

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
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Established in 1938

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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.

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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

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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

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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

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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

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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.

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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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Ms. Joanna Dixon

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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 wholistic 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

DR. TERRY F. YOUNG, CHAIR | BRUCE H. WOLFE, EXECUTIVE OFFICER

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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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Ms. Joanna Dixon

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

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DR. TERRY F. YOUNG, CHAIR | BRUCE H. WOLFE, EXECUTIVE OFFICER

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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.

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- 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,

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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.

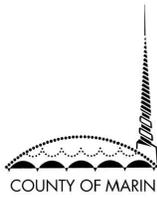
The comment discusses the impact of the existing condition and not the impact of the project. Refer to Master Response 1 regarding public support for Alternative 1. Alternative 1 would not preclude or conflict in any way with future Frederick Allen Park floodplain restoration should the concrete channel 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.

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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.

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Comment Letter A3

MARIN COUNTY PARKS

Preservation • Recreation

MARIN COUNTY
PARKS
PRESERVATION • RECREATION



• OPEN SPACE DISTRICT
• REGIONAL PARKS & PATHWAYS
• COMMUNITY PARKS
• LANDSCAPE SERVICES

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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](https://www.rvsd.org)

(415) 870-9764

(415) 730-0089 (cell)

Website: www.rvsd.org

Email: smoore@rvsd.org

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

1

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. A5-1
- 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. A5-2
- 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. A5-3
- 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. A5-4
- 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. A5-5

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www.townofross.org

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.
- 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.
- 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.
- 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.
- On page 2-42 under the same section, vegetation management should include care and establishment of replacement trees in the floodplain park.
- On page 2-42 vegetation management goals should include a fourth goal: "Revegetation of park for visual amenity and shade"
- 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.

A5-7

A5-8

A5-9

A5-10

A5-11

A5-12

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.
- 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).
- 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.
- 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.
- 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

A5-14

A5-15

A5-16

A5-17

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
- 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. A5-18
cont.
 - 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. A5-19
 - 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. A5-20
 - 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. A5-21
 - 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. A5-22
- 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. A5-23
- 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: A5-24
 - 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	<p>Mitigation Measure 3.1-2.3.1-3 3.1-3: Large Tree Planting (see Aesthetics and Visual Resources above)</p> <p>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.</p> <p>Mitigation Measure 3.14-1: Traffic Management (see Transportation and Circulation below)</p>

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 3.1-2.3.1-3 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 sitehensis, 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)

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- 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.

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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

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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.

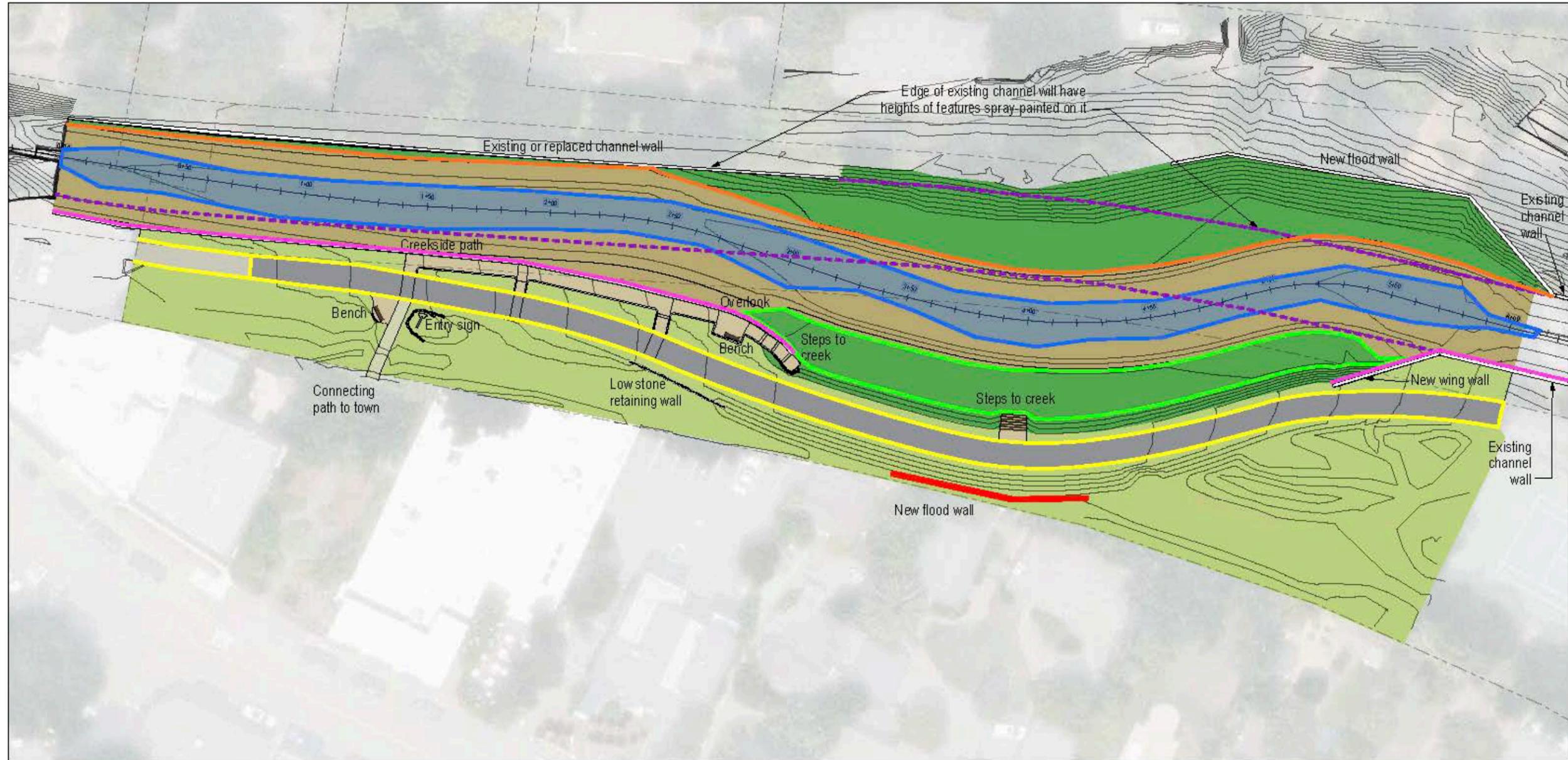
2.7.2 Maintenance

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.

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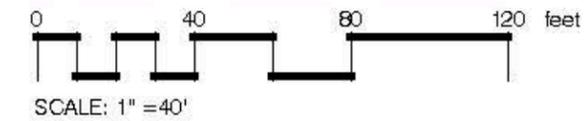


Park Overview

- 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



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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 and MOU for construction and maintenance within Frederick Allen Park (Town of Ross property)

Design review

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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.

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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

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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.

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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.

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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

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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

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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.

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



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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)



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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)



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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

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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.

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- 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,

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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.

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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.

A6-1

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.

A6-2

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.'

A6-3

Pg 70.

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

A6-4

Planning: (415) 927-5038

Parks and Recreation: (415) 927-6746

Library: (415) 927-5005

Public Works: (415) 927-5017

Central Marin Police: (415) 927-5150

Fire: (415) 927-5110

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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

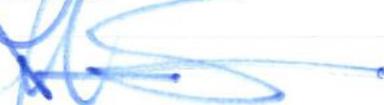
Pg 441

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

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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.