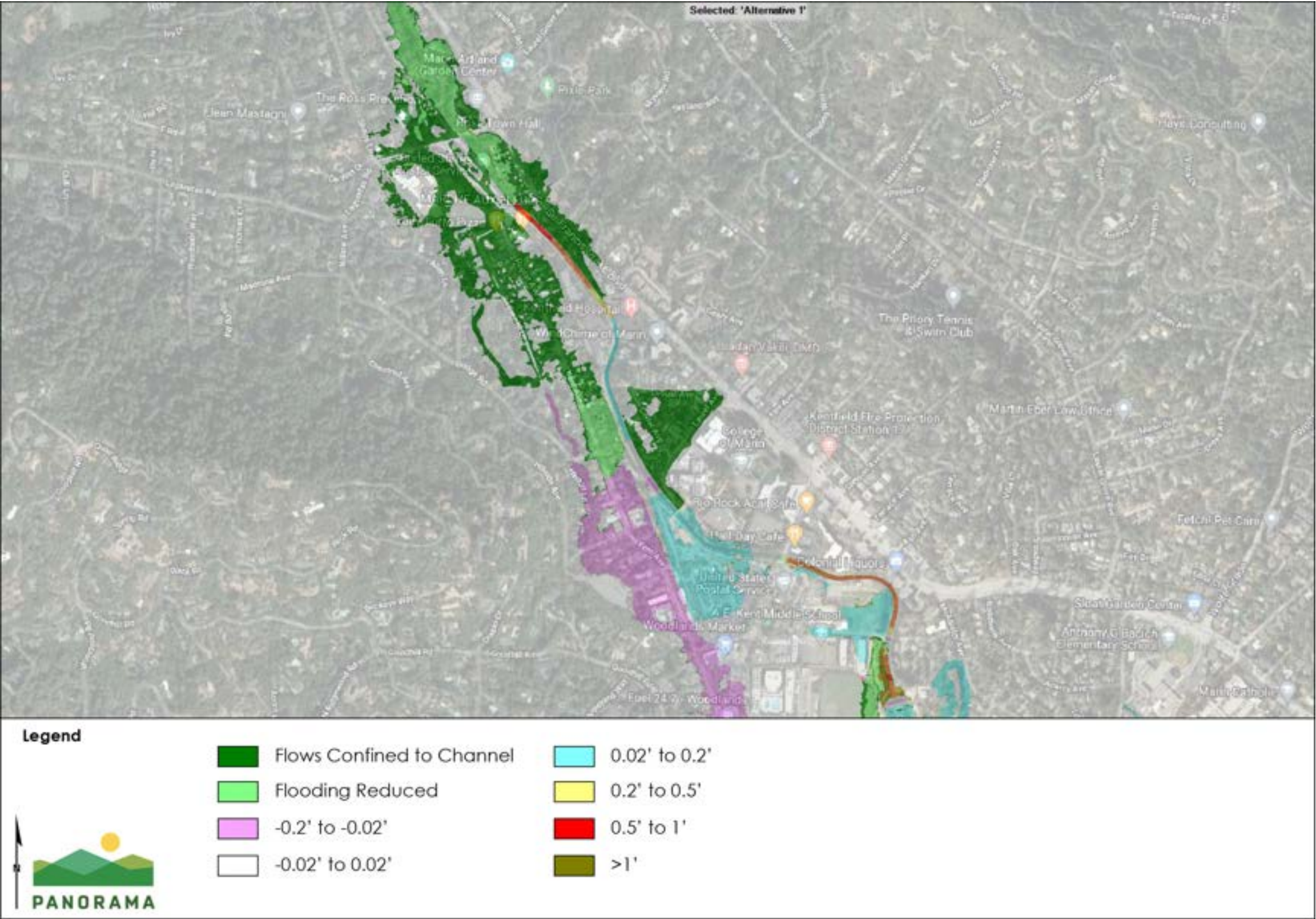
Source: (GHD, 2021)

Figure 2-6 Alternative 1 Change in Water Surface Elevation from Existing Conditions, 100-Year Flood Event (Lower Corte Madera Creek)



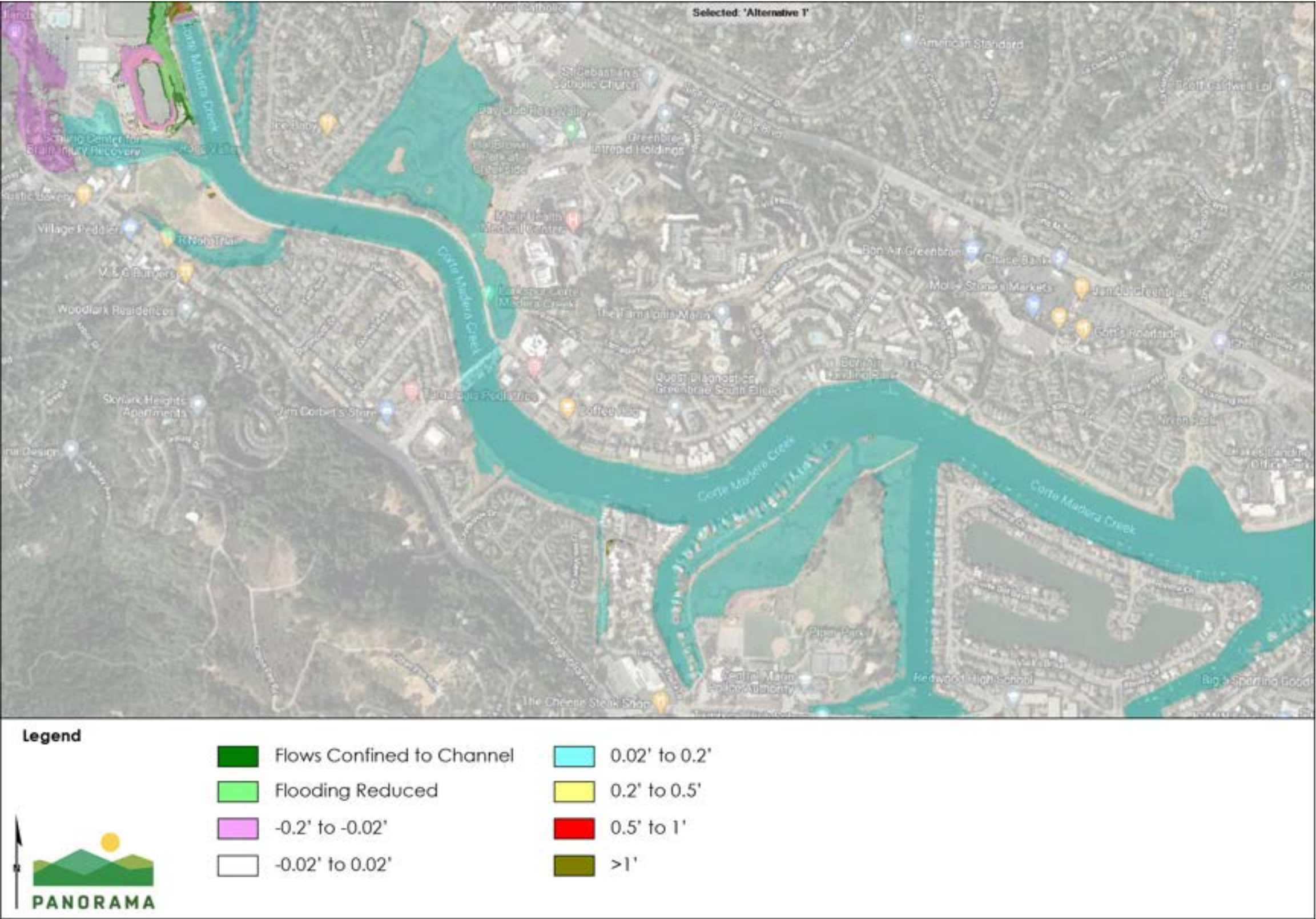
Source: (GHD, 2021)

Figure 2-7 Alternative 1 Changes in Water Surface Elevation from Future Conditions, 10-Year Flood Event (Upper Corte Madera Creek)



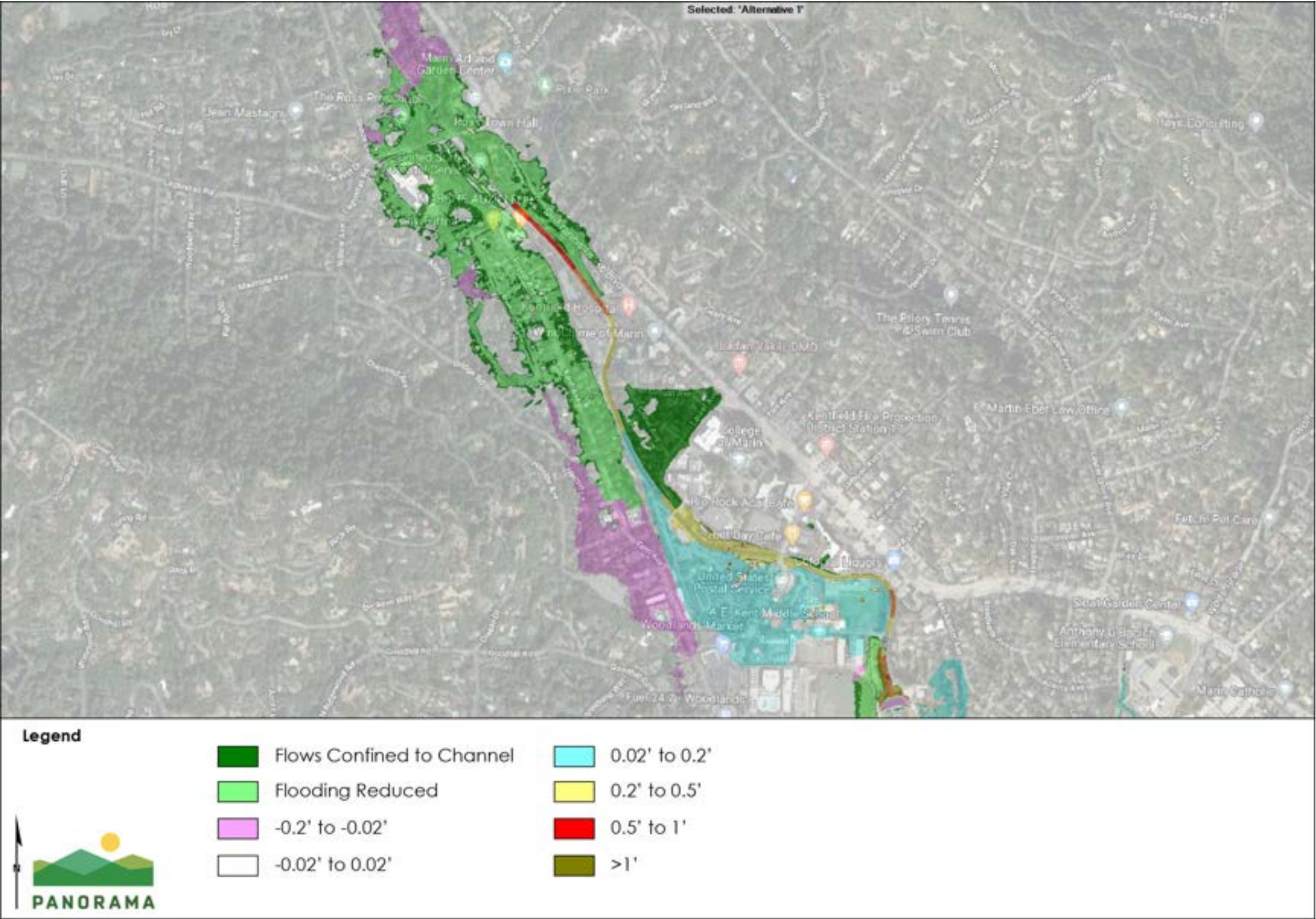
Source: (GHD, 2021)

Figure 2-8 Alternative 1 Changes in Water Surface Elevation from Future Conditions, 10-Year Flood Event (Lower Corte Madera Creek)



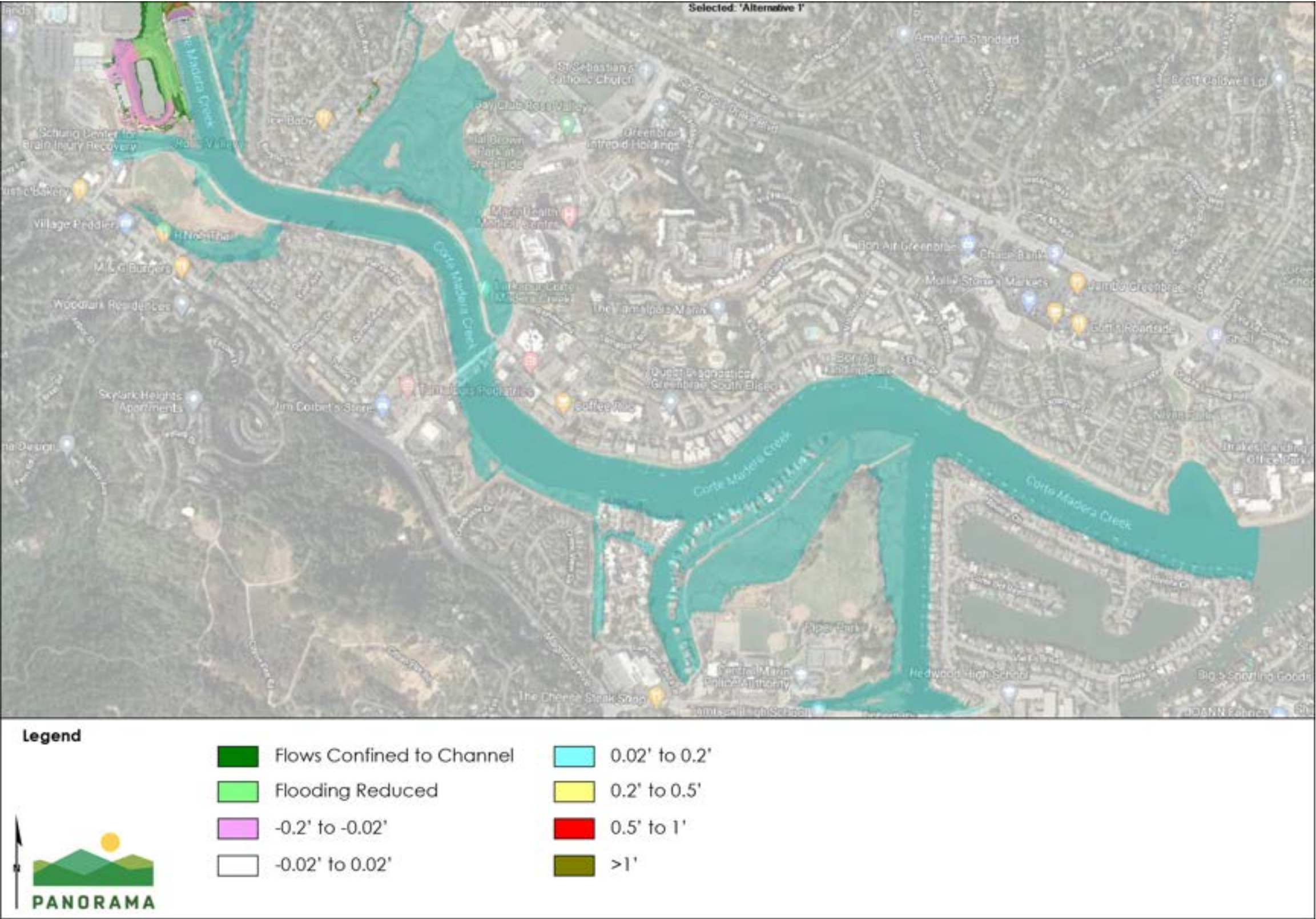
Source: (GHD, 2021)

Figure 2-9 Alternative 1 Changes in Water Surface Elevation from Future Conditions, 25-Year Flood Event (Upper Corte Madera Creek)



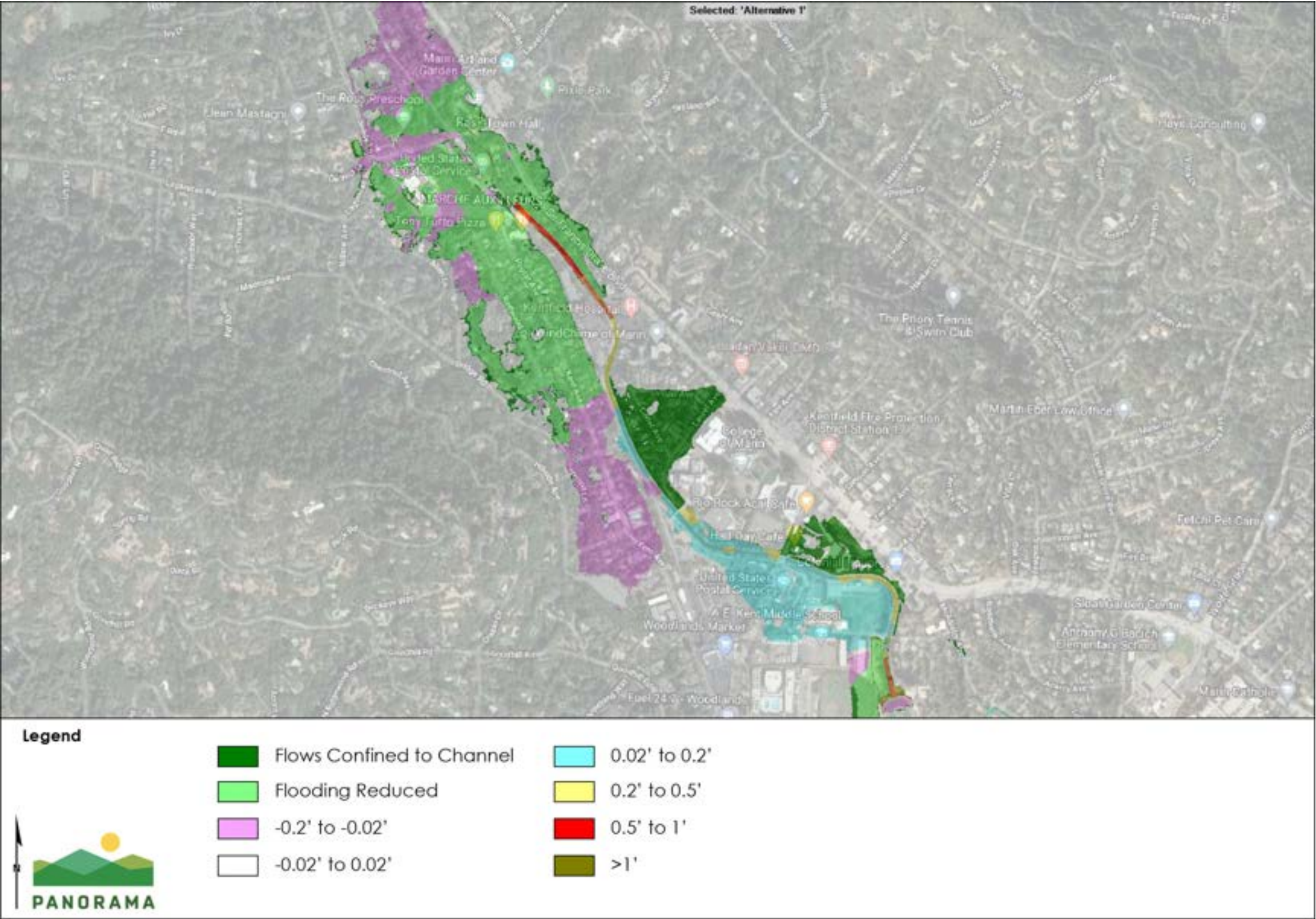
Source: (GHD, 2021)

Figure 2-10 Alternative 1 Changes in Water Surface Elevation from Future Conditions, 25-Year Flood Event (Lower Corte Madera Creek)



Source: (GHD, 2021)

Figure 2-11 Alternative 1 Changes in Water Surface Elevation from Future Conditions, 100-Year Flood Event (Upper Corte Madera Creek)



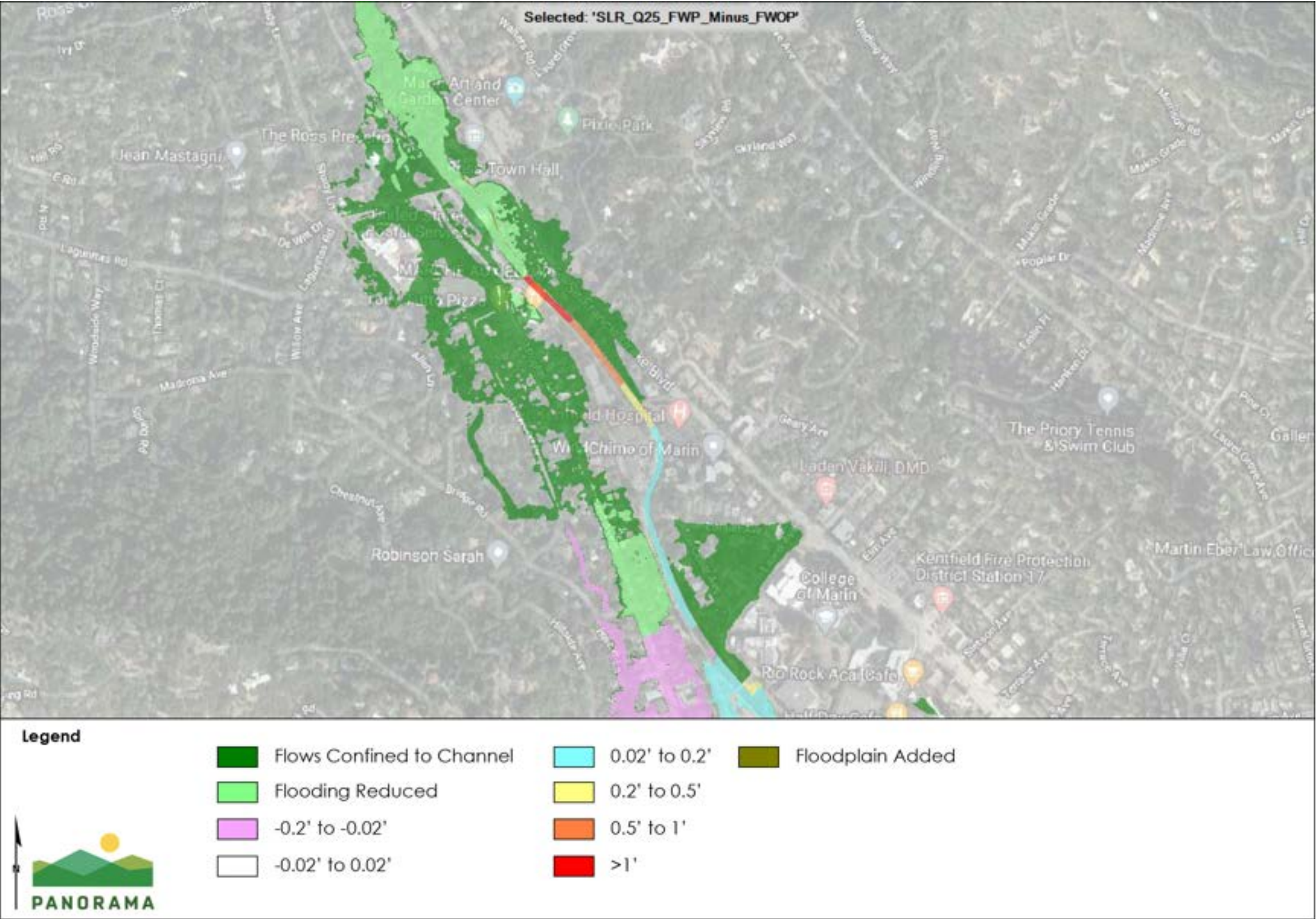
Source: (GHD, 2021)

Figure 2-12 Alternative 1 Changes in Water Surface Elevation from Future Conditions, 100-Year Flood Event (Lower Corte Madera Creek)



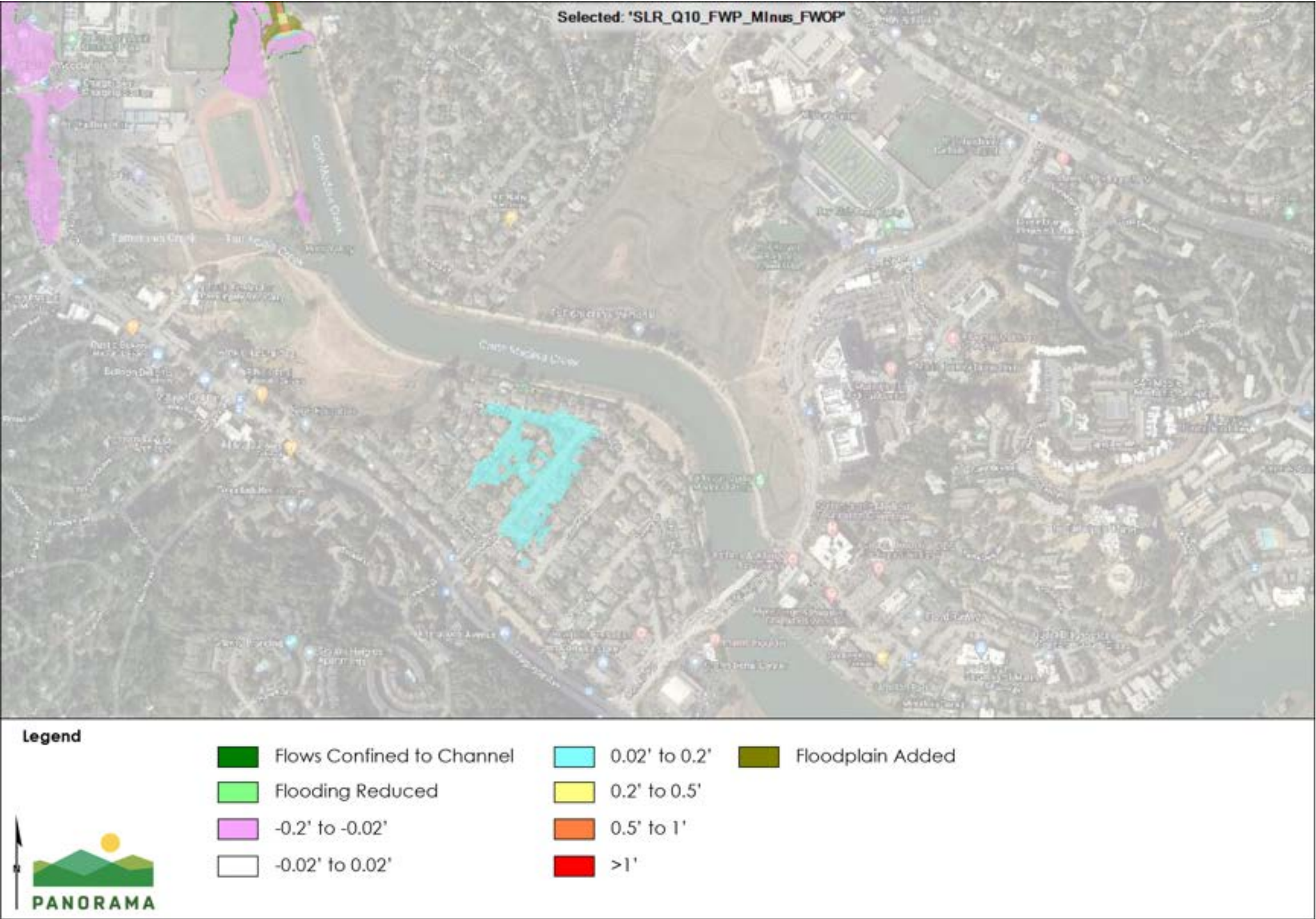
Source: (GHD, 2021)

Figure 2-13 Alternative 1 Changes in Water Surface Elevation Year 2100, 10-Year Flood Event (Upper Corte Madera Creek)



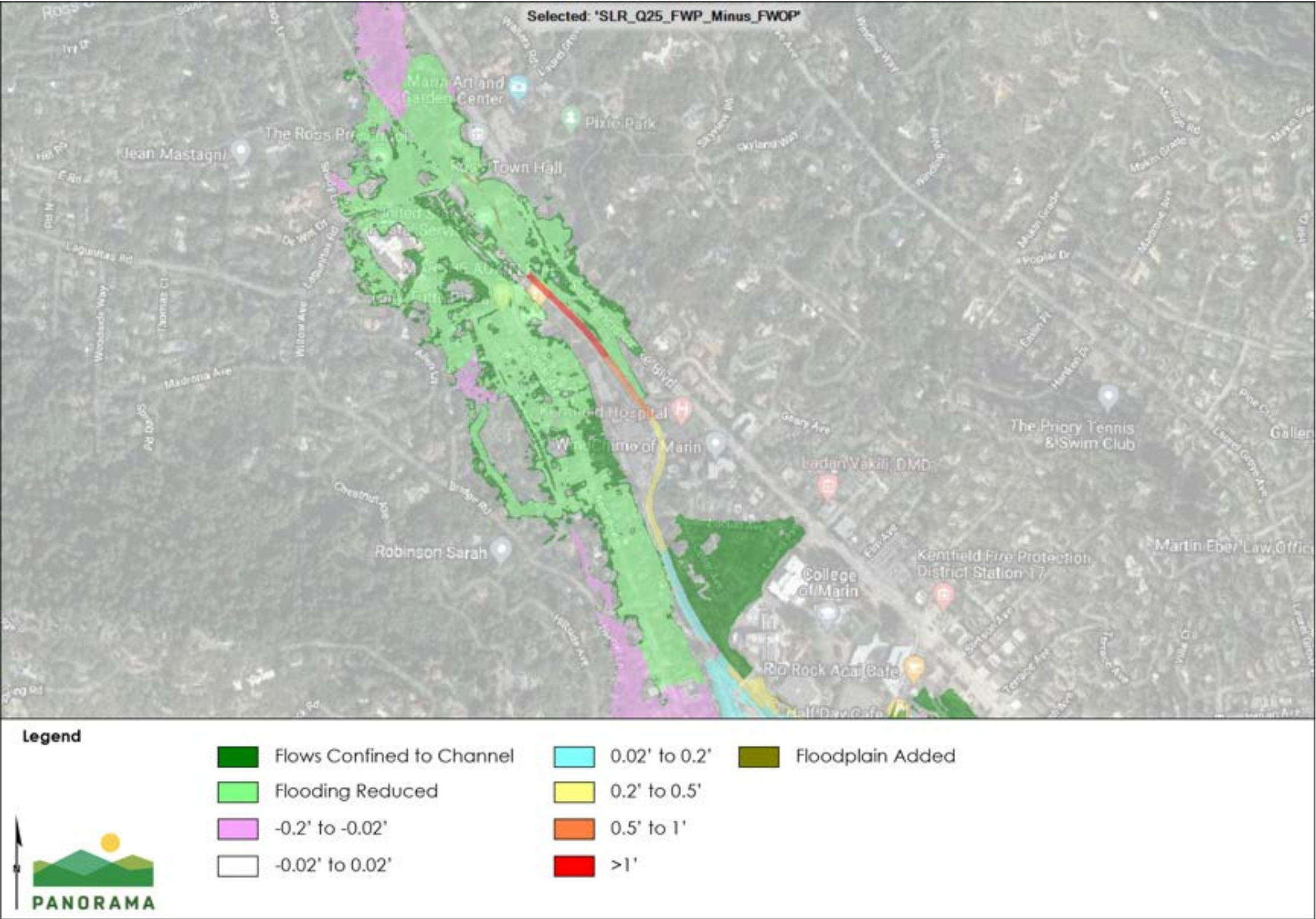
Source: (GHD, 2021)

Figure 2-14 Alternative 1 Changes in Water Surface Elevation Year 2100, 10-Year Flood Event (Lower Corte Madera Creek)



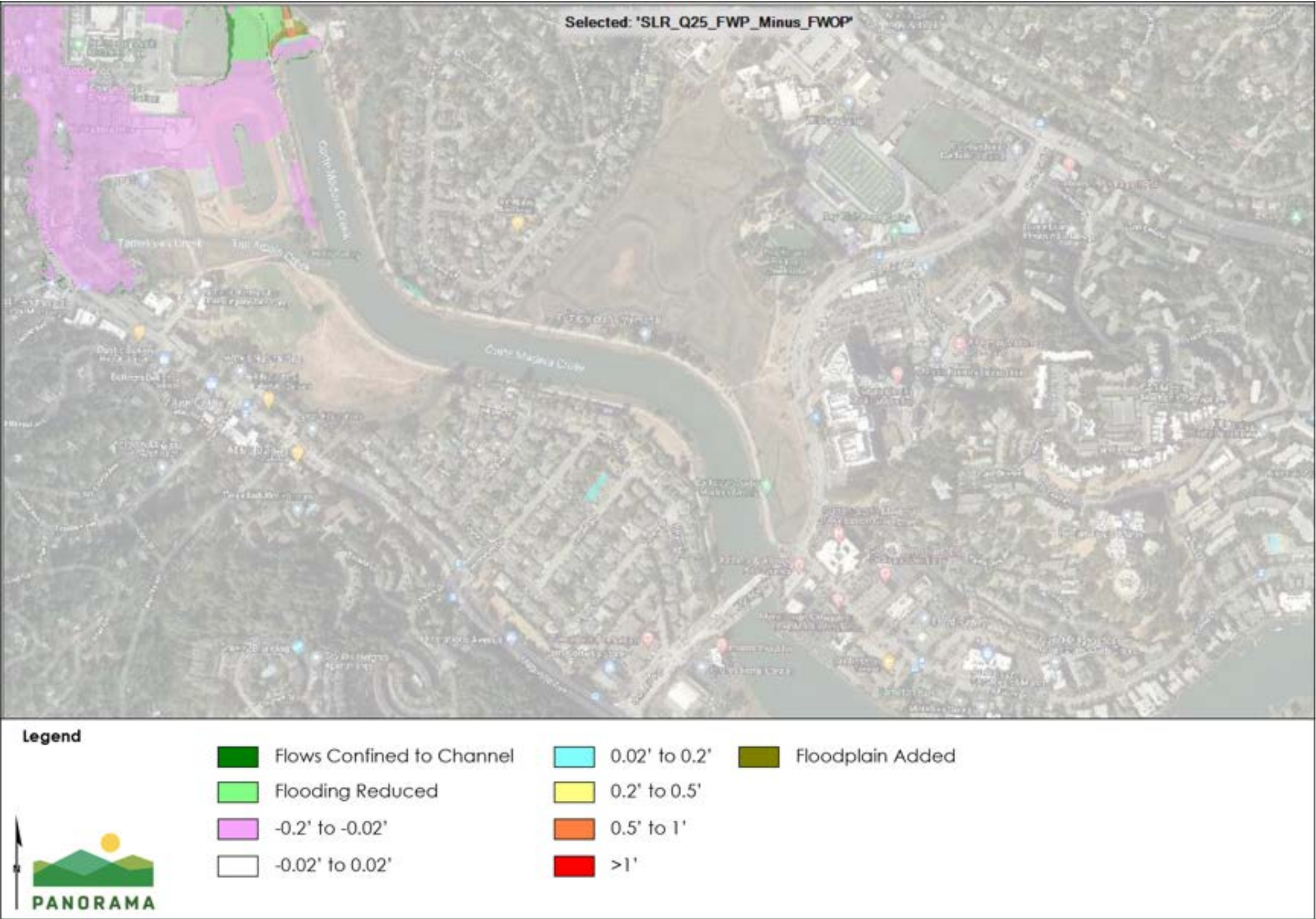
Source: (GHD, 2021)

Figure 2-15 Alternative 1 Changes in Water Surface Elevation Year 2100, 25-Year Flood Event (Upper Corte Madera Creek)



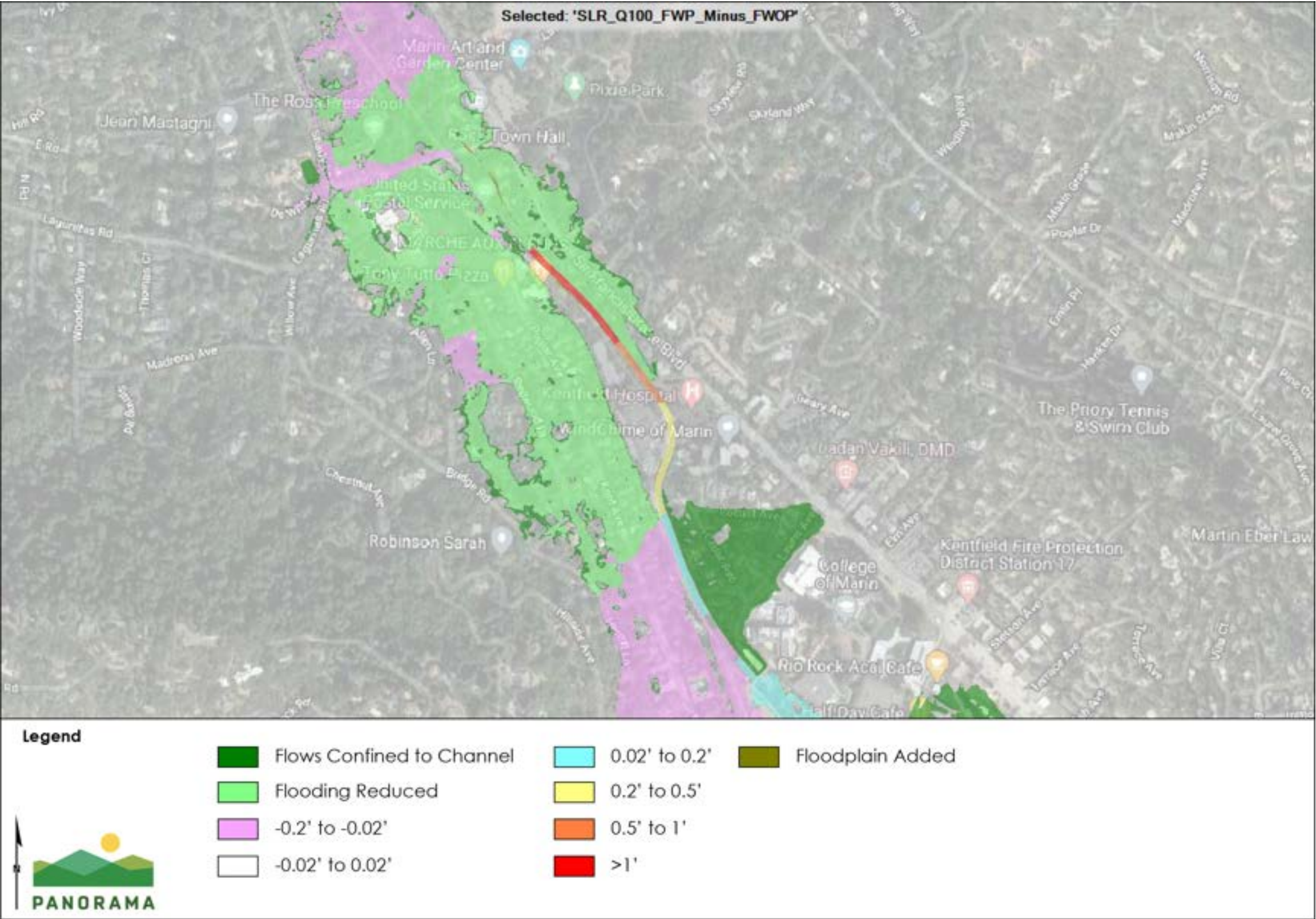
Source: (GHD, 2021)

Figure 2-16 Alternative 1 Changes in Water Surface Elevation Year 2100, 25-Year Flood Event (Lower Corte Madera Creek)



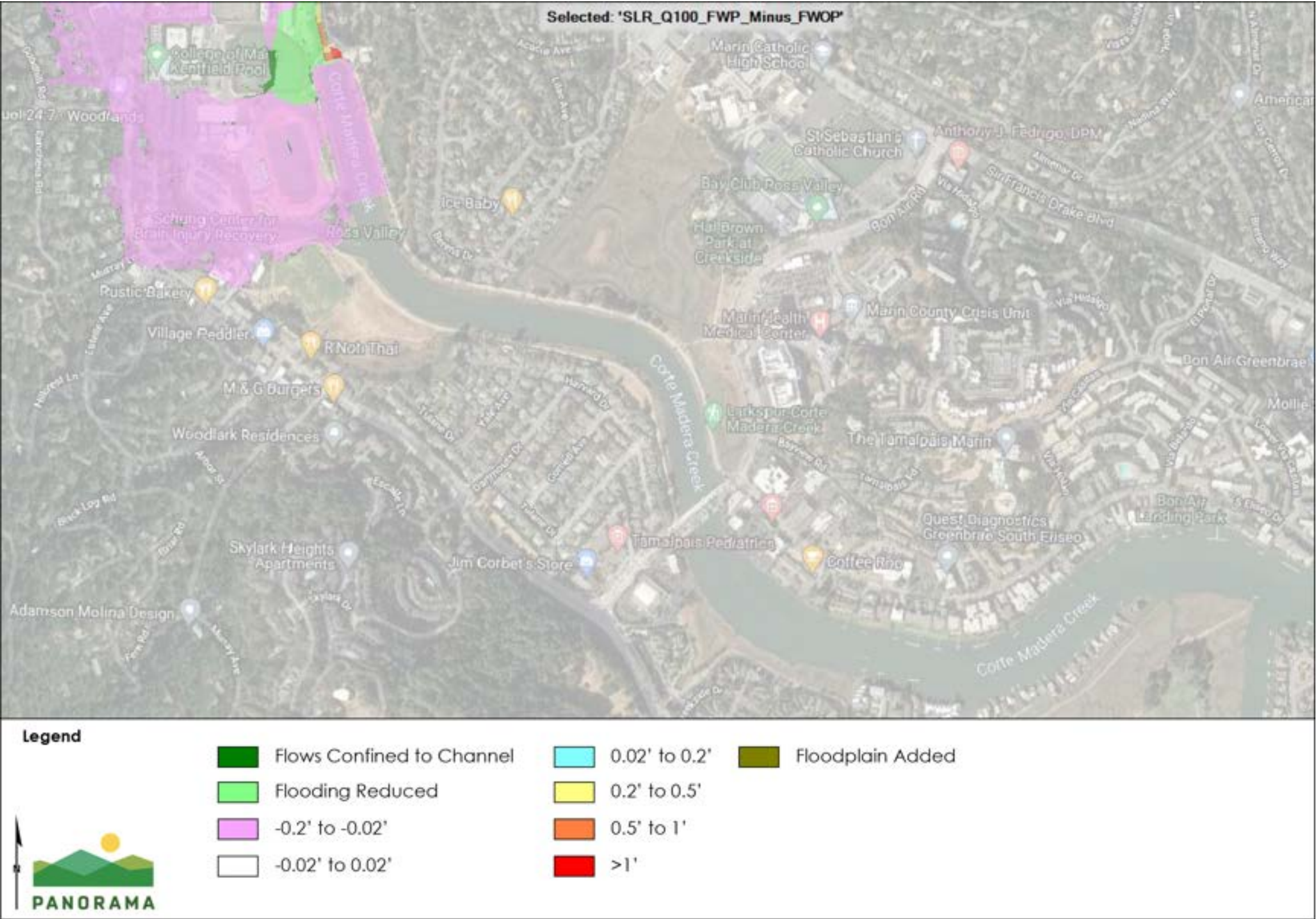
Source: (GHD, 2021)

Figure 2-17 Alternative 1 Changes in Water Surface Elevation Year 2100, 100-Year Flood Event (Upper Corte Madera Creek)



Source: (GHD, 2021)

Figure 2-18 Alternative 1 Changes in Water Surface Elevation Year 2100, 100-Year Flood Event (Lower Corte Madera Creek)



Source: (GHD, 2021)

2.3 State, Regional, and Local Agencies

2 COMMENTS AND RESPONSES

Comment Letter A1

STATE OF CALIFORNIA

GAVIN NEWSOM, Governor

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



Established in 1938

JENNIFER LUCCHESI, Executive Officer
(916) 574-1800 Fax (916) 574-1810
California Relay Service TDD Phone 1-800-735-2929
from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-1890

March 16, 2021

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: Draft Environmental Impact Report (EIR) for Corte Madera Creek Flood Risk Management Project, Phase 1, Marin County

Dear Joanna Dixon:

The California State Lands Commission (Commission) staff has reviewed the Draft 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 before completing the EIR, as required by Public Resources Code section 21153, subdivision (a), and the California Code of Regulations, title 14 (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.

2 COMMENTS AND RESPONSES

Joanna Dixon

Page 2

March 16, 2021

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 Draft EIR, 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 is required. Please visit the Commission's website at <https://www.slc.ca.gov/leases-permits/> for more information on submitting an application via the Commission's Online System for Customer Applications and Records (OSCAR).

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

2 COMMENTS AND RESPONSES

Joanna Dixon

Page 3

March 16, 2021

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.

Per the Draft EIR, Alternative 2 would be the environmentally superior alternative because it would avoid the impacts related to recreation, hazards, and transportation from increased flooding on Bike Route 20. Alternative 2 also would reduce the impact from creating a new pedestrian access to the creek, and would allow increased riparian planting and infiltration of rainfall due to construction of an elevated boardwalk instead of a paved pathway. Alternative 2 also would meet all Project objectives and feasibility criteria.

Environmental Review

Commission staff requests that the District consider the following comments 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.

Climate Change

1. Page 3.9-4 correctly documents Commission staff's previous comment on sea-level rise, and page 3.9-20 contains sea-level rise projections. However, the impact analysis in the Hydrology and Water Quality section (page 3.9-37) does not clearly detail a comparison between the proposed Project components and sea-level rise. Instead, it suggests the reader look up additional information from the 2018 Appendix A of the U.S. Army Corps of Engineers Draft EIS/EIR.

The suggested Appendix A is a technical report and uses conflicting alternative names (A, B, F, G, and J, vs. the Alternatives 1, 2, and 3 in this EIR), which may make it difficult for the public to understand how the proposed Project would address sea-level rise long term. To assist the reader in comprehension, Commission staff suggests that Section 3.9 incorporate detailed information on how sea-level rise was addressed in each major component of the Project design and clearly state how long the Project is anticipated to be effective against sea-level rise. As noted in our previous request, "Commission staff will need to ascertain what adaptation strategies are planned during the projected life of the Project and what Project modifications were incorporated into the Project planning that will eliminate or reduce potentially adverse impacts from sea-level rise, including adverse impacts on public access."

A1-1

2 COMMENTS AND RESPONSES

Joanna Dixon

Page 4

March 16, 2021

Tribal Cultural Resources

2. Mitigation Measure (MM) 3.4-2 applies to the discovery of archeological resources; however, a Tribal cultural resource is defined to include "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe," not just archaeological resources (Pub. Resources Code, § 21074, subd. (a)). The Draft EIR states (Table 3.14-2) that the Federated Indians of Graton Rancheria accepted MM 3.4-2; however, it does not discuss whether the Tribe determined the existence of any non-archaeological Tribal cultural resources within the Project area. Commission staff requests this information be included in the EIR.

A1-2

If this determination has not been made, Commission staff requests that MM 3.4-2 be modified to include a Native American monitor to assess any potential impacts to Tribal Cultural Resources prior to Project implementation and during all Project activities. In addition, Commission staff requests that MM 3.4-2 require preparation of an Unanticipated Discoveries Evaluation and Treatment Plan that includes a process for determining what procedures would be implemented for discoveries that cannot be protected in place.

Thank you for the opportunity to comment on the Draft EIR for the Project. As a responsible and trustee agency, Commission staff will need to rely on the certified EIR for the issuance of any lease as specified above and, therefore, we request that you consider our comments prior to certification of the Final EIR. Please send copies of future Project-related documents, including electronic copies of the Final EIR, signed Resolution, Mitigation and Monitoring Program, Notice of Determination, CEQA Findings and, if applicable, Statement of Overriding Considerations when they become available.

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 the Commission's policies on Tribal cultural resources, please contact Jennifer Mattox, the Commission's Tribal Liaison at (916) 574-0748 or Jennifer.Mattox@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,



Nicole Dobroski, Chief
Division of Environmental Planning
and Management

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

2 COMMENTS AND RESPONSES

2.3.1 Response to Comment Letter A1: California State Lands Commission

- A1-1 The commenter states that the Hydrology and Water Quality section of the Draft EIR does not describe how the proposed project would address sea-level rise over the long term.

The proposed project would address flooding from Corte Madera Creek, and sea-level rise adaptation is not an objective of the project. However, as described on page 2-23, 2-43, and 3.9-47 of the Draft EIR, the lower College of Marin concrete channel removal and restoration is being designed to be a natural, self-maintaining creek ecosystem, resilient to sea-level rise and climate change. In particular the removal of the concrete channel walls at the lower College of Marin, below Stadium Way, would create salt marsh habitat that would be adapted and resilient to sea level rise. As discussed on page 3.9-61 of the Draft EIR, the project will not exacerbate sea-level rise. The future condition modeling includes an intermediate level of sea-level rise. The future condition modeling results, with the more recent CNRA projections for year 2100 sea-level rise, are shown for Alternative 1 in the figures in Master Response 3. As indicated in these figures, the project still would meet the objective of reducing flood risk on Corte Madera Creek with year 2100 sea-level rise conditions.

- A1-2 The commenter states that the Draft EIR does not discuss the existence of any non-archaeological tribal cultural resources within the project area and requests changes to Mitigation Measure 3.4-2.

The results of Native American consultation are discussed on page 3.14-2 of the Draft EIR. The District consulted with the Federated Indians of Graton Rancheria (FIGR) on the project. The District received no information from FIGR regarding identification of tribal cultural resources. On December 8, 2020, FIGR accepted the Draft EIR Mitigation Measure 3.4-2: Inadvertent Discoveries of Archaeological Resources and the District concluded consultation on the project. Additionally, Mitigation Measure 3.4-2 has been revised as follows in response to State Lands comment to include preparation of an Unanticipated Discoveries Evaluation and Treatment Plan. This change to the mitigation measure is a minor change to strengthen an existing mitigation measure and is not the result of a new or more severe significant impact and recirculation of the Draft EIR is not required.

Mitigation Measure 3.4-2: Inadvertent Discoveries of Archaeological Resources.

If evidence of any subsurface archaeological features or deposits are discovered during construction-related earth-moving activities, all ground-disturbing activity in the area of the discovery shall be halted within 50 feet of the find, and the finds shall be protected until they are examined by a qualified archaeologist. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil (“midden”) containing heat-affected rocks, artifacts, or

2 COMMENTS AND RESPONSES

shellfish remains; stone-milling equipment (e.g., mortars, pestles, handstones, milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-era materials might include building or structure footings and walls and deposits of metal, glass, and/or ceramic refuse. The District shall retain a qualified archaeologist who meets the U.S. Secretary of the Interiors professional qualifications in archaeology to assess the significance of the find and make recommendations for further evaluation and treatment as necessary. A Native American representative from a traditionally and culturally affiliated tribe will be notified and invited to assess the find if the artifacts are of Native American ancestry and determined to be more than an isolated find. If the discovery is in an area below Stadium Way and on lands under the jurisdiction of California State Lands Commission, that agency shall be notified. Any treatments and disposition of any artifacts uncovered under the jurisdiction of the California State Lands Commission must be approved by the California State Lands Commission before the treatment is implemented.

If, after evaluation, a resource is considered a historical resource or unique archaeological resource (as defined in CEQA Guidelines Section 15064.5), or a tribal cultural resource (as defined in PRC Section 21074), all preservation options shall be considered as required by CEQA (see CEQA Guidelines Section 15126.4 and PRC 21084.3), including possible capping, data recovery, mapping, or avoidance of the resource. Treatment that preserves or restores the cultural character and integrity of a tribal cultural resource may include tribal monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil. Work in the area may resume, at the direction of the District, upon completion of treatment. An Unanticipated Discoveries Evaluation and Treatment Plan shall be prepared before construction that details the procedures for dealing with unanticipated discoveries, including procedures that would be implemented for such discoveries that cannot be protected in place. The results of the identification, evaluation, and/or data recovery program for any unanticipated discoveries shall be presented in a professional-quality report that details all methods and findings, evaluates the nature and significance of the resources, analyzes and interprets the results, and distributes this information to the public.

2 COMMENTS AND RESPONSES



Comment Letter A2

San Francisco Bay Regional Water Quality Control Board

Sent via electronic mail: No hard copy to follow

March 17, 2021

Marin County Flood Control and Water Conservation District
3501 Civic Center Drive, Suite 304
San Rafael, CA 94903
Attn: Joanna Dixon
E-mail: cortemaderacreek@marincounty.org

Subject: Comments on the Draft Environmental Impact Report for the Corte Madera Creek Flood Risk Management Project, Phase 1, Marin County

Dear Ms. Dixon:

The San Francisco Bay Regional Water Quality Control Board (Water Board) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Corte Madera Creek Flood Risk Management Project, Phase 1 (Project). The Water Board has been an active partner through the Project's planning, design, and now regulatory compliance processes, and appreciates the Marin County Flood Control and Water Conservation District's (District's) willingness to collaborate with the Water Board and other resource and regulatory agencies.

In this letter, we would like to express our concerns with Alternative 1: Reduced Footprint – Avoid Frederick Allen Park (Alternative 1) and our support for the implementation of the proposed Project, Alternative 2: Boardwalk in Frederick Allen Park (Alternative 2) or Alternative 3: Reduce Concrete and Increase Natural Materials (Alternative 3).

A2-1

Alternative 1: Avoid Frederick Allen Park

Alternative 1 would avoid the concrete channel removal and floodplain restoration in Frederick Allen Park and instead construct four larger fish resting pools within the existing concrete channel adjacent to the park. This would substantially reduce the Project's benefits to the stream and riparian habitat and the species it supports as well as decrease the flood benefits of the Project. Though the construction of fish resting pools would enhance fish passage, it is unclear whether the Project can adequately compensate for impacts to aquatic life, habitat and water quality associated with the other components, if the stream and floodplain restoration of Frederick Allen Park is avoided.

A2-2

The floodwalls proposed in Unit 3 (floodwall segments 2 & 3) will permanently remove a large number of riparian trees that provide ecological functions to the stream, such as

A2-3

JIM McGRATH, CHAIR | MICHAEL MONTGOMERY, EXECUTIVE OFFICER

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2 COMMENTS AND RESPONSES

Ms. Joanna Dixon

- 2 -

Comments on the Draft EIR for the
Corte Madera Flood Risk Management Project

shade, organic material, etc. The Project appears to rely on the Frederick Allen Park stream and floodplain restoration component to mitigate these impacts and install replacement trees. If the Frederick Allen Park portion of the Project is not constructed, additional mitigation for floodwalls and permanent removal of riparian trees will be required for issuance of a 401 WQC to compensate for the permanent impacts on stream temperature and water quality. The Water Board requires that impacts to riparian trees be mitigated through the installation of replacement trees within a similar length riparian corridor. The further away these replacement trees are from the impact site, the larger the replacement/mitigation ratio (mitigation area or #: impact area or #) becomes.

A2-3
cont.

If alternative 1 is implemented, this would be a devastating missed opportunity to implement a groundbreaking ecologically engineered flood control project that includes significant long-term benefits to aquatic life, habitat and water quality as well as flood protection. The residents of the Town of Ross would miss a unique opportunity to integrate and enrich their park and lives with the beautiful and diverse ecosystem of Corte Madera Creek and become a leading example of a community that works together with nature to provide the solution to flooding issues that are attributed to a long history of development and infrastructure encroachment and confinement on Corte Madera Creek.

A2-4

Inclusion of Fredrick Allen Park Creek Restoration

The Water Board fully supports the Project as proposed and Alternatives 2 and 3, which include the stream and floodplain restoration at Fredrick Allen Park. We are in favor of the elevated boardwalk included in Alternative 2, which would allow increase infiltration and minimize disturbance to the restored floodplain. We are also in favor of the use of alternative materials other than concrete included in Alternative 3, but would want to review the potential benefits compared to impacts on riparian trees in more detail before making a final determination. Our primary focus, however, is the inclusion of the stream and floodplain restoration at Fredrick Allen Park.

A2-5

A2-6

A2-7

A2-8

The concrete removal at Fredrick Allen Park portion of the Project provides significant enough ecological benefits to potentially allow us to review the Project from a more holistic view as ecological restoration and enhancement. This could potentially eliminate our impact and mitigation concerns and would simplify the 401 WQC process.

A2-9

Marin County boasts a robust history of environmental activism that has resulted in the majority of their major waterways being left as natural channels with mature and highly valuable riparian and stream habitat. This portion of Corte Madera Creek is an unfortunate exception that has been constrained and contained in a ridged concrete structure, permanently eliminating and continually impacting many creek functions of a very important stream system and watershed. The concrete channel permanently prevents riparian, wetland, and floodplain vegetation growth and nutrient cycling. It eliminates infiltration and groundwater interactions, increases flow velocities, and reduces the channels ability to naturally sort and distribute sediment. The concrete

A2-10

A2-11

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2 COMMENTS AND RESPONSES

- 3 -

Ms. Cynthia J. Fowler

Comments on the Draft EIS/EIR for the
Corte Madera Flood Risk Management Project

channel severely impacts fish passage and habitat value of a major stream for Steelhead and other salmonids. All these functions and more would be restored if the concrete channel is removed and the stream and floodplain re-constructed as a naturalized reach, enhancing and restoring Corte Madera Creek's many beneficial uses, including cold freshwater habitat, fish migration, preservation of rare and endangered species, fish spawning, warm freshwater habitat, and wildlife habitat.

A2-11
cont.

Including the Fredrick Allen Park restoration would increase flood protection benefits of the project and would provide increase resiliency to climate change. Impervious surfaces from development and infrastructure exacerbate the flood impacts of high intensity storm events, which are becoming more and more frequent as climate change influences atmospheric rivers and rising tides. Natural habitats such as floodplains, wetlands, and tidal marshes are much more resilient to these types of storm events with the added capacity for infiltration and vegetation helping slow and retain flood waters within the floodplain corridor instead of in developed areas.

A2-12

It is our view that the long-term benefits of removing the concrete channel at Fredrick Allen Park far outweigh the impacts of removing riparian canopy and mature oaks in the park. Impacted trees can grow back and be restored to their previous size over time through the restoration and monitoring plan that will be required for permitting. However, not taking this rare opportunity to remove the concrete channel at Fredrick Allen Park will continue to permanently isolate Corte Madera Creek from its natural processes, impact beneficial uses, and keep this valuable resource trapped in its degraded condition. The Water Board fully supports the Project as proposed, which integrates ecological engineering principles to restore habitats that can flourish in flood conditions while also helping to reduce flood impacts on the surrounding developed areas.

A2-13

In closing, we appreciate the progress made towards a Project design that protects the beneficial uses of Corte Madera Creek, and look forward to continuing to work with the District to permit a project that reduces flooding while maximizing water quality benefits in the Corte Madera Creek Watershed. Please contact Nicole Fairley at nicole.fairley@waterboards.ca.gov with any questions or comments.

A2-14

Sincerely,



Nicole Fairley, P.E.
Water Resource Control
Engineer, Watershed Division

Cc: U.S. EPA, Region IX, Jennifer Siu, siu.jennifer@epa.gov

Dr. Terry F. Young, Chair | Bruce H. Wolfe, Executive Officer

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2 COMMENTS AND RESPONSES

Ms. Joanna Dixon

- 4 -

Comments on the Draft EIR for the
Corte Madera Flood Risk Management Project

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2 COMMENTS AND RESPONSES

2.3.2 Response to Comment Letter A2: San Francisco Bay Regional Water Quality Control Board

- A2-1 The commenter expresses concerns with Alternative 1: Reduced Footprint – Avoid Frederick Allen Park (Alternative 1) and support for the implementation of the proposed project, Alternative 2: Boardwalk in Frederick Allen Park (Alternative 2) or Alternative 3: Reduce Concrete and Increase Natural Materials.

Refer to Master Response 1 for the rationale behind District staff's recommendation to approve Alternative 1. Refer to Master Response 2 regarding the consideration of a natural material floodwall and the greater impacts of a natural material floodwall.

- A2-2 The commenter states that it is unclear whether Alternative 1 can compensate for impacts to aquatic life, water, and water quality if the Frederick Allen Park components are not constructed.

The environmental impacts and benefits of Alternative 1 are discussed in Chapter 5 of the Draft EIR. As discussed in Chapter 5 of the Draft EIR, Alternative 1 would include larger fish resting pools that would increase fish passage success to more than 90 percent. Fish passage success currently is less than 5 percent. Alternative 1 also would include enhancing the natural creek and processes by removing the dysfunctional Denil fish ladder, grading a smooth transition, increasing riparian plantings within the natural creek channel in Unit 4, and increasing saltwater marsh habitat in the lower College of Marin area. Because of the removal of the fish ladder and grading of the channel, an increase in natural channel area will result from project implementation. Alternative 1 will also result in a net removal of fill and increase in creek area from removal of the fish ladder.

- A2-3 The commenter states that additional mitigation for tree removal associated with floodwall installation will be required if the Frederick Allen Park portion of the project is not constructed.

Table 2.6-2 in the Draft EIR shows a conservative estimate of tree removal required for installation of the floodwalls in Unit 3 of the project area. The table also shows tree removal estimates, if USACE requires a 15-foot setback from the floodwall. The District currently is proposing to install the new floodwall on top of the existing floodwall. This approach would require substantially less tree removal than indicated in Table 2.6-2 in the Draft EIR; a total of 34 trees would be removed for the entire Alternative 1 construction based on the 60% design. As described in Section 3.3, Biological Resources (page 3.3-14), the riverine vegetation in Units 2 and 3 is sparse and provides little shade to the creek because the vegetation is separated from the creek by a 10-foot-tall concrete floodwall and concrete channel. Mitigation Measure 3.3-2b: Tree Mitigation includes mitigation for tree removal to comply with CDFW, Town of Ross, and Marin County guidelines. The updated tree removal estimate and approach to tree mitigation was included in the application for Section 401 Water Quality Certification.

2 COMMENTS AND RESPONSES

- A2-4 The commenter states that if Alternative 1 is implemented instead of the project, a huge opportunity would be missed to implement a groundbreaking ecologically engineered flood control project that includes significant long-term benefits to aquatic life, habitat and water quality as well as flood protection.

The commenter's preference for the proposed project is acknowledged. Refer to Master Response 1 regarding lack of Town of Ross support for the riparian restoration at Frederick Allen Park.

- A2-5 The commenter states that they fully support the project as proposed and Alternatives 2 and 3, which include the stream and floodplain restoration at Fredrick Allen Park.

The commenter's preference for the floodplain restoration at Frederick Allen Park is acknowledged. Refer to Master Response 1 regarding lack of Town of Ross support for the riparian restoration at Frederick Allen Park.

- A2-6 The commenter states that they are in favor of the elevated boardwalk included in Alternative 2, which would allow increase infiltration and minimize disturbance to the restored floodplain.

The commenter's preference for Alternative 2 is acknowledged. Refer to Master Response 1 regarding lack of Town of Ross support for the riparian restoration at Frederick Allen Park, including Alternative 2.

- A2-7 The commenter states they are in favor of the use of alternative materials other than concrete included in Alternative 3.

The commenter's preference for Alternative 3 is acknowledged. Refer to Master Response 2 regarding the constraints to a natural material floodwall.

- A2-8 The commenter states that their primary focus is the inclusion of the stream and floodplain restoration at Fredrick Allen Park.

The commenter's preference for stream and floodplain restoration at Frederick Allen Park is acknowledged. Refer to Master Response 1 regarding lack of Town of Ross support for the riparian restoration at Frederick Allen Park

- A2-9 The commenter states that the concrete removal at Fredrick Allen Park portion of the project provides significant enough ecological benefits to potentially allow us to review the project from a more holistic view as ecological restoration and enhancement. This could potentially eliminate our impact and mitigation concerns and would simplify the 401 Water Quality Certification process.

Refer to response to comment A2-2 regarding Alternative 1 benefits to water resources, including fish passage, removal of the existing fish ladder fill, expansion of the creek,

2 COMMENTS AND RESPONSES

increased riparian planting in Unit 4, and increased saltwater marsh habitat in the lower College of Marin area.

- A2-10 The commenter states that the portion of Corte Madera Creek covered by the project has been constrained and contained in a rigid concrete structure, permanently eliminating and continually impacting many creek functions of a very important stream system and watershed.

This comment describes the existing conditions of Corte Madera Creek, not the impacts of the project. The EIR evaluates impacts of the project, not the existing conditions or the effects of past projects.

- A2-11 The commenter states that concrete channel impacts fish passage and habitat value for steelhead and other salmonids and these functions and more would be restored if the concrete channel is removed and the stream and floodplain re-constructed as a naturalized reach.

This comment describes the existing condition of Corte Madera Creek. Refer to response to comment A2-2.

- A2-12 The commenter states that including the Fredrick Allen Park restoration would increase flood protection benefits of the project and would provide increased resiliency to climate change.

The increased flood protection benefits of the proposed project were documented in the Draft EIR and are discussed in Master Response 1. Both the proposed project and Alternative 1 would include increased saltwater marsh habitat in the lower College of Marin area, which provides increased resiliency to climate change.

- A2-13 The commenter believes that the long-term benefits of removing the concrete channel at Fredrick Allen Park outweigh the impacts of removing the tree canopy and mature oaks in the park because the trees will grow back; not removing the concrete channel will continue to isolate the creek from its natural processes and impact beneficial uses.

The comment discusses the impact of the existing condition and not the impact of the project. Refer to Master Response 1 regarding public support for Alternative 1. Alternative 1 would not preclude or conflict in any way with future Frederick Allen Park floodplain restoration should the concrete channel removal be supported by the community and Town of Ross in the future. Lack of public support has delayed any flood control project from happening in the area for 50 years. The Alternative 1 improvements to fish passage and flood control are substantial and are implementable within the project time schedule. The District staff are recommending the publicly-supported Alternative 1 so that the Alternative 1 improvements can be achieved in the near term. As noted in Draft EIR Chapter 5, Alternative 1 would meet most of the basic project objectives.

2 COMMENTS AND RESPONSES

A2-14 The commenter appreciates the project design progress and protection of Corte Madera Creek beneficial uses.

This commenter's interest in protecting the beneficial uses of Corte Madera Creek is acknowledged and have been considered in the design process.

2 COMMENTS AND RESPONSES



Comment Letter A3

MARIN COUNTY PARKS

Preservation • Recreation

MARIN COUNTY
P A R K S
PRESERVATION • RECREATION



OPEN SPACE DISTRICT
REGIONAL PARKS & PATHWAYS
COMMUNITY PARKS
LANDSCAPE SERVICES

Max Korten
DIRECTOR AND
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March 17, 2021

Joanna Dixon
Project Manager
3501 Civic Center Drive
Suite 304
San Rafael, CA 94903.

Re: Comments to Corte Madera Creek Flood Risk Management Project - Phase 1 Draft EIR

Dear Joanna,

Thank you for the opportunity to provide comments in response to the Corte Madera Creek Flood Risk Management Project, Phase 1 Draft EIR.

Marin County Parks has a vested interest in this project as we manage and/or maintain approximately 1.6 miles of the Corte Madera Multi-use pathway (Bike Route 20) between Hal Brown park and Ross Town Commons within the proposed project's scope.

We generally support the overall project objectives, especially as they relate to potential enhanced public recreation access along the creek corridor.

Recreation preservation and Pathway realignment

- Marin County Parks supports the proposed relocation of the multi-use pathway to the left bank within Unit 2 and those alternatives which will create the most recreational benefit for such relocation.
- Any proposed alternatives or modifications to the channel walls should not inhibit potential recreational opportunities, nor negatively impact existing multi-use path right-of-way or the existing recreation corridor as an important community recreation resource.
- All path designs, supporting elements, alignments and connections shall be designed to meet all current Americans with Disabilities Act (ADA) code requirements.

Construction Closures

- Parks understands the complexity of closures required for construction and recommends additional time be added beyond the 14-day noticing. Utilizing the project's public information program, allow for sufficient time to coordinate and communicate with key stakeholders and the public.
- Ensure all pathway stakeholders are informed of temporary closure plans and provide opportunity for input and feedback related to temporary directional signage and final re-routing.

A3-1

A3-2

A3-3

A3-4

A3-5

A3-6

2 COMMENTS AND RESPONSES

PG. 2 OF 2

- Temporary pathway and supporting signage during construction should meet all accessibility requirements as set forth under the Americans with Disabilities Act and CBC Title 24. We recommend the District to communicate and coordinate with the County Disability Coordinator. A3-7
- Consider installation of bike/pedestrian counters along Route 20 pre-construction, during the temporary closure of unofficial pathways, and post-construction to collect data on use. A3-8
- We support use of flaggers during construction to support and reinforce safety of bicycle, pedestrian, and vehicular traffic. A3-9

Operation and Maintenance

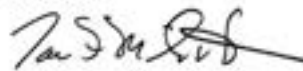
- Consider potential impacts (and solutions) of proposed tree plantings to pathway integrity and user safety (roots). A3-10
- Provide opportunity for input and feedback related to proposed tree selection and irrigation design. A3-11
- Pathway materials, design profiles, and supporting infrastructure should be selected with consideration of both short and long-term potential maintenance impacts and with input from Marin County Parks. A3-12
- Additional material and maintenance consideration should be directed to those areas which may be inundated by flood zones. A3-13

Aesthetics and Visual Resources

- Proposed fencing/guardrails should take into account visual impacts and be constructed of materials other than 'chainlink' to allow for improved aesthetic appeal as well as allowing for a stronger and more direct visual connection to the creek. A3-14
- Consider flood wall extension designs which may allow for future creative interventions or artistic installations (where appropriate) such as concrete forms, painted and/or mosaic murals which would enhance the user experience and provide for potential interpretive and educational moments. A3-15
- All wall heights and/or fencing/guardrails shall be designed to meet current safety regulations for bicycles and pedestrians. A3-16

Thank you for this opportunity and for consideration of our comments. We look forward to the release of the Final EIR document.

Sincerely,



Tara McIntire
Principal Landscape Architect
Marin County Parks

Cc: Max Korten – Director/General Manager
Chris Chamberlain – Assistant Director
Jim Chayka – Superintendent
Brian Sanford - Superintendent

2 COMMENTS AND RESPONSES

2.3.3 Response to Comment Letter A3: Marin County Parks

- A3-1 The commenter states they have a vested interest in the project and that they generally support the project objectives.

This commenter's support for the project objectives is acknowledged.

- A3-2 The commenter states their support of the proposed relocation of the multi-use pathway and those alternatives which will create the most recreational benefit for such relocation.

This commenter's support for recreational benefits is acknowledged. Relocation of the multi-use pathway within Unit 2 is not proposed as part of the project. However, the floodwall in Unit 2 would not preclude and could accommodate relocation of the multi-use pathway to the left bank in the future, as part of a separate effort.

- A3-3 The commenter states that alternatives or modifications to the channel walls should not inhibit potential recreational opportunities or impact the existing multi-use path.

As described on pages 3.12-10 and 3.12-11 of the Draft EIR, project operation would not impact Bike Route 20 (existing multi-use path) or unnamed paths #1, #2, and #3. Access along Bike Route 20 would be maintained during construction, except for the portion in Frederick Allen Park, and access along the unnamed paths would be restored after construction is complete.

- A3-4 The commenter states that all path designs, supporting elements, alignments and connections shall be designed to meet all current Americans with Disabilities Act (ADA) code requirements.

The only path modification included as a part of the proposed project involved realignment of the pathway in Frederick Allen Park. Any path modification would be designed to meet ADA requirements. See Master Response 1 regarding staff recommendation to adopt for Alternative 1, which does not involve modification of the pathway.

- A3-5 The commenter requested additional time for public noticing beyond the 14 days.

Mitigation Measure 3.13-1: Traffic Management has been revised as shown under response to comment A3-7, to increase the notification period to 20 days in response to the comment.

- A3-6 The commenter suggests that pathway stakeholders be informed of temporary closure plans and given the opportunity to provide input and feedback.

The Draft EIR included Mitigation Measure 3.13-1: Traffic Management, which requires preparation of a Traffic Management Plan (TMP), which would include a detour plan for bicycle and pedestrian traffic, showing the approach to reroute traffic on Bike Route 20 to Poplar/Kent Avenue from the College of Marin parking lot to Ross Common. The

2 COMMENTS AND RESPONSES

TMP also would implement a public information program to notify interested parties of the impending construction activities, using print media, radio, and/or web-based messages and information. See also Master Response 1 regarding staff recommendation to adopt Alternative 1, which would not require closure of Bike Route 20.

- A3-7 The commenter states that the temporary pathway detour and associated signage during construction should meet all accessibility requirements as set forth under the Americans with Disabilities Act and CBC Title 24.

Mitigation measure 3.13-1: Traffic Management has been revised as follows to indicate that the temporary pathway detour and associated signage during construction would meet all accessibility requirements stated under the Americans with Disabilities Act and CBC Title 24. The change to the mitigation measure is provided for clarification in response to comment. See also Master Response 1 regarding staff recommendation to adopt Alternative 1, which would not require a temporary pathway detour.

Mitigation: Mitigation Measure 3.13-1: Traffic Management

Prior to initiation of construction, the project contractor(s) shall use a qualified traffic engineer to prepare a Traffic Management Plan (TMP). The TMP shall be developed on the basis of detailed design plans. The TMP shall be reviewed and approved by the District and agencies with jurisdiction over roadways affected by project construction activities prior to construction. Once approved, the TMP shall be incorporated into the contract documents specification. The TMP shall include, but not necessarily be limited to, the elements listed below:

- Develop a detour plan for bicycle and pedestrian traffic that shows the approach to reroute traffic on Bike Route 20 to Poplar/Kent Avenue from the College of Marin Parking lot to Ross Common.
- Post temporary Bike Route 20 detour and associated signage that meets all the accessibility requirements stated under the Americans with Disabilities Act and CBC Title 24.
- Post signs providing public notice of detours at least ~~14~~20 days prior to temporary bike route closure.
- Provide flaggers at the tennis courts within Frederick Allen Park to provide safe pedestrian access to the tennis courts.
- Control and monitor construction-vehicle movements by enforcing standard construction specifications through periodic on-site inspections.
- Install traffic-control devices where traffic conditions warrant, as specified in the applicable jurisdiction's standards (e.g., the California Manual on Uniform Traffic Control Devices; Part 6: Temporary Traffic Control); flaggers would be used, when warranted, to control vehicle movements.

2 COMMENTS AND RESPONSES

- Implement a public information program to notify interested parties of the impending construction activities using means such as print media, radio, and/or web-based messages and information.
- Comply with roadside safety protocols to reduce the risk of accidents.
- Maintain access for emergency vehicles at all times. Provide advance notification to local police, fire, and emergency service providers of the timing, location, and duration of construction activities that could affect the movement of emergency vehicles on area roadways.
- Store all equipment and materials in designated contractor staging areas on or adjacent to the worksite in such a manner as to minimize obstruction to traffic.

A3-8 The commenter suggests that the District consider installation of counters along Bike Route 20.

CEQA requires implementation of mitigation measures that reduce the significant impacts of a project. The installation of traffic counters on Bike Route 20 would not reduce any significant project impacts.

A3-9 The commenter states their support for use of flaggers during construction to reinforce the safety of bicycle, pedestrian, and vehicular traffic.

Mitigation Measure 3.13-1: Traffic Management includes the use of flaggers for pedestrian, bicycle, and vehicular safety as suggested in the comment.

A3-10 The commenter requests consideration for impacts of plantings on the pathway integrity.

The types of trees that were proposed for planting in Frederick Allen Park would be compatible with park use, including the multi-use pathway (Bike Route 20). See Master Response 1 regarding staff recommendation to adopt Alternative 1, which would not involve any plantings in Frederick Allen Park.

A3-11 The commenter states that there should be an opportunity for input and feedback related to the proposed tree selection and irrigation design.

The proposed project would require design review, including review of landscape plans by the Town of Ross, before any tree planting, as discussed in response to comment A5-6 below. The tree selection and irrigation design would be included in the landscape plan. The design review process and landscape plan would include opportunity for public input and feedback. See Master Response 1 regarding staff recommendation to adopt Alternative 1, which would not involve any plantings in Frederick Allen Park.

A3-12 The commenter states pathway materials, design profiles, and supporting infrastructure should consider short and long-term maintenance impacts and be chosen with input from Marin County Parks.

2 COMMENTS AND RESPONSES

The District would coordinate with Marin County Parks during the pathway design process, if there are any modifications to the pathway. See Master Response 1 regarding staff recommendation to adopt Alternative 1, which would not involve any plantings in Frederick Allen Park.

- A3-13 The commenter states that additional material and maintenance consideration should be directed to those areas which may be inundated by flood zones.

The District has considered pathway materials and maintenance requirements in the proposed project design. The pathway would be inundated very infrequently and only during large storm events because the pathway would be elevated above the creek. See Master Response 1 regarding staff recommendation to adopt Alternative 1, which would not involve any plantings in Frederick Allen Park.

- A3-14 The commenter states that visual impacts of proposed fencing and guardrails should be considered.

The proposed project would include a split-rail fence in Frederick Allen Park, as discussed on page 2-19 of the Draft EIR. The split-rail fence would be installed along the top of the channel in the park, to prevent encroachment into habitat areas during the vegetation establishment period. The split-rail fence could be removed after the habitat is established.

The floodwall in Units 3 and 2 would be constructed on top of the existing concrete channel wall as a structural extension of the existing channel structure, to provide additional flood control. A fence would be installed on top of the concrete wall as needed for public safety. The fence design would need to consider public safety and maintenance requirements. A fence currently is on top of the concrete wall, and the proposed fence would appear visually similar to the existing fence.

- A3-15 The commenter states that the District should consider a design that would allow for murals or other art or education forms along the floodwalls.

The proposed floodwalls in Frederick Allen Park would be approximately 2 feet high and likely would be too short to allow murals. The proposed retaining wall in Frederick Allen Park would be approximately 10 feet high, and the floodwalls in Units 3 would be approximately 2 to 4 feet high and up to 6 feet high in low-lying areas. Murals would not be part of the project objectives, but the proposed project would not preclude future murals, assuming the murals would be consistent with the flood control and habitat objectives.

- A3-16 The commenter states that floodwall and fencing heights should be designed to meet current safety regulations for bicycles and pedestrians.

The floodwall and fence heights would be designed to meet all safety standards and requirements.

2 COMMENTS AND RESPONSES

Comment Letter A4

----- Forwarded message -----

From: **Steve Moore** <smoore@rvsd.org>

Date: Wed, Feb 3, 2021 at 4:29 PM

Subject: Comments on Corte Madera Creek Draft EIR, February 2021

To: cortemaderacreek@marincounty.org <cortemaderacreek@marincounty.org>

CC: Dixon, Joanna <JDixon@marincounty.org>, Sandra Guldman <sandra.guldman@gmail.com>

Thank you for the opportunity to comment on the Draft EIR. RVSD has one comment on 3.15 Utilities and Service Systems portion of the document.

A4-1

Page 3.15-2: The sewer line that crosses Corte Madera Creek at the end of Stadium Way passes beneath the concrete channel in a siphon structure near and parallel to the pedestrian bridge, and does not cross the creek on the pedestrian bridge.

Best regards,

Steve Moore, P.E., General Manager

Ross Valley Sanitary District

[2960 Kerner Blvd., San Rafael, CA 94901](#)

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

2 COMMENTS AND RESPONSES

2.3.4 Response to Comment Letter A4: Ross Valley Sanitary District

- A4-1 The commenter states that the description of the sewer line that crosses Corte Madera Creek at the end of Stadium Way is incorrect and the sewer line passes beneath the concrete channel in a siphon structure near and parallel to the pedestrian bridge.

Page 3.15-2 of the Draft EIR has been revised as follows to reflect the correct alignment of the sewer line.

RVSD sanitary sewer lines run beneath Corte Madera Creek in a northwest/southeast direction within the project area from the southern end of Unit 4 near the fish ladder to near the end of Unit 2. The sewer lines cross beneath Corte Madera Creek at the approximate location of the fish ladder and at Stadium Way in Unit 2 (refer to Figure 3.15-1 to Figure 3.15-3). The sewer line that crosses Corte Madera Creek at the end of Stadium Way passes beneath the concrete channel in a siphon structure adjacent to the pedestrian bridge. ~~An aboveground sewer pipe crosses the creek on the pedestrian bridge at the end of Stadium Way (Figure 3.15-3).~~

2 COMMENTS AND RESPONSES



Comment Letter A5

March 15, 2021

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
FEBRUARY 1, 2021 DRAFT ENVIRONMENTAL IMPACT REPORT

Dear Ms. Dixon:

Thank you for the opportunity to provide comments regarding the Corte Madera Creek Flood Risk Management Project Phase One (the Project) Draft Environmental Impact Report (DEIR) released for public comment on February 1, 2021. 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 in the Project, a responsible agency, and as a partner, is concerned over the proposed project's extensive modifications to Frederick Allen Park including the extensive construction activities, extensive tree removal, and unavoidable aesthetic impacts and wants to ensure that the integrity of the information and analysis provided by the EIR for the proposed project and the alternatives is sufficient to adequately evaluate the potential project impacts that are likely to occur within the Town.

EXECUTIVE SUMMARY:

- On page ES-9 the Impact and Mitigation Measure (MM) labels are not consistent with the labels in the Mitigation Monitoring and Reporting Program (MMRP): Impact/MM 3.1-2 and Impact/MM 3.1-3, respectively. In other words, the reference on page ES-9 to the measure requiring the integration of large box into the planting plan and design for Frederick Allen Park should be to MM 3.1-3, not MM 3.1-2 as there is no such mitigation measure 3.1-2 proposed in the DEIR.
- On page ES-11 under the section ES.5 Summary of Alternatives to the Project, each of the Alternatives (1, 2, and 3) should provide a statement on the long-term impacts on GHG emissions.
- Page ES-14, ES.8.1 states that the impact to visual quality would be significant and unavoidable for 10 years while the trees grow. This does not appear to be supported by the visual simulations in Chapter 3.1, which show pre-project shading closer to a 20-year growth.
- On page ES-15 under ES.8.1 Major EIR Conclusions, the increase in water surface elevation within the new riparian channel and resultant backwater flow out to the municipal storm drain system of pipes and channels should be mentioned.
- The text on Page ES-17 states that mitigation is large tree planting. Page 2-37 references 24" and 36" box trees. A detailed definition of "large tree planting" should be provided, including the beginning height of 24" and 36" box trees.

A5-1

A5-2

A5-3

A5-4

A5-5

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2 COMMENTS AND RESPONSES

1 INTRODUCTION:

- On page 1-5 under the section 1.4.4 Town of Ross, the EIR should be revised to also acknowledge that the project will also require the Town of Ross to approve discretionary Design Review, Building, Grading, and Encroachment Permits. A5-6

2 PROJECT DESCRIPTION:

- On page 2-6, Figure 2.3-2 the Water Year axis should continue through 2019 to demonstrate how the large storms in 2017-2019 compared to other year storms. Same figure to be updated on page 3.9-16, Figure 3.9-2. A5-7
- On page 2-17 figure 2.5-4 should clearly show the existing concrete channel walls on both sides of the channel for ease of reference. A5-8
- On page 2-34 under the section 2.6.4 Grading, the concrete apron at the transition between Unit 3 and Unit 4 should be mentioned and described. A5-9
- On page 2-42 under the section 2.7.2 Maintenance, the maintenance MOU or other process for the condition in Frederick Allen Park where the natural amenities of the new floodplain park will overlap both District and Town of Ross properties/jurisdictions should be mentioned and described. A5-10
- On page 2-42 under the same section, vegetation management should include care and establishment of replacement trees in the floodplain park. A5-11
- On page 2-42 vegetation management goals should include a fourth goal: "Revegetation of park for visual amenity and shade" A5-12
- On page 2-44 Table 2.8-1 should be revised to acknowledge that the project will also require the Town of Ross to approve discretionary Design Review, Grading Permit, Building Permit, and Encroachment Permit. A5-13

3.1 AESTHETICS AND VISUAL RESOURCES:

- Chapter 3.1 uses the Federal Highway Administration Guidelines to evaluate visual quality. For portions of the project within Ross, visual quality should be evaluated as it relates to the Town of Ross design review criteria and standards, Section 18.41.100 of the Town of Ross Municipal Code. A5-14
- On page 3.1-8 Figure 3.1-5 is the same photo as Figure 3.1-4 and does not show what Figure 3.1-5 describes (i.e., Upper Unit 3 Fish Pools from Kentfield Hospital Bridge, Looking Southeast). A5-15
- In Section 3.1.5 on pages 3.1-13 and 3.1-14, the regulatory setting discussion pertaining to the Town should also refer to and discuss the Town's Design Review Ordinance (Town of Ross Municipal Code, Chapter 18.41, including that Ordinance's purpose, application to the project and criteria and standards; and the Aesthetics and Visual Resources impact analysis in DEIR Chapter 3.1 should be revised to analyze the proposed project's consistency with the Design Review Ordinance and impose mitigation necessary to ensure consistency therewith as needed. A5-16
- Page 3.1-15 should include the Ross General Plan policy, "3.2 Landscape Design. Where appropriate, encourage landscape designs that incorporate existing native vegetation, enhance the cohesiveness of the Town's lush, organic landscape and integrate new planting with existing site features," and the Aesthetics and Visual Resources impact analysis in DEIR Chapter 3.1 should be revised to address how the proposed project is or is not consistent with this policy. A5-17
- In addition to requiring tree removal permits and mandating tree replacement standards, the Town's Tree Protection Ordinance in Chapter 12.24 of the Town Municipal Code also requires a tree protection plan to ensure the continued health and viability of trees to be retained within a project's active work zone. The DEIR's impact analysis in impact 3.1-2 and impact 3.3-5 should be revised to address the project's consistency with the entirety of the Town's Tree Protection Ordinance, including the tree protection plan provision. Given the proposed project's extensive work within Frederick Allen Park, it seems highly likely that Park trees not slated for outright removal may still be impacted and A5-18

2 COMMENTS AND RESPONSES

thus require special attention to ensure their continued health (e.g., fencing to demarcate and exclusion of work from within arborist-recommended non-intrusion zones). Given that the proposed project does not entail such a tree protection plan for trees within Frederick Allen Park that will be retained, the Town believes there is a conflict and potential impact requiring a mitigation measure to ensure the protection of such trees consistent with the tree protection plan provisions of the Town's Tree Protection Ordinance. Because of this potential impact to scenic resources, mitigation measures shall be added requiring, at a minimum, arborist's report and tree protection information, including non-intrusion zones, consistent with Ross Municipal Code section 12.24.100	A5-18 cont.
- Page 3.1-20 discusses the project objective of improvement to natural creek processes under the Town of Ross General Plan. This should also address the General Plan goals and policies related to landscape design.	A5-19
- There is only one key observation point (KOP) listed on page 3.1-21 that is within Frederick Allen Park. The EIR states that the visual simulations prepared for that KOP show mitigation of the significant impact to aesthetics after 10 years. The analysis should include other KOPs within the Park including specifically a KOP taken from the fish ladder location facing downstream. If a statement of overriding considerations is adopted for the project, it should consider whether all aesthetics impacts will be mitigated for after 10 years or if the aesthetics impacts will not be mitigated for 20 or 30 years (or longer) at some KOPs.	A5-20
- On page 3.1-24 under Operations and Maintenance, Unit 3 Frederick Allen Park, there shall be some mention of the District's maintenance responsibilities of the park trees during the 10 to 20year propagation period and how that would be included in any associated MOU with the Town of Ross.	A5-21
- On page 3.1-26, the discussion includes a statement that with mitigation, after approximately 10 years, impacts to visual character and quality would become less than significant and that after 20 years, there would be a benefit to visual character and quality. However, the footnote on the page prior states that the scale and scope of tree planting is subject to United States Army Corps of Engineers (USACE) authorization. It should be clearly indicated that the significant and unavoidable impacts to aesthetics and visual resources could be limited in term as stated but could also be permanent if USACE authorization does not allow for adequate planting of replacement trees.	A5-22
- On Page 3.1-28 under Mitigation Measure 3.1-3: Large Tree Planting, Town staff shall provide the final desired specificity to the large box tree planting requirement including exact size of large box trees and species. Further, the final tree and landscape planting plan be provided to the Town for review and approval at least 90 days prior to landscaping.	A5-23
3.6 GEOLOGY AND SOILS:	
- On page 3.6-23 under the section Operation and Maintenance, the maintenance MOU or other process for the condition in Frederick Allen park where the natural amenities of the new floodplain park will overlap both District and Town of Ross properties/jurisdictions should be mentioned and described.	A5-24
3.7 GREENHOUSE GAS EMISSIONS:	
- The discussion of the recommended actions from the Town's Climate Action Plan on page 3.7-10 should also include the following recommended actions: <ul style="list-style-type: none">▪ Continue to enforce policies and programs that regulate the removal and replacement of significant trees.▪ To the extent possible, require new development to be planned around existing trees.▪ Support the preservation and creation of conservation areas that provide carbon sequestration benefits, such as those with tree cover.	A5-25

2 COMMENTS AND RESPONSES

3.9 HYDROLOGY AND WATER QUALITY:

- On page 3.9-9 under the section Storm Drainage System, the mechanism by which stormwater runoff collects from drainage areas throughout the watershed and is routed by the municipal storm drain system into the channel will be compromised by the increase in water surface elevation within the proposed project channel. This is an impact that requires mitigation and shall be addressed. A5-26
- On page 3.9-16 under Floodway and Tsunami Inundation Zones, it shall be mentioned that a FEMA CLOMR will be required wherever the proposed project causes an increase in the 100-year base flood elevation within the regulatory floodway. A5-27
- On page 3.9-60 under "Summary of Project Benefits" there is no metric assigned to how a parcel would receive a benefit from flood reduction. The County shall perform detailed property elevation surveys to provide a clearer understanding of any material flood risk reduction potential to structures as well as the specific impacts to properties along the creek. A5-28

3.11 PUBLIC SERVICES:

- Impact 3.11-2 should be identified as Potentially Significant for operation and maintenance and the mitigation should be that the District will enter into a maintenance agreement with the Town of Ross to maintain all vegetation, stream channel, fencing, walls, and pathways and to correct erosion or flooding issues. A5-29

3.12 RECREATION

- Page 3.12-15 under the section Unit 3 Frederick Allen Park second paragraph includes the phrase, "Because of the very infrequent and short duration of temporary park closures due to flooding". What level of storm event would lead to closure of the multi-use pathway and how frequently has that level of storm occurred in the last 10 years and 20 years? A5-30

3.15 UTILITIES AND SERVICE SYSTEMS:

- On page 3.15-12 under the section Wastewater Treatment and Storm Water Drainage Facilities, the re-routing or reconfiguration of the Ross municipal storm drain system into the new channel shall be addressed. A5-31

5 ALTERNATIVES:

- In General, the long-term impacts on GHG emissions for each of the alternatives shall be discussed. A5-32
- Page 5-25 under Greenhouse Gas Emissions for Alternative 1 it states that the number of trucks trips is only "slightly lower" than the proposed project. This statement is not consistent with the fact that the Frederick Allen Park component of the proposed project contributes 2002 one-way truck trips or 43% of the total truck trips for all project elements. The statement should be revised or supported by additional explanation. A5-33

MITIGATION MONITORING AND REPORTING PROGRAM:

- Mitigation Measure 3.1-3 Large Tree Planting should include "After construction" for implementation Timing and should explicitly state that the District is responsible for maintaining replacement trees until they become established and for replacing dead trees for a period of no less than ten years. A5-34

OTHER:

- Because the project applicant/proponent specifically states "fiscally responsible" as one of the project objectives, project cost estimates shall be prepared for the proposed Project and the Alternatives for the portion of the work in Ross and entire project length. Further, an evaluation of the cost-benefit A5-35

2 COMMENTS AND RESPONSES

analysis, similar to that provided by the USACE, should be provided to compare Alternative 1 with the proposed project.

↑ A5-35
cont.

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 Final EIR.

Sincerely,



Joe Chinn
Town Manager

cc: Mayor Julie McMillan and Council Members

2 COMMENTS AND RESPONSES

2.3.5 Response to Comment Letter A5: Town of Ross

- A5-1 The commenter states that there are inconsistencies with the mitigation measure labels in the Executive Summary and the Mitigation Monitoring and Reporting Program

Page ES-9, Section ES.3.1 has been revised as follows to correct the mitigation measure label.

The District would implement Mitigation Measure ~~3.1-2~~ 3.1-3: Large Tree Planting, which requires integrating large box trees into the planting plan and design for Frederick Allen Park.

- A5-2 The commenter states that the description of the alternatives in the Executive Summary should include a statement on the long-term impacts on GHG emissions for each alternative.

Page ES-11, Section ES.5, Summary of Alternatives to the project, has been revised as follows to include a statement related to long-term GHG emissions under each alternative.

Compared to the proposed project, Alternative 1 would reduce short-term impacts on aesthetics, air quality, biological resources, geology and soils, GHG emission, hazardous materials, hydrology and water quality, noise, recreation, transportation and circulation, and utilities. Alternative 1 would avoid the significant and unavoidable impact on visual quality. Alternative 1 would result in less long-term benefits to aesthetics, biological resources, geology and soils, hydrology and water quality, and recreation than the proposed project and would provide less long-term GHG emission reduction benefits compared to the proposed project because Alternative 1 would involve less planting and natural stream processes that provide long-term GHG reductions through carbon sequestration. Alternative 1 would meet all feasibility criteria and would meet most project objectives.

Compared to the proposed project, Alternative 2 would result in reduced operational impacts and increased long-term benefits on biological resources, hydrology and water quality, hazards, recreation, and transportation and circulation. Compared to the proposed project, Alternative 2 would result in a minor long-term net benefit for GHG emissions. Alternative 2 would meet all feasibility criteria and all project objectives.

Compared to the proposed project, Alternative 3 would result in a slight reduction in long-term aesthetic, biological, and hydrology and water quality impacts than the proposed project. However, this alternative could result in slightly increased temporary air quality, GHG emissions, and energy impacts during construction due to increased import of materials. Alternative 3 would result in similar long-term GHG emission impacts as the proposed project.

2 COMMENTS AND RESPONSES

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2 COMMENTS AND RESPONSES

Page ES-28, Table ES-1 Summary of Impacts and Mitigation for the project, has been revised as follows to correct the mitigation measure label.

Impact	Level of Significance Before Mitigation	Mitigation Measures
Impact 3.12-3: The project could affect existing recreational opportunities.	Potentially Significant	Mitigation Measure 3.14-2 3.1-3: Large Tree Planting (see Aesthetics and Visual Resources above) Mitigation Measure 3.12-3: Temporary Shade Structures. The District shall coordinate with the Town of Ross to select the type and location for installation of temporary shade structures in Frederick Allen Park. The temporary shade structures shall be located along the edge of the Bike Route 20 multi-use path and at seating areas as needed to provide shade during the vegetation establishment period. The temporary shade structures shall be removed when the tree canopy has sufficiently established to provide afternoon shade of the pathway and as determined through coordination with the Town of Ross. The District will submit a draft plan for the shade structures to the Town of Ross no less than 60 days prior to construction. Mitigation Measure 3.14-1: Traffic Management (see Transportation and Circulation below)

Page G-15 of Appendix G Mitigation Monitoring and Reporting Program, Table G-1 Mitigation Measures, has been revised as follows to correct the mitigation measure label.

Significant Environmental Impact	Mitigation Measure	Application Location	Performance Criteria	Implemented By	Implementation Timing	Monitored By	Verified By (Date and Signature)
Impact 3.12-3: The project could affect existing recreational opportunities.	Mitigation Measure 3.14-2 3.1-3: Large Tree Planting (see Aesthetics and Visual Resources above)	<ul style="list-style-type: none">• See above	<ul style="list-style-type: none">• See above	<ul style="list-style-type: none">• The District• Contractor	<ul style="list-style-type: none">• Prior to construction• During construction		

2 COMMENTS AND RESPONSES

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2 COMMENTS AND RESPONSES

- A5-3 The commenter states that the significant and unavoidable impact to visual quality for 10 years until trees establish does not appear to be supported by the visual simulations, which show tree growth to pre-project conditions after 20 years.

Section 3.1-3, Impact Analysis, states that after 10 years, impacts on visual quality in Frederick Allen Park would be less than significant. The rationale for the impact becoming less than significant after 10 years of tree growth is provided on page 3.1-26 of the Draft EIR. Additional information on the growth rates of trees that are proposed in the Draft EIR landscape plan was presented at the Town of Ross meeting on May 13, 2021. The Town of Ross projected the following growth rates for trees that are proposed in Frederick Allen Park. As presented at the public meeting, many of the trees that are proposed in Frederick Allen Park would reach a height of 30 feet or more within 10 years based on their growth rates.

Plant Species	Growth Rate	Maturity (ft.)	Container Size
Acer macrophyllum, Big leaf maple	36"/yr.	Height: 30-70 Spread: 30-50	15 gal. 7-8 x 2-3 ft.
Acer negundo, Box elder	36"/yr.	Height: 40-50 Spread: 35-40	15 gal. 7-8 x 2-3 ft.
Alnus rhombifolia, White Alder	36"/yr.	Height: 50-90 Spread: 40-70	15 gal. 7-8 x 2-3 ft.
Cornus nuttalli, Western dogwood	24"/yr.	Height: 40-50 Spread: 20-25	5 gal. 1-2 ft.
Physocarpus capitatus, Pacific ninebark	24"/yr.	Shrub to 8 ft.	5 gal. 1-2 ft.
Quercus agrifolia, Coast live oak	12-24"/yr.	Height: 20-70 Spread: 20-70	36" box 12-14 x 5-6 ft.
Quercus lobata, Valley oak	24-36"/yr.	Height: 50-70 Spread: 50	24" box 8-10 x 2-4 ft.
Salix lasianra, Pacific willow	36"/yr.	Height: 10-40 Spread: 10-25	1 gal. 12" or less
Salix lasiolepis, Arroyo willow	36"/yr.	Height: 10-35 Spread: 10-25	1 gal. 12" or less
Salix sitkensis, Sitka willow	36"/yr.	Height: 23	1 gal. 12" or less
Umbellularia californica, Bay laurel	12-24"/yr.	Height: 60-80 Spread: 30-40	15 gal. 3-2 ft. 24" box 4-5 x 3-4 ft.

Source: (Town of Ross, 2021)

2 COMMENTS AND RESPONSES

- A5-4 The commenter states that Section ES.8.1 should mention the increase in water surface elevation within the new riparian channel and resultant backwater flow out to the municipal storm drain system of pipes and channels.

The project modeling shows an increased water surface elevation within Corte Madera Creek because the proposed project would keep more water within the Corte Madera Creek channel. If the increase in the creek water surface elevation could cause backwater flow out of the storm drain inlets, backflow preventers would be installed either at the creek outfall or at the storm drain inlets. Backflow preventers will be incorporated into the final design, where appropriate. The design process is discussed in Master Response 3, and additional details, such as backflow preventers will be included in the subsequent design.

- A5-5 The commenter states that the term “large tree planting” should be defined including the beginning height of 24-inch and 36-inch box trees.

The text of Mitigation Measure 3.1-3 is revised as follows:

Mitigation Measure 3.1-3: Large Tree Planting. The District will integrate ~~large box trees~~ 24-inch or 36-inch box trees into the final planting plan and design for Frederick Allen Park, to the extent ecologically appropriate for the proposed species. The Town of Ross will provide the desired size and species of trees to the District. The final planting plan will be provided to the Town of Ross for review and approval ~~comment~~ no less than 90 days prior to landscaping. The District will be responsible for maintaining replacement trees until they become established and for replacing dead trees for a period of no less than 10 years.

The text on page 2-37 of the Draft EIR has been revised as follows to include two table notes to define the approximately height of the 24-inch box and 36-inch box trees.

Common Name	Species Name	Size
Frederick Allen Park		
Coast live oak	<i>Quercus agrifolia</i>	36-inch box ^a
Valley oak	<i>Quercus lobata</i>	24-inch box ^a
^a <u>A 36-inch-box tree would be approximately 10 to 15 feet high, and a 24-inch-box tree would be approximately 8 to 12 feet high.</u>		
^{ab} The sizes indicated are minimum size requirements. Treepot 4 is a 4-inch square by 14-inch-deep pot.		

- A5-6 The commenter states the EIR should be revised to acknowledge that the project will also require the Town of Ross to approve discretionary Design Review, Building, Grading, and Encroachment Permits.

2 COMMENTS AND RESPONSES

Page 1-5 of the Draft EIR has been revised as follows to include Town of Ross approval of a discretionary Design Review permit. The building and grading permits are non-discretionary. The District would require an easement for long-term management of the proposed project/habitats and an encroachment permit is not anticipated to be necessary.

1.4.4 Town of Ross

The Town of Ross owns Frederick Allen Park. The District will need to obtain Town of Ross approval of an easement for construction and maintenance of project elements on Town property. The District would enter into a maintenance agreement with the Town regarding maintenance of project elements within Frederick Allen Park. The Town is a responsible agency under CEQA in the review of project elements within Town jurisdiction. The proposed project would require the Town's Design Review approval and an easement for construction and long-term management of the constructed habitats. In addition, a Town of Ross tree removal permit is would be required prior to removing trees within the Town of Ross.

- A5-7 The commenter states that in Figure 2.3-2 and Figure 3.9-2, the Water Year axis should continue through 2019.

Figures 2.3-2 and 3.9-2 in the Draft EIR were provided to illustrate the history of flooding in Ross Valley. The extension of the water year axis is not necessary to demonstrate that there is a history of flooding in Ross Valley.

- A5-8 The commenter states Figure 2.5-4 should clearly show the existing concrete channel walls on both sides of the channel for ease of reference.

Figure 2.5-4 shows the proposed landscape plan. Due to the relocation of the channel and the number of trees that are proposed, the existing concrete channel would obscure the graphic. An additional graphic of the area was prepared for a Town of Ross public workshop in April 2021 and markings were placed throughout the park to assist the public in understanding where the natural channel and proposed project elements would be located. This graphic is provided on the following page.

- A5-9 The commenter states that the concrete apron at the transition between Unit 3 and Unit 4 should be mentioned and described under Section 2.6.4, Grading.

Section 2.6.4, Grading, on page 2-34 has been revised as follows to describe the concrete apron at the transition between Unit 3 and Unit 4.

2.6.4 Grading

Project construction would require grading within the Corte Madera Creek channel and Frederick Allen Park. Areas of channel lowering (Unit 4) and concrete channel removal would be excavated (cut). In addition to earthen fill in

2 COMMENTS AND RESPONSES

some locations, rock placement would be needed for channel stability and to protect utilities. A concrete apron or half-ton rock would be installed where the fish ladder would be removed in Unit 4, to stabilize sediment and soils. Concrete would be used for the short floodwalls, for retaining walls, and to seal the excavated fish pools. Excavation and fill quantities for each project element are identified in Table 2.6-3.

- A5-10 The commenter states that a maintenance memorandum of understanding (MOU) for the project components in Frederick Allen Park that overlap both District and Town of Ross properties should be described in Section 2.7.2 Maintenance.

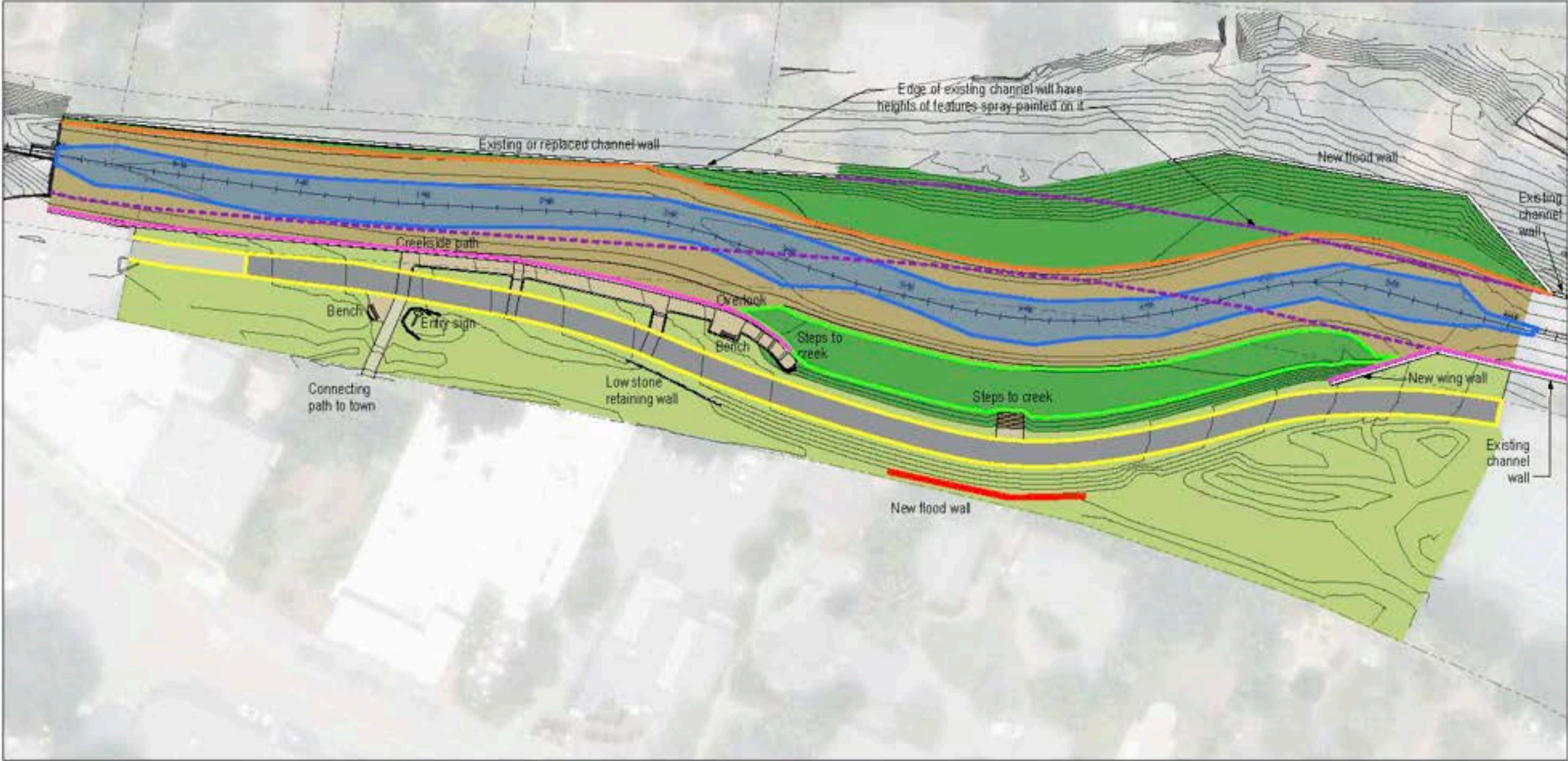
Section 2.7.2 of the Draft EIR (page 2-42) has been revised as follows to include a discussion of the maintenance agreement between the Town of Ross and the District for project elements in Frederick Allen Park.

2.7.2 Maintenance

Once constructed, the project would require ongoing maintenance activities. Maintenance would be similar to existing District maintenance on Corte Madera Creek; however, the newly constructed habitat would require additional landscape maintenance and vegetation management during the establishment period. Maintenance activities would include the following:

1. Vegetation management
2. Sediment and debris removal
3. Stormwater pump station maintenance
4. Annual floodwall and structure inspection and maintenance

Most maintenance activities would occur during the dry season from April 15 to October 15. The Town of Ross would need to grant an easement to the District for maintenance of project elements on Town property, specifically in Frederick Allen Park. As a part of the easement approval process, the District would enter into a maintenance agreement with the Town of Ross that would specify the District's and Town's responsibilities for maintenance of project elements in Frederick Allen Park.

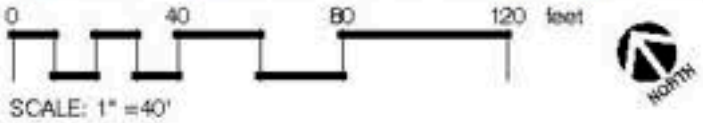


Park Overview

- Parcel boundaries
- Features
- Existing multiuse path
 - New multiuse path
 - Existing walk
 - New walk
 - Park landscape area
 - Creek riparian area
 - Creek natural channel
 - Creek base flow

Site Walk Legend

- Flood wall
- Channel retaining wall
- Existing channel wall to be removed
- Stream base flow
- Multiuse path
- Right bank floodplain
- Left bank earthen fill



CORTE MADERA CREEK
THROUGH FREDERICK ALLEN PARK



2 COMMENTS AND RESPONSES

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2 COMMENTS AND RESPONSES

- A5-11 The commenter states that Section 2.7.2, Maintenance should include care and establishment of replacement trees in the floodplain park.

Section 2.7.2 of the Draft EIR (page 2-42) has been revised as follows to include maintenance of replacement trees in Frederick Allen Park as a part of vegetation management activities.

Vegetation Management

Vegetation-management activities are employed to achieve three main goals:

1. Maintain channel flow capacity.
2. Reduce fire fuels.
3. Restore creek habitat by removing invasive nonnative plants and revegetating with native plants.

Vegetation management activities would not include ground-disturbing activities. These activities employ vegetation control methods such as cutting and removing invasive vegetation above the ground by hand or with loppers, hand saws, chainsaws, pole saws, weed eaters, and other hand tools. Removal of nonnative vegetation, tree removal, and thinning employ a mix of tools including chainsaws, loppers, hand saws, pole saws, hedge trimmers, and other hand tools. Vegetation management also would include maintenance of replacement trees planted in Frederick Allen Park, including monitoring the establishment of trees after planting.

- A5-12 The commenter states that vegetation management goals should include a fourth goal for revegetation of the park for visual amenity and shade.

The Town of Ross's Design Review process would include review of the landscape plans for visual amenities. Visual amenities and shade are not specific project goals.

- A5-13 The commenter states that Table 2.8-1 should include approval from the Town of Ross for Design Review, Grading Permit, Building Permit, and Encroachment Permit.

Page 2-44 (Table 2.8-1) of the Draft EIR has been revised as follows to include Town of Ross approval of discretionary Design Review. The building and grading permits would be non-discretionary. The Town of Ross anticipates that a long-term easement would be required for maintenance, in addition to construction, and an encroachment permit would not be required.

Town of Ross	Tree permit Easement <u>and MOU</u> for construction and maintenance within Frederick Allen Park (Town of Ross property) <u>Design review</u>
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2 COMMENTS AND RESPONSES

- A5-14 The commenter states that for portions of the project within Ross, visual quality should be evaluated as it relates to the Town of Ross design review criteria and standards, Section 18.41.100 of the Town of Ross Municipal Code.

Section 3.1.3 of the Draft EIR (page 3.1-2) has been revised as follows to describe how the Town of Ross's Design Review criteria and standards would be addressed through the Design Review process. In addition, the analysis under Impact 3.1-2 on page 3.1-2 has been revised (see response to comment A5-16) to analyze compliance with the Town of Ross's design review criteria and standards.

3.1.3 Aesthetic and Visual Concepts

Baseline aesthetic conditions are defined within the context of visual quality and visual sensitivity. For the purpose of this EIR, visual quality and visual sensitivity were defined consistent with the Federal Highway Administration (FHWA) Guidelines for the Visual Impact Assessment of Highway Projects (U.S. Department of Transportation Federal Highway Administration, 2015) the project is not a highway project, the FHWA guidance was used to evaluate overall baseline visual quality in the project area because Marin County has not developed their own guidance for evaluating visual quality and the FHWA guidance was developed to address visual impacts in urban environments, similar to the visual environment of the proposed project. The Town of Ross's design review criteria and standards (Section 18.41.100 of the Town of Ross Municipal Code) would be addressed during the Town of Ross design review process.

- A5-15 The commenter states that Figure 3.1-5 is the same photo as Figure 3.1-4 and does not match the description.

Figure 3.1-5 in the Draft EIR has been updated with the correct photo as follows.

Figure 3.1-5 Photograph 8: View of Upper Unit 3 Fish Pools from Kentfield Hospital Bridge, Looking Southeast



- A5-16 The commenter states that Section 3.1 should include a discussion of the Town's Design Review Ordinance in the regulatory setting and the impact analysis.

2 COMMENTS AND RESPONSES

Page 3.1-15 has been revised in the Draft EIR as follows to include a discussion of the Town of Ross's Design Review Ordinance.

Chapter 18.41, Design Review

Purpose (b): This chapter is intended to guide new development, to preserve and enhance these special qualities of Ross, and to sustain the beauty of the town's environment.

Section 18.41.100 Design Review Criteria and Standards.

(a) Preservation of Natural Areas and Existing Site Conditions.

(1) The existing landscape should be preserved in its natural state by keeping the removal of trees, vegetation, rocks, and soil to a minimum. Development should minimize the amount of native vegetation clearing, grading, cutting, and filling, and maximize the retention and preservation of natural elevations, ridgelines and natural features, including lands too steep for development, geologically unstable areas, wooded canyons, areas containing significant native flora and fauna, rock outcroppings, view sites, watersheds and watercourses, considering zones of defensible space appropriate to prevent the spread of fire.

(2) Sites should be kept in harmony with the general appearance of neighboring landscape. All disturbed areas should be finished to a natural-appearing configuration and planted or seeded to prevent erosion.

(d) Materials and Colors.

(2) Natural materials such as wood and stone are preferred, and manufactured materials such as concrete, stucco or metal should be used in moderation to avoid visual conflicts with the natural setting of the structure.

(3) Soft and muted colors in the earth-tone and wood-tone range are preferred and generally should predominate.

(g) Fences and Screening.

Fences and walls should be designed and located to be architecturally compatible with the design of the building. They should be aesthetically attractive and not create a "walled-in" feeling or a harsh, solid expanse when viewed from adjacent vantage points. Front yard fences and walls should be set back sufficient distance from the property line to allow for installation of a landscape buffer to soften the visual appearance. Transparent front yard fences and gates over four feet tall may be permitted if the design and landscaping is compatible and consistent with the design, height and character of fences and landscaping in the neighborhood. Front yard vehicular gates should be transparent to let light and lines of sight through the gate. Solid walls and fences over four feet in height are generally discouraged on property lines adjacent to a right-of-way but may be

2 COMMENTS AND RESPONSES

permitted for properties adjacent to Poplar Avenue and Sir Francis Drake Boulevard based on the quality of the design, materials, and landscaping proposed. Driveway gates should be automatic to encourage use of onsite parking. Pedestrian gates are encouraged for safety, egress, and to encourage multi-modal transportation and pedestrian-friendly neighborhood character.

(h) Views.

Views of the hills and ridgelines from public streets and parks should be preserved where possible through appropriate siting of improvements and through selection of an appropriate building design including height, architectural style, roof pitch and number of stories.

(i) Natural Environment.

(1) The high-quality and fragile natural environment should be preserved and maintained through protecting scenic resources (ridgelines, hillsides, trees and tree groves), vegetation and wildlife habitat, creeks, drainageways threatened and endangered species habitat, open space and areas necessary to protect community health and safety.

(j) Landscaping.

(1) Attractive, fire-resistant, native species are preferred. Landscaping should be integrated into the architectural scheme to accent and enhance the appearance of the development. Trees on the site, along public or private streets and within twenty feet of common property lines, should be protected and preserved in site planning. Replacement trees should be provided for trees removed or affected by development. Native trees should be replaced with the same or similar species. Landscaping should include planting of additional street trees as necessary.

(2) Landscaping should include appropriate plantings to soften or screen the appearance of structures as seen from off-site locations and to screen architectural and mechanical elements such as foundations, retaining walls, condensers and transformers.

(3) Landscape plans should include appropriate plantings to repair, reseed and/or replant disturbed areas to prevent erosion.

(4) Landscape plans should create and maintain defensible spaces around buildings and structures as appropriate to prevent the spread of wildfire.

(5) Wherever possible, residential development should be designed to preserve, protect and restore native site vegetation and habitat. In addition, where possible and appropriate, invasive vegetation should be removed.

2 COMMENTS AND RESPONSES

Page 3.1-21 (Impact 3.1-2) has been revised in the Draft EIR as follows to include a discussion of the proposed project's consistency with the Design Review criteria and standards.

Section 18.41.100 of the Municipal Code provides guidelines for development in the Town of Ross. The Town of Ross would be responsible for verifying that the proposed project complies with the Town's Design Review guidelines through the Design Review process. The following analysis is presented for informational purposes only and does not replace the Town of Ross's independent Design Review.

The proposed project would involve removal of trees and vegetation to construct a new riparian floodplain and natural creek channel. As discussed previously, the proposed project would adhere to mitigation ratios and tree replacement standards in the Town of Ross's Municipal Code and would involve planting riparian vegetation, to enhance habitat along the creek. Disturbed areas would be revegetated and planted with new trees, to maintain and enhance the landscape habitat along the creek. The proposed project also would remove the concrete walls within the creek channel and replace the concrete channel with a natural creek channel, which would be consistent with Section 18.41.100(a) of the Municipal Code. Therefore, the proposed project would comply with Design Review criteria and standards (a), Preservation of Natural Areas and Existing Site Conditions, and no impact would occur.

The concrete retaining wall in Frederick Allen Park would not extend above the ground surface and would be shorter than the existing concrete channel wall. Project landscaping and vegetation would minimize the visual contrast of the retaining wall with the surrounding area. The retaining wall would not conflict with the surrounding natural setting. The new floodwall in Frederick Allen Park would be 2 feet high and also would be screened by landscaping and native vegetation. Because native vegetation would be visible along the expanse of the floodwall, the floodwall would not conflict with the surrounding natural setting. The proposed project would result in a substantial net reduction in concrete in Frederick Allen Park and increase in use of natural materials, compared to existing conditions, and would comply with design review criteria and standards (d) Materials and Colors.

The proposed project would include a split-rail fence in Frederick Allen Park, which would be installed along the top of the channel to prevent encroachment into habitat areas during the vegetation establishment period. The split-rail fence could be removed after the habitat is established. The split-rail fence would not create a solid expanse and would allow light and lines of site through the spaces in the fence. The fence would not conflict with design review criteria and standards (g) Fences and Screening, and no impact would occur.

2 COMMENTS AND RESPONSES

As described under Impact 3.1-1, the proposed project would not impact scenic vistas or views, including views of hillsides and ridgelines. The proposed project would not conflict with Design Review criteria and standards (h) Views because the project elements would be low-lying and would not block any views of scenic vistas or ridgelines. Thus, no impact would occur.

The proposed project would not impact ridgelines, hillsides, or tree groves. The proposed project would replace the trees removed in Frederick Allen Park, in accordance with the Town of Ross's Municipal Code. The proposed project would include habitat enhancing elements, including riparian vegetation planting in Unit 4 and Upper Unit 3, and concrete channel removal in Upper Unit 3 and lower Unit 2. The proposed project would result in more natural creek conditions and enhanced habitat and would comply with the natural environment guideline (Section 18.41.100[i] of the Municipal Code). Therefore, the proposed project would not conflict with Design Review criteria and standards (i) Natural Environment. No impact would occur.

As discussed above, the proposed project would involve riparian vegetation planting, and trees proposed for removal would be replaced, per the Town of Ross's Municipal Code. Graded areas in Frederick Allen Park would be revegetated to prevent erosion. After being constructed, the proposed project would require ongoing vegetation management as a part of maintenance activities, which would include removal of invasive nonnative plants and revegetation with native plants. The proposed project would comply with design review criteria and standards (j) Landscaping. No impact would occur.

The proposed project would comply with all applicable Town of Ross design review criteria and standards and there would be no significant impact.

A5-17 The commenter states that Section 3.1 should include a discussion of Ross General Plan Policy 3.2, Landscape Design in the regulatory setting and in the impact analysis.

Page 3.1-15 has been revised in the Draft EIR as follows to include a discussion of the Town of Ross General Plan Policy 3.2.

3.2. Landscape Design. Where appropriate, encourage landscape designs that incorporate existing native vegetation, enhance the cohesiveness of the Town's lush, organic landscape, and integrate new planting with existing site features.

Page 3.1-21 (Impact 3.1-2) has been revised in the Draft EIR to include a discussion of the proposed project's consistency with this General Plan policy.

As discussed above under Goal 1, the proposed project would involve native riparian vegetation planting within Unit 4 and Upper Unit 3 (Frederick Allen Park), which would improve the existing riparian habitat adjacent to the creek. The proposed project would involve native tree planting in the park, including

2 COMMENTS AND RESPONSES

willows along the channel. The proposed project would be consistent with Policy 3.2 because landscaping would include planting native vegetation that would enhance the existing environment and have a beneficial impact on riparian habitat.

- A5-18 The commenter states that Section 3.1 should include a discussion of the tree protection plan, as required under Chapter 12.24 of the Town Municipal Code. The comment also states that impact 3.1-2 and impact 3.3-5 should be revised to address the project's consistency with the Town of Ross tree protection plan provision.

Page 3.1-15 has been revised in the Draft EIR as follows to include a discussion of the Town of Ross's Tree Protection Plan, as required under Chapter 12.24 of the Town of Ross's Municipal Code.

Section 12.24.100. Tree Protection Plan. To protect trees during construction of a project and thereafter, and to maximize the chances of their subsequent survival, a Tree Protection Plan shall be required on sites where Significant or Protected trees may be affected. The Tree Protection Plan shall include a certified arborist's report on existing conditions as well as a plan for tree protection during project construction.

(1) When a Tree Protection Plan is Required. A tree protection plan shall be required as part of the materials submitted with applications for Hillside Lot Permits and Hazard Zone Use Permits.

A Tree Protection Plan may be required for Subdivision Permits, Variances, Demolition Permits, Design Review, or Grading and/or Building Permit reviews at the discretion of the Public Works Director or Town Council, as applicable.

Page 3.1-21 (Impact 3.1-2) has been revised in the Draft EIR as follows to include a discussion of the Tree Protection Plan and the proposed project's consistency with Section 12.24.100 of the Town of Ross's Municipal Code.

Town of Ross Municipal Code

Chapter 12.24 of the Municipal Code provides ratios for replacing trees that have been removed and requirements for a Tree Protection Plan. The project would adhere to the mitigation ratios and tree replacement standards in the Town of Ross Municipal Code, and the District would obtain a tree removal permit from the Town of Ross to ensure there would be no conflict. The District would prepare a Tree Protection Plan as part of the Design Review process. The Tree Protection Plan would include a certified arborist's report on the existing trees in the project area that could be affected by project construction and a plan for protecting existing trees during construction. Because the District would provide tree planting and replacement at the ratio required by the Town of Ross, ~~and~~ obtain a Tree Removal Permit from the Town of Ross, and prepare a Tree

2 COMMENTS AND RESPONSES

Protection Plan, the impact from conflict with Town of Ross Municipal Code would be less than significant.

Page 3.3-88 (Impact 3.3-5) has been revised in the Draft EIR as follows to include a discussion of the Tree Protection Plan and the proposed project's consistency with Section 12.24.100 of the Town of Ross's Municipal Code.

The District would be required to obtain a tree removal permit from the Town of Ross and provide replacement trees as specified in the Town of Ross Municipal Code. The District would also be required to prepare a Tree Protection Plan as part of the Design Review process. The Tree Protection Plan would include a certified arborist's report on the existing trees in the project area that could be affected by project construction and a plan for protecting existing trees during construction. Because the District would obtain a tree removal permit and prepare a Tree Protection Plan in compliance ~~and comply~~ with the Town of Ross tree protection ordinance, the impact from conflict with Town of Ross ordinance for the protection of biological resources would be less than significant.

- A5-19 The commenter states that page 3.1-20 should address the Town of Ross General Plan goals and policies related to landscape design.

Refer to response to comment A5-17 for a discussion of project consistency with Policy 3.2, Landscape Design of the Town of Ross's General Plan.

- A5-20 The commenter states that the analysis should include additional Key Observation Points (KOPs) within Frederick Allen Park.

The District prepared simulations for two additional locations in the Frederick Allen Park reach—one on the left bank of the creek near the Denil fish ladder facing upstream toward Unit 4, and one on the right bank of the creek near the Denil fish ladder facing downstream. A second simulation was provided for each KOP that did not include foreground trees and vegetation, which would block the view of project components. The foreground vegetation was removed from these simulations so that the reader can see the locations of the project components relative to the KOP locations. These simulations are provided below.

As described in the Draft EIR, KOPs were selected from areas where the proposed project's components would be visible to the public, to evaluate project changes on visual quality. The KOPs included in the Draft EIR provide representative views of the proposed project, and the simulations provide representative visual impacts. As shown in the additional KOP visual simulations below, 10 to 20 years after project construction, the tree canopy and native vegetation would mature and provide cover and visual screening of project components and from the surrounding residential and commercial areas.

2 COMMENTS AND RESPONSES

Additional KOP: Simulation of Frederick Allen Park at Denil Fish Ladder (left bank), 20 Years after Project Construction



2 COMMENTS AND RESPONSES

**Additional KOP: Simulation of Frederick Allen Park at Denil Fish Ladder (left bank), 20 Years after Project Construction
(foreground trees removed to provide views of project components)**



2 COMMENTS AND RESPONSES

Additional KOP: Simulation of Frederick Allen Park at Denil Fish Ladder (right bank), 20 Years after Project Construction



2 COMMENTS AND RESPONSES

**Additional KOP: Simulation of Frederick Allen Park at Denil Fish Ladder (right bank), 20 Years after Project Construction
(foreground trees removed to provide views of project components)**



2 COMMENTS AND RESPONSES

Visual impacts in Frederick Allen Park would be minimized to a less than significant level 10 years after project construction. The additional KOPs and associated simulations would not change the conclusions made in the Draft EIR.

- A5-21 The commenter states that the analysis on page 3.1-24 should mention the District's maintenance responsibilities for the newly planted trees in Frederick Allen Park and should discuss the maintenance MOU between the District and the Town of Ross.

Page 3.1-26 of the Draft EIR has been revised as follows to include a discussion of the MOU between the District and the Town of Ross regarding maintenance of project elements on Town property, including newly planted trees in Frederick Allen Park.

After a period of approximately 10 years, a new tree canopy would become established, and the visual character of the park would be similar to the existing conditions where trees shade the pathway and screen views of the surrounding buildings and structures as shown in Figure 3.1-13. After 20 years, the trees would mature and an extensive tree canopy would cover the park, as shown in Figure 3.1-14. The improvements to the park, including tree planting, additional seating, educational signage, and access to the creek would provide views of a natural creek corridor and would provide greater wildlife viewing opportunities due to the wildlife that would be attracted to the area. Under the District's MOU with the Town of Ross for maintenance in Frederick Allen Park, the District would be responsible for maintenance of replacement trees planted in the park, including monitoring establishment of trees after planting. This would ensure that the tree planting is successful, and that the tree canopy is established in the park.

- A5-22 The commenter states that Section 3.1 should indicate that significant and unavoidable impacts to aesthetics could be permanent if USACE does not allow for adequate planting of replacement trees.

The analysis reflects the worst-case scenario for tree removal, in which USACE would require a 15-foot vegetation free area from the new floodwalls and removal of 144 trees in Frederick Allen Park. The USACE does not consider the retaining walls at the connection to the existing concrete channel to be a floodwall and will not enforce tree or vegetation setbacks from the retaining walls. USACE would only consider applying a vegetation setback to the 2-foot-tall floodwall, if the USACE determines the 2-foot-tall wall is a floodwall. The visual simulations in the Draft EIR reflect the maximum extent of tree removal that could be required. Under the maximum tree removal scenario, as indicated in the analysis, the District would plant trees as shown in the Landscape Plan and in accordance with the Town of Ross's Municipal Code. The new tree planting would be sufficient to screen views of the surrounding structures after the first 10 years. The impact would be less than significant after the 10-year establishment period. This conclusion was also supported by the tree growth rates that were defined by the Town

2 COMMENTS AND RESPONSES

of Ross' independent landscape architect and presented at the public meeting on May 13, 2021.

- A5-23 The commenter states Mitigation Measure 3.1-3: Large Tree Planting should indicate that the Town of Ross will provide the exact size and species for the trees and the landscape plan would be submitted at least 90 days prior to landscaping.

Mitigation Measure 3.1-3: Large Tree Planting (on page 3.1-28) has been revised as indicated in response to comment A5-5.

- A5-24 The commenter states that the MOU between the District and the Town of Ross should be mentioned in Section 3.6.

The text on page 3.6-23 of the Draft EIR has been revised as follows in reference to the maintenance MOU between the District and the Town of Ross.

Operation and Maintenance

The proposed project would ~~will~~ require removal of trees and vegetation within Frederick Allen Park and within Unit 2 to create natural habitat. The area of tree removal would be replaced with native vegetation including shrubs, grasses, and riparian trees. Revegetation would provide long-term stabilization to avoid substantial soil loss. The area of grading and excavation at the stormwater pump station and the floodwalls would be permanently stabilized by the project elements that would be installed in the area, including gravel and concrete. Long-term maintenance activities in Frederick Allen Park would be the responsibility of the District, as specified in the maintenance MOU between the Town of Ross and the District.

- A5-25 The commenter states that the discussion of the recommended actions from the Town's Climate Action Plan in Section 3.7 is missing a few recommended actions.

The text on page 3.7-11 of the Draft EIR has been revised as follows to include the additional recommended actions in the Town of Ross's Climate Action Plan.

- Adopt and implement a policy requiring limitations on idling for commercial vehicles, construction vehicles, buses and other similar vehicles, beyond state law, where feasible.
- Continue to enforce policies and programs that regulate the removal and replacement of significant trees.
- To the extent possible, require new development to be planned around existing trees.
- Support the preservation and creation of conservation areas that provide carbon sequestration benefits, such as those with tree cover.

2 COMMENTS AND RESPONSES

- A5-26 The commenter states that Section 3.9 requires further discussion and mitigation to address the increase in water surface elevation within the channel resulting from stormwater runoff routed through the municipal storm drain system into the channel.

Refer to response to comment A5-4. While the increase in water surface elevation would reduce the storm drain system flow capacity to Corte Madera Creek at the outfall the effect would be offset by the reduced overtopping of the Corte Madera Creek channel and the associated reduction in flood inundation. No additional mitigation is required because the project would provide a net benefit from the reduction in water surface elevation during flooding and would not cause a significant effect from the installation of backflow preventers.

- A5-27 The commenter states that Section 3.9 should mention a FEMA Conditional Letter of Map Revision (CLOMR) would be required wherever the proposed project would cause an increase in the 100-year base flood elevation within the regulatory floodway.

The requirement for a FEMA CLOMR was listed in Table 2.8-1 of the Draft EIR. The text on page 3.9-16 of the Draft EIR has been revised as follows to include a discussion of FEMA CLOMR.

Floodway and Tsunami Inundation Zones

Given that project construction would involves work in or along the creek channel, the project area at least partially would overlaps the regulatory floodway. A small portion of Unit 2, Lower Corte Madera Creek, is in the Tsunami Inundation Area (California Emergency Management Agency, 2009) (see Figure 3.9-3 below). Any locations where the proposed project would cause an increase in the 100-year base flood elevation within the regulatory floodway would require a Conditional Letter of Map Revision from FEMA.

- A5-28 The commenter states that the County should perform detailed property elevation surveys to provide a clearer understanding of any material flood risk reduction potential to structures.

The request for detailed property elevation surveys is beyond what is required for CEQA. The modeling that has been conducted as a part of the proposed project serves as the substantial evidence required under CEQA to evaluate adverse impacts of a project. Property surveys are not required to determine that the project would not result in a significant adverse impact. The modeling shows that the areas where water surface elevations would substantially increase (> 0.2 foot) are isolated to the channel and parking areas where no structures are located. Detailed property surveys would not affect the determination that no structures are located in these areas and the project would not result in a significant adverse impact on flooding. Additionally, CEQA does not require the identification of beneficial impacts, only adverse impacts. Beneficial impacts of the project were provided in the EIR as general information for the reader,

2 COMMENTS AND RESPONSES

and are not part of the required CEQA analysis. Refer also to Master Response 3 regarding the design process.

- A5-29 The commenter states that Impact 3.11-2 should be identified as potentially significant for operation and maintenance and the mitigation measure should be the maintenance MOU between the District and the Town of Ross.

The MOU between the District and the Town of Ross for District maintenance of Frederick Allen Park is included as a part of the proposed project, as described on page 1-5 and page 2-42 of the Draft EIR. The MOU would be required as a part of the easement approval for District construction and maintenance of project elements within Town property, which is a legal issue and is not considered to be mitigation. See response to comment A5-13 for modifications to Table 2.8-1 to address the required MOU.

- A5-30 The commenter asks what level of storm event would lead to closure of the multi-use pathway and how frequently has that level of storm occurred in the last 10 years and 20 years.

The storm event that would likely result in closure of the path is around the 5-year storm event range since the proposed project pathway would have a lower elevation adjacent to the viewing platform and the floodplain. See Master Response 1 regarding the District staff's recommendation to adopt Alternative 1, which does not include modifications to the pathway.

- A5-31 The commenter states that the re-routing or reconfiguration of the Ross municipal storm drain system into the new channel should be addressed in Section 3.15.

It is not anticipated that re-routing or reconfiguration of the Ross municipal storm drain system, except potentially for backflow prevention improvements (refer to response to comment A5-4), would be needed to address the change in Corte Madera Creek water surface elevation. See also Master Response 1 regarding staff recommendation to adopt Alternative 1.

- A5-32 The commenter states that the long-term impacts on GHG emissions for each of the alternatives shall be discussed.

Refer to response to comment A5-2 regarding the additional discussion of the comparative GHG emissions and emission reduction benefits of each alternative.

Page 5-16 of the Draft EIR has been revised as follows to include a discussion of the long-term GHG benefits of the proposed project:

The No Project Alternative would avoid the proposed project's impact on GHG resulting from use of off-road construction equipment and vehicles during project construction and would avoid GHG emissions from operation of the

2 COMMENTS AND RESPONSES

emergency generator and energy use at the stormwater pump station. The No Project Alternative would have minimal greenhouse gas emissions during maintenance of existing facilities, like the proposed project. However, the No Project Alternative would not involve creation of natural riparian habitat and would not create the greenhouse gas emission reduction benefits of the proposed project.

Page 5-24 in the Draft EIR has been revised as follows to include consideration of the net benefits of the proposed project that would not be achieved by Alternative 1:

Comparison of Impacts to the Proposed Project

Alternative 1 would involve the same type of equipment as that used by the proposed project, but the construction schedule would be shorter under Alternative 1 because no construction would occur in Frederick Allen Park. The number of construction truck trips under this alternative also would be ~~slightly~~ lower than the proposed project because of avoidance of Frederick Allen Park, which would reduce the construction GHG emissions. Operational GHG emissions under Alternative 1 would be ~~the same as~~ greater than the proposed project because Alternative 1 would not remove the concrete channel and would not include as much vegetation in Frederick Allen Park. Temporary GHG emission impacts associated with implementation of Alternative 1 would be less than that of the proposed project, but Alternative 1 would have reduced long-term GHG reduction benefits than the proposed project.

Page 5-37 of the Draft EIR has been revised as follows to address the long-term GHG reduction benefits of the proposed project compared to Alternative 1:

Alternative 1 would have less long-term benefits to aesthetics, biological resources, geology and soils, greenhouse gases, hydrology and water quality, and recreation than the proposed project because Alternative 1 would not include creation of a natural creek channel, floodplain, and riparian habitat in Frederick Allen Park.

Page 5-41 is revised as follows:

Alternative 2 would allow increased planting relative to the proposed project because light and water could penetrate the boardwalk, which would allow planting underneath it. The increased planting would result in long-term GHG reduction benefits.

Page 5-42 of the Draft EIR includes a statement regarding the minor long-term net benefit on GHG emissions that would result from Alternative 2. Page 5-47 of the Draft EIR has been revised as follows to include long-term impacts on GHG emissions for Alternative 3.

Air Quality and Greenhouse Gases

2 COMMENTS AND RESPONSES

Alternative 3 would involve the use of construction equipment and vehicles that would result in temporary GHG emissions, similar to the proposed project. The amount of equipment and vehicle use, as well as fugitive dust and GHG emissions associated with Alternative 3 could be slightly higher than the proposed project because of the increased project footprint and associated number of truck trips for material import and export in Unit 2. Implementation of Mitigation Measure 3.2-1 would reduce the impacts to a less-than-significant level. The alternative would comply with all applicable BAAQMD rules and regulations and would not result in extended exposure of nearby residences to criteria air pollutants or toxic air contaminants. Operational air quality and GHG emissions impacts would be the similar to the proposed project because maintenance activities are anticipated to be similar and infrequent.

Table 5.4-1 on page 5-54 is revised as follows:

Topic	Alternative 1: Reduced Footprint– Avoid Frederick Allen Park (with proposed project in other areas)	Alternative 2: Maintain Elevation of Bike Route 20 in Frederick Allen Park and No Creek Access (with proposed project in other areas)
Greenhouse Gas (GHG) Emissions	LTS \leq The reduced construction in Frederick Allen Park would result in reduced GHG emissions <u>during construction, but the alternative would not achieve the long-term GHG reduction emissions.</u>	LTS $= \leq$ The construction intensity would be similar to the proposed project and would have similar GHG emissions. <u>The alternative would have greater GHG reduction benefits.</u>

A5-33 The commenter states that Section 5-1 states the number of truck trips for Alternative 1 is slightly lower than the proposed project, even though the Frederick Allen Park component contributes 43% of the total truck trips for the proposed project.

Page 5-25 of the Draft EIR has been revised as shown in response to comment A5-32 to clarify the number of truck trips for Alternative 1 compared to the proposed project.

A5-34 The commenter states that Mitigation Measure 3.1-3 in the MMRP should indicate that the District is responsible for maintenance of replacement trees after construction is complete.

Page G-3 of Appendix G, MMRP has been revised to indicate “After construction” in the Implementation Timing Column for Mitigation Measure 3.1-3. Refer to response to comment A5-23 for revisions to Mitigation Measure 3.1-3, which indicate that the District is responsible for maintaining replacement trees.

2 COMMENTS AND RESPONSES

Implementation Timing

- Prior to construction
- During construction
- After construction

A5-35 The commenter states that project cost estimated should be prepared for the proposed project and the alternatives for the portion of work in the Town of Ross and for the entire project length.

Refer to Master Response 5 for a response to this comment.

2 COMMENTS AND RESPONSES



City of Larkspur

Comment Letter A6

400 Magnolia Avenue, Larkspur, California 94939
Telephone: (415) 927-5110 Fax: (415) 927-5022
Website: www.cityoflarkspur.org

Joanna Dixon, Project Manager
Marin County Flood Control
3501 Civic Center Drive, Suite 304
San Rafael, CA 94903

Via email: envplanning@marincounty.org; jdixon@marincounty.org

March 17, 2021

RE: Marin County Flood Control and Water Conservation District
Corte Madera Creek Flood Risk Management Project, Phase 1
Draft Environmental Impact Report

Thank you for the opportunity to provide comment on the above referenced project. The City of Larkspur is a participant in and supporter of the Ross Valley Watershed Flood Risk Reduction Program.

The City supports the development of projects that will reduce flood risks in the watershed, while not creating any additional flood risks in Larkspur. The City looks forward to the District finalizing the detail design and modeling of the proposed improvements such that the EIR's conclusion that the proposed project would not increase flood risk in areas downstream can be fully vetted and confirmed.

We note the following questions/ comments in review of the Draft EIR:

Pg 27.

While exhibits ES-2 and ES-3 show jurisdictional boundaries between unincorporated Kentfield and the Town of Ross, exhibit ES-4 does not show the boundary between unincorporated Kentfield and the City of Larkspur. It is understood from this exhibit that no improvements are proposed within the City of Larkspur.

Pg. 35.

Text states:

'The project would result in some increased flooding within the parking areas adjacent to Corte Madera Creek near the College Avenue Bridge; however, the areas of increased flooding do not contain any homes or buildings and the increased flooding would not create a risk to life or property.'

Pg 70.

Five bullet points describe the capacity increasing components of the project.

Planning: (415) 927-5038

Public Works: (415) 927-5017

Parks and Recreation: (415) 927-6746

Central Marin Police: (415) 927-5150

Library: (415) 927-5005

Fire: (415) 927-5110

2 COMMENTS AND RESPONSES

Joanna Dixon
March 17, 2021
Page 2 of 2

Pgs 432-434

The exhibits showing changes in water surface elevation do not extend far south enough to evaluate the impact in the City of Larkspur of altered flood depths given the above noted page 35 and page 70 statements regarding downstream flooding and increased flood capacity within the project footprint.

A6-5

Pg 441

Figure 3.9-10 – only the 25-year 'existing conditions' scenario is shown; whereas the previous slides referenced above showed 10, 25 and 100 year 'future conditions.'

A6-6

We look forward to working with the District in the delivery of this and other projects to reduce flood risks in the watershed.

Sincerely,



Julian Skinner, PE
City of Larkspur City Engineer/ Public Works Director

Copy To: City Council
Dan Schwarz, City Manager
Neal Toft, Planning and Building Manager

2 COMMENTS AND RESPONSES

2.3.6 Response to Comment Letter A6: City of Larkspur

- A6-1 The commenter states that the City looks forward to the District finalizing the detail design and modeling of the proposed improvements to confirm the EIR's conclusion that the proposed project would not increase flood risk in areas downstream.

Refer to Master Response 3 for detailed modeling of the 60 percent design, including areas downstream in the City of Larkspur.

- A6-2 The commenter states that they understand based on ES-4 that no improvements are proposed within the City of Larkspur.

The commenter is correct. No project elements are proposed within the City of Larkspur. Please refer to response to comment A5-8 for updated project elements figures.

- A6-3 The commenter quoted text from the Draft EIR.

The commenter's text from the Draft EIR is correct.

- A6-4 The commenter quoted five bullet points from the Draft EIR that describe the capacity increasing components of the project.

This text from the Draft EIR is correct.

- A6-5 The commenter states that Figure 3.9-7 through 3.9-9 of the Draft EIR do not extend far south enough to evaluate the impact in the City of Larkspur.

The figure extent has been updated to include the City of Larkspur. See the updated figures in Master Response 3.

- A6-6 The commenter states that Figure 3.9-10 does not show the 10-, 25-, or 100-year future conditions.

Appendix E, Supplemental Water Surface Elevation Maps of the Draft EIR, includes figures that show the project changes in velocity and model-predicted water surface elevation changes during a 10-year, 25-year, and 100-year flood. Additional figures showing updated 10-, 25-, and 100-year flood water surface elevations for the Alternative 1 60 percent design are provided in Master Response 3.

2.4 Organizations

2 COMMENTS AND RESPONSES



Comment Letter B1

March 15, 2021

Joanna Dixon
Project Manager
3501 Civic Center, Suite 304
San Rafael CA 94903

Via email: jdixon@marincounty.org

RE: Comments on Corte Madera Creek Flood Risk
Management Project, Phase 1 Draft EIR

Dear Ms. Dixon,

Thank you for the opportunity to comment on this important document. Friends of Corte Madera Creek Watershed is eager to see this project implemented. Our comments are divided into two sections. The first includes general comments on the overall document, project or project components. The second presents corrections that should be made.

Comments

Friends appreciates the challenge this important project presents and the need to balance the project's objectives: Flood Risk Reduction, Environmental Benefits, Public Access and Recreation, Operation Reliability, Regulatory Compliance, and Fiscal Responsibility. Friends agrees these are all worthy objectives. The one troublesome detail, however, is while Friends agrees that improving channel stability is worthy, we disagree that the concrete channel itself should be made stronger. In the long run, Friends believes it would be preferable to remove it.

B1-1

Section 1.4.4

In describing Ross' participation, the document uses the word "will" instead of "would." This suggests that Ross will definitely be a participant. The verb "would" is more appropriate.

B1-2

Section 2 Project Description

Raised Walls

If it is necessary to build raised walls, we have several recommendations:

1. In many cases, walls should be constructed on the outer edge of the District's right-of-way. Instead of concrete, consideration should be given to wooden walls, soldier pile or sheet pile walls, and/or boulders and earth berms presented in Alternative 3. We believe these walls could be installed within the District's right-of-way, removing the objection that walls in such a location would be expensive and cause delays because of the need to obtain construction rights-of-way from adjacent property owners. In Unit 2, downstream of College Avenue, we specifically request that setback walls not be constructed in the middle of the District's right-of-way in this reach because it would compromise future plans for locating the multi-use path MUP (Route 20) on the left bank of the creek (see comment on Cumulative Projects below).

B1-3

B1-4

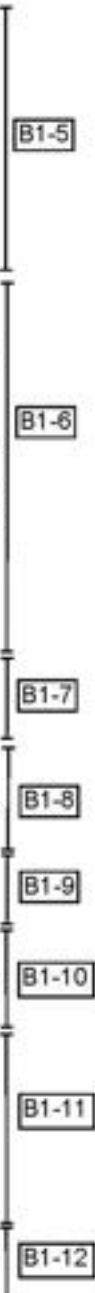
2 COMMENTS AND RESPONSES

Friends' Comment letter on CMCRRP, Phase 1 DEIR

March 15, 2021

Page 2 of 9

2. An alternative to building walls in Unit 2 downstream of College Avenue could be to raise the level of the future location of the MUP on the left bank of the creek. This would serve two purposes. First, it would provide part or all of the necessary added height for the wall and it would raise the MUP so it could be designed to meet ADA standards for crossing College Avenue and reaching the new Stadium Way Bridge, both of which are 2 to 4 feet above the ground surface. Second, it would provide a disposal location for fill removed from upstream projects. As for local drainage, it will be necessary to deal with such drainage no matter where the raised "wall" or "berm" is located.
3. The document should recognize the greater environmental and fiscal benefits of using natural materials instead of concrete. We do not agree that Alternative 3 necessarily would create more vehicle trips to import materials. In fact, a single wooden wall would significantly reduce the number of vehicle trips. Concrete walls require two walls as forms, potentially doubling the number of trips. Trips for the steel and concrete only add more. Additional benefits of a wooden, soldier pile, rock and/or earthen berm walls include a quicker, less labor-intensive job, quieter construction and a less expensive wall, especially in the cases of the wooden or soldier pile walls. Also, existing trees could be incorporated into a wall that uses natural materials, thereby reducing the number of trees that need to be removed from the project. Another benefit would be reduced greenhouse gases (GHG). Concrete, and the cement used in it, is one of the largest sources of industrial process-related emissions (USEPA, Hanle et al., undated, <https://www3.epa.gov/ttnchie1/conference/ei13/ghg/hanle.pdf>). One more comment, if a goal is to ultimately remove the concrete channel (as much as feasible), as Friends believes, the construction of the proposed concrete wall is in direct conflict with that goal.
4. Upstream of College Avenue, the schematic location of the wall would be problematic for one of the major entrances to the College of Marin campus. A new Learning Center is being built along College Avenue (see discussion in Cumulative Impacts below).
5. The District should work with the College of Marin and Marin County Parks, and their respective landscape architects and designers, to ensure any new flood walls meet the project objectives for public access and recreation. The flood walls will also necessitate railings in certain locations. Friends recommends walls and railings that are attractive, transparent and that maximize the public's visual and audible interaction with the creek. Concrete walls are inherently hard, physical barriers, and often unattractive (Fig 3.1-18). Friends disagrees with characterization of aesthetics and visualization in Unit 3 and the impacts of the proposed concrete wall (page 3.1-27). The visualization from the right side of the creek is disingenuous. A visualization from the left side of the creek would better illustrate its impacts. Such a wall would significantly obstruct views for users on the left side of the creek, especially if and when the MUP gets relocated to this side of the creek. Similarly, such a wall could be considered a substantial deterioration of the recreational quality of unnamed paths #1 and #2 (page 3.12-11). We also disagree with the conclusion that an Alternative 3 flood wall would necessitate closure of the unofficial Path #2 (page 5-49).



2 COMMENTS AND RESPONSES

Friends' Comment letter on CMCRRP, Phase 1 DEIR

March 15, 2021

Page 3 of 9

If the District believes that the wall shown in Figure 3.1-18 is preferred, it should make findings that it meets the project objectives better than those presented in Alternative 3 in terms of (1) environmental benefits, (2) public access and recreation, and (3) fiscal responsibility (complete with estimates from qualified contractors on different wall costs). Friends believes this would be hard to do.

B1-13

Pump Station in Granton Park

The District should work with the College of Marin to explore alternative power sources and locations/treatments for above ground improvements. This is particularly true if the pump station will deal with some of the stormwater from the campus; Granton park neighbors would probably appreciate this kind of collaboration to address local drainage problems. The future is tending toward more solar and battery power. College of Marin has existing solar and battery power just downstream that could be used for the pump station. Even if the College's solar/battery power is unavailable, the District should have a plan to convert the pump station to solar and battery power sooner rather than later, instead of committing to petroleum and internal combustion engine energy. The location of the pump station currently has a handsome view to Mt Tamalpais. If the above ground improvements cannot be relocated to College of Marin property, they should be painted a color that will reduce their presence (i.e., a tree bark color). Further, the vegetation referred to in the document that would visually screen the above ground elements of the pump station is most likely to be removed during construction. A mitigation measure should be included that would ensure vegetation is restored and maintained and would provide adequate visual screening. The District should consult with the College of Marin, Marin County Parks, and the CNPS on such vegetation.

B1-14

B1-15

B1-16

Tree Removal

The District refers to a USACE policy allowing the USACE to require that all trees within 15 feet of the concrete channel be removed. This would have a significant impact on the biological, visual, and aesthetic resources in the project vicinity. For example, it appears many of the coast redwoods and a few oaks south of the College of Marin's Learning Resource Center may be removed, and this would completely change the character of the planned campus entrance from College Avenue. The District should aggressively pursue keeping trees along the concrete channel, where they have been for decades without damaging the channel or limiting access to it for maintenance.

B1-17

Mitigation Measures

MM 3.1-3: Large Tree Planting

Trees need to develop a good root system in place before they put on height and they can't do that in a box. A study reported by Colorado State University (<http://csuhort.blogspot.com/2016/10/what-size-tree-should-i-plant.html>) states: "...if you plant smaller (and less expensive) plant material and wait a few years, you will realize maximum economic gain and greater visual impact from the smaller plants—and they are less

B1-18

2 COMMENTS AND RESPONSES

Friends' Comment letter on CMCFRRP, Phase 1 DEIR

March 15, 2021

Page 4 of 9

likely to have problems like circling or girdling roots when they are mature trees. But you may have to wait three years for them to catch up with the larger trees."

It may be necessary to include some large box trees to satisfy public concerns. However, Friends recommends that they be considered additional trees to those required by the regulatory agencies. It would also be easier and more fiscally responsible to replace the smaller trees that do not survive the initial, required monitoring period to meet permit requirements.

B1-18
cont.

MM 3.3-1a: Avoid Special-Status Plants and Sensitive Natural Communities

A 10-foot buffer around special-status plants seems barely adequate. Responsiveness to the onsite biological monitor should be adequate to ensure avoidance.

B1-19

Cumulative Impacts

Cumulative Project No. 23, should be expanded to include the section of creek between College Avenue and Stadium Way and, importantly, note that it envisions moving the MUP (Route 20) to the other (left) side of the creek. Additionally, the document should include analysis how the preferred project, and Alternative 3, could impact the MUP if and when it is relocated.

B1-20

College of Marin's new Learning Resource Center building and its surroundings (landscape and hardscape) should be added as a Cumulative Project. Additionally, the document should include analysis of how the project and Alternative 3, could impact the Learning Resource Center, the planned public entrance at that location, and its greater surroundings.

B1-21

Environmental Superior Alternative

Friends does not fully support the finding that Alternative 2 is the "Environmentally Superior Alternative." Yes, restoration of natural creek functions in Allen Park with a boardwalk per Alternative 2 better meets the project objectives than the proposed project or Alternative 1. However, a combination of Alternative 2 and 3 would provide even more benefits, especially when it comes to the environment, public access and recreation, and fiscal responsibility (see discussion above).

B1-22

In the event that the Town of Ross does not support the preferred project, Alternative 2, or Alternative 3, Friends recommends the District quickly move forward with a combination of Alternative 1 and Alternative 3.

B1-23

There is also the possibility that the Allen Park project, the walls, the pump station, or other project elements, cause delays for one or more reasons. However, the Lower COM Corte Madera Creek Restoration Project could be approved without being subject to any of the issues that create such delays. The District should have a strategy for CEQA approval of the Lower Corte Madera Creek Restoration Project so that it can proceed in permitting and funding in the event that the larger project gets delayed. The Lower COM Corte Madera Creek Restoration Project, as a shovel ready project, will be very attractive to funders and could be realized within two or three years.

B1-24

Friends' Comment letter on CMCFRRP, Phase 1 DEIR

March 15, 2021

Page 5 of 9

2 COMMENTS AND RESPONSES

Friends' Comment letter on CMCRRP, Phase 1 DEIR

March 15, 2021

Page 6 of 9

Corrections

Many of these corrections could have been avoided if the authors had used the current 65% design and reviewed the Design Basis Report for the Lower COM Project. All figures should be revised to show the correct footprint for the Lower COM Project. Specifically, the staging area added during preparation of the DEIR should be removed; it is the location of a turn-around for emergency vehicles required by the Kentfield Fire District; it was installed in 2020 and has never been shown as a staging area on any of the project design plans. Second, a planted area beyond the multi-use path on the left bank should be removed from any figure in which it is shown. In addition, other errors could have been avoided if the Admin Draft had been reviewed by someone familiar with the area.

B1-25

Page 2-1, Page 3.6-2

Use "San Anselmo Creek and Ross Creek merge to form Corte Madera Creek west of the Lagunitas Road Bridge."

B1-26

Page 2-14, Page 3.1-6

Use Stadium Way, not Stadium Avenue

B1-27

Page 2-23

Rock and fill energy dissipators, a vegetated bioretention basin, and boulder-lined bioswales would be installed within the newly created ~~channel~~ habitats, including the transition zone.

A vest-pocket park ~~would be created~~ adjacent to the existing multi-use path would be enhanced. ~~The upland habitat around the pocket park would be enhanced~~ by planting native ~~understory~~ vegetation ~~beneath the existing trees~~. The two existing trees in the park would be preserved.

B1-28

Page 2-25; Page

Figure 2.5-8 The area west of the project should be labeled **College of Marin Maintenance and Operations Facility**

B1-29

Page 2-26

Table 2.6-1 Total project area for Lower COM project is 80,419 sq ft

B1-30

Page 2-27; Page 3.3-11; Page 3.9-18

Figure 2.6-1; Figure 3.3-3; Figure 3.9-3 Remove staging area shown in COM project area. See Sheet C17 of 65% design plans for designated staging area.

B1-31

Page 3.1-8

The wrong photo was used for Figure 3.1-5

B1-32

2 COMMENTS AND RESPONSES

Friends' Comment letter on CMCRRP, Phase 1 DEIR

March 15, 2021

Page 7 of 9

Page 3.2-12; 3.10-10

Figure 3.2-2; Figure 3.10-3 The site of COM's M&O Facility is mapped as Park (green). It should be mapped as College Campus (brown).

B1-33

Page 3.6-22

Miller Pacific (2020) prepared a geotechnical report for the Lower COM Project. It includes recommendations based on the results of soils samples collected in borings on the site. The soil was also tested for hazardous materials and found to meet safety criteria. Geotechnical investigations are described in the Design Basis Report (GDG 2020)

B1-34

Page 3.9-8

Figure 3.9-1

The former main channel of Corte Madera Creek, shown in the southeastern corner of the map, is a cut-off slough. It does not connect to the concrete channel.

B1-35

Page 3.9-10

In the middle of the page, this statement is found: "Royston (1977, in (USACE, 2010)) estimated that roughly 20 percent of the total length of bank would be subject to 1 foot of erosion per year." This should be re-evaluated. In the 44 years since this statement was published, bank erosion has been much less.

B1-36

Page 3.9-21

At the bottom of the page, high water temperature in Corte Madera Creek is attributed to lack of riparian vegetation. Another cause is low streamflow, caused by pumping of groundwater for irrigation and lack of infiltration caused by extensive impermeable surfaces. This discussion should be improved.

B1-37

Page 3.9-36

Table 3.9-5 lists eight projects. Numbers 1 and 2 are on Fairfax Creek; all the others are on San Anselmo Creek, not Corte Madera Creek.

B1-38

Page 3.9-42

The description in the first paragraph of the Lower COM action is overly general. Some walls will be lowered, but the channel will not be removed.

B1-39

Paragraph 2 calls for soil testing. However, sediments from the project area have been tested and the soil is not hazardous. Test results were presented in the draft Design Basis Report.

B1-40

Page 3.9-47

The description of the Lower COM project states that tidal action could mobilize channel and streambed sediments. Sediments are certainly likely to be mobilized by flood events. However, tidal flows are not particularly strong. The statement in the report should be supported by data on water velocities of tidal flows in the Lower COM reach.

B1-41

2 COMMENTS AND RESPONSES

Friends' Comment letter on CMCRRP, Phase 1 DEIR

March 15, 2021

Page 8 of 9

Page 3.9-48

Mitigation 3.9-1 has been implemented. See above.

B1-42

Page 3.12-4

Figure 3.12-2 The COM M&O Facility is mapped as a campus recreation area. Remove that area from the map of recreational facilities.

B1-43

Page 3.12-14

Unnamed Paths. Construction of the new wetlands and transition zone would require the temporary closure of unnamed path #3. No walls will be constructed in that area.

B1-44

Page 3.13-3

Figure 3-13-1 Unnamed Path #3 is mapped as a bicycle route. It is virtually never used by cyclists and the Marin County Bicycle Coalition does not consider it a bicycle route.

B1-45

Page 3.13-4

For clarity, reword:

Bike Route 20, a biking and pedestrian pathway, follows Corte Madera Creek from the Larkspur Ferry Terminal to the Town of Fairfax. Downstream of Stadium Way it is on the left bank of the creek. Moving upstream, it crosses from the left bank to the right bank on the Stadium Way bridge and continues along the right bank as an off-street paved multi-use path, across College Avenue, to the beginning of Unit 4, where it transitions to an on-road bike path adjacent to Unit 4. Throughout its length, Bike Route 20 is heavily trafficked by pedestrians and cyclists, including commuters.

B1-46

Page 3.13-8

3.13.6 Impact Discussion

The second paragraph states: "Vehicles traveling the lower College of Marin concrete-channel-removal area would travel on Woodland Road." This is inaccurate. Vehicles traveling to the Lower COM project area would never use Woodland Road. They would travel on Sir Francis Drake Blvd. to College Avenue and into the campus at the entrance to Parking Lot 12, using an easement held by the District across COM property. The Lower COM project would not use Stadium Way or Bike Route 20 to access the project area. The unnamed path #3 would be closed during construction of the Lower COM project.

B1-47

Pages 3.15-1 through 3.15-5

Water Supply, Wastewater Management Services, and stormwater

The third paragraph on page 3.15-1 states that a water pipeline crosses the creek at Stadium Way. Note that this pipeline is an above ground pipeline. This paragraph also refers to MMWD's stormwater lines. This is inaccurate: MMWD supplies treated domestic water; towns and the District are responsible for stormwater.

B1-48

2 COMMENTS AND RESPONSES

Friends' Comment letter on CMCRRP, Phase 1 DEIR
March 15, 2021
Page 9 of 9

The first full paragraph on page 3.15-2 states: "An aboveground sewer pipe crosses the creek on the pedestrian bridge at the end of Stadium Way (Figure 3.15-3)." The sewer is a deeply buried pipeline that crosses the creek in an inverted siphon. The aboveground pipeline is a water distribution line.

B1-49

Figures 3.15-1, -2, -3

The legend refers to MMWD stormwater lines. This is inaccurate: MMWD supplies treated domestic water; towns and the District are responsible for stormwater. The Design Basis Report (GDG 2020) describes utilities in the Lower COM project area, most of which are not shown accurately on Figure 3.15-3. Also, the outline of the Lower COM project area is inaccurate. It shows two areas that should be removed from the figure: the inaccurate staging area and an area on the left bank that has since removed from the project. Please use the most recent 65% designs.

B1-50

Conclusion

In conclusion, overall and subject to the comments herein, Friends supports this important project and is in agreement that flood risk reduction, environmental benefits (such as habitat creation and fish passage improvements) and other project objectives are more than worthy. Friends urges the District to increase its public outreach efforts to garner support for the project from the community at large. Countless resources have gone into this project to get it to this stage and we hope that many, if not all, of the project objectives are realized.

B1-51

Sincerely,



Sandra Guldman

2 COMMENTS AND RESPONSES

2.4.1 Response to Letter B1: Friends of Corte Madera Creek Watershed

- B1-1 The commenter states their support for improving channel stability but disagrees that the concrete channel should be made stronger.

This comment is acknowledged. The proposed project would not modify the stability of the concrete channel and would not replace the concrete within the existing channel. However, the District would need to maintain the flood control infrastructure, including the concrete channel, and has an objective of operational reliability to reduce long-term maintenance requirements and costs.

- B1-2 The commenter states that when describing the Town of Ross's participating in Section 1.4.4, the term "would" should be used instead of the term "will".

Section 1.4.4 in the Draft EIR has been revised as follows to use "would" instead of "will":

1.4.4 Town of Ross

The Town of Ross owns Frederick Allen Park. The District would ~~will~~ need to obtain Town of Ross approval of an easement for construction and maintenance of project elements on Town property. The District would ~~will~~ enter into a maintenance agreement with the Town regarding maintenance of project elements within Frederick Allen Park. The Town is a responsible agency under CEQA in the review of project elements within Town jurisdiction. In addition, a Town of Ross tree removal permit is required prior to removing trees within the Town of Ross.

- B1-3 The commenter states walls should be constructed within the outer edge of the District's right-of-way and should be made of material other than concrete.

Refer to Master Response 2 regarding the feasibility of non-concrete floodwalls and the additional impacts of constructing the floodwall at the outer edge of the District's right-of-way instead of attached to the existing floodwall.

- B1-4 The commenter requests that setback walls in Unit 2 not be constructed in the middle of the District's right-of-way.

The floodwall in Unit 2 is proposed to be attached to the existing concrete floodwall, with no setback in the middle of the District's easement.

- B1-5 The commenter states that an alternative to building walls in Unit 2 downstream from College Avenue could be to raise the level of the future location of the multi-use path on the left bank of the creek.

2 COMMENTS AND RESPONSES

Raising the left bank area downstream of Unit 2 in the absence of a floodwall to contain the additional earthen material would not meet USACE engineering criteria as discussed in Master Response 2 and is not a feasible alternative to the proposed floodwall. The proposed project must meet USACE Section 408 requirements, and the proposed floodwall in Unit 2 has been designed to meet those engineering criteria. The taller floodwall in Unit 2 downstream from College Avenue on the left bank adjacent to the floodwall could allow the area to be raised as part of a separate project in the future. The proposed project does not include modifications to the left bank area in Unit 2 for recreational use; raising the elevation of the left bank area for a future multi-use path is not part of the proposed project.

- B1-6 The commenter states that the document should consider the greater environmental and fiscal benefits of using natural materials instead of concrete.

The District has considered the environmental benefits and impacts of using natural materials instead of concrete, as discussed under Alternative 3 in Chapter 5 in the Draft EIR. As discussed in Master Response 2, use of engineered streambed material instead of concrete is proposed for protection for the Ross Valley Sanitary District's sanitary sewer line in Unit 4. See Master Response 2 regarding consideration of natural material alternatives.

- B1-7 The commenter states that if an ultimate goal is to remove the concrete channel (as much as feasible), construction of the proposed concrete wall would be in direct conflict with that goal.

Removal of the concrete channel is not one of the project objectives listed in Section 2.4 in the Draft EIR. Environmental benefits, which involves the removal of concrete channel, is one of six project objectives but not the ultimate goal of the project. The project will create environmental benefits that extend beyond the concrete channel and the addition of concrete to the existing floodwall to create the flood protection benefits of the project without creating significant adverse environmental impacts is consistent with the project objectives.

- B1-8 The commenter states that the location of the wall upstream from College Avenue would be problematic for one of the entrances to the College of Marin campus.

The District met with the College of Marin and discussed the proposed floodwall locations during project planning. The floodwall locations do not appear to be in conflict with any entrance to the College of Marin.

- B1-9 The commenter states that the District should work with the College of Marin and Marin County Parks so that any new floodwalls meet the project objectives for public access and recreation.

2 COMMENTS AND RESPONSES

This comment is acknowledged. The District has met with the College of Marin and Marin County Parks to discuss the floodwalls as it relates to public access and recreation and will continue to work with both of them throughout the design and construction process.

- B1-10 The commenter states that the floodwalls will necessitate railings in certain locations.

The floodwalls are not expected to require railings. The floodwalls may require installation of a fence on top of the floodwalls for safety. The fence be similar in appearance and form to the existing fence along both banks of the concrete channel.

- B1-11 The commenter disagrees with the characterization of aesthetics and associated simulation for Unit 3 and the impacts of the proposed concrete wall.

The simulation for the floodwall in Unit 3 was prepared using a key observation point from the right bank of the creek. The right bank is the public use location where the Bike Route 20 multi-use path is located, and where public views of the floodwall would be available. A small number of potential viewers would be on the left side of the creek, walking along the unofficial, unnamed pedestrian paths. Given the small number of potential views, these paths were not selected as key observation points. In addition, Figure 3.1-16 shows a visual simulation of the pump station, which is a representative simulation of what the floodwall would like look from the left side of the creek. The floodwall would be approximately 2 to 4 feet in height. Consideration of visual impacts on a future multi-use pathway on the left bank would be speculative because the pathway does not exist in that location today. No design for, or approval of a multi-use pathway relocation to the left bank has occurred.

- B1-12 The commenter disagrees with the conclusion that an Alternative 3 floodwall would necessitate closure of the unofficial Path #2.

As discussed in response to comment B1-6 and Master Response 2, the use of natural materials in lieu of the concrete addition to the existing floodwall either would not meet USACE Section 408 criteria for floodwall engineering and design or would require installation of a levee that would have a much larger footprint than a concrete floodwall. A larger levee footprint potentially would block unofficial Path #2.

- B1-13 The commenter states that the District should make findings that the floodwalls shown in Figure 3.1-18 in the Final EIR meet the project objectives better than those presented under Alternative 3.

The floodwalls proposed as part of the project meet all project objectives. Alternative 3 meets most of the objectives but may not meet regulatory feasibility because of Section 408 requirements, or the design of the floodwall would result in additional

2 COMMENTS AND RESPONSES

environmental impacts because of the larger footprint for a levee that would be required to meet Section 408 design criteria. See Master Response 2.

- B1-14 The commenter states that the District should work with the College of Marin to explore alternative power sources and locations/treatments for aboveground improvements.

The District has been meeting with the College of Marin to discuss the proposed project and the Granton Park pump station design. The pump station would require energy only when the pump station is running, which would occur only when the water elevation in the creek exceeds the height of the wet well. This would occur only for a few days a year.

- B1-15 The commenter states that if the aboveground improvements (e.g., pump station) could not be relocated to College of Marin property, they should be painted a color that would reduce their presence.

The aboveground elements of the pump station would be painted a neutral tone. The pump station elements would be relocated slightly toward College of Marin property. The revised pump station location and neutral color tone are shown in the following revised visual simulation of the pump station, which is included on page 3.1-34 of the Draft EIR:



2 COMMENTS AND RESPONSES

- B1-16 The commenter states that vegetation visually screening the aboveground elements of the pump station most likely would be removed during construction and a mitigation measure should be included to address this removal.

As discussed on pages 3.1-26 and 3.1-27 in the Draft EIR, the stormwater pump station would have a weak visual contrast to the existing view because the area generally is disturbed by the existing road and adjacent development. The impact of the pump station would be less than significant, and mitigation is not required under CEQA for less than significant impacts. However, the District will seek opportunities for on-site replacement plantings to replace trees removed by the proposed project.

- B1-17 The commenter states that the USACE policy requiring a 15-foot setback from the channel would have a significant impact on biological, visual, and aesthetic resources in the project vicinity.

This comment is acknowledged. The potential impacts of vegetation removal resulting from the 15-foot setback from the channel are described in the Draft EIR to give a conservative assessment. The USACE policy requiring a 15-foot setback can be exercised at any time by USACE, regardless of whether the project is implemented. The District is advocating to retain trees wherever possible and would apply for a variance to the 15-foot vegetation buffer along the floodwall, to be approved at the discretion of USACE. Proposed project implementation would involve attaching the taller floodwall to the existing floodwall and would avoid removal of trees to construct the taller floodwalls in Units 2 and 3.

- B1-18 The commenter states that trees cannot develop root systems in boxes, and therefore could not gain height, and that smaller plant material would contribute to greater economic gain and visual impact.

Mitigation Measure 3.1-3: Large Tree Planting has been proposed to address the significant and unavoidable visual quality impacts related to removal of mature trees in Frederick Allen Park. Although smaller plant material may be a viable option for planting in the park, the visual impact from loss of tree canopy would extend for a longer duration because it would take longer for the trees to establish. Large box trees would include a box size of 24 to 36 inches that would be sufficient for the tree to develop a root system and grow to adequate height. In addition, large box trees would only be used where ecologically appropriate as stated in the mitigation measure. While it would be more expensive than planting small trees, planting with larger box trees would mitigate the impact by reducing the time frame that it would take to replace the tree canopy. The additional cost for the larger trees is within reason to reduce the significant visual impact by reducing the time it takes to re-establish the tree canopy. Refer also to Master Response 1 regarding the recommendation to adopt Alternative 1, which will not involve tree removal or landscaping in Frederick Allen Park.

2 COMMENTS AND RESPONSES

- B1-19 The commenter states that a 10-foot buffer around special-status plants does not seem adequate, and that responsiveness to the on-site biological monitor should be adequate to ensure avoidance.

As stated on page 3.3-70 in the Draft EIR, Mitigation Measure 3.3-1a: Avoid Special-Status Plants and Sensitive Natural Communities, would require a biological monitor to be present during construction within a 10-foot buffer of special-status plants, to ensure that impacts would be avoided.

- B1-20 The commenter states that Cumulative Project No. 23 should be expanded to include the section of creek between College Avenue and Stadium Way and should note that this project envisions moving Bike Route 20 to the left side of the creek. The commenter indicates that the Draft EIR should analyze how the proposed project and Alternative 3 could impact the relocated Bike Route 20.

The proposed floodwall in Unit 2 would not prohibit the future relocation of Bike Route 20 to the left bank of the creek. Consideration of impacts on a future multi-use pathway on the left bank would be speculative because the pathway does not exist in that location today and no design of, nor approval for a multi-use pathway relocation to the left bank has occurred. The description of Cumulative Project No. 23 on page 4-10 in the Draft EIR has been revised as follows to include the intent to relocate Bike Route 20 to the left side of the bank:

Corte Madera Creek Project Phase II would include removal of the existing concrete channel from College Avenue to Stadium Way along College of Marin property. The channel bed would be in natural substrate. The right bank would be laid back to create a natural creek slope. The left bank would remain with either an existing concrete wall, a new shorter wall, or large rock embankment to protect an existing Ross Valley Sanitation District owned sewer pipeline that runs parallel to the concrete channel left bank. In addition, the proposed project would relocate Bike Route 20 from the right bank to the left bank of the creek.

- B1-21 The commenter states that the College of Marin's new Learning Resources Center building and its surroundings (landscape and hardscape) should be added as a Cumulative Project.

Table 4.3-1: Projects Considered in Cumulative Impact Analysis in the Final EIR has been revised as follows to include the Learning Resources Center Project:

Project No. on Map	Project Name (Project Sponsor or Jurisdiction)	Project Description	Status	Construction Schedule
<u>34</u>	<u>Learning Resources</u>	<u>The project would construct a three-story, 77,000-square-foot</u>	<u>The project currently is</u>	• <u>The construction would take</u>

2 COMMENTS AND RESPONSES

Project No. on Map	Project Name (Project Sponsor or Jurisdiction)	Project Description	Status	Construction Schedule
	<u>Center Project (College of Marin)</u>	<u>replacement facility on the site of the existing building, to address seismic safety and provide upgraded facilities. The associated work would be limited to within the footprint of the existing building, and no alterations would occur to the adjacent pedestrian bridge.</u>	<u>under construction.</u>	<u>approximately 12 months.</u>

Page 4-15 in the Draft EIR has been revised as follows to include the Learning Resources Center Project:

Cumulative Projects

Concurrent construction of the project with cumulative projects proposed within the same viewsheds could result in visual impacts during construction. Projects located within the same viewshed as the proposed project include the access ramp to Corte Madera Creek (#1), Lower Corte Madera Creek Improvement Study (#21), ~~and~~ Corte Madera Creek Project Phase II (#23), and the Learning Resources Center Project (#34).

Page 4-16 in the Draft EIR has been revised as follows to include the Learning Resources Center Project:

The Corte Madera Creek Project Phase II and Lower Corte Madera Creek Improvement Study would be located near the Lower College of Marin Project's concrete channel removal. Additional removal of the concrete channel and flood-control improvements to areas downstream of the concrete channel would appear consistent with the proposed concrete -channel removal and would result in a beneficial aesthetic impact. The Learning Resources Center Project would be constructed before the proposed project and would be in proximity to the floodwall. The new Learning Resources Center would be three stories in height and would appear similar to the existing two-story building at the project site and within the overall context of the college. The proposed increase in floodwall height also would appear similar to the existing floodwall; therefore, the cumulative aesthetic impact from addition of the floodwall and Learning Resource Center would be less than significant. ~~The cumulative aesthetic impact would be less than significant.~~

2 COMMENTS AND RESPONSES

Toxic Air Contaminants

The only cumulative projects proposed within 1,000 feet of the proposed project include the Access Ramp to Corte Madera Creek (#1), the Cedar Tentative Map (#11), the Corte Madera Creek Project Phase II (#23), ~~and~~ the Sir Francis Drake Boulevard Rehabilitation (#24), and the Learning Resources Center Project (#34).

Page 4-17 in the Draft EIR has been revised as follows to include the Learning Resources Center Project:

Toxic Air Contaminants

The cumulative projects and the proposed project would generate toxic air contaminants (TACs) during construction and operation. The proposed project would include a new generator, but the generator would only be used up to 50 hours per year and would not be a considerable source of TACs. Construction of the Learning Resources Center Project would be completed before the proposed project and would not contribute to cumulative TACs because it would not generate TACs during the same time frame as the proposed project's construction. The Access Ramp to Corte Madera Creek and Sir Francis Drake Boulevard Rehabilitation would be constructed a year prior to the proposed project.

Page 4-21 in the Draft EIR has been revised as follows to include the Learning Resources Center Project:

The only cumulative projects located close enough to the proposed project to result in cumulative impacts on cultural resources are the Access Ramp to Corte Madera Creek (#1) ~~and~~ Corte Madera Creek Project Phase II (#23), and the Learning Resources Center Project (#34). The remaining projects are separated from the project by a considerable distance, with intervening developed areas.

Page 4-23 in the Draft EIR has been revised as follows to include the Learning Resources Center Project:

Cumulative Projects

The Access Ramp to Corte Madera Creek (#1), Cedar Tentative Map (#11), Lower Corte Madera Creek Improvement Study (#21), Corte Madera Creek Project Phase II (#23), ~~and~~ Sir Francis Drake Boulevard Rehabilitation Project (#24), and the Learning Resources Center Project (#34) would occur in proximity to portions of the project.

2 COMMENTS AND RESPONSES

Page 4-24 in the Draft EIR has been revised as follows to include the Learning Resources Center Project:

Cumulative Projects

The cumulative projects identified in Table 4.3-1 would likely require transport of hazardous materials on Highway 101 and Sir Francis Drake Boulevard during construction. Construction of cumulative projects #1 through #5, #16, #18, ~~and~~ #22 through #25, and #34 would require transport of small volumes of hazardous materials for vehicle and equipment operations during construction.

Page 4-25 in the Draft EIR has been revised as follows to include the Learning Resources Center Project:

Handle Hazardous Materials within 0.25 Mile of Schools

As discussed in Section 3.8 Hazards and Hazardous Materials, the project is located within 0.25 mile of three schools. The only cumulative projects located within 0.25 mile of the same schools include the Access Ramp to Corte Madera Creek (#1), ~~and~~ Corte Madera Creek Project Phase II (#23), and the Learning Resources Center Project (#34).

Page 4-30 in the Draft EIR has been revised as follows to include the Learning Resources Center Project:

Cumulative Projects

The Access Ramp to Corte Madera Creek (#1), the Cedar Tentative Map (#11), the Lower Corte Madera Creek Improvement Study (#21), Corte Madera Creek Project Phase II (#23), ~~and~~ Sir Francis Drake Boulevard Rehabilitation Project (#24), and the Learning Resources Center Project (#34) are located within 1,000 feet of portions of the project.

Noise and Vibration

The proposed project and cumulative projects would only generate substantial noise and vibration during the construction phase. Cumulative noise and vibration impacts would, therefore, only occur if the proposed project and cumulative projects within 1,000 feet of the proposed project were constructed at the same time. The access ramp to Corte Madera Creek, ~~and~~ Sir Francis Drake Boulevard Rehabilitation, and Learning Resources Center Project would be constructed prior to the proposed project and would not cause a cumulative noise impact.

2 COMMENTS AND RESPONSES

Page 4-34 in the Draft EIR has been revised as follows to include the Learning Resources Center Project:

Cumulative Projects

Several of the cumulative projects will require removal of trees, including the following:

- San Anselmo Creek flood control – nursery basin site (#3)
- Hillview pump station and stormdrain (#5)
- Brownridge tree removal (#12)
- Cooney tree removal (#14)
- Real Equity tree removal (#20)
- Lower Sleepy Hollow Creek Improvements (#22)
- Corte Madera Creek Project Phase II (#23)
- Learning Resources Center Project (#34)

Cumulative Projects

Cumulative projects located within the geographic scope of analysis include the Winship Avenue Bridge Replacement Project (#6), the access ramp to Corte Madera Creek (#1), a number of minor structures, tree removal, and land-use modifications (projects #7 #8, #9, #10, #11, #12, #13, #15, #17, #19, and #20), ~~and~~ the Marin Health Care District, and the Learning Resources Center Project (#34).

- B1-22 The commenter states that they do not fully support the finding that Alternative 2 is the “Environmentally Superior Alternative.”

The rationale for selection of Alternative 2 as the Environmentally Superior Alternative is provided on pages 5-37–5-46 in the Draft EIR. While Alternative 2 is the Environmentally Superior Alternative, District staff are recommending adoption of Alternative 1 for the reasons discussed in Master Response 1.

- B1-23 The commenter states that if the Town of Ross does not support the proposed project, Alternative 2, or Alternative 3, they recommend that the District quickly moves forward with a combination of Alternative 1 and Alternative 3.

See Master Response 1 regarding staff recommendation to adopt Alternative 1.

- B1-24 The commenter states that the Lower College of Marin Project’s concrete channel removal could be approved, even if the work in Frederick Allen Park, floodwalls, pump station, and other project elements are delayed.

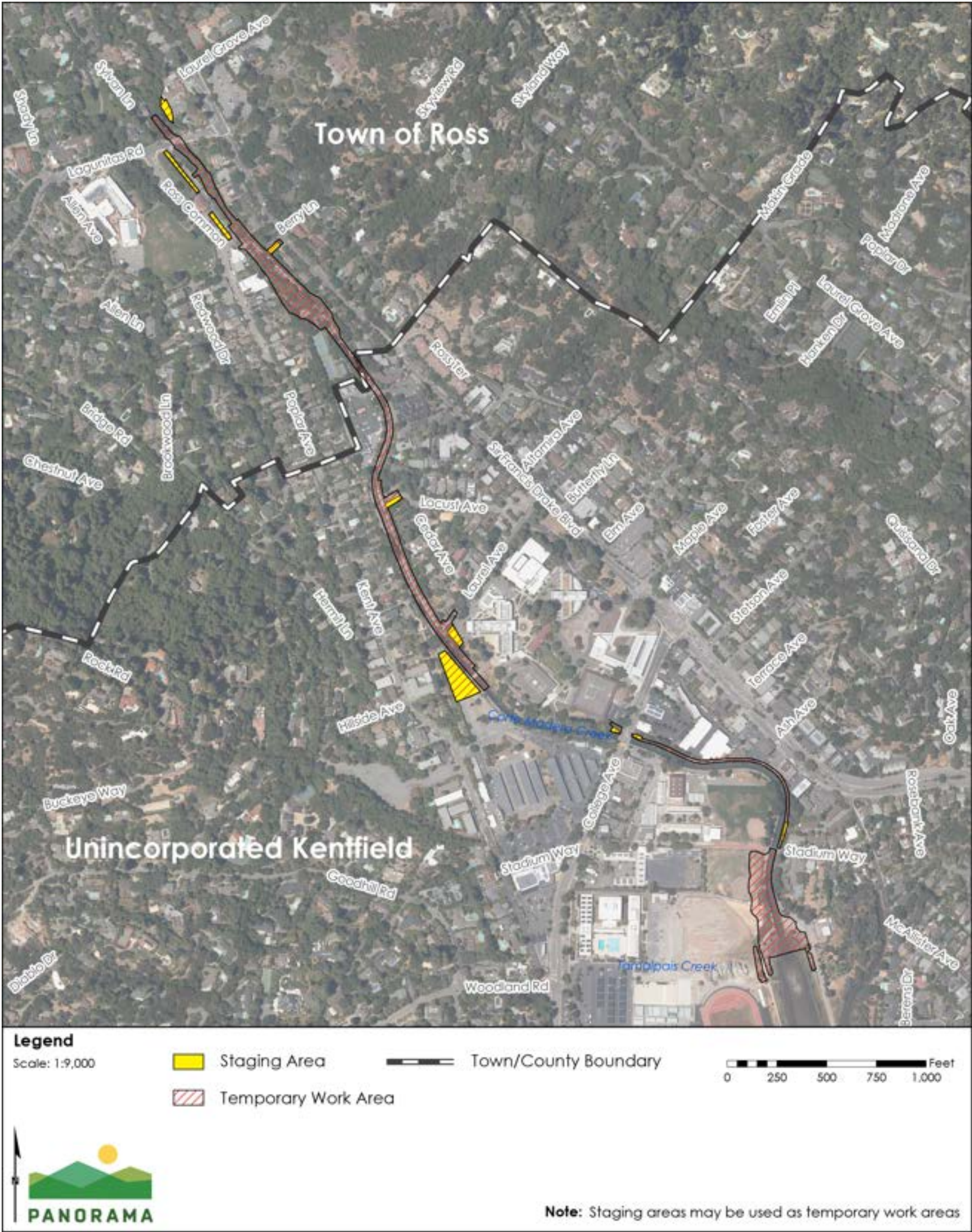
The ability to proceed with construction of the lower College of Marin project element separate from other project components is noted. See Master Response 1 regarding the approach to achieving the project schedule for construction in 2022.

2 COMMENTS AND RESPONSES

B1-25 The commenter presents various corrections to the Draft EIR, based on the current 65 percent design and Design Basis Report for the Lower College of Marin Project.

Figures 2.6-1, 3.3-3, 3.9-3, and 3.15-3 have been revised as follows to show the correct footprint for the Lower College of Marin Project. These maps do not include a staging area at the location of a turn-around for emergency vehicles required by the Kentfield Fire District nor a planted area beyond the multi-use path on the left bank of the creek:

Figure 2.6-1 Staging, Stockpile, and Temporary Work Areas



2 COMMENTS AND RESPONSES

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Figure 3.3-3 Habitat Types within Project Area (Map 3 of 3)

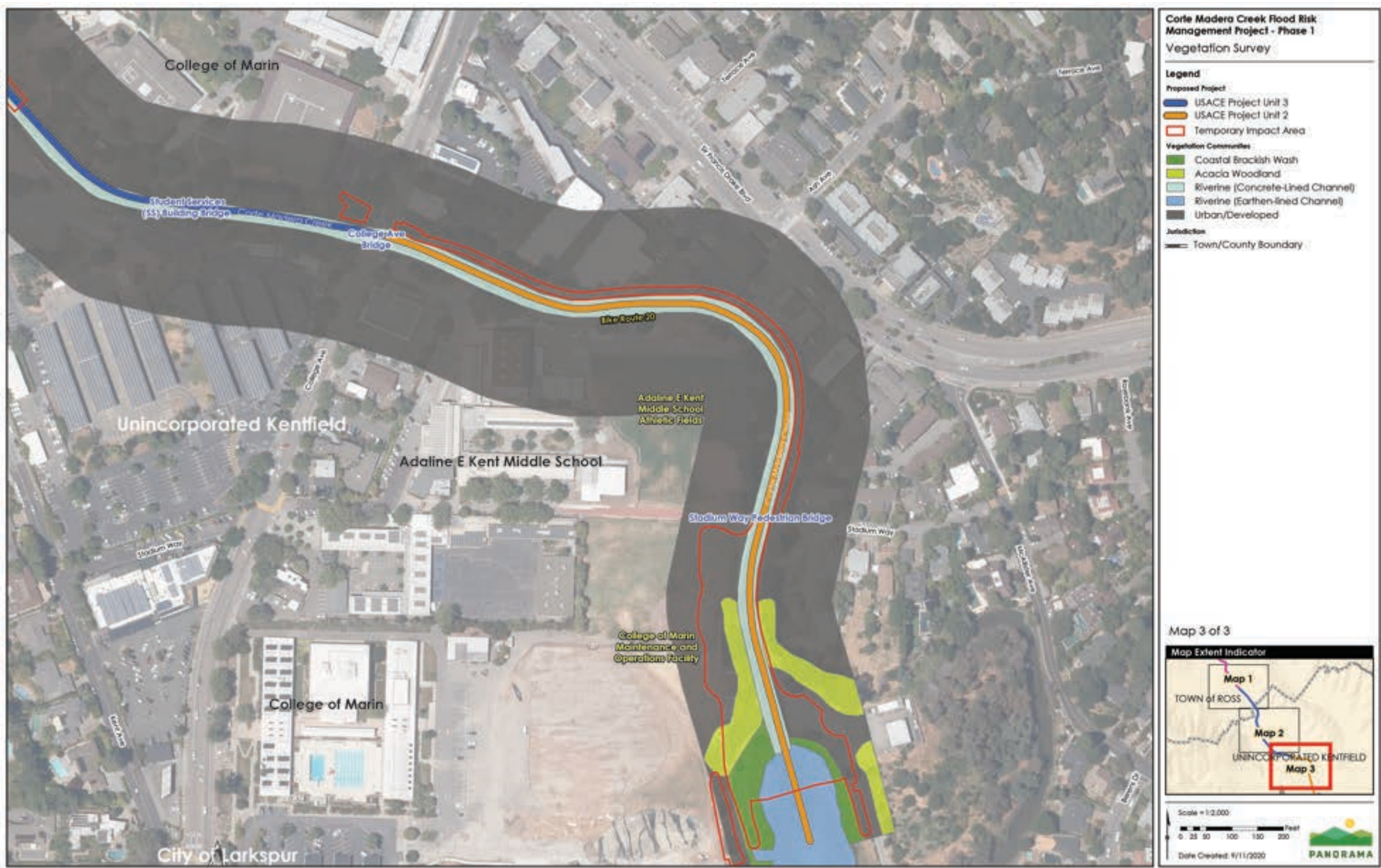
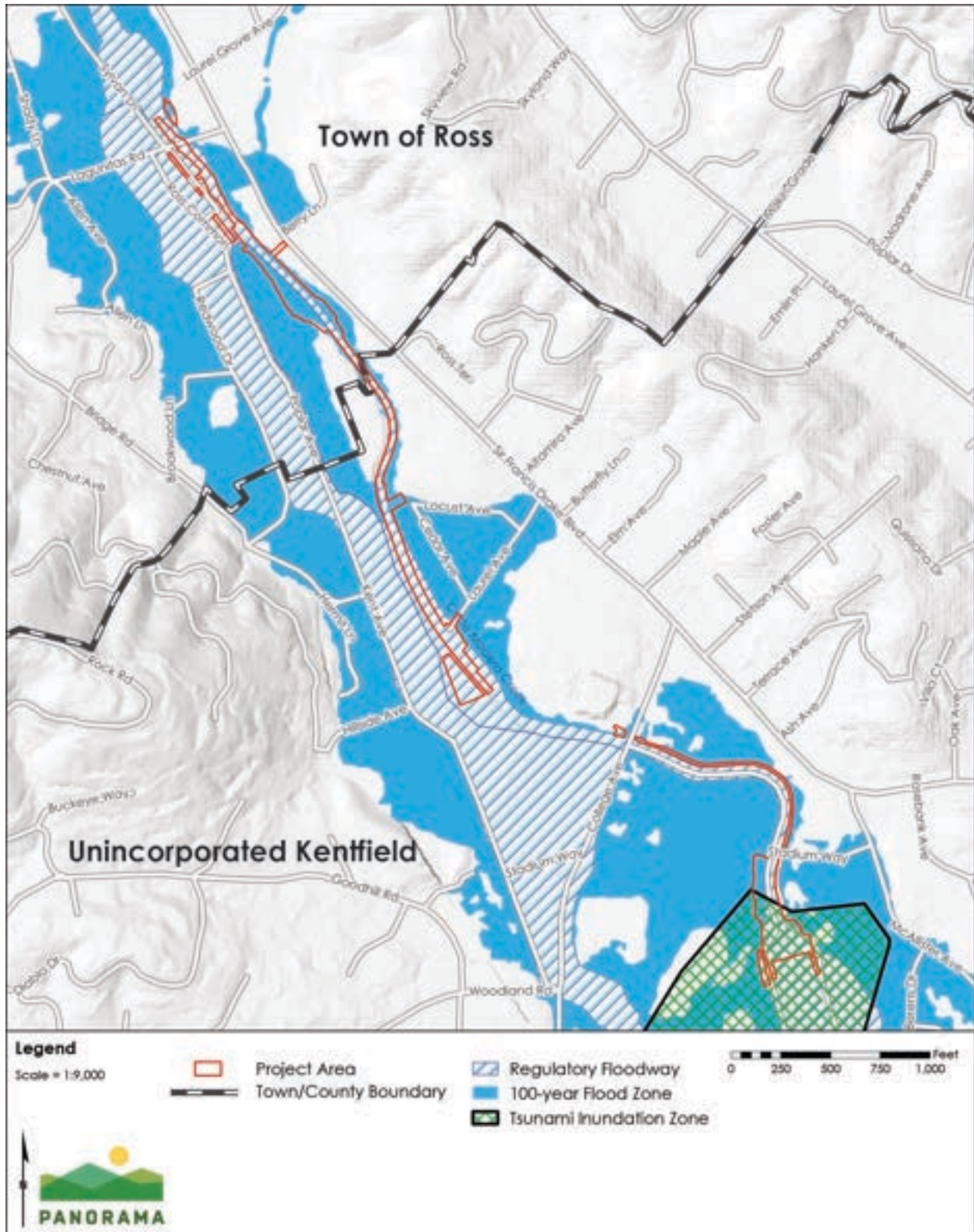


Figure 3.15-3 Utilities and Service Systems in the Project Area (Maps 3 of 3)



2 COMMENTS AND RESPONSES

Figure 3.9-3 Floodway and Tsunami Inundation Zones



2 COMMENTS AND RESPONSES

- B1-26 The commenter states that text should be updated on page 2-1 and page 3.6-2 in the Draft EIR to say, “San Anselmo Creek and Ross Creek merge to form Corte Madera Creek west of the Lagunitas Road Bridge.”

Page 2-1 and page 3.6-2 in the Draft EIR have been revised as follows:

San Anselmo Creek and Ross Creek merge to form Corte Madera Creek west of the Lagunitas Road Bridge ~~flows into Corte Madera Creek west of Greenbrae at the confluence with Ross Creek.~~

- B1-27 The commenter states that the term “Stadium Way” should be used and not “Stadium Avenue.”

Page 2-14 in the Draft EIR has been revised as follows to use the term “Stadium Way”:

- **Habitat-enhancing elements.** Creek habitat would be enhanced by replacing the concrete channel with an earthen channel and vegetation downstream from Stadium Way. ~~Avenue.~~

Page 3.1-6 in the Draft EIR has been revised as follows to use the term “Stadium Way”:

Lower Unit 3 and Unit 2 within the Kentfield area share similar characteristics as upper Unit 3 within the Town of Ross. Unit 3 extends from Kentfield Hospital downstream to just south of Stadium Way. ~~Avenue.~~ Bike Route 20 continues through Kentfield adjacent to the right bank of the creek, eventually crossing to the left bank at the Stadium Way. ~~Avenue~~ Bridge.

- B1-28 The commenter provides direct text edits for page 2-23.

Page 2-23 in the Draft EIR has been revised as follows to respond to the commenter’s direct text edits:

Rock and fill energy dissipators, a vegetated bioretention basin, and boulder-lined bioswales would be installed within the newly created ~~channel~~ habitats, including the transition zone.

A vest-pocket park ~~would be created~~ adjacent to the existing multi-use path would be enhanced. ~~The upland habitat around the pocket park would be enhanced by planting native understory vegetation beneath the existing trees. The two existing trees in the park would be preserved.~~

- B1-29 The commenter states that in Figure 2.5-8 in the Draft EIR, the area west of the project site should be labeled “College of Marin Maintenance and Operations Facility.”

Figure 2.5-8 in the Draft EIR has been revised as follows to include a label for the College of Marin Maintenance and Operations Facility:

2 COMMENTS AND RESPONSES

Figure 2.5-8 Lower College of Marin Concrete Channel Removal Habitat Creation



2 COMMENTS AND RESPONSES

- B1-30 The commenter states that the total project area for the Lower College of Marin Project's concrete channel removal is 80,419 square feet.

Table 2.6-1 in the Draft EIR has been revised as follows to note the correct area for the Lower College of Marin Project:

Unit 2	Floodwall (segment #1)	4,750	950	5,700
	Lower College of Marin concrete channel removal	0	<u>80,419</u> 86,250 ^{a, b}	<u>80,419</u> 86,250

- B1-31 The commenter states that the staging area shown in the College of Marin Project area should be removed from Figures 2.6-1, Figure 3.3-3, and Figure 3.9-3.

Figures 2.6-1, Figure 3.3-3, and Figure 3.9-3 in the Draft EIR have been revised to remove the staging area shown in the College of Marin Project area as shown in response to B1-25 above.

- B1-32 The commenter states that the wrong photo was used for Figure 3.1-5 in the Draft EIR.

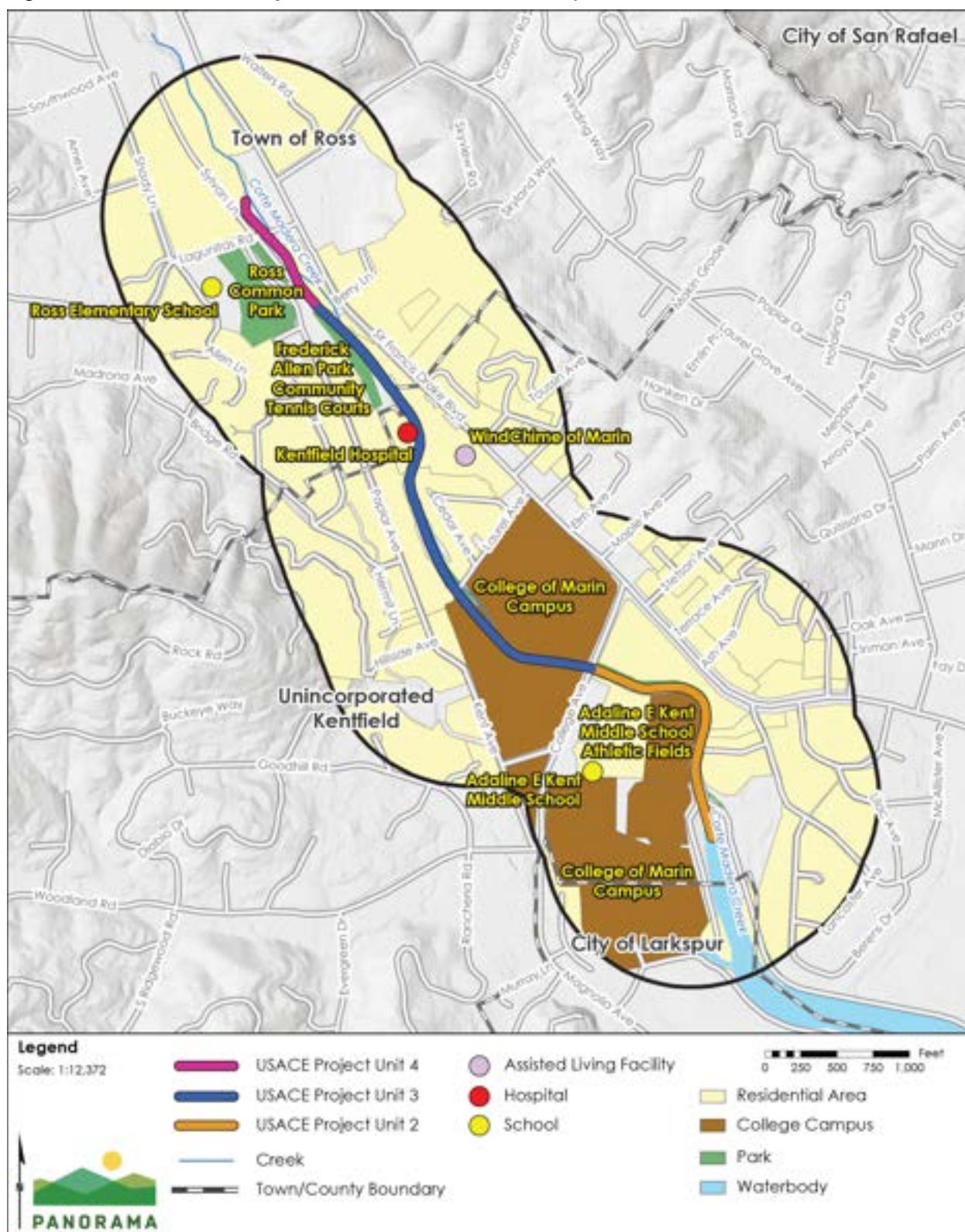
Figure 3.1-5 has been updated with the correct photo in the Draft EIR, as shown in response to comment A5-15.

- B1-33 The commenter states that the College of Marin's Maintenance and Operations Facility is mapped as Park (green) and should be mapped as College Campus (brown) in Figure 3.2-2 and Figure 3.10-3 in the Draft EIR.

Figure 3.2-2 and Figure 3.10-3 have been updated as follows in the Draft EIR, to map the College of Marin's Maintenance and Operations Facility correctly as College Campus:

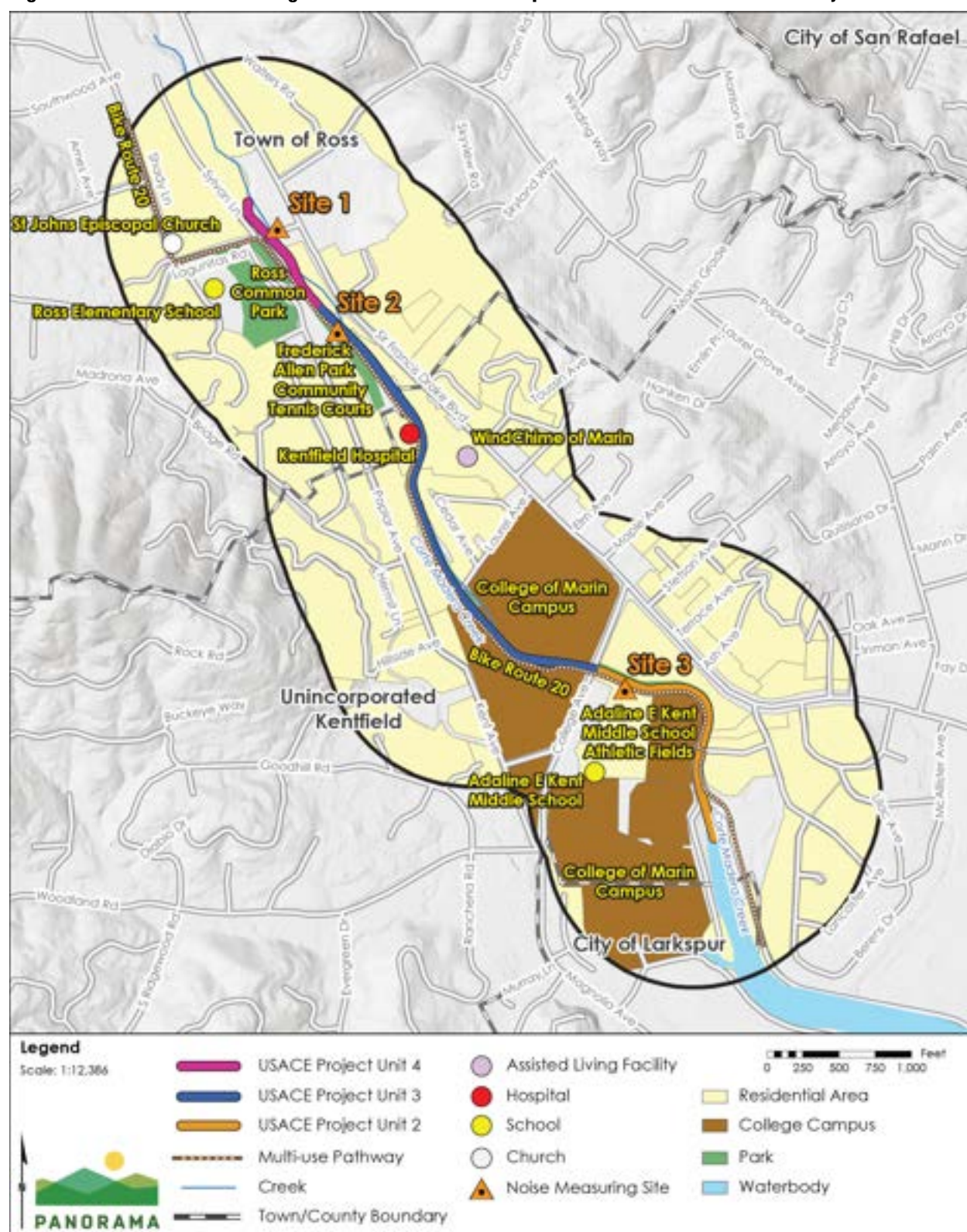
2 COMMENTS AND RESPONSES

Figure 3.2-2 Sensitive Receptors within 1,000 Feet of the Project Area



2 COMMENTS AND RESPONSES

Figure 3.10-3 Noise Measuring Sites and Sensitive Receptors within 1,000 Feet of the Project Area



2 COMMENTS AND RESPONSES

- B1-34 The commenter states that Miller Pacific prepared a geotechnical report for the Lower College of Marin Project and includes recommendations based on the results of soils samples collected in borings on the site.

The Miller Pacific geotechnical report recommends that design of new structures be in accordance with the provisions of the 2019 California Building Code or subsequent codes that are in effect when final design of the proposed project is prepared. As described on page 3.6-21 in the Draft EIR, the Lower College of Marin Project's concrete removal would not introduce any infrastructure that could result in the risk of loss, injury, or death from seismic shaking, and no mitigation is required.

The geotechnical report also recommends that measures be implemented to mitigate the potential for liquefaction that could damage planned improvements in the Lower College of Marin Project area. As discussed above, the proposed project would not include new infrastructure that could be susceptible to liquefaction. As discussed on pages 3.6-21 and 3.6-22 in the Draft EIR, removal of the concrete channel walls would improve stability of the channel banks and reduce the area of concrete structures that could be subject to damage from liquefaction. The impact would be less than significant, and no mitigation is required.

The geotechnical report does not provide mitigation measure recommendations for impacts from fault surface rupture or expansive soils, which is consistent with the analysis in the Draft EIR.

Page 3.6-25 in the Draft EIR has been revised as follows to reference the findings of the Miller Pacific geotechnical report:

Lower College of Marin

The Bay Mud underlying the Lower College of Marin Project area is weak. The Lower College of Marin Project work involves removal of a portion of the existing concrete channel and riprap, creating a less steeply sloped habitat area and planting the area to establish saltwater marsh and transitional habitat. Riprap would be reinstalled as needed for stability. The reduced slope of the created habitat relative to existing conditions, and use of soil stabilization, including riprap reuse, would generally stabilize the underlying soils. In addition, Marin County Municipal Code requires the Department of Public works to review acceptable soils and geologic reports prior to construction activities located on Bay Mud. ~~Per these regulatory requirements, the geotechnical investigation report for the lower College of Marin concrete channel removal, which is located on Bay Mud, will~~ The Miller Pacific geotechnical report prepared by for the Lower College of Marin Project includes detailed information related to soils matters such as stability, erosion; and settlement, and will includes recommendations for remediating soil instability expansive soils, which may includes for example, including removal of these soils and

2 COMMENTS AND RESPONSES

~~replacement~~ replacing them with ~~engineered~~ imported fill. With adherence to the Marin County Municipal Code, the project would have a less than significant impact due to its location on unstable soil units.

- B1-35 The commenter states that the former main channel of Corte Madera Creek, shown in the southeastern corner of Figure 3.9-1, is a cut-off slough and does not connect to the concrete channel.

The McAllister Slough connects to Corte Madera Creek at the earthen channel. The figure shows the extent of McAllister Slough close to the Corte Madera Creek concrete channel in the map scale shown, but it is not connected to the concrete channel as noted in the comment.

- B1-36 The commenter states that bank erosion has been much less than the statement from Royston in 1977, indicating that “roughly 20 percent of the total length of bank would be subject to 1 foot of erosion per year.”

No recent erosion monitoring data is available. The statement in the Draft EIR reports the findings from Royston. Although the erosion possibly has been less, the findings of Royston do not affect the impact analysis and findings in the Draft EIR.

- B1-37 The commenter states that the discussion in the Draft EIR about high water temperatures in Corte Madera Creek should be improved.

Pages 3.9-21 and 3.9-22 in the Draft EIR have been revised as follows to indicate other reasons for high water temperatures in Corte Madera Creek:

Corte Madera Creek also exhibits high water temperatures. These increased temperatures have been attributed to urbanization of the watershed, specifically the reduction of shaded stream surface area due to loss of riparian vegetation and increased channel width, although less so within Unit 4 (Friends 2008a, in (USACE, 2010). Increased temperatures also have been attributed to low streamflow, caused by groundwater pumping for irrigation, and lack of infiltration, caused by extensive impermeable surfaces.

- B1-38 The commenter states that projects 3 through 8 listed in Table 3.9-5 in the Draft EIR are on San Anselmo Creek, not on Corte Madera Creek.

San Anselmo creek is a tributary to Corte Madera Creek, and the future condition hydrologic analysis was conducted to address public scoping comments about the impacts of upstream projects on the hydrology of Corte Madera Creek and the flood control effectiveness of the proposed project.

2 COMMENTS AND RESPONSES

- B1-39 The commenter states that the description about the Lower College of Marin Project on page 3.9-42 in the Draft EIR is overly general. Some walls will be lowered, but the channel will not be removed.

Page 3.9-42 in the Draft EIR has been revised as follows to clarify the concrete removal proposed at the Lower College of Marin Project location:

Unit 2 Lower College of Marin Concrete Channel Removal

The ~~Lower College of Marin Project concrete channel removal~~ will involve the removal of portions of the concrete-lined flood control channel walls downstream ~~of from~~ Stadium Way to restore natural creek function and create tidal and wetland habitat.

- B1-40 The commenter states that sediments from the project area have been tested, and the soil is not hazardous, per the draft Basis of Design Report.

Page 3.9-42 in the Draft EIR has been revised as follows to indicate that the soils in the Lower College of Marin Project area are not hazardous, per the Lower College of Marin Project's Basis of Design Report:

Much of the exposed area will be revegetated with native vegetation; however, re-exposed channel sediments could be mobilized during tidal flows. The Unit 2 concrete channel removal project area is within the tidal influence of the San Francisco Bay. The Central San Francisco Bay is listed on the 303(d) list for mercury, PCBs, furan compounds, dioxin compounds, pesticides, and other contaminants. Sediments that would be excavated and exposed during construction could potentially be contaminated due to existing known contaminants in the San Francisco Bay, and the construction could result in transport of sediments and associated pollutants into San Francisco Bay. The transport of contaminated sediment to San Francisco Bay would be a significant impact. Soil testing was performed on samples from borings in the Lower College of Marin Project's concrete removal area (Geomorph Design Group, 2020). The soil samples were tested for heavy metals (CAM 17 metals), TPH (gas, diesel, and motor oil), semi-volatile organic compounds and PCBs. No hazardous materials were detected in the samples, and the soil contaminants are within the standard background levels for Marin County. The implementation of Mitigation Measure 3.9-1: Conduct Soil/Sediment Testing, would ensure that soil and sediment exposed by the project is tested and any contaminated sediments are removed/immobilized.

As mentioned in the analysis of the other project elements construction above, compliance with the Construction General Permit and implementations of the SWPPP and associated BMPs would reduce the potential degradation of surface water quality and potential impacts from construction-related spills or leaks.

2 COMMENTS AND RESPONSES

Therefore, with the implementation of the SWPPP, ~~and~~ associated BMPs, ~~and Mitigation Measure 3.9-1, construction of the Lower College of Marin concrete channel removal would not violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. The impact would be less than significant with the application of the prescribed mitigation measure.~~

Pages 3.9-47 and 3.9-48 in the Draft EIR have been revised as follows to remove the requirement for Mitigation Measure 3.9-1: Conduct Soil/Sediment Testing:

Following concrete removal, much of the exposed area will be revegetated with native vegetation. However re-exposed channel sediments along the lower banks and streambed could be mobilized during ~~tidal flows or flood events and tidal conditions, possibly building up fine sediment deposition in the reach that could be mobilized during daily tidal cycles,~~ potentially increasing turbidity and transporting associated pollutants into San Francisco Bay. As discussed above, soil sampling in the Lower College of Marin area concluded that the soils are not hazardous, and the proposed project would not expose contaminated soil and sediment. Implementation of Mitigation Measure 3.9-1 would ensure that soil and sediment exposed by the project is tested and any contaminated sediments are removed/immobilized during construction. In addition, site-specific bank protection will be installed in areas determined to be at increased risk of erosion or scour and creation and enhancement of vegetated tidal habitat would minimize the risk of erosion and increased turbidity to a less than significant level. Therefore, ~~with the implementation of Mitigation Measures 3.9-1,~~ operation and maintenance in this element would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. The impact would be less than significant ~~with mitigation.~~

- B1-41 The commenter states that sediments are likely to be mobilized by flood events in the Lower College of Marin area.

Clarification has been added to the Draft EIR that tidal conditions could build up fine sediment deposition in the reach that could be mobilized during daily tidal cycles. See proposed revisions to the text on page 3.9-47 in the Draft EIR, as provided in response to comment B1-40.

- B1-42 The commenter states that Mitigation Measure 3.9-1 already has been implemented.

See the response to comment B1-40. Mitigation Measure 3.9-1: Conduct Soil/Sediment would be required to mitigate operation and maintenance water quality impacts for Unit 3 in Frederick Allen Park, as described on page 3.9-47 in the Draft EIR.

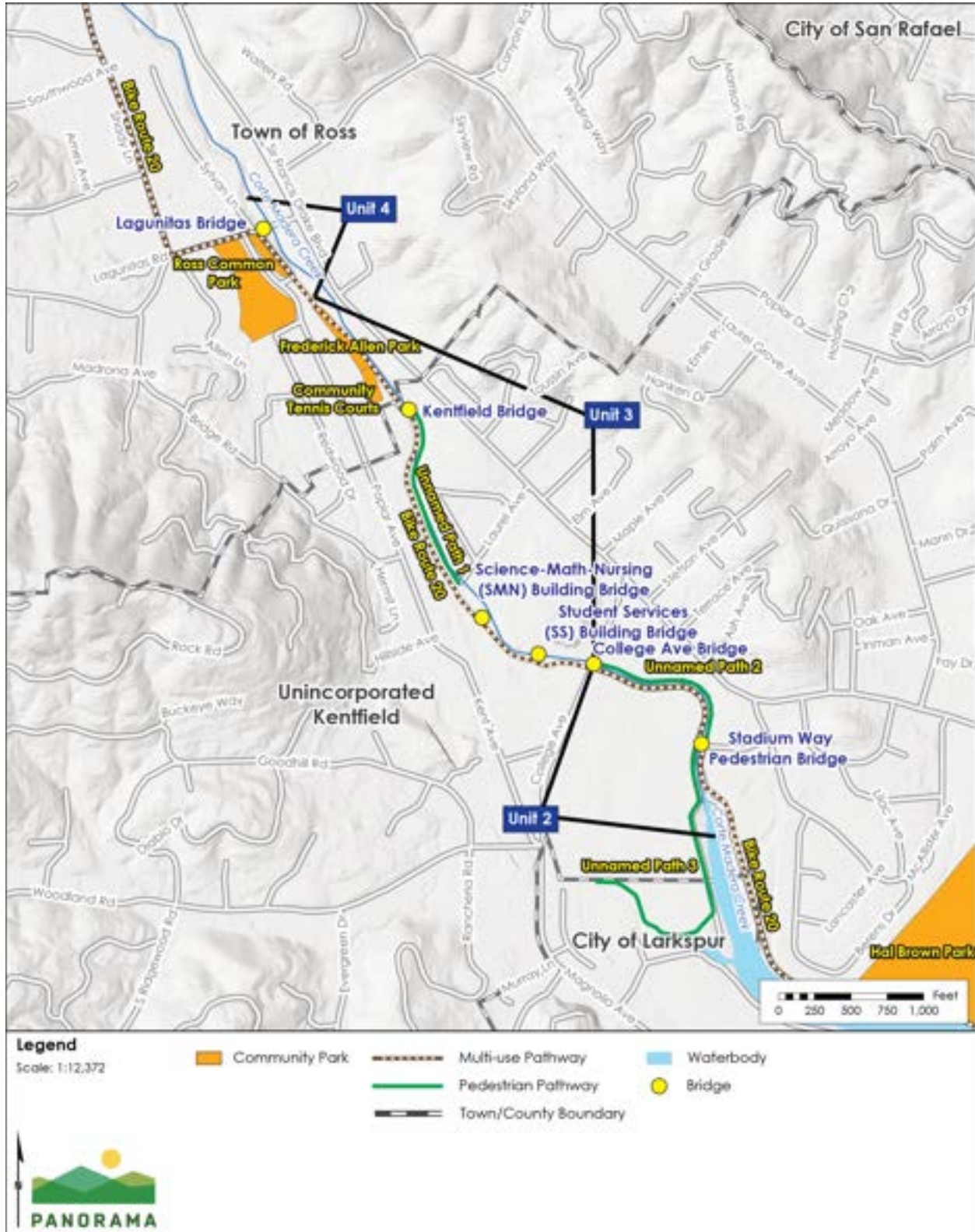
2 COMMENTS AND RESPONSES

B1-43 The commenter states that the College of Marin Maintenance and Operations Facility should be removed from Figure 3.12-2.

Figure 3.12-2 has been revised in the Draft EIR as follows, removing the College of Marin Maintenance and Operations Facility.

2 COMMENTS AND RESPONSES

Figure 3.12-2 Parks and Recreational Facilities in the Project Area



2 COMMENTS AND RESPONSES

- B1-44 The commenter states that construction of the new wetlands and transition zone would require the temporary closure of unnamed path #3. No walls would be constructed in that area.

Page 3.12-14 in the Draft EIR has been revised as follows to clarify the reason for temporary closure of unnamed path #3 during construction:

Unnamed Paths

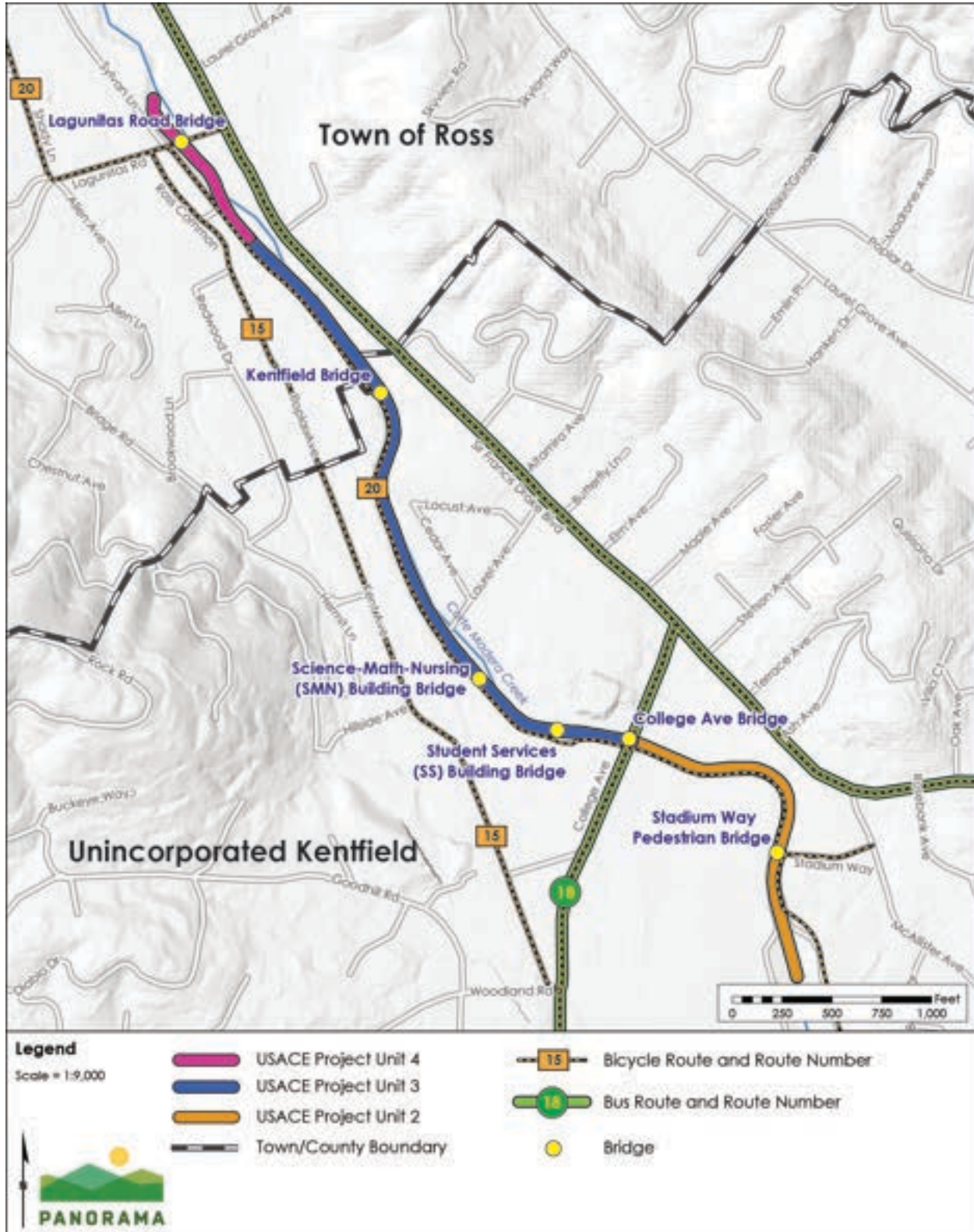
The project would require temporary closure of unnamed paths #1, and #2, and #3 during construction of floodwalls and temporary closure of unnamed path #3 during removal of the concrete channel and habitat enhancement in Unit 2.

- B1-45 The commenter states that in Figure 3.13-1 in the Draft EIR, Unnamed Path #3 is mapped as a bicycle route.

Figure 3.13-1 has been revised as follows in the Draft EIR to remove the bike route from the right bank of the creek south of Stadium Way.

2 COMMENTS AND RESPONSES

Figure 3.13-1 Local Transportation Network



2 COMMENTS AND RESPONSES

- B1-46 The commenter requests that the text on page 3.13-4 be reworded for clarity.

Page 3.13-4 in the Draft EIR has been revised as follows for clarity:

Bike Route 20, a biking and pedestrian pathway, follows ~~the right bank of Corte Madera Creek and runs from the Larkspur Ferry Terminal to the Town of Fairfax (Marin County Bicycle Coalition, 2008). Bike Route 20 is a biking and pedestrian pathway. Downstream from Stadium Way, the bike route follows the left bank of the creek. Moving upstream, the bike route crosses from the left bank to the right bank of the creek at the Stadium Way bridge. The bike route continues along the right bank as an off-street paved multi-use path, across College Avenue, to the beginning of Unit 4. The bike route then transitions to an on-road bike path adjacent to Unit 4. The segment of Bike Route 20 within the project area consists of an off-street paved multi-use pathway adjacent to Corte Madera Creek Units 2 and 3. Bike Route 20 transitions to an on-road bike path adjacent to Unit 4. Bike Route 20 crosses over Corte Madera Creek from the right bank to the left bank at the Stadium Way pedestrian bridge and continues along the left bank as an off-street paved multi-use path to Bon Air Road. Bike Route 20, within Units 3 and 2,~~ is heavily trafficked by pedestrians and bicyclists, including commuters.

- B1-47 The commenter states that vehicles traveling to the Lower College of Marin area would never use Woodland Road and would travel on Sir Francis Drake Boulevard to College Avenue.

Page 3.13-8 in the Draft EIR has been revised as follows to reflect the correct vehicle route to the Lower College of Marin area:

Vehicles traveling to the lower College of Marin ~~concrete channel removal~~ area would travel on Woodland Road College Avenue and into the College of Marin campus at the entrance to parking lot 12. Limited vehicle access would also occur on segments of Bike Route 20 within Unit 3 and on an informal path within the District's easement on the left bank.

- B1-48 The commenter states that the water pipeline that crosses the creek at Stadium Way is an aboveground pipeline, and that towns and the District are responsible for stormwater, not Marin Municipal Water District (MMWD).

The text on page 3.15-1 in the Draft EIR has been revised as follows to clarify that the water pipeline crossing the creek at Stadium Way is aboveground:

One water pipeline crosses the creek aboveground at Stadium Way in Unit 2.

2 COMMENTS AND RESPONSES

The text on page 3.15-1 in the Draft EIR has been revised as follows to clarify that MMWD only provides water and not stormwater services.

Several stormwater lines and MMWD water ~~and stormwater~~ lines are in the project area. There are water supply and stormwater lines that cross the creek just upstream of Lagunitas Road Bridge in Unit 4. Water pipelines are also adjacent to the southern end of Unit 4 and parallel parts of Bike Route 20. Two stormwater lines are near the proposed storm drain pump station in Unit 3. Smaller stormwater lines are scattered throughout Unit 3 and Unit 2. One water pipeline crosses the creek at Stadium Way in Unit 2. See Figure 3.15-1 to Figure 3.15-3 for locations of water pipelines in the project area.

- B1-49 The commenter states that the sewer crossing the creek at the end of Stadium Way is a deeply buried pipeline crossing the creek in an inverted siphon.

Refer to response to comment A4-1, which shows revisions to page 3.15-2 in the Final EIR, reflecting the correct alignment of the sewer line.

- B1-50 The commenter states that the stormwater lines in Figures 3.15-1, 3.15-2, and 3.15-3 are incorrectly attributed to MMWD, and other utilities are not accurately shown.

Figures 3.15-1, 3.15-2, and 3.15-3 in the Draft EIR have been revised as follows (on the next pages) to reflect the utilities and project components as shown in the Basis of Design Report for the Lower College of Marin area.

- B1-51 The commenter states that they support the project.

The District acknowledges the commenter's support for the project.

Figure 3.15-1 Utilities and Service Systems in the Project Area (Map 1 of 3)

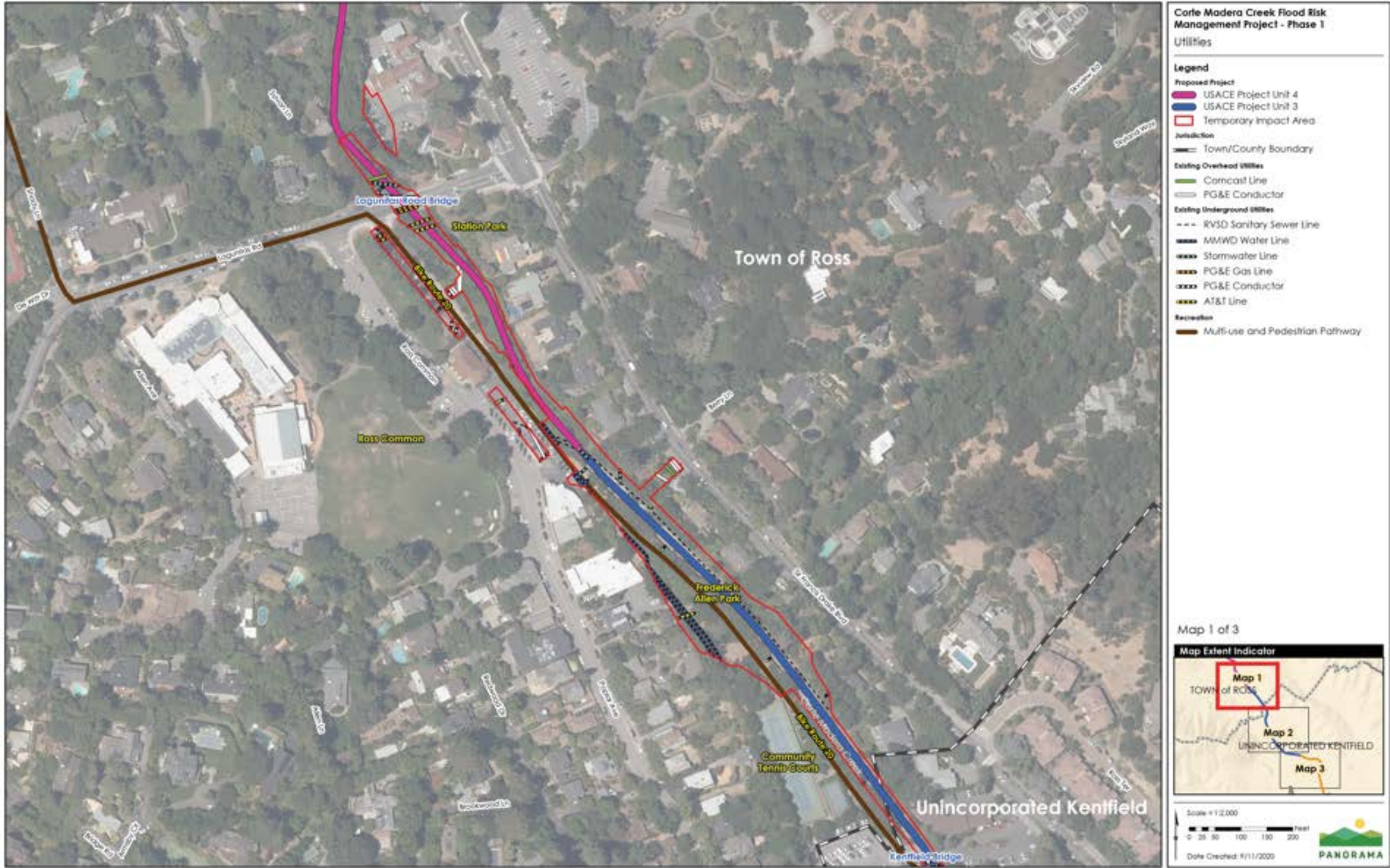
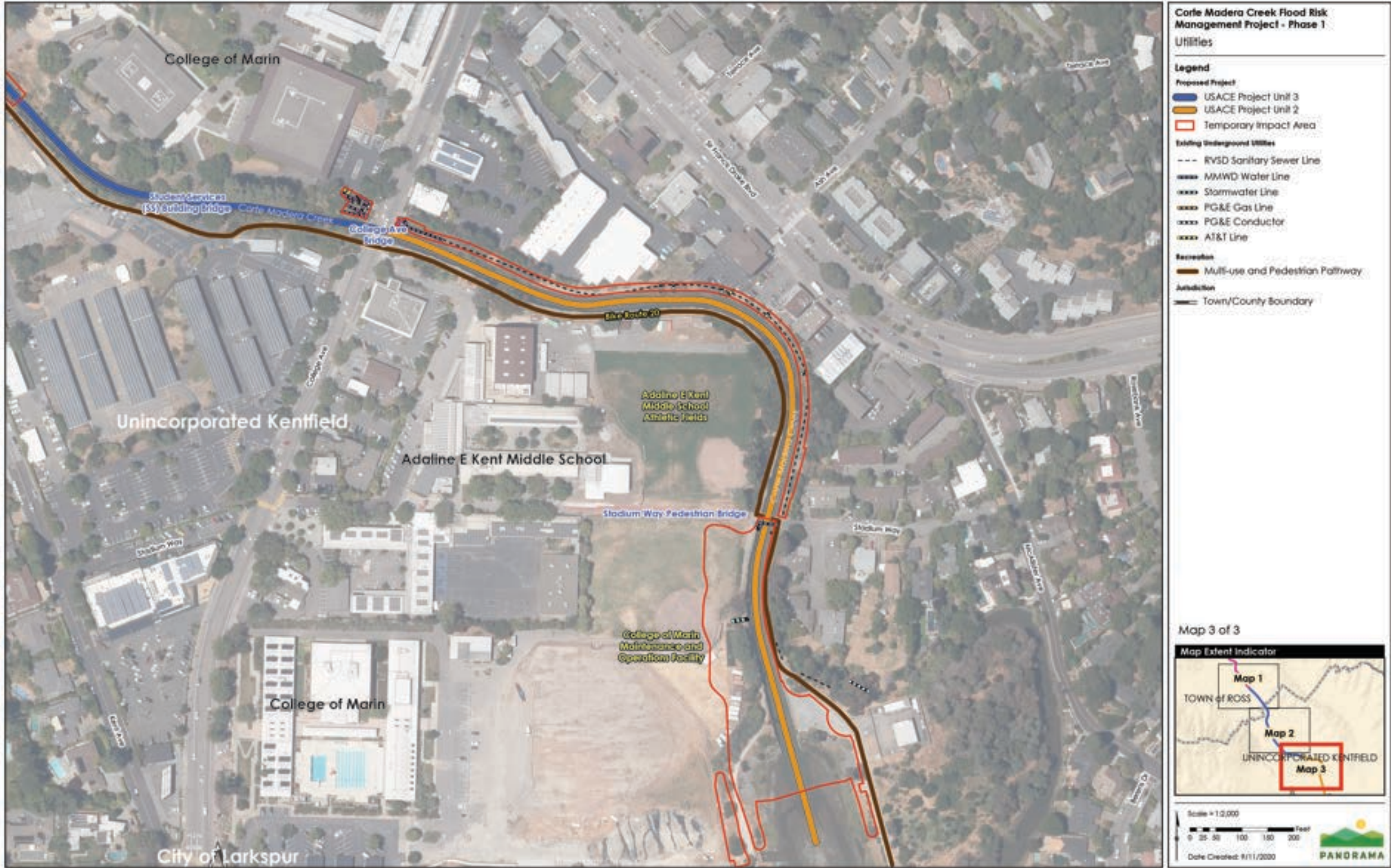


Figure 3.15-2 Utilities and Service Systems in the Project Area (Map 2 of 3)



Figure 3.15-3 Utilities and Service Systems in the Project Area (Map 3 of 3)



2 COMMENTS AND RESPONSES

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2 COMMENTS AND RESPONSES



Comment Letter B2

Kentfield Campus
835 College Avenue
Kentfield, CA 94904
415 . 485. 9449

Indian Valley Campus
1800 Ignacio Blvd.,
Novato, CA 94949
www.marin.edu

March 16, 2021

Joanna Dixon
Project Manager
County of Marin – Department of Public Works
3501 Civic Center Drive Suite 304
San Rafael, CA 94903

RE: College of Marin Comments to Corte Madera Creek Flood Risk Management Project, Phase 1 DEIR

Dear Ms. Dixon

Thank you for the opportunity to review the Draft Environmental Impact report for the Corte Madera Creek Flood risk management project prepared by Panorama Environmental Inc. The College of Marin has reviewed the document and we are providing comments in the attached letter.

Please feel free to contact me if you have any questions or need further clarification. I can be reached at 415-485-9449.

Sincerely,

A handwritten signature in blue ink, appearing to read "Klaus Christiansen".

Klaus Christiansen
Director of Facilities Planning, Maintenance and Operations

Attachment

CC:
Greg Nelson, Asst. Superintendent/Vice President College Operations
Isidro Farias, Director of Capital Projects

2 COMMENTS AND RESPONSES



Page 2 of 3

College of Marin Comments to Environmental Corte Madera Creek Flood Risk Management Project Phase 1 Draft Environmental Impact report

Project Description Page 2-20 and 2-23 Floodwalls

The section of floodwall along the left bank of College Ave at the College Ave. Bridge **Figure ES-4** is currently shown on land that is higher than the College Ave. Bridge. This would only serve to guide flows that are high enough to be blocked by the bridge's solid wall or funnel flows over College Avenue pavement between the bridge wall and the wing wall if there's a gap between the two. If something is really needed just upstream of the bridge, perhaps raising the existing channel wall a bit higher than the bridge's soffit to contain a bit more flow within the channel.

B2-1

The potential setback floodwall along the left bank of Unit three **Figure ES-3** would impact college property preventing future use of the space by the college.

B2-2

The potential setback floodwall along the left bank of Unit three would create an unsafe hiding space between the new floodwall and the existing fence.

B2-3

Project Description Page 2-20 Stormwater Pump Station and Backup Power

The Pump station would encroach on College property preventing any future use of the space by the college.

B2-4

The station backup generator as shown in **Figure 3.1-16** would adversely affect the view of Mount Tamalpais from the end of Laurel Ave.

B2-5

The potential noise from the equipment could be detrimental to the learning environment.

B2-6

Any above ground features should be painted a natural color such as "tree bark warm gray" to blend with the surroundings and reduce their presence.

B2-7

Project Description page 2-23 Unit 2 Channel Improvements

Removal of the existing floodwall would impact college property preventing future use of the space by the college.

B2-8

Removal of the existing floodwall would eliminate a heavily used walking path. This path would need to be retained in some fashion.

B2-9

2 COMMENTS AND RESPONSES



Page 3 of 3

Project Description Page 2-27 Staging, Stockpile and Temporary Work Areas

The staging area located in Parking Lot 9 on college property **Figure 2.6-1** would take away from parking which is already in limited supply at the college and in Kentfield in general. Any use of college property would need to be returned to equal to or better than their current condition.

B2-10

There appear to be five other locations designated for staging that would impact college property. Any use of college property would need to be returned to equal to or better than their current condition.

B2-11

Project Description Page 2-28 Tree Removal

Tree Removal Unit 2 **Figure 2.6-4** The Corps appears to have a policy to remove trees within 15' of the channel, if they acted on that they would remove many of the Coast Redwoods and a few Oaks south of the College of Marin Learning Resource Center Project site. This would completely change the character of the potential new campus entrance from College Avenue at the Learning Resource Center project site.

B2-12

Project Description Page 2-39 Construction Access

Project access through College of Marin Property **Figure 2.6-6** shows construction traffic using a pedestrian path between the baseball and soccer fields. This path is used by student athletes as well as the public for access to view events.

B2-13

Construction access although not clearly shown will need to go through college of Marin parking lots. These lots are generally full of passenger vehicles and are not suited for construction use

B2-14

College of Marin parking lots have multiple sub surface utilities including, plumbing, electrical, and geo thermal well that could be damaged by heavy construction equipment.

B2-15

Project description Page 2-33 Diversion and Dewatering

Noise from pumps running continuously will have an impact on student learning.

B2-16

General comments

Construction activities in the concrete channel will be noisy, has the potential for vibration and shaking on college property. These activities have a negative impact on student learning and should be minimized and/or mitigated.

B2-17

Dust concerns affect sensitive groups on campus.

B2-18

2 COMMENTS AND RESPONSES

2.4.2 Response to Letter B2: College of Marin

- B2-1 The commenter states that the floodwall along the left bank at the College Avenue Bridge is sited on land higher than the bridge and could result in flows over College Avenue.

The floodwall along the left bank at the College Avenue Bridge is proposed to contain water that overflows the creek bank along the overbank area and back into the concrete channel at the College Avenue Bridge. The area of the proposed floodwall has a lower elevation than College Avenue. A floodwall along the concrete channel edge would prevent flows along the left bank overflow area from re-entering the channel; therefore, this floodwall is proposed as a setback floodwall to direct flows back into the channel. The floodwall location was adjusted slightly in the 60% design, based on the latest survey data. The District will provide the updated floodwall design to the College of Marin for review.

- B2-2 The commenter states that the potential setback floodwall along the left bank of Unit 3 would impact college property, preventing future use of the space by the college.

The current design would attach the floodwall to the existing floodwall, with the exception of the short segment of floodwall adjacent to College Avenue (see response to comment B2-1). The District will coordinate with the College of Marin regarding the floodwall location, and it would obtain an easement for any project features on College of Marin property that extend beyond the existing easement.

- B2-3 The commenter states that the potential setback floodwall along the left bank of Unit 3 would create an unsafe hiding space between the new floodwall and the existing fence.

As discussed in response to comment B2-2, the current design includes attaching the floodwall to the existing floodwall. In addition, the new floodwall would be approximately 2 to 4 feet high.

- B2-4 The commenter states that the pump station would encroach on College of Marin property, preventing any future use of the space by the college.

As stated in Table 2.8-1 of the Draft EIR, The District would obtain an easement from the College of Marin for construction and operation of the stormwater pump station and any additional work within College of Marin property.

- B2-5 The commenter states that the station backup generator would adversely affect the view of Mount Tamalpais from the end of Laurel Avenue.

The backup generator would be a maximum of 7 feet in height and located in an area where it would be visible only from the end of Laurel Avenue. The area currently does

2 COMMENTS AND RESPONSES

not have views of Mount Tamalpais, and the backup generator would not affect views of Mount Tamalpais, as shown in Figures 3.1-15 and 3.1-16 in the Draft EIR.

- B2-6 The commenter states that the potential noise from the pump station equipment could be detrimental to the learning environment.

As described on page 3.10-20 in the Draft EIR, the pumps for the stormwater pump station would be installed underground and are not anticipated to create perceptible noise at the College of Marin. The pump station would be operational only during and immediately following storm events, when the pump station is needed to avoid flooding. The only noise produced from the pump station would be from operation of the emergency generator, which would occur only when power is down in the area and up to 50 hours per year. The generator would have a maximum sound level of 82 dBA at 50 feet and would result in noise levels of approximately 76 dBA at 100 feet. Closed windows would provide noise attenuation of 10 to 15 dBA. Students at the nearest College of Marin building (100 feet from the pump station) would experience noise levels from 61 dBA to 66 dBA without consideration of noise reduction from other building shielding and ground absorption. This range of noise levels would be equivalent to typical noise levels from normal speech at 3 feet (refer to Figure 3.10-1 in the Draft EIR). The noise is also extremely infrequent and would be isolated to periods when the pump station is running to avoid flooding and there is a power outage requiring operation of the generator. Due to the low level of noise and very infrequent noise generation, the generator would not affect student learning.

- B2-7 The commenter states that the aboveground features should be painted a natural color, such as "tree bark warm gray," to blend with the surroundings and reduce their presence.

The aboveground features would be painted a neutral color such as tree bark warm gray. The visual simulation has been updated in the Final EIR to show use of tree bark warm gray paint for the aboveground components, as shown in response to comment B1-15. The raised concrete floodwall would be the same color as the existing floodwall, to blend with the existing color.

- B2-8 The commenter states that removal of the existing floodwall would impact college property, preventing future use of the space by the college.

The proposed project would not include removal of an existing floodwall in Unit 2, but rather would involve removal of portions of the existing concrete channel walls. As stated in Table 2.8-1 of the Draft EIR, The District would obtain an easement from the College of Marin for any project areas on its property.

- B2-9 The commenter states that removal of the existing floodwall would eliminate a heavily used walking path. This path would need to be retained in some fashion.

2 COMMENTS AND RESPONSES

As described on page 3.12-11 in the Draft EIR, access along unnamed path #3, located on the right bank of the creek, would be restored after the concrete channel removal is completed. A new informal path segment would be constructed on the right side of the creek, replacing the segment of unnamed path #3 to be affected by the concrete-channel-removal. The new path segment would connect to the existing unnamed path #3 south of the concrete channel removal work area, restoring access along unnamed path #3.

- B2-10 The commenter states that the staging area in parking lot 9 on college property would take away from parking space, which already is in limited supply at the college and in Kentfield in general.

Refer to response to comment B1-31. Figure 2.6-1 in the Final EIR has been revised to remove the staging area shown in parking lot 9 on college property.

- B2-11 The commenter states that five other locations appear to be designated for staging that would impact college property. Any use of college property would need to be returned to equal to or better than the current condition.

As stated in Table 2.8-1 of the Draft EIR, The District would obtain a temporary construction easement from the College of Marin for any construction activities within College of Marin property. All staging areas would be restored to pre-project conditions following construction.

- B2-12 The commenter states that if USACE implements its 15-foot setback policy, many of the coast redwoods and a few oaks south of the College of Marin Learning Resource Center would be removed.

Per USACE's Pamphlet No. 1110-2-18, USACE has the authority to require tree removal within 15 feet of the channel at any time because of the existing floodwalls along Corte Madera Creek. Even if the proposed project is not implemented, USACE could require this tree removal. Tree removal, as required by USACE, is part of existing regulatory requirements and would not be an impact of the proposed project.

- B2-13 The commenter states that project access through College of Marin property shows construction traffic using a pedestrian path between the baseball and soccer fields. This path is used by student athletes as well as the public for access to view events.

The path would be used temporarily during the Lower College of Marin project element restoration and planting. The access would occur for a few weeks during initial mobilization and planting.

- B2-14 The commenter states that construction access would need to go through College of Marin parking lots, which generally are full and not suited for construction use.

2 COMMENTS AND RESPONSES

As stated in Table 2.8-1 of the Draft EIR, The District would obtain an easement from the College of Marin for work within College of Marin property.

- B2-15 The commenter states that College of Marin parking lots have multiple subsurface utilities that could be damaged by heavy construction equipment.

No proposed project-related construction activities would occur in College of Marin parking lots. The District would obtain an easement from the College of Marin for work within College of Marin property, which would include requirements, as necessary, to prevent damage by heavy equipment traveling through College of Marin parking lots.

- B2-16 The commenter states that noise from pumps running continuously would have an effect on student learning.

A dewatering pump would be installed upstream from the Unit 2 work area, approximately 700 feet from Diamond Physical Education Center at the College of Marin (the nearest building to the pump location). The proposed dewatering activities would occur between June 15 and October 15, and the use of dewatering pumps would operate only when in-water work is needed.

Noise from point sources, such as construction equipment, drops off at a rate of approximately 6 decibels (dB) per doubling of distance. For example, a sound level of 80 A-weighted decibels (dBA) at 50 feet from the noise source would be reduced to 74 dBA at 100 feet, 68 dBA at 200 feet, and so on as discussed on page 3.10-4 of the Draft EIR. Pumps would have a maximum sound level of 77 dBA at 50 feet (Table 3.10-7 in the Draft EIR). The dewatering pump would result in noise levels of approximately 53 dBA at 700 feet, assuming no noise attenuations from intervening structures and vegetation. Closed windows would provide noise attenuation of 10 to 15 dB. Students inside the Diamond Physical Education Center would experience noise level close to 38 to 43 dBA (without consideration of noise reduction from other building shielding and ground absorption). This noise levels would be equivalent to typical noise levels in an office (Figure 3.10-1 in the Draft EIR) and would not affect student learning.

- B2-17 The commenter states that construction activities in the concrete channel would be noisy and have a negative effect on student learning that should be mitigated.

The closest project component to the sensitive receptors at the College of Marin campus that would involve construction activities in the concrete channel would be the fish pools in lower Unit 3. As described on page 3.10-18 in the Draft EIR, although the overall construction duration at the fish pools would be for several weeks, construction of each pool would last only a few days. Fish pool construction in the area adjacent to the College of Marin would be of short duration, lasting approximately 3 weeks. In addition, noise from the fish pool construction would be reduced by the concrete

2 COMMENTS AND RESPONSES

channel walls, which would act as a partial noise barrier. For these reasons, construction noise impacts would be less than significant.

B2-18 The commenter states that project dust would affect sensitive groups on campus.

As described on page 3.2-25 in the Draft EIR, Mitigation Measure 3.2-2: Fugitive Dust Measures would be implemented. This mitigation measure would require implementation of BAAQMD-recommended fugitive dust control measures. As described in the Draft EIR, construction activities that are proposed in proximity to the College of Marin would not generate a significant amount of fugitive dust.

2 COMMENTS AND RESPONSES



Marin Audubon Society

P.O. Box 599 | MILL VALLEY, CA 94942-0599 | MARINAUDUBON.ORG

Comment Letter B3

March 17, 2021

Joanna Dixon, Project Manager
Department of Public works
Marin County Center
3501 Civic Center Drive
San Rafael, CA 94903

RE: Comments on Corte Madera Creek Flood Risk Management Project
Draft EIR

Dear Ms. Dixon:

The Marin Audubon Society appreciates the opportunity to comment on the DEIR for the Corte Madera Creek Flood Risk Management Plan. This is a multi-benefit project that will go a long way to improve habitat conditions along major lengths of the creek channel. While we strongly support the project we have some concerns about the plan and recommendations for components that should be analyzed in the Final EIR are addressed herein.

B3-1

The potential environmental enhancements the project will provide are extensive: restoration of fish passage habitat by removing impediments to flood flows, replacing the inadequate fish ladder, increasing capacity of the channel, creating floodplains, constructing more, larger fish resting pools, restoring natural creek banks and stabilizing slopes which will improve habitats for fish and bird habitat.

B3-2

The method of responding to scoping questions is user-unfriendly. It required extensive time to search through the text for the response to our comments. We request that future responses be made directly to comments as is usually done in CEQA processes.

B3-3

We request that the following questions and concerns be addressed in the Final DEIR:

B3-4

A Chapter of the National Audubon Society

2 COMMENTS AND RESPONSES

1. Alternatives to concrete - The removal of a large portion of the concrete channel in Unit 2, east of the College we see as a significant ecological benefit to fish, birds and people. However, the plan includes installation of more concrete floodwalls in all units. Hard concrete floodwall structures surface may be cheaper but they provide no environmental benefit.

We recommend that the DEIR review and evaluate alternative natural materials that could be used, in place of concrete. Wooden planks, logs and other natural materials are a few of the materials that should be considered as alternatives.

The evaluation should address alternative materials for floodwalls in each of the units, as different materials could be appropriate for different sections. The evaluation should address habitat benefits and bank stability for each.

We note that the Alternatives Analysis includes alternatives with rock stabilization structures instead of concrete. Rock walls would allow for growth of vegetation, which would be an improvement over concrete walls. Rock walls should be discussed further as to the likelihood of success and ease of growing the vegetation, i.e. evaluated as to the potential for success.

2. Tree Removal - Implementing the Corps of Engineer's requirement that vegetation not be planted within 15 feet of the concrete channel would significantly diminish the habitat value of the creek and lower the environmental benefits of the project. It is urgent that this restriction not be imposed on the project. We urge the County to aggressively pursue an exemption from this requirement. If organizations could be helpful in achieving this goal, please let us know.

Regarding mitigation for tree loss, since the Habitat Restoration and Monitoring Plan has not been produced and cannot be reviewed as part of this DEIR and the EIR discussion lists only agencies as participating in the Plan development, we express our concern that the interested public would not have an opportunity to comment. We are particularly concerned that the mitigation trees be planted at

B3-4
cont.

B3-5

B3-6

B3-7

2 COMMENTS AND RESPONSES

Environmentally Superior Alternative. Alternative 1 would reduce the concrete footprint at Frederick Allen Park and replace it with retaining walls made of rock or other natural material. Alternative 3 reduces concrete from Unit 2 and also replaces it with rock to allow plantings to improve habitat

B3-7
cont

The Environmentally Superior Alternative would combine these features to substantially improve the habitat values of the creek.

Correction: Wildlife Marin Audubon Society has conducted bird counts along Corte Madera Creek from 1978 to 2013, not Friends of Corte Madera Creek (Birds page 3.3-17). Actually, we have conducted the Christmas Count from 1978 to 2019. The Count was not conducted in 2020 due to the pandemic. Clearly the list provided is extensive attesting to the environmental value of the creek. If you would like an updated one, let me know.

B3-8

Sincerely,


Barbara Salzman, Chair
Conservation Committee

2.4.3 Response to Letter B3: Marin Audubon Society

- B3-1 The commenter states that they strongly support the project but have some concerns about the plan and recommendations for components that should be analyzed in the Final EIR.

This commenter's support for the project is acknowledged.

- B3-2 The commenter states that the potential environmental enhancements the project would provide would be extensive.

These environmental improvements provided by the project are reflected in the project objectives and impact analysis in the EIR.

- B3-3 The commenter states that the responses to scoping questions are not user friendly and finding responses is difficult.

The responses to scoping comments are presented in each applicable Draft EIR section, as well as in Appendix A, Notice of Preparation and Scoping Summary Report. Because the comments were considered as the basis for detailed analysis, a reference to the section of the Draft EIR where the comment is addressed is included, rather than providing a detailed response to each comment. This approach is consistent with other Marin County EIRs.

- B3-4 The commenter states that future responses to comments and alternatives related to concrete should be addressed in the Final EIR.

The responses to comments in the Final EIR include a detailed response to each comment (provided here).

The concrete floodwalls that are part of the proposed project would be an extension of the existing floodwalls along the creek. The new floodwalls would be installed on top of the existing concrete floodwalls. The proposed project would not install floodwalls in areas where floodwalls do not exist currently and would result in slightly taller floodwalls than current conditions. This type of floodwall extension is needed to comply with the engineering requirements of USACE Section 408 standards. A non-concrete alternative was considered in the Draft EIR as Alternative 3. Refer to Master Response 2 for information on the feasibility of Alternative 3 and non-concrete floodwalls.

- B3-5 The commenter states that the alternatives analysis includes alternatives with rock stabilization structures instead of concrete, which would be an improvement over concrete walls.

Refer to Master Response 2 regarding the environmental impacts of non-concrete floodwalls and Alternative 3.

2 COMMENTS AND RESPONSES

- B3-6 The commenter states that implementing the USACE 15-foot setback requirement for vegetation would lower the environmental benefits of the proposed project, and the County should propose an exemption from this requirement.

The USACE policy requiring a 15-foot setback can be exercised at any time by USACE, regardless of whether the project is implemented. The District is proposing to attach the new concrete floodwalls on top of the existing floodwalls, to avoid tree removal behind the floodwalls. The District has discussed the 15-foot setback requirement with USACE and has urged USACE to waive the setback requirement. The District will continue to work with USACE to avoid additional tree removal associated with the 15-foot setback. The District's goal is to avoid and minimize tree removal to the extent feasible.

- B3-7 The commenter states that they are concerned about the public not having an opportunity to comment on the Habitat Restoration and Monitoring Plan and on the Environmentally Superior Alternative.

Habitat mitigation requirements cannot be determined until a project alternative is approved; therefore, it is not feasible to develop the Habitat Restoration and Monitoring Plan before County approval of the proposed project or an alternative. Mitigation Measure 3.3-2a: Habitat Restoration and Monitoring Plan specifies the performance criteria and standards that would be applied during plan development and implementation.

Alternative 1 would not reduce the concrete footprint in Frederick Allen Park because Alternative 1 would include only construction of fish pools within Corte Madera Creek adjacent to Frederick Allen Park. No work in Frederick Allen Park is proposed under Alternative 1. Refer to Master Response 1 regarding the staff recommendation to adopt Alternative 1 and Master Response 2 regarding Alternative 3.

- B3-8 The commenter states that Wildlife Marin Audubon Society conducted bird counts along Corte Madera Creek from 1978 to 2019, not the Friends of Corte Madera Creek.

Page 3.3-17 in the Draft EIR has been revised as follows to correct the bird count statement.

Wildlife Marin Audubon Society ~~Friends of Corte Madera Creek Watershed~~ has conducted ~~Christmas Bird Counts~~ bird counts along Corte Madera Creek from 1978 to ~~2019~~2003.

2 COMMENTS AND RESPONSES

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2.5 Individuals

2 COMMENTS AND RESPONSES

Comment Letter C1

From: ALAN LUTSKY <LUTSKY@6CALETA.COM>
Sent: Monday, February 1, 2021 1:46 PM
To: cortemaderacreek@marincounty.org
Subject: Caleta Ave Bridge is missing from report

Hi, I noticed that the Caleta Ave Bridge is missing from report?

I C1-1

Alan Lutsky

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

2 COMMENTS AND RESPONSES

2.5.1 Response to Letter C1: Alan Lutsky

C1-1 This comment states that discussion of the Caleta Avenue Bridge is missing from the Draft EIR.

No projects for the Caleta Avenue Bridge are proposed; therefore, Caleta Avenue Bridge is not included in the cumulative projects' discussion in the Draft EIR.

2 COMMENTS AND RESPONSES

Comment Letter C2

-----Original Message-----

From: Dixon, Joanna <JDixon@marincounty.org>

Sent: Friday, February 5, 2021 2:04 PM

To: Woody Leary <firststreetbooks@yahoo.com>; Corte Madera Creek <cortemaderacreek@marincounty.org>

Subject: RE: Corte Madera Creek Flood Project

Thank you for your comment on the Corte Madera Creek Flood Risk Management Project. If you haven't done so already, please feel free to visit our website to learn more about the proposed project and the alternatives presented in the Draft Environmental Impact Report.

<https://www.marinwatersheds.org/resources/projects/corte-madera-creek-flood-risk-management-project>

Comments will be accepted through March 17th, 2021.

Thank you,

Joanna Dixon

Associate Civil Engineer

Marin County Flood Control District

-----Original Message-----

From: Woody Leary <firststreetbooks@yahoo.com>

Sent: Friday, February 5, 2021 7:44 AM

To: Corte Madera Creek <cortemaderacreek@marincounty.org>

Subject: Corte Madera Creek Flood Project

I have lived in Kentfield for over 50 years and so much of the joy of the

Kentfield- Ross area is from the beauty of all the lovely trees in our area.

I walk the Creek trail from Kentfield to Ross at least 2 or 3 times at week.

I can't imagine what a disaster it would be to cut down 144 of our mature beautiful trees- Utter destruction to our beautiful creek and path.

My plea is to spare the trees and not destroy our lovely area. I hope the beauty of the area is of primary concern not destruction.

Thank you

Mary Leary

20 Rancheria Road

Kentfield

CA

C2-1

Sent from my iPhone

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2 COMMENTS AND RESPONSES

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

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2 COMMENTS AND RESPONSES

2.5.2 Response to Letter C2: Mary Leary

- C2-1 The commenter expresses concerns about destruction that would be caused by removing trees along the creek as part of the proposed project.

This comment addresses the merits of the project, but not the environmental analysis. The effects of tree removal is analyzed in the Draft EIR in Section 3.1 Aesthetics and Section 3.3 Biological Resources. The Draft EIR found that the aesthetic impact from tree removal would be significant and unavoidable for a period of approximately 10 years, but the proposed landscaping would result in a beneficial aesthetic impact within 20 years. The maximum extent of potential tree removal presented in the Draft EIR is a worst-case scenario that reflects removal of all trees within 15 feet of the existing floodwall. A total of 34 trees would need to be removed to construct the project elements along the channel. The District has proposed attaching the floodwall to the existing floodwall to avoid removal of trees during floodwall construction. The District also would request that USACE not require removal of trees within 15 feet of the existing floodwall. The proposed project would replace all trees removed at the ratios specified in Mitigation Measure 3.3-2b and in accordance with Town of Ross and CDFW requirements for tree replacement. Refer to Master Response 1 regarding staff recommendation to adopt Alternative 1, which would not require removal of trees within Frederick Allen Park.

2 COMMENTS AND RESPONSES

Comment Letter C3

From: Gary Scales <garrettscales@comcast.net>
Sent: Tuesday, February 9, 2021 5:41 PM
To: towncouncil@townofross.org
Cc: Joe Chinn - Town Manager <jchinn@townofross.org>; Richard Simonitch <rsimonitch@townofross.org>; Patrick Streeter <pstreeter@townofross.org>; Rice, Katie <KRice@marincounty.org>
Subject: Ross Flood Control Project

Dear Mayor and Council-Members,

It is hard for me to believe it was over forty years ago I was a member of the Town Council considering how to improve flood control in Ross. A lot of water has passed under the proverbial bridge. Many millions of dollars have been spend on engineering, environmental and hydrology studies, and yet the channel and fish ladder remain as they were in 1980.

C3-1

Actually we did approved a project with community, County and Corps support, but failed to proceed due to lack of funding. It was very similar to what today is being proposed as Option One.

C3-2

I strongly support the proposed alternative Option One which will provide flood control and preserve the Frederick S. Allen Park. Allowing the fencing to remain addresses a significant safety issue. Removal of the fish ladder and providing fish resting areas within the channel also are included. Reinforcement of the earthen banks from the end of the concrete channel to the Lagunitas Bridge will provide for a suitable transition zone. The hundreds of studies and water level projections are just estimates and predications. We know Option One will provide a large measure of flood control to the Ross Community.

C3-3

I urge you to approve **Option One** and move forward with positive and realistic flood control measures for the Ross community.

C3-4

And I am reminded of the wise adage, **Don't let the Perfect be the enemy of the Good.**

Respectfully yours,

Gary Scales
4 Berry Lane
Email Disclaimer: <https://www.marincounty.org/main/disclaimers>

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2 COMMENTS AND RESPONSES

2.5.3 Response to Letter C3: Gary Scales

- C3-1 This comment states that many resources have been spent on engineering, environmental, and hydrology studies. However, the creek and fish ladder remain the same as they were in 1980.

This comment addresses the cost of implementing the project and does not address environmental impacts.

- C3-2 This comment states that a project proposal similar to Alternative 1 was approved in the past but failed to proceed because of a lack of funding.

This comment addresses the project history and does not address the environmental impacts of the project.

- C3-3 The commenter supports Alternative 1 and summarizes the benefits of implementing Alternative 1.

Refer to Master Response 1 regarding staff recommendation to adopt Alternative 1.

- C3-4 The commenter supports Alternative 1.

This commenter's preference for Alternative 1 is acknowledged. See Master Response 1 regarding staff recommendation to adopt Alternative 1.

2 COMMENTS AND RESPONSES

Comment Letter C4

From: sterling sam <familysam2002@yahoo.com>

Sent: Tuesday, February 16, 2021 6:32 PM

To: Dixon, Joanna <JDixon@marincounty.org>

Subject: Comments on the Draft EIR, Corte Madera Creek Flood Risk Management Project, Phase 1

Joanna,

I have reviewed sections of the Draft EIR for the Corte Madera Flood Risk Management Plan. I have the following comments, and I apologize, ahead of time if the answers are somewhere in the report, which in an online form is difficult to read through and equally difficult to navigate. I live in Ross, along the creek, and have been affected by flooding numerous times.

1) Did the county review past plans for dealing with flood problems in the area, which go back many decades. I believe that the Draft EIR would benefit greatly from incorporating some of those ideas, none of which came into fruition. I reviewed the Friends of Corte Madera Creek Watershed plan from 2017 (prepared by Sandy Guldman), which calls for the removal of the existing concrete channels; they only mentioned the flood of 1982. The huge flaw in their plan is that it depends on all property owners affected to agree to the plan. There was also no plan on compensation for property land lost even if all property owners agreed to the plan. And what of the homes? They would soon be undercut, which is what happened with 1 Sir Francis Drake Boulevard, with partial collapse of their property. Only because it is immediately adjacent to the fish ladder did the county come in to restore the property.

2) The EIR calls for removal of the concrete channel in Allen Park and constructing a restored natural channel and floodplain and aligned pathway. How do you plan on preventing the erosion of this "geomorphically restored channel and floodplain"? Perhaps "grade control structures and bank stabilization"? To the point where it will undermine the courts and cause their collapse. Also, how do you plan on 'tunneling' the floodwater from Allen Park back into the Kentfield concrete channel? This presents a huge problem in traditional flood-control channelization, converting natural stream floodwater from a high point (the south end of the Ross post office parking lot) to the low 'floodplain' area of Allen Park and then to a uniform channel cross section, in this case, the concrete channel in Kentfield. What would you do, soil cements on the steeper slopes and vegetation on the shallower ones? I have never seen that successfully done anywhere!



2 COMMENTS AND RESPONSES

a) I see there is no plan to lower the banks in the area NW of Allen Park, that is, in the area of the parking lot for the Ross Post Office. Why not? You will note the vertical drop from the sidewalk behind (east) of the parking lot is much higher than the banks on the other side of the creek. By maintaining the artificially high banks on the west side (where there was a train trestle) you cause the floodwater to increase velocity going into Allen Park and the other side of the bank where the homes are, NW of Allen Park. The post office is an old building, but not one of any historic significance. It could easily be replaced with a modular unit in the 'park' owned by Ross at the corner of Lagunitas and SFDB.

C4-5

b) Anything resembling a natural 'floodplain' would have Corte Madera Creek many times wider than it currently is, north of the Stadium Way pedestrian bridge. That cannot be done without wiping out many homes on both sides of the creek, the post office, Allen Park, etc.

C4-6

3) Were any of your three hydrology consultants actually out during the middle of the night on New Year's Eve 2005/New Year's Day 2006 to see the floodwater, as I was? I know they weren't because I was the only one out there that night. It is not just the flow depth, not just the flow velocity, but the volume of water, duration of flow, and flow circulation patterns that can only be understood by first-hand observation. And the floods of 1962 and 2005/2006 were relatively mild floods compared with those 60+ years ago.

C4-7

4) I see that on May 25-29, 2020 that a two-person crew located and identified existing trees. Did the crew from Stillwater Sciences carry out a survey of the other plants in the creek corridor on July 15, 2020? I read of your plan to replant trees given that many will have to be removed, from Allen Park for example. Many non-native trees are there, Liquidambar styraciflua (Altingiaceae), of the American southeast. There is also Acacia dealbata (Fabaceae) of Australia/Tasmania, and Eucalyptus camaldulensis (Myrtaceae), also of Australia, in the area. Will you be replanting such non-natives/ornamentals again (I hope not), or natives to the riparian community within the temperate redwood rainforest?

C4-8

C4-9

5) The plan calls for taller and/or new floodwalls in units 2 and 3 to control flood flows. Have you considered the increased hydraulic roughness caused by large quantities of debris, sediment, rock, etc. causing a reduction in flood conveyance?

C4-10

6) None of these many, many plans that have been put forth over decades have towns assisting homeowners to raise their homes out of the flood zone. Sonoma County has a 'Flood Elevation Mitigation Program', which covers up to 75% of raising a flood-prone residential structure above the 100-year flood level. Perhaps rather than generating more problems with your 'geomorphically restored channel and floodplain', Marin County could do the same.

C4-11

a) What plans do you have to restore homeowner's property, both horizontally and vertically, lost from many floods? The NW corner of my property extends well into the middle of the creek. Are there plans for property reassessment & a reduction in property taxes for loss of such property?

C4-12

7) Removing the fish ladder should have been done decades ago, but in full flood mode, the water level is many feet above it; that is, it is but a minor impediment to floodwater.

C4-13

a) Will these 'fish resting pools' consist of channel-spanning weirs or headwalls? Or will they be of the vertical slot type, creating pools for fish?

C4-14

Overall, your plan is largely a waste of money. There are flood walls from Allen Park southeast. There are flood walls on Sylvan Lane (nw of Lagunitas Bridge), a concrete one at 27 SFDB and a newly-installed rip-rap floodwall at 25 SFDB. You should install new concrete channels in unit 4 on resident's property lines and north of Lagunitas Bridge to join these disparate entities. These need to be higher on the upstream side (at least 6.5 feet above BFE at my location), slightly lower in unit 3, and lower in unit 2. Doing that should mitigate the vast majority of flood events.

C4-15

Regards,

Sterling Sam @ 415-215-9805
(fmr) Chief, Environmental Division
Department of Defense, Hawaii, HI
Professor of Botany

2 COMMENTS AND RESPONSES

2.5.4 Response to Letter C4: Sam Sterling

- C4-1 The commenter asks if the County has reviewed past plans related to flood control and suggests incorporating ideas from past plans into the Draft EIR. The commenter also mentions a plan prepared by the Friends of Corte Madera Creek Watershed in 2017 and refers to a flaw in that plan.

The District reviewed past proposals for flood control in developing the Draft EIR for the proposed project. The Draft EIR was written following decades of USACE involvement in developing a flood control project for the area.

- C4-2 This comment states that no compensation plan was proposed in the Draft EIR for property or home loss.

In accordance with CEQA, the Draft EIR evaluated the physical environmental effects of the proposed project. Economic effects (e.g., financial liability, property values) are not considered environmental impacts under CEQA, unless a physical impact on the environment would occur (see Master Response 5). The project has been designed to provide channel stability and avoid impacts on slope stability to protect residences adjacent to Corte Madera Creek.

- C4-3 This comment summarizes project activities proposed to occur in Frederick Allen Park and expresses concerns about potential erosion issues with implementation of project activities.

As discussed in Chapter 2, Project Description, in the Draft EIR, the proposed project would include construction of retaining walls in Frederick Allen Park. The project-specific analysis of erosion (starting on page 3.9-49 in the Draft EIR) includes an evaluation of potential erosion impacts from the proposed project in Frederick Allen Park. Substantial hydrologic modeling has been undertaken as part of the project design and engineering process, and the proposed project would be implemented in accordance with best engineering practices to address channel stability. The District understands the need to protect residential properties and the tennis courts along the channel, and new retaining walls are proposed adjacent to the tennis courts, to transition the natural channel back to the concrete channel and protect channel stability as well as the multi-use path and tennis courts. See also Master Response 1 regarding staff recommendation to adopt Alternative 1, which does not involve activities in Frederick Allen Park.

- C4-4 This comment asks how flood water is going to be directed to the concrete channel from the natural channel in Frederick Allen Park.

As discussed in Chapter 2, Project Description, in the Draft EIR, the proposed project would include retaining walls to connect the floodplain in Frederick Allen Park to the concrete channel, as shown in Figure 2.5-1 (see also response to comment C4-3). As discussed under Impact 3.9-2 beginning on page 3.9-50 in the Draft EIR, the proposed project would result in beneficial impacts and reduced flooding by keeping a larger

2 COMMENTS AND RESPONSES

volume of flood waters in the concrete channel and out of the Ross Valley community. See also Master Response 1 regarding staff recommendation to adopt Alternative 1, which does not include the floodplain in Frederick Allen Park.

- C4-5 This comment expresses concerns about a higher bank on the west side of Corte Madera Creek than on the east side at the parking lot and concerns that this grade differential would cause increased velocity in floodwaters entering Frederick Allen Park, and it suggests replacing the Post Office building.

Replacement of the Town of Ross Post Office is not part of the proposed project. The project design has included substantial hydraulic analysis to address the channel configuration. Refer to Section 3.9 of the Draft EIR and Master Response 3. Replacing the Post Office with a new building would not meet any project objectives and is therefore not considered as an alternative in the EIR.

- C4-6 This comment states that implementing the proposed project would include removing many homes on both sides of the creek.

As discussed in Chapter 2, Project Description, in the Draft EIR, the proposed project would not include removing homes or the Post Office (see Section 2.5, Project Elements and Design, in the Draft EIR, for more information regarding the description of project elements and design).

- C4-7 This comment asks whether the project hydrology consultants were in the field observing the 2005 storm event.

While the consultants who prepared hydrology section were not present during the New Year's 2005/2006 flood, the hydrology data from the 2005 storm event were used to calibrate the hydraulic modeling for the proposed project (see Section 3.9, Hydrology and Water Quality, starting from page 3.9-34, for more information regarding development of the hydraulic modeling for the proposed project).

- C4-8 This comment asks whether staff from Stillwater Sciences conducted plant surveys in the creek corridor on July 15, 2020.

A supplemental tree survey was conducted by GHD on July 15, 2020. No other plant surveys were conducted on that date.

- C4-9 This comment discusses non-natives trees that currently are on site and asks whether they would be replanted after tree removal.

The proposed project would involve planting native trees, as stated in Table 2.6-4 in Chapter 2, Project Description, in the Draft EIR. In addition, trees that would be planted as part of Mitigation Measure 3.3-2b would include native trees as replacement for the non-native trees removed.

2 COMMENTS AND RESPONSES

- C4-10 This comment asks whether the District has considered the possibility that large quantities of debris, sediment, and rock would cause reduction in flood conveyance.

The hydraulic analysis that forms the basis of design is based on the hydraulic model calibrated with observed high-water marks from various flood events in the area. The design of the floodwalls considered sediment effects on the channel hydraulics.

- C4-11 This comment suggests implementing a program to raise residential structures above the 100-year floodplain.

This comment proposes a new program that would not be applicable for the proposed project. Raising residential structures above the 100-year floodplain would not achieve any of the project objectives. The cost to implement a program to raise residential structures above the 100-year floodplain and the logistics to implement such a program make it infeasible within the timeframe for the proposed project.

- C4-12 This comment asks whether plans exist for property reassessment and property tax reduction for property losses caused by many floods.

This comment is unrelated to the proposed project and the Draft EIR (see also Master Response 5).

- C4-13 This comment states that the fish ladder should have been removed decades ago and it is a minor impediment to floodwater.

As discussed in Section 3.9, Hydrology and Water Quality, in the Draft EIR, the existing Denil fish ladder is a primary flow constriction for the Unit 4 reach that causes extensive overbank flooding along Corte Madera Creek (on page 3.9-12 in the Draft EIR). As discussed in Chapter 5, Alternatives, in the Draft EIR, removing the Denil fish ladder would remove a constriction, increasing the amount of water that stays within the flood control channel below the fish ladder. The water surface elevation within the concrete channel below the fish ladder would increase because more water would stay within the flood control channel and would not be directed out of the bank after the fish ladder has been removed.

- C4-14 This comment asks what type of fish resting pools would be constructed for the proposed project.

The design of the fish resting pools is discussed on page 2-23 in Chapter 2, Project Description, in the Draft EIR. The fish resting pools would be 1.5 to 3 feet deep and spaced approximately 150 feet apart in the channel. The downstream end of the pools would have a gradual transition to steadily accelerate flow out of them. The upstream end of the pools would be vertical, to help promote scouring and minimize sedimentation in the head of the pools (see Figure 2.5-7 on page 2-24 in the Draft EIR, which shows the proposed fish pools).

2 COMMENTS AND RESPONSES

C4-15 This comment requests installation of new concrete channels in Unit 4 on residents' property lines.

The original USACE flood control project that was constructed in the 1970s included installation of concrete flood control channels in Unit 4. While that project was under construction, the Town of Ross challenged USACE and stopped the concrete channel construction at Unit 4. No support from the Town of Ross or the regulatory agencies has been given for extending the concrete channel into Unit 4, and any plans to extend the concrete channel are considered to be infeasible, based on the history of litigation over the concrete channel extension. Extension of the concrete channel into Unit 4 also would result in substantially greater environmental impacts than the proposed project and would not reduce any environmental effects of the proposed project.

2 COMMENTS AND RESPONSES

From: Gilboy - Haven <cherilyn@prodigy.net>
Sent: Friday, February 26, 2021 1:41 PM
To: cortemaderacreek@marincounty.org
Subject: Flood Control plans - Granton Park

Comment Letter C5

Joanna Dixon and staff,

I cannot attend the March 2d meeting, thus my comments below.

RE: Pumphouse at end of Laurel Avenue:

I would appreciate receiving more information about the pumphouse.

- I am concerned that it may function when heavy storms, despite no flooding risk - how will this be handled? what triggers the pumps? C5-1
- The noise from the pumps are hopefully well insulated due to their proximity to residences. C5-2
- Planting of more Trees and other shrubbery is requested to buffer the close residences. Consider more new planting along right side of end of Laurel Ave. C5-3
- Can the fuel or motor or other topside parts be placed underground instead? to reduce size of cement pad. C5-4
- Can the vault and pumphouse be located further away from residences? Extend drainpipes as done in Hillside neighborhood. Other pumphouses seem to be located further away from houses by extending drainpipe, so an area closer to College Avenue would be more appropriate. C5-5
- Trees - Keep all trees not along cement fence - do not cut down trees between pumphouse and residences on Laurel Ave. C5-6

RE: The Swale & COM parking lot

- Will "The Swale" be fixed so that it functions as it did historically taking overflow into the 1st pond at end of Laurel Ave.? C5-7
- COM parking lot at Laurel Ave was to direct all surface water into drainpipes to overflow ponds, instead all surface water drains onto Laurel Avenue. Keeping surface water on their property was mandated when COM constructed Science Building in 2009. That issue has never been fixed by COM, please address to COM. C5-8

RE: Trees

- College of Marin had a nursery adjacent to creek and there are some very special mature trees that should Not be cut down. C5-9
- EIR does not sufficiently consider the substantial environmental effects of tree removal - pollution from saws, pollution from truck traffic, noise from saws/grinding/trucks hauling, and disruptive truck traffic through neighborhood. Also the loss of beneficial effects of trees, i.e. buffering noise and their healthful properties. C5-10
- Some trees that are tagged are on private property or property line - those trees and shrubbery should not be cut down. There are 3-4 tagged trees around 1 Cedar and many more along the back of Granton Park properties that should not be removed. C5-11

If there is an on-site meeting involving the pumphouse and trees in the end of Laurel Ave area, please let me know.

Thank you,

-Cherilyn Gilboy
Owner (48 years), 1 Cedar Ave
P.O. Box 592, Kentfield CA 94914

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2 COMMENTS AND RESPONSES

2.5.5 Response to Letter C5: Cherilyn Gilboy

- C5-1 This comment asks how the stormwater pump station works, and the commenter expresses concerns that the pump station would run when no flooding risk exists.

Page 2-20 of the Draft EIR describes the stormwater pump station and backup power in detail. Additional information on the design of the stormwater pump station is presented next, for clarity about the pump station operation.

The pump station would include submerged stormwater pumps and a subsurface valve vault. The pumps have been designed to run only when needed because of a high-water level in the receiving channel (Corte Madera Creek), concurrent with a storm event. The wetwell design includes a bypass channel that would allow stormwater to bypass the wetwell when the water level in the creek is low enough for flow to exit into the channel. In this manner, water would bypass the pump station, and the pumps would not run when water elevations in the creek are below the elevation where water would back up into the Granton Park neighborhood. When the creek conditions keep water from exiting the system via gravity flow because of high creek water surface elevations, the bypass channel would overflow into the wetwell. When the wetwell level increases, the pumps would be activated and pump the stormwater into the outlet structure.

The size of the wetwell would influence the amount of time that the pumps run to lower the water level in the wetwell. Pumping to lower the water level in the wetwell to the shut off elevation should take less than 10 minutes, so that the pump would start and stop only up to 6 times per hour. The dimensions of the wetwell were selected so that the bypass channel could convey the design flow under gravity flow conditions when permitted by the water level at the outfall in the creek.

The pump station has been designed with 25-year storm capacity when the largest pump in the pump station is off and at the 100-year-storm maximum capacity.

- C5-2 This comment expresses concerns about noise impacts resulting from the stormwater pumps during operation.

Discussion of noise impacts related to operation of the stormwater pump station is included on page 3.10-19 in Section 3.10, Noise, in the Draft EIR. The stormwater pumps would be installed underground and are not anticipated to create perceptible noise at the nearest residence. A generator would provide emergency backup power in the case of power failure when the stormwater pump station needs to operate. Operation of the backup generator would occur only during emergencies and during testing of the generator. Operation of the stormwater pumps and backup generator would be temporary and would not result in a permanent increase in noise.

- C5-3 This comment requests planting more vegetation along the end of Laurel Avenue.

Refer to response to comment B1-16 regarding replanting of trees on site.

2 COMMENTS AND RESPONSES

- C5-4 This comment asks whether the top parts of the stormwater pump station could be placed underground.

As discussed on pages 3.1-26 and 3.1-27 of the Draft EIR, most of the pump station components would be installed underground, to minimize aesthetics impacts. An 80-square-foot concrete pad with a 150-kW backup power generator and a motor control center would be mounted aboveground, because aboveground access would be necessary for these components for control and maintenance purposes and these features cannot be located underground.

- C5-5 This comment asks whether the stormwater pump station could be placed further away from residences.

The current pump station was sited and designed to balance the available space in the District's easement, align with the existing storm drain system and Corte Madera Creek pipe outfall, and minimize impacts on adjacent properties. The pump station facilities would be underground, with the exception of the pump control cabinet and backup generator. The backup generator would be idle most of time, except for annual maintenance and when the pump station does not have power from the electrical line and needs to operate. As discussed in the Draft EIR and responses to comments B1-15 and C5-2, neither construction nor operation of the stormwater pump station would result in significant impacts. Relocation of the pump station would not meet CEQA criteria for consideration as an alternative because it would not reduce or eliminate any significant impacts of the project.

- C5-6 This comment requests not removing trees between the stormwater pump station and residences on Laurel Avenue.

Tree removal would be limited to the extent required for construction equipment access and to the extent required by USACE in the Section 408 permit. Several trees would remain on site in this area, and eight trees would need to be removed where below-grade elements would require tree removal to construct and operate the stormwater pump station (see Figure 2.6-3 on page 2-30 in the Draft EIR). As described on page 3.3-81 of the Draft EIR, under Mitigation Measure 3.3-2b: Tree Mitigation, the District shall replant trees as mitigation for removal of any native trees in the project area and any trees greater than or equal to 6 inches diameter at breast height located within the riparian corridor.

- C5-7 This comment asks whether the swale would be fixed so that overflow would be directed into the first pond at the end of Laurel Ave.

The swale connecting Laurel Avenue and the basin on the College of Marin property would be modified to accommodate the pump station footprint. The swale would continue to function as a drainage path from Laurel Avenue to the basin. In addition, the

2 COMMENTS AND RESPONSES

pump station also would collect surface runoff along Laurel Avenue and discharge the surface runoff to Corte Madera Creek.

- C5-8 This comment states that the College of Marin parking lot at Laurel Avenue should direct surface water into drainpipes to overflow ponds. However, the surface water drains into Laurel Avenue. The comment requests that the District address this issue to the College of Marin.

This comment addresses the existing condition, not a project impact. The pump station is designed to intercept the overland flow on Laurel Avenue, as described in response to comment C5-7.

- C5-9 This comment states that mature trees in the College of Marin nursery should not be cut down.

The College of Marin nursery is not within the project area, and the project would not remove trees from the nursery area.

- C5-10 This comment states that the Draft EIR does not address the environmental effects related to tree removal adequately, including air pollution, noise, and transportation and traffic.

Impacts 3.2-2 and 3.2-3 and the mitigation measures in each in Section 3.2, Air Quality, in the Draft EIR address the fugitive dust and pollutants impact related to project construction. Impact 3.3-2 and Mitigation Measure 3.3-2b in Section 3.3, Biological Resources, in the Draft EIR address the impact of tree removal. Impact 3.10-1 and Mitigation Measure 3.10-1 in Section 3.10, Noise Draft, in the Draft EIR address the temporary noise impacts related to project construction. Impacts 3.13-1, 3.13-3, 3.13-4 and Mitigation Measure 3.13-1 in Section 3.13, Transportation and Circulation, in the Draft EIR address the temporary construction impacts related to pedestrian and bicycle traffic, traffic hazards, and emergency access. With the exception of the tree removal in Frederick Allen Park and temporary aesthetic impact from loss of tree canopy, the Draft EIR finds that the impact from tree removal would be less than significant with the mitigation included in the EIR. The Draft EIR concludes that the aesthetic impact in Frederick Allen Park would be significant and unavoidable for a period of approximately 10 years following landscaping.

- C5-11 This comment states that some trees on private property or on private property lines are marked to be removed.

The tree removal analysis presented in the Draft EIR is very conservative and assumes a maximum level of tree removal based on USACE policy, which requires a 15-foot buffer between the floodwalls and trees. The trees that are indicated for removal are trees that are within 15 feet of the existing floodwall, where the proposed project would increase the height of the floodwall. During discussions with USACE about the proposed project,

2 COMMENTS AND RESPONSES

USACE stated that trees on private property would not be removed, and that trees within 15 feet of the existing floodwall may not need to be removed, but the final determination would be provided in the Section 408 permit authorization.

- C5-12 The commenter would like to be informed when an on-site meeting occurs to discuss the stormwater pump station and tree removal in the Laurel Avenue area.

No on-site meetings have been planned; however, if an on-site community meeting is planned in the future, the District would notify residents adjacent to the project area in advance of the meeting.

2 COMMENTS AND RESPONSES

Website
Newsletter
Facebook
@supervisoroffice

Comment Letter C6

----- Forwarded Message -----

From: County of Marin Board of Supervisors <noreply@formresponse.com>
To: "propertymanagersllc@yahoo.com" <propertymanagersllc@yahoo.com>
Sent: Tuesday, March 2, 2021, 09:28:41 AM PST
Subject: We have received your Board of Supervisors Contact Form

Board of Supervisors Contact Form	
Your Name:	Suzanne Mabardy
Your Email Address:	propertymanagersllc@yahoo.com
Subject:	Corte Madera Creek Project
Select a Routing Method (optional):	District
What District Do You Live In (optional)?	District 2 - Katie Rice
Message:	<p>I am the owner of 1135 Sir Francis Drake, Kentfield (immediately upstream from Kentfield Hospital Bridge, Kentfield side). This property is adjacent to the concrete channel and has NEVER FLOODED...thanks to good STRUCTURAL engineering.</p> <p>I have read the EIR and have these objections:</p> <p>1) The project's primary objective is to improve flood management. This objective is NOT met per the Hydrology Study (page 3.9-60). The study "shows either a reduction of flooding OR NO significant increases..." AND it shows increased flooding in areas around COM. This project simply does not adequately achieve its primary purpose!</p> <p>2) The Seismic Study only targets the channel wall in Ross/Fredrick Allan Park. Page 3.6.20 states, "The</p>

C6-1

C6-2

2 COMMENTS AND RESPONSES

existing flood control channel wall is a concrete structure this a prone to damage under stone seismic events, whereas the proposed natural vegetated channel in FAPark would be less prone to damage or loss under a strong seismic event." This study totally ignores the full integrity of the entire concrete channel system. If there is such a seismic event, the entire channel would be "prone to damage"...NOT JUST IN ROSS.

3) This project is heavily weighted as A BEAUTIFICATION PROJECT FOR THE TOWN OF ROSS PAID FOR BY MARIN COUNTY TAX PAYERS. If there is fear that ONLY the Ross' concrete wall is failing...then let's get that justification. Otherwise, if you tear down the ROSS/ Park concrete channel AND beautify it...THEN it is logical that the entire concrete wall should be treated in the SAME method.

Thank you for your attention to my comments.
Suzanne Mabardy 415-302-4383

C6-2
cont.

C6-3

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You're receiving this message because you're a member of the Corte Madera Creek group from County of Marin. To take part in this conversation, reply all to this message.

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2 COMMENTS AND RESPONSES

2.5.6 Response to Letter C6: Suzanne Mabardy

- C6-1 This comment states that the proposed project would not meet its primary objective to improve flood management.

The proposed project has multiple objectives, including flood risk reduction, as stated in the Executive Summary and Chapter 2, Project Description, in the Draft EIR. The project would reduce flooding on residential, commercial, and municipal parcels in Ross, unincorporated Kentfield, and Larkspur as presented in Section 3.9 of the Draft EIR. The proposed project flood reduction benefits are discussed on page 3.9-60 in the Draft EIR. As discussed in Master Response 1, the District staff are recommending adoption of Alternative 1. Additional details about the Alternative 1 flood risk reduction benefits are presented in Master Response 3.

- C6-2 This comment states that the seismic study targets the channel wall in Ross/Frederick Allen Park and ignores the full integrity of the entire concrete channel system.

This comment addresses the existing condition and not the impacts of the project. The Draft EIR includes a discussion of the analysis of the potential impacts of the proposed project, as required by CEQA. The proposed project would not remove the existing concrete channel in areas outside Frederick Allen Park. The comparison of existing conditions and proposed project conditions in the Draft EIR focuses on the area where the concrete channel would be removed. The concrete channel in all areas would be prone to potential impacts from strong seismic events because concrete is more at risk to damage from strong seismic shaking than natural earthen material and vegetation. The risk of seismicity to the existing concrete channel is the existing condition, and the vulnerability of the existing concrete channel to strong seismic shaking events would not change because of the project implementation in areas where the concrete channel would remain. A USACE will evaluate the risk of the taller floodwall on the structural stability of the concrete channel as part of the Section 408 authorization process and would not authorize modifications to the structure that would place the structure at risk. The proposed fish pool construction within the concrete channel has been evaluated by GHD as part of the 60% design process and the USACE will perform a risk evaluation as part of the Section 408 authorization process. The fish pools have been designed to avoid increased risk of damage to the concrete channel during strong seismic events.

- C6-3 This comment states that the proposed project is a beautification project for the Town of Ross. The comment further states that if the concrete wall in the Town of Ross is removed, then the entire concrete wall in the project area should be removed as well.

The project objectives are identified in Section 2.4, Project Objective, in the Draft EIR. The project objectives do not include beautification but do include increasing environmental benefits and enhancing recreational experience. Improving environmental benefits and enhancing recreational experience could enhance aesthetic

2 COMMENTS AND RESPONSES

appeal of the project area, including the project elements proposed within the Town of Ross.

Chapter 5, Alternatives, in the Draft EIR presents descriptions and evaluations of alternatives to the proposed project (beginning on page 5-1), including Alternative 1 that would involve no modifications to Frederick Allen Park (see Master Response 1 regarding the preference for Alternative 1). Other alternatives to the proposed project, including removal of the concrete channel in other areas, were considered in Chapter 5; however, the alternatives that would remove additional sections of the concrete channel would require substantially greater sources of funding than others available to implement the proposed project that would meet the criteria for economic feasibility. These alternatives also would involve actions in other areas and would not meet CEQA criteria for alternatives because they would not reduce any significant environmental impacts of the proposed project. Alternatives that would remove the concrete channel in other areas could be implemented as a separate project in the future, if landowner support exists for the alternative and new funding sources are available to implement the concrete channel removal.

2 COMMENTS AND RESPONSES

Comment Letter C7

----- Forwarded message -----

From: **Andy Avins** <aaavins@gmail.com>
Date: Fri, Mar 5, 2021 at 6:24 PM
Subject: Corte Madera Creek Flood Risk Management Project Input
To: <cortemaderacreek@marincounty.org>
CC: Miriam Kuppermann <miriam.kuppermann@ucsf.edu>

We are writing to express our strong support for the full range of the Corte Madera flood-mitigation efforts currently under consideration. As residents living on Kent Ave. in Kentfield, and having lived through the devastating flood of 2005, we are well aware of the potential for future flooding and its very serious consequences. We believe the advantages of proceeding with implementing all flood-control options far outweigh any negative consequences and we congratulate the Marin County Flood Control and Water Conservation District on their careful and thoughtful proposal.

C7-1

We understand that proceeding with the most comprehensive flood-control options proposed would result in some temporary negative effects on the esthetics of Frederick Allen Park. However, we believe this is a relatively small price to pay for the benefits of the full project, given the increasing vulnerability of Ross Valley to future and worsening flooding as climate change continues. Furthermore, the effects on the Park's esthetics would be temporary (lasting a few years), resolving as newly planted trees mature, but the benefits of the project will last many decades. The overall environmental improvements also argue strongly in favor of proceeding with the full risk-reduction plan.

C7-2

We thank the District for its hard work and we strongly voice our support for implementing the full range of flood risk-reduction options under consideration.

C7-3

Sincerely,

Andrew Avins
Miriam Kuppermann
[307 Kent Ave.](#)
[Kentfield, CA 94904](#)
Email Disclaimer: <https://www.marincounty.org/main/disclaimers>

2 COMMENTS AND RESPONSES

2.5.7 Response to Letter C7: Andrew Avins and Miriam Kuppermann

- C7-1 The commenters support the proposed project and believe that project benefits would outweigh any negative consequences.

This commenter's support for the proposed project is acknowledged.

- C7-2 The commenters state that they understand the temporary negative aesthetics effects that would occur in Frederick Allen Park resulting from project implementation, but that this would be a small price to pay. The commenters express strong support for the proposed project.

The commenter's support for the proposed project is acknowledged. Refer to Master Response 1 for a discussion of the reasons for staff's recommendation to adopt Alternative 1.

- C7-3 This comment expresses support for the proposed project.

The commenter's support for the proposed project is acknowledged.

2 COMMENTS AND RESPONSES

Comment Letter C8

From: Hugh Barron <hughbarron@comcast.net>
Sent: Friday, March 12, 2021 11:46 AM
To: cortemaderacreek@marincounty.org
Subject: Ross Flood Control project - Comments

To whom it may concern:

I live at 43 Poplar Ave. in Ross, CA next to tennis courts and Allen Park. I spoke with Rich Simonich from Town of Ross this week who informed me on the trees' removal and replanting mapping for the Ross Flood Control Project.

C8-1

I wanted to write to say that I'm in support of the project. My wife wrote to the mayor saying she's concerned about losing our privacy but it seems to me that our house at 43 Poplar will be in good shape based on the drawing showing our back fence trees staying and some bigger trees being added next to the path.

C8-2

I'm thinking that access to a naturally flowing creek will create a very cool and natural space back there. Steelhead do actually run and then spawn up in Green Park below Phoenix lake, some years better than others. I'm kind of a fish conservation nut so think that removing the channel and fish ladder is a positive. Also, it seems that if we don't lose privacy and the larger basin serves to mitigate flood risk then it's a good solution.

C8-3

C8-4

Best regards,

Hugh D. Barron

43 Poplar Avenue
Ross, CA 94957-1369
Cell: (415) 250-9919

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

2 COMMENTS AND RESPONSES

2.5.8 Response to Letter C8: Hugh D. Barron

- C8-1 This comment states that the commenter has been informed about the proposed tree removal and planting plan related to the proposed project.

This commenter's knowledge of the tree removal and planting plan is acknowledged.

- C8-2 This comment expresses support for the proposed project.

This commenter's support for the proposed project is acknowledged.

- C8-3 This comment states that the commenter supports the project elements related to creating access to the creek, removing the concrete channel, and removing the fish ladder.

This comment addresses the merits of the project and not environmental impacts. Refer to Master Response 1 regarding the reasoning for staff recommendation to adopt Alternative 1.

- C8-4 This comment states that the proposed project would be a good solution to mitigate flood risk if privacy is not lost.

This comment addresses the merits of the project and not environmental impacts. See Master Response 4 regarding privacy.

2 COMMENTS AND RESPONSES

Comment Letter C9

John C. Crane

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March 15, 2021

Joanna Dixon
Associate Civil Engineer
Project Manager, Public Works
Marin County

RE: Corte Madera Creek Flood Risk Management Project Draft Environmental Impact Report (Draft EIR) Comments

Joanna:

Thank you for the opportunity to submit my comments for the Corte Madera Creek Flood Risk Management Project Draft Environmental Impact Report (Draft EIR).

I am in favor of Alternative 1: Reduced Footprint – Avoid Frederick Allen Park.

Frederick Allen Park is home to an urban forest that is currently flourishing and thriving, and it should be left alone. Moving forward with the proposed project will destroy the environment and disrupt the habitat for years - without significant flood benefit, and questionable objectives such as the Public Access and Recreational Quality which only provides marginal benefits, if any. In short, the proposed project is a waste of finite public resources. There are more pressing needs for DWR grant money in the State of California

Ripping out mature trees, displacing wildlife, removing the concrete channel, building flood walls, building a new park, and then waiting for at least 20 years for the trees to mature and replace the shade that now exists makes no sense whatsoever. The good news is that this can be entirely avoided by *not* giving Frederick Allen Park an *unnecessary makeover* and adopting Alternative 1: Reduced Footprint – Avoid Frederick Allen Park instead.

There are other concerns as well. At the March 2, 2021 Marin County Flood Control and Water Conservation District Board of Supervisors meeting, Raymond Wong made it clear that the hydrological modeling is still under development, and that the models need more complete analysis and verification. Once verified they will need to be provided to stakeholders and residents so they can evaluate and assess the true benefits of the EIR. Trying to pass a half-baked EIR is a sure-fire way to run into trouble, and the San Anselmo Flood Risk Reduction is proof that incomplete modeling, after the fact surveying, ignoring FEMA guidelines, inexplicable mitigation measures and ignoring common sense creates a nightmare of epic proportions. A mess that is still being dealt with, years after the EIR was passed. There is no reason to repeat this mistake.

At the same meeting Katie Rice raised the question as to whether or the models "talk to each other or potentially not to each other." The fact that this question went unanswered by staff, should concern everyone interested in flood control. To move forward without a verified

C9-1

C9-2

C9-3

C9-4

C9-5

C9-6

2 COMMENTS AND RESPONSES

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hydrological model, and one that works for the entire watershed, will only lead to disaster and result in unnecessary damage to the environment, homes and properties. It is not worth the risk.

C9-6
cont.

Also, of concern, is that the Corte Madera Creek Flood Risk Management Project, Phase 1: Project Update presented on June 30, 2020 states that the "All construction tied to the DWR grant funds must be completed by December 31, 2022." This deadline has now become unrealistic, and it is pointless to continue to spend more money on high priced consultants.

Project Construction Schedule

Phase	Timeline
Construction Start	April 1, 2022
In-creek Construction Work	June 15 – October 15
Flood Wall (Segment #1) Construction	April 1 – July 7
Flood Wall (Segment #2) Construction	July 8 – August 25
Flood Wall (Segment #3) Construction	April 1 – July 14
Lower Channel Concrete Removal	June 8 – September 6
Fish Pool Construction	June 15 – October 11
Granton Park Storm Drain Pump Station Construction	April 1 – May 26
Channel Access Ramp Construction	April 1 – July 14
Frederick Allen Park Construction	June 1 – October 25
Fish Passage Transition Grading	June 15 – August 30
Construction End	October 25, 2022

All construction tied to the DWR grant funds must be completed by December 31, 2022.

C9-7

The truth is that the genesis of the Frederick Allen Park makeover was to grab grant money. In other words, this is not a project that needed funding, it is funding that needed a project.

C9-8

Thank you for the opportunity to provide my comments, which include my letter to you dated September 20, 2020, my letter to the Town of Ross dated March 10, 2021 who as the major stakeholder plays a vital role in this process. They are included below.

Thank you.

John Crane

Attachments: September 20, 2020 to Joanna Dixon, P.E. and March 10, 2021 to Mayor and Council Members, Town of Ross September 20, 2020

2 COMMENTS AND RESPONSES

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Joanne Dixon, P.E.

RE: Corte Madera Creek Flood Risk Management Project Environmental Impact Report (Project) Scoping Meeting.

Thank you for the opportunity to provide comments on the scope of the Corte Madera Creek Flood Risk Management Project Draft EIR.

1. FISH LADDER REMOVAL ONLY PROVIDES MOST OF THE FLOOD BENEFIT

Removal of the Fish Ladder provides most of the flood benefit to the Town of Ross and, by comparison, at a relatively modest price. The County must provide a Fish Ladder Only Alternative, and eliminate the redo for Frederick Allen park portion.

The Frederick Allen Park makeover provides very little flood benefit to Ross, yet it comes at a very high price. Despite the fact that it is largely comprised of a DPW grant, the County has not clarified the percentage of overall budget vs. flood risk reduction benefit, but it is clear it uses a disproportionate number of resources to achieve very little additional Flood Benefit.

Preliminary Floodplain Analysis (Work-in-Progress)

25-Year Event - Downtown Ross



[Corte Madera Creek Flood Risk Management Ross Presentation June 30, 2020](#)

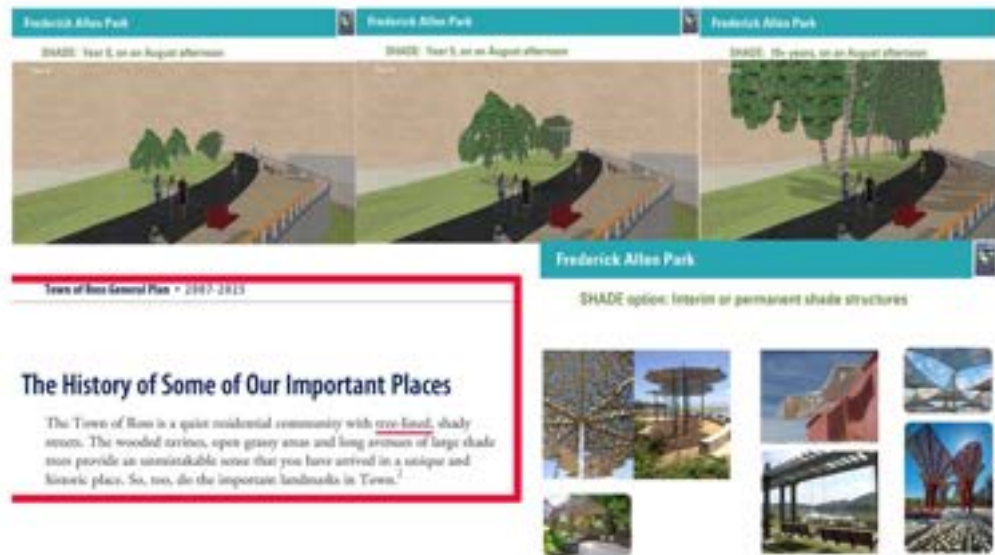
2. CUTTING DOWN 200 MATURE TREES IS A MISTAKE THAT ELIMINATES SHADE AND HARMS BIRDS, SQUIRRELS, FISH AND OTHER CREATURES INCLUDING HUMANS

2 COMMENTS AND RESPONSES

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The proposed designs for Frederick Allen Park are out of step with the character and natural beauty of Ross. It is NOT environmentally sound to cut down 200 mature trees only to replace them with much smaller trees and manmade umbrellas to restore the shade that already exists. Especially when they need to be setback 15' from floodwalls.



C9-11
cont.

[Corte Madera Creek Flood Risk Management Ross Presentation June 30, 2020](#)

3. THE GENERAL FUND IS CURRENTLY FACING INCREASING OPERATING SHORTFALLS IN EACH OF THE NEXT FIVE YEARS

At a recent scoping meeting one of the Project Goals & Objectives presented was:

6. **Fiscally Responsible.** Implement a flood risk reduction project that can be accomplished with local and grant funding and reasonably foreseeable grant funding opportunities.

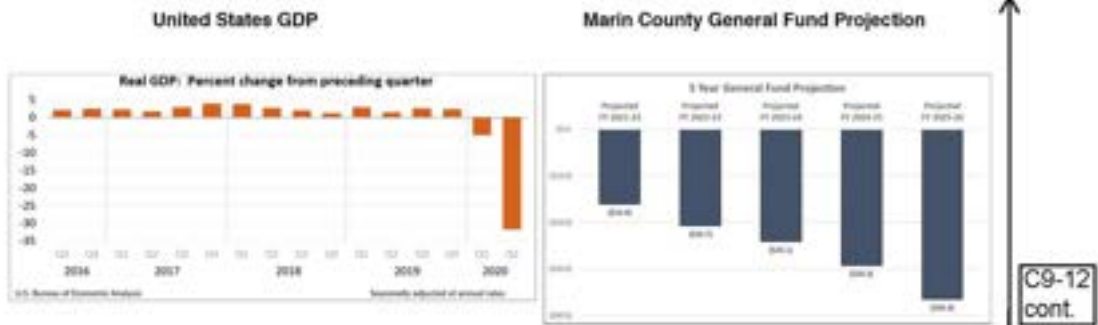
Now that we are in the middle of a huge financial crisis, as the link [Marin County Staff Report](#) for next Tuesday's BOS Meeting 9.22.20, begs the question: Why County is continuing to spend taxpayer money on nonessential projects as if there was no crisis? This is reckless and misguided – it is far from Fiscally Responsible.

C9-12

2 COMMENTS AND RESPONSES

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"...there are several uncertainties that can substantially impact budget projections."

Marin County Board of Supervisors SUBJECT: First Quarter Budget Update 9.22.20

[Marin County Board of Supervisors SUBJECT: First Quarter Budget Update 9.22.20](#)

4. ALT J DIVERTED WATER FROM UNIT 4, BUT NOW THERE IS NO FLOOD PLAN FOR UNIT 4 AT ALL

Susanne Heim of Panorama Environmental, Inc. stated that the new EIR was basically the USACE's Alt. J from the previous Corte Madera Creek Project EIR - except with no bypass tunnel. The Bypass Tunnel was designed to divert significant cfs, but now there is no plan and the water will simply continue to flood homes in this section.

Instead of engineering new solutions, Unit 4 from Sir Francis Drake Bridge to the Fish Ladder has no flood protection, and has been excluded from this project entirely. It is also excluded from the San Anselmo Flood Risk Reduction Project and has become a "no mans" land for flood protection. This is denial, and it is not a solution. And it cannot be overlooked.

5. FLOOD WALLS NEED PUMPS TO REMOVE OVERLAND WATER FROM BEHIND THE WALLS

The floodwalls being proposed are designed to prevent to flooding from the creek, there are no plans to remove the water that will be trapped behind them from overland flow. There is no plan to for pumps or other methods to remove the overland water that will be trapped behind them. This will create new problems for homeowners.

IN SUMMARY

2 COMMENTS AND RESPONSES

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It is time to hit the reset button. We need a project that works from the bottom up instead of the other way around. I put the County on notice that homeowners, such as myself, need the County to provide flood controls that protect residents – not harm them. The County needs to adhere to its goal and promise to: *"implement mitigation measures to reduce or avoid the possibility of increasing downstream flooding."*

C9-15

That is the standard that the County set for itself, and they should be held accountable and responsible for mitigation measures that actually achieve that.
The goal is to solve existing problems, not create new ones.

Thank you for your consideration.

John Crane

March 10, 2021

Dear Mayor and Council Members, Town of Ross:

RE: Corte Madera Creek Flood Risk Management Project Draft Environmental Impact Report (Draft EIR) Comment Letter

Don't assume the County is using current hydrological models.

As the March 15th, 2021 comment letter states, the Town of Ross, as a major stakeholder in the Project, and a responsible partner is now in a position to demand that County's ensure that information and analysis in the Draft EIR is accurate and reliable so it can evaluate potential impacts that are likely to occur within the Town. The Town Council of Ross should demand that the County demonstrate that they have a viable hydrological model that actually works, and one that has outcomes or outputs that can be trusted. We're not there yet.

To that end, I believe that the letter should also specify a requirement for up-to-date hydrological models that are consistent with the upstream projects that will actually be implemented. In my opinion, the Town of Ross should not only add this to the March 15, 2021 comment letter, but require this information be provided upfront - *before* the Final EIR is certified – not *after* the fact. This is common sense.

C9-16

With all the recent and significant developments and changes to projects, the need for accurate up-to-date modeling has become increasingly important. Especially since there can be no doubt that some of the current information in Draft EIR is no longer accurate or valid due to recent changes for upstream projects. Minor changes are one thing, but major changes need to be carefully studied.

2 COMMENTS AND RESPONSES

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In the Draft EIR, Table 3.9-5 lists Projects Included in Future Condition Scenarios. Currently there are nine projects listed, but given recent developments are they all going to move forward? It is also clear that, in addition, many projects are still being developed and/or undergoing modeling and design modifications, making it even more challenging and even harder to evaluate their impact downstream. On page 3.9-38 under Impact Analysis Methods, it is made clear the future upstream projects will affect the baseline hydraulic conditions of Corte Madera Creek, and that an analysis would be misleading if it does not include information for upstream projects that have been planned or approved.

C9-17

The importance of having current information cannot be overlooked, because the accuracy of the hydrological modeling is critical to the success for this project and all flood projects in the County. And needless to say, changes to velocities and water surface elevations need to be accurately modeled and fully considered. And the projects are linked together so whatever happens downstream impacts upstream, and vice versa.

C9-18

Do the models “talk to each other?”

At the March 2, 2021 Marin County Flood Control and Water Conservation District Board of Supervisors meeting, Supervisor Katie Rice asked a question that goes to the heart of **one of the biggest problems** facing this project and other watershed projects by asking the following:

KATIE RICE: ...WITH REGARDS TO THE MODELING THAT WAS USED IN THE ANALYSIS FOR THIS PROJECT VERSUS THE MODELS OR MODELING THAT WAS USED FOR PROJECTS UPSTREAM, AND HOW DO THOSE TALK TO EACH OTHER OR POTENTIALLY NOT TO EACH OTHER?

Katie Rice hit the nail on the head. And she showed leadership by asking a tough direct question of her staff. And Liz Lewis gave a response that did not directly answer the question or inspire confidence:

C9-19

LIZ LEWIS: ...WE USED THE SAME MODEL THAT WAS USED WITH SOME REFINEMENTS, SO RAYMOND, DO YOU WANT TO TOUCH UPON THE REFINEMENTS FOR THIS PROJECT?

When Raymond responded, he revealed some important information that shed light on the process that the County is using. And in doing so he left no doubt that that the “base of the model” is based on the 2017 model developed by USACE. That in his view there is a combination of “two models has been linked together” and that it “the objective is to make sure the model we running here is synchronized with the upstream model.”

And Raymond made it clear that this model is a work-in-progress, and it is far from “refined” as “the project team is working of the 35% and continue to update with the new design information.” It appears that one model doesn’t exist or is still in preliminary stages, and the

2 COMMENTS AND RESPONSES

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other – the upstream models are still evolving undergoing recalibration and design modification. This is not very reassuring and it is a big problem because the goal of using *one model* has been stated clearly: “to ensure consistency in the hydraulic analyses and CEQA documents across all flood projects.”

I hope the Town Council will review the Full Transcript attached below and/or use this link to view this portion of the March 2, 2021 video: <https://vimeo.com/521090660>. It is a telling exchange that will make you question if County has valid outcomes to use from the model(s), and whether or not the model(s), in fact, do not talk to one another. Keep in mind that the SAFRR EIR was passed in 2018, and the modeling is not settled in 2021. At least not yet.

Actual Number of Homes Being Put at Greater Flood Risk.

The distance between Winship Bridge to Lagunitas Bridge is approximately one-half mile. And yet in this extremely vulnerable area virtually nothing will be done to protect property owners in Unit 4 which begins at Sir Francis Drake Bridge with the Corte Madera Creek Flood Risk Reduction Management Project.

Between Winship Bridge and Sir Francis Drake Bridge there are 12 homes that are part of the San Anselmo Flood Risk Reduction Project (SAFRR). Although SAFRR “artificially” ends at Sir Francis Drake Bridge, the water keeps flowing downstream.

There are, I believe, another 32 homes between Sir Francis Drake Bridge and Lagunitas Bridge including 5 that are repetitive loss properties according to Richard Simonitch. That’s a lot of homes – many of which will be put at increased risk - and that is in just one one-half mile of the proposed project.

The Town of Ross should demand that these homes be surveyed.

The homes above should be surveyed, and so should the homes on Sylvan Lane, Shady Lane, Bolinas Ave., etc. because some will also be impacted by flooding. Removal of Bridge Building 2 abutments adds 4” *inside* the channel and 4” *outside* the channel. Hugh Davis has told me and my neighbors between Winship Bridge and Sir Francis Drake Bridge that we are *more likely* to be flooded from the street *than the creek* due to SAFRR. And that water will *continue* to flow down the streets – it doesn’t stop where the SAFRR project *artificially* ends.

And as the Town of Ross knows, there are additional homes downstream of Lagunitas Bridge. 10 more in Ross to the end of Frederick Allen Park and countless more in Kentfield.

Ross Should Demand That The Board of Supervisors Tour the Project Site

C9-19
cont.

C9-20

C9-21

C9-22

2 COMMENTS AND RESPONSES

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If we could use a boat it would be wise to give the Board of Supervisors a real-world tour and look at *all* the various sections of the Projects, potentially impacted homes, and then take a walk in the park – for those Supervisors who have never even been to Frederick Allen Park.

The Town of Ross should insist in its comment letter that the Board of Supervisors garner a first-hand understanding of the various elements before they certify the project. They should see the trees that will be cut down, the shade that will be gone, the animals that will be displaced, the complexity of removing the concrete channel and the privacy that homeowners currently enjoy that will be removed – along with the inability to plant new trees within 15' of flood barriers.

C9-22
cont.

What is the Benefit of the Frederick Allen Park Makeover? Recreationally or otherwise?

I would like to point out that the proposed park does not significantly add more recreational use. On any given day in Frederick Allen Park now - there are bikers, dog walkers, families with kids. Any increase in recreational use is likely to be marginal, and it comes with an enormous price tag to the environment, wildlife, along with a huge disruption for current use for the entire community – for years to come.

C9-23

Even the layout of the path would not change significantly - maybe a curve or two. The big changes are removing the chain link fence to “providing access to the creek, which does not currently exist” creating a potential safety hazard, and removing a huge number of mature trees and replanting trees that will take 20 years to provide the shade that currently exists.

Significantly, giving Frederick Allen Park a *makeover* adds no additional flood protection benefit. It offers the same benefit as Alternative 1: Reduced Footprint – Avoid Frederick Allen Park, but it comes at an exorbitant cost.

Years and years of disruption.

In the Draft EIR it says the proposed park will take 7 months to construct. But how many years will it actually take to rip out all the trees, displace wildlife, build a new park, and remove the channel? You can bet that the disruption will take years and years – not months.

C9-24

The County constantly says it “will get to it” when it doesn’t have answers, but I hope the Town of Ross will not buy this excuse when it comes to protecting the Town and its residents. That is why I hope the Town Council will take a “buyer beware” approach, and finally hold the County to a higher standard that includes a viable plan with verified, reliable hydrological models.

C9-25

Recent events have made it clear that County doesn’t follow FEMA guidelines, or their own inexplicable mitigation criteria, or Marin County ordinances or provide accurate, clear, and verified hydrological models that adhere to their stated goal of consistency. The County has shown a disregard for the process, following their own policies, and/or respecting the properties for the Town and its residents. The Town Council of Ross should demand better.

C9-26

2 COMMENTS AND RESPONSES

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Thank you for your consideration.

John Crane

Attachment: March 2, 2021 Marin County Flood Control and Water Conservation District Board of Supervisors meeting Transcript

March 2, 2021 Marin County Flood Control and Water Conservation District Board of Supervisors meeting | Transcript From Captions

KATIE RICE: AND THE LAST QUESTION, AND THIS WAS RAISED BY SOME OF OUR COMMENTERS VIA EMAIL WAS WITH REGARDS TO THE MODELING THAT WAS USED IN THE ANALYSIS FOR THIS PROJECT VERSUS THE MODELS OR MODELING THAT WAS USED FOR PROJECTS UPSTREAM, AND HOW DO THOSE TALK TO EACH OTHER OR POTENTIALLY NOT TO EACH OTHER?

SUZANNE HEIM: YEAH, LIZ DO WANT TO ANSWER THAT QUESTION OR MAYBE RAYMOND?

LIZ LEWIS: YEAH, RAYMOND DO YOU TO SPEAK TO – WE USED THE SAME MODEL THAT WAS USED WITH SOME REFINEMENTS, SO RAYMOND, DO YOU WANT TO TOUCH UPON THE REFINEMENTS FOR THIS PROJECT?

RAYMOND WONG: SURE, YES. CAN EVERYONE BE ABLE TO HEAR ME? SO GOOD AFTERNOON. THIS IS RAYMOND. SO THE MODEL THAT IS USED FOR THIS – TO USE FOR THIS PROJECT IS BASED ON THE U.S. ARMY CORP ENGINEER MODEL THAT WAS DEVELOPED, CORPS OF ENGINEER IN 2017. SO THE BASE OF THE MODEL IS IDENTICAL TO START – TO BUILD FOR THE PROJECT AND ALSO FOR THIS PROJECT. FOR THIS MODEL, IT DOES INCLUDE ALL THE IMPROVEMENT, THE PROPOSED IMPROVEMENTS UPSTREAM ON THE SAFRR PROJECT, AND THEN IN COMBINATION WITH THIS PROJECT. THIS TWO MODEL HAS BEEN LINKED TOGETHER AND REFLECTING THE EFFECT FROM THE RESPECT PROJECT. THIS ANALYSIS IS BASED ON THE CONCEPT DESIGN RIGHT NOW THE PROJECT TEAM IS WORKING OF THE 35% AND CONTINUE TO UPDATE WITH THE NEW DESIGN INFORMATION COME IN FOR THE UPSTREAM PROJECT TO INCORPORATE.

THE OBJECTIVE IS TO MAKE SURE THE MODEL WE ARE RUNNING HERE IS SYNCHRONIZED WITH THE UPSTREAM MODEL, AND SO IN THE END OF THE DAY IT WILL BE A COMBINED WATERSHED MODEL REFLECTING THE EFFECT OF BOTH THIS PROJECT AND ALSO THE UPSTREAM PROJECT.

2 COMMENTS AND RESPONSES

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(Here is the link to this portion of the March 2, 2021 video: <https://vimeo.com/521090660>)

2.5.9 Response to Letter C9: John C. Crane

C9-1 The comment states support for Alternative 1.

Support for Alternative 1 is acknowledged. See Master Response 1 regarding staff recommendation to adopt Alternative 1.

C9-2 This comment states that Frederick Allen Park is an urban forest, and the proposed project would create only marginal recreational benefits, would disrupt the habitat for years, and would be a waste of DWR grant funding.

As discussed in Section 3.3, Biological Resources, in the Draft EIR, the areas in Frederick Allen Park are mapped as landscaped vegetation with a mix of native and nonnative plants and trees (on page 3.3-14). Frederick Allen Park does not contain native habitat; it is a landscaped park. Existing landscaping in the park is not connected to the creek because of the floodwall, and the existing trees and vegetation in the park do not provide shading of the creek or riparian vegetation for fish and wildlife. The proposed project would create natural riparian habitat in the park by restoring the earthen channel and planting native riparian vegetation in the floodplain, which would provide a connected creek and floodplain habitat. See Master Response 6 for additional information regarding the existing conditions and proposed improvements in Frederick Allen Park.

The District received matching grant funds from DWR to support project construction. DWR chose to fund the proposed project because of project benefits to aquatic resources, including flood risk reduction and habitat improvement. The proposed project would provide broad benefits to both flood risk reduction and habitat improvement, consistent with the grant terms. These benefits are discussed in the Executive Summary, Chapter 3.3, Biological Resources, and Chapter 3.9, Hydrology and Water Resources, in the Draft EIR.

C9-3 This comment states that project construction would result in impacts on mature trees, wildlife, and shade in Frederick Allen Park, and that these impacts would be avoided with implementation of Alternative 1.

The commenter's support for Alternative 1 is acknowledged. Project construction impacts in Frederick Allen Park are addressed in the Draft EIR. The impacts that are discussed in the comment would be temporary, and the proposed project would

2 COMMENTS AND RESPONSES

enhance habitat conditions, as discussed in response to comment C9-2. See also Master Response 1.

- C9-4 This comment expresses concerns regarding the hydraulic modeling that still is being developed and would need verification.

Refer to Master Response 3 regarding the design process and additional details on hydraulic modeling for Alternative 1, based on a 60% level of design. The hydraulic modeling used for the proposed project was developed in USACE HEC-RAS v5.0 modeling software, refer to page 3.9-34 of the Draft EIR for a detailed discussion of hydraulic modeling used for the proposed project. The HEC-RAS software is a standard and broadly accepted tool for the kind of modeling and analysis that were performed to inform the project's design and environmental impacts analysis.

- C9-5 This comment compares the proposed project to the San Anselmo Flood Risk Reduction Project.

The proposed project would be separate from the San Anselmo Flood Risk Reduction Project. This comment does not address the adequacy or accuracy of the Draft EIR. Refer to Master Response 3 regarding the design and modeling process. The Draft EIR addresses FEMA guidelines and acknowledges the need for a conditional letter of map revision (CLOMR) as listed in Table 2.8-1 of the Draft EIR. The FEMA approval process is separate from CEQA. It would be conducted for the proposed project after the CEQA process has been completed.

- C9-6 This comment states that the question raised by Supervisor Katie Rice about the hydraulic modeling was not answered by staff during the public hearing on March 2, 2021. The comment further states that without a verified hydraulic model that works for the entire watershed, the proposed project will result in necessary damage to the environment.

The question raised by Supervisor Katie Rice during the public hearing was answered by Raymond Wong, the hydrology consultant to the District. As explained in Section 3.9, Hydrology and Water Quality, in the Draft EIR, the hydraulic model considers the upstream projects, including the San Anselmo Flood Risk Reduction Project, and the proposed project in the future condition scenario modeling. See page 3.9-35 of the Draft EIR for more information regarding development of the hydraulic model and cumulative projects that were considered in the future condition analysis.

- C9-7 This comment expresses concerns about meeting the schedule for project construction in 2022.

The District is continuing to work with the project stakeholders to meet the schedule. The construction schedule is shown in Table 2.6-5 on page 2-38 in the Draft EIR. After publication of the Draft EIR, a public workshop was held in Ross, and the proposed

2 COMMENTS AND RESPONSES

project was discussed at a Town Council meeting in May. Based on the results of the Council meeting, the District staff are recommending adoption of Alternative 1 rather than the proposed project, to meet the 2022 construction schedule. See Master Response 1 for further details.

- C9-8 This comment states that the purpose of the project element in Frederick Allen Park is to obtain grant funding.

The mission of the District is to reduce the risk of flooding for the protection of life and property while using sustainable practices. The District does not seek grant funding for projects that are not needed. The District seeks grant funding for projects that are compatible with its mission. See Master Response 1.

- C9-9 This comment proposes an alternative that is reflected as Alternative 1 in the Draft EIR.

See Chapter 5, Alternatives, in the Draft EIR for more details about Alternative 1: Reduced Footprint-Avoid Frederick Allen Park. Also see Master Response 1 and Master Response 3.

- C9-10 This comment states that the project element in Frederick Allen Park provides very little flood benefit to the Town of Ross.

The Fish Ladder Removal Alternative is one of the alternatives considered but rejected for further analysis because this alternative would not meet most project objectives and would not be technically feasible. Removal of the fish ladder in the absence of other hydrologic modifications would create hydrologic instability in Corte Madera Creek and could cause scour at the transition to the concrete channel, as discussed in Chapter 5 of the Draft EIR. The Fish Ladder Removal Alternative would result in significant hydrologic impacts because it would not provide protection for Kentfield, leading to increased flooding in Units 3 and 2. The flood benefits of the Frederick Allen Park project element, as compared to Alternative 1 that would avoid modification to Frederick Allen Park, are discussed in Chapter 5, Alternatives, in the Draft EIR. As discussed on page 5-26 in the Draft EIR, Alternative 1 would have less flood reduction benefits and would result in increased water surface elevation compared to the proposed project during a 100-year storm event. See Chapter 5 in the Draft EIR for more detailed information regarding the flood benefits of the Frederick Allen Park project element. See Master Response 1.

- C9-11 This comment states that the project would remove 200 mature trees in Frederick Allen Park and result in impacts on wildlife and humans.

USACE could require removal of any trees located within 15 feet of the existing floodwall based on USACE policy regardless of the project implementation. The proposed project would remove up to 144 trees in the Frederick Allen Park reach of the Corte Madera Creek channel. This analysis reflects the worst-case scenario where

2 COMMENTS AND RESPONSES

USACE would require at 15-foot vegetation setback. Approximately 113 trees would be removed if a setback is not required (refer to Table 2.6-2 of the Draft EIR). The urban/developed area in Frederik Allen Park currently is separated from the creek by a 10-foot-tall concrete wall and does not provide riparian habitat. See Master Response 6 regarding the habitat benefits of the proposed project.

- C9-12 This comment states that the proposed project would not meet the objective of being fiscally responsible because we currently are in the midst of financial crisis and the project is not essential.

The proposed project would be funded by existing funding that is available for flood control, and it would be funded with matching grant funds from the California Department of Water Resources, if the project can be constructed by the end of 2022. Flood control projects are considered to be essential services because they provide essential protections for public safety, water quality, fisheries, and wildlife habitats. If the District does not implement the proposed project by the end of 2022, the District will not be able to meet the grant funding deadline, and the matching DWR funding no longer will be available for project implementation. Chapter 5, Alternatives, in the Draft EIR includes an analysis of the No Project Alternative, which represents the expected future conditions if no change would occur in the current channel conditions.

- C9-13 This comment states that no flood plan is proposed for Unit 4 because the project would not include a bypass tunnel, and no flood protection would be provided by the proposed project or the San Anselmo Flood Risk Reduction Project.

The project would include regrading in Unit 4 above the fish ladder, to lower the channel bed and create a smooth transition to Unit 3. The project also would install streambank stabilization elements, including planted rock, vegetated soil lifts, erosion-control fabric, and engineered streambed material in Unit 4. The project elements proposed in Unit 4 are shown in Figure 2.5-1 on page 2-9 in the Draft EIR. Flooding from creek overtopping would be reduced in Unit 4 because of the proposed project, as shown in Figure 3.9-7 to Figure 3.9-9 on pages 3.9-55 to 3.9-57 in the Draft EIR, and in the graphics provided in Appendix E.

Chapter 5, Alternatives, in the Draft EIR includes discussions of the alternatives proposed for the area upstream from the fish ladder and Lagunitas Bridge. However, these alternatives would not meet the feasibility criteria for the proposed project because they would require acquisition of properties by the District, which would be cost prohibitive. See Table 5.2-1 on page 5.7 in the Draft EIR for more information regarding the alternatives considered during project planning and preparation of the Draft EIR. The proposed project would not preclude future flood control projects in Unit 4 or upstream, but additional flood control actions upstream would not be possible within the constraints of the available funding and timeline of the proposed project.

2 COMMENTS AND RESPONSES

- C9-14 This comment states that the floodwalls would need pumps to remove the overland water behind them, and the proposed project would create flooding behind the floodwalls.

As described in Draft EIR Chapter 2, Project Description, the primary function of the proposed floodwalls in Units 2 and 3 would be to minimize the extent that the creek flow overtops the creek channel and inundates the floodplain. New storm drain inlets with backflow preventers are proposed along the new floodwall segments, to drain surface runoff from behind the floodwall into the creek. At the Granton Park pump station, a new storm drain inlet also would be installed, to capture runoff behind the floodwall.

- C9-15 This comment states that the County should provide flood project controls that protect residents, not to harm them, and implement mitigation measures to reduce or avoid the possibility of increasing downstream flooding.

The proposed project has been designed to reduce Corte Madera Creek flooding of residential and commercial areas. As discussed in Section 3.9, Hydrology and Water Quality, in the Draft EIR, the proposed project would reduce flooding in the Town of Ross and unincorporated Kentfield (see the discussion beginning from page 3.9-54 and the summary of impacts on page 3.9-60 in the Draft EIR). The areas where flooding would increase would be limited to parking lots, playgrounds, and an elevated trailer near College Avenue (with no permanent structures affected), and no significant increase in flooding would occur on residential properties. The model projected increase in water surface elevation of 0.02 to 0.2 feet in the area east of Unit 2 and south of Stadium Way is within the range of model uncertainty, and thus the impact would be less than significant. Model precision and the significance threshold for change in water surface elevation are discussed on page 3.9-35 and page 3.9-39 in the Draft EIR. Because no significant increase in water surface elevation would occur at any structures, no mitigation is proposed. See Master Response 3 regarding the potential need to prepare a Supplemental EIR if the proposed project is shown to cause new significant impacts on flooding in subsequent design revisions. The proposed project would not cause a significant increase in flood risk at any structures. In addition, after the proposed project is approved, the District would need to obtain FEMA's Conditional Letter of Map Revision for changes in the water surface elevation in the regulatory floodway (concrete channel).

- C9-16 The comment assumes that the hydraulic model used for the proposed project is not up-to-date and suggests that the Town of Ross request information about the hydraulic model before certification of the Final EIR. The comment also states that the information in the Draft EIR no longer is accurate or valid because of recent changes for upstream projects.

2 COMMENTS AND RESPONSES

The hydraulic model used for the proposed project is up-to-date. See page 3.9-34 in the Draft EIR for information regarding the hydraulic modeling used for the proposed project. The hydraulic model incorporates the planned and/or approved upstream projects in the future condition analysis. See Table 3.9-5 on page 3.9-36 in the Draft EIR for a list of projects that were considered in the future condition analysis, and see the Impact Analysis Methods on page 3.9-38 in the Draft EIR for details regarding the approach for the future condition analysis.

The Town of Ross hired an independent consultant (Schaaf & Wheeler) to verify the hydraulic modeling. The consultant concluded that the hydraulic model for the proposed project is a complex, robust model that appears reasonable. See response to comment C9-4 for information regarding the modeling and design process.

- C9-17 This comment states that many projects included in the hydraulic modeling are still under development or planning phases, which makes it difficult to evaluate their impacts downstream.

The intent of the future condition scenarios is to estimate the projected flood inundation in the project area, with consideration of projects that are planned to be implemented in the future, and with a combination of the projected sea-level rise. The input for the future condition analysis is based on the best available planning and design information currently available. After Board of Supervisor approval of the proposed project or an alternative in the future, more detailed engineering and design would be completed and additional hydraulic analysis would be prepared as part of that detailed engineering and design process. The detailed engineering and design would continue to consider the upstream projects that are proposed or being implemented. See Master Response 3 for additional details on the process.

- C9-18 This comment states that current information is important for hydraulic modeling and changes need to be accurately incorporated into the modeling because upstream projects and the proposed project would be linked together.

Three scenarios are analyzed in the Draft EIR: 1) existing conditions, 2) future conditions with upstream projects and moderate sea-level rise, and 3) future conditions with upstream projects and increased sea-level rise. In all scenarios, the proposed project would produce flood reduction benefits and would not cause increased flooding at any structure. Because the District has considered a range of scenarios with different baseline conditions and the results have been consistent regarding the creation of flood reduction benefits and lack of increased flooding on residential properties, the model results are not sensitive to the upstream projects or sea-level rise. See Section 3.9, Hydrology and Water Quality, in the Draft EIR, starting from page 3.9-35 for more information regarding the scenarios considered in the hydraulic modeling, and starting from page 3.9-54 for the discussion of project impacts by conditions and area. See also Master Response 3 regarding updated hydraulic modeling for the 60% design.

2 COMMENTS AND RESPONSES

- C9-19 This comment includes a section of the transcript from the public hearing on March 2, regarding the question about how the hydraulic modeling for the proposed project and upstream projects are linked together. The comment questions the validity of the hydraulic modeling outcomes.

The hydraulic model used for the proposed project is consistent with the model used for the upstream projects. Both models are built on the same underlying hydraulic model that was developed and calibrated by USACE and Stetson Engineers, Inc. As the project design is refined through the design and engineering process, hydraulic modeling is updated at each iterative level of engineering and design. See Section 3.9, Hydrology and Water Quality, from page 3.9-35 in the Draft EIR for more information regarding how the hydraulic was developed and refined. Also see Master Response 3 for more information regarding the modeling and design refinement process.

- C9-20 This comment states that many homes in Unit 4 would be put at increased flood risk from the San Anselmo Flood Risk Reduction Project.

Figure 3.9-7 to Figure 3.9-9 on pages 3.9-55 to 3.9-57 in the Draft EIR show that the proposed project would result in reduced water surface elevation and associated flood risk reduction benefits at residential areas along Sylvan Lane in Unit 4. No increased flood risk would occur upstream from Lagunitas Road Bridge because of the proposed project. The San Anselmo Flood Risk Reduction Project along with the proposed project, and other bridge replacement and development projects in the watershed would reduce the frequency and severity of flooding in the watershed resulting in a cumulatively beneficial impact. Although the proposed project would not include flood risk reduction elements in the area upstream from Lagunitas Road Bridge, the proposed project would not preclude future flood risk reduction projects in the area, if funding is available and community support exists for flood control. See Master Response 1 regarding lack of community support for the portion of the proposed project in Frederick Allen Park.

- C9-21 This comment suggests that the Town of Ross should demand that the District survey homes in Unit 4 along Sylvan Lane, Shady Lane, and Bolinas Avenue because some homes would be affected by flooding.

As discussed under Impact 3.9-5 on page 3.9-54 in the Draft EIR, the proposed project would not result in increased water surface elevations in areas along Sylvan Lane, Shady Lane, and Bolinas Avenue. The proposed project either would have no effect or would result in reduced water surface elevations at properties above Lagunitas Bridge along Sylvan Lane, Shady Lane, and Bolinas Avenue. The Town of Ross could survey every property in the town, but this would be cost and time prohibitive for the District to do. Surveying the elevation of the finished floor for all properties in this area would add no value to the evaluation of the project impacts because no adverse effect has been identified in the area, regardless of the structure elevation.

2 COMMENTS AND RESPONSES

- C9-22 This comment suggests that the Town of Ross should demand that the Board of Supervisors tour the project site with a boat. The comment also suggests that the Board of Supervisors should view the trees that are proposed to be removed, so that the Board understands the potential impacts that would be caused by tree removal.

The concrete channel has minimal flow for the majority of the year. When substantial water exists in the creek, it is fast moving, and it is not safe to tour the area by boat. The flood control channel was designed for flood control rather than for navigation. Chapter 2, Project Description, in the Draft EIR discusses the approach to replace trees that would be removed with riparian trees and shrubs. The current tree canopy does not support an understory. The proposed project would restore natural vegetation in the area, which would support increased biological diversity of plants and wildlife. See Section 2.6.9 on page 2-36 in the Draft EIR regarding the approach to replace removed trees. Also see Mitigation Measure 3.3-2b on page 3.3-81 in the Draft EIR for specifics on tree replacement.

The impacts of tree removal on views also are addressed in the Draft EIR. See the analysis of aesthetic impacts and visual simulations, shown in Figures 3.1-11 through 3.1-21 on pages 3.1-30 through 3.1-32 in the Draft EIR, concerning the conditions immediately after project implementation as well as approximately 10 and 20 years after landscaping. Also see Master Response 1 regarding Alternative 1.

- C9-23 This comment asks what the benefits would be for the project elements in Frederick Allen Park. The comment states that the project elements in Frederick Allen Park would not change the recreational use of the park but would create potential safety hazard because of the removal of the chain-link fence. The commenter states that Alternative 1 would offer the same flood protection benefits as the proposed project.

The project elements in Frederick Allen Park would improve biodiversity, by creating riparian habitat and improving water quality, which would be supported by the regulatory agencies, including the San Francisco Bay Regional Water Quality Control Board, National Marine Fisheries Service, and California Department of Fish and Wildlife. The project elements in Frederick Allen Park would also meet the project objective to improve environmental benefits and meet the District's mission to reduce flooding risk with sustainable practices. As explained in Section 3.8, Hazards and Hazardous Materials, in the Draft EIR, the risk of public hazards from flooding in Frederick Allen Park would not increase because the Town of Ross closes access to the park and streets before storm events as part of their normal procedures for flood control in the area. The District also would post signs, notifying the public about the risk of flooding (see page 3.8-13 in the Draft EIR). The proposed project would have increased flood reduction benefits over Alternative 1, as shown in Figure 5.3-8 on page 5-33 in the Draft EIR. The parcels that would experience increased flood reduction benefits are discussed in Master Response 1. As described in Master Response 1, the District staff is

2 COMMENTS AND RESPONSES

recommending adoption of Alternative 1 because of Town of Ross's preference for Alternative 1.

- C9-24 The comment states that it would take years to construct the proposed project.

The proposed project would be constructed within the time frame stated in the Draft EIR (see Table 2.6-5 on page 2-38 in the Draft EIR regarding project construction timelines). The Frederick Allen Park components would be constructed within 7 months; however, as discussed in Section 3.1 of the EIR it would take several years for the trees to fully mature and grow to a canopy height of 30 feet, similar to the existing conditions.

- C9-25 The comment suggests for the Town of Ross to hold the District to a higher standard and include a plan with verified and reliable hydraulic models.

The hydraulic models have been verified independently by consultants under contract to the Town of Ross, as discussed by Richard Simonitch at the Ross Town Council meeting on March 11, 2021. See response to comment C9-16 regarding the findings of the Town's independent model verification.

- C9-26 The comment states that the District does not follow FEMA guidelines.

The District is not exempt from federal regulations and must comply with FEMA guidelines. The proposed project would undergo FEMA review, as discussed in Section 3.9, Hydrology and Water Quality in the Draft EIR. The proposed project would require permits and approvals from federal, State, and local agencies. See Table 2.8-1 on page 2-44 in the Draft EIR for a list of required permits or approvals for the proposed project, including required FEMA review and approvals.

2 COMMENTS AND RESPONSES

Comment Letter C10

Comments of the CORTE MADERA CREEK PROJECT EIR

Submitted by: Suzanne Mabardy, 415-302-4383

3-15-21

The following comments are added to those given submitted on March 2, 2021 to all Marin County Supervisors, Joanna Dixon and Liz Lewis.

Comments added on March 16, 2021 are in italics.

TO: ALL MARIN COUNTY SUPERVISORS, Joanna Dixon, Liz Lewis

I am the owner of 1135 Sir Francis Drake, Kentfield (immediately upstream from Kentfield Hospital Bridge, Kentfield side) and across the concrete channel from Fredrick Allen Park. This area has NEVER FLOODED....thanks to good STRUCTURAL engineering.

I have read the EIR and have these comments and objections:

- **1) The project's primary objective is to improve flood management. This objective is NOT met.** It is stated in the EIR page 3.9-60 that the **Hydrology Study** "shows either a reduction of flooding OR NO significant increase..." AND it shows increased flooding in areas around COM. This project simply does not achieve it's primary purpose! C10-1
- *The EIR is incomplete and should NOT be approved until the cost analysis for ALL action alternatives is made public, including the itemized cost for each feature within each alternative and each feature's ability and inability to achieve any significant level of flood protection.* C10-2
- *Further: The Hydraulics Report Appendix A, page 55, 8.3 "Optimization of Alternative J" states a preliminary economic analysis was conducted supporting Alternative J (4% AEP) as providing the "maximum benefit with consideration of the non-federal sponsor's preference." Further, it is highly probable that Alternative F, G and J allocate significant funds for the modification and beautification of Fredrick Allen Park, Town of Ross. AND it is highly probable that this expense (for the Town of Ross) can instead be allocated toward achieving the primary purpose of this project: FLOOD MANAGEMENT.* C10-3

2 COMMENTS AND RESPONSES

- Therefore, **ALTERNATIVE B** (and including the Bypass Culvert) may better achieve the primary objective, with proper use of funds for the proper purpose. C10-4
- 2) The EIR includes unsubstantiated statements regarding seismic concerns specific to the concrete channel only at Fredrick Allen Park, page 3.6.20. "The existing flood control channel wall is a concrete structure this a prone to damage under strong seismic events, whereas the proposed natural vegetated channel in FAPark would be less prone to damage or loss under a strong seismic event." C10-5
- All content within the EIR suggesting seismic concerns exist and justifies the remove of the concrete wall at Fredrick Allen Park should be struck. C10-8
- It is unsubstantiated that the concrete channel at Fredrick Allen Park/Ross is the ONLY section "prone to damage" in a seismic event. C10-7
- a) Further, there is no seismic report. C10-8
- b) Further, the EIR omits available information relative to seismic conditions specific to creek banks at the Town of Ross:
- - Appendix N Geotechnical states, "There are no mapped active surface or subsurface faults crossing the Corte Madera Creek; page 4, 3.2.1
- - Appendix A: Hydraulics, page 17, 18. discusses the evaluation of soil condition in the banks and creek bottom of the Town of Ross. This study determined the "subsurface materials consist predominantly of clays, sandy clays, and clayey sands...were **firm and stiff**."
- - Appendix N Geotechnical page 8, 5.1 makes a comment on the soil condition, "The soil condition for the project indicates a relatively **stiff soil profile**."
- - Appendix N Geotechnical, page 5, 3.2.3 discusses seismically induced liquefaction hazard: "...soils most susceptible to liquefaction are loose, clean sands and silt." **NOTE: the subsurface soil on the banks in the Town of Ross are "firm and stiff."** C10-9
- - Appendix N Geotechnical, page 7, 4.2.2, "Soil Conditions" for Unit 4, Town of Ross: it is reported "Groundwater was not encountered in boreholes." **NOTE: This can suggest limited liquefaction hazard potential in a seismic even**

2 COMMENTS AND RESPONSES

<ul style="list-style-type: none"> 3) <u>This project is heavily weighted as A BEAUTIFICATION PROJECT FOR THE TOWN OF ROSS PAID FOR BY MARIN COUNTY TAXPAYERS.</u> There is no seismic nor scientific justification that Fredrick Allen Park must be redesigned and manicured. This feature is strictly for the benefit of the residence of the Town of Ross. If the Allen Park Corridor feature prevails (in Alternatives F, G, J)...THEN it is logical that the entire concrete wall should be treated in the SAME method and all communities along the Corte Madera Creek should have these same beautification benefits as the Town of Ross. 	C10-10
a) <u>The EIR fails to state the environmental impact with the elimination of the "Allen Park Corridor" feature from Alternatives F, G, J.</u>	C10-11
b) <u>The EIR omits discussion on HOW Alternative J fails to achieve improved flood management yet it supports the costly secondary project: beautification of Fredrick Allen Park.</u>	C10-12
<u>Hydraulics Report Appendix A, page 52, 7.5.6 "Alternative J" details the failings for flood management of Alternative J, while supporting beautification of the Allen Park Corridor without justification: "...does not include creek widening at College of Marin or Kent Middle School...uses a flood wall instead...and does not include bypass culverts at the College Avenue Bridge...and uses maximum flood wall height around Allen Park Corridor would be 2 feet."</u>	C10-13
4) <u>The EIR omits discussion of the BASIC FUNCTION of the project as effected by the removal of the Dentil Fish Ladder.</u>	C10-14
a) Neither the CAUSE NOR the RELATIONSHIP between the Dentil Fish Ladder and the project's primary goal (to improve flood management) is emphasized within the EIR.	
<u>Hydraulics Report Appendix A, page 49, 7.4.1 states, "As a result of removing the fish ladder, channel modification would be necessary to accommodate the change in flow dynamic...creates the need to modify and lower the channel floor...widening portions of Unit 4...to increase hydraulic conveyance capacity."</u>	C10-15
b) <u>The EIR fails to clarify the environmental impact with the elimination of this feature (the removal of the fish ladder) from all the Alternatives A, B, F, G, J. If the fish ladder remains intact, the channel does NOT require modifications to increase hydraulic conveyance capacity, per the Hydraulics quote above.</u>	C10-16

2 COMMENTS AND RESPONSES

2.5.10 Response to Letter C10: Suzanne Mabardy

C10-1 This comment is a repetition of comment C6-1.

See response to comment C6-1.

C10-2 This comments states that the Draft EIR is incomplete and should include cost analyses for all alternatives and for each feature. The comment also states that the Draft EIR should include each feature's ability or inability to achieve significant level of flood protection.

The CEQA process does not include consideration of economic or cost analysis, as described in Master Response 5. The USACE process, unlike CEQA, includes a cost-benefit analysis because that is a USACE regulatory requirement for projects that are funded by USACE. The proposed project would not be funded by USACE. Hydraulic modeling is produced for an alternative as a whole and is not produced on an element-by-element basis, because it would be misleading to propose modeling for elements that would be implemented only in combination and would not be implemented independently. Separate modeling was provided for the proposed project and Alternative 1, to provide the public and decision makers with the ability to evaluate the different flood risk reduction benefits of the proposed project and alternatives (also see Master Response 1 and Master Response 3).

C10-3 This comment states that significant funds are allocated for the modification and beautification of Frederick Allen Park, and this expense for the Town of Ross can be allocated for flood management.

The proposed project would not be funded by the Town of Ross but rather by grant funding and the District through Flood Zone 9 fees. The comment discusses alternatives that were considered in the previous USACE Draft EIS/EIR. Those alternatives are not relevant to the current Draft EIR and were screened-out in Chapter 5 of the Draft EIR. The alternatives that are discussed in the comment do not meet CEQA criteria for evaluation because they would not reduce any significant impact of the proposed project. The alternatives discussed in the comment would result in increased environmental impacts and would not be economically feasible to implement. See Table 5.2-1 on page 5-7 in the Draft EIR regarding the alternatives screening results.

C10-4 This comment expresses support for Alternative B.

Alternative B does not meet the feasibility criteria of the proposed project and is not considered in the Draft EIR. See Table 5.2-1 on page 5-7 in the Draft EIR regarding the alternatives screening results.

C10-5 This comment is a repetition of comment C6-2.

See response to comment C6-2.

2 COMMENTS AND RESPONSES

- C10-6 This comment states that the Draft EIR suggests the seismic concerns only exist in the Frederick Allen Park portion of the concrete channel.

See response to comment C6-2, which addresses the seismic concerns related to the concrete channel.

- C10-7 This comment states that the statement regarding only the concrete channel in Frederick Allen Park being subject to a seismic event is unsubstantiated.

See response to comment C6-2, which addresses seismic concerns related to the concrete channel.

- C10-8 This comment states that no seismic report exists.

Faults and seismicity are well documented in the project region. As discussed in Section 3.6 on page 3.6-5 in the Draft EIR, the project site is in an area subject to perceived severe to violent ground shaking and could be expected to cause moderately heavy to heavy damage to structures from a San Andreas Fault earthquake. The potential impacts from seismic shaking and seismically induced ground failures (e.g., liquefaction, lateral spreading, and/or landslides) at the project site are evaluated under Impact 3.6-1 on page 3.6-18 in the Draft EIR. As discussed under Impact 3.6-1, the District would implement Mitigation Measure 3.6-1 to conduct a site-specific geotechnical investigation and implementation of the geotechnical recommendations in final design of the flood walls, to address potential seismic impacts on the concrete channel stability from implementation of the proposed project or an alternative. Implementing Mitigation Measure 3.6-1 would reduce the impact from seismic shaking during operation to a less-than-significant level.

- C10-9 This comment lists information related to seismic conditions that the commenter believes are missing from Appendices A and N in the Draft EIR.

The information that is provided in the comment is not relevant to the Draft EIR and is instead related to discussions in the USACE 2018 Draft EIS/EIR.

- C10-10 This comment states that the proposed project would be a beautification project for the Town of Ross and suggests the entire concrete wall along Corte Madera Creek should be treated the same way if the Frederick Allen Park Corridor in Alternatives F, G, and J prevails.

This is a comment on the USACE 2018 Draft EIS/EIR and not on the current Draft EIR. See Table 5.2-1 on page 5-7 in the Draft EIR regarding the alternatives screening results and consideration of alternatives that would remove additional portions of the concrete channel in Units 3 and 2. The proposed project would achieve the objectives discussed in the Draft EIR. The proposed project would provide flood risk reduction benefits throughout portions of the town of Ross, unincorporated Kentfield, and Larkspur near Corte Madera Creek. The project flood reduction benefits and habitat improvement

2 COMMENTS AND RESPONSES

benefits are well documented in the Draft EIR, and the proposed project would not be a beautification project.

- C10-11 This comment states that the Draft EIR fails to address the environmental impacts with the elimination of the Allen Park Corridor feature from Alternatives F, G, and J.

This is a comment on the USACE 2018 Draft EIS/EIR and not on the current Draft EIR. Alternatives F, G and J are not considered but rejected for the purposes stated in Table 5.2-1 in the current Draft EIR. See Chapter 5, Alternatives, in the Draft EIR.

- C10-12 This comment states that the Draft EIR fails to discuss how Alternative J achieves improved flood management.

This is a comment on the USACE 2018 Draft EIS/EIR and not the current Draft EIR. Alternative J is not considered in the current Draft EIR. See Chapter 5, Alternatives, in the Draft EIR.

- C10-13 This comment states that the Hydraulic Report provided in Appendix A in the Draft EIR describes Alternative J failing to manage flood risk.

This is a comment on the USACE 2018 Draft EIS/EIR. Alternative J is not considered in the current Draft EIR. See Chapter 5, Alternatives, in the Draft EIR. The project benefits for flood risk reduction are discussed in Section 3.9, Hydrology and Water Quality, in the Draft EIR.

- C10-14 This comment states that the Draft EIR omits discussion of the proposed project's basic function as affected by removal of the fish ladder.

The fish ladder removal is discussed and analyzed throughout the Draft EIR, from Section 3.1, Aesthetics and Visual Resources to Section 3.16, Agriculture and Forestry Resources, Mineral Resources, Land Use and Planning, Population and Housing, Wildfire, and Socioeconomics. An alternative that would not modify Frederick Allen Park but would remove the fish ladder in the Town of Ross is considered to be Alternative 1. See Chapter 5, Alternatives, in the Draft EIR, and Master Response 1.

- C10-15 This comment states that the Draft EIR does not emphasize the cause or the relationship between the fish ladder and the proposed project's primary goal to improve flood management.

The project benefits of flood risk management are discussed in Section 3.9, Hydrology and Water Quality, in the Draft EIR. Chapter 5, Alternatives, in the Draft EIR discusses the flood risk management benefits of Alternative 1, which would include the removal of the fish ladder but no construction in Frederick Allen Park. See Section 3.9 from page 3.9-54 regarding the project flood risk management benefits and Chapter 5 on page 5-26 in the Draft EIR regarding the flood risk management benefits of Alternative 1. Also see Master Response 1.

2 COMMENTS AND RESPONSES

C10-16 This comment states that the Draft EIR fails to clarify the environmental impacts with the elimination of fish ladder removal from Alternatives A, B, F, G, and J.

This is a comment on the USACE 2018 Draft EIS/EIR. Fish ladder removal is discussed and analyzed throughout the current Draft EIR. See Section 3.1 to Section 3.16 of the current Draft EIR for a discussion of environmental impacts related to the fish ladder removal. The comment on the previous Draft EIS/EIR is not relevant to the current Draft EIR because the proposed project and alternatives under consideration have changed. Also see Master Response 1.

2 COMMENTS AND RESPONSES

Comment Letter C11

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16 March 2021

Joanna Dixon, Project Manager
cortemaderacreek@marincounty.org

Submitted via email

Corte Madera Creek Flood Risk Reduction Management Project Draft EIR

Dear Ms. Dixon:

We are submitting this letter in opposition to the current Proposed Project, including the proposed removal of the concrete channel, the removal of the grove of trees between the channel and Sir Francis Drake homes such as ours, and the creation of a floodplain park, including substantial alterations to Frederick Allen Park.

C11-1

Our family resides at 15 Sir Francis Drake Boulevard (on the “left bank” of Corte Madera Creek – the southwest side of the street, downstream from the Lagunitas Street Bridge). As discussed further below, our home, as well as others along the left bank, would be adversely affected in multiple ways by the current Proposed Project:

C11-2

- The Proposed Project, with its removal of the existing functioning concrete channel, is more likely to increase rather than abate our risk of flooding.
- The Proposed Project would involve the gratuitous destruction of an existing mature habitat and offers only the dubious promise of creation of another habitat from scratch, which would likely take decades to grow and mature. The aesthetic loss – especially for those of us on the left bank – would be substantial. While we currently look upon a grove of trees, shrubbery, and other vegetation, we would instead have bare ground for the foreseeable future and would be looking at the back of businesses on the other side of the creek.
- The elimination of the grove of trees currently abutting the channel and the removal of the channel itself would also result in a grievous loss of privacy, since our home would be exposed to everyone walking along the

C11-3

C11-4

C11-5

C11-6

2 COMMENTS AND RESPONSES

path on the opposite side of the creek.

↑ C11-6
cont.

As the Board will recall, a very similar proposal was before the County and the U.S. Army Corps of Engineers in 2018. Through our attorney (Todd W. Smith), we submitted extensive comments on the Draft EIS/EIR for that prior proposal. (Nov. 27, 2018, ltr attached.) There are only two significant differences between the proposal now before this Board and the one considered in 2018-2019: 1) the Army Corps has effectively pulled out, so the current proposal is for a county project only; and 2) the current proposal drops the “Unit 4 Bypass” included in the 2018 proposal. Otherwise, however, the current Proposal Project poses the same problems detailed in our attached November 2018 comments on the prior proposal. We incorporate the November 2018 comment letter by reference and will only briefly reiterate the principal problems in this letter. With the exception of those directed to the Bypass, that letter’s other comments are equally applicable to the most current iteration of this proposal.

C11-7

Also, one feature that the current Proposed Project shares with the 2018 Bypass proposal is that our property, 15 Sir Francis Drake, will be uniquely impacted. Our house is immediately adjacent to the District-owned parcel of land that is likely to be used as a staging area for construction. Construction impacts (noise, exposure to toxic air contaminants, etc.) from the proposed destruction of the concrete channel, removal of the grove of trees, and other actions requiring heavy equipment will be concentrated in the area immediately adjacent to our home – which is also where we currently access our property from Sir Francis Drake and park our cars. As with the now-defunct Unit 4 Bypass proposal, the construction activities – and associated noise, dirt, toxic materials, and fumes – will likely render our home uninhabitable for at least several months, and possibly longer. Because the construction activities will require our family to relocate for an unknown number of months, the comments in our Nov. 27, 2018, letter related to the need for funding temporary relocation to local hotels remain applicable.

C11-8

Removal of the Concrete Channel – Flood Risk. The Proposed Project (like its 2018 precursor) would remove the most effective flood abatement measure currently in place – the concrete channel. The concrete channel did not overflow during the flood of December 31, 2005 – or during the several “close calls” we have experienced over the 17½ years we have resided here. We are highly skeptical of the county’s assurance that the Proposed Project will somehow abate the flooding risk for left bank properties such as ours. The county has altered its models several times over the long history of various iterations of a project along

C11-9

2 COMMENTS AND RESPONSES

these lines. In the December 31, 2005, flood and the several other near-floods we have experienced, water flowed through the left bank properties both from upstream at the bridge and from the opposite side (the northeast side) of Sir Francis Drake (particularly from the area of Marin Arts and Garden Center).

C11-9
cont.

Although we raised the issue of overland water coming from the northeast side of Sir Francis Drake at the public scoping meeting, the Draft EIR entirely fails to address that topic. During the Dec. 31, 2005, flood, and several "close call" events over the years, the water flowing onto our property did not come exclusively from the Lagunitas Bridge area on the creek-side of Sir Francis Drake. There was also a heavy flow of water coming from the other side of Sir Francis Drake (from the vicinity of Marin Arts & Garden Center). In the Dec. 31, 2005, flood that overland water crossed Sir Francis Drake onto our property, joined with the creekside flow from the area of the Lagunitas Bridge, and inundated our property. The other near-flood events such as early 2017, the overland water from the other side of Sir Francis Drake came most of the way across the street and was on the verge of flooding our property again (as it had in 2005). The county's models entirely ignore this risk of flooding from overland water altogether and are based on the incorrect assumption that the flooding risk to our property comes exclusively from overflow at the bridge on the creekside of our property. Because the Proposed Project contemplates flood walls between the SFD homes and the creek, the Project presents a risk that, rather than protect the homes, those walls would effectively trap the overland water forcing it closer to the homes themselves.

C11-10

The Draft EIR lacks clarity on the extent and impact of widening the creek upstream of the removed fish ladder. ("Segment of the new channel upstream of the removed fish ladder would be widened and provide a smooth grade transition that would support long term channel stability and reduce erosion potential." (EIR/EIS, p. 3.9-12) How wide and how far upstream? Will this affect the Lagunitas Bridge?) We note that a peer review study prepared at the request of the Town of Ross, refers to a substantially lengthened New Lagunitas Bridge (which was recently rebuilt) for both the Proposed Project and Alternative #1. We do not have sufficient expertise on that subject to state ourselves whether the Proposed Project would require replacement, lengthening, or other redesign of the Lagunitas Bridge. But as members of the public who will be especially impacted by the Proposed Project, we are entitled to look to the Draft EIR for an authoritative analysis of the likely consequences of the proposed widening of the creek immediately upstream from our home. But the current Draft EIR wholly fails to address that subject.

C11-11

C11-12

2 COMMENTS AND RESPONSES

The funding grant requires that all construction be completed by the end of 2022. Although the Draft EIR does not need to address funding, how likely is it that this project can be completed in such a short period of time? What is the impact if this project is begun – a reliable existing section of the concrete channel removed, a habitat destroyed – and the project is then suspended? A commenced-but-suspended project would surely represent the worst of both worlds because the irreparable consequences of the project will come from its earliest stage – the destruction of the concrete channel and the removal of the grove of trees. A commenced-but-suspended project would leave our home (and others on the left bank) without the current protection of the concrete channel and unquestionably exposed to much greater flooding risks than under current conditions. Moreover, a commenced-but-suspended (or delayed) project would mean removal of the existing habitat of trees and other vegetation between our home and the creek but with no certainty when, if ever, the county will take any remedial efforts. On its face, the projection of completion of construction by the end-of-2022 appears highly unrealistic. Anyone with any familiarity with public works projects of this scale and complexity should have grave doubts where all the pieces will fall into place perfectly and vindicate that highly optimistic assumption. But, as addressed here, since all the adverse consequences from the project will be front-loaded – due especially to the destruction of the concrete channel – accurate assessment of the environmental consequences of the Proposed Project requires a realistic projection of its completion schedule, backed up by hard data.

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C11-19

Removal of Existing Habitat and Resulting Aesthetic Loss. There is an existing mature habitat of trees and other foliage on the rise between the concrete channel and the residences on the left bank. While a putative purpose of the Proposed Project is restoration of the area around the creek to a more “natural” environment, the project would destroy an existing mature, rich habitat. Moreover, while one of the stated objectives of the Project is protection of fish, removal of the existing mature habitat on the rise alongside the creek would have the opposite impact. The existing mature trees provide shade along the creek and also moisture, both of which are essential to the overall ecosystem of the creek.

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While we are told that new trees are to be planted, it would almost certainly be decades, not just a few years, before they would grow to the extent of the existing habitat. For a considerable time, there would be little but bare earth. Moreover, because Army Corps standards require a significant setback, the county would likely only be able to plant a narrow ribbon which would never replace the

C11-22

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2 COMMENTS AND RESPONSES

existing grove it is proposing to raze. In sum, despite its stated object of creating a “riparian” corridor, the project would needlessly destroy an existing mature and rich habitat, and it presents only a highly doubtful promise of fabricating a new (but less extensive and diverse) habitat, which is unlikely to grow to maturity for decades (if ever).

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Beyond the environmental consequences of the removal of this existing habitat of the grove of trees and other foliage, it is impossible to overstate the aesthetic impact of that loss. Currently, those of us on the southeast side of SFD look upon that greenery, which provides a foreground for the Marin hills in the distance. But removal of those trees would leave these homes with (for the first several years) a view of little more than bare earth and the backs of the businesses in downtown Ross.

C11-25

Loss of Privacy. In addition to the loss of existing mature habitat, the elimination of the rows of trees and other foliage would significantly impact our privacy, as well as that of our neighbors on the south side of Sir Francis Drake. Currently, those trees shield our home from viewing those along the bike path on the opposite side of the creek. But the Proposed Project would remove that protection and leave our homes and others on our side of SFD exposed to everyone running, biking or hiking on the creek path, who would be able to look directly into our yard and house. Moreover, with the removal of the concrete channel, there would no longer be any physical barrier shielding our homes. This is a concern for all families along the street, especially those with children.

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C11-27

Alternative #1

The county’s “Alternative #1” would remove the existing fish ladder, but would not include the other significant features of the Proposed Project. It would not remove the concrete channel, remove the existing trees and foliage, or alter Frederick Allen Park. While Alternative #1 may seemingly be less ambitious than the Proposed Project, it appears more closely tailored to the principal object of flood reduction and would not entail the many adverse consequences associated with the Proposed Project – including the removal of the protections of the existing concrete channel, destruction of an existing mature habitat (the trees and foliage along the left bank), the aesthetic harm from the loss of that habitat, and the diminution of the privacy of the families residing along the left bank.

C11-28

While the concrete channel has functioned well in preventing events like the

C11-29

2 COMMENTS AND RESPONSES

2005 flood from being even worse, the existing fish ladder is another matter. The current draft EIR/EIS states: "The Denil fish ladder, in its current condition, is a primary flow constriction for Unit 4 reach and upstream that causes extensive overbank flooding along Corte Madera Creek." (EIR/EIS, p. 3.9-12) Assuming that is so, then removal of the fish ladder would presumably alleviate that constriction and would reduce or abate the risk of such "overbank flooding."¹

C11-29
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A close comparisons of the Draft EIR's projections for the Proposed Project and for Alternative #1 indicates that removal of the fish ladder alone, while retaining the concrete channel, would achieve virtually the same level of abatement of flood risks as the Proposed Project. Even according to the Draft EIR's projections, the asserted great flood risk reduction of the Proposed Project, as compared to Alternative #1, would be almost negligible – a fraction of one foot. But the environmental price from this promised additional increment of abatement would be enormous in both the short term and the long term.

C11-30

Alternative #1 would certainly be preferable to the Proposed Project because it would not entail the other adverse impacts – destruction of a mature habitat, aesthetic impairment, and diminution of privacy – described earlier.

C11-31

We suggest that, in considering the Proposed Project, the county should consider the age-old medical adage, "First, do no harm." However, laudable some of its stated objectives may be, the Proposed Project would do substantial harm: While attempting to abate some flood risks, it would aggravate others. It would destroy

C11-32

¹ Unfortunately, we must add a caveat to our discussion of Alternative #1. We are aware that some concerns have been raised concerning the accuracy of the models used by the county. Because we have no expertise regarding hydrological modeling, we cannot offer any opinion on that point. All we can say is this: If the county is correct in its assessment that the fish ladder has obstructed and impeded water flow and thus has contributed to flooding and if its removal does not create new water flow problems, then its removal presumably would help abate flood risks. The Draft EIR is required to provide sufficient detail on Alternatives for a reasonable comparison to the Proposed Project. The Draft EIR did not provide Alternative #1 Water Surface Elevation Maps for Current Conditions, or other information that would have been helpful in making this comparison.

C11-33

2 COMMENTS AND RESPONSES

existing mature habitat – resulting both in damage to an ecosystem and significant aesthetic harm. And it would strip away the privacy which the existing trees and foliage provide to the families along this side of Sir Francis Drake. Indeed, in every respect, the Proposed Project would impose substantial costs – flood risk, aesthetic loss, and diminution of privacy – on the several families along this portion of Sir Francis Drake. The Proposed Project will do more harm than good, and we strongly urge the county to decline that proposal.

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In contrast, Alternative #1 – removal of the fish ladder but without the other elements of the Proposed Project – will apparently make a positive contribution to abatement of flood risk, but without the several adverse consequences of the Proposed Project detailed here.² Additionally, of course, Alternative #1 would be far less disruptive to the daily lives of residents during execution of the project, would be less expensive for the county, and would not appear to pose the greater legal and liability uncertainties of the Proposed Project.

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C11-38

We appreciate this opportunity for input on a proposal which would have a very significant impact on the families along this stretch of Sir Francis Drake. Thank you for considering these comments. Please feel free to contact us if any further information would be helpful.

Sincerely,

Leslie O'Connell, laoconnell@sbcglobal.net
James Bradley O'Connell, jboc@fdap.org

Attachment (Nov. 27, 2018, letter re EIS/EIR on prior proposal)

² Again, our comments on Alternative #1 are subject to the caveat that we are not in a position to assess the accuracy of the county's hydrological models and its assessment that the fish ladder has constricted water flow and contributed to prior flooding incidents and that its removal would not introduce new problems.

C11-39

2 COMMENTS AND RESPONSES



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November 27, 2018

Via U.S. and Electronic Mail

Cynthia Jo Fowler
Corte.Madera@usace.army.mil
U.S. Army Corps of Engineers, San Francisco District
ATTN: Cynthia Jo Fowler,
1455 Market Street, San Francisco, CA 94103-1398

Re: Corte Madera Creek Flood Risk Management Project Draft EIS/EIR

Dear Ms. Fowler:

This letter provides the comments of James Bradley O'Connell and Leslie A. O'Connell, Ph.D., on the Corte Madera Creek Flood Risk Management Project Draft Environmental Impact Statement/Environmental Impact Report ("Draft EIS/EIR") prepared by the U.S. Army Corp of Engineers ("USACOE") and the Marin County Flood Control and Water Conservation District ("District") (collectively, "Agencies"). The O'Connells own and reside at 15 Sir Francis Drake Blvd., Ross, CA 94957. As described in further detail below, their home will be directly impacted by the Project and as such the O'Connells have a significant interest in ensuring that the USACOE and the District have fulfilled their respective legal obligations under the National Environmental Policy Act ("NEPA")¹ and the California Environmental Quality Act ("CEQA")². Unfortunately, the Draft EIS/EIR is legally deficient in numerous ways, not least of which are: an inadequate project description, in particular as it relates to core elements of Alternative J, designated the "Agency Preferred Alternative;" inadequate analysis of the Project's potentially significant impacts; and inadequate mitigation to address the Project's environmental impacts.³ The Project should not proceed until the issues raised in this letter are addressed and the Draft EIS/EIR is revised and recirculated for further public review and comment. Otherwise, the USACOE and the

¹ 43 U.S.C. §§ 4321 et seq. NEPA is implemented pursuant to regulations promulgated by the Council on Environmental Quality ("CEQ"), codified at 40 C.F.R. §§ 1500 et seq. ("CEQ Regulations").

² Cal. Pub. Res. Code §§ 21000-21189; CEQA is implemented pursuant to California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000- 15387 ("CEQA Guidelines").

³ For purposes of this letter, we use the term "Project" to refer to Alternative J since this alternative has been identified as the Agency Preferred Alternative and the Tentatively Selected Plan. The broader elements of the Risk Management Project and the other alternatives are separately referenced as such.

2 COMMENTS AND RESPONSES



Ragghianti|Freitas LLP

November 27, 2018
Page 2 of 11

District will have failed in fulfilling their fundamental obligation to inform the public and decisionmakers of the potential environmental consequences of the Project.

BACKGROUND

The O'Connells' home is located on Sir Francis Drake Blvd. on a relatively narrow strip of land between the street and Corte Madera Creek. Their house abuts the existing concrete culvert and is (roughly) across the creek from the far-eastern end of Ross Commons. The O'Connells' property also immediately abuts the District-owned parcel of land where the Unit 4 Bypass is shown to terminate. See Draft EIS/EIR, Figure 3-5c. With permission from the District, the O'Connells - whose home lacks a driveway or garage - have used this parcel for off-street parking since they purchased the home in 2003.

The O'Connells' lived in their home during the 2005 Flood Event, which resulted in fast-flowing water surrounding their home on all sides for several hours and their basement being flooded. Importantly, during this event, the existing concrete channel did not overflow and was therefore not the source of the flooding on their property or the immediate surrounding area. Rather, the flooding came from the upstream overflow of Corte Madera Creek starting at Lagunitas Bridge, as well as from the eastside of Sir Francis Drake Blvd. in the area surrounding the Marin Art and Garden Center. Without the channel operating as designed, the flooding of the O'Connells' home and surrounding areas would likely have been significantly worse. The O'Connells have significant concerns that the Project proposes to remove the one element of the existing flood management system - the concrete channel - that did not fail during the 2005 flood and subsequent events and replace it with a vaguely described "Riparian Corridor." This concern is exacerbated by the fact that the Project will result in the Unit 4 Bypass emptying significant volumes of diverted water into this new, untested "Riparian Corridor" directly adjacent to their home.

Making matters worse, the Agencies have now identified Alternative J as the Agency Preferred Alternative and Tentatively Selected Plan despite the fact that this version of the Project, including in particular the creation of the Allen Park Riparian Corridor, was never disclosed in the Notice of Preparation/Notice of Intent ("NOP/NOI") for the Project or during the numerous community scoping meetings that occurred. To the O'Connells and numerous other members of the community, it feels as if the Agencies have pulled a bait and switch, promising a flood control project that would address the significant flooding problems that have plagued the Ross Valley community for decades, only to deliver a project that looks nothing like what has been discussed over the past several years.

NEPA and CEQA share a fundamental purpose: to inform the public and decision-makers about potentially significant environmental effects of proposed projects before they are carried out. See CEQA Guidelines § 15002(a)(1); 40 C.F.R. § 1500.1(b). Here, the public process that lead to the publication of the Draft EIS/EIR, and the document itself, fundamentally fail in this regard.



Ragghianti|Freitas LLP

November 27, 2018
Page 3 of 11

COMMENTS

1. The Description of Alternatives Fails to Comply with NEPA or CEQA.

While NEPA and CEQA are substantially similar, the two laws differ in important aspects. Whereas NEPA has been described as “essentially procedural” (*Stryker’s Bay Neighborhood Council, Inc. v. Karlen* (1980) 444 U.S. 223), CEQA imposes substantive duties on local agencies to protect the environment and mitigate significant impacts when feasible. In serving these substantive mandates, courts have held that “an accurate, stable, and finite project description is the *sine qua non* of an informative and legally sufficient EIR.” *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 197-200. The project must be described accurately to allow reviewers and decision makers to balance the project’s benefits against its environmental costs, to consider mitigation measures, and to assess the advantages of the no-project and other alternatives. *Id.*; see also 40 C.F.R. § 1502.14 (description of alternatives including the proposed action “is the heart of the environmental impact statement” that “shall ... (b) Devote **substantial treatment** to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.”) (Emphasis added).

C11-40

Here, while the “Description of Alternatives” has the trappings of the sufficient project description, it fails to provide sufficient detail to allow the public and decision-makers to understand to true scope of the Project. Specifically:

- a. Construction of the Unit 4 Bypass is a fundamental component of the Agency Preferred Alternative. Nevertheless, the Draft EIS/EIR admits that the “[c]onstruction methodology of the bypass under Sir Francis Drake Boulevard has not yet been determined.” Draft EIS/EIR, p. ES-8. The potential disruption to the Ross Valley community from construction of the Unit 4 Bypass cannot be overstated. Sir Francis Drake Blvd. is a heavily trafficked, two-lane major thoroughfare that provides the sole direct access to and from Highway 101. It also provides the sole eastbound access to the Kentfield Hospital. Disrupting traffic on the identified stretch of Sir Francis Drake Blvd. for any duration of time has the potential to, *inter alia*, cause significant traffic delays, increase response times for public safety vehicles in the area, limit eastbound access to Kentfield Hospital, and significantly increase exposure to toxic air contaminants from idling vehicles. The Draft EIS/EIR may not simply defer this issue to some future, unspecified time because the methodology chosen to construct the Unit 4 Bypass has the potential to directly affect the level of impact associated with these and other potentially significant environmental impacts, which then directly affects the viability and wisdom associated with approving Alternative J. The Description of Alternatives must be revised to specifically describe the various construction methodologies under consideration, and a comparison of impacts associated with the various methodologies must then be promulgated throughout the Draft EIS/EIR.

C11-41

2 COMMENTS AND RESPONSES



Ragghianti|Freitas LLP

November 27, 2018
Page 4 of 11

The description of the Unit 4 Bypass is also improperly vague concerning the transitions from Corte Madera Creek to Sir Francis Drake Blvd. The Description of Alternatives provides merely that "the bypass would exit and re-enter the creek at properties on Sir Francis Drake Boulevard that are owned by the District." Draft EIS/EIR p. 3-7. While this is true, it does not acknowledge that the parcel where re-entry to the creek will occur is immediately adjacent to the O'Connells residence. The failure to describe the close proximity of the re-entry parcel to an existing residence undermines the subsequent impact analysis, in terms of both construction impacts (e.g., noise, exposure to toxic air contaminants) and operational impacts (e.g., soil subsidence and erosion associated with the re-introduction of significant volumes of water directly adjacent to the O'Connells' residence). The Draft EIS/EIR must be revised to acknowledge and address these issues.

C11-42

- b. The Draft EIS/EIR provides that "the use of a temporary shoring system will need to be evaluated as sheet piles may not be sufficient to excavate to the depths currently anticipated for the bypass. Additional geotechnical investigations will be needed to better understand the subsurface soil and rock characteristics along the bypass alignment. This could have significant cost impacts during Project construction." By their own admission, the Agencies are deferring in-depth consideration of a fundamental component of the Project-construction methodology. As in Comment 1.a, this is legally inadequate. The Draft EIS/EIR must be revised to describe the potential scenarios and outcomes associated with this issue, and to compare the environmental impacts associated with those outcomes throughout the EIR.

C11-43

- c. The description of the Allen Park Riparian Corridor is wholly deficient. Initially, the Draft EIS/EIR fails to describe the existing environment in sufficient detail to allow the reader to understand what physical changes will occur with construction of the Allen Park Riparian Corridor. The Draft EIS/EIR states that Riparian Corridor will be constructed at Frederick P. Allen Park. Remarkably, the Draft EIS/EIR is completely silent about what will happen to the existing park setting. There is no description or estimate of the number of trees that may need to be removed, for example, or the potential loss of useable recreation area. Further, the Description of Alternatives provides that the Riparian Corridor "would include a widened, native substrate channel that allows higher flows to spread over a larger area" Draft EIS/EIR p. 3-7. Presumably, implementation of a "native substrate channel" involves removal of the existing concrete channel in this area, though this is not described anywhere.

C11-44

The various tables describing the construction activities provide no additional information. Table 3-3 – Construction Measures for Each Alternative identifies the following as the "Phase 1 (Unit 3)" construction activities: "Prepare site (grade changes, clearing and grubbing, tree removal); Construct Allen Park Riparian Corridor; Remove existing Denil fish ladder and replace with smooth transition between Units 3 and 4." Each of these activities sounds benign enough, if vague, until compared to Table 3-5, which notes

C11-45

2 COMMENTS AND RESPONSES



Ragghianti|Freitas LLP

November 27, 2018
Page 5 of 11

(without explanation) that these activities will require use of, e.g., articulated haulers, earth moving dozers, dump trucks, and various types of excavators, loaders, and soil compactors. The Description of Alternatives must be revised to properly describe the scope of construction associated with the Allen Park Riparian Corridor, as well as the alleged "operational" benefits of removing an existing concrete channel that has not overflowed in the past and replacing it with an incomplete alternative. See Draft EIS/EIS, App.A, p. 50 ("Further refinements are being developed for the Allen Park Riparian Corridor by the District and could be incorporated into the Recommended Plan. As a result, some design elements (e.g. floodwalls) may change prior Preconstruction Engineering and Design (PED) for the Recommended Plan. The Recommended Plan will be updated based on the R&U analysis that will be conducted.

C11-45
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- d. The Draft EIS/EIR states that funding has yet to be secured for the Unit 4 Bypass, which means that, if Alternative J is selected as the Project, there is a legitimate possibility that only "Phase I" of the Project will be constructed. Phase I includes the removal of the Denil fish ladder and the construction of the Allen Park Riparian Corridor only. Since the Draft EIS/EIR has expressly acknowledged the possibility that only Phase I will be constructed, it must separately analyze and mitigate the potential environmental effects of Phase I. Otherwise, the Draft EIS/EIR fails to inform the public and decision makers of the potential consequences and tradeoffs of selecting Alternative J. This is particularly important here because, absent the Unit 4 Bypass, the upstream conditions that have resulted in the most significant flooding during past flood events will remain unaddressed while the one component of the existing flood management system that has not failed during past flood events – the concrete channel in Unit 3 – will be removed and replaced by a new and untested Riparian Corridor.

C11-46

2. The Description of the Existing Setting is Inadequate.

Pursuant to CEQA Guidelines § 15125(a), an EIR "must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant." See also 40 C.F.R. § 1502.15 ("The environmental impact statement shall succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration."). The Draft EIS/EIR fundamentally fails in this regard.

C11-47

Generally, the Draft EIS/EIR fails to identify the number of buildings and habitable structures that are impacted under the current conditions in the event of a 10-year, 25-year, or 100-year flood event. The failure to include this information means that the environmental analysis fails to compare impacts to structures under the existing conditions to the impacts that would occur under

C11-48

2 COMMENTS AND RESPONSES



Ragghianti|Freitas LLP

November 27, 2018
Page 6 of 11

the Project. Without this information, the public and decision-makers are left to guess whether the Project will actually improve conditions.

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More specifically, the Draft EIS/EIR fails to describe in any detail the existing conditions in the area where the Allen Park Riparian Corridor is proposed to be constructed. This includes the existing park and recreational pathways that connect Ross to Kentfield along the existing culvert, as well as the residences, including the O'Connells' residence, on the other side of the channel. The existing environmental includes a significant number of mature trees on both sides of the creek. In particular, the existing trees and vegetation on the side of the Sir Francis Drake Blvd.-side of the creek serve as a forested curtain that provide noise and privacy screening for the residents along this stretch. The failure to properly describe this setting results in the Draft EIS/EIR ignoring potential environmental impact, including but not limited to aesthetic and noise impacts, as further discussed below.

C11-49

3. The Draft EIS/EIRs Reliance on Avoidance and Minimization Measures is Not Permitted by CEQA.

Throughout Chapter 4 of the Draft EIS/EIR, the document includes "Avoidance and Minimization Measures" under the analysis of environmental consequences. The Draft EIS/EIR relies upon these Avoidance and Minimization Measures to reach the various environmental significance determinations. In other words, the Avoidance and Minimization Measures are essentially included as part of the Project and the significance determinations assume the measures will be implemented. This analytical approach fails for several reasons.

C11-50

First, the general inclusion of Avoidance and Minimization Measures as part of the overall Project is not permitted under CEQA. Pursuant to *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 656, measures designed to reduce or mitigate impacts cannot be incorporated as part of the Project where doing so results in the EIR's failure to disclose significant impacts and the effectiveness of mitigation measures in reducing those impacts. Here, by assuming the Avoidance and Minimization Measures are part of the Project for purposes of the impact analysis, the Draft EIS/EIR has failed to disclose the true impacts of the Project and to separately determine the feasibility of the Avoidance and Minimization Measures to reduce impacts. Further, the Avoidance and Minimization Measures have not been incorporated into the Mitigation Monitoring and Reporting Program, which means they are not legally enforceable pursuant to CEQA. See CEQA Guidelines § 15126.4(a)(2) ("mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments."). As structured, the Avoidance and Minimization Measures are essentially optional, and the Agencies would be free to ignore those measures if they prove inconvenient.

The Draft EIS/EIR also lacks substantial evidence concerning the feasibility of the various Avoidance and Mitigation Measures, and simply assumes, in remarkably abbreviated analysis, that the measures are not only feasible, but will reduce the Project's impacts to less than significant in

C11-51

2 COMMENTS AND RESPONSES



Ragghianti|Freitas LLP

November 27, 2018
Page 7 of 11

numerous instances. The analysis of Impact GEO-3 is but one example of this improper approach. Pursuant to Impact GEO-3, the Project would have a potentially significant impact if it would "result in substantial soil erosion or the loss of topsoil." In discussing whether the Project's implementation, rather than construction, would have such an impact, the Draft EIS/EIR provides only the following: "Each of the alternatives could directly or indirectly result in accelerated soil erosion." The analysis fails to disclose how this might occur, or where along the Project path such erosion is most likely to occur. For example, the Project proposes to re-introduce large volumes of water from the Unit 4 Bypass into the creek at the new Riparian Corridor, which includes construction of a "native substrate channel." The Draft EIS/EIR fails to discuss how the deposition of this large volume of water might impact or accelerate soil erosion in this area once the existing concrete channel is removed.

C11-51
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As if the short-hand analysis of this issue was not bad enough, the Draft EIR then concludes that "implementation of AMMs would result in a less than significant impact for all action alternatives." However, the Draft EIS/EIR fails to explain how these (unenforceable) measures will actually achieve this goal. There is absolutely no discussion of the feasibility of the various Avoidance and Minimization Measures; nor does the Draft EIS/EIR include any substantial evidence concerning these measures feasibility.

C11-52

In addition, many of the Avoidance and Minimization Measures amount to improper deferred mitigation under CEQA. Pursuant CEQA, formulation of mitigation measures should not be deferred to a future date unless measures include a specific, enforceable performance standard. See e.g., Save Panoche Valley v. San Benito County (2013) 217 Cal.App.4th 503, 525. The Avoidance and Minimization Measures include numerous examples where the sole obligation is to develop a future plan. See e.g., AMM-GEO-1, AMM-GEO-3. Such future plan obligations have been consistently rejected by the courts as inadequate under CEQA. See e.g., Endangered Habitats League, Inc. v. County of Orange (2005) 141 Cal.App.4th 777, 793-394 (mitigation of construction impacts inadequate because it merely required a report to be prepared for county approval without setting any standards). This issue is exacerbated here since the Avoidance and Minimization Measures are not legally enforceable as mitigation measures under CEQA, meaning the Agencies have not only deferred the development of the measures designed to mitigate Project impacts, but have not committed themselves to actually implement these measures.

C11-53

To address these issues, the Draft EIS/EIR needs to be revised and recirculated to include analysis of the Project's impacts both with and without the Avoidance and Mitigation Measures. See Mission Bay Alliance v. Office of Community Investment & Infrastructure (2016) 6 Cal.App.5th 160, 185 (incorporation of Transportation Service Plan into project description did not violate CEQA where EIR disclosed and analyzed impacts to transportation and traffic both with and without plan). Further, the analysis needs to be expanded to demonstrate the feasibility of these measures, in particular in the context of the specific Project-features the Agencies have selected as part of the Agency Preferred Alternative (e.g., the Riparian Corridor). Finally, to the extent the Avoidance and Minimization Measures are required to be implemented pursuant to a separate

C11-54

2 COMMENTS AND RESPONSES



Ragghianti|Freitas LLP

November 27, 2018
Page 8 of 11

regulatory scheme (i.e., an NPDES permit) or are necessary to mitigate the Project's impacts to less than significant, the measures must be incorporated into the Mitigation Monitoring and Reporting Program and made separately legally enforceable.

C11-54
Cont.

4. Specific Comments on Chapter 4.

a. 4.1 Hydrology and Hydraulics

- i. Section 4.1.3.2, Methodology for Impact Analysis and Significance Thresholds, states that "Alternative J was designed to provide a flood protection for 4% AEP Flood events within and upstream of the Frederick S. Allen Park (Allen Park) Riparian Corridor, but downstream of the Allen Park Riparian Corridor was not." However, there is no explanation why this decision was made or discussion of the potential consequences of such decision. See App. A, § 8.3. The Draft EIS/EIR must be revised to address this issue.
- ii. Neither Section 4.1.3.3 Effects and Mitigation nor Appendix A seems to provide information concerning the volume of water that will be diverted through the Unit 4 Bypass and reintroduced to the creek at the newly constructed Riparian Corridor. The reintroduction of large volumes of water in this area combined with the removal of the existing concrete barrier has the potential to affect the nearby natural berm through accelerated soil subsidence and erosion. Without information concerning the volume of reintroduced water, it is impossible to evaluate these concerns.
- iii. Based on a comparison of Plates 4 (Alternative A) and 5 (B) to Plates 6 (F), 7 (G) and 8 (J) in Appendix A, it is not clear how construction of the Riparian Corridor improves potential flood conditions in the area surrounding the Riparian Corridor. Plates 6-8 appear to show 4% ACE Flood depths of up to 3-5 feet in the area of the Riparian Corridor (though admittedly the color scheme makes the Plates difficult to read), whereas Plates 4 and 5 appear to show no 4% ACE Flood depths without the Riparian Corridor. The discussion in Section 4.1.3.3 ignores this issue and instead focuses on the purportedly improved conditions downstream from the Riparian Corridor. However, Plate 8 seems to indicate that the 4% ACE Flood depths downstream in the area of College of Marin are the worst under Alternative J, presumably because of the unexplained decision not to design to the 4% AEP Flood standard under Alternative J. The Draft EIS/EIR needs to better explain why Alternative J is the Agency Preferred Alternative in light of this information.

C11-55

C11-56

C11-57

b. 4.4 Air Quality

C11-58

2 COMMENTS AND RESPONSES



Ragghianti|Freitas LLP

November 27, 2018
Page 9 of 11

- i. As noted above in Section I, the failure to identify the construction methodology for the Unit 4 Bypass makes any assessment of construction-related air emissions legally inadequate. Nevertheless, the Draft EIS/EIR purports to analyze construction-related emissions. Since the Draft EIS/EIR has failed to identify the construction methodology for the Unit 4 Bypass, this information appears to be mostly speculative and therefore is inadequate for purposes of assessing the actual scope of the air quality impacts associated with the Project. Thus, the Air Quality analysis needs to be revised and recirculated to identify and compare the various methodologies under consideration, and to identify mitigation as necessary. Only by including such information can the public and decision-makers have the appropriate level of information to select between the various Alternatives.
 - ii. The Draft EIS/EIR focuses solely on emissions from construction equipment. However, lengthy traffic delays resulting in significant increases in idling time are a reasonably foreseeable impact of the Project. Specifically, by proposing to construct the Unit 4 Bypass under a very busy, two-lane thoroughfare for which there are virtually no alternative routes, Alternatives G, H, and J will cause significant traffic delays that are not inherent in Alternatives A and B. Such delays will result in an increase in vehicle idling time, which will result in an increase in air emissions, in particular diesel particulate matter. Thus, when compared to Alternatives A and B, Alternatives G, H and J will have greater impacts to air quality during the construction period. The Air Quality analysis needs to be revised and recirculated to include this information and consider any appropriate mitigation. Otherwise, the public and decision makers lack the necessary information to make informed choices between the various Alternatives.
- c. 4.8 – Aesthetics
- i. Page 4.8-14 includes the following statement: “Because additional mitigation measures for Impacts AES1-1 and AES-2 are not feasible beyond the existing AMMs, significant impacts were determined to be significant and unavoidable.” This statement is problematic for several reasons. First, no AMM AES-2 is identified. Second, in Table 3-7, no AMMs are identified for Aesthetics whatsoever. Third, there is no analysis or substantial evidence supporting the statement that “additional mitigation measures ... are not feasible;” therefore, the Draft EIS/EIR must be revised and recirculated to either change this conclusion or provide an explanation. See Comment 3. That explanation must include what mitigation measures might have been found to be infeasible and why.
 - ii. The impact analysis includes numerous statements concerning Project activities that are not included in the Project description, creating an unstable project description, uncertainty concerning what activities the Project will undertake, and

C11-58
Cont.

C11-59

C11-60

C11-61

2 COMMENTS AND RESPONSES



Ragghianti|Freitas LLP

November 27, 2018
Page 10 of 11

confusion as to the scope of the Project impacts. For example, on p. 4.8-18, the Draft EIS/EIR states: "A tree survey would be completed prior to Project implementation **if tree removal would be required**, as determined during preconstruction engineering design. Revegetation along Sir Francis Drake Boulevard would be completed, and additional tree planting **could** be required elsewhere to accommodate local policy." (Emphases added). While tree removal is identified as a potential Project component in Table 3-3, this statement makes it seem as if tree removal is not a certainty. Instead, the decision concerning tree removal will apparently be made by engineers, without opportunity for public comment and the consideration of potential mitigation measures. Further, the analysis provides that trees "could be" replaced elsewhere according to local policy, a possibility not included in the Project Description. The analysis also fails to identify the local policy in question, fails to identify the "elsewhere" trees might be planted and the potential aesthetic impacts associated with those locations, and fails to explain the process by which all of these decisions will be made.

C11-61
Cont.

Page 4.8-18 also includes the following statement: "Grading of the park would require removal of trees and other vegetation. **The park would be revegetated with native riparian habitat with species similar to those in Unit 4, with a less dense canopy to maintain a "park-like" appearance.**" Again, this statement is found nowhere in the Description of Alternatives, creating uncertainty as to whether this work is a component of the Project or is being proposed as a form of mitigation. Further, there is no explanation concerning the types of "native riparian habitat" that would be used to revegetate the park, who gets to make the decision concerning the appropriate denseness of the tree canopy, and what opportunity the public will have in commenting and shaping these very vague activities. Further, the proposed floodwalls along the creek in the area of the Riparian Corridor will have underground foundations and footings, ensuring that the only feasible replacement vegetation will be shallow-rooting trees and plants. The Draft EIS/EIS fails to acknowledge this fact, identify the type of shallow-rooted trees and plants that might be viable in this changed environment, or analyze the potential aesthetic impacts associated with this change.

C11-62

The Draft EIS/EIR needs to be revised and recirculated to explain whether these and other statements are meant to be components of the Project, the details concerning these activities, who the decision-makers will be since the Agencies lack jurisdiction over these matters, and what opportunities there will be for public involvement.

C11-63

- iii. The analysis fails to consider the aesthetic impacts to the neighbors, including the O'Connells, who will be impacted by the implementation of the Riparian Habitat. The existing trees and foliage on the Sir Francis Drake Blvd.-side of the creek serve

C11-64



Ragghianti|Freitas LLP

November 27, 2018
Page 11 of 11

as a forested curtain providing privacy and noise reduction for the residents along this stretch. The removal of the trees will substantially degrade the visual quality of this area and create an essentially barren stretch of land. The analysis needs to be revised to address this issue, both as a short-term construction impact and a long-term "operational" impact. The fact that the floodwalls will limit the types of trees and foliage that will be able to be planted along this stretch post-project only exacerbates the O'Connells' concerns. Further, the Draft EIS/EIR needs to include mitigation requiring implementation of natural privacy screening during construction (e.g., through use of mature potted trees and plants) as well as the permanent replacement of trees and vegetation on private property impacted by the Project, in particular the construction of the Riparian Habitat. Such mitigation is facially feasible and therefore must be considered.

C11-64
Cont.

d. 4.10 Noise

- i. The analysis for Impact NOI-1 identifies Mitigation NOI-1 but concludes that, even with implementation of this measure, the impact would be significant and unavoidable. As noted above, the O'Connells' residence is located immediately adjacent to the District-owned parcel identified for use as the re-entry point for the Unit 4 Bypass. The parcel is in such close proximity to their home that they have used it for parking, with the District's permission, since they purchased the home in 2003. Additional feasible mitigation must be considered and adopted, such as funding the temporary relocation to local hotels or AirBNBs for receptors such as the O'Connells who will be most affected by the construction noise.⁴

C11-65

CONCLUSION

For the foregoing reasons, as well as for the reasons stated in other comment letters on the Draft EIS/EIR which are incorporated herein by reference, the Draft EIS/EIR must be revised and recirculated so the public and decision makers can understand the actual environmental effects from the Project.

C11-66

Sincerely,

Todd W. Smith

Cc: Brad and Leslie O'Connell

⁴ This mitigation measure has been found feasible for other California projects involving significant construction noise. See http://pubweb.co.kern.ca.us/UtilityPages/Planning/EIRS/oil_gas/DraftEIR/Oil_Gas_DEIR_Vol1_Complete.pdf

2 COMMENTS AND RESPONSES

2.5.11 Response to Letter C11: Leslie O'Connell and James Bradley O'Connell

- C11-1 This comment states the commenters' opposition to the proposed project, and specifically to project elements in Frederick Allen Park.

This commenter's opposition to the proposed project is acknowledged. See Master Response 1 regarding the staff's recommendation to adopt Alternative 1.

- C11-2 This comment states that the commenters' home would be adversely affected by the proposed project, as discussed in the comments that follow.

See the responses to comments that follow.

- C11-3 This comment states that the proposed project is likely to increase rather than abate flood risk on the commenters' property at 15 Sir Francis Drake Boulevard.

The flood risk reduction benefits to properties along the creek channel are shown in Figure 3.9-7 to Figure 3.9-9 on pages 3.9-55 to 3.9-57 in the Draft EIR. As shown in Figure 3.9-7 (during the 10-year flood event) and Figure 3.9-8 (during the 25-year flood event), the commenters' property is in the "Flows Confined to Channel" area, meaning that the area no longer would have flood inundation from creek overtopping after the proposed project is completed. As shown in Figure 3.9-9 (during 100-year flood event), the commenters' property is in the "Flooding Reduced" area, meaning that the property would have significantly reduced flood inundation (greater than 0.2 foot) from creek overtopping after the proposed project is completed. Therefore, the proposed project would have beneficial flood risk impact on the commenters' property.

- C11-4 The comment states that the proposed project would have destructive effects on the mature habitat in Frederick Allen Park.

See Master Response 6.

- C11-5 The comment states that the proposed project would result in a substantial aesthetic loss for properties on the left bank, and the project would result in views of bare ground from the commenters' property.

Implementation of the proposed project would result in significant impact on visual quality in the Frederick Allen Park area, as discussed in the Draft EIR (starting from page 3.1-24). The District would implement Mitigation Measure 3.1-3: Large Tree Planning to integrate large box trees into the planning plan and design for Frederick Allen Park. The mitigation would reduce the visual impact immediately following landscaping by providing screening of concrete structures and surrounding buildings; however, the impact would remain significant and unavoidable until the tree canopy is re-established. See Master Response 4 for a discussion about private views and privacy.

- C11-6 This comment states that the proposed project would result in loss of privacy because of tree removal.

2 COMMENTS AND RESPONSES

See Master Response 4 for discussions related to loss of privacy.

- C11-7 This comment states that the commenters have submitted a comment letter on the USACE 2018 Draft EIS/EIR, and that the proposed project poses the same problems detailed in that comment letter.

The comment is on the USACE 2018 Draft EIS/EIR and not the proposed project EIR. See the responses to comments C11-40 through C11-66 with responses to the comment letter that was submitted regarding the USACE 2018 Draft EIS/EIR.

- C11-8 This comment states that the commenters' property would be used for staging, and the commenters likely would be affected by noise and air quality pollution. The comment also states that the proposed project would require the commenters to relocate during project construction.

The staging areas proposed for project construction are shown in Figure 2.6-1 on page 2-7 in the Draft EIR. As shown in the figure, no staging would occur on private property. Project construction would occur only on weekdays during daytime construction hours, as discussed in Section 2.6.10 on page 2-38 in the Draft EIR. No project construction and associated noise, dust generation, or air quality emissions would occur during nighttime hours or on weekends.

Impact 3.2-2 beginning on page 3.2-22 and Impact 3.2-3 beginning on page 3.2-26 in Section 3.2 in the Draft EIR discuss potential impacts on air quality emissions and include mitigation measures to reduce potentially significant impacts on air quality. As discussed under Impact 3.2-2, the fugitive dust impact from construction would be reduced to a less-than-significant level with implementation of Mitigation Measure 3.2-2, which would require implementation of the BAAQMD's fugitive dust control measures. As discussed under Impact 3.2-3, the short-term health risk impact on sensitive receptors from project construction emissions would be reduced to a less-than-significant level with implementation of Mitigation Measure 3.2-3, which would require all off-road diesel-powered equipment (more than 25 horsepower) to be equipped with engines that achieve USEPA emission standards.

The potential impacts of project construction noise and vibration are discussed under Impacts 3.10-1 and 3.10-2, on pages 3.10-15 to 3.10-24 in Section 3.10 of the Draft EIR. As discussed in Section 3.10, the proposed project would result in temporary significant noise and vibration impacts on nearby sensitive receptors. However, with implementation of Mitigation Measure 3.10-1, which would include preparation and implementation of a noise reduction plan with notification and use of a noise barrier, and implementation of Mitigation Measure 3.10-2, which would include monitoring of vibration levels in proximity to properties to avoid exceeding the vibration threshold, the temporary noise and vibration impacts associated with project construction would be reduced to less-than-significant levels. Refer to Master Response 1 for a discussion of the District staff's recommendation to adopt Alternative 1.

2 COMMENTS AND RESPONSES

- C11-9 This comment states that the concrete channel is the most effective flood abatement measure, and the commenters are skeptical about the proposed project's ability to reduce flood risk for properties on the left bank.

Refer to Impact 3.9-5 of the Draft EIR (starting from page 3.9-54) for a discussion of the project impact related to flooding hazards. See response to comment C11-3 regarding the project flood risk reduction benefit to properties. The proposed project would reduce the amount of water that backs up and exits the Corte Madera Creek channel and would reduce the amount of water that flows down into properties in proximity to Corte Madera Creek, thereby reducing flood risk through the downstream areas.

- C11-10 This comment states that the Draft EIR and hydraulic model fail to address the flood risk from overland water.

The District is responsible for addressing flood risk reduction on Corte Madera Creek only. Localized flooding from overland and residential areas is outside the District's jurisdiction and is the responsibility of the Town. The hydraulic model addresses flood risk from Corte Madera Creek because this is the focus of the proposed project and within the District's responsibility and jurisdiction. The project would result in a net reduction of flood areas thereby reducing the exposure of people and property to water related hazards. The project would result in flood reduction benefits for over 300 parcels in Ross Valley during a 25-year flood event under existing conditions. Refer to Impact 3.9-5 of the Draft EIR (starting from page 3.9-54) for a discussion of project flood impact to people and property.

- C11-11 This comment states that the Draft EIR does not clarify the extent and impact of widening the creek upstream from the fish ladder removal. The comment also asks how wide and how far the widening would be, and how it would affect the Lagunitas Road Bridge.

The extent of the creek widening upstream from the fish ladder removal is shown in Figure 2.5-1 on page 2-8 in the Draft EIR. The impacts related to channel widening are discussed throughout the Draft EIR, from Section 3.1 to Section 3.16. Additional details about the proposed creek widening at the transition between Unit 4 and Unit 3 are presented in Master Response 1. The widening will be only along the section of the creek downstream from Lagunitas Road Bridge.

- C11-12 This comment states that the Draft EIR does not address any potential modifications to Lagunitas Road Bridge because the proposed project or Alternative 1 likely would impact the bridge because of widening of the creek upstream.

Neither the proposed project nor Alternative 1 propose modifications to Lagunitas Road Bridge, which was replaced in 2010. As discussed in Section 3.9 on page 3.9-9 in the Draft EIR, Lagunitas Road Bridge was replaced and designed with a higher soffit that increased the creek capacity at the bridge crossing. Therefore, no modification is

2 COMMENTS AND RESPONSES

proposed at this bridge because of the recent replacement and improvement for flood control. See Response to Comment C11-11 regarding the extent of creek widening.

C11-13 This comment asks how likely the proposed project would be for completion by the end of 2022.

Based on the District's experience in constructing similar projects, completion of project construction would be feasible by the end of 2022, if project approvals are received in time to start construction in April 2022.

C11-14 This comment asks what the impact would be if the proposed project is suspended after a section of the concrete channel is removed and habitat is disturbed.

Project construction would start only if all project approvals were received to complete the entire project. Project construction would not start unless completion of the project was feasible as designed. The construction contract could require completion of all work proposed within a defined schedule. The impact analysis in the Draft EIR is based on the reasonable assumption that the work will not be suspended, once begun.

C11-15 This comment states that a commenced-but-suspended project would be the worst-case scenario.

This would not be a potential scenario. See response to comment C11-14 for a discussion of this scenario and why it would not occur, based on the contractual requirements of the construction contractor.

C11-16 This comment discusses potential impacts of a commenced-but-suspended scenario.

See responses to comments C11-14 and C11-15 for more details about why this scenario would not occur.

C11-17 This comment discusses potential impacts of a commenced-but-suspended scenario.

See responses to comments C11-14 and C11-15 for more details about why this scenario would not occur.

C11-18 This comment states that completing the proposed project by the end of 2022 would be unrealistic.

The District is working diligently to obtain all approvals to meet the project schedule, should the project be approved. See response to comment C11-13 for a discussion about meeting the project schedule.

C11-19 This comment states that the proposed project would require a realistic projection of completion schedule, backed up by hard data.

2 COMMENTS AND RESPONSES

The proposed project schedule is based on best engineering practices and is realistic based on the District's and consulting engineers' experience in completing similar projects within similar time frames. Chapter 5, Alternatives, in the Draft EIR includes an analysis of the No Project Alternative, which represents the expected future conditions if no change would occur in the current channel conditions. See Section 5.3.1 on page 5-14 in the Draft EIR for more information regarding the No Project Alternative.

C11-20 This comment states that the proposed project would destroy an existing mature and rich habitat between the concrete channel and the residence on the left bank.

See Master Response 6 for a discussion about the existing conditions and proposed improvements in Frederick Allen Park.

C11-21 This comment states that the existing mature trees provide essential ecosystem functions to the creek and wildlife, and that removing the trees would have an opposite impact.

See response to comment C11-20 for a discussion about the proposed project improvements in Frederick Allen Park.

C11-22 This comment states that it would take decades for the replanted trees to mature, and in the meanwhile, minimal vegetation and bare ground would be on site.

See response to comment C11-5. As discussed, understory vegetation, including shrubs and grasses, would be planted to avoid creation of bare ground. The District would be required to revegetate disturbed areas, in compliance with Marin County Code (Section 28.18.093) and the Construction Stormwater General Permit, to meet water quality goals and Stormwater Pollution Prevention Plan requirements.

C11-23 This comment states that the District likely would be able to create a narrow ribbon of habitat because of USACE's 15-foot setback requirements.

The planting plan in the Draft EIR presents the most conservative USACE requirements. USACE may not consider the 2-foot-tall floodwall proposed in Frederick Allen Park to be a floodwall, and therefore may not require a setback for tree planting. USACE indicated that it would not consider the 10-foot-tall retaining walls to be floodwalls because the retaining walls are proposed for channel stability and not flood protection. Therefore, USACE would not require setbacks from the retaining walls. See also Master Response 1.

C11-24 This comment states that the proposed project would destroy existing mature and rich habitat and create a habitat that would take decades to grow to maturity.

See response to comment C11-20 regarding the existing landscaping and proposed improvements in Frederick Allen Park.

2 COMMENTS AND RESPONSES

C11-25 This comment states that the proposed project would result in impacts on the views from private properties adjacent to Frederick Allen Park because of tree removal.

See Master Response 4 for a discussion related to private views and privacy under CEQA.

C11-26 This comment states that the proposed project would result in loss of privacy to residences because of tree removal.

See Master Response 4 for a discussion related to private views and privacy under CEQA.

C11-27 This comment states that the proposed project would result in loss from removal of a physical barrier shielding homes related to the removal of the concrete channel.

This comment addresses the merits of the project, but not the environmental analysis. Impacts related to security on private properties are not considered to be within the context of CEQA. As discussed in Section 3.11, Public Services, in the Draft EIR, the proposed project would result in less-than-significant impacts on public services, including police and fire protection. See Impact 3.11-1 from page 3.11-5 in the Draft EIR for more information about potential impacts on public services.

C11-28 This comment summarizes proposed activities related to Alternative 1 and states that Alternative 1 would meet the project objective of flood reduction and avoid adverse environmental impacts.

This comment mischaracterized Alternative 1, which includes all proposed project elements except Frederick Allen Park concrete channel removal and restoration. See Master Response 1 and Master Response 3.

C11-29 This comment states that fish ladder removal presumably would alleviate the constriction and would reduce or abate the risk of flooding.

Removal of the fish ladder and avoidance of Frederick Allen Park is considered as Alternative 1 in the Draft EIR. See Section 5.3.2 from page 5-19 in the Draft EIR for a discussion of Alternative 1. Also see Master Response 1 and Master Response 3.

C11-30 This comment states that the flood risk reduction benefits would be similar between the proposed project and Alternative 1, but project implementation would result in more adverse environmental impacts than implementing Alternative 1.

This comment is acknowledged. See Master Response 1 for information regarding Alternative 1 and Table 5.4-1 on page 5-52 in the Draft EIR for a summary of the comparison of alternatives and the proposed project. The Draft EIR includes water surface elevation maps (Figure 5.3-5 to Figure 5.3-7) for Alternative 1 and a map

2 COMMENTS AND RESPONSES

(Figure 5.3-8) showing the change in water surface elevation between the proposed project and Alternative 1.

C11-31 This comment states that Alternative 1 would avoid adverse impacts on mature habitat, aesthetics, and privacy.

See Master Response 1 regarding staff's recommendation to adopt Alternative 1. Also see Master Response 4 regarding private views and Master Response 6 regarding Frederick Allen Park and habitat.

C11-32 This comment states that the proposed project would destroy existing mature habitat and suggests for the District to consider doing no harm.

See response to comment C11-20 for a discussion about the existing conditions and proposed improvements in Frederick Allen Park. Also see Master Response 6.

C11-33 This comment states that the commenters have no expertise regarding hydraulic modeling, and thus cannot offer any opinion on this topic. The comment also states that the Draft EIR does not include sufficient detail on alternatives for a reasonable comparison to the proposed project and does not include water surface elevation maps for Alternative 1.

The Town of Ross has hired an independent consultant to verify the hydraulic model, and the consultant has concluded that the model is robust and reasonable. See response to comment C9-16 for a discussion about verification of the hydraulic model.

The Draft EIR includes water surface elevation maps (Figure 5.3-5 to Figure 5.3-7) for Alternative 1 and a map (Figure 5.3-8) showing the change in water surface elevation between the proposed project and Alternative 1. This is substantial evidence for comparison between the proposed project and Alternative 1, supporting the analysis of impacts for both the proposed project and Alternative 1 under CEQA. Additional details about Alternative 1 and updated modeling to reflect the 60 percent design are discussed in Master Response 3.

C11-34 This comment states that the proposed project would result in loss of privacy to residences on the left bank because of tree removal.

This comment is similar to comment C11-16; see response to comment C11-26.

C11-35 This comment states that the proposed project would result in flood risk and impacts on aesthetics and privacy on properties along the left bank.

As shown in Figure 3.9-7 to Figure 3.9-9 on pages 3.9-55 to 3.9-57 in the Draft EIR, the proposed project would result in flood reduction benefits for private properties along the left bank. The perception of increased flood risk is not substantiated by any evidence or science. The flooding would be reduced, based on scientifically and industry accepted

2 COMMENTS AND RESPONSES

models. Aesthetic and privacy impacts on private properties are not considered to be within the context of CEQA, as discussed in responses to comments C11-25 and C11-26.

C11-36 This comment states opposition to the proposed project.

The commenter's opposition to the proposed project is acknowledged. See Master Response 1 regarding staff's recommendation to adopt Alternative 1.

C11-37 This comment states that Alternative 1 would achieve the goal of reducing flood risk and avoid adverse impacts from project implementation.

See Master Response 1 regarding staff's recommendation to adopt Alternative 1.

C11-38 This comment states that Alternative 1 would be less disruptive, less expensive, and have less uncertainties in comparison to the proposed project.

See Master Response 1 regarding staff's recommendation to adopt Alternative 1.

C11-39 This comment states that the commenters have no expertise to assess the accuracy of the hydraulic model.

The comment does not address the adequacy or accuracy of the Draft EIR or the modeling presented in the Draft EIR.

C11-40 This comment states that the description of the alternatives in the 2018 Draft EIS/EIR fails to comply with NEPA or CEQA.

This comment, as well as comments C11-41 through C11-66, address the 2018 Draft EIS/EIR, and not the current project or the current Draft EIR. Therefore, responses are provided only to those issues raised in these comments that are pertinent to the current project and the current Draft EIR.

The District prepared the current EIR pursuant to CEQA. The Alternatives chapter, screening of alternatives, and evaluation of alternatives presented in Chapter 5 of the Draft EIR, was completed in compliance with CEQA. The proposed project is no longer a federally funded project, and therefore NEPA compliance is not required. The analysis of alternatives in the Draft EIR exceeds CEQA's requirements for a comparative evaluation of alternatives and includes a robust evaluation of Alternative 1, including hydraulic modeling and air quality dispersion modeling.

C11-41 This comment states that the Unit 4 bypass that is described in the 2018 Draft EIS/EIR is a fundamental component of the agency-preferred alternative.

The Unit 4 bypass is not a component of the proposed project and is not part of any alternative that is considered in the Draft EIR. As discussed in Table 5.2-1 in the Draft EIR, the bypass construction would result in greater environmental impacts than the

2 COMMENTS AND RESPONSES

proposed project, and the cost to construct the bypass would exceed the available funding.

C11-42 This comment states that the description of the Unit 4 bypass in the 2018 Draft EIS/EIR is vague concerning the transition from Corte Madera Creek to Sit Francis Drake Boulevard.

See response to comment C11-21. The Unit 4 bypass is not a component of the proposed project and is not part of any alternative that is considered in the Draft EIR.

C11-43 This comment refers to the 2018 Draft EIS/EIR statement that the use of a temporary shoring system will need to be evaluated for the bypass.

See response to comment C11-21. The Unit 4 bypass is not a component of the proposed project and is not part of any alternative that is considered in the Draft EIR.

C11-44 This comment states that the description of the Frederick Allen Park riparian corridor in the 2018 Draft EIS/EIR is deficient.

Pages 2-16 through 2-19 of the current Draft EIR present substantial detail about the activities that would be conducted at Frederick Allen Park, including relocation of Bike Route 20 and a landscaping plan; pages 2-28 and 2-29 discuss the maximum number of trees that would be removed from the park; pages 2-36 and 2-37 discuss the number of trees that would be planted in the park; and Section 3.12.6 of the EIR present an analysis of impacts on recreational areas.

C11-45 This comment states that the description of alternatives in the 2018 Draft EIS/EIR needs to be revised to properly describe the scope of construction in Frederick Allen Park.

The current Draft EIR sufficiently describes the proposed scope of construction within Frederick Allen Park, in Chapter 2, Project Description, in the Draft EIR. Alternative 1 is a reduced footprint alternative that would not construct any project elements in Frederick Allen Park. The description of the Unit 4 transition is presented in Chapter 2, Project Description, in the Draft EIR. Master Response 3 presents additional detail on the Unit 4 transition.

C11-46 This comment refers to the 2018 Draft EIS/EIR statement that funding has yet to be secured for the Unit 4 bypass, which means that, if Alternative J is selected for project implementation, possibly only Phase 1 will be constructed.

This comment is not relevant to the proposed project. The District has flood Zone 9 funding and a matching California Department of Water Resources grant that is available to fund project construction. The District would not proceed with contracting and construction unless it had the funding available to complete the proposed project and achieve the project objectives.

2 COMMENTS AND RESPONSES

C11-47 This comment states that the description of the existing setting in the 2018 Draft EIS/EIR is inadequate.

The current Draft EIR includes substantial detail about the existing physical environmental conditions in each environmental resource section. The existing setting for each resource is provided as follows: Section 3.1.4 (Aesthetics), Section 3.2.3 (Air Quality), Section 3.3.3 (Biological Resources), Section 3.4.2 (Cultural Resources), Section 3.5.2 (Energy), Section 3.6.3 (Geology and Soils), Section 3.7.3 (Greenhouse Gas Emissions), Section 3.8.4 (Hazards and Hazardous Materials), Section 3.9.3 (Hydrology and Water Quality), Section 3.10.4 (Noise), Section 3.11.3 (Public Services), Section 3.12.3 (Recreation), Section 3.13.3 (Transportation and Circulation), Section 3.14.3 (Tribal Cultural Resources), Section 3.15.2 (Utilities and Service Systems), and Section 3.16.2 (Agriculture and Forestry Resources, Mineral Resources, Land Use and Planning, Population and Housing, and Wildfire and Socioeconomics).

C11-48 This comment states that, in general, the 2018 Draft EIS/EIR fails to identify the number of buildings and habitable structures that would be affected under the existing conditions in the event of a 10-year, 25-year, or 100-year flood event.

The current Draft EIR includes the hydraulic model results for the 10-year, 25-year, and 100-year flood events for the proposed project and Alternative 1 and includes an evaluation of impacts under existing and future conditions. The analysis determined that the proposed project and Alternative 1 would cause no significant increase in flooding in any areas containing structures. In addition, Table 3.9-7 on page 3.9-60 in the Draft EIR summarizes project flood reduction benefits and shows the number of parcels that would experience significant reduction in flooding from the proposed project, based on the model-predicted reduction in water surface elevation for those parcels in the 25-year flood event.

C11-49 This comment states that the 2018 Draft EIS/EIR fails to describe the existing conditions in the area where the Fredrick Allen Park project components are proposed in any detail.

The current Draft EIR presents substantial information on the existing conditions in Frederick Allen Park, including visual quality, existing vegetation and trees, recreational features, and existing noise conditions. See Sections 3.1, 3.3, 3.12, and 3.10 in the Draft EIR for discussions of the existing conditions and analyses of project impacts on aesthetics, biological resources, recreation, and noise resources in Frederick Allen Park, respectively.

C11-50 This comment states that the 2018 Draft EIS/EIR's reliance on avoidance and minimization measures is not permitted by CEQA.

The current Draft EIR does not include avoidance and minimization measures. This comment is not relevant to the Draft EIR.

2 COMMENTS AND RESPONSES

C11-51 This comment states that the 2018 Draft EIS/EIR lacks substantial evidence concerning the feasibility of the various avoidance and mitigation measures.

The current Draft EIR does not include avoidance and minimization measures. This comment is not relevant to the Draft EIR.

C11-52 This comment states that the 2018 Draft EIS/EIR concludes that implementation of avoidance and minimization measures would result in a less-than-significant impact for all action alternatives but does not explain how these measures actually would achieve this goal.

The current Draft EIR does not include avoidance and minimization measures. This comment is not relevant to the Draft EIR.

C11-53 This comment states that many of the avoidance and minimization measures in the 2018 Draft EIS/EIR amount to improper deferred mitigation under CEQA.

The current Draft EIR does not include avoidance and minimization measures. This comment is not relevant to the Draft EIR.

C11-54 This comment states that the 2018 Draft EIS/EIR needs to be revised and recirculated to include analysis of the proposed project's impacts, both with and without the avoidance and mitigation measures.

The current Draft EIR does not include avoidance and minimization measures. This comment is not relevant to the Draft EIR.

C11-55 This comment states that the 2018 Draft EIS/EIR does not provide an explanation or discussion of consequences regarding the design of Alternative J and flood protection downstream from Frederick Allen Park.

This comment is not relevant to the current Draft EIR because the Draft EIR does not include Alternative J as an alternative considered in detail. Table 3.9-7 on page 3.9-60 in the Draft EIR summarizes project flood reduction benefits and shows the number of parcels that would experience significant reduction in flooding from the proposed project and the model-predicted reduction in water surface elevation for those parcels.

C11-56 This comment states that the 2018 Draft EIS/EIR does not provide information concerning the volume of water that would be diverted through the Unit 4 bypass and re-introduced to the creek in the new riparian corridor.

The bypass is not a component of the proposed project and is not a component of any alternative that is considered in detail in the Draft EIR; therefore, analysis of the hydraulic effects of the bypass are not needed because the bypass would not be implemented as part of the proposed project or any alternative that may be approved.

2 COMMENTS AND RESPONSES

C11-57 This comment states that the 2018 Draft EIS/EIR fails to clarify how construction of the riparian corridor would improve potential flood conditions in the area surrounding the riparian corridor.

Information on the relative flood risk reduction benefits of the proposed project, which would include Frederick Allen Park, and Alternative 1, which would not include Frederick Allen Park, are presented on page 5-26 in Chapter 5 in the Draft EIR. See Master Response 1 for additional details regarding the reduction in flooding that would be provided by the riparian corridor in Frederick Allen Park.

C11-58 This comment states the failure of the 2018 Draft EIR/EIS to identify the construction methodology for the Unit 4 bypass, making any assessment of construction-related air emissions legally inadequate.

The bypass is not a component of the proposed project and is not part of any alternative that has been considered in detail in the Draft EIR. The Draft EIR presents substantial detail about the proposed project and Alternative 1 construction methods and includes air quality modeling using two different methods to evaluate criteria pollutant generation for construction as a whole and concentrations of criteria pollutants as part of a health risk assessment. Pages 3.2-16 through 3.2-20 of the Draft EIR describe the approach to the impact analysis, including the methodology for evaluating criterial air pollutants and toxic air contaminants. Additional details about the air quality modeling are provided in Appendix C in the Draft EIR.

C11-59 This comment states that the 2018 Draft EIS/EIR focuses on emissions from construction equipment and does not include lengthy traffic delays, specifically occurring from construction of the Unit 4 bypass, which would result in significant increases in idling time.

The proposed project no longer includes the Unit 4 bypass. The number of vehicles and trucks that would be required for project construction would not result in long idling times. Additional details about construction equipment emissions are presented in Section 3.2, Air Quality, in the Draft EIR.

C11-60 This comment states that the 2018 Draft EIS/EIR needs to explain why mitigation measures are not feasible for Impacts AES-1 and AES-2.

The current Draft EIR includes Mitigation Measure 3.1-3: Large Tree Planting to reduce the visual impact immediately following landscaping in Frederick Allen Park, by providing increased screening of concrete structures and surrounding buildings. However, the impact would remain significant and unavoidable until the tree canopy is re-established, and the trees and vegetation would screen the retaining walls and adjacent structures. The analysis of impacts on visual quality in Frederick Allen Park is presented from page 3.1-21 through page 3.1-28 in the Draft EIR.

2 COMMENTS AND RESPONSES

C11-61 This comment states that the impact analysis in the 2018 Draft EIS/EIR includes numerous statements concerning project activities that are not included in the Project Description.

The current Draft EIR presents substantial details about the proposed project to support the impact analysis in Chapter 3. The maximum extent of tree removal is presented in the Project Description (see Table 2.6-2 on page 2-28), and Figures 2.6-2, 2.6-3, and 2.6-4 show trees that would be removed as part of the proposed project or would meet USACE 15-foot setback requirements. The actual extent of tree removal would be substantially less than the number presented in the Draft EIR, if USACE would not enforce a 15-foot setback from the existing flood control channel walls.

C11-62 This comment refers to the 2018 Draft EIS/EIR analysis statement that Frederick Allen Park would be revegetated with native riparian habitat with species similar to those in Unit 4, but this is not discussed in the description of the alternatives.

The proposed landscaping and tree removal in Frederick Allen Park are described in detail in Chapter 2, Project Description, in the Draft EIR. The approach to landscaping of the park was developed by a landscape architect to reflect the proposed hydrologic and soil conditions that would occur in the area after the proposed project is constructed.

C11-63 This comment states that the 2018 Draft EIS/EIR needs to be revised and recirculated to explain whether these and other statements are meant to be components of the proposed project, the details concerning these activities, who the decision-makers would be because the agencies would lack jurisdiction over these matters, and what opportunities would exist for public involvement.

This comment addresses the 2018 Draft EIS/EIR, not the current EIR. The current Draft EIR does not need to be recirculated, as discussed in Chapter 1, Introduction, Section 1.3.

C11-64 This comment states that the 2018 Draft EIS/EIR analysis fails to consider the aesthetic impacts on the neighbors, including the O'Connells, who would be affected by implementation of the riparian habitat.

The analysis of project impacts in Section 3.1 in the current Draft EIR presents substantial details about project impacts on aesthetics from tree removal. The visual simulations reflect the maximum amount of tree removal and grading that would occur in Frederick Allen Park. See Master Response 4 regarding impacts on private views under CEQA.

C11-65 This comment states that in the 2018 Draft EIS/EIR, the analysis for Impact NOI-1 identifies Mitigation NOI-1 but concludes that, even with implementation of this measure, the impact would be significant and unavoidable.

The analysis of impacts in Section 3.10 in the current Draft EIR discusses the noise levels that would be produced during project construction without mitigation and the noise

2 COMMENTS AND RESPONSES

levels that would be produced with mitigation. The analysis concludes that the impact would be less than significant with mitigation incorporated.

C11-66 This comment states that the 2018 Draft EIS/EIR must be revised and recirculated so that the public and decision-makers can understand the actual environmental effects of the proposed project.

This is a comment about the 2018 Draft EIS/EIR. The Draft EIR does not need to be recirculated as discussed in the Introduction to the Final EIR.

2 COMMENTS AND RESPONSES

Comment Letter C12

From: Garrill Page <obility@comcast.net>
Sent: Tuesday, March 16, 2021 12:14 PM
To: cortemaderacreek@marincounty.org
Subject: DEIR response

March 16, 2021

Joanna Dixon, Project Manager
Civic Center Suite 304
San Rafael CA 94903

I appreciate the opportunity presented by this public review period and submit the following Comments and Questions about the Draft EIR.

3.9 HYDROLOGY AND WATER QUALITY

Section 3.9.3 and 3.9.5 are cited as Response to my Comments as published in the DEIR; this was a disappointment. I anticipated "Potential hydrology and water quality impacts that could result from construction and operation of the project and mitigation measures to avoid or reduce significant adverse impacts are then discussed...". However, I found no such discussions.

C12-1

This is especially troubling as I believed the purpose of the DEIR is to provide information about the impacts of flood mitigation projects, and per 3.9.3 "The focus of this project is to address the second mechanism of overland flooding, which is due to capacity constraints at Corte Madera Creek..." Evaluating technical feasibility is essential part of the CEQA evaluation process. The DEIR says Alternative 1 would be feasible to construct.

C12-2

Questions:

a.) How feasible is the incorporation of Alternative 1 into the elements of fish ladder removal and transition into Unit 4?

C12-3

b.) What what changed channel conditions result from this construction?

C12-4

The project elements of fish ladder removal and the transition between Unit 4's natural creek bed downstream to the entry of the concrete channel are critically important; however, analysis of impacts from these elements lacks data on which to base any consideration. In modeling potential project design, the DEIR states the stream bed is to be widened and deepened to relieve constriction and regulate flow through the projected transition.

C12-5

2 COMMENTS AND RESPONSES

The number of feet the proposed transition may extend appears to range from 150 to 450' upstream of the Lagunitas Bridge, as well as through the bridge opening and downstream to the connection at the concrete channel, approximately 1100 feet in all. The natural channel's current width is approximately 20-25' and the concrete channel is 33'. Proposed widening is a substantial and significant impact which must be included in FEIR as is quantification of bank stabilization elements.

C12-5
cont.

Because this area is the entry to the Town of Ross, is adjacent to municipal services and administrative buildings, and is a major intersection for Ross School and local traffic, both pedestrian and vehicular, it is particularly disappointing that the DEIR fails to provide information enabling any meaningful understanding of what is proposed here. This must be remedied, lest the FEIR also fail to adequately assess potentially significant environmental impacts and fail to proceed "in the manner required by law and as supported by substantial evidence under the California Environmental Quality Act (CEQA)."

C12-6

Questions:

a.) What are the dimensions of the proposed design: how wide and how deep over what distance?

C12-7

b.) What are the impacts on the area in which these elements are constructed?

C12-8

The DEIR 3.9 mentions hydrology, hydraulic conditions, and modeling for "Project" or "projects" "Frederick Allen Park floodplain improvements" "Frederick Allen Park component concept design" but provides no comparable hydrological information for Alternatives.

C12-9

Page 3.9-34 and a number of public meeting presentations have mentioned merging of HEC-RAS programs to model, design, and achieve the most effective performance for up- and downstream projects.

C12-10

Questions:

a.) Was Alternative 1 modeled without construction of SAFRRP, proposed replacement of Winship and the other bridges from which federal funding have been "indefinitely delayed"?

C12-11

b.) Was Alt 1 modeled with the SAFRRP?

C12-12

c.) Was Alt 1 modeled with SAFRRP and the Winship Bridge replacement?

C12-13

d.) If this information is omitted, how are readers of the EIR and c decision-makers to analyze baseline hydraulic conditions for the Alternative requested by the Ross Town Council per CEQA Guidelines? This is a serious defect.

C12-14

Lacking such information, DEIR Section 5 Alternatives also is flawed. Whether under Hydrology or Alternatives, the following should have been discussed for consideration:

5.1.3 An EIR is required to include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. Evaluating technical feasibility is essential part of the CEQA process. The DEIR says Alternative 1 would be feasible to construct.

C12-15

Question:

2 COMMENTS AND RESPONSES

How feasible is the incorporation of Alt 1 with the project elements of fish ladder removal and transition into Unit 4?

↑ C12-15
cont.

5.2.3 CEQA Requirements for Alternatives Section 15126.6(a) requires under (3)

"... (including consideration of whether the alternative itself could create significant environmental effects potentially greater than those of the project)?"

C12-16

Alternative 1 has two major benefits: saving the existing character of FAP and maintaining supercritical flow in the concrete channel. Residents have experienced and recorded the fact that supercritical flow lowers water surface elevation (WSE) by accelerating flows in the concrete channel. These accelerated flows transport a large, fast volume of water, including local drainage carried to the creek in municipal pipe lines, sediment and flood debris out of Ross toward the Bay.

If upstream channel modifications alter channel conditions, thereby creating a resultant sub-critical flow within the upper 750' of the Unit 3 concrete channel, this is a significant impact on Ross.

Question:

Where is the discussion and mitigation of these impacts?

I C12-17

Adding flapgates to the drainpipes entering the creek will certainly impact local drainage, and residents so affected must understand this impact.

I C12-18

Question:

Where is the discussion and mitigation of this impact?

I C12-19

3.9-42 Operation and Maintenance "Maintenance of the proposed project will include routine vegetation management, sediment and debris removal, and annual inspection and maintenance of the floodwalls and structures. Vegetation management would likely occur annually or on an as-needed basis and would not include ground-disturbing activities and would employ hand tools..."

C12-20

Questions:

The many newly-planted trees in FAP would be vulnerable to flood events for several years as they become established.

a.) In the event of overbank conditions uprooting recently-installed project elements (trees, irrigation, benches, shade structures) which may create a logjam and induce flooding, is Ross indemnified against harm?

I C12-21

b.) What agency is responsible for immediate and subsequent emergency aid?

I C12-22

c.) What agency will clean up the debris and repair damages to vegetation and infrastructure suffered?

I C12-23

d.) What agency replants and restores the area?

I C12-24

e.) Who pays for all this?

I C12-25

2 COMMENTS AND RESPONSES

Table 5.2-1 Alternatives Screening Results

I incorporate by reference my Comments on the USACE EIS/EIR regarding inherent, induced flooding and impacts of the projects listed in this section, developed in prior documents, and now incorporated into the current EIR.

C12-26

5.3.2 Alternative 1: Reduced Footprint–Avoid Frederick Allen Park

The description of this Alternative does not match the slide (Figure 5.3-8 in DEIR) shown at the Marin County Board of Supervisor's March 2, 2021, Presentation. https://marin.granicus.com/player/clip/105517view_id=9&redirect=true [The ensuing confusion was sufficient to cause the Marin Supervisor in whose District the projects lie, to believe there would be channel construction within FAP under Alt 1. Any further misinformation about this should be clarified for the FEIR.

C12-27

Comment:

Texts should match tables at visual presentations in public meetings, especially when such public presentations are part of the EIR process.

Transcript:

SUPERVISOR KATIE RICE asked the Paramount consultant to explain the apparent overbank flooding shown in red on that slide #37.

SUSANNE HEIM: "Yeah, so this is actually the area within Frederick Allen park where, because there's the Frederick Allen park flood -- currently the park is above the flood plain because the grading would lower the elevation of the park and the channel would actually be relocated through this area, there would then be a higher water surface elevations (sic) than there are today because of the lowering of the, the (sic) grade in that area.

C12-28

KATIE RICE: OK and, and I was understanding that Alternative 1 avoided improvements to Frederick Allen Park but I guess I misunderstood, need to go back -- so there would be a flooding out of bank that there is not now?

SUSANNE HEIM: So, what it means is the WSE in this area would be higher with the proposed project but the reason why it is modelled as being higher is because the ground surface elevation is lower. So, it is basically like you have more water on top of the ground, but your ground is actually lower--."

5-24 Geology and Soils

Alternative 1 Impacts "Alternative 1 would include construction of project components on similar ground and soil substrate as the proposed project. Alternative 1 would have less-than-significant impacts associated with seismicity and seismic-related events."

C12-29

2 COMMENTS AND RESPONSES

Comments:

a.) This should be aligned with Resolution No. 2018-46 of Marin County Board of Supervisors which cites "...750 feet of seismically unsafe portions of the concrete channel and subsequent grading to realign and widen existing creek channel..."

See page 14, Subtask 4.3: GRANT AGREEMENT 4600012423 between DWR and Marin County Flood Control and Water Conservation District per CA Water Code Section 83002 and Public Resources Code Section 5096.827 et seq.

b.) Proposed larger fish pools to be installed the length of the concrete channel should be modeled on proposed alternatives to assure project performance and channel flow and seismic stability for Alternatives presented, especially Alternative 1 requested by the Town of Ross.

c.) Proposed Storm/Water Pump Station and Access Ramp: The ramp will breach the existing channel wall. Since the lower portion of the channel was constructed before the upper 750' feet of "seismically unsafe" concrete in upper Unit 3, the question of channel stability arises here, too. Per Section 15126.6(a) of the CEQA Guidelines and Project Goals and Objectives; "4. Operational Reliability. Improve operational reliability and reduce long-term maintenance costs by increasing maintenance access, improving channel stability, and protecting existing utilities."

Comments:

a.) Operational reliability should be aligned with Resolution No.2018-46.

b.) Increased traffic, noise, air quality from channel and project maintenance should be discussed as an impact on the community burdened when this ramp replaces the current less-accessible creek access points where maintenance is accomplished using ropes and buckets. (per MCWQFC Zone 9 meeting March 10, 2021)

5-24 Geology and Soils Alternative 1 would require soil-disturbing activities, including tree and concrete removal, which would result in soil loss.

Questions:

a.) What trees are to be removed in Alternative 1?

b.) Will replacement trees be planted in the same area providing comparable screening and privacy?

I look forward to a FEIR that is fully responsive to the questions and comments above.

Thank you.

Garril Page
San Anselmo.

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

2 COMMENTS AND RESPONSES

2.5.12 Response to Letter C12: Garril Page

- C12-1 This comment states that the commenter is not able to find responses in the Draft EIR that discuss project construction and operational impacts related to hydrology and water quality and the associated mitigation measures.

Project construction and operational impacts on hydrology and water quality are discussed in detail under Impact 3.9-1 to Impact 3.9-5 on pages 3.9-39 to 3.9-63 in the Draft EIR. As discussed, the proposed project would not risk release of pollutants because of project inundation related to tsunami, would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan, and would not expose people or property to flooding hazards. The proposed project would have less-than-significant impacts related to erosion, siltation, runoff, flood flows, and impeding or redirecting flood flows. The proposed project would have the potential to transport contaminated sediment to the San Francisco Bay during construction activities in Unit 3, where the concrete channel would be removed in Frederick Allen Park, which would be a significant impact on water quality. However, the significant impact would be reduced to a less-than-significant level with implementation of Mitigation Measure 3.9-1, which would require testing of soils and sediment at risk of erosion or mobilization and removal or immobilization of any soils found to be over applicable water quality standards. See Impact 3.9-1 to Impact 3.9-5 on pages 3.9-39 to 3.9-63 of the Draft EIR for detailed analysis of the project impacts on hydrology and water quality.

- C12-2 This comment states that evaluating technical feasibility is essential part of the CEQA process, and the commenter found it difficult to believe that Alternative 1 would be feasible to construct.

As discussed in Chapter 5, Alternatives in the Draft EIR, Alternative 1 would meet the feasibility criteria and thus is retained for detailed analysis in the Draft EIR. See Table 5.2-1 on page 5-7 in the Draft EIR for a summary of the alternatives screening results, and see Master Response 3 for a discussion of Alternative 1 and the 60 percent design for Alternative 1. Alternative 1 would be feasible and is recommended for adoption as discussed in Master Response 1.

- C12-3 This comment asks about the feasibility of incorporating Alternative 1 into the fish ladder removal and Unit 4 transition project elements.

Alternative 1 would meet all the CEQA feasibility criteria. See Master Response 1 and Master Response 3 for a discussion of Alternative 1.

2 COMMENTS AND RESPONSES

- C12-4 This comment asks how the channel condition would be changed because of Alternative 1.

Refer to Section 5.3.2 of the Draft EIR (starting from page 5-19) for a description of Alternative 1 and potential environmental impacts associated with Alternative 1. See Master Response 1 and Master Response 3 for additional details on Alternative 1.

- C12-5 This comment states that the fish ladder removal and transition to natural creek in Unit 4 would be critically important project elements, but the Draft EIR lacks data to back up the analysis of impacts resulting from these project elements.

The transition between Unit 4 and the concrete channel are included in the project description in the Draft EIR. Additional details have been developed in the 60 percent design for the project, as presented in Master Response 3. Also see response to comment C11-11.

- C12-6 This comment states that the Draft EIR fails to provide information about what is being proposed in Frederick Allen Park and Unit 4. The comment also requests that the Final EIR adequately assess potential significant environmental impacts associated with the project elements in these areas.

Project elements proposed in Frederick Allen Park and Unit 4 are described in detail in Section 2.5.3 from pages 2-14 to 2-19 in the Draft EIR. These project elements also are shown in Figure 2.5-1 on page 2-9 in the Draft EIR. Substantial discussion is presented throughout the Draft EIR sections that are dedicated to analysis of the project elements in Frederick Allen Park and Unit 4. The analysis provides substantial evidence and fully complies with the requirements of CEQA. See Section 3.1 to Section 3.16 of the Draft EIR for detailed discussions of potential impacts from project elements in Frederick Allen Park and Unit 4. Where the potential impacts in Unit 4 and Frederick Allen Park differ from other parts of the proposed project, separate headings are used to provide the reader with the specific impacts of each project element. This separate analysis was provided in the Draft EIR to assist the reader in understanding the potential impacts that are specific to each element.

- C12-7 This comment asks about the dimensions for the proposed design in Unit 4.

See response to comment C11-11. In addition, see Master Response 3 regarding the 60 percent design for Unit 4 with Alternative 1.

- C12-8 This comment asks what the potential impacts would be for project elements implemented in Frederick Allen Park and Unit 4.

Project impacts are discussed in detail in the Draft EIR. See Section 3.1 to Section 3.16 of the Draft EIR for a detailed discussion of potential impacts from project elements in Frederick Allen Park and Unit 4. Also see response to comment C12-6.

2 COMMENTS AND RESPONSES

C12-9 This comment states that no comparable hydrological information is presented for the alternatives in the Draft EIR.

The analysis of alternatives is presented in Chapter 5, Alternatives, in the Draft EIR. See Chapter 5 from page 5-14 for descriptions and environmental impacts and analysis of the alternatives. Detailed hydrologic model results are presented in Chapter 5 for Alternative 1. As discussed in Chapter 5, Alternative 2 and 3 still would involve removal of the fish ladder and implementation of proposed project elements in Frederick Allen Park, and would have similar flood risk reduction benefits to the proposed project; therefore, separate modeling of the elements was not conducted. Additional modeling was performed for the 60% design for Alternative 1, as presented in Master Response 3.

C12-10 This comment states that the Draft EIR and public meeting have mentioned merging of HEC-RAS programs to model and design, to achieve the most effective performance for upstream and downstream projects.

The future condition modeling reflects upstream projects that are proposed or completed on Corte Madera Creek and upstream waterways. Refer to Master Response 3 for a discussion of refinements to and integration of the hydraulic modeling.

C12-11 This comment asks whether or not Alternative 1 was modeled with the San Anselmo Flood Risk Reduction Project, Winship Bridge Replacement Project, and other bridge projects.

Alternative 1 was modeled under the existing conditions and future conditions. The modeling for future conditions included the San Anselmo Flood Risk Reduction Project, Winship Bridge Replacement Project, and other bridge projects listed in Table 3.9-5 in the Draft EIR. Updated modeling, including future condition modeling, based on the 60 percent design is presented in Master Response 3.

C12-12 This comment asks whether or not Alternative 1 was modeled with the San Anselmo Flood Risk Reduction Project.

See response to comment C12-11.

C12-13 This comment asks whether or not Alternative 1 was modeled with the San Anselmo Flood Risk Reduction Project and Winship Bridge Replacement Project.

See response to comment C12-11.

C12-14 This comment asks how the baseline hydraulic conditions for Alternative 1 was analyzed if the modeling information reflected in the prior comments is missing.

Floodplain analysis was completed based on hydraulic modeling for both existing conditions and future conditions. Information regarding hydraulic modeling is provided in Section 3.9 on pages 3.9-34 to 3.9-37 in the Draft EIR. Both the existing conditions and

2 COMMENTS AND RESPONSES

future conditions show reduced flooding because of Alternative 1. The difference between the proposed project and Alternative 1 is discussed further in Master Response 1. The Draft EIR not only meets the CEQA requirements to provide analysis of Alternative 1 as a comparative analysis of impacts of flooding but provides an equal level of environmental impact analysis discussing where Alternative 1 impacts would differ from the proposed project, including an equal level of hydraulic modeling of Alternative 1 and dispersion modeling for Alternative 1 air quality impacts.

C12-15 This comments states that the Chapter 5, Alternatives, in the Draft EIR is flawed if it lacks sufficient information about the alternative to allow a meaningful evaluation and comparison with the proposed project. The comment asks how feasible it would be to incorporate Alternative 1 with fish ladder removal and Unit 4 transition.

CEQA does not require detailed engineering design to determine whether an alternative potentially would be feasible. Presumably, alternatives that would reduce environmental impacts would be feasible under CEQA, unless they would not meet the screening criteria for feasibility, as defined in Chapter 5, Alternatives, in the Draft EIR. The Alternative 1 fish ladder removal, Unit 4 transition, floodwalls, Granton Park stormwater pump station, lower College of Marin concrete removal, and fish pools were all considered to be elements of the proposed project. The difference between the proposed project and Alternative 1 is that the proposed project would include additional construction of a floodplain and natural creek element in Frederick Allen Park, which would not occur in Alternative 1. Because Alternative 1 would be a reduced footprint alternative, logically speaking, constructing Alternative 1 would be feasible because the technology exists. Alternative 1 would be a feasible alternative to the proposed project, as shown in Table 5.2-1 on page 5-7 in the Draft EIR and discussed in Master Response 3.

C12-16 This comment states that Alternative 1 would preserve the existing character of Frederick Allen Park and maintain supercritical flow in the concrete channel. If upstream channel modifications would alter channel conditions, this would create a sub-critical flow within the upper Unit 3 and would be a significant impact on Ross.

The comment is acknowledged. Removal of the fish ladder would substantially reduce the amount of water that is overflowing the Corte Madera Creek channel and flooding the adjacent neighborhood and would increase the amount of water in the channel below the fish ladder under both the proposed project scenario and Alternative 1 scenario. Also see Master Response 1 regarding the preference for Alternative 1.

Supercritical flow is not an ideal hydraulic condition. Supercritical flow involves very fast-moving water that would be hazardous to humans if someone were to fall into the channel during flooding. Consistent with CEQA, the District evaluated changes in water surface elevation and flood risk at structures, to evaluate the proposed project's physical effect on the environment. The proposed project would create subcritical flow in the park, and this condition would be safer for anyone who gets swept into the stream

2 COMMENTS AND RESPONSES

because they would have a greater chance of being able to exit the creek with the slower flow condition.

C12-17 This comment asks where the discussion and mitigation of supercritical flow impacts are found in the Draft EIR.

The discussion and mitigation of all CEQA-related impacts are presented in Chapter 3 of the Draft EIR and reflect CEQA criteria for evaluation of impacts. See response to comment C12-16 for a discussion of supercritical flow.

C12-18 This comment states that adding flap gates to the drainpipes entering the creek would impact local drainage and residents.

See response to comment A5-26.

C12-19 This comment asks where the discussion and mitigation of impacts related to a flap gate are found in the Draft EIR.

The proposed project would not cause an impact, as discussed in response to comment A5-26. The detailed use of backwater flow preventers is a detail in the design that would not create new impacts or require mitigation separate from the overall project. The use of backwater flow preventers is consistent with the Draft EIR.

C12-20 This comment includes a quotation from page 3.9-42 of the Draft EIR regarding project operation and maintenance activities. The comment states that the newly planted trees would be vulnerable to flood events during the establishment period.

The proposed project would include planting vegetation that would be adapted to the stream environment and resilient to flooding. Vegetation management activities would include replacement of plants if they were affected by flooding and require replacement.

C12-21 This comment asks whether the Town of Ross would be compensated for harm caused by future overbank flooding.

The District would enter into an easement and MOU with the Town of Ross prior to implementing the project in Frederick Allen Park. These agreements would address responsibility to maintain proposed project elements during flooding. See Master Response 1 regarding staff recommendation to adopt Alternative 1.

C12-22 This comment asks what agency would be responsible for immediate and subsequent emergency aid.

The federal agency that would be responsible for emergency aid is FEMA. The Town and the County also would provide local emergency response services.

C12-23 This comment asks what agency would be responsible for cleaning up debris and repairing damages to vegetation and infrastructure.

2 COMMENTS AND RESPONSES

The responsible party for repairing damage would depend on the location of the damage. Under the proposed project, the District would have a MOU with the Town of Ross and would take on the responsibility for repairing damage to vegetation and infrastructure in Frederick Allen Park, if the proposed project is approved. See Master Response 1 for more information regarding the preference for Alternative 1.

Flooding is an existing condition and the entities responsible for responding to flooding in the area would not change because of the proposed project. Implementation of the proposed project would result in reduction of flooding and would not cause increased risk of damage to vegetation or infrastructure.

C12-24 This comment asks what agency would be responsible to replant and restore the area.

The District would be responsible for vegetation replacement as needed, if the proposed project is approved. See Master Response 1 for more information regarding the preference for Alternative 1.

C12-25 This comment asks who would pay for the proposed project.

Project construction would be funded by District Zone 9 and California Department of Water Resources grant funding. Project maintenance would be paid by the responsible party, as specified in response to comment C12-23. The District has funding (collected through annual revenues from ad valorem property taxes, fees, or, special taxes) to conduct ongoing maintenance of the flood control channel and would continue to conduct this maintenance after project construction is complete.

C12-26 This comment is shown in Table 5.2-1 in the Draft EIR and states that the comments to the 2018 Draft EIS/EIR are incorporated into this comment letter.

The current Draft EIR alternative analysis included previously considered alternatives, including alternative considered in the USACE 2018 Draft EIS/EIR, to provide a comprehensive overview of the alternatives considered for the proposed project and a comparison of the alternatives' ability to meet project objectives. All alternatives that were proposed in the USACE 2018 EIS/EIR were rejected because they were substantially more costly than the proposed project and would result in much greater environmental impacts. These alternatives did not meet CEQA criteria for evaluation in the Draft EIR, as shown in Table 5.2-1.

C12-27 This comment states that the description of Alternative 1 does not match Figure 5.3-8 in the Draft EIR.

The description of Alternative 1 matches the figure showing the alternative, which is Figure 5.3-1 in the Draft EIR. Figure 5.3-1 shows the areas of the proposed project that would be avoided by Alternative 1 and the additional fish pools. The graphic is correct and matches the description. Figure 5.3-8 does not show Alternative 1, but it shows the

2 COMMENTS AND RESPONSES

difference in model-predicted change in water surface elevation between the proposed project and Alternative 1. Additional details are presented in Master Response 3.

- C12-28 This comment includes a partial transcript from the public hearing PowerPoint presentation that was conducted on March 2, 2021, regarding the discussion of a figure shown on slide 37 (Figure 5.3-8 in the Draft EIR). The comment states that texts should match tables and visual presentations in public meetings.

As discussed on page 5-26 of the Draft EIR, Figure 5.3-8 shows that Alternative 1 would result in lower water surface elevation in the creek channel and in the Frederick Allen Park floodplain under a 100-year flood event because the floodplain area would not be constructed in that area. However, residential and commercial areas around Frederick Allen Park would experience reduced flood reduction benefits under Alternative 1. The text on slide 37 of the public hearing PowerPoint presentation also indicated that Alternative 1 would result in less flood risk reduction benefits along Poplar Avenue and along the Unit 4 left bank. Therefore, the texts describing Figure 5.3-8 in the Draft EIR and public meeting presentation match each other.

- C12-29 This comment quotes the discussion of geology and soils impacts resulting from Alternative 1. The comment states that the impacts discussion should align with Marin County's Resolution No. 2018-46 regarding seismic impacts of the existing concrete channel.

The impact of the existing conditions would not be an impact of Alternative 1. Alternative 1 would include construction of larger fish pools within the concrete channel. County resolution No. 2018-46 includes no discussion of seismic impacts of the concrete channel. Geotechnical evaluation of the concrete channel and evaluation of the stability of the channel for fish pool construction and the taller floodwalls has been conducted as part of the design process. See response to comment C6-2. The potential impacts of the existing conditions are addressed in the No Project Alternative. See Section 5.3.1 on page 5-14 of the Draft EIR for a discussion of the No Project Alternative.

- C12-30 This comment states that proposed larger fish pools should be included in the modeling for alternatives, especially Alternative 1.

The proposed new fish resting pools along the concrete channel are included in the hydraulic modeling analysis. See Master Response 3 and response to comment C6-2.

- C12-31 This comment states that the access ramp would breach the existing channel wall in the upper Unit 3 and put the channel stability in question.

The concrete used in the floodwall in upper Unit 3 would be no less stable than the concrete in the access ramp. However, concrete generally is more prone to damage and cracking under strong seismic events than natural soils and vegetation. The access ramp design would be reviewed by USACE engineers as part of the Section 408 process, to

2 COMMENTS AND RESPONSES

verify the structural stability of the ramp. The access ramp would provide vehicle access to the creek during routine maintenance and sediment removal, which would improve maintenance of the concrete channel. Currently, no access exists to the creek, and workers must access the creek with hand tools. The access ramp would support heavy equipment access to conduct concrete channel repairs in the future, when needed.

C12-32 This comment states that operational reliability should be aligned with Resolution No. 2018-46.

County resolution No. 2018-46 does not discuss operational reliability. The resolution discusses only the transfer of grant funding from Phoenix Lake to the proposed project.

C12-33 This comment states that the Draft EIR should discuss the traffic, noise and air quality impacts from channel and project maintenance associated with the access ramp.

Construction of the access ramp would not be part of the proposed project. Construction of the proposed access ramp would be a categorically exempt project under Section 15303, New Construction or Conversion of Small Structures, under CEQA. The access ramp would have independent utility because it would improve maintenance access to the existing concrete channel. A Notice of Exemption for the access ramp project was filed on March 15, 2021.

C12-34 This comment asks what trees would be removed under Alternative 1.

Alternative 1 would involve the same activities and potential for tree removal as the proposed project in Unit 4, lower Unit 3, and Unit 2. See Table 2.6-2 on page 2-28 and Figures 2.6-2 to 2.6-5 on pages 2-29 to 2-32 in the Draft EIR for details on tree removal in these areas. USACE could require removal of all trees within 15 feet of the concrete channel walls in Unit 3 as part of the Section 408 authorization. While the USACE could require removal of a significant number of trees due to setbacks from the existing floodwall, Alternative 1 construction activities would only require a total of 34 trees to be removed.

C12-35 This comment asks whether replacement trees would be planted in the same area, providing comparable screening and privacy.

As discussed in Section 2.6.9 of the Draft EIR, trees would be planted within proximity of the removal location. Replanting in exactly the same area where trees would be required to be removed by USACE would not be feasible. Tree replacement mitigation would occur off-site, if not feasible to replace trees on site, per Mitigation Measure 3.3-2b in the Draft EIR. Impacts on private views and privacy are not considered under CEQA. See Master Response 4 for a discussion of private views and privacy.

2 COMMENTS AND RESPONSES

Comment Letter C13

From: Kyle Rosseau <kdrosseau@gmail.com>
Sent: Tuesday, March 16, 2021 1:44 PM
To: cortemaderacreek@marincounty.org
Cc: Kathryn Scalise <kathryn.scalise22@gmail.com>
Subject: Frederick Allen Park - flood mitigation

Hello

I am writing in response to the Frederick Allen Park flood mitigation project in Ross. I live at 45 Poplar Ave, which is directly behind the tennis courts in Frederick Allen Park. While I support flood mitigation efforts from the town and city I am opposed to excessive clear cutting of the trees in Frederick Allen Park. These trees provide us with privacy so that people walking behind our house cannot see into our property. I know our neighbors also appreciate the privacy these trees provide. Additionally I am concerned with the environmental habitat this project will harm/disturb. I am told there is an alternative (1) that doesn't impact as many or any of the trees. I would be in support of this.

C13-1

C13-2

Thanks
Kyle Rosseau.
--
- KR
Email Disclaimer: <https://www.marincounty.org/main/disclaimers>

2 COMMENTS AND RESPONSES

2.5.1 Response to Letter C13: Kyle Rosseau

- C13-1 This comment states that the commenter supports flood mitigation projects but is opposed to tree removal in Frederick Allen Park and loss of privacy to nearby residences.

This comment is acknowledged. Tree removal will be limited to the extent required by regulations or to facilitate project construction. No unnecessary tree removal is proposed. Trees removed in Frederick Allen Park will be replaced with trees and other vegetation. The impacts on views following landscaping and at approximately 10 and 20 years after landscaping are shown in Figures 3.1-13 and 3.1-14 in Section 3.1, Aesthetics, in the Draft EIR. Private views and privacy are not considered to be an impact within the context of CEQA. See Master Response 4 for further discussion.

- C13-2 This comment expresses concerns about proposed project impacts on habitat in Frederick Allen Park and states that the commenter supports Alternative 1.

Frederick Allen Park is a landscaped park. The existing vegetation in the park is not a natural habitat. See Master Response 6 regarding the existing habitat conditions and proposed improvements in Frederick Allen Park.

The commenter's support for Alternative 1 is acknowledged. See Master Response 1 regarding staff recommendation to adopt Alternative 1.

2 COMMENTS AND RESPONSES

Comment Letter C14

Ben and Kristen Swann
Post Office Box 322
Ross, California 94957
kcadz@aol.com

Hugh and Luanne Cadden
Post Office Box 1198
Ross, California 9495
hjcadden@gmail.com

Via Email Only - cortemaderacreek@marincounty.org

March 17, 2021

Marin County Flood Control and Water Conservation District

Attn: Joanna Dixon, PE

Re: Corte Madera Creek Flood Risk Management Project, Phase 1 Draft
Environmental Impact Report (DEIR).

The following are our Comments relating to the February 1, 2021 Corte Madera Flood Risk Management Project, Phase 1 Draft Environmental Impact Report (DEIR). As indicated, the analysis of the proposed Project in the DEIR is not adequate to allow the public to review and understand the scope of the Project's potential impacts and provide suggestions regarding mitigation measures or alternatives that might lessen those impacts.

Comment 1. Offsite Impacts of Frederick Allen Park Floodplain on the Adjacent SFDB Properties. The properties located at 1 SFDB, 3 SFDB, 11 SFDB and 15 SFDB are at ground zero in terms of construction and operations of the Frederick Allen Park floodplain project and are directly and significantly impacted by the proposed floodplain park. Yet there is no analysis of the offsite impacts on these properties. The DEIR must be revised to acknowledge the offsite environmental impacts on the SFDB properties as significant and unavoidable and to include an analysis of the offsite environmental impacts on these properties and mitigation proposals. The significant impacts include but are not limited to, the following: (i) Aesthetic and Visual impacts relating to the removal of the tree canopy and habitat including the loss of privacy; loss of screening and shade; and loss of outdoor land use. (ii) Hydrology impacts including impairment to storm drainage resulting in backwater effect and stormwater ponding and/or sheetflows on the SFDB properties. (iii) Health and Safety impacts including possible trespassing, heightened risk of burglary due to complete loss of privacy; and the risk of homeless encampments that cannot be removed from public property. (iv) Land Use impacts including the inability to reside in our home and the loss of quiet enjoyment of our property both inside and outside due to the magnitude, nature and proximity of the Project construction.

C14-1

C14-2

C14-3

C14-4

C14-5

C14-6

2 COMMENTS AND RESPONSES

Comment 2. Vehicle Trips and Access Routes. 3.13-8. Construction vehicle trips and access routes for Frederick Allen Park will be on an "informal path within the District's easement on the left bank." 3.13-8. The DEIR does not identify the parcels that will be impacted. The easement is not adequately described making it impossible for the SFDB property owners to determine if their property is impacted and to what extent. The DEIR needs to identify the parcels affected by address or parcel number and provide a legal description of the easement

C14-7

Comment 3. Storm Drainage System Impact. On page 3.9-9 under the section Storm Drainage System, the mechanism by which stormwater runoff collects from drainage areas throughout the watershed and is routed by the municipal storm drain system into the channel will be compromised by the increase in water surface elevation within the proposed project channel causing a backwater effect and stormwater either ponds and/or sheetflows overland in the drainage areas. The DEIR expressly states at 3.9-9 that it does not address this mechanism. The resulting backwater and sheetflow effects are significant impacts that directly impact the Town of Ross storm drainage system and numerous properties including the SFDB properties. Without this information and analysis it is impossible to understand the scope of the Project's potential impacts and provide suggestions regarding mitigation measures or alternatives that might lessen those impacts.

C14-8

Comment 4. Fiscally Responsible. It is impossible to determine whether the Project is fiscally responsible because there is no information regarding the Project budget, funding or costs. Fiscal responsibility is a stated objective in the DEIR and it is stated that the Project can be accomplished with local and reasonably foreseeable grant-funding opportunities. 2-8. Yet the DEIR is silent. Without some level of budget, funding or cost information it is impossible to determine the feasibility of the Project and the environmental, social and ecological impact if only the Frederick Allen Park portion of the project is completed or worse yet if it is started and not completed. Further, without some level of budget, funding and cost information it is impossible to evaluate and compare the cost benefits of the Project and Alternative 1. 5-3, 5-4

C14-9

C14-10

Comment 5. Objective 3 is misleading and constitutes a material misrepresentation. One of the principal Project objectives defined in the DEIR is "Objective 3. Public Access and Enhanced Recreational Experience. Maintain public access along the creek via the multi-use path and enhance the recreational experience and amenities along the creek corridor to meet the Town of Ross and Kentfield area community needs." 2-7 There is no factual or record basis that the Town needs to enhance the recreational experience and amenities along the creek corridor. This is simply not true. The Town of Ross has no such need and there is no public record that it has determined that there is such a need. The statement that it does is false and misleading and will affect the public's evaluation of the Project and Alternative 1 which does not include the floodplain park. This Objective must be corrected and the DEIR must be recirculated.

C14-11

2 COMMENTS AND RESPONSES

Recirculation of an EIR prior to certification is required when "the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment are precluded." As discussed above, the DEIR is so fundamentally and basically inadequate that recirculation of a new DEIR is required to allow the public to meaningfully review and comment on the Project.

C14-12

Sincerely,
Hugh and Luanne Cadden
Ben and Kristen Swann

cc: towncouncil@townofross.org
jchinn@townofross.org

2 COMMENTS AND RESPONSES

2.5.2 Response to Letter C14: Hugh Cadden, Luanne Cadden, Ben Swann, and Kristen Swann

- C14-1 This is a summary comment purporting that the Draft EIR does not provide adequate impacts analyses for the public to understand the scope of project impacts and to provide comments on project mitigation measures and alternatives.

Chapter 3 of the Draft EIR provides a thorough analysis of the project's impact, including mitigation measures and alternatives. The Draft EIR analysis fulfills CEQA requirements.

- C14-2 This comment states that the Draft EIR does not include discussion and analysis of construction impacts on adjacent properties along Sir Francis Drake Boulevard.

The Draft EIR addresses direct and indirect impacts of project construction in Frederick Allen Park throughout Chapter 3. The air quality impact on adjacent properties is discussed under Impact 3.2-3 on pages 3.2-26 to 3.2-30 in the Draft EIR, stating that short-term health risk impacts on sensitive receptors (see Figure 3.2-2 in the Draft EIR for sensitive receptors considered in the analysis) would be mitigated to a less-than-significant level with implementation of Mitigation Measure 3.2-3. This mitigation measure would require all off-road -diesel powered- construction equipment to be equipped with engines that meet USEPA or Carb Tier 3 off-road and Diesel Particulate Filter level 3 emission standards.

Impacts of project construction noise and vibration on adjacent properties are discussed under Impacts 3.10-1 and 3.10-2 on pages 3.10-15 to 3.10-24 in the Draft EIR. The noise and vibration impacts on sensitive receptors (see Figure 3.10-3 in the Draft EIR for sensitive receptors considered in the analysis) during project construction would be mitigated to a less-than-significant level with implementation of Mitigation Measures 3.10-1 and 3.10-2. This would include noise reduction measures such as adding sound walls and avoiding intense vibration in proximity to structures.

- C14-3 This comment states that the proposed project's significant impacts related to aesthetic and visual resources are removal of tree canopy and habitat, loss of privacy, loss of screening and shade, and loss of outdoor land use.

As discussed in Section 3.1 in the Draft EIR, the only significant and unavoidable impact related to aesthetics and visual resources would be the temporary impact on visual quality while the trees are establishing. The impact on private views is not considered to be an impact within the context of CEQA, and thus it is not discussed in the Draft EIR. Loss of shade is addressed under Impact 3.12-3 and Mitigation Measure 3.12-3 in Section 3.12 in the Draft EIR. This mitigation measure would require planting larger trees and installing shade structures, which would reduce the temporary impact from reduced shade to a less-than-significant level. The park would continue to be a public park, and the proposed project would not change the land use.

2 COMMENTS AND RESPONSES

- C14-4 This comment states that hydrology impacts would include impairment to storm drainage, resulting in a backwater effect and stormwater ponding and/or sheet flows on Sir Francis Drake Boulevard.

See response to comment A5-26 regarding the use of backflow prevention and the reduction in flood inundation because of the reduction in Corte Madera Creek overtopping. The proposed project also would include a stormwater pump station in the Granton Park neighborhood, to improve stormwater drainage to Corte Madera Creek.

- C14-5 This comments states that impacts related to health and safety would include trespassing, heightened risk of burglary related to loss of privacy, and the risk of homeless encampments.

Potential impacts on public services are addressed in Section 3.11 in the Draft EIR, which states that impacts on fire and police services, schools, parks, and other public facilities would be less than significant. Potential impacts from increased trespassing and burglary are speculative and would not be direct or indirect impacts related to project activities. Trespassing and burglary are unlawful and would not become lawful because of the project. Furthermore, the proposed project would not create a new land use.

- C14-6 This comments states that impacts related to land use would include an inability to reside in homes and loss of quiet enjoyment because of project construction.

The proposed project would not affect anyone's ability to reside in their home. The duration of construction noise and vibration impacts, and proposed mitigation measures are discussed in Section 3.10 in the Draft EIR. Also see response to comment C14-1.

- C14-7 This comment states that the Draft EIR does not identify the parcels that would be affected by using the informal path on the left bank during project construction. The comment suggests that the Draft EIR should identify the parcels or parcel numbers affected by the use of the informal path on the left bank and provide a legal description of the proposed easement.

The reference to the informal access path on the left bank is taken out of context. The only access shown in Frederick Allen Park is via public roads and along Bike Route 20. See Figure 2.6-6 of the Draft EIR for proposed project access routes. As shown in this figure, no access would occur from the left bank. The informal path on the left bank refers to the informal path within the District's easement along the proposed floodwall segments in lower Units 2 and 3.

- C14-8 This comment states that stormwater runoff that is collected from drainage areas throughout the watershed and routed by the municipal storm drain system into the channel would be compromised by the increase in water surface elevation and cause a backwater effect. The backwater effect is not discussed in the Draft EIR and would have a significant impact on the Town of Ross. Without information and analysis of this topic,

2 COMMENTS AND RESPONSES

understanding the scope of proposed project impacts and providing suggestions for mitigation measures and alternatives is not possible.

See response to comment A5-26. Section 3.9 in the Draft EIR presents a detailed analysis of hydraulic impacts and flood model results.

- C14-9 This comment states whether or not the proposed project would be fiscally responsible if no information is provided regarding the project budget, funding or cost is impossible to determine.

The proposed project would meet criteria for being fiscally responsible because it could be accomplished with the existing grant funding and funding available through District Zone 9 fees. Cost is not an impact in the context of CEQA. The consideration of cost within the context of CEQA analysis is included in Chapter 5, Alternatives, in the Draft EIR, when analyzing the economic feasibility of an alternative to the proposed project. See also Master Response 5.

- C14-10 This comment states that evaluating and comparing the cost benefits of the proposed project and Alternative 1 is impossible without information about project cost and budget.

A cost benefit analysis is not required under CEQA. See Master Response 5 for a discussion related to this topic.

- C14-11 This comment states that the Town of Ross has no need to maintain public access or enhance the recreational experience along the creek, and thus no factual basis exists to support the project objectives of maintenance of public access and enhanced recreational experience. The comment requests for the project objectives to be corrected and the Draft EIR to be recirculated.

The District is the proponent and lead agency for the proposed project. The District has the authority to determine project objectives for its own project. The project objective of enhanced recreational experience is consistent with one of the objectives of the grant from the California Department of Water Resources. The project would maintain access along Bike Route 20 and would enhance recreational opportunities in Frederick Allen Park and the Lower College of Marin project area. Implementation of the proposed project would meet the public access maintenance and enhanced recreational experience objectives.

- C14-12 This comment states that the Draft EIR is fundamentally and basically inadequate and recirculation of a new Draft EIR is needed.

The Draft EIR meets the requirements of CEQA and includes substantial evidence for each of the impact conclusions. See responses to comments C14-1 to C14-10. Also see Master Responses 1 regarding CEQA and when recirculation is required.

2 COMMENTS AND RESPONSES

Comment Letter C15

From: Jon Child <child.jon@gmail.com>
Sent: Wednesday, March 17, 2021 8:42 PM
To: cortemaderacreek@marincounty.org
Subject: Concern regarding Corte Madera Creek project

To Whom it May Concern,

After reviewing the recently released EIR report and observing the number of trees slated for removal in Frederick Allen Park, we wanted to voice our concern and opposition to destruction of Allen Park.

C15-1

We reside at 29 Poplar Ave, in Ross which is the center of the proposed project, and while we are supportive of flood mitigation, our primary concern is how the revised plans differ dramatically from earlier iterations.

C15-2

The removal of all trees, aka clear cut and replanting suddenly turns this into a 10-15 year project for residents like ourselves. In addition, the design of the path appears to no longer be at a lower elevation as originally described, negating any sense of privacy, and is now within 10 feet of our backyard.

C15-3

C15-4

Again, we are supportive of plans to address flooding in the area, but care deeply about privacy, the habitat and the short, medium and long-term effects on our neighborhood.

C15-5

Tyler and Jon Child

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

2 COMMENTS AND RESPONSES

2.5.3 Response to Letter C15: Tyler Child and Jon Child

C15-1 This comment expresses opposition to project elements in Frederick Allen Park.

The comment does not address the adequacy or accuracy of the Draft EIR. See Master Response 1 regarding the preference for Alternative 1.

C15-2 This comment expresses support for a flood mitigation project and also expresses concerns about how dramatically different the proposed project would be from the 2018 USACE project.

The proposed project would be different from the previous projects proposed by USACE. The proposed project has been designed in response to public comments on the USACE 2018 Draft EIS/EIR, including public comments during meetings that were held in June 2020. The proposed project would be consistent with the proposal as presented at the June 2020 meetings, during the Draft EIR scoping meeting, and in the NOP presented in September 2020, but the Draft EIR includes greater details describing the project elements.

C15-3 This comment states that removing trees and planting new ones would increase the project time frame to 10 to 15 years because it would take time for the trees to mature.

The removal of trees in Frederick Allen Park would be necessary to accommodate construction of the riparian habitat, natural channel, and floodplain. The newly planted trees and vegetation would grow at different rates. Although new vegetation would be present immediately after project construction is completed, tree and canopy growth to a level similar to existing conditions would take 10 to 20 years, as discussed in Section 3.1 in the Draft EIR.

C15-4 This comment states that the design of the path in Frederick Allen Park has changed and no longer appears to be at a lower elevation. The comment also states that the path now is within 10 feet of the commenters' backyard.

The project path in Frederick Allen Park would be at a lower elevation and within the confines of the existing park, where public access trails are found. The pathway proposed in Alternative 2 would be at a higher elevation and closer to properties along the edge of the park, to reduce the frequency of flooding of the pathway and maintain more naturalized area along the creek. See Master Response 1 regarding preference for Alternative 1.

C15-5 This comment supports flooding mitigation projects and expresses concerns about adverse impacts related to privacy and habitat, as well as to short and long-term impacts on the neighborhood.

As discussed in Chapter 2, Project Description, and Section 3.3 in the Draft EIR, the project improvements in Frederick Allen Park would provide benefits for habitat (also see Master Response 5). The area where the proposed pathway would be relocated is

2 COMMENTS AND RESPONSES

within the confines of the existing park, which includes existing public access and pathways.

Impacts on privacy are not considered to be environmental impacts in the context of CEQA. See Master Response 4 for further discussion.

2 COMMENTS AND RESPONSES

Comment Letter C16

Beth Foster and Paul Furusho
19 Sir Francis Drake Boulevard
Ross, California 94957

March 17, 2021

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

Re: Comments from 19 Sir Francis Drake Blvd., Ross, CA 94957 on the Marin County Flood Control and Water Conservation District Corte Madera Creek Flood Risk Management Project, Phase 1 Draft Environmental Impact Report

Dear Ms. Dixon and members of the Marin County Flood District Board:

Thank you for the opportunity to provide comments regarding the Corte Madera Creek Flood Risk Management Project, Phase 1 (the Project) Draft Environmental Impact Report (DEIR) dated February 2021. We live at 19 Sir Francis Drake Boulevard (SFDB), a property that is bounded to the northeast by SFDB and which runs along and extends into the concrete channel portion of Corte Madera Creek that is discussed in the Project. The fish ladder referenced in the document is at the upstream end of our property. As such, we are directly impacted by the Project.

This letter supplements verbal comments I (Beth Foster) provided during the March 2 County Board of Supervisors hearing. Generally, we believe it is imperative that the Ross Valley community address the potential for flooding along Corte Madera Creek, and we appreciate that our property may potentially benefit from reduced flood risk with implementation of the Project. We would like to see some version of the Project proceed. However, we are concerned about some of the impacts to our property that would result. Our primary concerns pertain to the aesthetic impact of the removal of vegetation on and adjacent to our property as well as the potential associated reduction in property value.

Following are specific comments or requests for clarification by section on the DEIR document:

- Section 2.4 *Project Objectives*, Objective 3, *Public Access and Recreational Quality* states "Maintain public access along the creek [...] and enhance the recreational experience and amenities along the creek corridor to meet Town of Ross and Kentfield area community needs." We request the Project design allow access to the creek corridor from our property via a gate in the fence. We believe this would be in keeping with project objective #3, allowing us to benefit from the Project.

2 COMMENTS AND RESPONSES

- Fig. 2.5-1 *Project Elements (Map 1 of 3)*, identifies the alignment of proposed retaining walls downstream of the existing fish ladder location. We request additional information regarding the height and appearance of the retaining walls as well as their location relative to the existing concrete wall along the left bank so that we may understand their aesthetic impact on our property and where construction activities will occur. C16-5
- Fig. 2.6-1 *Staging, Stockpile, and Temporary Work Areas*, identifies the Flood District-owned property adjacent to our home as a staging area. In section 2.6.2 *Site Preparation*, it says that "Vegetation within the staging and stockpiling areas would be trimmed and removed, ...". Fig 2.6-2 *Tree Removal Unit 4 and Frederick Allen Park*, labels the majority of trees in this staging area as "Tree to Remain." Please address this discrepancy and confirm that trees will not be removed within this staging area. C16-6
- Fig 2.6-2 *Tree Removal Unit 4 and Frederick Allen Park*, depicts the removal of all of the trees behind our house along the channel (due to the 15' Army Corps of Engineers clearance requirement). These trees comprise the view from our home, and they screen the view of the existing chain link fence and channel. We also frequently observe hummingbirds, osprey, and other wildlife enjoying them. The DEIR contends in Section 3.1 *Aesthetics and Visual Resources* that visual quality impacts from tree removal will be temporary because many removed trees will be replanted, but this does not apply to those trees that are proposed to be removed along our property. We assert that the tree removal will have a significant, adverse aesthetic impact as well as an impact to our property value. While it is stated on page 3.1-21 that "impacts on private views are not required to be considered under CEQA," we request that our concerns be considered. C16-7
- Section 3.10 *Noise*, states that "grading and heavy equipment use would last up to seven months" in the area near our home. We are concerned about the impacts of construction noise and vibration on our quality of life and the potential disruption in our ability to work during the day. We request that all possible noise mitigation efforts be made to minimize these impacts and that residents be kept very well informed about planned activities. C16-8
- Lastly, we request that section 3.9 *Hydrology and Water Quality* address overland stormwater flow and measures that will be taken to mitigate the significant amount of water that drains across SFDB toward the creek as well as through a large swale that runs through our backyard, and the backyards of our neighbors. C16-9

Thank you for your consideration of these comments. We are hopeful that we will have the opportunity to work with the Flood District to better understand how the Project will be specifically implemented on and adjacent to our property as more detailed design is completed prior to construction so that we can minimize any detrimental impacts. We are grateful for the efforts to date in seeking input from stakeholders, and we look forward to continued collaboration as the Project progresses. C16-10

Very sincerely,
Beth Foster
Paul Furusho

cc: Joe Chinn, Ross Town Manager
Richard Simonitch, Ross Public Works Director

2 COMMENTS AND RESPONSES

2.5.4 Response to Letter C16: Beth Foster and Paul Furusho

- C16-1 This comment states that the fish ladder proposed to be removed is at the upstream end of the commenters' property. Thus, the commenters would be directly affected by the proposed project.

The Draft EIR presents impacts analyses related to the fish ladder removal in Chapter 3. See Draft EIR Section 3.1 (starting from page 3.1-24) for a discussion of aesthetic impacts, Section 3.3 (starting from page 3.3-56) for a discussion of biological impacts, Section 3.9 (starting from page 3.9-39) for a discussion of hydrology and water quality impacts, and Section 3.12 (starting from page 3.12-9) for a discussion of recreation impacts.

- C16-2 This comment supplements a verbal comment made during the public hearing that were held on March 2, 2021. The comment states that the commenters appreciate the potential flood reduction benefits from the project, but it also expresses concerns about potential impacts on property.

See Master Response 4 and Master Response 5 regarding consideration of impacts on private views and impacts on property value under CEQA.

- C16-3 This comment expresses concerns about aesthetic impacts from vegetation removal and the potential impact associated with reduction in property value.

The proposed project would include plantings in the Frederick Allen Park, including understory vegetation with shrubs and grasses as well as trees to minimize aesthetic impacts resulting from vegetation removal. See Section 2.6.9 in the Draft EIR regarding revegetation and landscaping of the park. Property value is generally (unless it can be shown to cause a physical impact due to a direct chain of cause and effect) not an environmental impact in the context of CEQA. See Master Response 5 for further discussion.

- C16-4 This comment requests that the District allow access to the creek bottom from the commenters' property.

As indicated in Master Response 1, the District staff is recommending adoption of Alternative 1 because of Town of Ross's preference for Alternative 1. Access to the creek from private property is not a consideration for the EIR.

- C16-5 This comment requests additional information regarding the height and appearance of the retaining walls as well as the locations in relation to the existing concrete wall along the left bank.

The location of the retaining walls and floodwalls on the left bank within the Frederick Allen Park reach are shown in Figure 2.5-4 in the Draft EIR. The height of the floodwalls would be up to 10 feet tall, to match the existing concrete channel height, but would taper down to a shorter elevation and would not extend above the existing concrete channel walls. The retaining walls would be 2 feet tall and would extend 2 feet above

2 COMMENTS AND RESPONSES

grade, as discussed on page 2.16 in the Draft EIR. Additional visual simulations of the retaining and floodwalls are shown in response to comment A5-20.

- C16-6 This comment points out a discrepancy between the description of vegetation removal in Section 2.6.2 and tree removal shown in Figure 2.6-2 in the Draft EIR.

The District's intent would be to minimize tree removal. Although Section 2.6.2 in the Draft EIR describes a conservative scenario for tree removal to address USACE vegetation setbacks from floodwalls, tree removal in the staging and stockpiling area currently is not anticipated. However, between the District gate and the concrete channel wall, trimming may be required as needed to provide clear access to the channel.

- C16-7 This comment states that all trees behind the commenters' property would be removed, per USACE's 15-foot clearance requirements, and that replanting at the same location is not proposed in the Draft EIR. The comment requests that impacts on private views and property values be considered as part of CEQA analysis.

See responses to comments B1-17 and C5-11. USACE may not require removal of trees on the District's property because the proposed floodwall would be attached to the existing floodwall. See Master Response 4 for discussion of impacts to private views and Master Response 5 regarding impacts to property values.

- C16-8 This comment expresses concerns about noise and vibration impacts on adjacent properties and requests mitigation to minimize these impacts.

Potential project impacts from noise and vibration are discussed in Section 3.10 in the Draft EIR. The District would implement Mitigation Measure 3.10-1, which would require preparation and implementation of a noise reduction plan, including notification of nearby residents and use of noise barriers to reduce noise levels at adjacent residences. Vibration impacts would be addressed by implementation of Mitigation Measure 3.10-2, which would require vibration monitoring in proximity to structures during construction activities in Frederick Allen Park, and also would require prior notification to residents of upcoming vibration-generating activity. As described in Section 3.10 in the Draft EIR, the proposed project would result in less-than-significant noise and vibration impacts on adjacent residences with implementation of mitigation measures.

- C16-9 This comment requests that the Draft EIR address impacts and describe mitigation measures related to overland stormwater flow.

Localized flooding from overland and residential areas is outside the District's jurisdiction and is the responsibility of the Town of Ross. The District is responsible for addressing flood risk reduction on Corte Madera Creek. See also response to comment A5-26.

2 COMMENTS AND RESPONSES

C16-10 This comment states that the commenters look forward to working with the District as the proposed project progresses.

The commenter's desire to work with the District is acknowledged.

2 COMMENTS AND RESPONSES

Comment Letter C17

From: ArleneF@Yahoo.com <arlenef@yahoo.com>
Sent: Wednesday, March 17, 2021 7:22 AM
To: Corte Madera Creek <cortemaderacreek@marincounty.org>
Cc: Kevin Haroff <kharoff@cityoflarkspur.org>; dhillmer@cityoflarkspur.org
Subject: Comments re. Draft EIR - Corte Madera Creek Flood Risk Management Project

Attn: Joanna Dixon
Project Manager

Re: Draft EIR
Corte Madera Creek Flood Risk Management Project
Marin County Flood Zone 9

As residents of Larkspur, we are very concerned that the proposed project alternatives, upstream of our town, will continually increase the accumulation of sediment from Bon Air Bridge to College of Marin (CoM), near College Avenue.

C17-1

Currently, there is massive accumulation of mud, referred to by the County and others as "the plug", just past the southern end of the existing concrete channel and east of the CoM football/soccer field. It is believed that this "plug" is a result of a drop in water velocity as the sediment-laden flow transitions from a fast moving, deep, and narrow channel to a broader, shallower area. If part or all of the concrete channel is removed, even more sediment will accumulate upstream of Bon Air Bridge reducing the capacity and volume of the drainage channel over time to handle all of the runoff. This puts the residents downstream at even more risk, especially since dredging has ceased for many decades.

C17-2

An analogy, perhaps, can help. Suppose a person decides to take a bath and fills the tub just shy of it overflowing. Then, every month, a gallon of mud is added to the bath because mud baths are now in vogue. But, because one doesn't want the hassle of emptying and cleaning the tub each time, the mud is left. Next bath, another gallon of mud and the same volume of water is added as before. At some point the water spills over and one has a horrible mess.

We ask you to please give serious consideration to the future ramifications of sediment accumulation and water rise as a result of the proposed project alternatives.

C17-3

Thank you,

Arlene Fox & Stephen Whitcomb
Hillview neighborhood
Larkspur, CA

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2 COMMENTS AND RESPONSES

2.5.5 Response to Letter C17: Arlene Fox and Stephen Whitcomb

- C17-1 This comment expresses concerns that the proposed project would increase accumulation of sediment from Bon Air Bridge to the College of Marin, near College Avenue.

Project impacts on sedimentation or erosion are discussed in Section 3.9 in the Draft EIR. The proposed project would not cause a significant increase in sediment transport or sedimentation from Bon Air Bridge to the College of Marin. See Impacts 3.9-1 and 3.9-2 on pages 3.9-39 to 3.9-51 in the Draft EIR for the discussion of project impacts related to erosion and sediment transport. Sediment deposition at the earthen channel in Units 1 and 2 currently is from a combination of fluvial and coastal sediment input. The proposed project would not result in a significant change in watershed-scale fluvial sediment sources, transport, or deposition.

- C17-2 This comment summarizes the existing sedimentation condition near Bon Air Bridge and states that more sediment would accumulate upstream from the bridge and would put the residents downstream at greater risk if all of the concrete channel is removed.

As explained in response to comment C17-1, the proposed project would not cause a significant increase in sedimentation and would not cause more sediment to accumulate. As discussed in Chapter 2, Project Description, in the Draft EIR, sediment controls measures would be implemented, including installation of buried rock, erosion control fabric, and engineered streambed material, and the natural creek channel would be restored with riparian vegetation in Unit 4 and Frederick Allen Park, to prevent increased sedimentation downstream. See Section 2.5.3 on page 2-14 in the Draft EIR for more information regarding project elements in each unit.

The District staff is recommending adoption of Alternative 1, which would not include removing the concrete channel in Frederick Allen Park, as discussed in Master Response 1.

- C17-3 This comment requests that the District consider the future ramifications of sediment accumulation and water rise based on the proposed project alternatives.

See responses to comments C17-1 and C17-2.

2 COMMENTS AND RESPONSES

Comment Letter C18

Charles Goodman
PO Box 1325
20 Sylvan Lane
Ross, CA 94957

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

March 15, 2021

Dear Joanna,

There are several issues that need to be addressed in the EIR/EIS, especially #1, which was not addressed previously.

1. Transportation, Noise: 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.

You did not answer my question about Sediment and Debris Removal in the Draft EIR. You referenced section **2.7.2 Maintenance** of the Draft EIR which lists Sediment and Debris Removal as item #2, on page 2-42, but on page 2-43, only Sediment and Debris Removal from Fish Pools is described; Sediment and Debris Removal as it relates to the entire project is non-existent. There is a sediment basin at Fred Allen Park that would need to have Sediment and Debris removed on a regular basis for the health of the creek and the wildlife that lives in it. How does the County plan to mitigate this substantial disruption of sediment removal from the creek within the Town of Ross? The town is currently protected from floods up to 100-year levels. The proposed project would remove an existing concrete channel and expose the dirt on the sides and bottom, which in turn will be subject to erosion and to becoming sediment that will then need Regular Maintenance in the form of Sediment and Debris Removal. **Page 3.9-48 of the Draft EIR states a Significance Determination of 'Less than Significant' in regards to both Construction & Operation & Maintenance.** This just defies common sense.

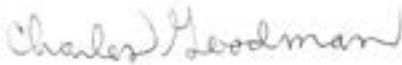
C18-1

Page 1 of 2

2 COMMENTS AND RESPONSES

2. Trees: The tree issue is not adequately being mitigated. Twenty years to replace the canopy is too long and unreasonable. C18-2
3. Aesthetics and Visual Resources: All plans, except the "no plan", show work upstream of the fish ladder. All information is vague.
Please provide explanation regarding: creek bank walls, height limits of walls, lower creek bottom depth, widening of Lagunitas Road Bridge C18-3
4. Hydrology and Water Quality: What is current level of flood cfs and year level of protection at Lagunitas Bridge. What is the level of flood cfs and year level of protection when completed? C18-4
5. Hydrology and Water Quality: The area from the Winship Bridge to the Lagunitas Road Bridge has been left out of this analysis, flawing your whole project. You are adding cfs at Winship Bridge and cause my house and others on Sylvan Lane to flood. Ross creek will not handle additional flows. C18-5
6. Land Use and Planning: The County has failed to account for any overland water flows from Bolinas Ave, Fernhill, Southwood, Norwood, Ames, or Lagunitas Road. There is no plan to capture or move this water. C18-6
7. You continually ignore the "do no harm" rules of FEMA by submitting project plans that will result in causing additional flooding and flooding in areas that did not flood before. C18-7

Regards,



Charles Goodman

2 COMMENTS AND RESPONSES

2.5.6 Response to Letter C18: Charles Goodman

- C18-1 This comment states that the Draft EIR did not address the issue related to sediment and debris removal from the Corte Madera Creek channel in the Town of Ross. The comment also asks how the District plans to mitigate the disruption to the community related to sediment removal from the creek within the Town.

Existing sediment deposition from upstream sediment sources in Corte Madera Creek in the Town of Ross is part of the existing condition and would not be affected by the proposed project. The proposed project would not cause increased sedimentation from the upper watershed into the Town. The natural channel in Frederick Allen Park was designed to approximate a natural bank full geometry, which would minimize sediment deposition and erosion in the restored Frederick Allen Park reach of Corte Madera Creek. See Master Response 1 regarding the preference for Alternative 1.

- C18-2 This comment states that tree removal would not be mitigated adequately, and that waiting 20 years for the tree canopy to be replaced would be an unreasonable wait time.

See response to comment A5-3. The tree mitigation includes planting with trees that are the largest size available. The Draft EIR includes all feasible mitigation and states that the impact would be significant and unavoidable for up to 10 years, while the canopy is establishing. See also Master Response 1 regarding staff recommendation to adopt Alternative 1.

- C18-3 This comment states that all the information in the Draft EIR is vague and requests an explanation regarding creek bank walls, height limits of walls, lower creek bottom depth, and the widening of Lagunitas Road Bridge.

See response to comment C11-11. The creek bank would not be widened at Lagunitas Road Bridge.

- C18-4 This comment asks about the current level of flood in cubic feet per second, the level of protection at Lagunitas Road Bridge, and the future level of flood protection at Lagunitas Road Bridge after project construction is completed.

Current flood flows and channel capacity in the project area are discussed in Section 3.9 of the Draft EIR (starting from page 3.9-12). As indicated in the Draft EIR, the standard project flood discharges were estimated to be 7,500 cubic feet per second for Corte Madera Creek in the project area. Channel capacity in the section of Corte Madera Creek between Lagunitas Road Bridge and the concrete channel ranges from about 3,300 to 4,000 cubic feet per second based on recent observations of when flow levels exceeded channel capacity and went overbank. The proposed project would not include any improvements or work at Lagunitas Road Bridge. The proposed project would not change the creek conveyance capacity at Lagunitas Road Bridge.

2 COMMENTS AND RESPONSES

- C18-5 This comment states that the area between Winship Bridge and Lagunitas Road Bridge is not included in the hydrology and water quality analysis in the Draft EIR. The comment says that the proposed project would add more flow at Winship Bridge and would cause properties on Sylvan Lane to flood.

The hydrologic impacts of the proposed project are analyzed in detail in Section 3.9 in the Draft EIR, including potential impacts on existing hydrologic conditions in Corte Madera Creek, potential impacts on future conditions after implementation of upstream projects including Winship Bridge, and potential impacts with moderate and high projections for sea-level rise. See page 3.9-34 in the Draft EIR for a discussion of the approach to the impact analysis. See Impact 3.9-5 starting on page 3.9-54 in the Draft EIR for a discussion of the detailed analysis of potential impacts on the existing flooding condition, future condition, and sea-level rise. The analysis and associated maps of flood inundation and water surface elevations in Appendix E in the Draft EIR show that the proposed project would result in reduced flooding on Sylvan Lane.

- C18-6 This comment states that the District fails to address overland water flow impacts in the Draft EIR.

Localized flooding from overland and residential areas is outside the District's jurisdiction and is the responsibility of the local jurisdiction, including the Town of Ross. The District is responsible for addressing flood risk reduction of Corte Madera Creek.

- C18-7 This comment states that the District ignores the "do no harm" rules of FEMA, and that the proposed project would result in additional flooding in areas that did not flood previously.

The District would comply with all FEMA requirements when implementing the proposed project. As shown in Figures 3.9-7 to 3.9-9 on pages 3.9-55 to 3.9-57 in the Draft EIR, the proposed project would not result in any significant adverse flood impacts and would result in significant flood reduction benefits. As shown in Table 2.8-1 in the Draft EIR, the District would obtain FEMA approval for the proposed project.

2 COMMENTS AND RESPONSES

Comment Letter C19

From: littleddan@hotmail.com <littleddan@hotmail.com>

Sent: Monday, March 22, 2021 11:43 AM

To: Dixon, Joanna <JDixon@marincounty.org>

Subject: Corte Madera Creek - Frederick Allen Park Flood Risk Management Project

Dan Little would like information about:

Hi Joanna,

I am a resident of Ross and live on Sylvan Lane along the creek. I would like to write in support of the proposed Corte Madera Creek Flood Risk Management Project near Frederick Allen Park. I have a family with young children and believe the new park will benefit families as an additional public natural space near town. I also think the threat of flooding will persist and we need to do everything we can to mitigate the risk given the more volatile weather conditions we have seen in recent years. I understand that the tree removal may impact some in the short term, but given that new trees will be planted, I think the long term benefits outweigh the shorter term challenges. Please let me know if I can be of further help.

Best,

Dan Little

18 Sylvan Lane

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C19-1

C19-2

C19-3

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2 COMMENTS AND RESPONSES

2.5.7 Response to Letter C19: Dan Little

- C19-1 This comment expresses support of the proposed project and states that families would benefit from additional public natural space near the Town of Ross.

The support for the proposed project acknowledged. See Master Response 1 regarding lack of Town of Ross' support of the proposed project and the preference for Alternative 1.

- C19-2 This comment states the risk of flooding would persist after implementation of the proposed project because of increasing volatile weather conditions, and also states the need to do everything possible to mitigate the risk.

The comment addresses the merits of the project and not the environmental impact analysis.

- C19-3 This comment states that the commenter understands the short-term impacts related to tree removal and believes the long-term benefits outweigh the short-term challenges.

The comment addresses the merits of the project and not the environmental impact analysis. As indicated in Master Response 1, the Town of Ross prefers Alternative 1, and Alternative 1 is recommended for adoption because of Town preference.

2 COMMENTS AND RESPONSES

Comment Letter C20

From: Nick Romero <nickromero@gmail.com>
Sent: Tuesday, March 23, 2021 9:43 PM
To: cortemaderacreek@marincounty.org
Subject: Corte Madera Creek Flood Risk Management Project

Hi, I realize this is past the formal comment period. apologies.

One question I had was what the tree mitigation plan would be for unit 2 - Fig 3.1- 20/21.

Specifically, residents would appreciate mature tree plantings (more diameter) to fully screen the new buildings at COM adjacent to the creek / stadium way bridge / Kent Middle School as the creek transitions to salt water marsh. Critical to keep all mature trees to hide maintenance facility.

C20-1

Additionally, residents would appreciate picnic tables and benches on the eastern side (3.1-9 photograph 8) and tree screening to screen unit 2, treatment / pump facility L.

C20-2

I would advocate to keep trees in 3.1-18/19.

C20-3

regards
Nick Romero
90 Berens Dr, Kentfield, CA 94904

--
Nick Romero
+1.805.746.5528
Email Disclaimer: <https://www.marincounty.org/main/disclaimers>

2 COMMENTS AND RESPONSES

2.5.8 Response to Letter C20: Nick Romero

- C20-1 This comment states that residents would appreciate mature tree plantings in Unit 2 to screen the new buildings at the College of Marin.

As discussed in Master Response 4, private views are not considered to be an impact in the context of CEQA; therefore, private views are not discussed in the Draft EIR. Views of the College of Marin buildings and school facilities are part of the existing visual environment.

- C20-2 This comment requests that the District add picnic tables and benches on the left bank of Unit 2 along Bike Route 20 (as shown in Figure 3.1-9 in the Draft EIR) and plant trees to screen Unit 2 and the stormwater pump station.

The proposed project would include a pocket park at the lower end of Unit 2. The existing picnic tables and benches would be relocated to that area. As discussed in Section 3.1 of the Draft EIR, the proposed project would result in less-than-significant aesthetics impacts on Unit 2 and the stormwater pump station. Therefore, no mitigation is required. Private views are not considered to be an environmental impact in the context of CEQA. See Master Response 4 for further discussion.

- C20-3 This comment advocates retaining trees in Unit 2, as shown in Figure 3.1-19 in the Draft EIR.

The District does not propose removal of trees in the area shown in Figure 3.1-19 in the Draft EIR. The extent of tree removal in Unit 2 would be determined by USACE as part of its Section 408 permit authorization. See also response to comment B1-17.

2 COMMENTS AND RESPONSES

Comment Letter C21

From: Nick Romero <nickromero@gmail.com>
Sent: Wednesday, March 24, 2021 9:41 AM
To: Dixon, Joanna <JDixon@marincounty.org>
Cc: Corte Madera Creek <cortemaderacreek@marincounty.org>
Subject: Re: Corte Madera Creek Flood Risk Management Project

Thank you, do you know if there us a plan yo cut trees and replant near the COM bldgs? the diameter / existing ratio means a big eye sore as the new, younger, trees fill back in for a decade

C21-1

--

Nick Romero
+1.805.746.5528
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2 COMMENTS AND RESPONSES

2.5.9 Response to Letter C21: Nick Romero

C21-1 This comment asks whether a plan exists for tree removal and planting near the College of Marin buildings. The comment also states that it would be a big eye sore while waiting over a decade for the new trees to mature.

A conservative estimate of tree removal in Unit 2 and the Lower College of Marin area is shown in Figures 2.6-4 and 2.6-5 on pages 2-31 and 2-32 in the Draft EIR. Construction of the proposed floodwall in Unit 2 would require removal of four trees. Construction of the proposed floodwall in Unit 3 and the stormwater pump station would require removal of sixteen trees. The removal of 20 trees for project construction would not significantly impact aesthetics, as discussed from page 3.1-26 through 3.1-28 in the Draft EIR.

2.6 Public Hearing

2 COMMENTS AND RESPONSES



Comment Letter PH

Public Hearing Comments

Date: March 2, 2021, 2:00 PM

Location: Zoom Link: <https://www.zoom.us/join>

Meeting ID: 946 4251 8384

Password: 352 533

Subject **Marin County Flood Control and Water Conservation District Board of Supervisors Public Hearing, Public Comments**

Table 1 Oral Comments (Not verbatim)

Name	Question	
Michael Wanger	Is the access ramp included in the EIR? Upstream extension of the floodwall is located in land that is owned by the flood control district at the end of Locust Avenue. In the past, that strip of land has become a river with water flowing out of Corte Madera Creek across that strip of land and onto Locust and Cedar Avenue. How does the access ramp going to the bottom of the channel affect that? And how far upstream will the wall extend?	PH-1 PH-2
GGP – Garril Page	First of all, the scheduling of this hearing is as subtle as parking in Joe Garbarino on Ross Common. Second the County worked with the Corps of Engineers until terminating relations in March of 2019 then resulted in an EIR that was both procedurally deficient per CEQA and hydrologically flawed because the natural channel of Unit 4 was omitted. Comments of these failings have been ignored for years. Instead of dumping that deceptive document the District incorporated it into the current EIR. Despite its mass and use of boilerplate, the current EIR is replete with repetition and is unresponsive to comments leaving question or frustrated for example this lowering of the grade in alternative 1 slide 38 is relatively new information that is undeveloped and improperly identified in the EIR. Induced flooding remains an unmitigated consequence of the proposed project. Who is going to pay for that? I repeat for the record of this hearing, this EIR is a procedurally and functionally indefensible document.	PH-3 PH-4 PH-5 PH-6 PH-7
Laura Conrow	How far away does the project grading and channel in Frederick Allen Park end from the tennis courts? How many mature trees in the Frederick Allen Park area are slated to be saved as opposed to cut down?	PH-8 PH-9

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2 COMMENTS AND RESPONSES

MEMORANDUM

March 2, 2021

Page 2

Name	Question	
Charles Goodman	<p>I'm a 50-year resident of the Town of Ross, on the Town Council for 12 years, and was a Mayor for three terms. I also live on the confluence of Corte Madera Creek and Ross Creek. The proposal is to remove the only 800 feet of the concrete channel that actually functions as designed by the Army Corps of Engineers and handles the super critical speed necessary. This section has not overflowed its banks. You are replacing this portion of the concrete channel with a detention basin/settlement basin and still referring to that as a park by widening this area, you are slowing down the flow of water and sediment will drop out and accumulate. The estimated dead load of sediment in that area per year is around 7,000 tons which is several hundred truck loads.</p> <p>So, my question was in the Draft EIR how the County plans to mitigate the substantial disruption of removing sediment from the Town. The question was not addressed and not answered, and I think it's a very important question.</p> <p>The next point is that you are doing this whole project piecemeal, and it does not come together when you finish putting the pie together. For example, you have left out the complete area from San Anselmo Winship Bridge to the Lagunitas Road Bridge. There is no plan for any protection in that area and yet you are increasing the flow of water coming out of San Anselmo you are not addressing any of the water that comes from San Anselmo Bolinas Avenue, Shady Lane, Norwood, Southwood, Lagunitas Road that has to somehow get into the concrete channel and that needs to be addressed.</p> <p>I would say in final that the least expensive of these proposed projects is Alternative 1 because I believe it provides the most benefit for the dollar and it's the least detrimental to the environment.</p> <p>I would be happy to meet with any of you set up a meeting and show you the Frederick Allen Park.</p>	<p>PH-10</p> <p>PH-11</p> <p>PH-12</p>
William Conrow	<p>I wasn't even going to mention this but the Alternative 1 has the least as he mentioned detrimental to Frederick Allen Park. One of you said well it's that doesn't affect the tennis court. I disagree it's very close to the tennis courts and it would really basically destroy Frederick Allen Park with no trees etcetera.</p> <p>Now, my real question though is are you concerned about flooding and if you're concerned about flooding is it because of water coming down Corte Madera Creek or is it you concern about ocean rising ocean level coming in. Which one of the two is the main concern?</p>	<p>PH-13</p> <p>PH-14</p>
Julie McMillan	<p>Julie McMillan is currently the Mayor of the Town of Ross. We will be considering this issue at our March 11th meeting and we will be submitting written comments before the March 17th deadline. We have received an initial report at our February meeting, but we really haven't had a chance to dive deep into the issue so you can look forward to hearing a written comment from the town of Ross.</p>	<p>PH-15</p>

2 COMMENTS AND RESPONSES

MEMORANDUM

March 2, 2021

Page 3

Name	Question	
Beth Foster	My property backs up to the concrete channel and it a bit upstream end of Unit 3, immediately downstream of the fish ladder. Our property extents to the centerline of the channel. A portion of the project is proposed on our property. I want to first to say that we apricate the potential flood benefit of the project, so we like to see it to move forward.	PH-16
	I have some concerns that are rather maybe questions about the potential impacts on our property. First of all is seeking some more information about the retaining walls that are proposed to the downstream side of the fish ladder, not really clear about the heights or appearance of these walls.	PH-17
	In addition, concern about the proposed clearance of trees. Section 2.2.6 of the EIR shows all the trees behind our house would be removed because of the 15-foot clearance. This included trees that are beloved to us and are important view from our home and screen the channel that is currently covered with graffiti. I don't think the EIR has to analyze impacts on private property. But we do have concern about the impact on our property value. We just want to have an opportunity to understand more about what is specifically being proposed at our home.	PH-18
	And lastly, more information about overland flow of stormwater in large storm events. There is a great deal of water that runs through the backyards of homes along Sir Francis Drake. I just like to understand better how this flood water is being handled with the project.	PH-19
	I would appreciate if the District would reach out to us again with more information.	PH-20
Pam Grant	I am Pam Grant. I live on Kent Avenue. I have three questions. One has to do with the drainage. At the point where the channel goes from dirt to cement, that is right around the Kentfield Hospital and right beyond the tennis court. At that point, are you going to put in any drainage, large drain that could be open? If there is an overflow, it is going to tunnel back into the cement channel and may jump out, ruining the Kentfield Hospital. I don't know what could possibly happen.	PH-21
	My next question is about the new building that College of Marin is putting in. When you show the diagram of the orange area, it looked to me like that orange area was right by the new building and when I went to that meeting, I asked them about flood issues, and they seem to be very vague they didn't know anything about flood issues were putting a presentation on. So, I was hopping there was communication between College of Marin and you guys. I just want to know why. I'm sure there is but there is a bridge or gap, if College of Marin is discussing any kind of help with the flood issue.	PH-22
	Number three question is I didn't understand, first of all I don't live in Ross thank God I live in Kentfield and so I can say bad things about Ross I don't be afraid of anyone going to go is really weird that you guys are all afraid but bottom line Ross is going to benefit from an ares that's not used much now then maybe will be used more I mean the kids won't be able to do their looky-loos in an in the on the ground anymore because that'll be all cleared away	PH-23

2 COMMENTS AND RESPONSES

MEMORANDUM

March 2, 2021

Page 4

Name	Question	
	but then getting back to the kids what are you guys thinking about protecting kids going into the wash. I mean during normal time especially during a flood.	PH-23 cont.
	And what is meant by heightened sensitivity in Ross about the trees. I love trees I have tons of trees. They can be a problem. When you say sensitivity. Does it mean the Ross citizens are requesting to keep it beautiful and keep the leaves which would be a fire hazard. Or they want to protect the endangered fish or what is it exactly about.	PH-24
	One other comment I want to make is when the flood does come in five or six years, I hope that you're going to put funds away from the flood fees to help the citizens recuperate.	PH-25

2 COMMENTS AND RESPONSES

2.6.1 Response to Public Hearing Comments

PH-1 This comment asks whether the access ramp is included in the Draft EIR.

The access ramp would not be part of the proposed project. The access ramp would qualify for a Categorical Exemption and would provide a utility for concrete channel maintenance in the absence of the proposed project. A Notice of Exemption was filed on March 15, 2021, for the access ramp. Therefore, the access ramp is addressed as a cumulative project in the cumulative impact analysis in Chapter 4 in the Draft EIR.

PH-2 This comment asks how the access ramp would affect the issue related to flooding in the area at the end of Locust Avenue and how far upstream the wall would extend.

The new access ramp would be a concrete structure on District property at the end of Locust Avenue. The access ramp would extend from the existing ground surface into the concrete channel. A new floodwall also would be installed above ground around the access ramp, and would connect to the proposed floodwall in the Granton Park area. The floodwall would minimize creek flow overtopping to the Granton Park neighborhood. The entrance to the access ramp would be elevated above the existing grade to prevent water from flowing out the entrance to the access ramp. The access ramp itself would not affect the floodplain and creek flow. In addition, at the access ramp and along the Granton Park floodwall alignment, multiple storm drain inlets with backflow preventors would be installed to drain surface water from behind the floodwall. At the Granton Park pump station, a new storm drain inlet also would be installed, to drain runoff from the informal pathway along the concrete channel.

PH-3 This comment states that the 2018 Draft EIS/EIR is both procedurally deficient and hydrologically flawed because the natural channel in Unit 4 was omitted.

The current project design has been modified from USACE's 2018 project design, and the Draft EIR differs from the 2018 Draft EIS/EIR. The Draft EIR was prepared in accordance with all CEQA procedural requirements, and the hydrologic analysis in Section 3.9 in the Draft EIR presents substantial evidence for the impact determinations.

PH-4 This comment states that the District incorporated the deceptive 2018 Draft EIS/EIR into the Draft EIR.

As explained in response to comment PH-3, the Draft EIR differs from the 2018 Draft EIS/EIR. The Draft EIR is a separate document, based on a different project design with a new impact analysis. The District used the baseline resource studies that previously were prepared by USACE to the extent that those studies accurately described the resources in the project area, and no change in resource conditions had occurred from the baseline studies (e.g., geology and soils characterization and cultural resource surveys). Additional baseline resource studies were conducted to address gaps in the baseline analysis in the 2018 Draft EIS/EIR, and to update the analysis (e.g., noise data collection, tree survey, wetland delineation, biological resource investigation, hydrologic

2 COMMENTS AND RESPONSES

modeling, and air quality modeling). The Draft EIR impact analysis reflects the impacts of the proposed project and alternatives considered and does not rely on the impact analysis from the 2018 Draft EIS/EIR.

- PH-5 This comment states that the Draft EIR lacks information regarding the lowering of grade in Alternative 1. The comment also states that Alternative 1 is undeveloped and improperly identified in the Draft EIR.

Alternative 1 would include all project elements that are described in Chapter 2, Project Description, in the Draft EIR, except for the Frederick Allen Park enhancements in the Town of Ross. The project description in the Draft EIR includes details on how the proposed project would be constructed, including the grading of the Unit 4 channel to address the fish ladder removal. See Section 2.5 in the Draft EIR for a detailed discussion of project elements and design and see Section 2.6 for information regarding project construction. The difference between the proposed project and Alternative 1 is that Alternative 1 would not remove the concrete channel and would not construct a natural floodplain and riparian corridor in Frederick Allen Park. Alternative 1 would install four additional fish pools in the concrete channel adjacent to Frederick Allen Park, instead of removing the concrete channel. Alternative 1 would include all proposed project elements in Unit 2, lower Unit 3 (downstream from Frederick Allen Park), and Unit 4.

- PH-6 This comment states that the induced flooding would not be mitigated because of the proposed project and asks who would be responsible to pay for future induced flooding impacts.

This comment is incorrect. The Draft EIR describes induced flooding and provides numerous graphics. Figures 3.9-7 to 3.9-9 and graphics in Appendix E in the Draft EIR detail the proposed changes in hydraulic conditions from project implementation. As discussed under Impact 3.9-5 beginning on page 3.9-54 in the Draft EIR, the hydraulic modeling shows no significant increase in flooding at any structures. The only significant increase in flooding would occur near the College of Marin. No mitigation is required because no significant increase in flooding would occur and require mitigation.

- PH-7 This comment states that the Draft EIR is a procedurally and functionally indefensible document.

The Draft EIR was prepared in accordance with CEQA requirements and meets all standards under CEQA. It contains substantial evidence for each impact conclusion. The Draft EIR was prepared and noticed in accordance with all CEQA procedural requirements.

- PH-8 This comment asks about the distance between the grading and natural channel in Frederick Allen Park and the tennis courts.

2 COMMENTS AND RESPONSES

The end of the grading area in Frederick Allen Park is approximately 7 feet from the tennis courts. A retaining wall would be installed upstream from the tennis courts (see Figure 2.5-1 in the Draft EIR), which would protect the grade and transition back to the concrete channel. See Master Response 1 for information regarding the preference for Alternative 1.

- PH-9 This comment asks how many mature trees are marked to be saved as opposed to be removed in Frederick Allen Park.

As shown in Figure 2.6-2 in the Draft EIR, approximately 100 trees are marked to remain in the Frederick Allen Park reach of Corte Madera Creek. See response to comment C9-11 regarding the extent of tree removal in Frederick Allen Park. See Master Response 1 and the preference for Alternative 1.

- PH-10 This comment states that removal of the functional concrete wall and widening the channel would slow down the flow of water and cause sediment accumulation. The comment asks how the District plans to mitigate substantial disruption of sediment removal from the Town of Ross.

See response to comment C18-1. Frederick Allen Park was not designed to function as a detention basin. The widened creek section provides the space needed to establish a natural creek corridor, while maintaining the flow conveyance capacity needed for flood risk reduction. The creek cross section design incorporated a low-flow channel approximating a natural bank full-creek geometry. The low-flow channel would concentrate creek flows to a smaller cross section, which would increase the energy needed to transport sediment. In a larger storm event, sediment deposition possibly could occur along the floodplain benches at Frederick Allen Park. Maintenance of the floodplain benches would be included in the District's ongoing stream maintenance program. If needed, service vehicles and equipment could access the park for maintenance using the multi-use path or the new access ramp to the concrete channel in the Granton Park area.

- PH-11 This comment states that the proposed project is piecemeal and would not address the area upstream from Winship Bridge to Lagunitas Road Bridge.

The modeling in the Draft EIR includes consideration of future conditions that would address planned and approved projects upstream from the project area on Corte Madera Creek.

See response to comment C11-10 regarding the District's jurisdiction. The District recognizes the integration and connectivity between the storm drain system, overland flow, and creek flow to provide stormwater runoff conveyance. The District would continue to work with municipalities across the watershed through the Ross Valley Watershed Program. The proposed project would be a part of the Ross Valley Watershed Program, and the hydraulic analysis in the Draft EIR includes the entire

2 COMMENTS AND RESPONSES

watershed. The proposed project would address flooding issues along Corte Madera Creek within USACE Units 2, 3, and 4. Future projects in the watershed program would address other flooding issues in the watershed. Although the proposed project would not include specific project elements upstream from Lagunitas Road Bridge, the proposed project would reduce flood inundation in downtown Ross and also in areas upstream from Lagunitas Road Bridge. The District and the watershed program would continue to address flooding issues throughout the watershed through future flood risk reduction projects.

- PH-12 This comment states that Alternative 1 would be the least expensive option because it would provide the most benefits with least cost, and because it would be the least detrimental to the environment.

See Master Response 1 regarding staff's recommendation to adopt Alternative 1. See Master Response 5 for discussion regarding economic impact.

- PH-13 This comment states that Alternative 1 would be the least detrimental to Frederick Allen Park. The comment further states that the proposed project would be very close to the tennis courts and would destroy Frederick Allen Park without trees.

As explained in response to comment PH-8, the project would install a retaining wall at the downstream end of Frederick Allen Park and upstream from the tennis courts. The retaining wall would provide protection to the tennis courts and transition back to the concrete channel. See Master Response 1 regarding staff recommendation to adopt Alternative 1.

- PH-14 This comment asks whether the proposed project would be concerned about creek flooding or sea-level rising.

The proposed project would be designed to address flooding on Corte Madera Creek and would not address sea-level rise. However, the hydraulic modeling for future conditions considered the proposed project's potential effectiveness in reducing flooding with future sea-level rise. The results of hydraulic modeling indicate that the proposed project still would be effective in reducing flooding in Ross Valley when considering moderate and high projections for sea-level rise. See Section 3.9.5 on page 3.9-37 in the Draft EIR for information regarding how sea-level rise was incorporated into the hydraulic modeling and see Impact 3.9-5 on page 3.9-61 in the Draft EIR for an analysis of flood impact when considering sea-level rise. See also Master Response 3.

- PH-15 This comment states that the Town of Ross was to submit a written comment letter on the Draft EIR before the public comment period ended on March 17, 2021.

The Town of Ross comment letter is included as comment letter A5.

- PH-16 This comment states appreciation for the potential flood benefit of the proposed project and anticipation of seeing the project move forward.

2 COMMENTS AND RESPONSES

The comment addresses the merits of the project and not the environmental impacts.

- PH-17 This comment asks about the height or appearance of the proposed project's retaining walls.

The new retaining wall along the left bank of the Corte Madera Creek channel, downstream from the fish ladder, would maintain the height of the existing concrete channel wall. See response to comment C16-5.

- PH-18 This comment expresses concern about the proposed tree removal because of USACE's required 15-foot clearance and the potential impacts on property value.

The conservative estimate of tree removal that is included in the Draft EIR reflects USACE's guidance, as discussed in response to comment C16-7. See Master Response 4 regarding private views and privacy and Master Response 5 regarding impacts on property value and CEQA.

- PH-19 This comment asks for more information regarding overland flow during large storm events.

See response to comment A5-26. Although the proposed project would not alter the existing overland flow pattern, it would provide net benefits through reduced overland flow along Sir Francis Drake Boulevard because of reduced overtopping of Corte Madera Creek flows upstream from the fish ladder.

- PH-20 This comment expresses a desire for the District to reach out to the public again as the proposed project progresses.

The District is continuing coordination with public agencies throughout project implementation.

- PH-21 This comment asks whether the proposed project would install any drainage around Kentfield Hospital and right beyond the tennis court.

The proposed project would not include storm drain improvements at Kentfield Hospital. At the downstream end of the Frederick Allen Park component, the creek flow would transition from the restored floodplain to the existing concrete channel. The hydraulic analysis did not show increased creek overtopping and inundation at Kentfield Hospital. Also see Master Response 3 regarding the hydraulic modeling for the Alternative 1 60 percent design.

- PH-22 This comment asks whether the District and the College of Marin have communicated regarding the new building at the College of Marin and how the project would affect this building.

2 COMMENTS AND RESPONSES

The District has been coordinating with the College of Marin about the proposed project and would continue to coordinate with the College of Marin before project construction, to obtain any necessary easement. At the Learning Resources Center site, at the downstream limit of the site adjacent to College Avenue, the proposed project would construct a new floodwall to funnel overland flow along the banks of the concrete channel back into the concrete channel and minimize overland flow in the area. Refer to response to comment B2-1.

- PH-23 This comment asks what has been proposed to prevent children from going into the creek during flood events.

As discussed under Impact 3.8-13 on page 3.8-13 in Section 3.8 in the Draft EIR, the District has proposed safety measures and procedures to reduce the risk of public hazards from flooding. The proposed measures and procedures would include closing access to the creek before predicted major storm events and posting signage at the access points to notify the public about the risk of flooding.

- PH-24 This comment asks what is meant by heightened sensitivity in Ross regarding the trees.

Viewer sensitivity is used in the aesthetic analysis and is defined on page 3.1-2 and 3.1-3 in the Draft EIR. Viewer sensitivity refers to how concerned viewers are with changes to visual quality in an area. The scoping comments indicated that viewers would be sensitive to changes in the tree canopy and changes in visual quality in Frederick Allen Park.

- PH-25 This comment states the desire to see the District set aside funds from the flood fees to help the citizens recuperate when future flood events occur.

This comment is not relevant to the proposed project or EIR impact analysis.

2 COMMENTS AND RESPONSES

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3 Draft EIR Text Revisions

3.1 Introduction

This chapter presents revisions to the Corte Madera Creek Flood Risk Management Project, Phase 1 (project) Draft EIR that was published on February 1, 2021. These revisions include both (1) changes made to text, tables, or figures in response to comments on the Draft EIR as discussed and presented in Chapters 2 and 3, as well as (2) staff-initiated text changes to correct minor inconsistencies, to add minor information or clarification related to the project, and to provide updated information where applicable. None of the revisions or corrections in this chapter substantially change the analysis and conclusions presented in the Draft EIR.

The chapter includes all revisions by reproducing the relevant excerpt of the Draft EIR in the sequential order by the chapter, section, and page that it appears in the document. Preceding each revision is a brief explanation for the text change, either identifying the corresponding response codes, such as Response A1-1, where the issue is discussed in Chapter 2 or 3, or indicating the reason for a staff-initiated change. Deletions in text and tables are shown in strikethrough (~~strikethrough~~) and new text is shown in underline (underline).

3.2 Changes to the Draft EIR

3.2.1 Cover, Table of Contents, Acronyms, Abbreviations, and Glossary

A staff-initiated text change has been made to the List of Table in the Draft EIR Table of Contents (page TOC-iii) as follows:

<u>Table ES-1</u>	<u>Summary of Scoping Comments and Areas of Potential Controversy</u>	<u>ES-13</u>
Table ES-12	Summary of Impacts and Mitigation for the Project	ES-17

3.2.2 Executive Summary

In response to comment A5-1, Section ES.3.1 Significant and Unavoidable Impact in the Draft EIR (page ES-9) has been revised as follows:

The District would implement Mitigation Measure ~~3.1-2~~ 3.1-3: Large Tree Planting, which requires integrating large box trees into the planting plan and design for Frederick Allen Park.

3 DRAFT EIR TEXT REVISIONS

In response to comment A5-2, Section ES.5 Summary of Alternatives to the Project in the Draft EIR (page ES-11) has been revised as follows:

Compared to the proposed project, Alternative 1 would reduce short-term impacts on aesthetics, air quality, biological resources, geology and soils, GHG emission, hazardous materials, hydrology and water quality, noise, recreation, transportation and circulation, and utilities. Alternative 1 would avoid the significant and unavoidable impact on visual quality. Alternative 1 would result in less long-term benefits to aesthetics, biological resources, geology and soils, hydrology and water quality, and recreation than the proposed project and provide less long-term GHG emission reduction benefits compared to the proposed project because Alternative 1 would involve less planting and natural stream processes that provide long-term GHG reductions through carbon sequestration. Alternative 1 would meet all feasibility criteria and would meet most project objectives.

Compared to the proposed project, Alternative 2 would result in reduced operational impacts and increased long-term benefits on biological resources, hydrology and water quality, hazards, recreation, and transportation and circulation. Compared to the proposed project, Alternative 2 would result in a minor long-term net benefit for GHG emissions. Alternative 2 would meet all feasibility criteria and all project objectives.

In response to comment A5-2, Section ES.5 Summary of Alternatives to the Project in the Draft EIR (page ES-12) has been revised as follows:

Compared to the proposed project, Alternative 3 would result in a slight reduction in long-term aesthetic, biological, and hydrology and water quality impacts than the proposed project. However, this alternative could result in slightly increased temporary air quality, GHG emissions, and energy impacts during construction due to increased import of materials. Alternative 3 would result in similar long-term GHG emission impacts as the proposed project. Alternative 3 would meet all feasibility criteria and all project objectives.

A staff-initiated text change has been made to Table ES-1 in the Draft EIR (page ES-17) as follows:

Table ES-12 Summary of Impacts and Mitigation for the Project

In response to comment A5-1, Table ES-2 Summary of Impacts and Mitigation for the Project in the Draft EIR (Page ES-28) has been revised as follows:

3 DRAFT EIR TEXT REVISIONS

Impact	Level of Significance Before Mitigation	Mitigation Measures
Impact 3.1-3: The project would substantially degrade the existing visual character or quality of public views of the site and its surroundings	Potentially Significant	Mitigation Measure 3.1-3: Large Tree Planting. The District will integrate large box trees <u>24-inch or 36-inch box trees</u> into the final planting plan and design for Frederick Allen Park, to the extent ecologically appropriate for the proposed species. The Town of Ross will provide the desired size and species of trees to the District. The final planting plan will be provided to the Town of Ross for review and approval comment <u>no less than 90 days prior to landscaping.</u> <u>The District will be responsible for maintaining replacement trees until they become established and for replacing dead trees for a period of no less than 10 years.</u>
Impact 3.4-2: The project could cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.	Potentially Significant	Mitigation Measure 3.4-2: Inadvertent Discoveries of Archaeological Resources. If evidence of any subsurface archaeological features or deposits are discovered during construction-related earth-moving activities, all ground-disturbing activity in the area of the discovery shall be halted within 50 feet of the find, and the finds shall be protected until they are examined by a qualified archaeologist. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil (“midden”) containing heat-affected rocks, artifacts, or shellfish remains; stone-milling equipment (e.g., mortars, pestles, handstones, milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-era materials might include building or structure footings and walls and deposits of metal, glass, and/or ceramic refuse. The District shall retain a qualified archaeologist who meets the U.S. Secretary of the Interiors professional qualifications in archaeology to assess the significance of the find and make recommendations for further evaluation and treatment as necessary. A Native American representative from a traditionally and culturally affiliated tribe will be notified and invited to assess the find if the artifacts are of Native American ancestry and determined to be more than an isolated find. If the discovery is in an area below Stadium Way and on lands under the jurisdiction of California State Lands Commission, that agency shall be notified. Any treatments and disposition of any artifacts uncovered under the jurisdiction of the California State Lands Commission must be approved by the California State Lands Commission before the treatment is implemented. If, after evaluation, a resource is considered a historical resource or unique archaeological resource (as defined in CEQA Guidelines Section 15064.5), or a tribal cultural resource (as defined in PRC Section 21074), all preservation options shall be considered as required by CEQA (see CEQA Guidelines Section 15126.4 and PRC 21084.3), including possible capping, data recovery, mapping, or avoidance of the resource. Treatment that preserves or restores the cultural character and integrity of a tribal cultural resource may include tribal monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil. Work in the area may resume, at the direction of the District, upon completion of treatment. <u>An Unanticipated Discoveries Evaluation and Treatment Plan shall be prepared before construction that details the procedures for dealing with unanticipated discoveries, including procedures that would be implemented for discoveries that cannot be protected in place.</u> The results of the identification, evaluation, and/or data recovery program for any unanticipated discoveries shall be presented in a professional-quality report that details all methods and findings, evaluates the nature and significance of the resources, analyzes and interprets the results, and distributes this information to the public.
Impact 3.12-3: The project could affect existing recreational opportunities.	Potentially Significant	Mitigation Measure 3.1-2 3.1-3: Large Tree Planting (see Aesthetics and Visual Resources above) Mitigation Measure 3.12-3: Temporary Shade Structures. The District shall coordinate with the Town of Ross to select the type and location for installation of temporary shade structures in Frederick Allen Park. The temporary shade structures shall be located along the edge of the Bike Route 20 multi-use path and at seating areas as needed to provide shade during the vegetation establishment period. The temporary shade structures shall be removed when the tree canopy has sufficiently established to provide afternoon shade of the pathway and as determined through coordination with the Town of Ross. The District will submit a draft plan for the shade structures to the Town of Ross no less than 60 days prior to construction. Mitigation Measure 3.14-1: Traffic Management (see Transportation and Circulation below)
Impact 3.13-1: The project could conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.	Potentially Significant	Mitigation: Mitigation Measure 3.13-1: Traffic Management Prior to initiation of construction, the Project contractor(s) shall use a qualified traffic engineer to prepare a Traffic Management Plan (TMP). The TMP shall be developed on the basis of detailed design plans. The TMP shall be reviewed and approved by the District and agencies with jurisdiction over roadways affected by project construction activities prior to construction. Once approved, the TMP shall be incorporated into the contract documents specification. The TMP shall include, but not necessarily be limited to, the elements listed below: <ul style="list-style-type: none">• Develop a detour plan for bicycle and pedestrian traffic that shows the approach to reroute traffic on Bike Route 20 to Poplar/Kent Avenue from the College of Marin Parking lot to Ross Common.• <u>Post temporary Bike Route 20 detour and associated signage that meets all the accessibility requirements stated under the Americans with Disabilities Act and CBC Title 24.</u>• Post signs providing public notice of detours at least 14 <u>20</u> days prior to temporary bike route closure.• Provide flaggers at the tennis courts within Frederick Allen Park to provide safe pedestrian access to the tennis courts.• Control and monitor construction-vehicle movements by enforcing standard construction specifications through periodic on-site inspections.

3 DRAFT EIR TEXT REVISIONS

Impact	Level of Significance Before Mitigation	Mitigation Measures
		<ul style="list-style-type: none">• Install traffic-control devices where traffic conditions warrant, as specified in the applicable jurisdiction’s standards (e.g., the California Manual on Uniform Traffic Control Devices; Part 6: Temporary Traffic Control); flaggers would be used, when warranted, to control vehicle movements.• Implement a public information program to notify interested parties of the impending construction activities using means such as print media, radio, and/or web-based messages and information.• Comply with roadside safety protocols to reduce the risk of accidents.• Maintain access for emergency vehicles at all times. Provide advance notification to local police, fire, and emergency service providers of the timing, location, and duration of construction activities that could affect the movement of emergency vehicles on area roadways.• Store all equipment and materials in designated contractor staging areas on or adjacent to the worksite in such a manner as to minimize obstruction to traffic.

3.2.3 Chapter 1 Introduction

In response to comments A5-6 and B1-2, Section 1.1.4 Town of Ross in the Draft EIR (page 1-5) has been revised as follows:

1.4.4 Town of Ross

The Town of Ross owns Frederick Allen Park. The District ~~would~~ will need to obtain Town of Ross approval of an easement for construction and maintenance of project elements on Town property. The District ~~would~~ will enter into a maintenance agreement with the Town regarding maintenance of project elements within Frederick Allen Park. The Town is a responsible agency under CEQA in the review of project elements within Town jurisdiction. The proposed project would require the Town's Design Review approval and an easement for construction and long-term management of the constructed habitats. In addition, a Town of Ross tree removal permit ~~is~~ would be required prior to removing trees within the Town of Ross.

3.2.4 Chapter 2 Project Description

In response to comment B1-26, page 2-1 in the Draft EIR has been revised as follows:

San Anselmo Creek and Ross Creek merge to form Corte Madera Creek west of the Lagunitas Road Bridge ~~flows into Corte Madera Creek west of Greenbrae at the confluence with Ross Creek.~~

In response to comment A5-8, Figures 2.5-1 to 2.5-3 in the Draft EIR (pages 2-9 to 2-11) have been revised as follows to show the existing concrete channel walls on both sides of the channel:

3 DRAFT EIR TEXT REVISIONS

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Figure 2.5-1 Project Elements (Map 1 of 3)



Figure 2.5-2 Project Elements (Map 2 of 3)

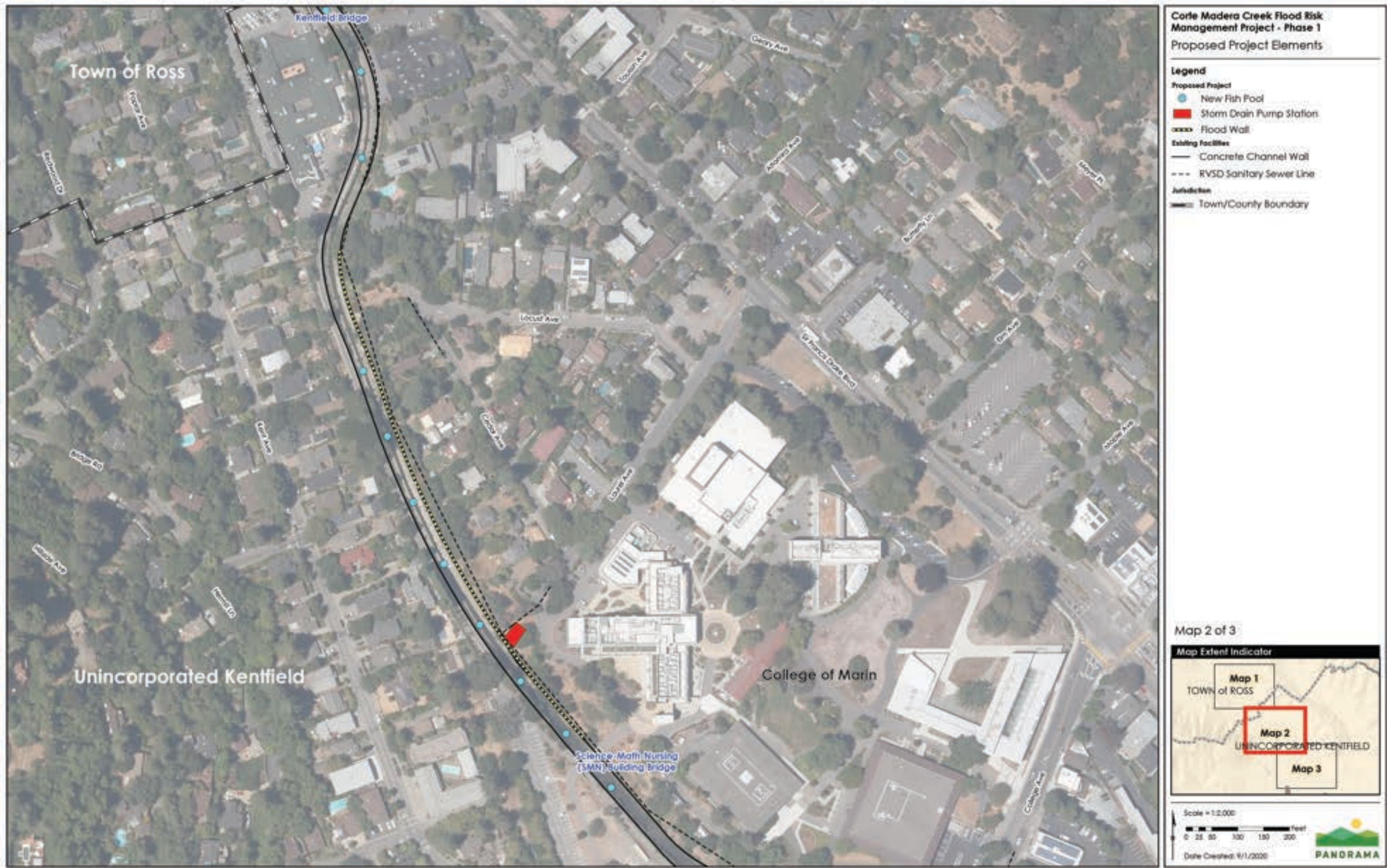


Figure 2.5-3 Project Elements (Map 3 of 3)



3 DRAFT EIR TEXT REVISIONS

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3 DRAFT EIR TEXT REVISIONS

In response to comment B1-27, page 2-14 in the Draft EIR has been revised as follows:

- **Habitat-enhancing elements.** Creek habitat would be enhanced by replacing the concrete channel with an earthen channel and vegetation downstream from Stadium Way Avenue.

In response to comment B1-28, page 2-23 in the Draft EIR has been revised as follows:

Rock and fill energy dissipators, a vegetated bioretention basin, and boulder-lined bioswales would be installed within the newly created ~~channel~~ habitats, including the transition zone.

A vest-pocket park ~~would be created~~ adjacent to the existing multi-use path ~~would be enhanced. The upland habitat around the pocket park would be enhanced~~ by planting native understory vegetation ~~beneath the existing trees.~~ The two existing trees in the park would be preserved.

In response to comment B1-29, Figure 2.5-8 in the Draft EIR (page 2-25) has been revised, as shown on the following page.

In response to comment B1-3-, Table 2.6-1 Temporary Work Area and permanent Modifications by Element on page 2-26 in the Draft EIR has been revised as follows:

Unit 2	Floodwall (segment #1)	4,750	950	5,700
	Lower College of Marin concrete channel removal	0	80,419 86,250 ^{a, b}	80,419 86,250

In response to comments B1-25 and B1-31, Figure 2.6-1 in the Draft EIR (page 2-27) has been revised, as shown on the following page.

In response to comment A5-9, Section 2.6.4 Grading in the Draft EIR (page 2-34) has been revised as follows:

2.6.4 Grading

Project construction would require grading within the Corte Madera Creek channel and Frederick Allen Park. Areas of channel lowering (Unit 4) and concrete channel removal would be excavated (cut). In addition to earthen fill in some locations, rock placement would be needed for channel stability and to protect utilities. A concrete apron or half-ton rock would be installed where the fish ladder would be removed in Unit 4, to stabilize sediment and soils. Concrete would be used for the short floodwalls, for retaining walls, and to seal the excavated fish pools. Excavation and fill quantities for each project element are identified in Table 2.6-3.

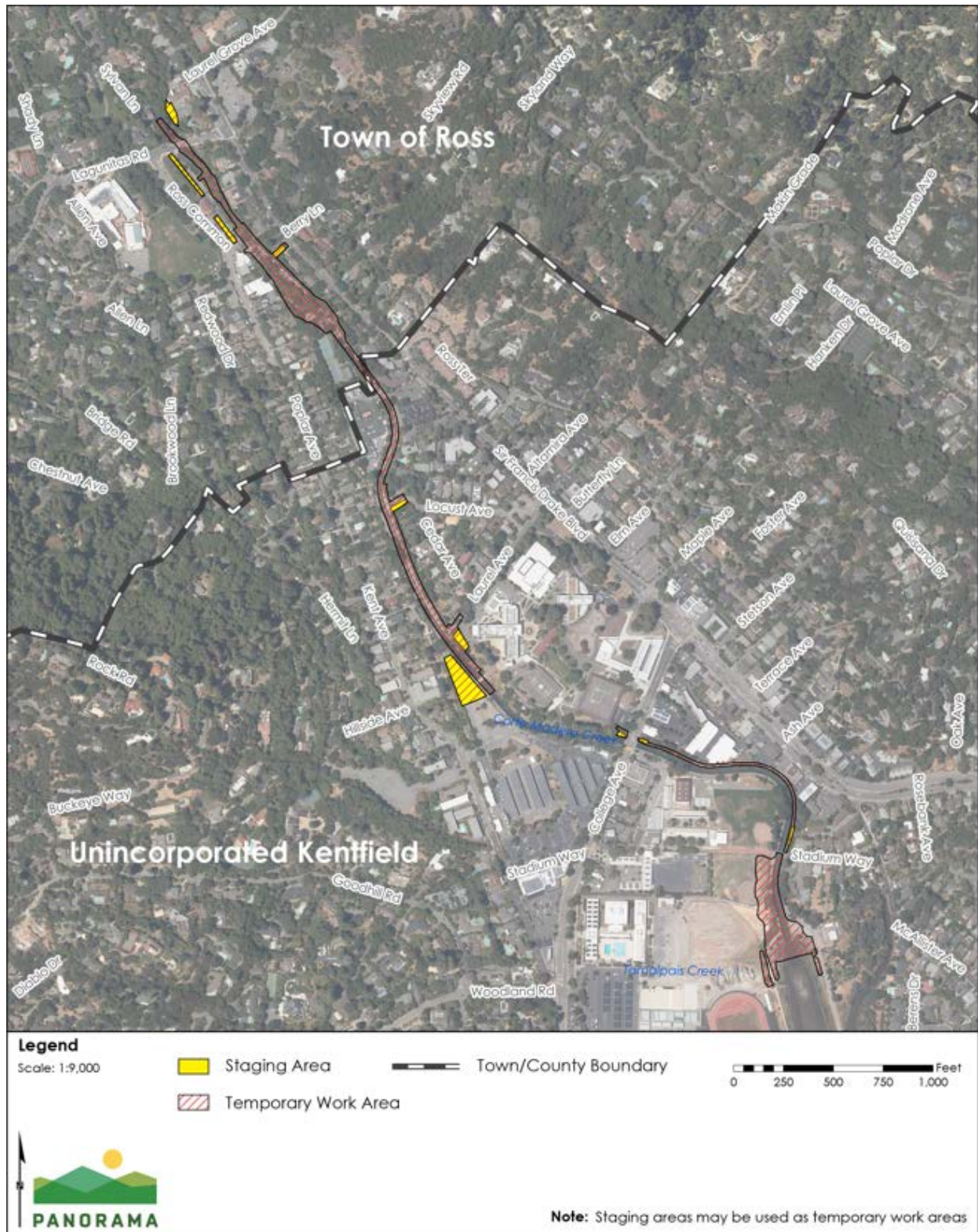
3 DRAFT EIR TEXT REVISIONS

Figure 2.5-8 Lower College of Marin Concrete Channel Removal Habitat Creation



3 DRAFT EIR TEXT REVISIONS

Figure 2.6-1 Staging, Stockpile, and Temporary Work Areas



3 DRAFT EIR TEXT REVISIONS

In response to comment A5-5, Table 2.6-4 Tree Planting List on page 2-37 in the Draft EIR has been revised as follows:

Common Name	Species Name	Size
Frederick Allen Park		
Coast live oak	<i>Quercus agrifolia</i>	36-inch box ^a
Valley oak	<i>Quercus lobata</i>	24-inch box ^a
Lower College of Marin Concrete Channel Removal		
Box elder	<i>Acer negundo</i>	Treepot 4 ^{ab}
Buckeye	<i>Aesculus californicus</i>	Treepot 4 ^{ab}
Coast live oak	<i>Quercus agrifolia</i>	Treepot 4 ^{ab}
Valley oak	<i>Quercus lobata</i>	Treepot 4 ^{ab}
^a A 36-inch box tree would be approximately 10 to 20 feet in height and a 24-inch box tree would be approximately 8 to 15 feet height		
^{ab} The sizes indicated are minimum size requirements. Treepot 4 is a 4-inch square by 14-inch-deep pot.		

In response to comment A5-10, Section 2.7.2 Maintenance in the Draft EIR (page 2-42) has been revised as follows:

2.7.2 Maintenance

Once constructed, the project would require ongoing maintenance activities. Maintenance would be similar to existing District maintenance on Corte Madera Creek; however, the newly constructed habitat would require additional landscape maintenance and vegetation management during the establishment period. Maintenance activities would include the following:

1. Vegetation management
2. Sediment and debris removal
3. Stormwater pump station maintenance
4. Annual floodwall and structure inspection and maintenance

Most maintenance activities would occur during the dry season from April 15 to October 15. The Town of Ross would need to grant an easement to the District for maintenance of project elements on Town property, specifically in Frederick Allen Park. As a part of the easement approval process, the District would enter into a maintenance agreement with the Town of Ross that would specify the District's and Town's responsibilities for maintenance of project elements in Frederick Allen Park.

3 DRAFT EIR TEXT REVISIONS

In response to comment A5-11, Section 2.7.2 in the Draft EIR (page 2-42) has been revised as follows:

Vegetation Management

Vegetation-management activities are employed to achieve three main goals:

1. Maintain channel flow capacity.
2. Reduce fire fuels.
3. Restore creek habitat by removing invasive nonnative plants and revegetating with native plants.

Vegetation management activities would not include ground-disturbing activities. These activities employ vegetation control methods such as cutting and removing invasive vegetation above the ground by hand or with loppers, hand saws, chainsaws, pole saws, weed eaters, and other hand tools. Removal of nonnative vegetation, tree removal, and thinning employ a mix of tools including chainsaws, loppers, hand saws, pole saws, hedge trimmers, and other hand tools. Vegetation management also would include maintenance of replacement trees planted in Frederick Allen Park, including monitoring the establishment of trees after planting.

In response to comment A5-13, Table 2.8-1 in the Draft EIR (page 2-44) has been revised as follows:

Town of Ross	Tree permit Easement <u>and MOU</u> for construction and maintenance within Frederick Allen Park (Town of Ross property) <u>Design review</u>
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3.2.5 Chapter 3 Environmental Setting, Impacts, and Mitigation

3.0 Introduction

No revisions were made to this section.

3.1 Aesthetics and Visual Resources

In response to comment A5-14, Section 3.1.3 Aesthetic and Visual Concepts in the Draft EIR (page 3.1-2) has been revised as follows:

3.1.3 Aesthetic and Visual Concepts

Baseline aesthetic conditions are defined within the context of visual quality and visual sensitivity. For the purpose of this EIR, visual quality and visual sensitivity were defined consistent with the Federal Highway Administration (FHWA) Guidelines for the Visual Impact Assessment of Highway Projects (Federal Highway Administration 2015). While the project is not a highway project, the FHWA guidance was used to evaluate overall baseline visual quality in the project area because Marin County has not developed their own guidance for evaluating visual quality and the FHWA guidance was developed to address visual impacts in urban environments, similar to the visual environment of the

3 DRAFT EIR TEXT REVISIONS

proposed project. The Town of Ross's design review criteria and standards (Section 18.41.100 of the Town of Ross Municipal Code) would be addressed during the Town of Ross design review process.

In response to comment B1-27, page 3.1-6 in the Draft EIR has been revised as follows:

Lower Unit 3 and Unit 2 within the Kentfield area share similar characteristics as upper Unit 3 within the Town of Ross. Unit 3 extends from Kentfield Hospital downstream to just south of Stadium ~~Way~~ Avenue. Bike Route 20 continues through Kentfield adjacent to the right bank of the creek, eventually crossing to the left bank at the Stadium ~~Way~~ Avenue Bridge.

In response to comments A5-15 and B1-32, Figure 3.1-5 in the Draft EIR (page 3.1-8) has been updated with the correct photo in the FEIR as follows:

Figure 3.1-5 Photograph 8: View of Upper Unit 3 Fish Pools from Kentfield Hospital Bridge, Looking Southeast



In response to comments A5-16, A5-17, and A5-18, page 3.1-15 in the Draft EIR has been revised to include the following text under Section Town of Ross Municipal Code:

Section 12.24.100. Tree Protection Plan. To protect trees during construction of a project and thereafter, and to maximize the chances of their subsequent survival, a Tree Protection Plan shall be required on sites where Significant or Protected trees may be affected. The Tree Protection Plan shall include a certified arborist's report on existing conditions as well as a plan for tree protection during project construction.

(1) When a Tree Protection Plan is Required. A tree protection plan shall be required as part of the materials submitted with applications for Hillside Lot Permits and Hazard Zone Use Permits.

A Tree Protection Plan may be required for Subdivision Permits, Variances, Demolition Permits, Design Review, or Grading and/or Building Permit reviews at the discretion of the Public Works Director or Town Council, as applicable.

Chapter 18.41, Design Review

3 DRAFT EIR TEXT REVISIONS

Purpose (b): This chapter is intended to guide new development to preserve and enhance these special qualities of Ross and to sustain the beauty of the town's environment.

Section 18.41.100 Design Review Criteria and Standards.

(a) Preservation of Natural Areas and Existing Site Conditions.

(1) The existing landscape should be preserved in its natural state by keeping the removal of trees, vegetation, rocks and soil to a minimum. Development should minimize the amount of native vegetation clearing, grading, cutting and filling and maximize the retention and preservation of natural elevations, ridgelines and natural features, including lands too steep for development, geologically unstable areas, wooded canyons, areas containing significant native flora and fauna, rock outcroppings, view sites, watersheds and watercourses, considering zones of defensible space appropriate to prevent the spread of fire.

(2) Sites should be kept in harmony with the general appearance of neighboring landscape. All disturbed areas should be finished to a natural-appearing configuration and planted or seeded to prevent erosion.

(d) Materials and Colors.

(2) Natural materials such as wood and stone are preferred, and manufactured materials such as concrete, stucco or metal should be used in moderation to avoid visual conflicts with the natural setting of the structure.

(3) Soft and muted colors in the earth-tone and wood-tone range are preferred and generally should predominate.

(g) Fences and Screening.

Fences and walls should be designed and located to be architecturally compatible with the design of the building. They should be aesthetically attractive and not create a "walled-in" feeling or a harsh, solid expanse when viewed from adjacent vantage points. Front yard fences and walls should be set back sufficient distance from the property line to allow for installation of a landscape buffer to soften the visual appearance. Transparent front yard fences and gates over four feet tall may be permitted if the design and landscaping is compatible and consistent with the design, height and character of fences and landscaping in the neighborhood. Front yard vehicular gates should be transparent to let light and lines of sight through the gate. Solid walls and fences over four feet in height are generally discouraged on property lines adjacent to a right-of-way but may be permitted for properties adjacent to Poplar Avenue and Sir Francis Drake Boulevard based on the quality of the design, materials, and landscaping proposed. Driveway gates should be automatic to encourage use of onsite parking.

3 DRAFT EIR TEXT REVISIONS

Pedestrian gates are encouraged for safety, egress, and to encourage multi-modal transportation and pedestrian-friendly neighborhood character.

(h) Views.

Views of the hills and ridgelines from public streets and parks should be preserved where possible through appropriate siting of improvements and through selection of an appropriate building design including height, architectural style, roof pitch and number of stories.

(i) Natural Environment.

(1) The high-quality and fragile natural environment should be preserved and maintained through protecting scenic resources (ridgelines, hillsides, trees and tree groves), vegetation and wildlife habitat, creeks, drainageways threatened and endangered species habitat, open space and areas necessary to protect community health and safety.

(j) Landscaping.

(1) Attractive, fire-resistant, native species are preferred. Landscaping should be integrated into the architectural scheme to accent and enhance the appearance of the development. Trees on the site, along public or private streets and within twenty feet of common property lines, should be protected and preserved in site planning. Replacement trees should be provided for trees removed or affected by development. Native trees should be replaced with the same or similar species. Landscaping should include planting of additional street trees as necessary.

(2) Landscaping should include appropriate plantings to soften or screen the appearance of structures as seen from off-site locations and to screen architectural and mechanical elements such as foundations, retaining walls, condensers and transformers.

(3) Landscape plans should include appropriate plantings to repair, reseed and/or replant disturbed areas to prevent erosion.

(4) Landscape plans should create and maintain defensible spaces around buildings and structures as appropriate to prevent the spread of wildfire.

(5) Wherever possible, residential development should be designed to preserve, protect and restore native site vegetation and habitat. In addition, where possible and appropriate, invasive vegetation should be removed.

3 DRAFT EIR TEXT REVISIONS

The following text has been added to page 3.1-15 under Town of Ross General Plan in the Draft EIR.

3.2. Landscape Design. Where appropriate, encourage landscape designs that incorporate existing native vegetation, enhance the cohesiveness of the Town's lush, organic landscape and integrate new planting with existing site features.

In response to comments A5-16, A5-17, and A5-18, Impact 3.1-2 in the Draft EIR (pages 3.1-20 and 3.1-21) has been revised as follows:

Town of Ross General Plan

As discussed above under Goal 1, the proposed project would involve native riparian vegetation planting within Unit 4 and Upper Unit 3 (Frederick Allen Park), which would improve the existing riparian habitat adjacent to the creek. The proposed project would involve native tree planting in the park, including willows along the channel. The proposed project would be consistent with Policy 3.2 because landscaping would include planting native vegetation that would enhance the existing environment and have a beneficial impact on riparian habitat.

Town of Ross Municipal Code

Chapter 12.24 of the Municipal Code provides ratios for replacing trees that have been removed and requirements for a Tree Protection Plan. The project would adhere to the mitigation ratios and tree replacement standards in the Town of Ross Municipal Code, and the District would obtain a tree removal permit from the Town of Ross to ensure there would be no conflict. The District would prepare a Tree Protection Plan as part of the Design Review process. The Tree Protection Plan would include a certified arborist's report on the existing trees in the project area that could be affected by project construction and a plan for protecting existing trees during construction. Because the District would provide tree planting and replacement at the ratio required by the Town of Ross, ~~and obtain a Tree Removal Permit tree removal permit from the Town of Ross,~~ and prepare a Tree Protection Plan, the impact from conflict with Town of Ross Municipal Code would be less than significant.

Section 18.41.100 of the Municipal Code provides guidelines for development in the Town of Ross. The Town of Ross would be responsible for verifying that the proposed project complies with the Town's Design Review guidelines through the Design Review process. The following analysis is presented for informational purposes only and does not replace the Town of Ross's independent Design Review.

The proposed project would involve removal of trees and vegetation to construct a new riparian floodplain and natural creek channel. As discussed previously, the proposed project would adhere to mitigation ratios and tree replacement standards in the Town of Ross's Municipal Code and would involve planting riparian vegetation, to enhance habitat along the creek. Disturbed areas would be revegetated and planted with new trees, to maintain and enhance the landscape habitat along the creek. The proposed

3 DRAFT EIR TEXT REVISIONS

project also would remove the concrete walls within the creek channel and replace the concrete channel with a natural creek channel, which would be consistent with Section 18.41.100(a) of the Municipal Code. Therefore, the proposed project would comply with Design Review criteria and standards (a), Preservation of Natural Areas and Existing Site Conditions, and no impact would occur.

The concrete retaining wall in Frederick Allen Park would not extend above the ground surface and would be shorter than the existing concrete channel wall. Project landscaping and vegetation would minimize the visual contrast of the retaining wall with the surrounding area. The retaining wall would not conflict with the surrounding natural setting. The new floodwall in Frederick Allen Park would be 2 feet high and also would be screened by landscaping and native vegetation. Because native vegetation would be visible along the expanse of the floodwall, the floodwall would not conflict with the surrounding natural setting. The proposed project would result in a substantial net reduction in concrete in Frederick Allen Park and increase in use of natural materials, compared to existing conditions, and would comply with design review criteria and standards (d) Materials and Colors.

The proposed project would include a split-rail fence in Frederick Allen Park, which would be installed along the top of the channel to prevent encroachment into habitat areas during the vegetation establishment period. The split-rail fence could be removed after the habitat is established. The split-rail fence would not create a solid expanse and would allow light and lines of site through the spaces in the fence. The fence would not conflict with design review criteria and standards (g) Fences and Screening, and no impact would occur.

As described under Impact 3.1-1, the proposed project would not impact scenic vistas or views, including views of hillsides and ridgelines. The proposed project would not conflict with Design Review criteria and standards (h) Views because the project elements would be low-lying and would not block any views of scenic vistas or ridgelines. Thus, no impact would occur.

The proposed project would not impact ridgelines, hillsides, or tree groves. The proposed project would replace the trees removed in Frederick Allen Park, in accordance with the Town of Ross's Municipal Code. The proposed project would include habitat enhancing elements, including riparian vegetation planting in Unit 4 and Upper Unit 3, and concrete channel removal in Upper Unit 3 and lower Unit 2. The proposed project would result in more natural creek conditions and enhanced habitat and would comply with the natural environment guideline (Section 18.41.100[i] of the Municipal Code). Therefore, the proposed project would not conflict with Design Review criteria and standards (i) Natural Environment. No impact would occur.

As discussed above, the proposed project would involve riparian vegetation planting, and trees proposed for removal would be replaced, per the Town of Ross's Municipal

3 DRAFT EIR TEXT REVISIONS

Code. Graded areas in Frederick Allen Park would be revegetated to prevent erosion. After being constructed, the proposed project would require ongoing vegetation management as a part of maintenance activities, which would include removal of invasive nonnative plants and revegetation with native plants. The proposed project would comply with design review criteria and standards (j) Landscaping. No impact would occur.

The proposed project would comply with all applicable Town of Ross design review criteria and standards and there would be no significant impact.

In response to comment A5-21, page 3.1-26 in the Draft EIR has been revised as follows:

After a period of approximately 10 years, a new tree canopy would become established, and the visual character of the park would be similar to the existing conditions where trees shade the pathway and screen views of the surrounding buildings and structures as shown in Figure 3.1-13. After 20 years, the trees would mature and an extensive tree canopy would cover the park, as shown in Figure 3.1-14. The improvements to the park, including tree planting, additional seating, educational signage, and access to the creek would provide views of a natural creek corridor and would provide greater wildlife viewing opportunities due to the wildlife that would be attracted to the area. Under the District's MOU with the Town of Ross for maintenance in Frederick Allen Park, the District would be responsible for maintenance of replacement trees planted in the park, including monitoring establishment of trees after planting. This would ensure that the tree planting is successful, and that the tree canopy is established in the park.

3 DRAFT EIR TEXT REVISIONS

In response to comment B1-15, Figure 3.1-16, KOP 2: Visual Simulation of Pump Station, Unit 3 on page 3.1-34 in the Draft EIR has been revised to show the pump station painted a neutral color as follows:

Figure 3.1-16 KOP 2: Visual Simulation of Pump Station, Unit 3



In response to comment A5-5 and Comment A5-23, the text of Mitigation Measure 3.1-3: Large Tree Planting has been revised as follows:

Mitigation Measure 3.1-3: Large Tree Planting. The District will integrate ~~large box trees~~ 24-inch or 36-inch box trees into the final planting plan and design for Frederick Allen Park, to the extent ecologically appropriate for the proposed species. The Town of Ross will provide the desired size and species of trees to the District. The final planting plan will be provided to the Town of Ross for review and approval ~~comment~~ no less than 90 days prior to landscaping. The District will be responsible for maintaining replacement trees until they become established and for replacing dead trees for a period of no less than 10 years.

3.2 Air Quality

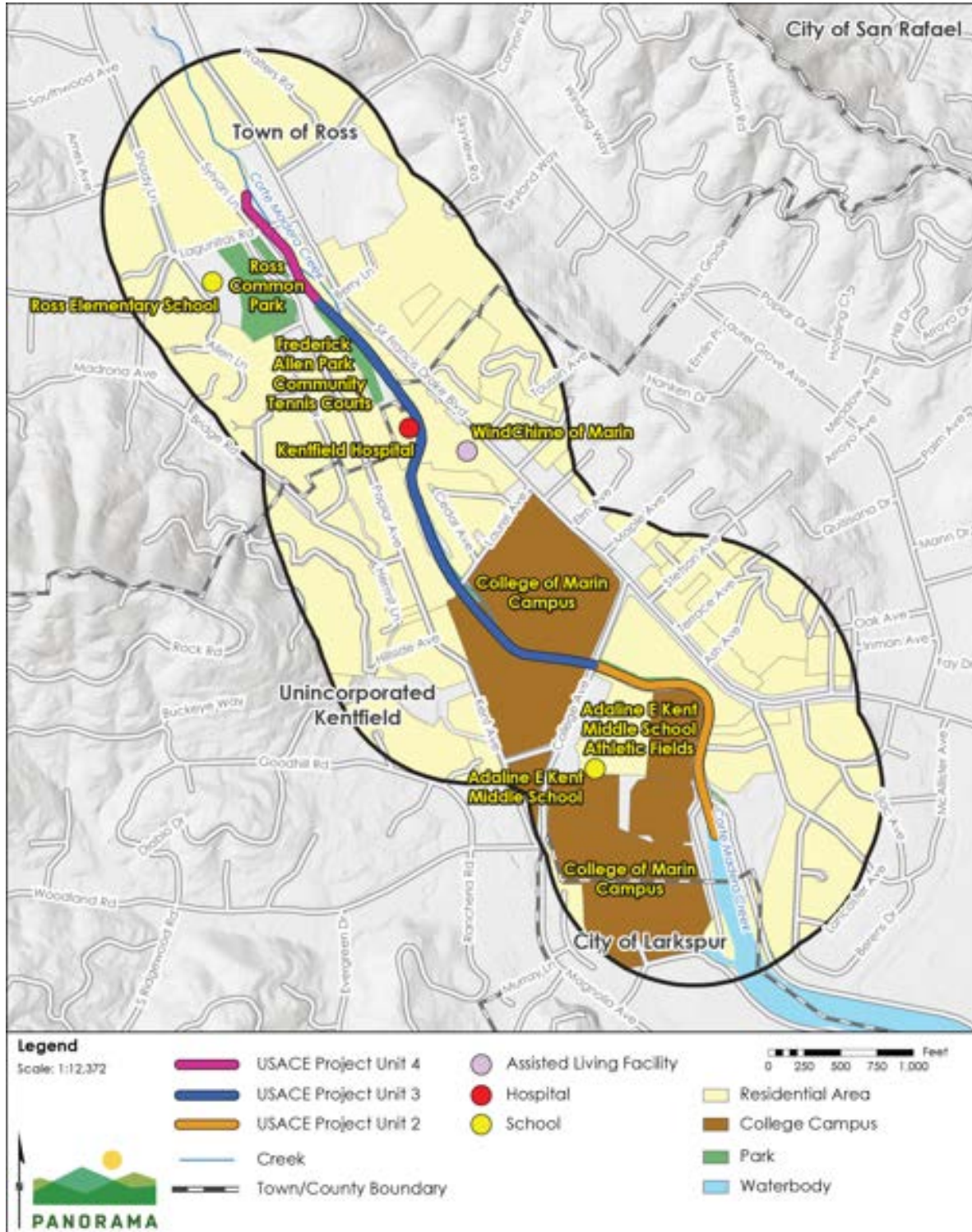
In response to comment B1-33, Figure 3.2-2 in the Draft EIR (page 3.2-12) has been revised, as shown on the following page.

3.3 Biological Resources

In response to comments B1-25 and B1-31, Figure 3.3-3 in the DIER (page 3.3-11) has been revised, as shown on the following page.

3 DRAFT EIR TEXT REVISIONS

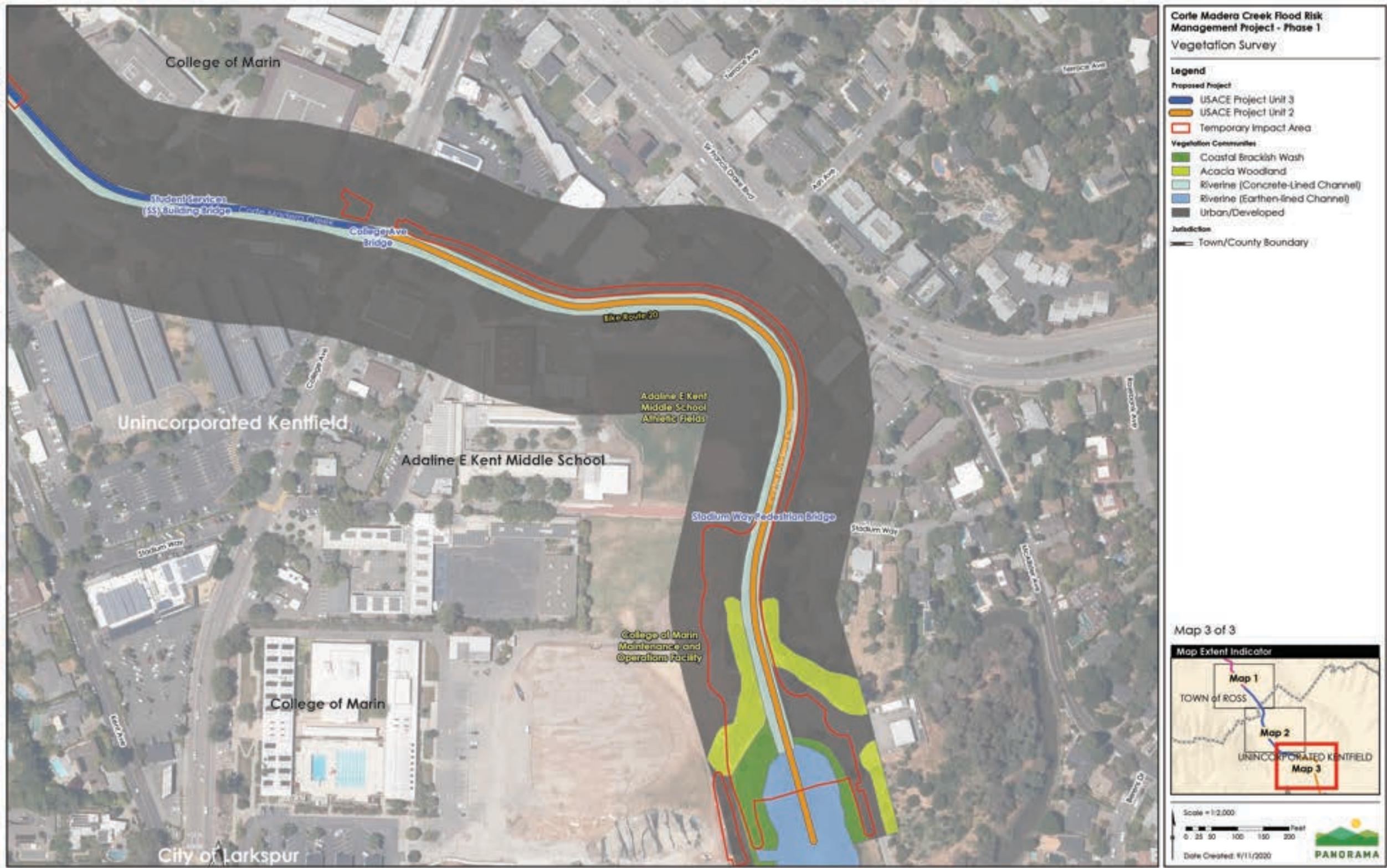
Figure 3.2-2 Sensitive Receptors within 1,000 Feet of the Project Area



3 DRAFT EIR TEXT REVISIONS

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Figure 3.3-3 Habitat Types within Project Area (Map 3 of 3)



3 DRAFT EIR TEXT REVISIONS

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3 DRAFT EIR TEXT REVISIONS

In response to comment B3-8, page 3.3-17 in the Draft EIR has been revised as follows:

Wildlife Marin Audubon Society Friends of Corte Madera Creek Watershed has conducted ~~Christmas Bird Counts~~ bird counts along Corte Madera Creek from 1978 to 2019~~2003~~.

A staff-initiated text change has been made to page 3.3-36 in the Draft EIR as follows:

Studies in the Central Valley found that summering populations are substantially more abundant in remnant riparian stands of cottonwood or sycamore greater than 164 feet wide than in younger, less-extensive stands (Pierson, Rainey, & Corben, ~~2000~~ 2006).

In response to comment A5-18, Impact 3.3-5 in the Draft EIR (page 3.3-88) has been revised as follows:

The District would be required to obtain a tree removal permit from the Town of Ross and provide replacement trees as specified in the Town of Ross Municipal Code. The District would also be required to prepare a Tree Protection Plan as part of the Design Review process. The Tree Protection Plan would include a certified arborist's report on the existing trees in the project area that could be affected by project construction and a plan for protecting existing trees during construction. Because the District would obtain a tree removal permit and prepare a Tree Protection Plan in compliance ~~and comply~~ with the Town of Ross tree protection ordinance, the impact from conflict with Town of Ross ordinance for the protection of biological resources would be less than significant.

A staff-initiated text change has been made to page 3.3-94 in the Draft EIR as follows:

Pierson, E. D., Rainey, W. E., & Corben, a. C. (~~2000~~ 2006). Distribution and status of red bats, *Lasiurus blossevillei* in California. Prepared for California Department of Fish and Game, Species Conservation and Recovery Program, Habitat Conservation Planning Branch, Sacramento.

3.4 Cultural Resources

In response to comment A1-2, the text of Mitigation Measure 3.4-2: Inadvertent Discoveries of Archaeological Resources has been revised as follows:

Mitigation Measure 3.4-2: Inadvertent Discoveries of Archaeological Resources.

If evidence of any subsurface archaeological features or deposits are discovered during construction-related earth-moving activities, all ground-disturbing activity in the area of the discovery shall be halted within 50 feet of the find, and the finds shall be protected until they are examined by a qualified archaeologist. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; stone-milling equipment (e.g., mortars, pestles, handstones, milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-era materials might include building or structure footings and walls and deposits of metal, glass, and/or ceramic refuse. The District shall retain a

3 DRAFT EIR TEXT REVISIONS

qualified archaeologist who meets the U.S. Secretary of the Interiors professional qualifications in archaeology to assess the significance of the find and make recommendations for further evaluation and treatment as necessary. A Native American representative from a traditionally and culturally affiliated tribe will be notified and invited to assess the find if the artifacts are of Native American ancestry and determined to be more than an isolated find. If the discovery is in an area below Stadium Way and on lands under the jurisdiction of California State Lands Commission, that agency shall be notified. Any treatments and disposition of any artifacts uncovered under the jurisdiction of the California State Lands Commission must be approved by the California State Lands Commission before the treatment is implemented.

If, after evaluation, a resource is considered a historical resource or unique archaeological resource (as defined in CEQA Guidelines Section 15064.5), or a tribal cultural resource (as defined in PRC Section 21074), all preservation options shall be considered as required by CEQA (see CEQA Guidelines Section 15126.4 and PRC 21084.3), including possible capping, data recovery, mapping, or avoidance of the resource. Treatment that preserves or restores the cultural character and integrity of a tribal cultural resource may include tribal monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil. Work in the area may resume, at the direction of the District, upon completion of treatment. An Unanticipated Discoveries Evaluation and Treatment Plan shall be prepared before construction that details the procedures for dealing with unanticipated discoveries, including procedures that would be implemented for such discoveries that cannot be protected in place. The results of the identification, evaluation, and/or data recovery program for any unanticipated discoveries shall be presented in a professional-quality report that details all methods and findings, evaluates the nature and significance of the resources, analyzes and interprets the results, and distributes this information to the public.

3.5 Energy

No revisions were made to this section.

3.6 Geology and Soils

In response to comment B1-26, page 3.6-2 in the Draft EIR has been revised as follows:

San Anselmo Creek and Ross Creek merge to form Corte Madera Creek west of the Lagunitas Road Bridge ~~flows into Corte Madera Creek west of Greenbrae at the confluence with Ross Creek.~~

In response to comment A5-24, page 3.6-23 in the Draft EIR has been revised as follows:

Operation and Maintenance

The proposed project would ~~will~~ require removal of trees and vegetation within Frederick Allen Park and within Unit 2 to create natural habitat. The area of tree removal would be replaced with native vegetation including shrubs, grasses, and riparian trees. Revegetation would provide long-term stabilization to avoid substantial soil loss. The area of grading and excavation at the stormwater pump station and the

3 DRAFT EIR TEXT REVISIONS

floodwalls would be permanently stabilized by the project elements that would be installed in the area, including gravel and concrete. Long-term maintenance activities in Frederick Allen Park would be the responsibility of the District, as specified in the maintenance MOU between the Town of Ross and the District.

In response to comment B1-34, page 3.6-25 in the Draft EIR has been revised as followed:

Lower College of Marin

The Bay Mud underlying the Lower College of Marin Project area is weak. The Lower College of Marin Project work involves removal of a portion of the existing concrete channel and riprap, creating a less steeply sloped habitat area and planting the area to establish saltwater marsh and transitional habitat. Riprap would be reinstalled as needed for stability. The reduced slope of the created habitat relative to existing conditions, and use of soil stabilization, including riprap reuse, would generally stabilize the underlying soils. In addition, Marin County Municipal Code requires the Department of Public works to review acceptable soils and geologic reports prior to construction activities located on Bay Mud. ~~Per these regulatory requirements, the geotechnical investigation report for the lower College of Marin concrete channel removal, which is located on Bay Mud, will~~ The Miller Pacific geotechnical report prepared by for the Lower College of Marin Project includes detailed information related to soils matters such as stability, erosion; and settlement, and will includes recommendations for remediating soil instability expansive soils, which may includes for example, including removal of these soils and replacement replacing them with engineered imported fill. With adherence to the Marin County Municipal Code, the project would have a less than significant impact due to its location on unstable soil units.

3.7 Greenhouse Gas Emissions

In response to comment A5-25, page 3.7-11 in the Draft EIR has been revised as follows:

- Adopt and implement a policy requiring limitations on idling for commercial vehicles, construction vehicles, buses and other similar vehicles, beyond state law, where feasible.
- Continue to enforce policies and programs that regulate the removal and replacement of significant trees.
- To the extent possible, require new development to be planned around existing trees.
- Support the preservation and creation of conservation areas that provide carbon sequestration benefits, such as those with tree cover.

3.8 Hazards and Hazardous Materials

No revisions were made to this section.

3 DRAFT EIR TEXT REVISIONS

3.9 Hydrology and Water Quality

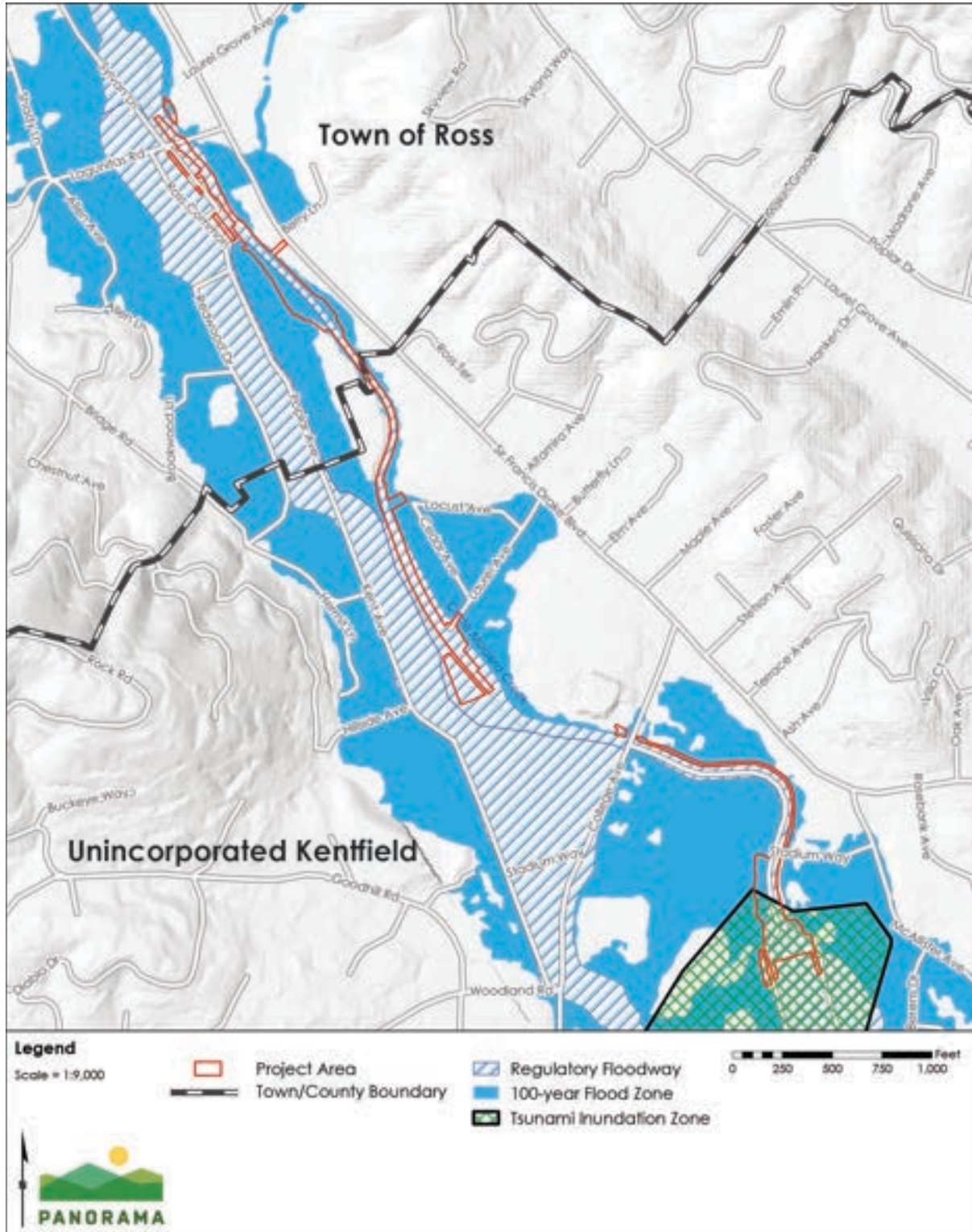
In response to comment A5-27, page 3.9-16 in the Draft EIR has been revised as follows:

Floodway and Tsunami Inundation Zones

Given that project construction would involve work in or along the creek channel, the project area at least partially would overlaps the regulatory floodway. A small portion of Unit 2, Lower Corte Madera Creek, is in the Tsunami Inundation Area (California Emergency Management Agency, 2009) (see Figure 3.9-3 below). Any locations where the proposed project would cause an increase in the 100-year base flood elevation within the regulatory floodway would require a Conditional Letter of Map Revision from FEMA.

In response to comments B1-25 and B1-31, Figure 3.9-3 in the DIER (page 3.9-18) has been revised as follows:

Figure 3.9-3 Floodway and Tsunami Inundation Zones



3 DRAFT EIR TEXT REVISIONS

In response to comment B1-37, pages 3.9-21 and 3.9-22 in the Draft EIR have been revised as follows:

Corte Madera Creek also exhibits high water temperatures. These increased temperatures have been attributed to urbanization of the watershed, specifically the reduction of shaded stream surface area due to loss of riparian vegetation and increased channel width, although less so within Unit 4 (Friends 2008a, in (USACE, 2010)). Increased temperatures also have been attributed to low streamflow, caused by groundwater pumping for irrigation, and lack of infiltration, caused by extensive impermeable surfaces.

In response to comments B1-39 and B1-40, pages 3.9-42 and 3.9-43 in the Draft EIR has been revised as follows:

Unit 2 Lower College of Marin Concrete Channel Removal

The ~~Lower College of Marin Project concrete channel removal~~ will involve the removal of portions of the concrete-lined flood control channel walls downstream ~~of from~~ Stadium Way to restore natural creek function and create tidal and wetland habitat.

Much of the exposed area will be revegetated with native vegetation; however, re-exposed channel sediments could be mobilized during tidal flows. The Unit 2 concrete channel removal project area is within the tidal influence of the San Francisco Bay. The Central San Francisco Bay is listed on the 303(d) list for mercury, PCBs, furan compounds, dioxin compounds, pesticides, and other contaminants. Sediments that would be excavated and exposed during construction could potentially be contaminated due to existing known contaminants in the San Francisco Bay, and the construction could result in transport of sediments and associated pollutants into San Francisco Bay. The transport of contaminated sediment to San Francisco Bay would be a significant impact. Soil testing was performed on samples from borings in the Lower College of Marin Project's concrete removal area (Geomorph Design Group, 2020). The soil samples were tested for heavy metals (CAM 17 metals), TPH (gas, diesel, and motor oil), semi-volatile organic compounds and PCBs. No hazardous materials were detected in the samples, and the soil contaminants are within the standard background levels for Marin County. ~~The implementation of Mitigation Measure 3.9-1: Conduct Soil/Sediment Testing, would ensure that soil and sediment exposed by the project is tested and any contaminated sediments are removed/immobilized.~~

As mentioned in the analysis of the other project elements construction above, compliance with the Construction General Permit and implementations of the SWPPP and associated BMPs would reduce the potential degradation of surface water quality and potential impacts from construction-related spills or leaks. Therefore, with the implementation of the SWPPP, and associated BMPs, ~~and Mitigation Measure 3.9-1,~~ ~~construction of the Lower College of Marin concrete channel removal~~ would not violate water quality standards or waste discharge requirements or otherwise substantially

3 DRAFT EIR TEXT REVISIONS

degrade surface or ground water quality. The impact would be less than significant ~~with the application of the prescribed mitigation measure.~~

A staff-initiated text change has been made to page 3.9-47 in the Draft EIR as follows:

Unit 2 Lower College of Marin Concrete Channel Removal ~~Corte Madera Creek (Phase 2)~~

In response to comment B1-40, pages 3.9-47 and 3.9-48 in the Draft EIR have been revised as follows:

Following concrete removal, much of the exposed area will be revegetated with native vegetation. However re-exposed channel sediments along the lower banks and streambed could be mobilized during ~~tidal flows or~~ flood events and tidal conditions, possibly building up fine sediment deposition in the reach that could be mobilized during daily tidal cycles, potentially increasing turbidity and transporting associated pollutants into San Francisco Bay. As discussed above, soil sampling in the Lower College of Marin area concluded that the soils are not hazardous, and the proposed project would not expose contaminated soil and sediment. ~~Implementation of Mitigation Measure 3.9-1 would ensure that soil and sediment exposed by the project is tested and any contaminated sediments are removed/immobilized during construction.~~ In addition, site-specific bank protection will be installed in areas determined to be at increased risk of erosion or scour and creation and enhancement of vegetated tidal habitat would minimize the risk of erosion and increased turbidity to a less than significant level. Therefore, ~~with the implementation of Mitigation Measures 3.9-1,~~ operation and maintenance in this element would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. The impact would be less than significant ~~with mitigation.~~

A staff-initiated text change has been made to page 3.9-60 and Table 3.9-7 in the Draft EIR as follows:

The number of parcels ~~by area~~ in Ross Valley that would benefit from decreased flooding during a 25-year flood event under existing conditions are summarized in Table 3.9-7 below. The parcels that would benefit from reduced flooding during the 25-year flood event are shown in Figure 3.9-10.

Jurisdiction/Land Use	Number of Structures <u>Parcels</u> with Reduced Flooding				
	Area No Longer Inundated After Project	1 to 4.5 feet reduction in water surface	0.5 to 1 foot reduction in water surface	0.2 to 0.5 foot reduction in water surface	Total

3 DRAFT EIR TEXT REVISIONS

A staff-initiated text change has been made to page 3.9-68 in the Draft EIR as follows:

~~Marin County. (2020b). Marin County Flood Control and Water Conservation District, Real-Time Rainfall, Creek Stage, and Weather Data. Retrieved from County of Marin: https://marin.onerain.com/site/?site_id=1555&site=0fc267e5-331e-48fc-8a35-8512b95e4737~~

3.10 Noise

In response to comment B1-33, Figure 3.10-3 in the Draft EIR (page 3.10-10) has been revised as shown on the following page.

A staff-initiated text change has been made to page 3.10-19 in the Draft EIR as follows:

~~Lower College of Marin Corte Madera Creek Concrete Channel Removal~~

3.11 Public Services

No revisions were made to this section.

3.12 Recreation

In response to comment B1-43, Figure 3.12-2 in the Draft EIR (page 3.12-4) has been revised, as shown on the following page.

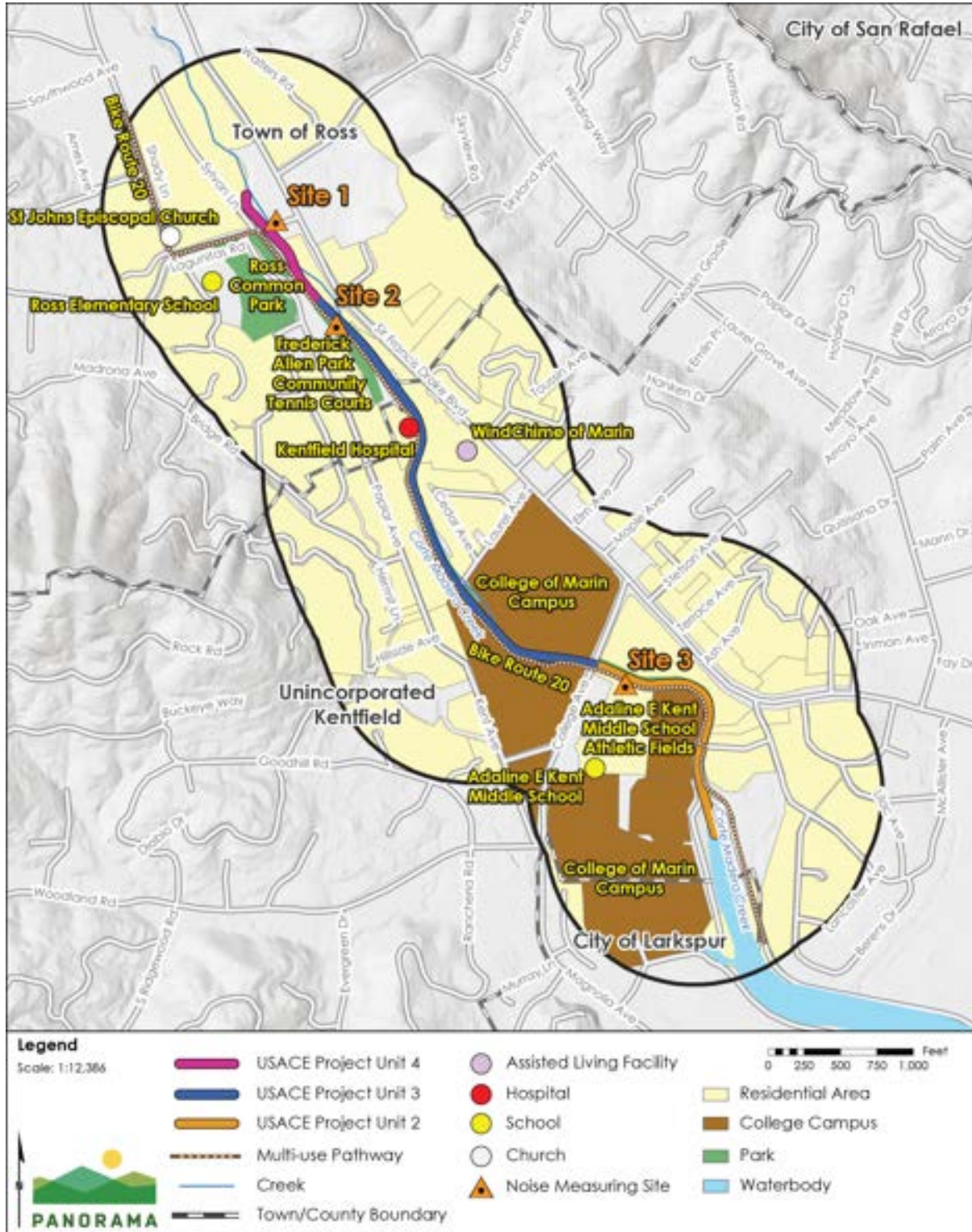
In response to comment B1-44, page 3.12-14 in the Draft EIR has been revised as follows:

Unnamed Paths

The project would require temporary closure of unnamed paths #1, and #2, ~~and #3~~ during construction of floodwalls and temporary closure of unnamed path #3 during removal of the concrete channel and habitat enhancement in Unit 2.

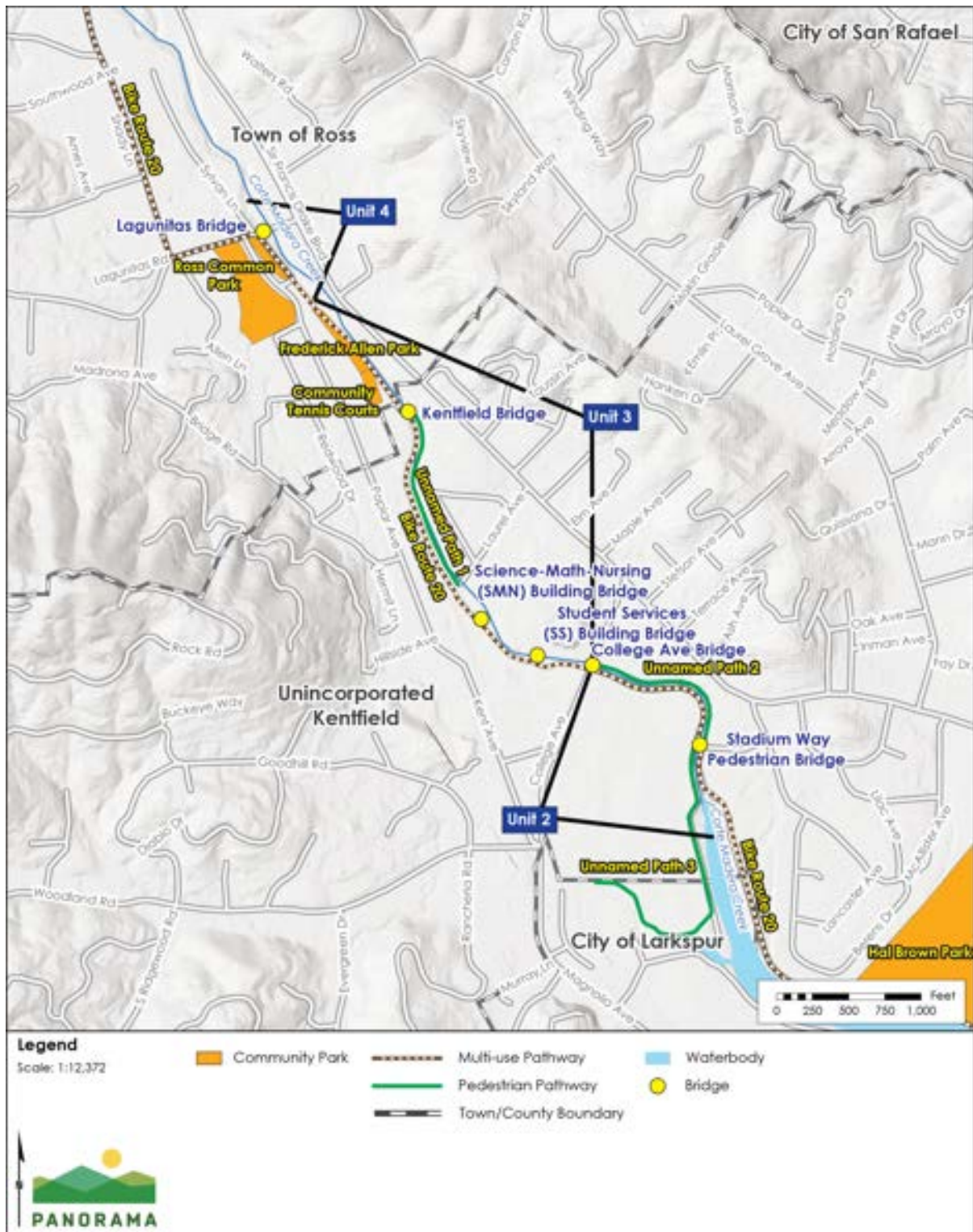
3 DRAFT EIR TEXT REVISIONS

Figure 3.10-3 Noise Measuring Sites and Sensitive Receptors within 1,000 Feet of the Project Area



3 DRAFT EIR TEXT REVISIONS

Figure 3.12-2 Parks and Recreational Facilities in the Project Area

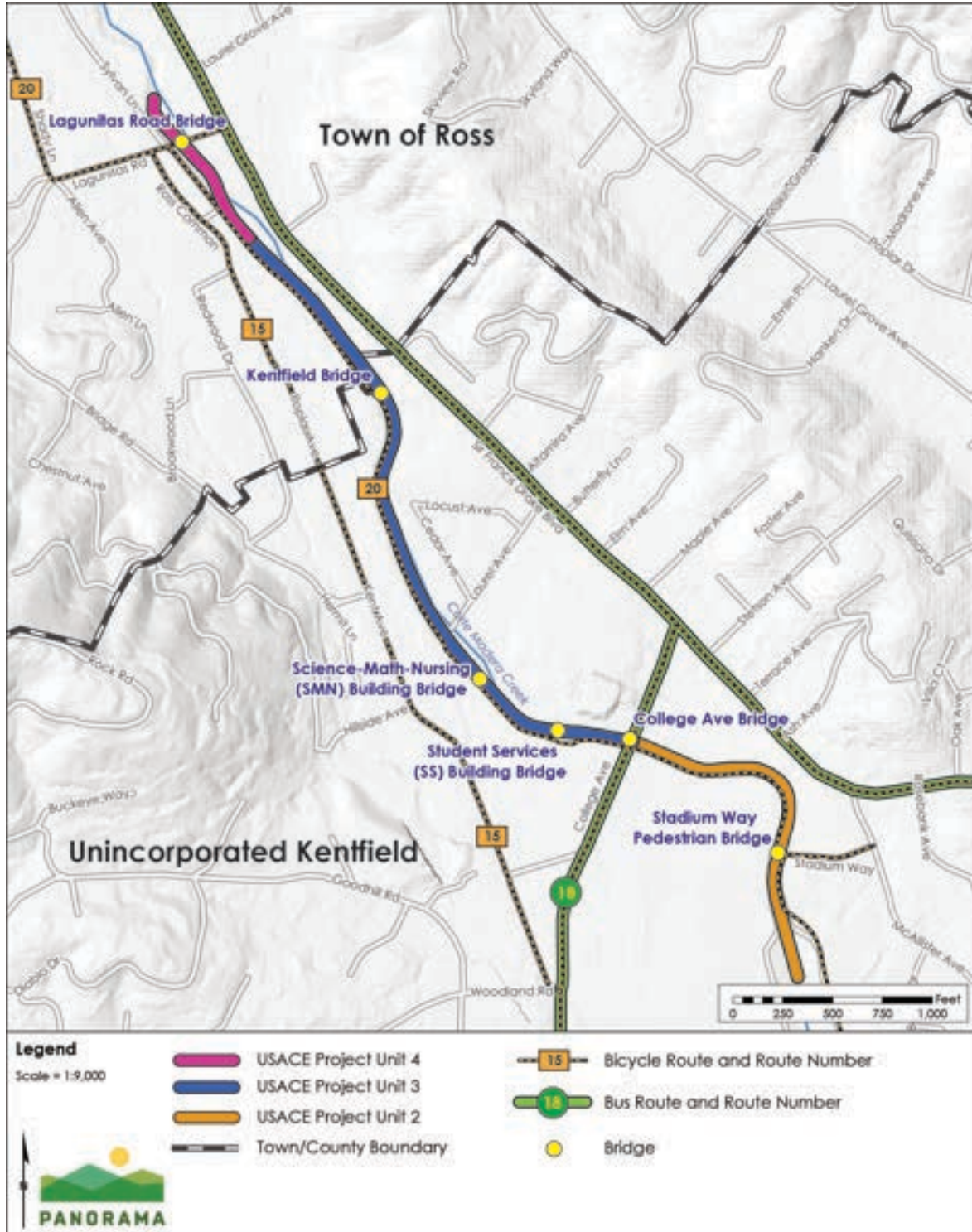


3 DRAFT EIR TEXT REVISIONS

3.13 Transportation and Circulation

In response to comment B1-45, Figure 3.13-1 in the Draft EIR (page 3.13-3) has been revised as follows:

Figure 3.13-1 Local Transportation Network



3 DRAFT EIR TEXT REVISIONS

In response to comment B1-46, page 3.13-4 in the Draft EIR has been revised as follows:

~~Bike Route 20, a biking and pedestrian pathway, follows the right bank of Corte Madera Creek and runs from the Larkspur Ferry Terminal to the Town of Fairfax (Marin County Bicycle Coalition, 2008). Bike Route 20 is a biking and pedestrian pathway. Downstream from Stadium Way, the bike route follows the left bank of the creek. Moving upstream, the bike route crosses from the left bank to the right bank of the creek at the Stadium Way bridge. The bike route continues along the right bank as an off-street paved multi-use path, across College Avenue, to the beginning of Unit 4. The bike route then transitions to an on-road bike path adjacent to Unit 4. The segment of Bike Route 20 within the project area consists of an off-street paved multi-use pathway adjacent to Corte Madera Creek Units 2 and 3. Bike Route 20 transitions to an on-road bike path adjacent to Unit 4. Bike Route 20 crosses over Corte Madera Creek from the right bank to the left bank at the Stadium Way pedestrian bridge and continues along the left bank as an off-street paved multi-use path to Bon Air Road. Bike Route 20, within Units 3 and 2, is heavily trafficked by pedestrians and bicyclists, including commuters.~~

A staff-initiated text change has been made to page 3.13-6 in the Draft EIR as follows:

The following traffic-related goals and policies presented in the Marin Countywide Plan are applicable to the project (Marin County Community Development Agency, ~~2015~~ 2007):

In response to comment B1-47, page 3.13-8 in the Draft EIR has been revised as follows:

~~Vehicles traveling to the Lower College of Marin concrete channel removal area would travel on Woodland Road College Avenue and into the College of Marin campus at the entrance to parking lot 12. Limited vehicle access would also occur on segments of Bike Route 20 within Unit 3 and on an informal path within the District's easement on the left bank.~~

In response to comment A3-7, Mitigation Measure 3.13-1: Traffic Management has been revised as follows:

Mitigation: Mitigation Measure 3.13-1: Traffic Management

Prior to initiation of construction, the Project contractor(s) shall use a qualified traffic engineer to prepare a Traffic Management Plan (TMP). The TMP shall be developed on the basis of detailed design plans. The TMP shall be reviewed and approved by the District and agencies with jurisdiction over roadways affected by project construction activities prior to construction. Once approved, the TMP shall be incorporated into the contract documents specification. The TMP shall include, but not necessarily be limited to, the elements listed below:

- Develop a detour plan for bicycle and pedestrian traffic that shows the approach to reroute traffic on Bike Route 20 to Poplar/Kent Avenue from the College of Marin Parking lot to Ross Common.

3 DRAFT EIR TEXT REVISIONS

- The temporary Bike Route 20 detour and associated signage shall meet all accessibility requirements as set forth under the Americans with Disabilities Act and CBC Title 24.
- Post signs providing public notice of detours at least ~~14~~20 days prior to temporary bike route closure.
- Provide flaggers at the tennis courts within Frederick Allen Park to provide safe pedestrian access to the tennis courts.
- Control and monitor construction-vehicle movements by enforcing standard construction specifications through periodic on-site inspections.
- Install traffic-control devices where traffic conditions warrant, as specified in the applicable jurisdiction's standards (e.g., the California Manual on Uniform Traffic Control Devices; Part 6: Temporary Traffic Control); flaggers would be used, when warranted, to control vehicle movements.
- Implement a public information program to notify interested parties of the impending construction activities using means such as print media, radio, and/or web-based messages and information.
- Comply with roadside safety protocols to reduce the risk of accidents.
- Maintain access for emergency vehicles at all times. Provide advance notification to local police, fire, and emergency service providers of the timing, location, and duration of construction activities that could affect the movement of emergency vehicles on area roadways.
- Store all equipment and materials in designated contractor staging areas on or adjacent to the worksite in such a manner as to minimize obstruction to traffic.

A staff-initiated text change has been made to page 3.13-16 in the Draft EIR as follows:

Marin County Community Development Agency. (~~2015~~2007). *Marin Countwide Plan: Transportation Element*.

3.14 Tribal Cultural Resources

No revisions were made to this section.

3.15 Utilities and Service Systems

A staff-initiated text change has been made to page 3.15-1 in the Draft EIR as follows:

Water Supply

The Marin Municipal Water District (MMWD) is a public agency that serves approximately 191,300 customers in south and central Marin County. The MMWD provides water to the project area for domestic, commercial, and firefighting use. The MMWD facilities include seven reservoirs, ~~four~~three water-treatment plants, and various storage tanks, pumps, and distribution mains (MMWD, 2020).

3 DRAFT EIR TEXT REVISIONS

In response to comment B1-48, page 3.15-1 in the Draft EIR has been revised as follows:

Several stormwater lines and MMWD water ~~and stormwater~~ lines are in the project area. There are water supply and stormwater lines that cross the creek just upstream of Lagunitas Road Bridge in Unit 4. Water pipelines are also adjacent to the southern end of Unit 4 and parallel parts of Bike Route 20. Two stormwater lines are near the proposed storm drain pump station in Unit 3. Smaller stormwater lines are scattered throughout Unit 3 and Unit 2. One water pipeline crosses the creek aboveground at Stadium Way in Unit 2. See Figure 3.15-1 to Figure 3.15-3 for locations of water pipelines in the project area.

In response to comment A4-1, page 3.15-2 in the Draft EIR has been revised as follows:

RVSD sanitary sewer lines run beneath Corte Madera Creek in a northwest/southeast direction within the project area from the southern end of Unit 4 near the fish ladder to near the end of Unit 2. The sewer lines cross beneath Corte Madera Creek at the approximate location of the fish ladder and at Stadium Way in Unit 2 (refer to Figure 3.15-1 to Figure 3.15-3). The sewer line that crosses Corte Madera Creek at the end of Stadium Way passes beneath the concrete channel in a siphon structure adjacent to the pedestrian bridge. ~~An aboveground sewer pipe crosses the creek on the pedestrian bridge at the end of Stadium Way (Figure 3.15-3).~~

In response to comments B1-25 and B1-51, Figures 3.15-1, 3.15-2, and 3.15-3 in the Draft EIR (pages 3.15-3, 3.15-4, and 3.15-5) have been revised as follows:

Figure 3.15-1 Utilities and Service Systems in the Project Area (Map 1 of 3)

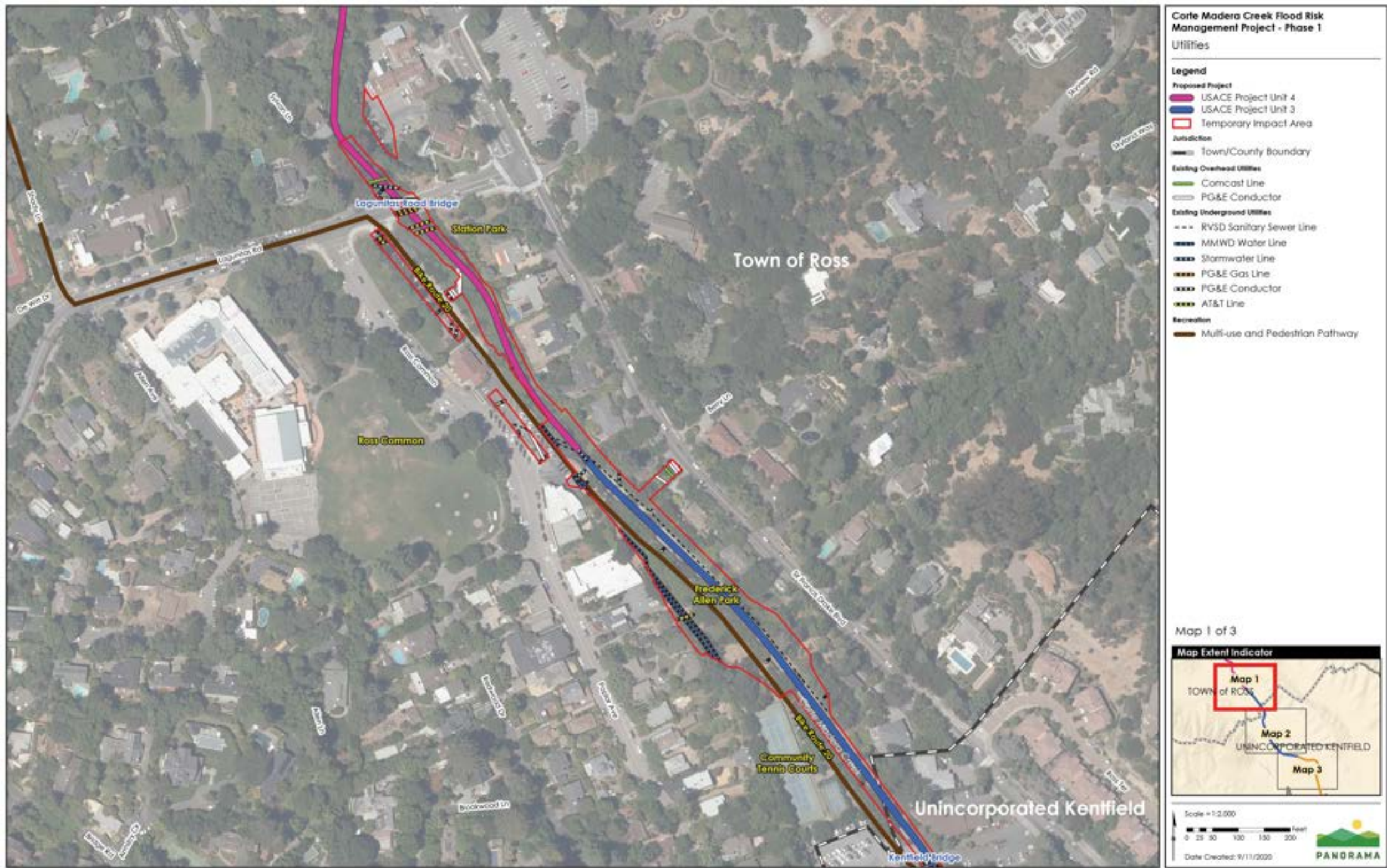


Figure 3.15-2 Utilities and Service Systems in the Project Area (Map 2 of 3)



Figure 3.15-3 Utilities and Service Systems in the Project Area (Maps 3 of 3)



3 DRAFT EIR TEXT REVISIONS

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REPORT PREPARERS AND REFERENCES

3.16 Agriculture and Forestry Resources, Mineral Resource, Land Use and Planning, Population and Housing, Wildfire, and Socioeconomics

A staff-initiated text change has been made to page 3.16-36 in the Draft EIR as follows:

~~U.S. Census Bureau. (2000). 2000 Census. Retrieved August 14, 2020, from <https://www.census.gov/programs-surveys/decennial-census/decade.2000.html>~~

~~U.S. Census Bureau. (2010). 2010 Census. Retrieved August 14, 2020, from <https://www.census.gov/programs-surveys/decennial-census/decade.2010.html>~~

~~U.S. Census Bureau. (2020). Population and Housing Unit Estimates Tables. Retrieved August 19, 2020, from <https://www.census.gov/content/census/en/programs-surveys/popest/data/tables.2015.html/>~~

3.2.6 Chapter 4 Growth Inducing and Cumulative Effects

In response to comment B1-20, page 4-10 in the Draft EIR has been revised as follows:

23	Corte Madera Creek Project Phase II (Friends of Corte Madera Creek Watershed)	Corte Madera Creek Project Phase II would include removal of the existing concrete channel from College Avenue <u>to Stadium Way</u> along College of Marin property. The channel bed would be in natural substrate. The right bank would be laid back to create a natural creek slope. The left bank would remain with either an existing concrete wall, a new shorter wall, or large rock embankment to protect an existing Ross Valley Sanitation District owned sewer pipeline that runs parallel to the concrete channel left bank. <u>In addition, the proposed project would relocate Bike Route 20 from the right bank to the left bank of the creek.</u>	Project Planning	Not currently scheduled. Engineering and environmental for Phase 2 will begin after completion of Phase I.
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A staff-initiated text change has been made to Table 4.3-1 in the Draft EIR (page 4-13) as follows:

<u>30, 31, 32, and 33</u>	Marin Road, Spruce Road, Canyon Road, and Creek Road Bridge Rehabilitation	The Town of Fairfax is planning upgrades to four bridges which span San Anselmo and Fairfax Creeks on Marin Road, Spruce Road, and Canyon Road. Major upgrades may require seismic retrofits to address structural issues.	The projects are in early planning and require design and environmental review.	The construction schedule cannot be determined due to limited information on the design and environmental review process.
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REPORT PREPARERS AND REFERENCES

In response to comment B1-21, Cumulative Project #34 has been added to Table 4.3-1 in the Draft EIR (page 4-13) as follows:

34	<u>Learning Resources Center Project (College of Marin)</u>	<u>The project would construct a three-story, 77,000-square-foot replacement facility on the site of the existing building, to address seismic safety and provide upgraded facilities. The associated work would be limited to within the footprint of the existing building, and no alterations would occur to the adjacent pedestrian bridge.</u>	<u>The project currently is under construction.</u>	<u>The construction would take approximately 12 months.</u>
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In response to comment B1-21, page 4-15 in the Draft EIR has been revised as follows:

Cumulative Projects

Concurrent construction of the project with cumulative projects proposed within the same viewsheds could result in visual impacts during construction. Projects located within the same viewshed as the proposed project include the access ramp to Corte Madera Creek (#1), Lower Corte Madera Creek Improvement Study (#21), ~~and~~ Corte Madera Creek Project Phase II (#23), and the Learning Resources Center Project (#34).

In response to comment B1-21, page 4-16 in the Draft EIR has been revised as follows:

The Corte Madera Creek Project Phase II and Lower Corte Madera Creek Improvement Study would be located near the Lower College of Marin Project's concrete channel removal. Additional removal of the concrete channel and flood-control improvements to areas downstream of the concrete channel would appear consistent with the proposed concrete -channel removal and would result in a beneficial aesthetic impact. The Learning Resources Center Project would be constructed before the proposed project and would be in proximity to the floodwall. The new Learning Resources Center would be three stories in height and would appear similar to the existing two-story building at the project site and within the overall context of the college. The proposed increase in floodwall height also would appear similar to the existing floodwall; therefore, the cumulative aesthetic impact from addition of the floodwall and Learning Resource Center would be less than significant. ~~The cumulative aesthetic impact would be less than significant.~~

Toxic Air Contaminants

The only cumulative projects proposed within 1,000 feet of the proposed project include the Access Ramp to Corte Madera Creek (#1), the Cedar Tentative Map (#11), the Corte

REPORT PREPARERS AND REFERENCES

Madera Creek Project Phase II (#23), ~~and~~ the Sir Francis Drake Boulevard Rehabilitation (#24), and the Learning Resources Center Project (#34).

In response to comment B1-21, page 4-17 in the Draft EIR has been revised as follows:

Toxic Air Contaminants

The cumulative projects and the proposed project would generate toxic air contaminants (TACs) during construction and operation. The proposed project would include a new generator, but the generator would only be used up to 50 hours per year and would not be a considerable source of TACs. Construction of the Learning Resources Center Project would be completed before the proposed project and would not contribute to cumulative TACs because it would not generate TACs during the same time frame as the proposed project's construction. The Access Ramp to Corte Madera Creek and Sir Francis Drake Boulevard Rehabilitation would be constructed a year prior to the proposed project.

In response to comment B1-21, page 4-21 in the Draft EIR has been revised as follows:

The only cumulative projects located close enough to the proposed project to result in cumulative impacts on cultural resources are the Access Ramp to Corte Madera Creek (#1), ~~and~~ Corte Madera Creek Project Phase II (#23), and the Learning Resources Center Project (#34). The remaining projects are separated from the project by a considerable distance, with intervening developed areas.

In response to comment B1-21, page 4-23 in the Draft EIR has been revised as follows:

Cumulative Projects

The Access Ramp to Corte Madera Creek (#1), Cedar Tentative Map (#11), Lower Corte Madera Creek Improvement Study (#21), Corte Madera Creek Project Phase II (#23), ~~and~~ Sir Francis Drake Boulevard Rehabilitation Project (#24), and the Learning Resources Center Project (#34) would occur in proximity to portions of the project.

In response to comment B1-21, page 4-24 in the Draft EIR has been revised as follows:

Cumulative Projects

The cumulative projects identified in Table 4.3-1 would likely require transport of hazardous materials on Highway 101 and Sir Francis Drake Boulevard during construction. Construction of cumulative projects #1 through #5, #16, #18, ~~and~~ #22 through #25, and #34 would require transport of small volumes of hazardous materials for vehicle and equipment operations during construction.

In response to comment B1-21, page 4-25 in the Draft EIR has been revised as follows:

Handle Hazardous Materials within 0.25 Mile of Schools

As discussed in Section 3.8 Hazards and Hazardous Materials, the project is located within 0.25 mile of three schools. The only cumulative projects located within 0.25 mile

REPORT PREPARERS AND REFERENCES

of the same schools include the Access Ramp to Corte Madera Creek (#1), ~~and~~ Corte Madera Creek Project Phase II (#23), and the Learning Resources Center Project (#34).

In response to comment B1-21, page 4-30 in the Draft EIR has been revised as follows:

Cumulative Projects

The Access Ramp to Corte Madera Creek (#1), the Cedar Tentative Map (#11), the Lower Corte Madera Creek Improvement Study (#21), Corte Madera Creek Project Phase II (#23), ~~and~~ Sir Francis Drake Boulevard Rehabilitation Project (#24), and the Learning Resources Center Project (#34) are located within 1,000 feet of portions of the project.

Noise and Vibration

The proposed project and cumulative projects would only generate substantial noise and vibration during the construction phase. Cumulative noise and vibration impacts would, therefore, only occur if the proposed project and cumulative projects within 1,000 feet of the proposed project were constructed at the same time. The access ramp to Corte Madera Creek, ~~and~~ Sir Francis Drake Boulevard Rehabilitation, and Learning Resources Center Project would be constructed prior to the proposed project and would not cause a cumulative noise impact.

In response to comment B1-21, page 4-34 in the Draft EIR has been revised as follows:

Cumulative Projects

Several of the cumulative projects will require removal of trees, including the following:

- San Anselmo Creek flood control – nursery basin site (#3)
- Hillview pump station and stormdrain (#5)
- Brownridge tree removal (#12)
- Cooney tree removal (#14)
- Real Equity tree removal (#20)
- Lower Sleepy Hollow Creek Improvements (#22)
- Corte Madera Creek Project Phase II (#23)
- Learning Resources Center Project (#34)

Cumulative Projects

Cumulative projects located within the geographic scope of analysis include the Winship Avenue Bridge Replacement Project (#6), the access ramp to Corte Madera Creek (#1), a number of minor structures, tree removal, and land-use modifications (projects #7 #8, #9, #10, #11, #12, #13, #15, #17, #19, and #20), ~~and~~ the Marin Health Care District, and the Learning Resources Center Project (#34).

A staff-initiated text change has been made to page 4-34 in the Draft EIR as follows:

Cumulative Impact

The cumulative projects identified in **Error! Reference source not found.** are required to obtain a permit from Marin County or other local jurisdictions for removal of trees

greater than 6 inches diameter at breast height. The County and local tree permits require replacement plantings for trees that will be removed by the cumulative projects. Compliance with the mitigation included in each project's tree removal permit will result in replacement of trees removed by cumulative projects. The cumulative projects in combination with the proposed project would not result in a cumulative impact on forestry resources because each of the cumulative projects would provide mitigation to offset the trees removed. The cumulative impact would be less than significant. ~~Land Use and Planning~~

4.4.16 Land Use and Planning

3.2.7 Alternatives

In response to comment A5-32, page 5-16 of the Draft EIR has been revised as follows:

The No Project Alternative would avoid the proposed project's impact on GHG resulting from use of off-road construction equipment and vehicles during project construction and would avoid GHG emissions from operation of the emergency generator and energy use at the stormwater pump station. The No Project Alternative would have minimal greenhouse gas emissions during maintenance of existing facilities, like the proposed project. However, the No Project Alternative would not involve creation of natural riparian habitat and would not create the greenhouse gas emission reduction benefits of the proposed project.

In response to comments A5-32 and A5-33, page 5-24 in the Draft EIR has been revised as follows:

Comparison of Impacts to the Proposed Project

Alternative 1 would involve the same type of equipment as that used by the proposed project, but the construction schedule would be shorter under Alternative 1 because no construction would occur in Frederick Allen Park. The number of construction truck trips under this alternative also would be ~~slightly~~ lower than the proposed project because of avoidance of Frederick Allen Park, which would reduce the construction GHG emissions. Operational GHG emissions under Alternative 1 would be ~~the same as~~ greater than the proposed project because Alternative 1 would not remove the concrete channel and would not include as much vegetation in Frederick Allen Park. Temporary GHG emission impacts associated with implementation of Alternative 1 would be less than that of the proposed project, but Alternative 1 would have reduced long-term GHG reduction benefits than the proposed project.

In response to comment A5-32, page 5-37 of the Draft EIR has been revised as follows:

Alternative 1 would have less long-term benefits to aesthetics, biological resources, geology and soils, greenhouse gases, hydrology and water quality, and recreation than

REPORT PREPARERS AND REFERENCES

the proposed project because Alternative 1 would not include creation of a natural creek channel, floodplain, and riparian habitat in Frederick Allen Park.

In response to comment A5-32, page 5-41 is revised as follows:

Alternative 2 Impacts

Alternative 2 would require use of construction equipment to construct the boardwalk and maintenance access path. Implementation of Alternative 2 in combination with the proposed project elements in other areas would result in generation of air quality and GHG emissions equivalent to the proposed project, including emissions of toxic air contaminants because the boardwalk and maintenance path would be constructed in lieu of the paved pathway and unpaved access to the creek. Implementation of Mitigation Measures 3.3-2 and Mitigation Measure 3.3-3, which would require implementation of dust control measures and use of USEPA or CARB Tier 3 or higher rated equipment would reduce the impact of Alternative 2 in combination with the proposed project in other areas to a less-than-significant level, similar to the project impact described in detail in Chapter 3. Alternative 2 would require removal of the same number of trees as the proposed project. Alternative 2 would allow increased planting relative to the proposed project because light and water could penetrate the boardwalk, which would allow planting underneath it. The increased planting would result in long-term GHG reduction benefits.

In response to comment A5-32, page 5-47 in the Draft EIR has been revised as follows:

Air Quality and Greenhouse Gases

Alternative 3 would involve the use of construction equipment and vehicles that would result in temporary GHG emissions, similar to the proposed project. The amount of equipment and vehicle use, as well as fugitive dust and GHG emissions associated with Alternative 3 could be slightly higher than the proposed project because of the increased project footprint and associated number of truck trips for material import and export in Unit 2. Implementation of Mitigation Measure 3.2-1 would reduce the impacts to a less-than-significant level. The alternative would comply with all applicable BAAQMD rules and regulations and would not result in extended exposure of nearby residences to criteria air pollutants or toxic air contaminants. Operational air quality and GHG emissions impacts would be the similar to the proposed project because maintenance activities are anticipated to be similar and infrequent.

In response to comment A5-32, Table 5.4-1 on page 5-54 is revised as follows:

REPORT PREPARERS AND REFERENCES

Table 5.4-1 Comparison of Alternatives and Environmental Considerations

Topic	Proposed Project	No Project Alternative	Alternative 1: Reduced Footprint–Avoid Frederick Allen Park (with proposed project in other areas)	Alternative 2: Maintain Elevation of Bike Route 20 in Frederick Allen Park and No Creek Access (with proposed project in other areas)	Alternative 3: Reduced Concrete (with proposed project in other areas)
Greenhouse Gas (GHG) Emissions	LTS impact from GHG emissions	No Impact	LTS \leq The reduced construction in Frederick Allen Park would result in reduced GHG emissions <u>during construction, but the alternative would not achieve the long-term GHG reduction emissions.</u>	LTS $= \leq$ The construction intensity would be similar to the proposed project and would have similar GHG emissions. <u>The alternative would have greater GHG reduction benefits.</u>	LTS $>$ The floodwall construction in Unit 2 would result in slightly greater hauling of material and slightly increased GHG emissions, compared to the proposed project.

3.2.8 Report Preparation

No revisions were made to this section.

3.2.9 Appendices

In response to comment A5-34, page G-3 of Appendix G has been revised as follows:

Implementation Timing

- Prior to construction
- During construction
- After construction

In response to comment A5-1, Table G-1 Mitigation Measures of Appendix G (page G-15) has been revised as follows:

REPORT PREPARERS AND REFERENCES

Significant Environmental Impact	Mitigation Measure	Application Location	Performance Criteria	Implemented By	Implementation Timing	Monitored By	Verified By (Date and Signature)
Impact 3.1-3: The project would substantially degrade the existing visual character or quality of public views of the site and its surroundings	Mitigation Measure 3.1-3: Large Tree Planting. The District will integrate large box trees <u>24-inch or 36-inch box trees</u> into the final planting plan and design for Frederick Allen Park, to the extent ecologically appropriate for the proposed species. <u>The Town of Ross will provide the desired size and species of trees to the District.</u> The final planting plan will be provided to the Town of Ross for review and approval comment <u>no less than 90 days prior to landscaping. The District will be responsible for maintaining replacement trees until they become established and for replacing dead trees for a period of no less than 10 years.</u>	<ul style="list-style-type: none">Frederick Allen Park	<ul style="list-style-type: none">Planting plan submitted to Town of Ross for reviewLarge box trees are planted where feasible	<ul style="list-style-type: none">Marin County Flood Control and Water Conservation District (District)Contractor	<ul style="list-style-type: none">Prior to construction <u>submit planting plan to Town and obtain Town approval</u>During construction <u>implement planting plan</u><u>Post-construction monitor tree success and maintain trees</u>		
Impact 3.4-2: The project could cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.	Mitigation Measure 3.4-2: Inadvertent Discoveries of Archaeological Resources. If evidence of any subsurface archaeological features or deposits are discovered during construction-related earth-moving activities, all ground-disturbing activity in the area of the discovery shall be halted within 50 feet of the find, and the finds shall be protected until they are examined by a qualified archaeologist. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil (“midden”) containing heat-affected rocks, artifacts, or shellfish remains; stone-milling equipment (e.g., mortars, pestles, handstones, milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-era materials might include building or structure footings and walls and deposits of metal, glass, and/or ceramic refuse. The District shall retain a qualified archaeologist who meets the U.S. Secretary of the Interiors professional qualifications in archaeology to assess the significance of the find and make recommendations for further evaluation and treatment as necessary. A Native American representative from a traditionally and	<ul style="list-style-type: none">Any locations where archaeological deposits are encountered	<ul style="list-style-type: none">Halt work within 50 feet of a find and contact archaeologist.	<ul style="list-style-type: none">DistrictConstruction contractorQualified archaeologist	<ul style="list-style-type: none"><u>Plan prepared prior to construction</u>Avoidance and treatment implemented during construction, as needed.		

REPORT PREPARERS AND REFERENCES

Significant Environmental Impact	Mitigation Measure	Application Location	Performance Criteria	Implemented By	Implementation Timing	Monitored By	Verified By (Date and Signature)
	<p>culturally affiliated tribe will be notified and invited to assess the find if the artifacts are of Native American ancestry and determined to be more than an isolated find. If the discovery is in an area below Stadium Way and on lands under the jurisdiction of California State Lands Commission, that agency shall be notified. Any treatments and disposition of any artifacts uncovered under the jurisdiction of the California State Lands Commission must be approved by the California State Lands Commission before the treatment is implemented.</p> <p>If, after evaluation, a resource is considered a historical resource or unique archaeological resource (as defined in CEQA Guidelines Section 15064.5), or a tribal cultural resource (as defined in PRC Section 21074), all preservation options shall be considered as required by CEQA (see CEQA Guidelines Section 15126.4 and PRC 21084.3), including possible capping, data recovery, mapping, or avoidance of the resource. Treatment that preserves or restores the cultural character and integrity of a tribal cultural resource may include tribal monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil. Work in the area may resume, at the direction of the District, upon completion of treatment. <u>An Unanticipated Discoveries Evaluation and Treatment Plan shall be prepared before construction that details the procedures for dealing with unanticipated discoveries, including procedures that would be implemented for such discoveries that cannot be protected in place.</u> The results of the identification, evaluation, and/or data recovery program for any unanticipated discoveries shall be presented in a professional-quality report that details all methods and findings, evaluates the nature and significance of the resources, analyzes and interprets the results, and distributes this information to the public.</p>						

REPORT PREPARERS AND REFERENCES

Significant Environmental Impact	Mitigation Measure	Application Location	Performance Criteria	Implemented By	Implementation Timing	Monitored By	Verified By (Date and Signature)
Impact 3.12-3: The project could affect existing recreational opportunities.	Mitigation Measure 3.1-2 3.1-3: Large Tree Planting (see Aesthetics and Visual Resources above)	<ul style="list-style-type: none">• See above	<ul style="list-style-type: none">• See above	<ul style="list-style-type: none">• The District• Contractor	<ul style="list-style-type: none">• Prior to construction• During construction		
Impact 3.13-1: The project could conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.	<p>Mitigation: Mitigation Measure 3.13-1: Traffic Management</p> <p>Prior to initiation of construction, the Project contractor(s) shall use a qualified traffic engineer to prepare a Traffic Management Plan (TMP). The TMP shall be developed on the basis of detailed design plans. The TMP shall be reviewed and approved by the District and agencies with jurisdiction over roadways affected by project construction activities prior to construction. Once approved, the TMP shall be incorporated into the contract documents specification. The TMP shall include, but not necessarily be limited to, the elements listed below:</p> <ul style="list-style-type: none">• Develop a detour plan for bicycle and pedestrian traffic that shows the approach to reroute traffic on Bike Route 20 to Poplar/Kent Avenue from the College of Marin Parking lot to Ross Common.• <u>Post temporary Bike Route 20 detour and associated signage that meets all the accessibility requirements stated under the Americans with Disabilities Act and CBC Title 24.</u>• Post signs providing public notice of detours at least 14<u>20</u> days prior to temporary bike route closure.• Provide flaggers at the tennis courts within Frederick Allen Park to provide safe pedestrian access to the tennis courts.• Control and monitor construction-vehicle movements by enforcing standard construction specifications through periodic on-site inspections.• Install traffic-control devices where traffic conditions warrant, as specified in the applicable jurisdiction’s standards (e.g., the California Manual on Uniform Traffic Control Devices; Part 6: Temporary Traffic Control); flaggers would be used, when warranted, to control vehicle movements.	<ul style="list-style-type: none">• <u>Bike Route 20 closure/detour area</u>• <u>Frederick Allen Park</u>• <u>College Avenue</u>• <u>Laurel Avenue</u>• <u>Staging areas</u>• All areas	<ul style="list-style-type: none">• TMP prepared• Notified public regarding construction activities and traffic impacts• Traffic control measures including detours implemented• Traffic control devices installed• Comply with roadside safety protocols• Emergency vehicle access maintained at all times• Equipment stored in designated areas to avoid obstructing traffic	<ul style="list-style-type: none">• Construction• Qualified traffic engineer	<ul style="list-style-type: none">• Prior to construction <u>prepare TMP</u>• During construction <u>implement flaggers and traffic controls per the measure</u>		

REPORT PREPARERS AND REFERENCES

Significant Environmental Impact	Mitigation Measure	Application Location	Performance Criteria	Implemented By	Implementation Timing	Monitored By	Verified By (Date and Signature)
	<ul style="list-style-type: none">• Implement a public information program to notify interested parties of the impending construction activities using means such as print media, radio, and/or web-based messages and information.• Comply with roadside safety protocols to reduce the risk of accidents.• Maintain access for emergency vehicles at all times. Provide advance notification to local police, fire, and emergency service providers of the timing, location, and duration of construction activities that could affect the movement of emergency vehicles on area roadways.• Store all equipment and materials in designated contractor staging areas on or adjacent to the worksite in such a manner as to minimize obstruction to traffic.						

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