

2 COMMENTS AND RESPONSES

2.5 Individuals

2 COMMENTS AND RESPONSES

Comment Letter C1

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

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

⌈ C1-1

Alan Lutsky

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2 COMMENTS AND RESPONSES

2.5.1 Response to Letter C1: Alan Lutsky

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

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

2 COMMENTS AND RESPONSES

Comment Letter C2

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

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

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

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

Subject: RE: Corte Madera Creek Flood Project

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

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

Comments will be accepted through March 17th, 2021.

Thank you,

Joanna Dixon

Associate Civil Engineer

Marin County Flood Control District

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

From: Woody Leary <firststreetbooks@yahoo.com>

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

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

Subject: Corte Madera Creek Flood Project

I have lived in Kentfield for over 50 years and so much of the joy of the Kentfield- Ross area is from the beauty of all the lovely trees in our area.

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

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

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

Thank you

Mary Leary

20 Rancheria Road

Kentfield

CA

C2-1

Sent from my iPhone

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2 COMMENTS AND RESPONSES

2.5.2 Response to Letter C2: Mary Leary

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

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

2 COMMENTS AND RESPONSES

Comment Letter C3

From: Gary Scales <garrettscales@comcast.net>

Sent: Tuesday, February 9, 2021 5:41 PM

To: towncouncil@townofross.org

Cc: Joe Chinn - Town Manager <jchinn@townofross.org>; Richard Simonitch <rsimonitch@townofross.org>; Patrick Streeter <pstreeter@townofross.org>; Rice, Katie <KRice@marincounty.org>

Subject: Ross Flood Control Project

Dear Mayor and Council-Members,

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

C3-1

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

C3-2

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

C3-3

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

C3-4

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

Respectfully yours,

Gary Scales

4 Berry Lane

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2 COMMENTS AND RESPONSES

2.5.3 Response to Letter C3: Gary Scales

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

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

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

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

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

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

C3-4 The commenter supports Alternative 1.

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

2 COMMENTS AND RESPONSES

Comment Letter C4

From: sterling sam <familysam2002@yahoo.com>

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

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

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

Joanna,

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

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

C4-1

C4-2

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

C4-3

C4-4

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

C4-5

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

C4-6

3) Were any of your three hydrology consultants actually out during the middle of the night on New Year's Eve 2005/New Year's Day 2006 to see the floodwater, as I was? I know they weren't because I was the only one out there that night. It is not just the flow depth, not just the flow velocity, but the volume of water, duration of flow, and flow circulation patterns that can only be understood by first-hand observation. And the floods of 1982 and 2005/2006 were relatively mild floods compared with those 60+ years ago.

C4-7

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

C4-8

C4-9

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

C4-10

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

C4-11

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

C4-12

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

C4-13

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

C4-14

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

C4-15

Regards,

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

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2.5.4 Response to Letter C4: Sam Sterling

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

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

- C4-2 This comment states that no compensation plan was proposed in the Draft EIR for property or home loss.

In accordance with CEQA, the Draft EIR evaluated the physical environmental effects of the proposed project. Economic effects (e.g., financial liability, property values) are not considered environmental impacts under CEQA, unless a physical impact on the environment would occur (see Master Response 5). The project has been designed to provide channel stability and avoid impacts on slope stability to protect residences adjacent to Corte Madera Creek.

- C4-3 This comment summarizes project activities proposed to occur in Frederick Allen Park and expresses concerns about potential erosion issues with implementation of project activities.

As discussed in Chapter 2, Project Description, in the Draft EIR, the proposed project would include construction of retaining walls in Frederick Allen Park. The project-specific analysis of erosion (starting on page 3.9-49 in the Draft EIR) includes an evaluation of potential erosion impacts from the proposed project in Frederick Allen Park. Substantial hydrologic modeling has been undertaken as part of the project design and engineering process, and the proposed project would be implemented in accordance with best engineering practices to address channel stability. The District understands the need to protect residential properties and the tennis courts along the channel, and new retaining walls are proposed adjacent to the tennis courts, to transition the natural channel back to the concrete channel and protect channel stability as well as the multi-use path and tennis courts. See also Master Response 1 regarding staff recommendation to adopt Alternative 1, which does not involve activities in Frederick Allen Park.

- C4-4 This comment asks how flood water is going to be directed to the concrete channel from the natural channel in Frederick Allen Park.

As discussed in Chapter 2, Project Description, in the Draft EIR, the proposed project would include retaining walls to connect the floodplain in Frederick Allen Park to the concrete channel, as shown in Figure 2.5-1 (see also response to comment C4-3). As discussed under Impact 3.9-2 beginning on page 3.9-50 in the Draft EIR, the proposed project would result in beneficial impacts and reduced flooding by keeping a larger

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volume of flood waters in the concrete channel and out of the Ross Valley community. See also Master Response 1 regarding staff recommendation to adopt Alternative 1, which does not include the floodplain in Frederick Allen Park.

- C4-5 This comment expresses concerns about a higher bank on the west side of Corte Madera Creek than on the east side at the parking lot and concerns that this grade differential would cause increased velocity in floodwaters entering Frederick Allen Park, and it suggests replacing the Post Office building.

Replacement of the Town of Ross Post Office is not part of the proposed project. The project design has included substantial hydraulic analysis to address the channel configuration. Refer to Section 3.9 of the Draft EIR and Master Response 3. Replacing the Post Office with a new building would not meet any project objectives and is therefore not considered as an alternative in the EIR.

- C4-6 This comment states that implementing the proposed project would include removing many homes on both sides of the creek.

As discussed in Chapter 2, Project Description, in the Draft EIR, the proposed project would not include removing homes or the Post Office (see Section 2.5, Project Elements and Design, in the Draft EIR, for more information regarding the description of project elements and design).

- C4-7 This comment asks whether the project hydrology consultants were in the field observing the 2005 storm event.

While the consultants who prepared hydrology section were not present during the New Year's 2005/2006 flood, the hydrology data from the 2005 storm event were used to calibrate the hydraulic modeling for the proposed project (see Section 3.9, Hydrology and Water Quality, starting from page 3.9-34, for more information regarding development of the hydraulic modeling for the proposed project).

- C4-8 This comment asks whether staff from Stillwater Sciences conducted plant surveys in the creek corridor on July 15, 2020.

A supplemental tree survey was conducted by GHD on July 15, 2020. No other plant surveys were conducted on that date.

- C4-9 This comment discusses non-natives trees that currently are on site and asks whether they would be replanted after tree removal.

The proposed project would involve planting native trees, as stated in Table 2.6-4 in Chapter 2, Project Description, in the Draft EIR. In addition, trees that would be planted as part of Mitigation Measure 3.3-2b would include native trees as replacement for the non-native trees removed.

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- C4-10 This comment asks whether the District has considered the possibility that large quantities of debris, sediment, and rock would cause reduction in flood conveyance.

The hydraulic analysis that forms the basis of design is based on the hydraulic model calibrated with observed high-water marks from various flood events in the area. The design of the floodwalls considered sediment effects on the channel hydraulics.

- C4-11 This comment suggests implementing a program to raise residential structures above the 100-year floodplain.

This comment proposes a new program that would not be applicable for the proposed project. Raising residential structures above the 100-year floodplain would not achieve any of the project objectives. The cost to implement a program to raise residential structures above the 100-year floodplain and the logistics to implement such a program make it infeasible within the timeframe for the proposed project.

- C4-12 This comment asks whether plans exist for property reassessment and property tax reduction for property losses caused by many floods.

This comment is unrelated to the proposed project and the Draft EIR (see also Master Response 5).

- C4-13 This comment states that the fish ladder should have been removed decades ago and it is a minor impediment to floodwater.

As discussed in Section 3.9, Hydrology and Water Quality, in the Draft EIR, the existing Denil fish ladder is a primary flow constriction for the Unit 4 reach that causes extensive overbank flooding along Corte Madera Creek (on page 3.9-12 in the Draft EIR). As discussed in Chapter 5, Alternatives, in the Draft EIR, removing the Denil fish ladder would remove a constriction, increasing the amount of water that stays within the flood control channel below the fish ladder. The water surface elevation within the concrete channel below the fish ladder would increase because more water would stay within the flood control channel and would not be directed out of the bank after the fish ladder has been removed.

- C4-14 This comment asks what type of fish resting pools would be constructed for the proposed project.

The design of the fish resting pools is discussed on page 2-23 in Chapter 2, Project Description, in the Draft EIR. The fish resting pools would be 1.5 to 3 feet deep and spaced approximately 150 feet apart in the channel. The downstream end of the pools would have a gradual transition to steadily accelerate flow out of them. The upstream end of the pools would be vertical, to help promote scouring and minimize sedimentation in the head of the pools (see Figure 2.5-7 on page 2-24 in the Draft EIR, which shows the proposed fish pools).

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C4-15 This comment requests installation of new concrete channels in Unit 4 on residents' property lines.

The original USACE flood control project that was constructed in the 1970s included installation of concrete flood control channels in Unit 4. While that project was under construction, the Town of Ross challenged USACE and stopped the concrete channel construction at Unit 4. No support from the Town of Ross or the regulatory agencies has been given for extending the concrete channel into Unit 4, and any plans to extend the concrete channel are considered to be infeasible, based on the history of litigation over the concrete channel extension. Extension of the concrete channel into Unit 4 also would result in substantially greater environmental impacts than the proposed project and would not reduce any environmental effects of the proposed project.

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From: Gilboy - Haven <cherilyng@prodigy.net>
Sent: Friday, February 26, 2021 1:41 PM
To: cortemaderacreek@marincounty.org
Subject: Flood Control plans - Granton Park

Comment Letter C5

Joanna Dixon and staff,

I cannot attend the March 2d meeting, thus my comments below.

RE: Pumphouse at end of Laurel Avenue:

I would appreciate receiving more information about the pumphouse.

- I am concerned that it may function when heavy storms, despite no flooding risk - how will this be handled? what triggers the pumps? C5-1
- The noise from the pumps are hopefully well insulated due to their proximity to residences. C5-2
- Planting of more Trees and other shrubbery is requested to buffer the close residences. Consider more new planting along right side of end of Laurel Ave. C5-3
- Can the fuel or motor or other topside parts be placed underground instead? to reduce size of cement pad. C5-4
- Can the vault and pumphouse be located further away from residences? Extend drainpipes as done in Hillside neighborhood. Other pumphouses seem to be located further away from houses by extending drainpipe, so an area closer to College Avenue would be more appropriate. C5-5
- Trees - Keep all trees not along cement fence - do not cut down trees between pumphouse and residences on Laurel Ave. C5-6

RE: The Swale & COM parking lot

- Will "The Swale" be fixed so that it functions as it did historically taking overflow into the 1st pond at end of Laurel Ave.? C5-7
- COM parking lot at Laurel Ave was to direct all surface water into drainpipes to overflow ponds, instead all surface water drains onto Laurel Avenue. Keeping surface water on their property was mandated when COM constructed Science Building in 2009. That issue has never been fixed by COM, please address to COM. C5-8

RE: Trees

- College of Marin had a nursery adjacent to creek and there are some very special mature trees that should Not be cut down. C5-9
- EIR does not sufficiently consider the substantial environmental effects of tree removal - pollution from saws, pollution from truck traffic, noise from saws/grinding/trucks hauling, and disruptive truck traffic through neighborhood. Also the loss of beneficial effects of trees, i.e. buffering noise and their healthful properties. C5-10
- Some trees that are tagged are on private property or property line - those trees and shrubbery should not be cut down. There are 3-4 tagged trees around 1 Cedar and many more along the back of Granton Park properties that should not be removed. C5-11

If there is an on-site meeting involving the pumphouse and trees in the end of Laurel Ave area, please let me know. C5-12

Thank you,

-Cherilyn Gilboy
Owner (48 years), 1 Cedar Ave
P.O. Box 592, Kentfield CA 94914

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2.5.5 Response to Letter C5: Cherilyn Gilboy

- C5-1 This comment asks how the stormwater pump station works, and the commenter expresses concerns that the pump station would run when no flooding risk exists.

Page 2-20 of the Draft EIR describes the stormwater pump station and backup power in detail. Additional information on the design of the stormwater pump station is presented next, for clarity about the pump station operation.

The pump station would include submerged stormwater pumps and a subsurface valve vault. The pumps have been designed to run only when needed because of a high-water level in the receiving channel (Corte Madera Creek), concurrent with a storm event. The wetwell design includes a bypass channel that would allow stormwater to bypass the wetwell when the water level in the creek is low enough for flow to exit into the channel. In this manner, water would bypass the pump station, and the pumps would not run when water elevations in the creek are below the elevation where water would back up into the Granton Park neighborhood. When the creek conditions keep water from exiting the system via gravity flow because of high creek water surface elevations, the bypass channel would overflow into the wetwell. When the wetwell level increases, the pumps would be activated and pump the stormwater into the outlet structure.

The size of the wetwell would influence the amount of time that the pumps run to lower the water level in the wetwell. Pumping to lower the water level in the wetwell to the shut off elevation should take less than 10 minutes, so that the pump would start and stop only up to 6 times per hour. The dimensions of the wetwell were selected so that the bypass channel could convey the design flow under gravity flow conditions when permitted by the water level at the outfall in the creek.

The pump station has been designed with 25-year storm capacity when the largest pump in the pump station is off and at the 100-year-storm maximum capacity.

- C5-2 This comment expresses concerns about noise impacts resulting from the stormwater pumps during operation.

Discussion of noise impacts related to operation of the stormwater pump station is included on page 3.10-19 in Section 3.10, Noise, in the Draft EIR. The stormwater pumps would be installed underground and are not anticipated to create perceptible noise at the nearest residence. A generator would provide emergency backup power in the case of power failure when the stormwater pump station needs to operate. Operation of the backup generator would occur only during emergencies and during testing of the generator. Operation of the stormwater pumps and backup generator would be temporary and would not result in a permanent increase in noise.

- C5-3 This comment requests planting more vegetation along the end of Laurel Avenue.

Refer to response to comment B1-16 regarding replanting of trees on site.

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- C5-4 This comment asks whether the top parts of the stormwater pump station could be placed underground.

As discussed on pages 3.1-26 and 3.1-27 of the Draft EIR, most of the pump station components would be installed underground, to minimize aesthetics impacts. An 80-square-foot concrete pad with a 150-kW backup power generator and a motor control center would be mounted aboveground, because aboveground access would be necessary for these components for control and maintenance purposes and these features cannot be located underground.

- C5-5 This comment asks whether the stormwater pump station could be placed further away from residences.

The current pump station was sited and designed to balance the available space in the District's easement, align with the existing storm drain system and Corte Madera Creek pipe outfall, and minimize impacts on adjacent properties. The pump station facilities would be underground, with the exception of the pump control cabinet and backup generator. The backup generator would be idle most of time, except for annual maintenance and when the pump station does not have power from the electrical line and needs to operate. As discussed in the Draft EIR and responses to comments B1-15 and C5-2, neither construction nor operation of the stormwater pump station would result in significant impacts. Relocation of the pump station would not meet CEQA criteria for consideration as an alternative because it would not reduce or eliminate any significant impacts of the project.

- C5-6 This comment requests not removing trees between the stormwater pump station and residences on Laurel Avenue.

Tree removal would be limited to the extent required for construction equipment access and to the extent required by USACE in the Section 408 permit. Several trees would remain on site in this area, and eight trees would need to be removed where below-grade elements would require tree removal to construct and operate the stormwater pump station (see Figure 2.6-3 on page 2-30 in the Draft EIR). As described on page 3.3-81 of the Draft EIR, under Mitigation Measure 3.3-2b: Tree Mitigation, the District shall replant trees as mitigation for removal of any native trees in the project area and any trees greater than or equal to 6 inches diameter at breast height located within the riparian corridor.

- C5-7 This comment asks whether the swale would be fixed so that overflow would be directed into the first pond at the end of Laurel Ave.

The swale connecting Laurel Avenue and the basin on the College of Marin property would be modified to accommodate the pump station footprint. The swale would continue to function as a drainage path from Laurel Avenue to the basin. In addition, the

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pump station also would collect surface runoff along Laurel Avenue and discharge the surface runoff to Corte Madera Creek.

- C5-8 This comment states that the College of Marin parking lot at Laurel Avenue should direct surface water into drainpipes to overflow ponds. However, the surface water drains into Laurel Avenue. The comment requests that the District address this issue to the College of Marin.

This comment addresses the existing condition, not a project impact. The pump station is designed to intercept the overland flow on Laurel Avenue, as described in response to comment C5-7.

- C5-9 This comment states that mature trees in the College of Marin nursery should not be cut down.

The College of Marin nursery is not within the project area, and the project would not remove trees from the nursery area.

- C5-10 This comment states that the Draft EIR does not address the environmental effects related to tree removal adequately, including air pollution, noise, and transportation and traffic.

Impacts 3.2-2 and 3.2-3 and the mitigation measures in each in Section 3.2, Air Quality, in the Draft EIR address the fugitive dust and pollutants impact related to project construction. Impact 3.3-2 and Mitigation Measure 3.3-2b in Section 3.3, Biological Resources, in the Draft EIR address the impact of tree removal. Impact 3.10-1 and Mitigation Measure 3.10-1 in Section 3.10, Noise Draft, in the Draft EIR address the temporary noise impacts related to project construction. Impacts 3.13-1, 3.13-3, 3.13-4 and Mitigation Measure 3.13-1 in Section 3.13, Transportation and Circulation, in the Draft EIR address the temporary construction impacts related to pedestrian and bicycle traffic, traffic hazards, and emergency access. With the exception of the tree removal in Frederick Allen Park and temporary aesthetic impact from loss of tree canopy, the Draft EIR finds that the impact from tree removal would be less than significant with the mitigation included in the EIR. The Draft EIR concludes that the aesthetic impact in Frederick Allen Park would be significant and unavoidable for a period of approximately 10 years following landscaping.

- C5-11 This comment states that some trees on private property or on private property lines are marked to be removed.

The tree removal analysis presented in the Draft EIR is very conservative and assumes a maximum level of tree removal based on USACE policy, which requires a 15-foot buffer between the floodwalls and trees. The trees that are indicated for removal are trees that are within 15 feet of the existing floodwall, where the proposed project would increase the height of the floodwall. During discussions with USACE about the proposed project,

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USACE stated that trees on private property would not be removed, and that trees within 15 feet of the existing floodwall may not need to be removed, but the final determination would be provided in the Section 408 permit authorization.

- C5-12 The commenter would like to be informed when an on-site meeting occurs to discuss the stormwater pump station and tree removal in the Laurel Avenue area.

No on-site meetings have been planned; however, if an on-site community meeting is planned in the future, the District would notify residents adjacent to the project area in advance of the meeting.

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Comment Letter C6

----- Forwarded Message -----

From: County of Marin Board of Supervisors <noreply@formresponse.com>
To: "propertymanagersllc@yahoo.com" <propertymanagersllc@yahoo.com>
Sent: Tuesday, March 2, 2021, 09:26:41 AM PST
Subject: We have received your Board of Supervisors Contact Form

Board of Supervisors Contact Form	
Your Name:	Suzanne Mabardy
Your Email Address:	propertymanagersllc@yahoo.com
Subject:	Corte Madera Creek Project
Select a Routing Method (optional):	District
What District Do You Live In (optinal)?	District 2 - Katie Rice
Message:	<p>I am the owner of 1135 Sir Francis Drake, Kentfield (immediately upstream from Kentfield Hospital Bridge, Kentfield side).This property is adjacent to the concrete channel and has NEVER FLOODED...thanks to good STRUCTURAL engineering.</p> <p>I have read the EIR and have these objections:</p> <ol style="list-style-type: none">1) The project's primary objective is to improve flood management This objective is NOT met per the Hydrology Study (page 3.9-60. The study "shows either a reduction of flooding OR NO significant increas...", " AND it shows increased flooding in areas around COM. This project simply does not adequately achieve it's primary purpose!2) The Seismic Study only targets the channel wall in Ross/Fredrick Allan Park. Page 3.6.20 states, "The

C6-1

C6-2

2 COMMENTS AND RESPONSES

existing flood control channel wall is a concrete structure this a prone to damage under stone seismic events, whereas the proposed natural vegetated channel in FAPark would be less prone to damage or loss under a strong seismic event." This study totally ignores the full integrity of the entire concrete channel system. If there is such a seismic event, the entire channel would be "prone to damage"...NOT JUST IN ROSS.

3) This project is heavily weighted as A BEAUTIFICATION PROJECT FOR THE TOWN OF ROSS PAID FOR BY MARIN COUNTY TAX PAYERS. If there is fear that ONLY the Ross' concrete wall is failing...then let's get that justification. Otherwise, if you tear down the ROSS/ Park concrete channel AND beautify it...THEN it is logical that the entire concrete wall should be treated in the SAME method.

Thank you for your attention to my comments.
Suzanne Mabardy 415-302-4383

C6-2
cont.

C6-3

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You're receiving this message because you're a member of the Corte Madera Creek group from County of Marin. To take part in this conversation, reply all to this message.

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2 COMMENTS AND RESPONSES

2.5.6 Response to Letter C6: Suzanne Mabardy

- C6-1 This comment states that the proposed project would not meet its primary objective to improve flood management.

The proposed project has multiple objectives, including flood risk reduction, as stated in the Executive Summary and Chapter 2, Project Description, in the Draft EIR. The project would reduce flooding on residential, commercial, and municipal parcels in Ross, unincorporated Kentfield, and Larkspur as presented in Section 3.9 of the Draft EIR. The proposed project flood reduction benefits are discussed on page 3.9-60 in the Draft EIR. As discussed in Master Response 1, the District staff are recommending adoption of Alternative 1. Additional details about the Alternative 1 flood risk reduction benefits are presented in Master Response 3.

- C6-2 This comment states that the seismic study targets the channel wall in Ross/Frederick Allen Park and ignores the full integrity of the entire concrete channel system.

This comment addresses the existing condition and not the impacts of the project. The Draft EIR includes a discussion of the analysis of the potential impacts of the proposed project, as required by CEQA. The proposed project would not remove the existing concrete channel in areas outside Frederick Allen Park. The comparison of existing conditions and proposed project conditions in the Draft EIR focuses on the area where the concrete channel would be removed. The concrete channel in all areas would be prone to potential impacts from strong seismic events because concrete is more at risk to damage from strong seismic shaking than natural earthen material and vegetation. The risk of seismicity to the existing concrete channel is the existing condition, and the vulnerability of the existing concrete channel to strong seismic shaking events would not change because of the project implementation in areas where the concrete channel would remain. A USACE will evaluate the risk of the taller floodwall on the structural stability of the concrete channel as part of the Section 408 authorization process and would not authorize modifications to the structure that would place the structure at risk. The proposed fish pool construction within the concrete channel has been evaluated by GHD as part of the 60% design process and the USACE will perform a risk evaluation as part of the Section 408 authorization process. The fish pools have been designed to avoid increased risk of damage to the concrete channel during strong seismic events.

- C6-3 This comment states that the proposed project is a beautification project for the Town of Ross. The comment further states that if the concrete wall in the Town of Ross is removed, then the entire concrete wall in the project area should be removed as well.

The project objectives are identified in Section 2.4, Project Objective, in the Draft EIR. The project objectives do not include beautification but do include increasing environmental benefits and enhancing recreational experience. Improving environmental benefits and enhancing recreational experience could enhance aesthetic

2 COMMENTS AND RESPONSES

appeal of the project area, including the project elements proposed within the Town of Ross.

Chapter 5, Alternatives, in the Draft EIR presents descriptions and evaluations of alternatives to the proposed project (beginning on page 5-1), including Alternative 1 that would involve no modifications to Frederick Allen Park (see Master Response 1 regarding the preference for Alternative 1). Other alternatives to the proposed project, including removal of the concrete channel in other areas, were considered in Chapter 5; however, the alternatives that would remove additional sections of the concrete channel would require substantially greater sources of funding than others available to implement the proposed project that would meet the criteria for economic feasibility. These alternatives also would involve actions in other areas and would not meet CEQA criteria for alternatives because they would not reduce any significant environmental impacts of the proposed project. Alternatives that would remove the concrete channel in other areas could be implemented as a separate project in the future, if landowner support exists for the alternative and new funding sources are available to implement the concrete channel removal.

2 COMMENTS AND RESPONSES

Comment Letter C7

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

From: **Andy Avins** <aavins@gmail.com>

Date: Fri, Mar 5, 2021 at 6:24 PM

Subject: Corte Madera Creek Flood Risk Management Project Input

To: <cortemaderacreek@marincounty.org>

CC: Miriam Kuppermann <miriam.kuppermann@ucsf.edu>

We are writing to express our strong support for the full range of the Corte Madera flood-mitigation efforts currently under consideration. As residents living on Kent Ave. in Kentfield, and having lived through the devastating flood of 2005, we are well aware of the potential for future flooding and its very serious consequences. We believe the advantages of proceeding with implementing all flood-control options far outweigh any negative consequences and we congratulate the Marin County Flood Control and Water Conservation District on their careful and thoughtful proposal.

C7-1

We understand that proceeding with the most comprehensive flood-control options proposed would result in some temporary negative effects on the esthetics of Frederick Allen Park. However, we believe this is a relatively small price to pay for the benefits of the full project, given the increasing vulnerability of Ross Valley to future and worsening flooding as climate change continues. Furthermore, the effects on the Park's esthetics would be temporary (lasting a few years), resolving as newly planted trees mature, but the benefits of the project will last many decades. The overall environmental improvements also argue strongly in favor of proceeding with the full risk-reduction plan.

C7-2

We thank the District for its hard work and we strongly voice our support for implementing the full range of flood risk-reduction options under consideration.

C7-3

Sincerely,

Andrew Avins
Miriam Kuppermann
[307 Kent Ave.](#)
[Kentfield, CA 94904](#)

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2 COMMENTS AND RESPONSES

2.5.7 Response to Letter C7: Andrew Avins and Miriam Kuppermann

C7-1 The commenters support the proposed project and believe that project benefits would outweigh any negative consequences.

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

C7-2 The commenters state that they understand the temporary negative aesthetics effects that would occur in Frederick Allen Park resulting from project implementation, but that this would be a small price to pay. The commenters express strong support for the proposed project.

The commenter's support for the proposed project is acknowledged. Refer to Master Response 1 for a discussion of the reasons for staff's recommendation to adopt Alternative 1.

C7-3 This comment expresses support for the proposed project.

The commenter's support for the proposed project is acknowledged.

2 COMMENTS AND RESPONSES

Comment Letter C8

From: Hugh Barron <hughbarron@comcast.net>
Sent: Friday, March 12, 2021 11:46 AM
To: cortemaderacreek@marincounty.org
Subject: Ross Flood Control project - Comments

To whom it may concern:

I live at 43 Poplar Ave. in Ross, CA next to tennis courts and Allen Park. I spoke with Rich Simonich from Town of Ross this week who informed me on the trees' removal and replanting mapping for the Ross Flood Control Project.

C8-1

I wanted to write to say that I'm in support of the project. My wife wrote to the mayor saying she's concerned about losing our privacy but it seems to me that our house at 43 Poplar will be in good shape based on the drawing showing our back fence trees staying and some bigger trees being added next to the path.

C8-2

I'm thinking that access to a naturally flowing creek will create a very cool and natural space back there. Steelhead do actually run and then spawn up in Green Park below Phoenix lake, some years better than others. I'm kind of a fish conservation nut so think that removing the channel and fish ladder is a positive. Also, it seems that if we don't lose privacy and the larger basin serves to mitigate flood risk then it's a good solution.

C8-3

C8-4

Best regards,

Hugh D. Barron

43 Poplar Avenue
Ross, CA 94957-1369
Cell: (415) 250-9919

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2 COMMENTS AND RESPONSES

2.5.8 Response to Letter C8: Hugh D. Barron

C8-1 This comment states that the commenter has been informed about the proposed tree removal and planting plan related to the proposed project.

This commenter's knowledge of the tree removal and planting plan is acknowledged.

C8-2 This comment expresses support for the proposed project.

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

C8-3 This comment states that the commenter supports the project elements related to creating access to the creek, removing the concrete channel, and removing the fish ladder.

This comment addresses the merits of the project and not environmental impacts. Refer to Master Response 1 regarding the reasoning for staff recommendation to adopt Alternative 1.

C8-4 This comment states that the proposed project would be a good solution to mitigate flood risk if privacy is not lost.

This comment addresses the merits of the project and not environmental impacts. See Master Response 4 regarding privacy.

2 COMMENTS AND RESPONSES

Comment Letter C9

John C. Crane

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March 15, 2021

Joanna Dixon
Associate Civil Engineer
Project Manager, Public Works
Marin County

RE: Corte Madera Creek Flood Risk Management Project Draft Environmental Impact Report (Draft EIR) Comments

Joanna:

Thank you for the opportunity to submit my comments for the Corte Madera Creek Flood Risk Management Project Draft Environmental Impact Report (Draft EIR).

I am in favor of Alternative 1: Reduced Footprint – Avoid Frederick Allen Park.

C9-1

Frederick Allen Park is home to an urban forest that is currently flourishing and thriving, and it should be left alone. Moving forward with the proposed project will destroy the environment and disrupt the habitat for years - without significant flood benefit, and questionable objectives such as the Public Access and Recreational Quality which only provides marginal benefits, if any. In short, the proposed project is a waste of finite public resources. There are more pressing needs for DWR grant money in the State of California

C9-2

Ripping out mature trees, displacing wildlife, removing the concrete channel, building flood walls, building a new park, and then waiting for at least 20 years for the trees to mature and replace the shade that now exists makes no sense whatsoever. The good news is that this can be entirely avoided by *not* giving Frederick Allen Park an *unnecessary makeover* and adopting Alternative 1: Reduced Footprint – Avoid Frederick Allen Park instead.

C9-3

There are other concerns as well. At the March 2, 2021 Marin County Flood Control and Water Conservation District Board of Supervisors meeting, Raymond Wong made it clear that the hydrological modeling is still under development, and that the models need more complete analysis and verification. Once verified they will need to be provided to stakeholders and residents so they can evaluate and assess the true benefits of the EIR. Trying to pass a half-baked EIR is a sure-fire way to run into trouble, and the San Anselmo Flood Risk Reduction is proof that incomplete modeling, after the fact surveying, ignoring FEMA guidelines, inexplicable mitigation measures and ignoring common sense creates a nightmare of epic proportions. A mess that is still being dealt with, years after the EIR was passed. There is no reason to repeat this mistake.

C9-4

C9-5

At the same meeting Katie Rice raised the question as to whether or the models “talk to each other or potentially not to each other.” The fact that this question went unanswered by staff, should concern everyone interested in flood control. To move forward without a verified

C9-6

2 COMMENTS AND RESPONSES

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hydrological model, and one that works for the entire watershed, will only lead to disaster and result in unnecessary damage to the environment, homes and properties. It is not worth the risk.

C9-6
cont.

Also, of concern, is that the Corte Madera Creek Flood Risk Management Project, Phase 1: Project Update presented on June 30, 2020 states that the “All construction tied to the DWR grant funds must be completed by December 31, 2022.” This deadline has now become unrealistic, and it is pointless to continue to spend more money on high priced consultants.

Phase	Timeline
Construction Start	April 1, 2022
In-creek Construction Work	June 15 – October 15
Flood Wall (Segment #1) Construction	April 1 – July 7
Flood Wall (Segment #2) Construction	July 8 – August 25
Flood Wall (Segment #3) Construction	April 1 – July 14
Lower Channel Concrete Removal	June 8 – September 6
Fish Pool Construction	June 15 – October 11
Granton Park Storm Drain Pump Station Construction	April 1 – May 26
Channel Access Ramp Construction	April 1 – July 14
Frederick Allen Park Construction	June 1 – October 25
Fish Passage Transition Grading	June 15 – August 30
Construction End	October 25, 2022

All construction tied to the DWR grant funds must be completed by December 31, 2022.

C9-7

The truth is that the genesis of the Frederick Allen Park makeover was to grab grant money. In other words, this is not a project that needed funding, it is funding that needed a project.

C9-8

Thank you for the opportunity to provide my comments, which include my letter to you dated September 20, 2020, my letter to the Town of Ross dated March 10, 2021 who as the major stakeholder plays a vital role in this process. They are included below.

Thank you.

John Crane

Attachments: September 20, 2020 to Joanna Dixon, P.E. and March 10, 2021 to Mayor and Council Members, Town of Ross September 20, 2020

2 COMMENTS AND RESPONSES

John C. Crane

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Joanne Dixon, P.E.

RE: Corte Madera Creek Flood Risk Management Project Environmental Impact Report (Project) Scoping Meeting.

Thank you for the opportunity to provide comments on the scope of the Corte Madera Creek Flood Risk Management Project Draft EIR.

1. FISH LADDER REMOVAL ONLY PROVIDES MOST OF THE FLOOD BENEFIT

Removal of the Fish Ladder provides most of the flood benefit to the Town of Ross and, by comparison, at a relatively modest price. The County must provide a Fish Ladder Only Alternative, and eliminate the redo for Frederick Allen park portion.

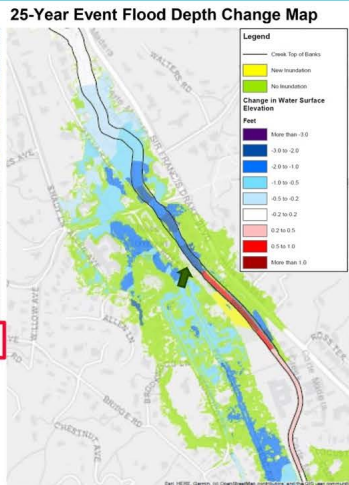
The Frederick Allen Park makeover provides very little flood benefit to Ross, yet it comes at a very high price. Despite the fact that it is largely comprised of a DPW grant, the County has not clarified the percentage of overall budget vs. flood risk reduction benefit, but it is clear it uses a disproportionate number of resources to achieve very little additional Flood Benefit.

Preliminary Floodplain Analysis (Work-in-Progress)
25-Year Event - Downtown Ross



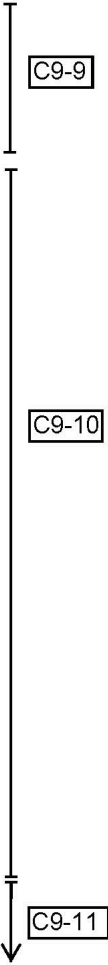
25-Year Event Future Condition	Allen Park Action	Water Depth
No Project	No Action	12" to 14"
With Project*	Left Bank Improvement	8" to 10"
	Right Bank Improvement	6" to 8"
	Full Improvement	6" to 8"
	Fish Ladder Removal Only	6" to 8"

* Fish passage improvement is currently in concept design and will be added into the analysis.



[Corte Madera Creek Flood Risk Management Ross Presentation June 30, 2020](#)

2. CUTTING DOWN 200 MATURE TREES IS A MISTAKE THAT ELIMINATES SHADE AND HARMS BIRDS, SQUIRRELS, FISH AND OTHER CREATURES INCLUDING HUMANS

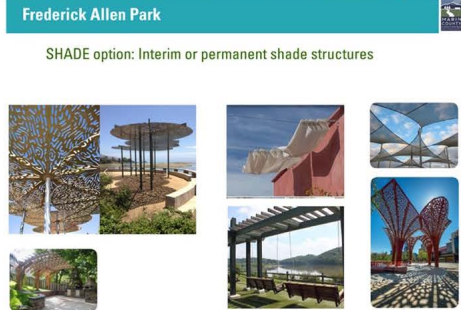
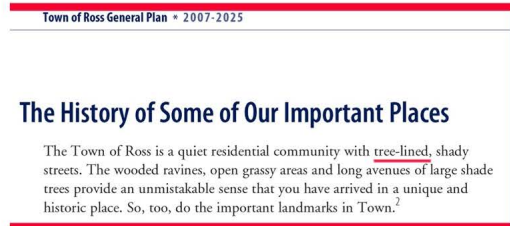
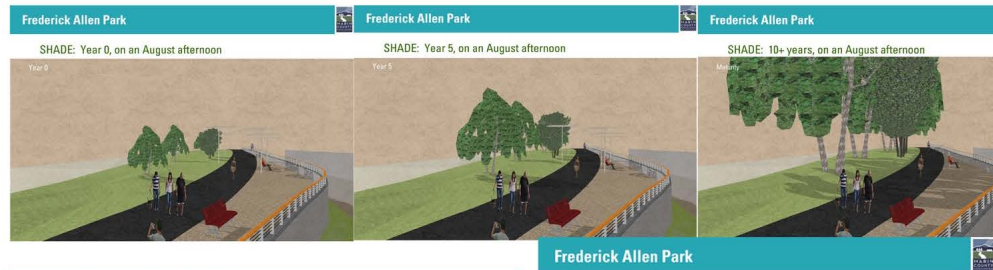


2 COMMENTS AND RESPONSES

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The proposed designs for Frederick Allen Park are out of step with the character and natural beauty of Ross. It is NOT environmentally sound to cut down 200 mature trees only to replace them with much smaller trees and manmade umbrellas to restore the shade that already exists. Especially when they need to be setback 15' from floodwalls.



C9-11
cont.

[Corte Madera Creek Flood Risk Management Ross Presentation June 30, 2020](#)

3. THE GENERAL FUND IS CURRENTLY FACING INCREASING OPERATING SHORTFALLS IN EACH OF THE NEXT FIVE YEARS

At a recent scoping meeting one of the Project Goals & Objectives presented was:

- 6. Fiscally Responsible.** Implement a flood risk reduction project that can be accomplished with local and grant funding and reasonably foreseeable grant funding opportunities.

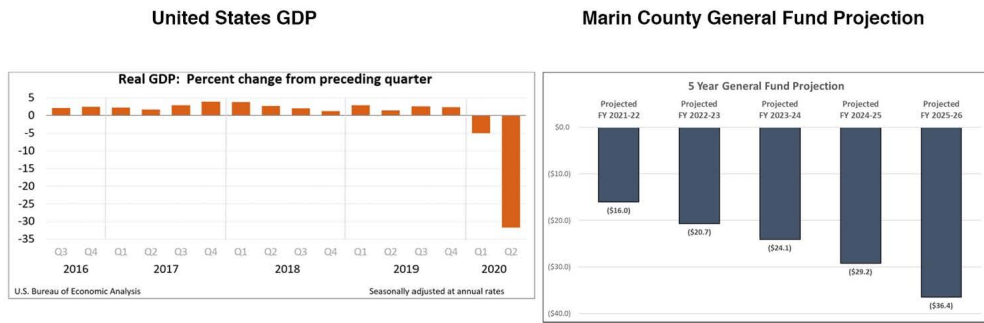
Now that we are in the middle of a huge financial crisis, as the link [Marin County Staff Report](#) for next Tuesday's BOS Meeting 9.22.20, begs the question: Why County is continuing to spend taxpayer money on nonessential projects as if there was no crisis? This is reckless and misguided – it is far from Fiscally Responsible.

C9-12

2 COMMENTS AND RESPONSES

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"...there are several uncertainties that can substantially impact budget projections."

Marin County Board of Supervisors SUBJECT: First Quarter Budget Update 9.22.20

[Marin County Board of Supervisors SUBJECT: First Quarter Budget Update 9.22.20](#)

4. ALT J DIVERTED WATER FROM UNIT 4, BUT NOW THERE IS NO FLOOD PLAN FOR UNIT 4 AT ALL

Susanne Heim of Panorama Environmental, Inc. stated that the new EIR was basically the USACE's Alt. J from the previous Corte Madera Creek Project EIR - except with no bypass tunnel. The Bypass Tunnel was designed to divert significant cfs, but now there is no plan and the water will simply continue to flood homes in this section.

Instead of engineering new solutions, Unit 4 from Sir Francis Drake Bridge to the Fish Ladder has no flood protection, and has been excluded from this project entirely. It is also excluded from the San Anselmo Flood Risk Reduction Project and has become a "no mans" land for flood protection. This is denial, and it is not a solution. And it cannot be overlooked.

5. FLOOD WALLS NEED PUMPS TO REMOVE OVERLAND WATER FROM BEHIND THE WALLS

The floodwalls being proposed are designed to prevent to flooding from the creek, there are no plans to remove the water that will be trapped behind them from overland flow. There is no plan to for pumps or other methods to remove the overland water that will be trapped behind them. This will create new problems for homeowners.

IN SUMMARY

C9-12
cont.

C9-13

C9-14

2 COMMENTS AND RESPONSES

John C. Crane

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It is time to hit the reset button. We need a project that works from the bottom up instead of the other way around. I put the County on notice that homeowners, such as myself, need the County to provide flood controls that protect residents – not harm them. The County needs to adhere to its goal and promise to: *“implement mitigation measures to reduce or avoid the possibility of increasing downstream flooding.”*

C9-15

That is the standard that the County set for itself, and they should be held accountable and responsible for mitigation measures that actually achieve that.
The goal is to solve existing problems, not create new ones.

Thank you for your consideration.

John Crane

March 10, 2021

Dear Mayor and Council Members, Town of Ross:

RE: Corte Madera Creek Flood Risk Management Project Draft Environmental Impact Report (Draft EIR) Comment Letter

Don't assume the County is using current hydrological models.

As the March 15th, 2021 comment letter states, the Town of Ross, as a major stakeholder in the Project, and a responsible partner is now in a position to demand that County's ensure that information and analysis in the Draft EIR is accurate and reliable so it can evaluate potential impacts that are likely to occur within the Town. The Town Council of Ross should demand that the County demonstrate that they have a viable hydrological model that actually works, and one that has outcomes or outputs that can be trusted. We're not there yet.

To that end, I believe that the letter should also specify a requirement for up-to-date hydrological models that are consistent with the upstream projects that will actually be implemented. In my opinion, the Town of Ross should not only add this to the March 15, 2021 comment letter, but require this information be provided upfront - *before* the Final EIR is certified – not *after* the fact. This is common sense.

C9-16

With all the recent and significant developments and changes to projects, the need for accurate up-to-date modeling has become increasingly important. Especially since there can be no doubt that some of the current information in Draft EIR is no longer accurate or valid due to recent changes for upstream projects. Minor changes are one thing, but major changes need to be carefully studied.

2 COMMENTS AND RESPONSES

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In the Draft EIR, Table 3.9-5 lists Projects Included in Future Condition Scenarios. Currently there are nine projects listed, but given recent developments are they all going to move forward? It is also clear that, in addition, many projects are still being developed and/or undergoing modeling and design modifications, making it even more challenging and even harder to evaluate their impact downstream. On page 3.9-38 under Impact Analysis Methods, it is made clear the future upstream projects will affect the baseline hydraulic conditions of Corte Madera Creek, and that an analysis would be misleading if it does not include information for upstream projects that have been planned or approved.

C9-17

The importance of having current information cannot be overlooked, because the accuracy of the hydrological modeling is critical to the success for this project and all flood projects in the County. And needless to say, changes to velocities and water surface elevations need to be accurately modeled and fully considered. And the projects are linked together so whatever happens downstream impacts upstream, and vice versa.

C9-18

Do the models “talk to each other?”

At the March 2, 2021 Marin County Flood Control and Water Conservation District Board of Supervisors meeting, Supervisor Katie Rice asked a question that goes to the heart of **one of the biggest problems** facing this project and other watershed projects by asking the following:

KATIE RICE: ...WITH REGARDS TO THE MODELING THAT WAS USED IN THE ANALYSIS FOR THIS PROJECT VERSUS THE MODELS OR MODELING THAT WAS USED FOR PROJECTS UPSTREAM, AND HOW DO THOSE TALK TO EACH OTHER OR POTENTIALLY NOT TO EACH OTHER?

Katie Rice hit the nail on the head. And she showed leadership by asking a tough direct question of her staff. And Liz Lewis gave a response that did not directly answer the question or inspire confidence:

C9-19

LIZ LEWIS: ...WE USED THE SAME MODEL THAT WAS USED WITH SOME REFINEMENTS, SO RAYMOND, DO YOU WANT TO TOUCH UPON THE REFINEMENTS FOR THIS PROJECT?

When Raymond responded, he revealed some important information that shed light on the process that the County is using. And in doing so he left no doubt that that the “base of the model” is based on the 2017 model developed by USACE. That in his view there is a combination of “two models has been linked together” and that it “the objective is to make sure the model we running here is synchronized with the upstream model.”

And Raymond made it clear that this model is a work-in-progress, and it is far from “refined” as “the project team is working of the 35% and continue to update with the new design information.” It appears that one model doesn’t exist or is still in preliminary stages, and the

2 COMMENTS AND RESPONSES

John C. Crane

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other – the upstream models are still evolving undergoing recalibration and design modification. This is not very reassuring and it is a big problem because the goal of using *one model* has been stated clearly: “to ensure consistency in the hydraulic analyses and CEQA documents across all flood projects.”

I hope the Town Council will review the Full Transcript attached below and/or use this link to view this portion of the March 2, 2021 video: <https://vimeo.com/521090660>. It is a telling exchange that will make you question if County has valid outcomes to use from the model(s), and whether or not the model(s), in fact, do not talk to one another. Keep in mind that the SAFRR EIR was passed in 2018, and the modeling is not settled in 2021. At least not yet.

Actual Number of Homes Being Put at Greater Flood Risk.

The distance between Winship Bridge to Lagunitas Bridge is approximately one-half mile. And yet in this extremely vulnerable area virtually nothing will be done to protect property owners in Unit 4 which begins at Sir Francis Drake Bridge with the Corte Madera Creek Flood Risk Reduction Management Project.

Between Winship Bridge and Sir Francis Drake Bridge there are 12 homes that are part of the San Anselmo Flood Risk Reduction Project (SAFRR). Although SAFRR "artificially" ends at Sir Francis Drake Bridge, the water keeps flowing downstream.

There are, I believe, another 32 homes between Sir Francis Drake Bridge and Lagunitas Bridge including 5 that are repetitive loss properties according to Richard Simonitch. That's a lot of homes – many of which will be put at increased risk - and that is in just one one-half mile of the proposed project.

The Town of Ross should demand that these homes be surveyed.

The homes above should be surveyed, and so should the homes on Sylvan Lane, Shady Lane, Bolinas Ave., etc. because some will also be impacted by flooding. Removal of Bridge Building 2 abutments adds 4" *inside* the channel and 4" *outside* the channel. Hugh Davis has told me and my neighbors between Winship Bridge and Sir Francis Drake Bridge that we are *more likely* to be flooded from the street *than the creek* due to SAFRR. And that water will *continue* to flow down the streets – it doesn't stop where the SAFRR project *artificially* ends.

And as the Town of Ross knows, there are additional homes downstream of Lagunitas Bridge. 10 more in Ross to the end of Frederick Allen Park and countless more in Kentfield.

Ross Should Demand That The Board of Supervisors Tour the Project Site

C9-19
cont.

C9-20

C9-21

C9-22

2 COMMENTS AND RESPONSES

John C. Crane

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If we could use a boat it would be wise to give the Board of Supervisors a real-world tour and look at *all* the various sections of the Projects, potentially impacted homes, and then take a walk in the park – for those Supervisors who have never even been to Frederick Allen Park.

The Town of Ross should insist in its comment letter that the Board of Supervisors garner a first-hand understanding of the various elements before they certify the project. They should see the trees that will be cut down, the shade that will be gone, the animals that will be displaced, the complexity of removing the concrete channel and the privacy that homeowners currently enjoy that will be removed – along with the inability to plant new trees within 15’ of flood barriers.

What is the Benefit of the Frederick Allen Park Makeover? Recreationally or otherwise?

I would like to point out that the proposed park does not significantly add more recreational use. On any given day in Frederick Allen Park now - there are bikers, dog walkers, families with kids. Any increase in recreational use is likely to be marginal, and it comes with an enormous price tag to the environment, wildlife, along with a huge disruption for current use for the entire community – for years to come.

Even the layout of the path would not change significantly - maybe a curve or two. The big changes are removing the chain link fence to “providing access to the creek, which does not currently exist” creating a potential safety hazard, and removing a huge number of mature trees and replanting trees that will take 20 years to provide the shade that currently exists.

Significantly, giving Frederick Allen Park a *makeover* adds no additional flood protection benefit. It offers the same benefit as Alternative 1: Reduced Footprint – Avoid Frederick Allen Park, but it comes at an exorbitant cost.

Years and years of disruption.

In the Draft EIR it says the proposed park will take 7 months to construct. But how many years will it actually take to rip out all the trees, displace wildlife, build a new park, and remove the channel? You can bet that the disruption will take years and years – not months.

The County constantly says it “will get to it” when it doesn’t have answers, but I hope the Town of Ross will not buy this excuse when it comes to protecting the Town and its residents. That is why I hope the Town Council will take a “buyer beware” approach, and finally hold the County to a higher standard that includes a viable plan with verified, reliable hydrological models.

Recent events have made it clear that County doesn’t follow FEMA guidelines, or their own inexplicable mitigation criteria, or Marin County ordinances or provide accurate, clear, and verified hydrological models that adhere to their stated goal of consistency. The County has shown a disregard for the process, following their own policies, and/or respecting the properties for the Town and its residents. The Town Council of Ross should demand better.

C9-22
cont.

C9-23

C9-24

C9-25

C9-26

2 COMMENTS AND RESPONSES

John C. Crane

86 Sir Francis Drake Blvd., San Anselmo, CA 94960
415.847.5054 | john@johncranefilms.com | www.johncranefilms.com

Thank you for your consideration.

John Crane

Attachment: March 2, 2021 Marin County Flood Control and Water Conservation District Board of Supervisors meeting Transcript

March 2, 2021 Marin County Flood Control and Water Conservation District Board of Supervisors meeting | Transcript From Captions

KATIE RICE: AND THE LAST QUESTION, AND THIS WAS RAISED BY SOME OF OUR COMMENTERS VIA EMAIL WAS WITH REGARDS TO THE MODELING THAT WAS USED IN THE ANALYSIS FOR THIS PROJECT VERSUS THE MODELS OR MODELING THAT WAS USED FOR PROJECTS UPSTREAM, AND HOW DO THOSE TALK TO EACH OTHER OR POTENTIALLY NOT TO EACH OTHER?

SUZANNE HEIM: YEAH, LIZ DO WANT TO ANSWER THAT QUESTION OR MAYBE RAYMOND?

LIZ LEWIS: YEAH, RAYMOND DO YOU TO SPEAK TO – WE USED THE SAME MODEL THAT WAS USED WITH SOME REFINEMENTS, SO RAYMOND, DO YOU WANT TO TOUCH UPON THE REFINEMENTS FOR THIS PROJECT?

RAYMOND WONG: SURE, YES. CAN EVERYONE BE ABLE TO HEAR ME? SO GOOD AFTERNOON. THIS IS RAYMOND. SO THE MODEL THAT IS USED FOR THIS – TO USE FOR THIS PROJECT IS BASED ON THE U.S. ARMY CORP ENGINEER MODEL THAT WAS DEVELOPED, CORPS OF ENGINEER IN 2017. SO THE BASE OF THE MODEL IS IDENTICAL TO START – TO BUILD FOR THE PROJECT AND ALSO FOR THIS PROJECT. FOR THIS MODEL, IT DOES INCLUDE ALL THE IMPROVEMENT, THE PROPOSED IMPROVEMENTS UPSTREAM ON THE SAFRR PROJECT, AND THEN IN COMBINATION WITH THIS PROJECT. THIS TWO MODEL HAS BEEN LINKED TOGETHER AND REFLECTING THE EFFECT FROM THE RESPECT PROJECT. THIS ANALYSIS IS BASED ON THE CONCEPT DESIGN RIGHT NOW THE PROJECT TEAM IS WORKING OF THE 35% AND CONTINUE TO UPDATE WITH THE NEW DESIGN INFORMATION COME IN FOR THE UPSTREAM PROJECT TO INCORPORATE.

THE OBJECTIVE IS TO MAKE SURE THE MODEL WE ARE RUNNING HERE IS SYNCHRONIZED WITH THE UPSTREAM MODEL, AND SO IN THE END OF THE DAY IT WILL BE A COMBINED WATERSHED MODEL REFLECTING THE EFFECT OF BOTH THIS PROJECT AND ALSO THE UPSTREAM PROJECT.

2 COMMENTS AND RESPONSES

John C. Crane

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(Here is the link to this portion of the March 2, 2021 video: <https://vimeo.com/521090660>)

2.5.9 Response to Letter C9: John C. Crane

C9-1 The comment states support for Alternative 1.

Support for Alternative 1 is acknowledged. See Master Response 1 regarding staff recommendation to adopt Alternative 1.

C9-2 This comment states that Frederick Allen Park is an urban forest, and the proposed project would create only marginal recreational benefits, would disrupt the habitat for years, and would be a waste of DWR grant funding.

As discussed in Section 3.3, Biological Resources, in the Draft EIR, the areas in Frederick Allen Park are mapped as landscaped vegetation with a mix of native and nonnative plants and trees (on page 3.3-14). Frederick Allen Park does not contain native habitat; it is a landscaped park. Existing landscaping in the park is not connected to the creek because of the floodwall, and the existing trees and vegetation in the park do not provide shading of the creek or riparian vegetation for fish and wildlife. The proposed project would create natural riparian habitat in the park by restoring the earthen channel and planting native riparian vegetation in the floodplain, which would provide a connected creek and floodplain habitat. See Master Response 6 for additional information regarding the existing conditions and proposed improvements in Frederick Allen Park.

The District received matching grant funds from DWR to support project construction. DWR chose to fund the proposed project because of project benefits to aquatic resources, including flood risk reduction and habitat improvement. The proposed project would provide broad benefits to both flood risk reduction and habitat improvement, consistent with the grant terms. These benefits are discussed in the Executive Summary, Chapter 3.3, Biological Resources, and Chapter 3.9, Hydrology and Water Resources, in the Draft EIR.

C9-3 This comment states that project construction would result in impacts on mature trees, wildlife, and shade in Frederick Allen Park, and that these impacts would be avoided with implementation of Alternative 1.

The commenter's support for Alternative 1 is acknowledged. Project construction impacts in Frederick Allen Park are addressed in the Draft EIR. The impacts that are discussed in the comment would be temporary, and the proposed project would

2 COMMENTS AND RESPONSES

enhance habitat conditions, as discussed in response to comment C9-2. See also Master Response 1.

- C9-4 This comment expresses concerns regarding the hydraulic modeling that still is being developed and would need verification.

Refer to Master Response 3 regarding the design process and additional details on hydraulic modeling for Alternative 1, based on a 60% level of design. The hydraulic modeling used for the proposed project was developed in USACE HEC-RAS v5.0 modeling software, refer to page 3.9-34 of the Draft EIR for a detailed discussion of hydraulic modeling used for the proposed project. The HEC-RAS software is a standard and broadly accepted tool for the kind of modeling and analysis that were performed to inform the project's design and environmental impacts analysis.

- C9-5 This comment compares the proposed project to the San Anselmo Flood Risk Reduction Project.

The proposed project would be separate from the San Anselmo Flood Risk Reduction Project. This comment does not address the adequacy or accuracy of the Draft EIR. Refer to Master Response 3 regarding the design and modeling process. The Draft EIR addresses FEMA guidelines and acknowledges the need for a conditional letter of map revision (CLOMR) as listed in Table 2.8-1 of the Draft EIR. The FEMA approval process is separate from CEQA. It would be conducted for the proposed project after the CEQA process has been completed.

- C9-6 This comment states that the question raised by Supervisor Katie Rice about the hydraulic modeling was not answered by staff during the public hearing on March 2, 2021. The comment further states that without a verified hydraulic model that works for the entire watershed, the proposed project will result in necessary damage to the environment.

The question raised by Supervisor Katie Rice during the public hearing was answered by Raymond Wong, the hydrology consultant to the District. As explained in Section 3.9, Hydrology and Water Quality, in the Draft EIR, the hydraulic model considers the upstream projects, including the San Anselmo Flood Risk Reduction Project, and the proposed project in the future condition scenario modeling. See page 3.9-35 of the Draft EIR for more information regarding development of the hydraulic model and cumulative projects that were considered in the future condition analysis.

- C9-7 This comment expresses concerns about meeting the schedule for project construction in 2022.

The District is continuing to work with the project stakeholders to meet the schedule. The construction schedule is shown in Table 2.6-5 on page 2-38 in the Draft EIR. After publication of the Draft EIR, a public workshop was held in Ross, and the proposed

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project was discussed at a Town Council meeting in May. Based on the results of the Council meeting, the District staff are recommending adoption of Alternative 1 rather than the proposed project, to meet the 2022 construction schedule. See Master Response 1 for further details.

- C9-8 This comment states that the purpose of the project element in Frederick Allen Park is to obtain grant funding.

The mission of the District is to reduce the risk of flooding for the protection of life and property while using sustainable practices. The District does not seek grant funding for projects that are not needed. The District seeks grant funding for projects that are compatible with its mission. See Master Response 1.

- C9-9 This comment proposes an alternative that is reflected as Alternative 1 in the Draft EIR.

See Chapter 5, Alternatives, in the Draft EIR for more details about Alternative 1: Reduced Footprint-Avoid Frederick Allen Park. Also see Master Response 1 and Master Response 3.

- C9-10 This comment states that the project element in Frederick Allen Park provides very little flood benefit to the Town of Ross.

The Fish Ladder Removal Alternative is one of the alternatives considered but rejected for further analysis because this alternative would not meet most project objectives and would not be technically feasible. Removal of the fish ladder in the absence of other hydrologic modifications would create hydrologic instability in Corte Madera Creek and could cause scour at the transition to the concrete channel, as discussed in Chapter 5 of the Draft EIR. The Fish Ladder Removal Alternative would result in significant hydrologic impacts because it would not provide protection for Kentfield, leading to increased flooding in Units 3 and 2. The flood benefits of the Frederick Allen Park project element, as compared to Alternative 1 that would avoid modification to Frederick Allen Park, are discussed in Chapter 5, Alternatives, in the Draft EIR. As discussed on page 5-26 in the Draft EIR, Alternative 1 would have less flood reduction benefits and would result in increased water surface elevation compared to the proposed project during a 100-year storm event. See Chapter 5 in the Draft EIR for more detailed information regarding the flood benefits of the Frederick Allen Park project element. See Master Response 1.

- C9-11 This comment states that the project would remove 200 mature trees in Frederick Allen Park and result in impacts on wildlife and humans.

USACE could require removal of any trees located within 15 feet of the existing floodwall based on USACE policy regardless of the project implementation. The proposed project would remove up to 144 trees in the Frederick Allen Park reach of the Corte Madera Creek channel. This analysis reflects the worst-case scenario where

2 COMMENTS AND RESPONSES

USACE would require at 15-foot vegetation setback. Approximately 113 trees would be removed if a setback is not required (refer to Table 2.6-2 of the Draft EIR). The urban/developed area in Frederik Allen Park currently is separated from the creek by a 10-foot-tall concrete wall and does not provide riparian habitat. See Master Response 6 regarding the habitat benefits of the proposed project.

- C9-12 This comment states that the proposed project would not meet the objective of being fiscally responsible because we currently are in the midst of financial crisis and the project is not essential.

The proposed project would be funded by existing funding that is available for flood control, and it would be funded with matching grant funds from the California Department of Water Resources, if the project can be constructed by the end of 2022. Flood control projects are considered to be essential services because they provide essential protections for public safety, water quality, fisheries, and wildlife habitats. If the District does not implement the proposed project by the end of 2022, the District will not be able to meet the grant funding deadline, and the matching DWR funding no longer will be available for project implementation. Chapter 5, Alternatives, in the Draft EIR includes an analysis of the No Project Alternative, which represents the expected future conditions if no change would occur in the current channel conditions.

- C9-13 This comment states that no flood plan is proposed for Unit 4 because the project would not include a bypass tunnel, and no flood protection would be provided by the proposed project or the San Anselmo Flood Risk Reduction Project.

The project would include regrading in Unit 4 above the fish ladder, to lower the channel bed and create a smooth transition to Unit 3. The project also would install streambank stabilization elements, including planted rock, vegetated soil lifts, erosion-control fabric, and engineered streambed material in Unit 4. The project elements proposed in Unit 4 are shown in Figure 2.5-1 on page 2-9 in the Draft EIR. Flooding from creek overtopping would be reduced in Unit 4 because of the proposed project, as shown in Figure 3.9-7 to Figure 3.9-9 on pages 3.9-55 to 3.9-57 in the Draft EIR, and in the graphics provided in Appendix E.

Chapter 5, Alternatives, in the Draft EIR includes discussions of the alternatives proposed for the area upstream from the fish ladder and Lagunitas Bridge. However, these alternatives would not meet the feasibility criteria for the proposed project because they would require acquisition of properties by the District, which would be cost prohibitive. See Table 5.2-1 on page 5.7 in the Draft EIR for more information regarding the alternatives considered during project planning and preparation of the Draft EIR. The proposed project would not preclude future flood control projects in Unit 4 or upstream, but additional flood control actions upstream would not be possible within the constraints of the available funding and timeline of the proposed project.

2 COMMENTS AND RESPONSES

- C9-14 This comment states that the floodwalls would need pumps to remove the overland water behind them, and the proposed project would create flooding behind the floodwalls.

As described in Draft EIR Chapter 2, Project Description, the primary function of the proposed floodwalls in Units 2 and 3 would be to minimize the extent that the creek flow overtops the creek channel and inundates the floodplain. New storm drain inlets with backflow preventers are proposed along the new floodwall segments, to drain surface runoff from behind the floodwall into the creek. At the Granton Park pump station, a new storm drain inlet also would be installed, to capture runoff behind the floodwall.

- C9-15 This comment states that the County should provide flood project controls that protect residents, not to harm them, and implement mitigation measures to reduce or avoid the possibility of increasing downstream flooding.

The proposed project has been designed to reduce Corte Madera Creek flooding of residential and commercial areas. As discussed in Section 3.9, Hydrology and Water Quality, in the Draft EIR, the proposed project would reduce flooding in the Town of Ross and unincorporated Kentfield (see the discussion beginning from page 3.9-54 and the summary of impacts on page 3.9-60 in the Draft EIR). The areas where flooding would increase would be limited to parking lots, playgrounds, and an elevated trailer near College Avenue (with no permanent structures affected), and no significant increase in flooding would occur on residential properties. The model projected increase in water surface elevation of 0.02 to 0.2 feet in the area east of Unit 2 and south of Stadium Way is within the range of model uncertainty, and thus the impact would be less than significant. Model precision and the significance threshold for change in water surface elevation are discussed on page 3.9-35 and page 3.9-39 in the Draft EIR. Because no significant increase in water surface elevation would occur at any structures, no mitigation is proposed. See Master Response 3 regarding the potential need to prepare a Supplemental EIR if the proposed project is shown to cause new significant impacts on flooding in subsequent design revisions. The proposed project would not cause a significant increase in flood risk at any structures. In addition, after the proposed project is approved, the District would need to obtain FEMA's Conditional Letter of Map Revision for changes in the water surface elevation in the regulatory floodway (concrete channel).

- C9-16 The comment assumes that the hydraulic model used for the proposed project is not up-to-date and suggests that the Town of Ross request information about the hydraulic model before certification of the Final EIR. The comment also states that the information in the Draft EIR no longer is accurate or valid because of recent changes for upstream projects.

2 COMMENTS AND RESPONSES

The hydraulic model used for the proposed project is up-to-date. See page 3.9-34 in the Draft EIR for information regarding the hydraulic modeling used for the proposed project. The hydraulic model incorporates the planned and/or approved upstream projects in the future condition analysis. See Table 3.9-5 on page 3.9-36 in the Draft EIR for a list of projects that were considered in the future condition analysis, and see the Impact Analysis Methods on page 3.9-38 in the Draft EIR for details regarding the approach for the future condition analysis.

The Town of Ross hired an independent consultant (Schaaf & Wheeler) to verify the hydraulic modeling. The consultant concluded that the hydraulic model for the proposed project is a complex, robust model that appears reasonable. See response to comment C9-4 for information regarding the modeling and design process.

- C9-17 This comment states that many projects included in the hydraulic modeling are still under development or planning phases, which makes it difficult to evaluate their impacts downstream.

The intent of the future condition scenarios is to estimate the projected flood inundation in the project area, with consideration of projects that are planned to be implemented in the future, and with a combination of the projected sea-level rise. The input for the future condition analysis is based on the best available planning and design information currently available. After Board of Supervisor approval of the proposed project or an alternative in the future, more detailed engineering and design would be completed and additional hydraulic analysis would be prepared as part of that detailed engineering and design process. The detailed engineering and design would continue to consider the upstream projects that are proposed or being implemented. See Master Response 3 for additional details on the process.

- C9-18 This comment states that current information is important for hydraulic modeling and changes need to be accurately incorporated into the modeling because upstream projects and the proposed project would be linked together.

Three scenarios are analyzed in the Draft EIR: 1) existing conditions, 2) future conditions with upstream projects and moderate sea-level rise, and 3) future conditions with upstream projects and increased sea-level rise. In all scenarios, the proposed project would produce flood reduction benefits and would not cause increased flooding at any structure. Because the District has considered a range of scenarios with different baseline conditions and the results have been consistent regarding the creation of flood reduction benefits and lack of increased flooding on residential properties, the model results are not sensitive to the upstream projects or sea-level rise. See Section 3.9, Hydrology and Water Quality, in the Draft EIR, starting from page 3.9-35 for more information regarding the scenarios considered in the hydraulic modeling, and starting from page 3.9-54 for the discussion of project impacts by conditions and area. See also Master Response 3 regarding updated hydraulic modeling for the 60% design.

2 COMMENTS AND RESPONSES

- C9-19 This comment includes a section of the transcript from the public hearing on March 2, regarding the question about how the hydraulic modeling for the proposed project and upstream projects are linked together. The comment questions the validity of the hydraulic modeling outcomes.

The hydraulic model used for the proposed project is consistent with the model used for the upstream projects. Both models are built on the same underlying hydraulic model that was developed and calibrated by USACE and Stetson Engineers, Inc. As the project design is refined through the design and engineering process, hydraulic modeling is updated at each iterative level of engineering and design. See Section 3.9, Hydrology and Water Quality, from page 3.9-35 in the Draft EIR for more information regarding how the hydraulic was developed and refined. Also see Master Response 3 for more information regarding the modeling and design refinement process.

- C9-20 This comment states that many homes in Unit 4 would be put at increased flood risk from the San Anselmo Flood Risk Reduction Project.

Figure 3.9-7 to Figure 3.9-9 on pages 3.9-55 to 3.9-57 in the Draft EIR show that the proposed project would result in reduced water surface elevation and associated flood risk reduction benefits at residential areas along Sylvan Lane in Unit 4. No increased flood risk would occur upstream from Lagunitas Road Bridge because of the proposed project. The San Anselmo Flood Risk Reduction Project along with the proposed project, and other bridge replacement and development projects in the watershed would reduce the frequency and severity of flooding in the watershed resulting in a cumulatively beneficial impact. Although the proposed project would not include flood risk reduction elements in the area upstream from Lagunitas Road Bridge, the proposed project would not preclude future flood risk reduction projects in the area, if funding is available and community support exists for flood control. See Master Response 1 regarding lack of community support for the portion of the proposed project in Frederick Allen Park.

- C9-21 This comment suggests that the Town of Ross should demand that the District survey homes in Unit 4 along Sylvan Lane, Shady Lane, and Bolinas Avenue because some homes would be affected by flooding.

As discussed under Impact 3.9-5 on page 3.9-54 in the Draft EIR, the proposed project would not result in increased water surface elevations in areas along Sylvan Lane, Shady Lane, and Bolinas Avenue. The proposed project either would have no effect or would result in reduced water surface elevations at properties above Lagunitas Bridge along Sylvan Lane, Shady Lane, and Bolinas Avenue. The Town of Ross could survey every property in the town, but this would be cost and time prohibitive for the District to do. Surveying the elevation of the finished floor for all properties in this area would add no value to the evaluation of the project impacts because no adverse effect has been identified in the area, regardless of the structure elevation.

2 COMMENTS AND RESPONSES

- C9-22 This comment suggests that the Town of Ross should demand that the Board of Supervisors tour the project site with a boat. The comment also suggests that the Board of Supervisors should view the trees that are proposed to be removed, so that the Board understands the potential impacts that would be caused by tree removal.

The concrete channel has minimal flow for the majority of the year. When substantial water exists in the creek, it is fast moving, and it is not safe to tour the area by boat. The flood control channel was designed for flood control rather than for navigation. Chapter 2, Project Description, in the Draft EIR discusses the approach to replace trees that would be removed with riparian trees and shrubs. The current tree canopy does not support an understory. The proposed project would restore natural vegetation in the area, which would support increased biological diversity of plants and wildlife. See Section 2.6.9 on page 2-36 in the Draft EIR regarding the approach to replace removed trees. Also see Mitigation Measure 3.3-2b on page 3.3-81 in the Draft EIR for specifics on tree replacement.

The impacts of tree removal on views also are addressed in the Draft EIR. See the analysis of aesthetic impacts and visual simulations, shown in Figures 3.1-11 through 3.1-21 on pages 3.1-30 through 3.1-32 in the Draft EIR, concerning the conditions immediately after project implementation as well as approximately 10 and 20 years after landscaping. Also see Master Response 1 regarding Alternative 1.

- C9-23 This comment asks what the benefits would be for the project elements in Frederick Allen Park. The comment states that the project elements in Frederick Allen Park would not change the recreational use of the park but would create potential safety hazard because of the removal of the chain-link fence. The commenter states that Alternative 1 would offer the same flood protection benefits as the proposed project.

The project elements in Frederick Allen Park would improve biodiversity, by creating riparian habitat and improving water quality, which would be supported by the regulatory agencies, including the San Francisco Bay Regional Water Quality Control Board, National Marine Fisheries Service, and California Department of Fish and Wildlife. The project elements in Frederick Allen Park would also meet the project objective to improve environmental benefits and meet the District's mission to reduce flooding risk with sustainable practices. As explained in Section 3.8, Hazards and Hazardous Materials, in the Draft EIR, the risk of public hazards from flooding in Frederick Allen Park would not increase because the Town of Ross closes access to the park and streets before storm events as part of their normal procedures for flood control in the area. The District also would post signs, notifying the public about the risk of flooding (see page 3.8-13 in the Draft EIR). The proposed project would have increased flood reduction benefits over Alternative 1, as shown in Figure 5.3-8 on page 5-33 in the Draft EIR. The parcels that would experience increased flood reduction benefits are discussed in Master Response 1. As described in Master Response 1, the District staff is

2 COMMENTS AND RESPONSES

recommending adoption of Alternative 1 because of Town of Ross's preference for Alternative 1.

C9-24 The comment states that it would take years to construct the proposed project.

The proposed project would be constructed within the time frame stated in the Draft EIR (see Table 2.6-5 on page 2-38 in the Draft EIR regarding project construction timelines). The Frederick Allen Park components would be constructed within 7 months; however, as discussed in Section 3.1 of the EIR it would take several years for the trees to fully mature and grow to a canopy height of 30 feet, similar to the existing conditions.

C9-25 The comment suggests for the Town of Ross to hold the District to a higher standard and include a plan with verified and reliable hydraulic models.

The hydraulic models have been verified independently by consultants under contract to the Town of Ross, as discussed by Richard Simonitch at the Ross Town Council meeting on March 11, 2021. See response to comment C9-16 regarding the findings of the Town's independent model verification.

C9-26 The comment states that the District does not follow FEMA guidelines.

The District is not exempt from federal regulations and must comply with FEMA guidelines. The proposed project would undergo FEMA review, as discussed in Section 3.9, Hydrology and Water Quality in the Draft EIR. The proposed project would require permits and approvals from federal, State, and local agencies. See Table 2.8-1 on page 2-44 in the Draft EIR for a list of required permits or approvals for the proposed project, including required FEMA review and approvals.

2 COMMENTS AND RESPONSES

Comment Letter C10

Comments of the CORTE MADERA CREEK PROJECT EIR

Submitted by: Suzanne Mabardy, 415-302-4383

3-15-21

The following comments are added to those given submitted on March 2, 2021 to all Marin County Supervisors, Joanna Dixon and Liz Lewis.

Comments added on March 16, 2021 are in italics.

TO: ALL MARIN COUNTY SUPERVISORS, Joanna Dixon, Liz Lewis

I am the owner of 1135 Sir Francis Drake, Kentfield (immediately upstream from Kentfield Hospital Bridge, Kentfield side) and across the concrete channel from Fredrick Allen Park. This area has NEVER FLOODED...thanks to good STRUCTURAL engineering.

I have read the EIR and have these comments and objections:

- **1) The project's primary objective is to improve flood management. This objective is NOT met.** It is stated in the EIR page 3.9-60 that the **Hydrology Study** "shows either a reduction of flooding OR NO significant increase..." AND it shows increased flooding in areas around COM. This project simply does not achieve it's primary purpose! C10-1
- *The EIR is incomplete and should NOT be approved until the cost analysis for ALL action alternatives is made public, including the itemized cost for each feature within each alternative and each feature's ability and inability to achieve any significant level of flood protection.* C10-2
- *Further: The Hydraulics Report Appendix A, page 55, 8.3 "Optimization of Alternative J" states a preliminary economic analysis was conducted supporting Alternative J (4% AEP) as providing the "maximum benefit with consideration of the non-federal sponsor's preference." Further, it is highly probable that Alternative F, G and J allocate significant funds for the modification and beautification of Fredrick Allen Park, Town of Ross. AND it is highly probable that this expense (for the Town of Ross) can instead be allocated toward achieving the primary purpose of this project: FLOOD MANAGEMENT.* C10-3

2 COMMENTS AND RESPONSES

- **Therefore, ALTERNATIVE B (and including the Bypass Culvert) may better achieve the primary objective, with proper use of funds for the proper purpose.**
C10-4
- **2) The EIR includes unsubstantiated statements regarding seismic concerns specific to the concrete channel only at Fredrick Allan Park,** page 3.6.20. "The existing flood control channel wall is a concrete structure this a prone to damage under strong seismic events, whereas the proposed natural vegetated channel in FAPark would be less prone to damage or loss under a strong seismic event."
C10-5
- All content within the EIR suggesting seismic concerns exist and justifies the remove of the concrete wall at Fredrick Alan Park should be struck.
C10-6
- It is unsubstantiated that the concrete channel at Fredrick Allen Park/Ross is the ONLY section "prone to damage" in a seismic event.
C10-7
- a) Further, there is no seismic report.
C10-8
- b) Further, the EIR omits available information relative to seismic conditions specific to creek banks at the Town of Ross:
- - Appendix N Geotechnical states, "There are no mapped active surface or subsurface faults crossing the Corte Madera Creek; page 4, 3.2.1
- - Appendix A: Hydraulics, page 17, 18. discusses the evaluation of soil condition in the banks and creek bottom of the Town of Ross. This study determined the "subsurface materials consist predominantly of clays, sandy clays, and clayey sands...were **firm and stiff.**"
- - Appendix N Geotechnical page 8, 5.1 makes a comment on the soil condition, "The soil condition for the project indicates a relatively **stiff soil profile.**"
C10-9
- - Appendix N Geotechnical, page 5, 3.2.3 discusses seismically induced liquefaction hazard: "...soils most susceptible to liquefaction are loose, clean sands and silt." **NOTE: the subsurface soil on the banks in the Town of Ross are "firm and stiff."**
- - Appendix N Geotechnical, page 7, 4.2.2, "Soil Conditions" for Unit 4, Town of Ross: it is reported "Groundwater was not encountered in boreholes." **NOTE: This can suggest limited liquefaction hazard potential in a seismic even**

2 COMMENTS AND RESPONSES

- **3) This project is heavily weighted as A BEAUTIFICATION PROJECT FOR THE TOWN OF ROSS PAID FOR BY MARIN COUNTY TAX PAYERS.** There is no seismic nor scientific justification that Fredrick Allen Park must be redesigned and manicured. This feature is strictly for the benefit of the residence of the Town of Ross. If the Allen Park Corridor feature prevails (in Alternatives F, G, J)...THEN it is logical that the entire concrete wall should be treated in the SAME method and all communities along the Corte Madera Creek should have these same beautification benefits as the Town of Ross.

C10-10

a) The EIR fails to state the environmental impact with the elimination of the "Allen Park Corridor" feature from Alternatives F, G, J.

C10-11

b) The EIR omits discussion on HOW Alternative J falls to achieve improved flood management yet it supports the costly secondary project: beautification of Fredrick Allen Park.

C10-12

Hydraulics Report Appendix A, page 52, 7.5.6 "Alternative J" details the failings for flood management of Alternative J, while supporting beautification of the Allen Park Corridor without justification: "...does not include creek widening at College of Marin or Kent Middle Schoo..uses a flood wall instead...and does not include bypass culverts at the College Avenue Bridge...and uses maximum flood wall height around Allen Park Corridor would be 2 feet."

C10-13

4) The EIR omits discussion of the BASIC FUNCTION of the project as effected by the removal of the Dentil Fish Ladder.

C10-14

a) Neither the CAUSE NOR the RELATIONSHIP between the Dentil Fish Ladder and the project's primary goal (to improve flood management) is emphasized within the EIR.

Hydraulics Report Appendix A, page 49, 7.4.1 states, "As a result of removing the fish ladder, channel modification would be necessary to accommodate the change in flow dynamic..creates the need to modify and lower the channel floor...widening portions of Unit 4...to increase hydraulic conveyance capacity."

C10-15

b) The EIR fails to clarifying the environmental impact with the elimination of this feature (the removal of the fish ladder) from all the Alternatives A, B, F, G, J. If the fish ladder remains intact, the channel does NOT require modifications to increase hydraulic conveyance capacity, per the Hydraulics quote above.

C10-16

2 COMMENTS AND RESPONSES

2.5.10 Response to Letter C10: Suzanne Mabardy

C10-1 This comment is a repetition of comment C6-1.

See response to comment C6-1.

C10-2 This comments states that the Draft EIR is incomplete and should include cost analyses for all alternatives and for each feature. The comment also states that the Draft EIR should include each feature's ability or inability to achieve significant level of flood protection.

The CEQA process does not include consideration of economic or cost analysis, as described in Master Response 5. The USACE process, unlike CEQA, includes a cost-benefit analysis because that is a USACE regulatory requirement for projects that are funded by USACE. The proposed project would not be funded by USACE. Hydraulic modeling is produced for an alternative as a whole and is not produced on an element-by-element basis, because it would be misleading to propose modeling for elements that would be implemented only in combination and would not be implemented independently. Separate modeling was provided for the proposed project and Alternative 1, to provide the public and decision makers with the ability to evaluate the different flood risk reduction benefits of the proposed project and alternatives (also see Master Response 1 and Master Response 3).

C10-3 This comment states that significant funds are allocated for the modification and beautification of Frederick Allen Park, and this expense for the Town of Ross can be allocated for flood management.

The proposed project would not be funded by the Town of Ross but rather by grant funding and the District through Flood Zone 9 fees. The comment discusses alternatives that were considered in the previous USACE Draft EIS/EIR. Those alternatives are not relevant to the current Draft EIR and were screened-out in Chapter 5 of the Draft EIR. The alternatives that are discussed in the comment do not meet CEQA criteria for evaluation because they would not reduce any significant impact of the proposed project. The alternatives discussed in the comment would result in increased environmental impacts and would not be economically feasible to implement. See Table 5.2-1 on page 5-7 in the Draft EIR regarding the alternatives screening results.

C10-4 This comment expresses support for Alternative B.

Alternative B does not meet the feasibility criteria of the proposed project and is not considered in the Draft EIR. See Table 5.2-1 on page 5-7 in the Draft EIR regarding the alternatives screening results.

C10-5 This comment is a repetition of comment C6-2.

See response to comment C6-2.

2 COMMENTS AND RESPONSES

C10-6 This comment states that the Draft EIR suggests the seismic concerns only exist in the Frederick Allen Park portion of the concrete channel.

See response to comment C6-2, which addresses the seismic concerns related to the concrete channel.

C10-7 This comment states that the statement regarding only the concrete channel in Frederick Allen Park being subject to a seismic event is unsubstantiated.

See response to comment C6-2, which addresses seismic concerns related to the concrete channel.

C10-8 This comment states that no seismic report exists.

Faults and seismicity are well documented in the project region. As discussed in Section 3.6 on page 3.6-5 in the Draft EIR, the project site is in an area subject to perceived severe to violent ground shaking and could be expected to cause moderately heavy to heavy damage to structures from a San Andreas Fault earthquake. The potential impacts from seismic shaking and seismically induced ground failures (e.g., liquefaction, lateral spreading, and/or landslides) at the project site are evaluated under Impact 3.6-1 on page 3.6-18 in the Draft EIR. As discussed under Impact 3.6-1, the District would implement Mitigation Measure 3.6-1 to conduct a site-specific geotechnical investigation and implementation of the geotechnical recommendations in final design of the flood walls, to address potential seismic impacts on the concrete channel stability from implementation of the proposed project or an alternative. Implementing Mitigation Measure 3.6-1 would reduce the impact from seismic shaking during operation to a less-than-significant level.

C10-9 This comment lists information related to seismic conditions that the commenter believes are missing from Appendices A and N in the Draft EIR.

The information that is provided in the comment is not relevant to the Draft EIR and is instead related to discussions in the USACE 2018 Draft EIS/EIR.

C10-10 This comment states that the proposed project would be a beautification project for the Town of Ross and suggests the entire concrete wall along Corte Madera Creek should be treated the same way if the Frederick Allen Park Corridor in Alternatives F, G, and J prevails.

This is a comment on the USACE 2018 Draft EIS/EIR and not on the current Draft EIR. See Table 5.2-1 on page 5-7 in the Draft EIR regarding the alternatives screening results and consideration of alternatives that would remove additional portions of the concrete channel in Units 3 and 2. The proposed project would achieve the objectives discussed in the Draft EIR. The proposed project would provide flood risk reduction benefits throughout portions of the town of Ross, unincorporated Kentfield, and Larkspur near Corte Madera Creek. The project flood reduction benefits and habitat improvement

2 COMMENTS AND RESPONSES

benefits are well documented in the Draft EIR, and the proposed project would not be a beautification project.

C10-11 This comment states that the Draft EIR fails to address the environmental impacts with the elimination of the Allen Park Corridor feature from Alternatives F, G, and J.

This is a comment on the USACE 2018 Draft EIS/EIR and not on the current Draft EIR. Alternatives F, G and J are not considered but rejected for the purposes stated in Table 5.2-1 in the current Draft EIR. See Chapter 5, Alternatives, in the Draft EIR.

C10-12 This comment states that the Draft EIR fails to discuss how Alternative J achieves improved flood management.

This is a comment on the USACE 2018 Draft EIS/EIR and not the current Draft EIR. Alternative J is not considered in the current Draft EIR. See Chapter 5, Alternatives, in the Draft EIR.

C10-13 This comment states that the Hydraulic Report provided in Appendix A in the Draft EIR describes Alternative J failing to manage flood risk.

This is a comment on the USACE 2018 Draft EIS/EIR. Alternative J is not considered in the current Draft EIR. See Chapter 5, Alternatives, in the Draft EIR. The project benefits for flood risk reduction are discussed in Section 3.9, Hydrology and Water Quality, in the Draft EIR.

C10-14 This comment states that the Draft EIR omits discussion of the proposed project's basic function as affected by removal of the fish ladder.

The fish ladder removal is discussed and analyzed throughout the Draft EIR, from Section 3.1, Aesthetics and Visual Resources to Section 3.16, Agriculture and Forestry Resources, Mineral Resources, Land Use and Planning, Population and Housing, Wildfire, and Socioeconomics. An alternative that would not modify Frederick Allen Park but would remove the fish ladder in the Town of Ross is considered to be Alternative 1. See Chapter 5, Alternatives, in the Draft EIR, and Master Response 1.

C10-15 This comment states that the Draft EIR does not emphasize the cause or the relationship between the fish ladder and the proposed project's primary goal to improve flood management.

The project benefits of flood risk management are discussed in Section 3.9, Hydrology and Water Quality, in the Draft EIR. Chapter 5, Alternatives, in the Draft EIR discusses the flood risk management benefits of Alternative 1, which would include the removal of the fish ladder but no construction in Frederick Allen Park. See Section 3.9 from page 3.9-54 regarding the project flood risk management benefits and Chapter 5 on page 5-26 in the Draft EIR regarding the flood risk management benefits of Alternative 1. Also see Master Response 1.

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C10-16 This comment states that the Draft EIR fails to clarify the environmental impacts with the elimination of fish ladder removal from Alternatives A, B, F, G, and J.

This is a comment on the USACE 2018 Draft EIS/EIR. Fish ladder removal is discussed and analyzed throughout the current Draft EIR. See Section 3.1 to Section 3.16 of the current Draft EIR for a discussion of environmental impacts related to the fish ladder removal. The comment on the previous Draft EIS/EIR is not relevant to the current Draft EIR because the proposed project and alternatives under consideration have changed. Also see Master Response 1.

2 COMMENTS AND RESPONSES

Comment Letter C11

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16 March 2021

Joanna Dixon, Project Manager
cortemaderacreek@marincounty.org

Submitted via email

Corte Madera Creek Flood Risk Reduction Management Project Draft EIR

Dear Ms. Dixon:

We are submitting this letter in opposition to the current Proposed Project, including the proposed removal of the concrete channel, the removal of the grove of trees between the channel and Sir Francis Drake homes such as ours, and the creation of a floodplain park, including substantial alterations to Frederick Allen Park.

C11-1

Our family resides at 15 Sir Francis Drake Boulevard (on the “left bank” of Corte Madera Creek – the southwest side of the street, downstream from the Lagunitas Street Bridge). As discussed further below, our home, as well as others along the left bank, would be adversely affected in multiple ways by the current Proposed Project:

C11-2

- The Proposed Project, with its removal of the existing functioning concrete channel, is more likely to increase rather than abate our risk of flooding.
- The Proposed Project would involve the gratuitous destruction of an existing mature habitat and offers only the dubious promise of creation of another habitat from scratch, which would likely take decades to grow and mature. The aesthetic loss – especially for those of us on the left bank – would be substantial. While we currently look upon a grove of trees, shrubbery, and other vegetation, we would instead have bare ground for the foreseeable future and would be looking at the back of businesses on the other side of the creek.
- The elimination of the grove of trees currently abutting the channel and the removal of the channel itself would also result in a grievous loss of privacy, since our home would be exposed to everyone walking along the

C11-3

C11-4

C11-5

C11-6

2 COMMENTS AND RESPONSES

path on the opposite side of the creek.

↑ C11-6
cont.

As the Board will recall, a very similar proposal was before the County and the U.S. Army Corps of Engineers in 2018. Through our attorney (Todd W. Smith), we submitted extensive comments on the Draft EIS/EIR for that prior proposal. (Nov. 27, 2018, ltr attached.) There are only two significant differences between the proposal now before this Board and the one considered in 2018-2019: 1) the Army Corps has effectively pulled out, so the current proposal is for a county project only; and 2) the current proposal drops the “Unit 4 Bypass” included in the 2018 proposal. Otherwise, however, the current Proposal Project poses the same problems detailed in our attached November 2018 comments on the prior proposal. We incorporate the November 2018 comment letter by reference and will only briefly reiterate the principal problems in this letter. With the exception of those directed to the Bypass, that letter’s other comments are equally applicable to the most current iteration of this proposal.

C11-7

Also, one feature that the current Proposed Project shares with the 2018 Bypass proposal is that our property, 15 Sir Francis Drake, will be uniquely impacted. Our house is immediately adjacent to the District-owned parcel of land that is likely to be used as a staging area for construction. Construction impacts (noise, exposure to toxic air contaminants, etc.) from the proposed destruction of the concrete channel, removal of the grove of trees, and other actions requiring heavy equipment will be concentrated in the area immediately adjacent to our home – which is also where we currently access our property from Sir Francis Drake and park our cars. As with the now-defunct Unit 4 Bypass proposal, the construction activities – and associated noise, dirt, toxic materials, and fumes – will likely render our home uninhabitable for at least several months, and possibly longer. Because the construction activities will require our family to relocate for an unknown number of months, the comments in our Nov. 27, 2018, letter related to the need for funding temporary relocation to local hotels remain applicable.

C11-8

Removal of the Concrete Channel – Flood Risk. The Proposed Project (like its 2018 precursor) would remove the most effective flood abatement measure currently in place – the concrete channel. The concrete channel did not overflow during the flood of December 31, 2005 – or during the several “close calls” we have experienced over the 17½ years we have resided here. We are highly skeptical of the county’s assurance that the Proposed Project will somehow abate the flooding risk for left bank properties such as ours. The county has altered its models several times over the long history of various iterations of a project along

C11-9

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these lines. In the December 31, 2005, flood and the several other near-floods we have experienced, water flowed through the left bank properties both from upstream at the bridge and from the opposite side (the northeast side) of Sir Francis Drake (particularly from the area of Marin Arts and Garden Center).

C11-9
cont.

Although we raised the issue of overland water coming from the northeast side of Sir Francis Drake at the public scoping meeting, the Draft EIR entirely fails to address that topic. During the Dec. 31, 2005, flood, and several “close call” events over the years, the water flowing onto our property did not come exclusively from the Lagunitas Bridge area on the creek-side of Sir Francis Drake. There was also a heavy flow of water coming from the other side of Sir Francis Drake (from the vicinity of Marin Arts & Garden Center). In the Dec. 31, 2005, flood that overland water crossed Sir Francis Drake onto our property, joined with the creekside flow from the area of the Lagunitas Bridge, and inundated our property. The other near-flood events such as early 2017, the overland water from the other side of Sir Francis Drake came most of the way across the street and was on the verge of flooding our property again (as it had in 2005). The county’s models entirely ignore this risk of flooding from overland water altogether and are based on the incorrect assumption that the flooding risk to our property comes exclusively from overflow at the bridge on the creekside of our property. Because the Proposed Project contemplates flood walls between the SFD homes and the creek, the Project presents a risk that, rather than protect the homes, those walls would effectively trap the overland water forcing it closer to the homes themselves.

C11-10

The Draft EIR lacks clarity on the extent and impact of widening the creek upstream of the removed fish ladder. (“Segment of the new channel upstream of the removed fish ladder would be widened and provide a smooth grade transition that would support long term channel stability and reduce erosion potential.” (EIR/EIS, p. 3.9-12) How wide and how far upstream? Will this affect the Lagunitas Bridge?) We note that a peer review study prepared at the request of the Town of Ross, refers to a substantially lengthened New Lagunitas Bridge (which was recently rebuilt) for both the Proposed Project and Alternative #1. We do not have sufficient expertise on that subject to state ourselves whether the Proposed Project would require replacement, lengthening, or other redesign of the Lagunitas Bridge. But as members of the public who will be especially impacted by the Proposed Project, we are entitled to look to the Draft EIR for an authoritative analysis of the likely consequences of the proposed widening of the creek immediately upstream from our home. But the current Draft EIR wholly fails to address that subject.

C11-11

C11-12

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The funding grant requires that all construction be completed by the end of 2022. Although the Draft EIR does not need to address funding, how likely is it that this project can be completed in such a short period of time? What is the impact if this project is begun – a reliable existing section of the concrete channel removed, a habitat destroyed – and the project is then suspended? A commenced-but-suspended project would surely represent the worst of both worlds because the irreparable consequences of the project will come from its earliest stage – the destruction of the concrete channel and the removal of the grove of trees. A commenced-but-suspended project would leave our home (and others on the left bank) without the current protection of the concrete channel and unquestionably exposed to much greater flooding risks than under current conditions. Moreover, a commenced-but-suspended (or delayed) project would mean removal of the existing habitat of trees and other vegetation between our home and the creek but with no certainty when, if ever, the county will take any remedial efforts. On its face, the projection of completion of construction by the end-of-2022 appears highly unrealistic. Anyone with any familiarity with public works projects of this scale and complexity should have grave doubts where all the pieces will fall into place perfectly and vindicate that highly optimistic assumption. But, as addressed here, since all the adverse consequences from the project will be front-loaded – due especially to the destruction of the concrete channel – accurate assessment of the environmental consequences of the Proposed Project requires a realistic projection of its completion schedule, backed up by hard data.

C11-13

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C11-19

Removal of Existing Habitat and Resulting Aesthetic Loss. There is an existing mature habitat of trees and other foliage on the rise between the concrete channel and the residences on the left bank. While a putative purpose of the Proposed Project is restoration of the area around the creek to a more “natural” environment, the project would destroy an existing mature, rich habitat. Moreover, while one of the stated objectives of the Project is protection of fish, removal of the existing mature habitat on the rise alongside the creek would have the opposite impact. The existing mature trees provide shade along the creek and also moisture, both of which are essential to the overall ecosystem of the creek.

C11-20

C11-21

While we are told that new trees are to be planted, it would almost certainly be decades, not just a few years, before they would grow to the extent of the existing habitat. For a considerable time, there would be little but bare earth. Moreover, because Army Corps standards require a significant setback, the county would likely only be able to plant a narrow ribbon which would never replace the

C11-22

C11-23

2 COMMENTS AND RESPONSES

existing grove it is proposing to raze. In sum, despite its stated object of creating a “riparian” corridor, the project would needlessly destroy an existing mature and rich habitat, and it presents only a highly doubtful promise of fabricating a new (but less extensive and diverse) habitat, which is unlikely to grow to maturity for decades (if ever).

C11-23
cont.

C11-24

Beyond the environmental consequences of the removal of this existing habitat of the grove of trees and other foliage, it is impossible to overstate the aesthetic impact of that loss. Currently, those of us on the southeast side of SFD look upon that greenery, which provides a foreground for the Marin hills in the distance. But removal of those trees would leave these homes with (for the first several years) a view of little more than bare earth and the backs of the businesses in downtown Ross.

C11-25

Loss of Privacy. In addition to the loss of existing mature habitat, the elimination of the rows of trees and other foliage would significantly impact our privacy, as well as that of our neighbors on the south side of Sir Francis Drake. Currently, those trees shield our home from viewing those along the bike path on the opposite side of the creek. But the Proposed Project would remove that protection and leave our homes and others on our side of SFD exposed to everyone running, biking or hiking on the creek path, who would be able to look directly into our yard and house. Moreover, with the removal of the concrete channel, there would no longer be any physical barrier shielding our homes. This is a concern for all families along the street, especially those with children.

C11-26

C11-27

Alternative #1

The county’s “Alternative #1” would remove the existing fish ladder, but would not include the other significant features of the Proposed Project. It would not remove the concrete channel, remove the existing trees and foliage, or alter Frederick Allen Park. While Alternative #1 may seemingly be less ambitious than the Proposed Project, it appears more closely tailored to the principal object of flood reduction and would not entail the many adverse consequences associated with the Proposed Project – including the removal of the protections of the existing concrete channel, destruction of an existing mature habitat (the trees and foliage along the left bank), the aesthetic harm from the loss of that habitat, and the diminution of the privacy of the families residing along the left bank.

C11-28

While the concrete channel has functioned well in preventing events like the

C11-29

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2005 flood from being even worse, the existing fish ladder is another matter. The current draft EIR/EIS states: “The Denil fish ladder, in its current condition, is a primary flow constriction for Unit 4 reach and upstream that causes extensive overbank flooding along Corte Madera Creek.” (EIR/EIS, p. 3.9-12) Assuming that is so, then removal of the fish ladder would presumably alleviate that constriction and would reduce or abate the risk of such “overbank flooding.”¹

C11-29
cont.

A close comparisons of the Draft EIR’s projections for the Proposed Project and for Alternative #1 indicates that removal of the fish ladder alone, while retaining the concrete channel, would achieve virtually the same level of abatement of flood risks as the Proposed Project. Even according to the Draft EIR’s projections, the asserted great flood risk reduction of the Proposed Project, as compared to Alternative #1, would be almost negligible – a fraction of one foot. But the environmental price from this promised additional increment of abatement would be enormous in both the short term and the long term.

C11-30

Alternative #1 would certainly be preferable to the Proposed Project because it would not entail the other adverse impacts – destruction of a mature habitat, aesthetic impairment, and diminution of privacy – described earlier.

C11-31

We suggest that, in considering the Proposed Project, the county should consider the age-old medical adage, “First, do no harm.” However, laudable some of its stated objectives may be, the Proposed Project would do substantial harm: While attempting to abate some flood risks, it would aggravate others. It would destroy

C11-32

¹ Unfortunately, we must add a caveat to our discussion of Alternative #1. We are aware that some concerns have been raised concerning the accuracy of the models used by the county. Because we have no expertise regarding hydrological modeling, we cannot offer any opinion on that point. All we can say is this: If the county is correct in its assessment that the fish ladder has obstructed and impeded water flow and thus has contributed to flooding and if its removal does not create new water flow problems, then its removal presumably would help abate flood risks. The Draft EIR is required to provide sufficient detail on Alternatives for a reasonable comparison to the Proposed Project. The Draft EIR did not provide Alternative #1 Water Surface Elevation Maps for Current Conditions, or other information that would have been helpful in making this comparison.

C11-33

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existing mature habitat – resulting both in damage to an ecosystem and significant aesthetic harm. And it would strip away the privacy which the existing trees and foliage provide to the families along this side of Sir Francis Drake. Indeed, in every respect, the Proposed Project would impose substantial costs – flood risk, aesthetic loss, and diminution of privacy – on the several families along this portion of Sir Francis Drake. The Proposed Project will do more harm than good, and we strongly urge the county to decline that proposal.

C11-32
cont.

C11-34

C11-35

C11-36

In contrast, Alternative #1 – removal of the fish ladder but without the other elements of the Proposed Project – will apparently make a positive contribution to abatement of flood risk, but without the several adverse consequences of the Proposed Project detailed here.² Additionally, of course, Alternative #1 would be far less disruptive to the daily lives of residents during execution of the project, would be less expensive for the county, and would not appear to pose the greater legal and liability uncertainties of the Proposed Project .

C11-37

C11-38

We appreciate this opportunity for input on a proposal which would have a very significant impact on the families along this stretch of Sir Francis Drake. Thank you for considering these comments. Please feel free to contact us if any further information would be helpful.

Sincerely,

Leslie O’Connell, laoconnell@sbcglobal.net
James Bradley O’Connell, jboc@fdap.org

Attachment (Nov. 27, 2018, letter re EIS/EIR on prior proposal)

² Again, our comments on Alternative #1 are subject to the caveat that we are not in a position to assess the accuracy of the county’s hydrological models and its assessment that the fish ladder has constricted water flow and contributed to prior flooding incidents and that its removal would not introduce new problems.

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November 27, 2018

Via U.S. and Electronic Mail

Cynthia Jo Fowler
Corte.Madera@usace.army.mil
U.S. Army Corps of Engineers, San Francisco District
ATTN: Cynthia Jo Fowler,
1455 Market Street, San Francisco, CA 94103-1398

Re: Corte Madera Creek Flood Risk Management Project Draft EIS/EIR

Dear Ms. Fowler:

This letter provides the comments of James Bradley O’Connell and Leslie A. O’Connell, Ph.D., on the Corte Madera Creek Flood Risk Management Project Draft Environmental Impact Statement/Environmental Impact Report (“Draft EIS/EIR”) prepared by the U.S. Army Corp of Engineers (“USACOE”) and the Marin County Flood Control and Water Conservation District (“District”) (collectively, “Agencies”). The O’Connells own and reside at 15 Sir Francis Drake Blvd., Ross, CA 94957. As described in further detail below, their home will be directly impacted by the Project and as such the O’Connells have a significant interest in ensuring that the USACOE and the District have fulfilled their respective legal obligations under the National Environmental Policy Act (“NEPA”)¹ and the California Environmental Quality Act (“CEQA”)². Unfortunately, the Draft EIS/EIR is legally deficient in numerous ways, not least of which are: an inadequate project description, in particular as it relates to core elements of Alternative J, designated the “Agency Preferred Alternative;” inadequate analysis of the Project’s potentially significant impacts; and inadequate mitigation to address the Project’s environmental impacts.³ The Project should not proceed until the issues raised in this letter are addressed and the Draft EIS/EIR is revised and recirculated for further public review and comment. Otherwise, the USACOE and the

¹ 43 U.S.C. §§ 4321 et seq. NEPA is implemented pursuant to regulations promulgated by the Council on Environmental Quality (“CEQ”), codified at 40 C.F.R. §§ 1500 et seq. (“CEQ Regulations”).

² Cal. Pub. Res. Code §§ 21000–21189; CEQA is implemented pursuant to California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387 (“CEQA Guidelines”).

³ For purposes of this letter, we use the term “Project” to refer to Alternative J since this alternative has been identified as the Agency Preferred Alternative and the Tentatively Selected Plan. The broader elements of the Risk Management Project and the other alternatives are separately referenced as such.

2 COMMENTS AND RESPONSES



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District will have failed in fulfilling their fundamental obligation to inform the public and decisionmakers of the potential environmental consequences of the Project.

BACKGROUND

The O'Connells' home is located on Sir Francis Drake Blvd. on a relatively narrow strip of land between the street and Corte Madera Creek. Their house abuts the existing concrete culvert and is (roughly) across the creek from the far-eastern end of Ross Commons. The O'Connells' property also immediately abuts the District-owned parcel of land where the Unit 4 Bypass is shown to terminate. See Draft EIS/EIR, Figure 3-5c. With permission from the District, the O'Connells - whose home lacks a driveway or garage - have used this parcel for off-street parking since they purchased the home in 2003.

The O'Connells' lived in their home during the 2005 Flood Event, which resulted in fast-flowing water surrounding their home on all sides for several hours and their basement being flooded. Importantly, during this event, the existing concrete channel did not overflow and was therefore not the source of the flooding on their property or the immediate surrounding area. Rather, the flooding came from the upstream overflow of Corte Madera Creek starting at Lagunitas Bridge, as well as from the eastside of Sir Francis Drake Blvd. in the area surrounding the Marin Art and Garden Center. Without the channel operating as designed, the flooding of the O'Connells' home and surrounding areas would likely have been significantly worse. The O'Connells have significant concerns that the Project proposes to remove the one element of the existing flood management system - the concrete channel - that did not fail during the 2005 flood and subsequent events and replace it with a vaguely described "Riparian Corridor." This concern is exacerbated by the fact that the Project will result in the Unit 4 Bypass emptying significant volumes of diverted water into this new, untested "Riparian Corridor" directly adjacent to their home.

Making matters worse, the Agencies have now identified Alternative J as the Agency Preferred Alternative and Tentatively Selected Plan despite the fact that this version of the Project, including in particular the creation of the Allen Park Riparian Corridor, was never disclosed in the Notice of Preparation/Notice of Intent ("NOP/NOI") for the Project or during the numerous community scoping meetings that occurred. To the O'Connells and numerous other members of the community, it feels as if the Agencies have pulled a bait and switch, promising a flood control project that would address the significant flooding problems that have plagued the Ross Valley community for decades, only to deliver a project that looks nothing like what has been discussed over the past several years.

NEPA and CEQA share a fundamental purpose: to inform the public and decision-makers about potentially significant environmental effects of proposed projects before they are carried out. See CEQA Guidelines § 15002(a)(1); 40 C.F.R. § 1500.1(b). Here, the public process that lead to the publication of the Draft EIS/EIR, and the document itself, fundamentally fail in this regard.

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COMMENTS

1. The Description of Alternatives Fails to Comply with NEPA or CEQA.

While NEPA and CEQA are substantially similar, the two laws differ in important aspects. Whereas NEPA has been described as “essentially procedural” (*Stryker’s Bay Neighborhood Council, Inc. v. Karlen* (1980) 444 U.S. 223), CEQA imposes substantive duties on local agencies to protect the environment and mitigate significant impacts when feasible. In serving these substantive mandates, courts have held that “an accurate, stable, and finite project description is the *sine qua non* of an informative and legally sufficient EIR.” *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 197-200. The project must be described accurately to allow reviewers and decision makers to balance the project’s benefits against its environmental costs, to consider mitigation measures, and to assess the advantages of the no-project and other alternatives. *Id.*; see also 40 C.F.R. § 1502.14 (description of alternatives including the proposed action “is the heart of the environmental impact statement” that “shall ... (b) Devote **substantial treatment** to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.”) (Emphasis added).

C11-40

Here, while the “Description of Alternatives” has the trappings of the sufficient project description, it fails to provide sufficient detail to allow the public and decision-makers to understand to true scope of the Project. Specifically:

- a. Construction of the Unit 4 Bypass is a fundamental component of the Agency Preferred Alternative. Nevertheless, the Draft EIS/EIR admits that the “[c]onstruction methodology of the bypass under Sir Francis Drake Boulevard has not yet been determined.” Draft EIS/EIR, p. ES-8. The potential disruption to the Ross Valley community from construction of the Unit 4 Bypass cannot be overstated. Sir Francis Drake Blvd. is a heavily trafficked, two-lane major thoroughfare that provides the sole direct access to and from Highway 101. It also provides the sole eastbound access to the Kentfield Hospital. Disrupting traffic on the identified stretch of Sir Francis Drake Blvd. for any duration of time has the potential to, *inter alia*, cause significant traffic delays, increase response times for public safety vehicles in the area, limit eastbound access to Kentfield Hospital, and significantly increase exposure to toxic air contaminants from idling vehicles. The Draft EIS/EIR may not simply defer this issue to some future, unspecified time because the methodology chosen to construct the Unit 4 Bypass has the potential to directly affect the level of impact associated with these and other potentially significant environmental impacts, which then directly affects the viability and wisdom associated with approving Alternative J. The Description of Alternatives must be revised to specifically describe the various construction methodologies under consideration, and a comparison of impacts associated with the various methodologies must then be promulgated throughout the Draft EIS/EIR.

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The description of the Unit 4 Bypass is also improperly vague concerning the transitions from Corte Madera Creek to Sir Francis Drake Blvd. The Description of Alternatives provides merely that “the bypass would exit and re-enter the creek at properties on Sir Francis Drake Boulevard that are owned by the District.” Draft EIS/EIR p. 3-7. While this is true, it does not acknowledge that the parcel where re-entry to the creek will occur is immediately adjacent to the O’Connells residence. The failure to describe the close proximity of the re-entry parcel to an existing residence undermines the subsequent impact analysis, in terms of both construction impacts (e.g., noise, exposure to toxic air contaminants) and operational impacts (e.g., soil subsidence and erosion associated with the re-introduction of significant volumes of water directly adjacent to the O’Connells’ residence). The Draft EIS/EIR must be revised to acknowledged and address these issues.

C11-42

- b. The Draft EIS/EIR provides that “the use of a temporary shoring system will need to be evaluated as sheet piles may not be sufficient to excavate to the depths currently anticipated for the bypass. Additional geotechnical investigations will be needed to better understand the subsurface soil and rock characteristics along the bypass alignment. This could have significant cost impacts during Project construction.” By their own admission, the Agencies are deferring in-depth consideration of a fundamental component of the Project-construction methodology. As in Comment 1.a, this is legally inadequate. The Draft EIS/EIR must be revised to describe the potential scenarios and outcomes associated with this issue, and to compare the environmental impacts associated with those outcomes throughout the EIR.

C11-43

- c. The description of the Allen Park Riparian Corridor is wholly deficient. Initially, the Draft EIS/EIR fails to describe the existing environment in sufficient detail to allow the reader to understand what physical changes will occur with construction of the Allen Park Riparian Corridor. The Draft EIS/EIR states that Riparian Corridor will be constructed at Frederick P. Allen Park. Remarkably, the Draft EIS/EIR is completely silent about what will happen to the existing park setting. There is no description or estimate of the number of trees that may need to be removed, for example, or the potential loss of useable recreation area. Further, the Description of Alternatives provides that the Riparian Corridor “would include a widened, native substrate channel that allows higher flows to spread over a larger area” Draft EIS/EIR p. 3-7. Presumably, implementation of a “native substrate channel” involves removal of the existing concrete channel in this area, though this is not described anywhere.

C11-44

The various tables describing the construction activities provide no additional information. Table 3-3 – Construction Measures for Each Alternative identifies the following as the “Phase 1 (Unit 3)” construction activities: “Prepare site (grade changes, clearing and grubbing, tree removal); Construct Allen Park Riparian Corridor; Remove existing Denil fish ladder and replace with smooth transition between Units 3 and 4.” Each of these activities sounds benign enough, if vague, until compared to Table 3-5, which notes

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(without explanation) that these activities will require use of, e.g., articulated haulers, earth moving dozers, dump trucks, and various types of excavators, loaders, and soil compactors. The Description of Alternatives must be revised to properly describe the scope of construction associated with the Allen Park Riparian Corridor, as well as the alleged “operational” benefits of removing an existing concrete channel that has not overflowed in the past and replacing it with an incomplete alternative. See Draft EIS/EIS, App.A, p. 50 (“Further refinements are being developed for the Allen Park Riparian Corridor by the District and could be incorporated into the Recommended Plan. As a result, some design elements (e.g. floodwalls) may change prior Preconstruction Engineering and Design (PED) for the Recommended Plan. The Recommended Plan will be updated based on the R&U analysis that will be conducted.

C11-45
Cont.

- d. The Draft EIS/EIR states that funding has yet to be secured for the Unit 4 Bypass, which means that, if Alternative J is selected as the Project, there is a legitimate possibility that only “Phase 1” of the Project will be constructed. Phase 1 includes the removal of the Denil fish ladder and the construction of the Allen Park Riparian Corridor only. Since the Draft EIS/EIR has expressly acknowledged the possibility that only Phase 1 will be constructed, it must separately analyze and mitigate the potential environmental effects of Phase 1. Otherwise, the Draft EIS/EIR fails to inform the public and decision makers of the potential consequences and tradeoffs of selecting Alternative J. This is particularly important here because, absent the Unit 4 Bypass, the upstream conditions that have resulted in the most significant flooding during past flood events will remain unaddressed while the one component of the existing flood management system that has not failed during past flood events – the concrete channel in Unit 3 – will be removed and replaced by a new and untested Riparian Corridor.

C11-46

2. The Description of the Existing Setting is Inadequate.

Pursuant to CEQA Guidelines § 15125(a), an EIR “must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.” See also 40 C.F.R. § 1502.15 (“The environmental impact statement shall succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration.”). The Draft EIS/EIR fundamentally fails in this regard.

C11-47

Generally, the Draft EIS/EIR fails to identify the number of buildings and habitable structures that are impacted under the current conditions in the event of a 10-year, 25-year, or 100-year flood event. The failure to include this information means that the environmental analysis fails to compare impacts to structures under the existing conditions to the impacts that would occur under

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the Project. Without this information, the public and decision-makers are left to guess whether the Project will actually improve conditions.

C11-48
Cont.

More specifically, the Draft EIS/EIR fails to describe in any detail the existing conditions in the area where the Allen Park Riparian Corridor is proposed to be constructed. This includes the existing park and recreational pathways that connect Ross to Kentfield along the existing culvert, as well as the residences, including the O'Connells' residence, on the other side of the channel. The existing environmental includes a significant number of mature trees on both sides of the creek. In particular, the existing trees and vegetation on the side of the Sir Francis Drake Blvd.-side of the creek serve as a forested curtain that provide noise and privacy screening for the residents along this stretch. The failure to properly describe this setting results in the Draft EIS/EIR ignoring potential environmental impact, including but not limited to aesthetic and noise impacts, as further discussed below.

C11-49

3. The Draft EIS/EIRs Reliance on Avoidance and Minimization Measures is Not Permitted by CEQA.

Throughout Chapter 4 of the Draft EIS/EIR, the document includes "Avoidance and Minimization Measures" under the analysis of environmental consequences. The Draft EIS/EIR relies upon these Avoidance and Minimization Measures to reach the various environmental significance determinations. In other words, the Avoidance and Minimization Measures are essentially included as part of the Project and the significance determinations assume the measures will be implemented. This analytical approach fails for several reasons.

C11-50

First, the general inclusion of Avoidance and Minimization Measures as part of the overall Project is not permitted under CEQA. Pursuant to *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 656, measures designed to reduce or mitigate impacts cannot be incorporated as part of the Project where doing so results in the EIR's failure to disclose significant impacts and the effectiveness of mitigation measures in reducing those impacts. Here, by assuming the Avoidance and Minimization Measures are part of the Project for purposes of the impact analysis, the Draft EIS/EIR has failed to disclose the true impacts of the Project and to separately determine the feasibility of the Avoidance and Minimization Measures to reduce impacts. Further, the Avoidance and Minimization Measures have not been incorporated into the Mitigation Monitoring and Reporting Program, which means they are not legally enforceable pursuant to CEQA. See CEQA Guidelines § 15126.4(a)(2) ("mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments."). As structured, the Avoidance and Minimization Measures are essentially optional, and the Agencies would be free to ignore those measures if they prove inconvenient.

The Draft EIS/EIR also lacks substantial evidence concerning the feasibility of the various Avoidance and Mitigation Measures, and simply assumes, in remarkably abbreviated analysis, that the measures are not only feasible, but will reduce the Project's impacts to less than significant in

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numerous instances. The analysis of Impact GEO-3 is but one example of this improper approach. Pursuant to Impact GEO-3, the Project would have a potentially significant impact if it would “result in substantial soil erosion or the loss of topsoil.” In discussing whether the Project’s implementation, rather than construction, would have such an impact, the Draft EIS/EIR provides only the following: “Each of the alternatives could directly or indirectly result in accelerated soil erosion.” The analysis fails to disclose how this might occur, or where along the Project path such erosion is most likely to occur. For example, the Project proposes to re-introduce large volumes of water from the Unit 4 Bypass into the creek at the new Riparian Corridor, which includes construction of a “native substrate channel.” The Draft EIS/EIR fails to discuss how the deposition of this large volume of water might impact or accelerate soil erosion in this area once the exiting concrete channel is removed.

C11-51
Cont.

As if the short-hand analysis of this issue was not bad enough, the Draft EIR then concludes that “implementation of AMMs would result in a less than significant impact for all action alternatives.” However, the Draft EIS/EIR fails to explain how these (unenforceable) measures will actually achieve this goal. There is absolutely no discussion of the feasibility of the various Avoidance and Minimization Measures; nor does the Draft EIS/EIR include any substantial evidence concerning these measures feasibility.

C11-52

In addition, many of the Avoidance and Minimization Measures amount to improper deferred mitigation under CEQA. Pursuant CEQA, formulation of mitigation measures should not be deferred to a future date unless measures include a specific, enforceable performance standard. See e.g., *Save Panoche Valley v. San Benito County* (2013) 217 Cal.App.4th 503, 525. The Avoidance and Minimization Measures include numerous examples where the sole obligation is to develop a future plan. See e.g., AMM-GEO-1, AMM-GEO-3. Such future plan obligations have been consistently rejected by the courts as inadequate under CEQA. See e.g., *Endangered Habitats League, Inc. v. County of Orange* (2005) 141 Cal.App.4th 777, 793-394 (mitigation of construction impacts inadequate because it merely required a report to be prepared for county approval without setting any standards). This issue is exacerbated here since the Avoidance and Minimization Measures are not legally enforceable as mitigation measures under CEQA, meaning the Agencies have not only deferred the development of the measures designed to mitigate Project impacts, but have not committed themselves to actually implement these measures.

C11-53

To address these issues, the Draft EIS/EIR needs to be revised and recirculated to include analysis of the Project’s impacts both with and without the Avoidance and Mitigation Measures. See *Mission Bay Alliance v. Office of Community Investment & Infrastructure* (2016) 6 Cal.App.5th 160, 185 (incorporation of Transportation Service Plan into project description did not violate CEQA where EIR disclosed and analyzed impacts to transportation and traffic both with and without plan). Further, the analysis needs to be expanded to demonstrate the feasibility of these measures, in particular in the context of the specific Project-features the Agencies have selected as part of the Agency Preferred Alternative (e.g., the Riparian Corridor). Finally, to the extent the Avoidance and Minimization Measures are required to be implemented pursuant to a separate

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regulatory scheme (i.e., an NPDES permit) or are necessary to mitigate the Project's impacts to less than significant, the measures must be incorporated into the Mitigation Monitoring and Reporting Program and made separately legally enforceable.

C11-54
Cont.

4. Specific Comments on Chapter 4.

a. 4.1 Hydrology and Hydraulics

i. Section 4.1.3.2, Methodology for Impact Analysis and Significance Thresholds, states that "Alternative J was designed to provide a flood protection for 4% AEP Flood events within and upstream of the Frederick S. Allen Park (Allen Park) Riparian Corridor, but downstream of the Allen Park Riparian Corridor was not." However, there is no explanation why this decision was made or discussion of the potential consequences of such decision. See App. A, § 8.3. The Draft EIS/EIR must be revised to address this issue.

C11-55

ii. Neither Section 4.1.3.3 Effects and Mitigation nor Appendix A seems to provide information concerning the volume of water that will be diverted through the Unit 4 Bypass and reintroduced to the creek at the newly constructed Riparian Corridor. The reintroduction of large volumes of water in this area combined with the removal of the existing concrete barrier has the potential to affect the nearby natural berm through accelerated soil subsidence and erosion. Without information concerning the volume of reintroduced water, it is impossible to evaluate these concerns.

C11-56

iii. Based on a comparison of Plates 4 (Alternative A) and 5 (B) to Plates 6 (F), 7 (G) and 8 (J) in Appendix A, it is not clear how construction of the Riparian Corridor improves potential flood conditions in the area surrounding the Riparian Corridor. Plates 6-8 appear to show 4% ACE Flood depths of up to 3-5 feet in the area of the Riparian Corridor (though admittedly the color scheme makes the Plates difficult to read), whereas Plates 4 and 5 appear to show no 4% ACE Flood depths without the Riparian Corridor. The discussion in Section 4.1.3.3 ignores this issue and instead focuses on the purportedly improved conditions downstream from the Riparian Corridor. However, Plate 8 seems to indicate that the 4% ACE Flood depths downstream in the area of College of Marin are the worst under Alternative J, presumably because of the unexplained decision not to design to the 4% AEP Flood standard under Alternative J. The Draft EIS/EIR needs to better explain why Alternative J is the Agency Preferred Alternative in light of this information.

C11-57

b. 4.4 Air Quality

C11-58

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- i. As noted above in Section 1, the failure to identify the construction methodology for the Unit 4 Bypass makes any assessment of construction-related air emissions legally inadequate. Nevertheless, the Draft EIS/EIR purports to analyze construction-related emissions. Since the Draft EIS/EIR has failed to identify the construction methodology for the Unit 4 Bypass, this information appears to be mostly speculative and therefore inadequate for purposes of assessing the actual scope of the air quality impacts associated with the Project. Thus, the Air Quality analysis needs to be revised and recirculated to identify and compare the various methodologies under consideration, and to identify mitigation as necessary. Only by including such information can the public and decision-makers have the appropriate level of information to select between the various Alternatives. C11-58
Cont.

- ii. The Draft EIS/EIR focuses solely on emissions from construction equipment. However, lengthy traffic delays resulting in significant increases in idling time are a reasonably foreseeable impact of the Project. Specifically, by proposing to construct the Unit 4 Bypass under a very busy, two-lane thoroughfare for which there are virtually no alternative routes, Alternatives G, H, and J will cause significant traffic delays that are not inherent in Alternatives A and B. Such delays will result in an increase in vehicle idling time, which will result in an increase in air emissions, in particular diesel particulate matter. Thus, when compared to Alternatives A and B, Alternatives G, H and J will have greater impacts to air quality during the construction period. The Air Quality analysis needs to be revised and recirculated to include this information and consider any appropriate mitigation. Otherwise, the public and decision makers lack the necessary information to make informed choices between the various Alternatives. C11-59

- c. 4.8 – Aesthetics
 - i. Page 4.8-14 includes the following statement: “Because additional mitigation measures for Impacts AES1-1 and AES-2 are not feasible beyond the existing AMMs, significant impacts were determined to be significant and unavoidable.” This statement is problematic for several reasons. First, no AMM AES-2 is identified. Second, in Table 3-7, no AMMs are identified for Aesthetics whatsoever. Third, there is no analysis or substantial evidence supporting the statement that “additional mitigation measures ... are not feasible;” therefore, the Draft EIS/EIR must be revised and recirculated to either change this conclusion or provide an explanation. See Comment 3. That explanation must include what mitigation measures might have been found to be infeasible and why. C11-60

 - ii. The impact analysis includes numerous statements concerning Project activities that are not included in the Project description, creating an unstable project description, uncertainty concerning what activities the Project will undertake, and C11-61

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confusion as to the scope of the Project impacts. For example, on p. 4.8-18, the Draft EIS/EIR states: “A tree survey would be completed prior to Project implementation **if tree removal would be required**, as determined during preconstruction engineering design. Revegetation along Sir Francis Drake Boulevard would be completed, and additional tree planting **could** be required elsewhere to accommodate local policy.” (Emphases added). While tree removal is identified as a potential Project component in Table 3-3, this statement makes it seem as if tree removal is not a certainty. Instead, the decision concerning tree removal will apparently be made by engineers, without opportunity for public comment and the consideration of potential mitigation measures. Further, the analysis provides that trees “could be” replaced elsewhere according to local policy, a possibility not included in the Project Description. The analysis also fails to identify the local policy in question, fails to identify the “elsewhere” trees might be planted and the potential aesthetic impacts associated with those locations, and fails to explain the process by which all of these decisions will be made.

C11-61
Cont.

Page 4.8-18 also includes the following statement: “Grading of the park would require removal of trees and other vegetation. **The park would be revegetated with native riparian habitat with species similar to those in Unit 4, with a less dense canopy to maintain a “park-like” appearance.**” Again, this statement is found nowhere in the Description of Alternatives, creating uncertainty as to whether this work is a component of the Project or is being proposed as a form of mitigation. Further, there is no explanation concerning the types of “native riparian habitat” that would be used to revegetate the park, who gets to make the decision concerning the appropriate denseness of the tree canopy, and what opportunity the public will have in commenting and shaping these very vague activities. Further, the proposed floodwalls along the creek in the area of the Riparian Corridor will have underground foundations and footings, ensuring that the only feasible replacement vegetation will be shallow-rooting trees and plants. The Draft EIS/EIS fails to acknowledge this fact, identify the type of shallow-rooted trees and plants that might be viable in this changed environment, or analyze the potential aesthetic impacts associated with this change.

C11-62

The Draft EIS/EIR needs to be revised and recirculated to explain whether these and other statements are meant to be components of the Project, the details concerning these activities, who the decision-makers will be since the Agencies lack jurisdiction over these matters, and what opportunities there will be for public involvement.

C11-63

- iii. The analysis fails to consider the aesthetic impacts to the neighbors, including the O’Connells, who will be impacted by the implementation of the Riparian Habitat. The existing trees and foliage on the Sir Francis Drake Blvd.-side of the creek serve

C11-64

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as a forested curtain providing privacy and noise reduction for the residents along this stretch. The removal of the trees will substantially degrade the visual quality of this area and create an essentially barren stretch of land. The analysis needs to be revised to address this issue, both as a short-term construction impact and a long-term “operational” impact. The fact that the floodwalls will limit the types of trees and foliage that will be able to be planted along this stretch post-project only exacerbates the O’Connells’ concerns. Further, the Draft EIS/EIR needs to include mitigation requiring implementation of natural privacy screening during construction (e.g., through use of mature potted trees and plants) as well as the permanent replacement of trees and vegetation on private property impacted by the Project, in particular the construction of the Riparian Habitat. Such mitigation is facially feasible and therefore must be considered.

C11-64
Cont.

d. 4.10 Noise

- i. The analysis for Impact NOI-1 identifies Mitigation NOI-1 but concludes that, even with implementation of this measure, the impact would be significant and unavoidable. As noted above, the O’Connells’ residence is located immediately adjacent to the District-owned parcel identified for use as the re-entry point for the Unit 4 Bypass. The parcel is in such close proximity to their home that they have used it for parking, with the District’s permission, since they purchased the home in 2003. Additional feasible mitigation must be considered and adopted, such as funding the temporary relocation to local hotels or AirBNBs for receptors such as the O’Connells who will be most affected by the construction noise.⁴

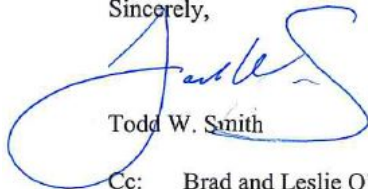
C11-65

CONCLUSION

For the foregoing reasons, as well as for the reasons stated in other comment letters on the Draft EIS/EIR which are incorporated herein by reference, the Draft EIS/EIR must be revised and recirculated so the public and decision makers can understand the actual environmental effects from the Project.

C11-66

Sincerely,



Todd W. Smith

Cc: Brad and Leslie O’Connell

⁴ This mitigation measure has been found feasible for other California projects involving significant construction noise. See https://psbweb.co.kern.ca.us/UtilityPages/Planning/EIRS/oil_gas/DraftEIR/Oil_Gas_DEIR_Vol1_Complete.pdf.

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2.5.11 Response to Letter C11: Leslie O'Connell and James Bradley O'Connell

C11-1 This comment states the commenters' opposition to the proposed project, and specifically to project elements in Frederick Allen Park.

This commenter's opposition to the proposed project is acknowledged. See Master Response 1 regarding the staff's recommendation to adopt Alternative 1.

C11-2 This comment states that the commenters' home would be adversely affected by the proposed project, as discussed in the comments that follow.

See the responses to comments that follow.

C11-3 This comment states that the proposed project is likely to increase rather than abate flood risk on the commenters' property at 15 Sir Francis Drake Boulevard.

The flood risk reduction benefits to properties along the creek channel are shown in Figure 3.9-7 to Figure 3.9-9 on pages 3.9-55 to 3.9-57 in the Draft EIR. As shown in Figure 3.9-7 (during the 10-year flood event) and Figure 3.9-8 (during the 25-year flood event), the commenters' property is in the "Flows Confined to Channel" area, meaning that the area no longer would have flood inundation from creek overtopping after the proposed project is completed. As shown in Figure 3.9-9 (during 100-year flood event), the commenters' property is in the "Flooding Reduced" area, meaning that the property would have significantly reduced flood inundation (greater than 0.2 foot) from creek overtopping after the proposed project is completed. Therefore, the proposed project would have beneficial flood risk impact on the commenters' property.

C11-4 The comment states that the proposed project would have destructive effects on the mature habitat in Frederick Allen Park.

See Master Response 6.

C11-5 The comment states that the proposed project would result in a substantial aesthetic loss for properties on the left bank, and the project would result in views of bare ground from the commenters' property.

Implementation of the proposed project would result in significant impact on visual quality in the Frederick Allen Park area, as discussed in the Draft EIR (starting from page 3.1-24). The District would implement Mitigation Measure 3.1-3: Large Tree Planning to integrate large box trees into the planning plan and design for Frederick Allen Park. The mitigation would reduce the visual impact immediately following landscaping by providing screening of concrete structures and surrounding buildings; however, the impact would remain significant and unavoidable until the tree canopy is re-established. See Master Response 4 for a discussion about private views and privacy.

C11-6 This comment states that the proposed project would result in loss of privacy because of tree removal.

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See Master Response 4 for discussions related to loss of privacy.

- C11-7 This comment states that the commenters have submitted a comment letter on the USACE 2018 Draft EIS/EIR, and that the proposed project poses the same problems detailed in that comment letter.

The comment is on the USACE 2018 Draft EIS/EIR and not the proposed project EIR. See the responses to comments C11-40 through C11-66 with responses to the comment letter that was submitted regarding the USACE 2018 Draft EIS/EIR.

- C11-8 This comment states that the commenters' property would be used for staging, and the commenters likely would be affected by noise and air quality pollution. The comment also states that the proposed project would require the commenters to relocate during project construction.

The staging areas proposed for project construction are shown in Figure 2.6-1 on page 2-7 in the Draft EIR. As shown in the figure, no staging would occur on private property. Project construction would occur only on weekdays during daytime construction hours, as discussed in Section 2.6.10 on page 2-38 in the Draft EIR. No project construction and associated noise, dust generation, or air quality emissions would occur during nighttime hours or on weekends.

Impact 3.2-2 beginning on page 3.2-22 and Impact 3.2-3 beginning on page 3.2-26 in Section 3.2 in the Draft EIR discuss potential impacts on air quality emissions and include mitigation measures to reduce potentially significant impacts on air quality. As discussed under Impact 3.2-2, the fugitive dust impact from construction would be reduced to a less-than-significant level with implementation of Mitigation Measure 3.2-2, which would require implementation of the BAAQMD's fugitive dust control measures. As discussed under Impact 3.2-3, the short-term health risk impact on sensitive receptors from project construction emissions would be reduced to a less-than-significant level with implementation of Mitigation Measure 3.2-3, which would require all off-road diesel-powered equipment (more than 25 horsepower) to be equipped with engines that achieve USEPA emission standards.

The potential impacts of project construction noise and vibration are discussed under Impacts 3.10-1 and 3.10-2, on pages 3.10-15 to 3.10-24 in Section 3.10 of the Draft EIR. As discussed in Section 3.10, the proposed project would result in temporary significant noise and vibration impacts on nearby sensitive receptors. However, with implementation of Mitigation Measure 3.10-1, which would include preparation and implementation of a noise reduction plan with notification and use of a noise barrier, and implementation of Mitigation Measure 3.10-2, which would include monitoring of vibration levels in proximity to properties to avoid exceeding the vibration threshold, the temporary noise and vibration impacts associated with project construction would be reduced to less-than-significant levels. Refer to Master Response 1 for a discussion of the District staff's recommendation to adopt Alternative 1.

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C11-9 This comment states that the concrete channel is the most effective flood abatement measure, and the commenters are skeptical about the proposed project's ability to reduce flood risk for properties on the left bank.

Refer to Impact 3.9-5 of the Draft EIR (starting from page 3.9-54) for a discussion of the project impact related to flooding hazards. See response to comment C11-3 regarding the project flood risk reduction benefit to properties. The proposed project would reduce the amount of water that backs up and exits the Corte Madera Creek channel and would reduce the amount of water that flows down into properties in proximity to Corte Madera Creek, thereby reducing flood risk through the downstream areas.

C11-10 This comment states that the Draft EIR and hydraulic model fail to address the flood risk from overland water.

The District is responsible for addressing flood risk reduction on Corte Madera Creek only. Localized flooding from overland and residential areas is outside the District's jurisdiction and is the responsibility of the Town. The hydraulic model addresses flood risk from Corte Madera Creek because this is the focus of the proposed project and within the District's responsibility and jurisdiction. The project would result in a net reduction of flood areas thereby reducing the exposure of people and property to water related hazards. The project would result in flood reduction benefits for over 300 parcels in Ross Valley during a 25-year flood event under existing conditions. Refer to Impact 3.9-5 of the Draft EIR (starting from page 3.9-54) for a discussion of project flood impact to people and property.

C11-11 This comment states that the Draft EIR does not clarify the extent and impact of widening the creek upstream from the fish ladder removal. The comment also asks how wide and how far the widening would be, and how it would affect the Lagunitas Road Bridge.

The extent of the creek widening upstream from the fish ladder removal is shown in Figure 2.5-1 on page 2-8 in the Draft EIR. The impacts related to channel widening are discussed throughout the Draft EIR, from Section 3.1 to Section 3.16. Additional details about the proposed creek widening at the transition between Unit 4 and Unit 3 are presented in Master Response 1. The widening will be only along the section of the creek downstream from Lagunitas Road Bridge.

C11-12 This comment states that the Draft EIR does not address any potential modifications to Lagunitas Road Bridge because the proposed project or Alternative 1 likely would impact the bridge because of widening of the creek upstream.

Neither the proposed project nor Alternative 1 propose modifications to Lagunitas Road Bridge, which was replaced in 2010. As discussed in Section 3.9 on page 3.9-9 in the Draft EIR, Lagunitas Road Bridge was replaced and designed with a higher soffit that increased the creek capacity at the bridge crossing. Therefore, no modification is

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proposed at this bridge because of the recent replacement and improvement for flood control. See Response to Comment C11-11 regarding the extent of creek widening.

C11-13 This comment asks how likely the proposed project would be for completion by the end of 2022.

Based on the District's experience in constructing similar projects, completion of project construction would be feasible by the end of 2022, if project approvals are received in time to start construction in April 2022.

C11-14 This comment asks what the impact would be if the proposed project is suspended after a section of the concrete channel is removed and habitat is disturbed.

Project construction would start only if all project approvals were received to complete the entire project. Project construction would not start unless completion of the project was feasible as designed. The construction contract could require completion of all work proposed within a defined schedule. The impact analysis in the Draft EIR is based on the reasonable assumption that the work will not be suspended, once begun.

C11-15 This comment states that a commenced-but-suspended project would be the worst-case scenario.

This would not be a potential scenario. See response to comment C11-14 for a discussion of this scenario and why it would not occur, based on the contractual requirements of the construction contractor.

C11-16 This comment discusses potential impacts of a commenced-but-suspended scenario.

See responses to comments C11-14 and C11-15 for more details about why this scenario would not occur.

C11-17 This comment discusses potential impacts of a commenced-but-suspended scenario.

See responses to comments C11-14 and C11-15 for more details about why this scenario would not occur.

C11-18 This comment states that completing the proposed project by the end of 2022 would be unrealistic.

The District is working diligently to obtain all approvals to meet the project schedule, should the project be approved. See response to comment C11-13 for a discussion about meeting the project schedule.

C11-19 This comment states that the proposed project would require a realistic projection of completion schedule, backed up by hard data.

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The proposed project schedule is based on best engineering practices and is realistic based on the District's and consulting engineers' experience in completing similar projects within similar time frames. Chapter 5, Alternatives, in the Draft EIR includes an analysis of the No Project Alternative, which represents the expected future conditions if no change would occur in the current channel conditions. See Section 5.3.1 on page 5-14 in the Draft EIR for more information regarding the No Project Alternative.

C11-20 This comment states that the proposed project would destroy an existing mature and rich habitat between the concrete channel and the residence on the left bank.

See Master Response 6 for a discussion about the existing conditions and proposed improvements in Frederick Allen Park.

C11-21 This comment states that the existing mature trees provide essential ecosystem functions to the creek and wildlife, and that removing the trees would have an opposite impact.

See response to comment C11-20 for a discussion about the proposed project improvements in Frederick Allen Park.

C11-22 This comment states that it would take decades for the replanted trees to mature, and in the meanwhile, minimal vegetation and bare ground would be on site.

See response to comment C11-5. As discussed, understory vegetation, including shrubs and grasses, would be planted to avoid creation of bare ground. The District would be required to revegetate disturbed areas, in compliance with Marin County Code (Section 28.18.093) and the Construction Stormwater General Permit, to meet water quality goals and Stormwater Pollution Prevention Plan requirements.

C11-23 This comment states that the District likely would be able to create a narrow ribbon of habitat because of USACE's 15-foot setback requirements.

The planting plan in the Draft EIR presents the most conservative USACE requirements. USACE may not consider the 2-foot-tall floodwall proposed in Frederick Allen Park to be a floodwall, and therefore may not require a setback for tree planting. USACE indicated that it would not consider the 10-foot-tall retaining walls to be floodwalls because the retaining walls are proposed for channel stability and not flood protection. Therefore, USACE would not require setbacks from the retaining walls. See also Master Response 1.

C11-24 This comment states that the proposed project would destroy existing mature and rich habitat and create a habitat that would take decades to grow to maturity.

See response to comment C11-20 regarding the existing landscaping and proposed improvements in Frederick Allen Park.

2 COMMENTS AND RESPONSES

C11-25 This comment states that the proposed project would result in impacts on the views from private properties adjacent to Frederick Allen Park because of tree removal.

See Master Response 4 for a discussion related to private views and privacy under CEQA.

C11-26 This comment states that the proposed project would result in loss of privacy to residences because of tree removal.

See Master Response 4 for a discussion related to private views and privacy under CEQA.

C11-27 This comment states that the proposed project would result in loss from removal of a physical barrier shielding homes related to the removal of the concrete channel.

This comment addresses the merits of the project, but not the environmental analysis. Impacts related to security on private properties are not considered to be within the context of CEQA. As discussed in Section 3.11, Public Services, in the Draft EIR, the proposed project would result in less-than-significant impacts on public services, including police and fire protection. See Impact 3.11-1 from page 3.11-5 in the Draft EIR for more information about potential impacts on public services.

C11-28 This comment summarizes proposed activities related to Alternative 1 and states that Alternative 1 would meet the project objective of flood reduction and avoid adverse environmental impacts.

This comment mischaracterized Alternative 1, which includes all proposed project elements except Frederick Allen Park concrete channel removal and restoration. See Master Response 1 and Master Response 3.

C11-29 This comment states that fish ladder removal presumably would alleviate the constriction and would reduce or abate the risk of flooding.

Removal of the fish ladder and avoidance of Frederick Allen Park is considered as Alternative 1 in the Draft EIR. See Section 5.3.2 from page 5-19 in the Draft EIR for a discussion of Alternative 1. Also see Master Response 1 and Master Response 3.

C11-30 This comment states that the flood risk reduction benefits would be similar between the proposed project and Alternative 1, but project implementation would result in more adverse environmental impacts than implementing Alternative 1.

This comment is acknowledged. See Master Response 1 for information regarding Alternative 1 and Table 5.4-1 on page 5-52 in the Draft EIR for a summary of the comparison of alternatives and the proposed project. The Draft EIR includes water surface elevation maps (Figure 5.3-5 to Figure 5.3-7) for Alternative 1 and a map

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(Figure 5.3-8) showing the change in water surface elevation between the proposed project and Alternative 1.

C11-31 This comment states that Alternative 1 would avoid adverse impacts on mature habitat, aesthetics, and privacy.

See Master Response 1 regarding staff's recommendation to adopt Alternative 1. Also see Master Response 4 regarding private views and Master Response 6 regarding Frederick Allen Park and habitat.

C11-32 This comment states that the proposed project would destroy existing mature habitat and suggests for the District to consider doing no harm.

See response to comment C11-20 for a discussion about the existing conditions and proposed improvements in Frederick Allen Park. Also see Master Response 6.

C11-33 This comment states that the commenters have no expertise regarding hydraulic modeling, and thus cannot offer any opinion on this topic. The comment also states that the Draft EIR does not include sufficient detail on alternatives for a reasonable comparison to the proposed project and does not include water surface elevation maps for Alternative 1.

The Town of Ross has hired an independent consultant to verify the hydraulic model, and the consultant has concluded that the model is robust and reasonable. See response to comment C9-16 for a discussion about verification of the hydraulic model.

The Draft EIR includes water surface elevation maps (Figure 5.3-5 to Figure 5.3-7) for Alternative 1 and a map (Figure 5.3-8) showing the change in water surface elevation between the proposed project and Alternative 1. This is substantial evidence for comparison between the proposed project and Alternative 1, supporting the analysis of impacts for both the proposed project and Alternative 1 under CEQA. Additional details about Alternative 1 and updated modeling to reflect the 60 percent design are discussed in Master Response 3.

C11-34 This comment states that the proposed project would result in loss of privacy to residences on the left bank because of tree removal.

This comment is similar to comment C11-16; see response to comment C11-26.

C11-35 This comment states that the proposed project would result in flood risk and impacts on aesthetics and privacy on properties along the left bank.

As shown in Figure 3.9-7 to Figure 3.9-9 on pages 3.9-55 to 3.9-57 in the Draft EIR, the proposed project would result in flood reduction benefits for private properties along the left bank. The perception of increased flood risk is not substantiated by any evidence or science. The flooding would be reduced, based on scientifically and industry accepted

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models. Aesthetic and privacy impacts on private properties are not considered to be within the context of CEQA, as discussed in responses to comments C11-25 and C11-26.

C11-36 This comment states opposition to the proposed project.

The commenter's opposition to the proposed project is acknowledged. See Master Response 1 regarding staff's recommendation to adopt Alternative 1.

C11-37 This comment states that Alternative 1 would achieve the goal of reducing flood risk and avoid adverse impacts from project implementation.

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

C11-38 This comment states that Alternative 1 would be less disruptive, less expensive, and have less uncertainties in comparison to the proposed project.

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

C11-39 This comment states that the commenters have no expertise to assess the accuracy of the hydraulic model.

The comment does not address the adequacy or accuracy of the Draft EIR or the modeling presented in the Draft EIR.

C11-40 This comment states that the description of the alternatives in the 2018 Draft EIS/EIR fails to comply with NEPA or CEQA.

This comment, as well as comments C11-41 through C11-66, address the 2018 Draft EIS/EIR, and not the current project or the current Draft EIR. Therefore, responses are provided only to those issues raised in these comments that are pertinent to the current project and the current Draft EIR.

The District prepared the current EIR pursuant to CEQA. The Alternatives chapter, screening of alternatives, and evaluation of alternatives presented in Chapter 5 of the Draft EIR, was completed in compliance with CEQA. The proposed project is no longer a federally funded project, and therefore NEPA compliance is not required. The analysis of alternatives in the Draft EIR exceeds CEQA's requirements for a comparative evaluation of alternatives and includes a robust evaluation of Alternative 1, including hydraulic modeling and air quality dispersion modeling.

C11-41 This comment states that the Unit 4 bypass that is described in the 2018 Draft EIS/EIR is a fundamental component of the agency-preferred alternative.

The Unit 4 bypass is not a component of the proposed project and is not part of any alternative that is considered in the Draft EIR. As discussed in Table 5.2-1 in the Draft EIR, the bypass construction would result in greater environmental impacts than the

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proposed project, and the cost to construct the bypass would exceed the available funding.

C11-42 This comment states that the description of the Unit 4 bypass in the 2018 Draft EIS/EIR is vague concerning the transition from Corte Madera Creek to Sit Francis Drake Boulevard.

See response to comment C11-21. The Unit 4 bypass is not a component of the proposed project and is not part of any alternative that is considered in the Draft EIR.

C11-43 This comment refers to the 2018 Draft EIS/EIR statement that the use of a temporary shoring system will need to be evaluated for the bypass.

See response to comment C11-21. The Unit 4 bypass is not a component of the proposed project and is not part of any alternative that is considered in the Draft EIR.

C11-44 This comment states that the description of the Frederick Allen Park riparian corridor in the 2018 Draft EIS/EIR is deficient.

Pages 2-16 through 2-19 of the current Draft EIR present substantial detail about the activities that would be conducted at Frederick Allen Park, including relocation of Bike Route 20 and a landscaping plan; pages 2-28 and 2-29 discuss the maximum number of trees that would be removed from the park; pages 2-36 and 2-37 discuss the number of trees that would be planted in the park; and Section 3.12.6 of the EIR present an analysis of impacts on recreational areas.

C11-45 This comment states that the description of alternatives in the 2018 Draft EIS/EIR needs to be revised to properly describe the scope of construction in Frederick Allen Park.

The current Draft EIR sufficiently describes the proposed scope of construction within Frederick Allen Park, in Chapter 2, Project Description, in the Draft EIR. Alternative 1 is a reduced footprint alternative that would not construct any project elements in Frederick Allen Park. The description of the Unit 4 transition is presented in Chapter 2, Project Description, in the Draft EIR. Master Response 3 presents additional detail on the Unit 4 transition.

C11-46 This comment refers to the 2018 Draft EIS/EIR statement that funding has yet to be secured for the Unit 4 bypass, which means that, if Alternative J is selected for project implementation, possibly only Phase 1 will be constructed.

This comment is not relevant to the proposed project. The District has flood Zone 9 funding and a matching California Department of Water Resources grant that is available to fund project construction. The District would not proceed with contracting and construction unless it had the funding available to complete the proposed project and achieve the project objectives.

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C11-47 This comment states that the description of the existing setting in the 2018 Draft EIS/EIR is inadequate.

The current Draft EIR includes substantial detail about the existing physical environmental conditions in each environmental resource section. The existing setting for each resource is provided as follows: Section 3.1.4 (Aesthetics), Section 3.2.3 (Air Quality), Section 3.3.3 (Biological Resources), Section 3.4.2 (Cultural Resources), Section 3.5.2 (Energy), Section 3.6.3 (Geology and Soils), Section 3.7.3 (Greenhouse Gas Emissions), Section 3.8.4 (Hazards and Hazardous Materials), Section 3.9.3 (Hydrology and Water Quality), Section 3.10.4 (Noise), Section 3.11.3 (Public Services), Section 3.12.3 (Recreation), Section 3.13.3 (Transportation and Circulation), Section 3.14.3 (Tribal Cultural Resources), Section 3.15.2 (Utilities and Service Systems), and Section 3.16.2 (Agriculture and Forestry Resources, Mineral Resources, Land Use and Planning, Population and Housing, and Wildfire and Socioeconomics).

C11-48 This comment states that, in general, the 2018 Draft EIS/EIR fails to identify the number of buildings and habitable structures that would be affected under the existing conditions in the event of a 10-year, 25-year, or 100-year flood event.

The current Draft EIR includes the hydraulic model results for the 10-year, 25-year, and 100-year flood events for the proposed project and Alternative 1 and includes an evaluation of impacts under existing and future conditions. The analysis determined that the proposed project and Alternative 1 would cause no significant increase in flooding in any areas containing structures. In addition, Table 3.9-7 on page 3.9-60 in the Draft EIR summarizes project flood reduction benefits and shows the number of parcels that would experience significant reduction in flooding from the proposed project, based on the model-predicted reduction in water surface elevation for those parcels in the 25-year flood event.

C11-49 This comment states that the 2018 Draft EIS/EIR fails to describe the existing conditions in the area where the Fredrick Allen Park project components are proposed in any detail.

The current Draft EIR presents substantial information on the existing conditions in Frederick Allen Park, including visual quality, existing vegetation and trees, recreational features, and existing noise conditions. See Sections 3.1, 3.3, 3.12, and 3.10 in the Draft EIR for discussions of the existing conditions and analyses of project impacts on aesthetics, biological resources, recreation, and noise resources in Frederick Allen Park, respectively.

C11-50 This comment states that the 2018 Draft EIS/EIR's reliance on avoidance and minimization measures is not permitted by CEQA.

The current Draft EIR does not include avoidance and minimization measures. This comment is not relevant to the Draft EIR.

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C11-51 This comment states that the 2018 Draft EIS/EIR lacks substantial evidence concerning the feasibility of the various avoidance and mitigation measures.

The current Draft EIR does not include avoidance and minimization measures. This comment is not relevant to the Draft EIR.

C11-52 This comment states that the 2018 Draft EIS/EIR concludes that implementation of avoidance and minimization measures would result in a less-than-significant impact for all action alternatives but does not explain how these measures actually would achieve this goal.

The current Draft EIR does not include avoidance and minimization measures. This comment is not relevant to the Draft EIR.

C11-53 This comment states that many of the avoidance and minimization measures in the 2018 Draft EIS/EIR amount to improper deferred mitigation under CEQA.

The current Draft EIR does not include avoidance and minimization measures. This comment is not relevant to the Draft EIR.

C11-54 This comment states that the 2018 Draft EIS/EIR needs to be revised and recirculated to include analysis of the proposed project's impacts, both with and without the avoidance and mitigation measures.

The current Draft EIR does not include avoidance and minimization measures. This comment is not relevant to the Draft EIR.

C11-55 This comment states that the 2018 Draft EIS/EIR does not provide an explanation or discussion of consequences regarding the design of Alternative J and flood protection downstream from Frederick Allen Park.

This comment is not relevant to the current Draft EIR because the Draft EIR does not include Alternative J as an alternative considered in detail. Table 3.9-7 on page 3.9-60 in the Draft EIR summarizes project flood reduction benefits and shows the number of parcels that would experience significant reduction in flooding from the proposed project and the model-predicted reduction in water surface elevation for those parcels.

C11-56 This comment states that the 2018 Draft EIS/EIR does not provide information concerning the volume of water that would be diverted through the Unit 4 bypass and re-introduced to the creek in the new riparian corridor.

The bypass is not a component of the proposed project and is not a component of any alternative that is considered in detail in the Draft EIR; therefore, analysis of the hydraulic effects of the bypass are not needed because the bypass would not be implemented as part of the proposed project or any alternative that may be approved.

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C11-57 This comment states that the 2018 Draft EIS/EIR fails to clarify how construction of the riparian corridor would improve potential flood conditions in the area surrounding the riparian corridor.

Information on the relative flood risk reduction benefits of the proposed project, which would include Frederick Allen Park, and Alternative 1, which would not include Frederick Allen Park, are presented on page 5-26 in Chapter 5 in the Draft EIR. See Master Response 1 for additional details regarding the reduction in flooding that would be provided by the riparian corridor in Frederick Allen Park.

C11-58 This comment states the failure of the 2018 Draft EIR/EIS to identify the construction methodology for the Unit 4 bypass, making any assessment of construction-related air emissions legally inadequate.

The bypass is not a component of the proposed project and is not part of any alternative that has been considered in detail in the Draft EIR. The Draft EIR presents substantial detail about the proposed project and Alternative 1 construction methods and includes air quality modeling using two different methods to evaluate criteria pollutant generation for construction as a whole and concentrations of criteria pollutants as part of a health risk assessment. Pages 3.2-16 through 3.2-20 of the Draft EIR describe the approach to the impact analysis, including the methodology for evaluating criterial air pollutants and toxic air contaminants. Additional details about the air quality modeling are provided in Appendix C in the Draft EIR.

C11-59 This comment states that the 2018 Draft EIS/EIR focuses on emissions from construction equipment and does not include lengthy traffic delays, specifically occurring from construction of the Unit 4 bypass, which would result in significant increases in idling time.

The proposed project no longer includes the Unit 4 bypass. The number of vehicles and trucks that would be required for project construction would not result in long idling times. Additional details about construction equipment emissions are presented in Section 3.2, Air Quality, in the Draft EIR.

C11-60 This comment states that the 2018 Draft EIS/EIR needs to explain why mitigation measures are not feasible for Impacts AES-1 and AES-2.

The current Draft EIR includes Mitigation Measure 3.1-3: Large Tree Planting to reduce the visual impact immediately following landscaping in Frederick Allen Park, by providing increased screening of concrete structures and surrounding buildings. However, the impact would remain significant and unavoidable until the tree canopy is re-established, and the trees and vegetation would screen the retaining walls and adjacent structures. The analysis of impacts on visual quality in Frederick Allen Park is presented from page 3.1-21 through page 3.1-28 in the Draft EIR.

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C11-61 This comment states that the impact analysis in the 2018 Draft EIS/EIR includes numerous statements concerning project activities that are not included in the Project Description.

The current Draft EIR presents substantial details about the proposed project to support the impact analysis in Chapter 3. The maximum extent of tree removal is presented in the Project Description (see Table 2.6-2 on page 2-28), and Figures 2.6-2, 2.6-3, and 2.6-4 show trees that would be removed as part of the proposed project or would meet USACE 15-foot setback requirements. The actual extent of tree removal would be substantially less than the number presented in the Draft EIR, if USACE would not enforce a 15-foot setback from the existing flood control channel walls.

C11-62 This comment refers to the 2018 Draft EIS/EIR analysis statement that Frederick Allen Park would be revegetated with native riparian habitat with species similar to those in Unit 4, but this is not discussed in the description of the alternatives.

The proposed landscaping and tree removal in Frederick Allen Park are described in detail in Chapter 2, Project Description, in the Draft EIR. The approach to landscaping of the park was developed by a landscape architect to reflect the proposed hydrologic and soil conditions that would occur in the area after the proposed project is constructed.

C11-63 This comment states that the 2018 Draft EIS/EIR needs to be revised and recirculated to explain whether these and other statements are meant to be components of the proposed project, the details concerning these activities, who the decision-makers would be because the agencies would lack jurisdiction over these matters, and what opportunities would exist for public involvement.

This comment addresses the 2018 Draft EIS/EIR, not the current EIR. The current Draft EIR does not need to be recirculated, as discussed in Chapter 1, Introduction, Section 1.3.

C11-64 This comment states that the 2018 Draft EIS/EIR analysis fails to consider the aesthetic impacts on the neighbors, including the O'Connells, who would be affected by implementation of the riparian habitat.

The analysis of project impacts in Section 3.1 in the current Draft EIR presents substantial details about project impacts on aesthetics from tree removal. The visual simulations reflect the maximum amount of tree removal and grading that would occur in Frederick Allen Park. See Master Response 4 regarding impacts on private views under CEQA.

C11-65 This comment states that in the 2018 Draft EIS/EIR, the analysis for Impact NOI-1 identifies Mitigation NOI-1 but concludes that, even with implementation of this measure, the impact would be significant and unavoidable.

The analysis of impacts in Section 3.10 in the current Draft EIR discusses the noise levels that would be produced during project construction without mitigation and the noise

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levels that would be produced with mitigation. The analysis concludes that the impact would be less than significant with mitigation incorporated.

C11-66 This comment states that the 2018 Draft EIS/EIR must be revised and recirculated so that the public and decision-makers can understand the actual environmental effects of the proposed project.

This is a comment about the 2018 Draft EIS/EIR. The Draft EIR does not need to be recirculated as discussed in the Introduction to the Final EIR.

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Comment Letter C12

From: Garril Page <obility@comcast.net>
Sent: Tuesday, March 16, 2021 12:14 PM
To: cortemaderacreek@marincounty.org
Subject: DEIR response

March 16, 2021

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

I appreciate the opportunity presented by this public review period and submit the following Comments and Questions about the Draft EIR.

3.9 HYDROLOGY AND WATER QUALITY

Section 3.9.3 and 3.9.5 are cited as Response to my Comments as published in the DEIR; this was a disappointment. I anticipated "Potential hydrology and water quality impacts that could result from construction and operation of the project and mitigation measures to avoid or reduce significant adverse impacts are then discussed...". However, I found no such discussions.

C12-1

This is especially troubling as I believed the purpose of the DEIR is to provide information about the impacts of flood mitigation projects, and per 3.9.3 "The focus of this project is to address the second mechanism of overland flooding, which is due to capacity constraints at Corte Madera Creek..." Evaluating technical feasibility is essential part of the CEQA evaluation process. The DEIR says Alternative 1 would be feasible to construct.

C12-2

Questions:

a.) How feasible is the incorporation of Alternative 1 into the elements of fish ladder removal and transition into Unit 4?

C12-3

b.) What what changed channel conditions result from this construction?

C12-4

The project elements of fish ladder removal and the transition between Unit 4's natural creek bed downstream to the entry of the concrete channel are critically important; however, analysis of impacts from these elements lacks data on which to base any consideration. In modeling potential project design, the DEIR states the stream bed is to be widened and deepened to relieve constriction and regulate flow through the projected transition.

C12-5

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The number of feet the proposed transition may extend appears to range from 150 to 450' upstream of the Lagunitas Bridge, as well as through the bridge opening and downstream to the connection at the concrete channel, approximately 1100 feet in all. The natural channel's current width is approximately 20-25' and the concrete channel is 33'. Proposed widening is a substantial and significant impact which must be included in FEIR as is quantification of bank stabilization elements.

C12-5
cont.

Because this area is the entry to the Town of Ross, is adjacent to municipal services and administrative buildings, and is a major intersection for Ross School and local traffic, both pedestrian and vehicular, it is particularly disappointing that the DEIR fails to provide information enabling any meaningful understanding of what is proposed here. This must be remedied, lest the FEIR also fail to adequately assess potentially significant environmental impacts and fail to proceed "in the manner required by law and as supported by substantial evidence under the California Environmental Quality Act (CEQA)."

C12-6

Questions:

a.) What are the dimensions of the proposed design: how wide and how deep over what distance?

C12-7

b.) What are the impacts on the area in which these elements are constructed?

C12-8

The DEIR 3.9 mentions hydrology, hydraulic conditions, and modeling for "Project" or "projects" "Frederick Allen Park floodplain improvements" "Frederick Allen Park component concept design" but provides no comparable hydrological information for Alternatives.

C12-9

Page 3.9-34 and a number of public meeting presentations have mentioned merging of HEC-RAS programs to model, design, and achieve the most effective performance for up- and downstream projects.

C12-10

Questions:

a.) Was Alternative 1 modeled without construction of SAFRRP, proposed replacement of Winship and the other bridges from which federal funding have been "indefinitely delayed"?

C12-11

b.) Was Alt 1 modeled with the SAFRRP?

C12-12

c.) Was Alt 1 modeled with SAFRRP and the Winship Bridge replacement?

C12-13

d.) If this information is omitted, how are readers of the EIR and decision-makers to analyze baseline hydraulic conditions for the Alternative requested by the Ross Town Council per CEQA Guidelines? This is a serious defect.

C12-14

Lacking such information, DEIR Section 5 Alternatives also is flawed. Whether under Hydrology or Alternatives, the following should have been discussed for consideration:

5.1.3 An EIR is required to include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. Evaluating technical feasibility is essential part of the CEQA process. The DEIR says Alternative 1 would be feasible to construct.

C12-15

Question:

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How feasible is the incorporation of Alt 1 with the project elements of fish ladder removal and transition into Unit 4?

↑ C12-15
cont.

5.2.3 CEQA Requirements for Alternatives Section 15126.6(a) requires under (3)

"... (including consideration of whether the alternative itself could create significant environmental effects potentially greater than those of the project)?"

Alternative 1 has two major benefits: saving the existing character of FAP and maintaining supercritical flow in the concrete channel. Residents have experienced and recorded the fact that supercritical flow lowers water surface elevation (WSE) by accelerating flows in the concrete channel. These accelerated flows transport a large, fast volume of water, including local drainage carried to the creek in municipal pipe lines, sediment and flood debris out of Ross toward the Bay.

If upstream channel modifications alter channel conditions, thereby creating a resultant sub-critical flow within the upper 750' of the Unit 3 concrete channel, this is a significant impact on Ross.

C12-16

Question:

Where is the discussion and mitigation of these impacts?

C12-17

Adding flapgates to the drainpipes entering the creek will certainly impact local drainage, and residents so affected must understand this impact.

C12-18

Question:

Where is the discussion and mitigation of this impact?

C12-19

3.9-42 Operation and Maintenance "Maintenance of the proposed project will include routine vegetation management, sediment and debris removal, and annual inspection and maintenance of the floodwalls and structures. Vegetation management would likely occur annually or on an as-needed basis and would not include ground-disturbing activities and would employ hand tools..."

C12-20

Questions:

The many newly-planted trees in FAP would be vulnerable to flood events for several years as they become established.

a.) In the event of overbank conditions uprooting recently-installed project elements (trees, irrigation, benches, shade structures) which may create a logjam and induce flooding, is Ross indemnified against harm?

C12-21

b.) What agency is responsible for immediate and subsequent emergency aid?

C12-22

c.) What agency will clean up the debris and repair damages to vegetation and infrastructure suffered?

C12-23

d.) What agency replants and restores the area?

C12-24

e.) Who pays for all this?

C12-25

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Table 5.2-1 Alternatives Screening Results

I incorporate by reference my Comments on the USACE EIS/EIR regarding inherent, induced flooding and impacts of the projects listed in this section, developed in prior documents, and now incorporated into the current EIR.

C12-26

5.3.2 Alternative 1: Reduced Footprint–Avoid Frederick Allen Park

The description of this Alternative does not match the slide (Figure 5.3-8 in DEIR) shown at the Marin County Board of Supervisor's March 2, 2021, Presentation. https://marin.granicus.com/player/clip/10551?view_id=9&redirect=true]The ensuing confusion was sufficient to cause the Marin Supervisor *in whose District the projects lie*, to believe there would be channel construction within FAP under Alt 1. Any further misinformation about this should be clarified for the FEIR.

C12-27

Comment:

Texts should match tables at visual presentations in public meetings, especially when such public presentations are part of the EIR process.

Transcript:

SUPERVISOR KATIE RICE asked the Paramount consultant to explain the apparent overbank flooding shown in red on that slide #37.

SUSANNE HEIM: "Yeah, so this is actually the area within Frederick Allen park where, because there's the Frederick Allen park flood -- currently the park is above the flood plain because the grading would lower the elevation of the park and the channel would actually be relocated through this area, there would then be a higher water surface elevations (sic) than there are today because of the lowering of the, the (sic) grade in that area.

C12-28

KATIE RICE: OK and, and I was understanding that Alternative 1 avoided improvements to Frederick Allen Park but I guess I misunderstood, need to go back — so there would be a flooding out of bank that there is not now?

SUSANNE HEIM: So, what it means is the WSE in this area would be higher with the proposed project but the reason why it is modelled as being higher is because the ground surface elevation is lower. So, it is basically like you have more water on top of the ground, but your ground is actually lower—."

5-24 Geology and Soils

Alternative 1 Impacts "Alternative 1 would include construction of project components on similar ground and soil substrate as the proposed project. Alternative 1 would have less-than-significant impacts associated with seismicity and seismic-related events."

C12-29

2 COMMENTS AND RESPONSES

Comments:

a.) This should be aligned with Resolution No. 2018-46 of Marin County Board of Supervisors which cites "...750 feet of seismically unsafe portions of the concrete channel and subsequent grading to realign and widen existing creek channel..."

See page 14, Subtask 4.3: GRANT AGREEMENT 4600012423 between DWR and Marin County Flood Control and Water Conservation District per CA Water Code Section 83002 and Public Resources Code Section 5096.827 *et seq.*

C12-29
cont.

b.) Proposed larger fish pools to be installed the length of the concrete channel should be modeled on proposed alternatives to assure project performance and channel flow and seismic stability for Alternatives presented, especially Alternative 1 requested by the Town of Ross.

C12-30

c.) Proposed StormWater Pump Station and Access Ramp: The ramp will breach the existing channel wall. Since the lower portion of the channel was constructed before the upper 750' feet of "seismically unsafe" concrete in upper Unit 3, the question of channel stability arises here, too. Per Section 15126.6(a) of the CEQA Guidelines and **Project Goals and Objectives; "4. Operational Reliability. Improve operational reliability and reduce long-term maintenance costs by increasing maintenance access, improving channel stability, and protecting existing utilities."**

C12-31

Comments:

a.) Operational reliability should be aligned with Resolution No.2018-46.

C12-32

b.) Increased traffic, noise, air quality from channel and project maintenance should be discussed as an impact on the community burdened when this ramp replaces the current less-accessible creek access points where maintenance is accomplished using ropes and buckets. (per MCWQFC Zone 9 meeting March 10, 2021)

C12-33

5-24 Geology and Soils Alternative 1 would require soil-disturbing activities, including tree and concrete removal, which would result in soil loss.

C12-34

Questions:

a.) What trees are to be removed in Alternative 1?

b.) Will replacement trees be planted in the same area providing comparable screening and privacy?

C12-35

I look forward to a FEIR that is fully responsive to the questions and comments above.

Thank you.

Garril Page
San Anselmo.

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

2 COMMENTS AND RESPONSES

2.5.12 Response to Letter C12: Garril Page

C12-1 This comment states that the commenter is not able to find responses in the Draft EIR that discuss project construction and operational impacts related to hydrology and water quality and the associated mitigation measures.

Project construction and operational impacts on hydrology and water quality are discussed in detail under Impact 3.9-1 to Impact 3.9-5 on pages 3.9-39 to 3.9-63 in the Draft EIR. As discussed, the proposed project would not risk release of pollutants because of project inundation related to tsunami, would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan, and would not expose people or property to flooding hazards. The proposed project would have less-than-significant impacts related to erosion, siltation, runoff, flood flows, and impeding or redirecting flood flows. The proposed project would have the potential to transport contaminated sediment to the San Francisco Bay during construction activities in Unit 3, where the concrete channel would be removed in Frederick Allen Park, which would be a significant impact on water quality. However, the significant impact would be reduced to a less-than-significant level with implementation of Mitigation Measure 3.9-1, which would require testing of soils and sediment at risk of erosion or mobilization and removal or immobilization of any soils found to be over applicable water quality standards. See Impact 3.9-1 to Impact 3.9-5 on pages 3.9-39 to 3.9-63 of the Draft EIR for detailed analysis of the project impacts on hydrology and water quality.

C12-2 This comment states that evaluating technical feasibility is essential part of the CEQA process, and the commenter found it difficult to believe that Alternative 1 would be feasible to construct.

As discussed in Chapter 5, Alternatives in the Draft EIR, Alternative 1 would meet the feasibility criteria and thus is retained for detailed analysis in the Draft EIR. See Table 5.2-1 on page 5-7 in the Draft EIR for a summary of the alternatives screening results, and see Master Response 3 for a discussion of Alternative 1 and the 60 percent design for Alternative 1. Alternative 1 would be feasible and is recommended for adoption as discussed in Master Response 1.

C12-3 This comment asks about the feasibility of incorporating Alternative 1 into the fish ladder removal and Unit 4 transition project elements.

Alternative 1 would meet all the CEQA feasibility criteria. See Master Response 1 and Master Response 3 for a discussion of Alternative 1.

2 COMMENTS AND RESPONSES

C12-4 This comment asks how the channel condition would be changed because of Alternative 1.

Refer to Section 5.3.2 of the Draft EIR (starting from page 5-19) for a description of Alternative 1 and potential environmental impacts associated with Alternative 1. See Master Response 1 and Master Response 3 for additional details on Alternative 1.

C12-5 This comment states that the fish ladder removal and transition to natural creek in Unit 4 would be critically important project elements, but the Draft EIR lacks data to back up the analysis of impacts resulting from these project elements.

The transition between Unit 4 and the concrete channel are included in the project description in the Draft EIR. Additional details have been developed in the 60 percent design for the project, as presented in Master Response 3. Also see response to comment C11-11.

C12-6 This comment states that the Draft EIR fails to provide information about what is being proposed in Frederick Allen Park and Unit 4. The comment also requests that the Final EIR adequately assess potential significant environmental impacts associated with the project elements in these areas.

Project elements proposed in Frederick Allen Park and Unit 4 are described in detail in Section 2.5.3 from pages 2-14 to 2-19 in the Draft EIR. These project elements also are shown in Figure 2.5-1 on page 2-9 in the Draft EIR. Substantial discussion is presented throughout the Draft EIR sections that are dedicated to analysis of the project elements in Frederick Allen Park and Unit 4. The analysis provides substantial evidence and fully complies with the requirements of CEQA. See Section 3.1 to Section 3.16 of the Draft EIR for detailed discussions of potential impacts from project elements in Frederick Allen Park and Unit 4. Where the potential impacts in Unit 4 and Frederick Allen Park differ from other parts of the proposed project, separate headings are used to provide the reader with the specific impacts of each project element. This separate analysis was provided in the Draft EIR to assist the reader in understanding the potential impacts that are specific to each element.

C12-7 This comment asks about the dimensions for the proposed design in Unit 4.

See response to comment C11-11. In addition, see Master Response 3 regarding the 60 percent design for Unit 4 with Alternative 1.

C12-8 This comment asks what the potential impacts would be for project elements implemented in Frederick Allen Park and Unit 4.

Project impacts are discussed in detail in the Draft EIR. See Section 3.1 to Section 3.16 of the Draft EIR for a detailed discussion of potential impacts from project elements in Frederick Allen Park and Unit 4. Also see response to comment C12-6.

2 COMMENTS AND RESPONSES

C12-9 This comment states that no comparable hydrological information is presented for the alternatives in the Draft EIR.

The analysis of alternatives is presented in Chapter 5, Alternatives, in the Draft EIR. See Chapter 5 from page 5-14 for descriptions and environmental impacts and analysis of the alternatives. Detailed hydrologic model results are presented in Chapter 5 for Alternative 1. As discussed in Chapter 5, Alternative 2 and 3 still would involve removal of the fish ladder and implementation of proposed project elements in Frederick Allen Park, and would have similar flood risk reduction benefits to the proposed project; therefore, separate modeling of the elements was not conducted. Additional modeling was performed for the 60% design for Alternative 1, as presented in Master Response 3.

C12-10 This comment states that the Draft EIR and public meeting have mentioned merging of HEC-RAS programs to model and design, to achieve the most effective performance for upstream and downstream projects.

The future condition modeling reflects upstream projects that are proposed or completed on Corte Madera Creek and upstream waterways. Refer to Master Response 3 for a discussion of refinements to and integration of the hydraulic modeling.

C12-11 This comment asks whether or not Alternative 1 was modeled with the San Anselmo Flood Risk Reduction Project, Winship Bridge Replacement Project, and other bridge projects.

Alternative 1 was modeled under the existing conditions and future conditions. The modeling for future conditions included the San Anselmo Flood Risk Reduction Project, Winship Bridge Replacement Project, and other bridge projects listed in Table 3.9-5 in the Draft EIR. Updated modeling, including future condition modeling, based on the 60 percent design is presented in Master Response 3.

C12-12 This comment asks whether or not Alternative 1 was modeled with the San Anselmo Flood Risk Reduction Project.

See response to comment C12-11.

C12-13 This comment asks whether or not Alternative 1 was modeled with the San Anselmo Flood Risk Reduction Project and Winship Bridge Replacement Project.

See response to comment C12-11.

C12-14 This comment asks how the baseline hydraulic conditions for Alternative 1 was analyzed if the modeling information reflected in the prior comments is missing.

Floodplain analysis was completed based on hydraulic modeling for both existing conditions and future conditions. Information regarding hydraulic modeling is provided in Section 3.9 on pages 3.9-34 to 3.9-37 in the Draft EIR. Both the existing conditions and

2 COMMENTS AND RESPONSES

future conditions show reduced flooding because of Alternative 1. The difference between the proposed project and Alternative 1 is discussed further in Master Response 1. The Draft EIR not only meets the CEQA requirements to provide analysis of Alternative 1 as a comparative analysis of impacts of flooding but provides an equal level of environmental impact analysis discussing where Alternative 1 impacts would differ from the proposed project, including an equal level of hydraulic modeling of Alternative 1 and dispersion modeling for Alternative 1 air quality impacts.

C12-15 This comments states that the Chapter 5, Alternatives, in the Draft EIR is flawed if it lacks sufficient information about the alternative to allow a meaningful evaluation and comparison with the proposed project. The comment asks how feasible it would be to incorporate Alternative 1 with fish ladder removal and Unit 4 transition.

CEQA does not require detailed engineering design to determine whether an alternative potentially would be feasible. Presumably, alternatives that would reduce environmental impacts would be feasible under CEQA, unless they would not meet the screening criteria for feasibility, as defined in Chapter 5, Alternatives, in the Draft EIR. The Alternative 1 fish ladder removal, Unit 4 transition, floodwalls, Granton Park stormwater pump station, lower College of Marin concrete removal, and fish pools were all considered to be elements of the proposed project. The difference between the proposed project and Alternative 1 is that the proposed project would include additional construction of a floodplain and natural creek element in Frederick Allen Park, which would not occur in Alternative 1. Because Alternative 1 would be a reduced footprint alternative, logically speaking, constructing Alternative 1 would be feasible because the technology exists. Alternative 1 would be a feasible alternative to the proposed project, as shown in Table 5.2-1 on page 5-7 in the Draft EIR and discussed in Master Response 3.

C12-16 This comment states that Alternative 1 would preserve the existing character of Frederick Allen Park and maintain supercritical flow in the concrete channel. If upstream channel modifications would alter channel conditions, this would create a sub-critical flow within the upper Unit 3 and would be a significant impact on Ross.

The comment is acknowledged. Removal of the fish ladder would substantially reduce the amount of water that is overflowing the Corte Madera Creek channel and flooding the adjacent neighborhood and would increase the amount of water in the channel below the fish ladder under both the proposed project scenario and Alternative 1 scenario. Also see Master Response 1 regarding the preference for Alternative 1.

Supercritical flow is not an ideal hydraulic condition. Supercritical flow involves very fast-moving water that would be hazardous to humans if someone were to fall into the channel during flooding. Consistent with CEQA, the District evaluated changes in water surface elevation and flood risk at structures, to evaluate the proposed project's physical effect on the environment. The proposed project would create subcritical flow in the park, and this condition would be safer for anyone who gets swept into the stream

2 COMMENTS AND RESPONSES

because they would have a greater chance of being able to exit the creek with the slower flow condition.

C12-17 This comment asks where the discussion and mitigation of supercritical flow impacts are found in the Draft EIR.

The discussion and mitigation of all CEQA-related impacts are presented in Chapter 3 of the Draft EIR and reflect CEQA criteria for evaluation of impacts. See response to comment C12-16 for a discussion of supercritical flow.

C12-18 This comment states that adding flap gates to the drainpipes entering the creek would impact local drainage and residents.

See response to comment A5-26.

C12-19 This comment asks where the discussion and mitigation of impacts related to a flap gate are found in the Draft EIR.

The proposed project would not cause an impact, as discussed in response to comment A5-26. The detailed use of backwater flow presenters is a detail in the design that would not create new impacts or require mitigation separate from the overall project. The use of backwater flow preventers is consistent with the Draft EIR.

C12-20 This comment includes a quotation from page 3.9-42 of the Draft EIR regarding project operation and maintenance activities. The comment states that the newly planted trees would be vulnerable to flood events during the establishment period.

The proposed project would include planting vegetation that would be adapted to the stream environment and resilient to flooding. Vegetation management activities would include replacement of plants if they were affected by flooding and require replacement.

C12-21 This comment asks whether the Town of Ross would be compensated for harm caused by future overbank flooding.

The District would enter into an easement and MOU with the Town of Ross prior to implementing the project in Frederick Allen Park. These agreements would address responsibility to maintain proposed project elements during flooding. See Master Response 1 regarding staff recommendation to adopt Alternative 1.

C12-22 This comment asks what agency would be responsible for immediate and subsequent emergency aid.

The federal agency that would be responsible for emergency aid is FEMA. The Town and the County also would provide local emergency response services.

C12-23 This comment asks what agency would be responsible for cleaning up debris and repairing damages to vegetation and infrastructure.

2 COMMENTS AND RESPONSES

The responsible party for repairing damage would depend on the location of the damage. Under the proposed project, the District would have a MOU with the Town of Ross and would take on the responsibility for repairing damage to vegetation and infrastructure in Frederick Allen Park, if the proposed project is approved. See Master Response 1 for more information regarding the preference for Alternative 1.

Flooding is an existing condition and the entities responsible for responding to flooding in the area would not change because of the proposed project. Implementation of the proposed project would result in reduction of flooding and would not cause increased risk of damage to vegetation or infrastructure.

C12-24 This comment asks what agency would be responsible to replant and restore the area.

The District would be responsible for vegetation replacement as needed, if the proposed project is approved. See Master Response 1 for more information regarding the preference for Alternative 1.

C12-25 This comment asks who would pay for the proposed project.

Project construction would be funded by District Zone 9 and California Department of Water Resources grant funding. Project maintenance would be paid by the responsible party, as specified in response to comment C12-23. The District has funding (collected through annual revenues from ad valorem property taxes, fees, or, special taxes) to conduct ongoing maintenance of the flood control channel and would continue to conduct this maintenance after project construction is complete.

C12-26 This comment is shown in Table 5.2-1 in the Draft EIR and states that the comments to the 2018 Draft EIS/EIR are incorporated into this comment letter.

The current Draft EIR alternative analysis included previously considered alternatives, including alternative considered in the USACE 2018 Draft EIS/EIR, to provide a comprehensive overview of the alternatives considered for the proposed project and a comparison of the alternatives' ability to meet project objectives. All alternatives that were proposed in the USACE 2018 EIS/EIR were rejected because they were substantially more costly than the proposed project and would result in much greater environmental impacts. These alternatives did not meet CEQA criteria for evaluation in the Draft EIR, as shown in Table 5.2-1.

C12-27 This comment states that the description of Alternative 1 does not match Figure 5.3-8 in the Draft EIR.

The description of Alternative 1 matches the figure showing the alternative, which is Figure 5.3-1 in the Draft EIR. Figure 5.3-1 shows the areas of the proposed project that would be avoided by Alternative 1 and the additional fish pools. The graphic is correct and matches the description. Figure 5.3-8 does not show Alternative 1, but it shows the

2 COMMENTS AND RESPONSES

difference in model-predicted change in water surface elevation between the proposed project and Alternative 1. Additional details are presented in Master Response 3.

C12-28 This comment includes a partial transcript from the public hearing PowerPoint presentation that was conducted on March 2, 2021, regarding the discussion of a figure shown on slide 37 (Figure 5.3-8 in the Draft EIR). The comment states that texts should match tables and visual presentations in public meetings.

As discussed on page 5-26 of the Draft EIR, Figure 5.3-8 shows that Alternative 1 would result in lower water surface elevation in the creek channel and in the Frederick Allen Park floodplain under a 100-year flood event because the floodplain area would not be constructed in that area. However, residential and commercial areas around Frederick Allen Park would experience reduced flood reduction benefits under Alternative 1. The text on slide 37 of the public hearing PowerPoint presentation also indicated that Alternative 1 would result in less flood risk reduction benefits along Poplar Avenue and along the Unit 4 left bank. Therefore, the texts describing Figure 5.3-8 in the Draft EIR and public meeting presentation match each other.

C12-29 This comment quotes the discussion of geology and soils impacts resulting from Alternative 1. The comment states that the impacts discussion should align with Marin County's Resolution No. 2018-46 regarding seismic impacts of the existing concrete channel.

The impact of the existing conditions would not be an impact of Alternative 1. Alternative 1 would include construction of larger fish pools within the concrete channel. County resolution No. 2018-46 includes no discussion of seismic impacts of the concrete channel. Geotechnical evaluation of the concrete channel and evaluation of the stability of the channel for fish pool construction and the taller floodwalls has been conducted as part of the design process. See response to comment C6-2. The potential impacts of the existing conditions are addressed in the No Project Alternative. See Section 5.3.1 on page 5-14 of the Draft EIR for a discussion of the No Project Alternative.

C12-30 This comment states that proposed larger fish pools should be included in the modeling for alternatives, especially Alternative 1.

The proposed new fish resting pools along the concrete channel are included in the hydraulic modeling analysis. See Master Response 3 and response to comment C6-2.

C12-31 This comment states that the access ramp would breach the existing channel wall in the upper Unit 3 and put the channel stability in question.

The concrete used in the floodwall in upper Unit 3 would be no less stable than the concrete in the access ramp. However, concrete generally is more prone to damage and cracking under strong seismic events than natural soils and vegetation. The access ramp design would be reviewed by USACE engineers as part of the Section 408 process, to

2 COMMENTS AND RESPONSES

verify the structural stability of the ramp. The access ramp would provide vehicle access to the creek during routine maintenance and sediment removal, which would improve maintenance of the concrete channel. Currently, no access exists to the creek, and workers must access the creek with hand tools. The access ramp would support heavy equipment access to conduct concrete channel repairs in the future, when needed.

C12-32 This comment states that operational reliability should be aligned with Resolution No. 2018-46.

County resolution No. 2018-46 does not discuss operational reliability. The resolution discusses only the transfer of grant funding from Phoenix Lake to the proposed project.

C12-33 This comment states that the Draft EIR should discuss the traffic, noise and air quality impacts from channel and project maintenance associated with the access ramp.

Construction of the access ramp would not be part of the proposed project. Construction of the proposed access ramp would be a categorically exempt project under Section 15303, New Construction or Conversion of Small Structures, under CEQA. The access ramp would have independent utility because it would improve maintenance access to the existing concrete channel. A Notice of Exemption for the access ramp project was filed on March 15, 2021.

C12-34 This comment asks what trees would be removed under Alternative 1.

Alternative 1 would involve the same activities and potential for tree removal as the proposed project in Unit 4, lower Unit 3, and Unit 2. See Table 2.6-2 on page 2-28 and Figures 2.6-2 to 2.6-5 on pages 2-29 to 2-32 in the Draft EIR for details on tree removal in these areas. USACE could require removal of all trees within 15 feet of the concrete channel walls in Unit 3 as part of the Section 408 authorization. While the USACE could require removal of a significant number of trees due to setbacks from the existing floodwall, Alternative 1 construction activities would only require a total of 34 trees to be removed.

C12-35 This comment asks whether replacement trees would be planted in the same area, providing comparable screening and privacy.

As discussed in Section 2.6.9 of the Draft EIR, trees would be planted within proximity of the removal location. Replanting in exactly the same area where trees would be required to be removed by USACE would not be feasible. Tree replacement mitigation would occur off-site, if not feasible to replace trees on site, per Mitigation Measure 3.3-2b in the Draft EIR. Impacts on private views and privacy are not considered under CEQA. See Master Response 4 for a discussion of private views and privacy.

2 COMMENTS AND RESPONSES

Comment Letter C13

From: Kyle Rosseau <kdrosseau@gmail.com>
Sent: Tuesday, March 16, 2021 1:44 PM
To: cortemaderacreek@marincounty.org
Cc: Kathryn Scalise <kathryn.scalise22@gmail.com>
Subject: Frederick Allen Park - flood mitigation

Hello

I am writing in response to the Frederick Allen Park flood mitigation project in Ross. I live at 45 Poplar Ave. which is directly behind the tennis courts in Frederick Allen Park. While I support flood mitigation efforts from the town and city I am opposed to excessive clear cutting of the trees in Frederick Allen Park. These trees provide us with privacy so that people walking behind our house cannot see into our property. I know our neighbors also appreciate the privacy these trees provide. Additionally I am concerned with the environmental habitat this project will harm/disturb. I am told there is an alternative (1) that doesn't impact as many or any of the trees. I would be in support of this.

C13-1

C13-2

Thanks
Kyle Rosseau.
--
- KR
Email Disclaimer: <https://www.marincounty.org/main/disclaimers>

2 COMMENTS AND RESPONSES

2.5.1 Response to Letter C13: Kyle Rosseau

C13-1 This comment states that the commenter supports flood mitigation projects but is opposed to tree removal in Frederick Allen Park and loss of privacy to nearby residences.

This comment is acknowledged. Tree removal will be limited to the extent required by regulations or to facilitate project construction. No unnecessary tree removal is proposed. Trees removed in Frederick Allen Park will be replaced with trees and other vegetation. The impacts on views following landscaping and at approximately 10 and 20 years after landscaping are shown in Figures 3.1-13 and 3.1-14 in Section 3.1, Aesthetics, in the Draft EIR. Private views and privacy are not considered to be an impact within the context of CEQA. See Master Response 4 for further discussion.

C13-2 This comment expresses concerns about proposed project impacts on habitat in Frederick Allen Park and states that the commenter supports Alternative 1.

Frederick Allen Park is a landscaped park. The existing vegetation in the park is not a natural habitat. See Master Response 6 regarding the existing habitat conditions and proposed improvements in Frederick Allen Park.

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

2 COMMENTS AND RESPONSES

Comment Letter C14

Ben and Kristen Swann
Post Office Box 322
Ross, California 94957
kcadz@aol.com

Hugh and Luanne Cadden
Post Office Box 1198
Ross, California 9495
hjcadden@gmail.com

Via Email Only - cortemaderacreek@marincounty.org

March 17, 2021

Marin County Flood Control and Water Conservation District

Attn: Joanna Dixon, PE

Re: Corte Madera Creek Flood Risk Management Project, Phase 1 Draft Environmental Impact Report (DEIR).

The following are our Comments relating to the February 1, 2021 Corte Madera Flood Risk Management Project, Phase 1 Draft Environmental Impact Report (DEIR). As indicated, the analysis of the proposed Project in the DEIR is not adequate to allow the public to review and understand the scope of the Project's potential impacts and provide suggestions regarding mitigation measures or alternatives that might lessen those impacts.

Comment 1. Offsite Impacts of Frederick Allen Park Floodplain on the Adjacent SFDB Properties. The properties located at 1 SFDB, 3 SFDB, 11 SFDB and 15 SFDB are at ground zero in terms of construction and operations of the Frederick Allen Park floodplain project and are directly and significantly impacted by the proposed floodplain park. Yet there is no analysis of the offsite impacts on these properties. The DEIR must be revised to acknowledge the offsite environmental impacts on the SFDB properties as significant and unavoidable and to include an analysis of the offsite environmental impacts on these properties and mitigation proposals. The significant impacts include but are not limited to, the following: (i) Aesthetic and Visual impacts relating to the removal of the tree canopy and habitat including the loss of privacy; loss of screening and shade; and loss of outdoor land use. (ii) Hydrology impacts including impairment to storm drainage resulting in backwater effect and stormwater ponding and/or sheetflows on the SFDB properties. (iii) Health and Safety impacts including possible trespassing, heightened risk of burglary due to complete loss of privacy; and the risk of homeless encampments that cannot be removed from public property. (iv) Land Use impacts including the inability to reside in our home and the loss of quiet enjoyment of our property both inside and outside due to the magnitude, nature and proximity of the Project construction.

C14-1

C14-2

C14-3

C14-4

C14-5

C14-6

2 COMMENTS AND RESPONSES

Comment 2. Vehicle Trips and Access Routes. 3.13-8. Construction vehicle trips and access routes for Frederick Allen Park will be on an “informal path within the District’s easement on the left bank.” 3.13-8. The DEIR does not identify the parcels that will be impacted. The easement is not adequately described making it impossible for the SFDB property owners to determine if their property is impacted and to what extent. The DEIR needs to identify the parcels affected by address or parcel number and provide a legal description of the easement

C14-7

Comment 3. Storm Drainage System Impact. On page 3.9-9 under the section Storm Drainage System, the mechanism by which stormwater runoff collects from drainage areas throughout the watershed and is routed by the municipal storm drain system into the channel will be compromised by the increase in water surface elevation within the proposed project channel causing a backwater effect and stormwater either ponds and/or sheetflows overland in the drainage areas. The DEIR expressly states at 3.9-9 that it does not address this mechanism. The resulting backwater and sheetflow effects are significant impacts that directly impact the Town of Ross storm drainage system and numerous properties including the SFDB properties. Without this information and analysis it is impossible to understand the scope of the Project’s potential impacts and provide suggestions regarding mitigation measures or alternatives that might lessen those impacts.

C14-8

Comment 4. Fiscally Responsible. It is impossible to determine whether the Project is fiscally responsible because there is no information regarding the Project budget, funding or costs. Fiscal responsibility is a stated objective in the DEIR and it is stated that the Project can be accomplished with local and reasonably foreseeable grant-funding opportunities. 2-8. Yet the DEIR is silent. Without some level of budget, funding or cost information it is impossible to determine the feasibility of the Project and the environmental, social and ecological impact if only the Frederick Allen Park portion of the project is completed or worse yet if it is started and not completed. Further, without some level of budget, funding and cost information it is impossible to evaluate and compare the cost benefits of the Project and Alternative 1. 5-3, 5-4

C14-9

C14-10

Comment 5. Objective 3 is misleading and constitutes a material misrepresentation. One of the principal Project objectives defined in the DEIR is “Objective 3. Public Access and Enhanced Recreational Experience. Maintain public access along the creek via the multi-use path and enhance the recreational experience and amenities along the creek corridor to meet the Town of Ross and Kentfield area community needs.” 2-7 There is no factual or record basis that the Town needs to enhance the recreational experience and amenities along the creek corridor. This is simply not true. The Town of Ross has no such need and there is no public record that it has determined that there is such a need. The statement that it does is false and misleading and will affect the public’s evaluation of the Project and Alternative 1 which does not include the floodplain park. This Objective must be corrected and the DEIR must be recirculated.

C14-11

2 COMMENTS AND RESPONSES

Recirculation of an EIR prior to certification is required when “the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment are precluded.” As discussed above, the DEIR is so fundamentally and basically inadequate that recirculation of a new DEIR is required to allow the public to meaningfully review and comment on the Project.

C14-12

Sincerely,
Hugh and Luanne Cadden
Ben and Kristen Swann

cc: towncouncil@townofross.org
jchinn@townofross.org

2 COMMENTS AND RESPONSES

2.5.2 Response to Letter C14: Hugh Cadden, Luanne Cadden, Ben Swann, and Kristen Swann

C14-1 This is a summary comment purporting that the Draft EIR does not provide adequate impacts analyses for the public to understand the scope of project impacts and to provide comments on project mitigation measures and alternatives.

Chapter 3 of the Draft EIR provides a thorough analysis of the project's impact, including mitigation measures and alternatives. The Draft EIR analysis fulfills CEQA requirements.

C14-2 This comment states that the Draft EIR does not include discussion and analysis of construction impacts on adjacent properties along Sir Francis Drake Boulevard.

The Draft EIR addresses direct and indirect impacts of project construction in Frederick Allen Park throughout Chapter 3. The air quality impact on adjacent properties is discussed under Impact 3.2-3 on pages 3.2-26 to 3.2-30 in the Draft EIR, stating that short-term health risk impacts on sensitive receptors (see Figure 3.2-2 in the Draft EIR for sensitive receptors considered in the analysis) would be mitigated to a less-than-significant level with implementation of Mitigation Measure 3.2-3. This mitigation measure would require all off-road -diesel powered- construction equipment to be equipped with engines that meet USEPA or Carb Tier 3 off-road and Diesel Particulate Filter level 3 emission standards.

Impacts of project construction noise and vibration on adjacent properties are discussed under Impacts 3.10-1 and 3.10-2 on pages 3.10-15 to 3.10-24 in the Draft EIR. The noise and vibration impacts on sensitive receptors (see Figure 3.10-3 in the Draft EIR for sensitive receptors considered in the analysis) during project construction would be mitigated to a less-than-significant level with implementation of Mitigation Measures 3.10-1 and 3.10-2. This would include noise reduction measures such as adding sound walls and avoiding intense vibration in proximity to structures.

C14-3 This comment states that the proposed project's significant impacts related to aesthetic and visual resources are removal of tree canopy and habitat, loss of privacy, loss of screening and shade, and loss of outdoor land use.

As discussed in Section 3.1 in the Draft EIR, the only significant and unavoidable impact related to aesthetics and visual resources would be the temporary impact on visual quality while the trees are establishing. The impact on private views is not considered to be an impact within the context of CEQA, and thus it is not discussed in the Draft EIR. Loss of shade is addressed under Impact 3.12-3 and Mitigation Measure 3.12-3 in Section 3.12 in the Draft EIR. This mitigation measure would require planting larger trees and installing shade structures, which would reduce the temporary impact from reduced shade to a less-than-significant level. The park would continue to be a public park, and the proposed project would not change the land use.

2 COMMENTS AND RESPONSES

- C14-4 This comment states that hydrology impacts would include impairment to storm drainage, resulting in a backwater effect and stormwater ponding and/or sheet flows on Sir Francis Drake Boulevard.

See response to comment A5-26 regarding the use of backflow prevention and the reduction in flood inundation because of the reduction in Corte Madera Creek overtopping. The proposed project also would include a stormwater pump station in the Granton Park neighborhood, to improve stormwater drainage to Corte Madera Creek.

- C14-5 This comments states that impacts related to health and safety would include trespassing, heightened risk of burglary related to loss of privacy, and the risk of homeless encampments.

Potential impacts on public services are addressed in Section 3.11 in the Draft EIR, which states that impacts on fire and police services, schools, parks, and other public facilities would be less than significant. Potential impacts from increased trespassing and burglary are speculative and would not be direct or indirect impacts related to project activities. Trespassing and burglary are unlawful and would not become lawful because of the project. Furthermore, the proposed project would not create a new land use.

- C14-6 This comments states that impacts related to land use would include an inability to reside in homes and loss of quiet enjoyment because of project construction.

The proposed project would not affect anyone's ability to reside in their home. The duration of construction noise and vibration impacts, and proposed mitigation measures are discussed in Section 3.10 in the Draft EIR. Also see response to comment C14-1.

- C14-7 This comment states that the Draft EIR does not identify the parcels that would be affected by using the informal path on the left bank during project construction. The comment suggests that the Draft EIR should identify the parcels or parcel numbers affected by the use of the informal path on the left bank and provide a legal description of the proposed easement.

The reference to the informal access path on the left bank is taken out of context. The only access shown in Frederick Allen Park is via public roads and along Bike Route 20. See Figure 2.6-6 of the Draft EIR for proposed project access routes. As shown in this figure, no access would occur from the left bank. The informal path on the left bank refers to the informal path within the District's easement along the proposed floodwall segments in lower Units 2 and 3.

- C14-8 This comment states that stormwater runoff that is collected from drainage areas throughout the watershed and routed by the municipal storm drain system into the channel would be compromised by the increase in water surface elevation and cause a backwater effect. The backwater effect is not discussed in the Draft EIR and would have a significant impact on the Town of Ross. Without information and analysis of this topic,

2 COMMENTS AND RESPONSES

understanding the scope of proposed project impacts and providing suggestions for mitigation measures and alternatives is not possible.

See response to comment A5-26. Section 3.9 in the Draft EIR presents a detailed analysis of hydraulic impacts and flood model results.

- C14-9 This comment states whether or not the proposed project would be fiscally responsible if no information is provided regarding the project budget, funding or cost is impossible to determine.

The proposed project would meet criteria for being fiscally responsible because it could be accomplished with the existing grant funding and funding available through District Zone 9 fees. Cost is not an impact in the context of CEQA. The consideration of cost within the context of CEQA analysis is included in Chapter 5, Alternatives, in the Draft EIR, when analyzing the economic feasibility of an alternative to the proposed project. See also Master Response 5.

- C14-10 This comment states that evaluating and comparing the cost benefits of the proposed project and Alternative 1 is impossible without information about project cost and budget.

A cost benefit analysis is not required under CEQA. See Master Response 5 for a discussion related to this topic.

- C14-11 This comment states that the Town of Ross has no need to maintain public access or enhance the recreational experience along the creek, and thus no factual basis exists to support the project objectives of maintenance of public access and enhanced recreational experience. The comment requests for the project objectives to be corrected and the Draft EIR to be recirculated.

The District is the proponent and lead agency for the proposed project. The District has the authority to determine project objectives for its own project. The project objective of enhanced recreational experience is consistent with one of the objectives of the grant from the California Department of Water Resources. The project would maintain access along Bike Route 20 and would enhance recreational opportunities in Frederick Allen Park and the Lower College of Marin project area. Implementation of the proposed project would meet the public access maintenance and enhanced recreational experience objectives.

- C14-12 This comment states that the Draft EIR is fundamentally and basically inadequate and recirculation of a new Draft EIR is needed.

The Draft EIR meets the requirements of CEQA and includes substantial evidence for each of the impact conclusions. See responses to comments C14-1 to C14-10. Also see Master Responses 1 regarding CEQA and when recirculation is required.

2 COMMENTS AND RESPONSES

Comment Letter C15

From: Jon Child <child.jon@gmail.com>
Sent: Wednesday, March 17, 2021 8:42 PM
To: cortemaderacreek@marincounty.org
Subject: Concern regarding Corte Madera Creek project

To Whom it May Concern,

After reviewing the recently released EIR report and observing the number of trees slated for removal in Frederick Allen Park, we wanted to voice our concern and opposition to destruction of Allen Park.

C15-1

We reside at 29 Poplar Ave, in Ross which is the center of the proposed project, and while we are supportive of flood mitigation, our primary concern is how the revised plans differ dramatically from earlier iterations.

C15-2

The removal of all trees, aka clear cut and replanting suddenly turns this into a 10-15 year project for residents like ourselves. In addition, the design of the path appears to no longer be at a lower elevation as originally described, negating any sense of privacy, and is now within 10 feet of our backyard.

C15-3

C15-4

Again, we are supportive of plans to address flooding in the area, but care deeply about privacy, the habitat and the short, medium and long-term effects on our neighborhood.

C15-5

Tyler and Jon Child

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

2 COMMENTS AND RESPONSES

2.5.3 Response to Letter C15: Tyler Child and Jon Child

C15-1 This comment expresses opposition to project elements in Frederick Allen Park.

The comment does not address the adequacy or accuracy of the Draft EIR. See Master Response 1 regarding the preference for Alternative 1.

C15-2 This comment expresses support for a flood mitigation project and also expresses concerns about how dramatically different the proposed project would be from the 2018 USACE project.

The proposed project would be different from the previous projects proposed by USACE. The proposed project has been designed in response to public comments on the USACE 2018 Draft EIS/EIR, including public comments during meetings that were held in June 2020. The proposed project would be consistent with the proposal as presented at the June 2020 meetings, during the Draft EIR scoping meeting, and in the NOP presented in September 2020, but the Draft EIR includes greater details describing the project elements.

C15-3 This comment states that removing trees and planting new ones would increase the project time frame to 10 to 15 years because it would take time for the trees to mature.

The removal of trees in Frederick Allen Park would be necessary to accommodate construction of the riparian habitat, natural channel, and floodplain. The newly planted trees and vegetation would grow at different rates. Although new vegetation would be present immediately after project construction is completed, tree and canopy growth to a level similar to existing conditions would take 10 to 20 years, as discussed in Section 3.1 in the Draft EIR.

C15-4 This comment states that the design of the path in Frederick Allen Park has changed and no longer appears to be at a lower elevation. The comment also states that the path now is within 10 feet of the commenters' backyard.

The project path in Frederick Allen Park would be at a lower elevation and within the confines of the existing park, where public access trails are found. The pathway proposed in Alternative 2 would be at a higher elevation and closer to properties along the edge of the park, to reduce the frequency of flooding of the pathway and maintain more naturalized area along the creek. See Master Response 1 regarding preference for Alternative 1.

C15-5 This comment supports flooding mitigation projects and expresses concerns about adverse impacts related to privacy and habitat, as well as to short and long-term impacts on the neighborhood.

As discussed in Chapter 2, Project Description, and Section 3.3 in the Draft EIR, the project improvements in Frederick Allen Park would provide benefits for habitat (also see Master Response 5). The area where the proposed pathway would be relocated is

2 COMMENTS AND RESPONSES

within the confines of the existing park, which includes existing public access and pathways.

Impacts on privacy are not considered to be environmental impacts in the context of CEQA. See Master Response 4 for further discussion.

2 COMMENTS AND RESPONSES

Comment Letter C16

Beth Foster and Paul Furusho
19 Sir Francis Drake Boulevard
Ross, California 94957

March 17, 2021

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

Re: Comments from 19 Sir Francis Drake Blvd., Ross, CA 94957 on the Marin County Flood Control and Water Conservation District Corte Madera Creek Flood Risk Management Project, Phase 1 Draft Environmental Impact Report

Dear Ms. Dixon and members of the Marin County Flood District Board:

Thank you for the opportunity to provide comments regarding the Corte Madera Creek Flood Risk Management Project, Phase 1 (the Project) Draft Environmental Impact Report (DEIR) dated February 2021. We live at 19 Sir Francis Drake Boulevard (SFDB), a property that is bounded to the northeast by SFDB and which runs along and extends into the concrete channel portion of Corte Madera Creek that is discussed in the Project. The fish ladder referenced in the document is at the upstream end of our property. As such, we are directly impacted by the Project.

This letter supplements verbal comments I (Beth Foster) provided during the March 2 County Board of Supervisors hearing. Generally, we believe it is imperative that the Ross Valley community address the potential for flooding along Corte Madera Creek, and we appreciate that our property may potentially benefit from reduced flood risk with implementation of the Project. We would like to see some version of the Project proceed. However, we are concerned about some of the impacts to our property that would result. Our primary concerns pertain to the aesthetic impact of the removal of vegetation on and adjacent to our property as well as the potential associated reduction in property value.

Following are specific comments or requests for clarification by section on the DEIR document:

- Section 2.4 *Project Objectives*, Objective 3. Public Access and Recreational Quality states "Maintain public access along the creek [...] and enhance the recreational experience and amenities along the creek corridor to meet Town of Ross and Kentfield area community needs." We request the Project design allow access to the creek corridor from our property via a gate in the fence. We believe this would be in keeping with project objective #3, allowing us to benefit from the Project.

C16-1

C16-2

C16-3

C16-4

2 COMMENTS AND RESPONSES

- Fig. 2.5-1 *Project Elements (Map 1 of 3)*, identifies the alignment of proposed retaining walls downstream of the existing fish ladder location. We request additional information regarding the height and appearance of the retaining walls as well as their location relative to the existing concrete wall along the left bank so that we may understand their aesthetic impact on our property and where construction activities will occur. C16-5
- Fig. 2.6-1 *Staging, Stockpile, and Temporary Work Areas*, identifies the Flood District-owned property adjacent to our home as a staging area. In section 2.6.2 *Site Preparation*, it says that “Vegetation within the staging and stockpiling areas would be trimmed and removed, ...”. Fig 2.6-2 *Tree Removal Unit 4 and Frederick Allen Park*, labels the majority of trees in this staging area as “Tree to Remain.” Please address this discrepancy and confirm that trees will not be removed within this staging area. C16-6
- Fig 2.6-2 *Tree Removal Unit 4 and Frederick Allen Park*, depicts the removal of all of the trees behind our house along the channel (due to the 15’ Army Corps of Engineers clearance requirement). These trees comprise the view from our home, and they screen the view of the existing chain link fence and channel. We also frequently observe hummingbirds, osprey, and other wildlife enjoying them. The DEIR contends in Section 3.1 *Aesthetics and Visual Resources* that visual quality impacts from tree removal will be temporary because many removed trees will be replanted, but this does not apply to those trees that are proposed to be removed along our property. We assert that the tree removal will have a significant, adverse aesthetic impact as well as an impact to our property value. While it is stated on page 3.1-21 that “impacts on private views are not required to be considered under CEQA,” we request that our concerns be considered. C16-7
- Section 3.10 *Noise*, states that “grading and heavy equipment use would last up to seven months” in the area near our home. We are concerned about the impacts of construction noise and vibration on our quality of life and the potential disruption in our ability to work during the day. We request that all possible noise mitigation efforts be made to minimize these impacts and that residents be kept very well informed about planned activities. C16-8
- Lastly, we request that section 3.9 *Hydrology and Water Quality* address overland stormwater flow and measures that will be taken to mitigate the significant amount of water that drains across SFDB toward the creek as well as through a large swale that runs through our backyard, and the backyards of our neighbors. C16-9

Thank you for your consideration of these comments. We are hopeful that we will have the opportunity to work with the Flood District to better understand how the Project will be specifically implemented on and adjacent to our property as more detailed design is completed prior to construction so that we can minimize any detrimental impacts. We are grateful for the efforts to date in seeking input from stakeholders, and we look forward to continued collaboration as the Project progresses. C16-10

Very sincerely,
Beth Foster
Paul Furusho

cc: Joe Chinn, Ross Town Manager
Richard Simonitch, Ross Public Works Director

2 COMMENTS AND RESPONSES

2.5.4 Response to Letter C16: Beth Foster and Paul Furusho

C16-1 This comment states that the fish ladder proposed to be removed is at the upstream end of the commenters' property. Thus, the commenters would be directly affected by the proposed project.

The Draft EIR presents impacts analyses related to the fish ladder removal in Chapter 3. See Draft EIR Section 3.1 (starting from page 3.1-24) for a discussion of aesthetic impacts, Section 3.3 (starting from page 3.3-56) for a discussion of biological impacts, Section 3.9 (starting from page 3.9-39) for a discussion of hydrology and water quality impacts, and Section 3.12 (starting from page 3.12-9) for a discussion of recreation impacts.

C16-2 This comment supplements a verbal comment made during the public hearing that were held on March 2, 2021. The comment states that the commenters appreciate the potential flood reduction benefits from the project, but it also expresses concerns about potential impacts on property.

See Master Response 4 and Master Response 5 regarding consideration of impacts on private views and impacts on property value under CEQA.

C16-3 This comment expresses concerns about aesthetic impacts from vegetation removal and the potential impact associated with reduction in property value.

The proposed project would include plantings in the Frederick Allen Park, including understory vegetation with shrubs and grasses as well as trees to minimize aesthetic impacts resulting from vegetation removal. See Section 2.6.9 in the Draft EIR regarding revegetation and landscaping of the park. Property value is generally (unless it can be shown to cause a physical impact due to a direct chain of cause and effect) not an environmental impact in the context of CEQA. See Master Response 5 for further discussion.

C16-4 This comment requests that the District allow access to the creek bottom from the commenters' property.

As indicated in Master Response 1, the District staff is recommending adoption of Alternative 1 because of Town of Ross's preference for Alternative 1. Access to the creek from private property is not a consideration for the EIR.

C16-5 This comment requests additional information regarding the height and appearance of the retaining walls as well as the locations in relation to the existing concrete wall along the left bank.

The location of the retaining walls and floodwalls on the left bank within the Frederick Allen Park reach are shown in Figure 2.5-4 in the Draft EIR. The height of the floodwalls would be up to 10 feet tall, to match the existing concrete channel height, but would taper down to a shorter elevation and would not extend above the existing concrete channel walls. The retaining walls would be 2 feet tall and would extend 2 feet above

2 COMMENTS AND RESPONSES

grade, as discussed on page 2.16 in the Draft EIR. Additional visual simulations of the retaining and floodwalls are shown in response to comment A5-20.

- C16-6 This comment points out a discrepancy between the description of vegetation removal in Section 2.6.2 and tree removal shown in Figure 2.6-2 in the Draft EIR.

The District's intent would be to minimize tree removal. Although Section 2.6.2 in the Draft EIR describes a conservative scenario for tree removal to address USACE vegetation setbacks from floodwalls, tree removal in the staging and stockpiling area currently is not anticipated. However, between the District gate and the concrete channel wall, trimming may be required as needed to provide clear access to the channel.

- C16-7 This comment states that all trees behind the commenters' property would be removed, per USACE's 15-foot clearance requirements, and that replanting at the same location is not proposed in the Draft EIR. The comment requests that impacts on private views and property values be considered as part of CEQA analysis.

See responses to comments B1-17 and C5-11. USACE may not require removal of trees on the District's property because the proposed floodwall would be attached to the existing floodwall. See Master Response 4 for discussion of impacts to private views and Master Response 5 regarding impacts to property values.

- C16-8 This comment expresses concerns about noise and vibration impacts on adjacent properties and requests mitigation to minimize these impacts.

Potential project impacts from noise and vibration are discussed in Section 3.10 in the Draft EIR. The District would implement Mitigation Measure 3.10-1, which would require preparation and implementation of a noise reduction plan, including notification of nearby residents and use of noise barriers to reduce noise levels at adjacent residences. Vibration impacts would be addressed by implementation of Mitigation Measure 3.10-2, which would require vibration monitoring in proximity to structures during construction activities in Frederick Allen Park, and also would require prior notification to residents of upcoming vibration-generating activity. As described in Section 3.10 in the Draft EIR, the proposed project would result in less-than-significant noise and vibration impacts on adjacent residences with implementation of mitigation measures.

- C16-9 This comment requests that the Draft EIR address impacts and describe mitigation measures related to overland stormwater flow.

Localized flooding from overland and residential areas is outside the District's jurisdiction and is the responsibility of the Town of Ross. The District is responsible for addressing flood risk reduction on Corte Madera Creek. See also response to comment A5-26.

2 COMMENTS AND RESPONSES

C16-10 This comment states that the commenters look forward to working with the District as the proposed project progresses.

The commenter's desire to work with the District is acknowledged.

2 COMMENTS AND RESPONSES

Comment Letter C17

From: ArleneF@Yahoo.com <arlenef@yahoo.com>
Sent: Wednesday, March 17, 2021 7:22 AM
To: Corte Madera Creek <cortemaderacreek@marincounty.org>
Cc: Kevin Haroff <kharoff@cityoflarkspur.org>; dhillmer@cityoflarkspur.org
Subject: Comments re. Draft EIR - Corte Madera Creek Flood Risk Management Project

Attn: Joanna Dixon
Project Manager

Re. Draft EIR
Corte Madera Creek Flood Risk Management Project
Marin County Flood Zone 9

As residents of Larkspur, we are very concerned that the proposed project alternatives, upstream of our town, will continually increase the accumulation of sediment from Bon Air Bridge to College of Marin (CoM), near College Avenue.

C17-1

Currently, there is massive accumulation of mud, referred to by the County and others as "the plug", just past the southern end of the existing concrete channel and east of the CoM football/soccer field. It is believed that this "plug" is a result of a drop in water velocity as the sediment-laden flow transitions from a fast moving, deep, and narrow channel to a broader, shallower area. If part or all of the concrete channel is removed, even more sediment will accumulate upstream of Bon Air Bridge reducing the capacity and volume of the drainage channel over time to handle all of the runoff. This puts the residents downstream at even more risk, especially since dredging has ceased for many decades.

C17-2

An analogy, perhaps, can help. Suppose a person decides to take a bath and fills the tub just shy of it overflowing. Then, every month, a gallon of mud is added to the bath because mud baths are now in vogue. But, because one doesn't want the hassle of emptying and cleaning the tub each time, the mud is left. Next bath, another gallon of mud and the same volume of water is added as before. At some point the water spills over and one has a horrible mess.

We ask you to please give serious consideration to the future ramifications of sediment accumulation and water rise as a result of the proposed project alternatives.

C17-3

Thank you,

Arlene Fox & Stephen Whitcomb
Hillview neighborhood
Larkspur, CA

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2 COMMENTS AND RESPONSES

2.5.5 Response to Letter C17: Arlene Fox and Stephen Whitcomb

C17-1 This comment expresses concerns that the proposed project would increase accumulation of sediment from Bon Air Bridge to the College of Marin, near College Avenue.

Project impacts on sedimentation or erosion are discussed in Section 3.9 in the Draft EIR. The proposed project would not cause a significant increase in sediment transport or sedimentation from Bon Air Bridge to the College of Marin. See Impacts 3.9-1 and 3.9-2 on pages 3.9-39 to 3.9-51 in the Draft EIR for the discussion of project impacts related to erosion and sediment transport. Sediment deposition at the earthen channel in Units 1 and 2 currently is from a combination of fluvial and coastal sediment input. The proposed project would not result in a significant change in watershed-scale fluvial sediment sources, transport, or deposition.

C17-2 This comment summarizes the existing sedimentation condition near Bon Air Bridge and states that more sediment would accumulate upstream from the bridge and would put the residents downstream at greater risk if all of the concrete channel is removed.

As explained in response to comment C17-1, the proposed project would not cause a significant increase in sedimentation and would not cause more sediment to accumulate. As discussed in Chapter 2, Project Description, in the Draft EIR, sediment controls measures would be implemented, including installation of buried rock, erosion control fabric, and engineered streambed material, and the natural creek channel would be restored with riparian vegetation in Unit 4 and Frederick Allen Park, to prevent increased sedimentation downstream. See Section 2.5.3 on page 2-14 in the Draft EIR for more information regarding project elements in each unit.

The District staff is recommending adoption of Alternative 1, which would not include removing the concrete channel in Frederick Allen Park, as discussed in Master Response 1.

C17-3 This comment requests that the District consider the future ramifications of sediment accumulation and water rise based on the proposed project alternatives.

See responses to comments C17-1 and C17-2.

2 COMMENTS AND RESPONSES

Comment Letter C18

Charles Goodman
PO Box 1325
20 Sylvan Lane
Ross, CA 94957

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

March 15, 2021

Dear Joanna,

There are several issues that need to be addressed in the EIR/EIS, especially #1, which was not addressed previously.

1. Transportation, Noise: The County must address sediment removal.

"This study's uncalibrated sediment budget estimates that the Corte Madera Creek Watershed supplies about 7,250 tons of bedload each year to the reach above Ross. The calibrated Parker-Klingerman sediment transport model estimated average bedload sediment inflow at Ross is about 6,750 tons/year. Using an average of the two results, the study estimates that about 7,000 tons/year of bedload are delivered to Ross, or about 450 tons/sq. mi. /year."

Source: Geomorphic Assessment of the Corte Madera Creek Watershed, final report.

You did not answer my question about Sediment and Debris Removal in the Draft EIR. You referenced section **2.7.2 Maintenance** of the Draft EIR which lists Sediment and Debris Removal as item #2, on page 2-42, but on page 2-43, only Sediment and Debris Removal from Fish Pools is described; Sediment and Debris Removal as it relates to the entire project is non-existent.

There is a sediment basin at Fred Allen Park that would need to have Sediment and Debris removed on a regular basis for the health of the creek and the wildlife that lives in it.

How does the County plan to mitigate this substantial disruption of sediment removal from the creek within the Town of Ross? The town is currently protected from floods up to 100-year levels. The proposed project would remove an existing concrete channel and expose the dirt on the sides and bottom, which in turn will be subject to erosion and to becoming sediment that will then need Regular Maintenance in the form of Sediment and Debris Removal. **Page 3.9-48 of the Draft EIR states a Significance Determination of 'Less than Significant' in regards to both Construction & Operation & Maintenance.** This just defies common sense.

C18-1

Page 1 of 2

2 COMMENTS AND RESPONSES

2. Trees: The tree issue is not adequately being mitigated. Twenty years to replace the canopy is too long and unreasonable. C18-2
3. Aesthetics and Visual Resources: All plans, except the "no plan", show work upstream of the fish ladder. All information is vague.
Please provide explanation regarding: creek bank walls, height limits of walls, lower creek bottom depth, widening of Lagunitas Road Bridge C18-3
4. Hydrology and Water Quality: What is current level of flood cfs and year level of protection at Lagunitas Bridge. What is the level of flood cfs and year level of protection when completed? C18-4
5. Hydrology and Water Quality: The area from the Winship Bridge to the Lagunitas Road Bridge has been left out of this analysis, flawing your whole project. You are adding cfs at Winship Bridge and cause my house and others on Sylvan Lane to flood. Ross creek will not handle additional flows. C18-5
6. Land Use and Planning: The County has failed to account for any overland water flows from Bolinas Ave, Fernhill, Southwood, Norwood, Ames, or Lagunitas Road. There is no plan to capture or move this water. C18-6
7. You continually ignore the "do no harm" rules of FEMA by submitting project plans that will result in causing additional flooding and flooding in areas that did not flood before. C18-7

Regards,



Charles Goodman

2 COMMENTS AND RESPONSES

2.5.6 Response to Letter C18: Charles Goodman

C18-1 This comment states that the Draft EIR did not address the issue related to sediment and debris removal from the Corte Madera Creek channel in the Town of Ross. The comment also asks how the District plans to mitigate the disruption to the community related to sediment removal from the creek within the Town.

Existing sediment deposition from upstream sediment sources in Corte Madera Creek in the Town of Ross is part of the existing condition and would not be affected by the proposed project. The proposed project would not cause increased sedimentation from the upper watershed into the Town. The natural channel in Frederick Allen Park was designed to approximate a natural bank full geometry, which would minimize sediment deposition and erosion in the restored Frederick Allen Park reach of Corte Madera Creek. See Master Response 1 regarding the preference for Alternative 1.

C18-2 This comment states that tree removal would not be mitigated adequately, and that waiting 20 years for the tree canopy to be replaced would be an unreasonable wait time.

See response to comment A5-3. The tree mitigation includes planting with trees that are the largest size available. The Draft EIR includes all feasible mitigation and states that the impact would be significant and unavoidable for up to 10 years, while the canopy is establishing. See also Master Response 1 regarding staff recommendation to adopt Alternative 1.

C18-3 This comment states that all the information in the Draft EIR is vague and requests an explanation regarding creek bank walls, height limits of walls, lower creek bottom depth, and the widening of Lagunitas Road Bridge.

See response to comment C11-11. The creek bank would not be widened at Lagunitas Road Bridge.

C18-4 This comment asks about the current level of flood in cubic feet per second, the level of protection at Lagunitas Road Bridge, and the future level of flood protection at Lagunitas Road Bridge after project construction is completed.

Current flood flows and channel capacity in the project area are discussed in Section 3.9 of the Draft EIR (starting from page 3.9-12). As indicated in the Draft EIR, the standard project flood discharges were estimated to be 7,500 cubic feet per second for Corte Madera Creek in the project area. Channel capacity in the section of Corte Madera Creek between Lagunitas Road Bridge and the concrete channel ranges from about 3,300 to 4,000 cubic feet per second based on recent observations of when flow levels exceeded channel capacity and went overbank. The proposed project would not include any improvements or work at Lagunitas Road Bridge. The proposed project would not change the creek conveyance capacity at Lagunitas Road Bridge.

2 COMMENTS AND RESPONSES

- C18-5 This comment states that the area between Winship Bridge and Lagunitas Road Bridge is not included in the hydrology and water quality analysis in the Draft EIR. The comment says that the proposed project would add more flow at Winship Bridge and would cause properties on Sylvan Lane to flood.

The hydrologic impacts of the proposed project are analyzed in detail in Section 3.9 in the Draft EIR, including potential impacts on existing hydrologic conditions in Corte Madera Creek, potential impacts on future conditions after implementation of upstream projects including Winship Bridge, and potential impacts with moderate and high projections for sea-level rise. See page 3.9-34 in the Draft EIR for a discussion of the approach to the impact analysis. See Impact 3.9-5 starting on page 3.9-54 in the Draft EIR for a discussion of the detailed analysis of potential impacts on the existing flooding condition, future condition, and sea-level rise. The analysis and associated maps of flood inundation and water surface elevations in Appendix E in the Draft EIR show that the proposed project would result in reduced flooding on Sylvan Lane.

- C18-6 This comment states that the District fails to address overland water flow impacts in the Draft EIR.

Localized flooding from overland and residential areas is outside the District's jurisdiction and is the responsibility of the local jurisdiction, including the Town of Ross. The District is responsible for addressing flood risk reduction of Corte Madera Creek.

- C18-7 This comment states that the District ignores the "do no harm" rules of FEMA, and that the proposed project would result in additional flooding in areas that did not flood previously.

The District would comply with all FEMA requirements when implementing the proposed project. As shown in Figures 3.9-7 to 3.9-9 on pages 3.9-55 to 3.9-57 in the Draft EIR, the proposed project would not result in any significant adverse flood impacts and would result in significant flood reduction benefits. As shown in Table 2.8-1 in the Draft EIR, the District would obtain FEMA approval for the proposed project.

2 COMMENTS AND RESPONSES

Comment Letter C19

From: littleddan@hotmail.com <littleddan@hotmail.com>

Sent: Monday, March 22, 2021 11:43 AM

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

Subject: Corte Madera Creek - Frederick Allen Park Flood Risk Management Project

Dan Little would like information about:

Hi Joanna,

I am a resident of Ross and live on Sylvan Lane along the creek. I would like to write in support of the proposed Corte Madera Creek Flood Risk Management Project near Frederick Allen Park. I have a family with young children and believe the new park will benefit families as an additional public natural space near town. I also think the threat of flooding will persist and we need to do everything we can to mitigate the risk given the more volatile weather conditions we have seen in recent years. I understand that the tree removal may impact some in the short term, but given that new trees will be planted, I think the long term benefits outweigh the shorter term challenges. Please let me know if I can be of further help.

Best,

Dan Little

18 Sylvan Lane

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C19-1

C19-2

C19-3

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2 COMMENTS AND RESPONSES

2.5.7 Response to Letter C19: Dan Little

C19-1 This comment expresses support of the proposed project and states that families would benefit from additional public natural space near the Town of Ross.

The support for the proposed project acknowledged. See Master Response 1 regarding lack of Town of Ross' support of the proposed project and the preference for Alternative 1.

C19-2 This comment states the risk of flooding would persist after implementation of the proposed project because of increasing volatile weather conditions, and also states the need to do everything possible to mitigate the risk.

The comment addresses the merits of the project and not the environmental impact analysis.

C19-3 This comment states that the commenter understands the short-term impacts related to tree removal and believes the long-term benefits outweigh the short-term challenges.

The comment addresses the merits of the project and not the environmental impact analysis. As indicated in Master Response 1, the Town of Ross prefers Alternative 1, and Alternative 1 is recommended for adoption because of Town preference.

2 COMMENTS AND RESPONSES

Comment Letter C20

From: Nick Romero <nickromero@gmail.com>
Sent: Tuesday, March 23, 2021 9:43 PM
To: cortemaderacreek@marincounty.org
Subject: Corte Madera Creek Flood Risk Management Project

Hi, I realize this is past the formal comment period. apologies.

One question I had was what the tree mitigation plan would be for unit 2 - Fig 3.1- 20/21.

Specifically, residents would appreciate mature tree plantings (more diameter) to fully screen the new buildings at COM adjacent to the creek / stadium way bridge / Kent Middle School as the creek transitions to salt water marsh. Critical to keep all mature trees to hide maintenance facility.

C20-1

Additionally, residents would appreciate picnic tables and benches on the eastern side (3.1-9 photograph 8) and tree screening to screen unit 2, treatment / pump facility I.

C20-2

I would advocate to keep trees in 3.1-18/19.

C20-3

regards
Nick Romero
90 Berens Dr, Kentfield, CA 94904

--
Nick Romero
+1.805.746.5528
Email Disclaimer: <https://www.marincounty.org/main/disclaimers>

2 COMMENTS AND RESPONSES

2.5.8 Response to Letter C20: Nick Romero

C20-1 This comment states that residents would appreciate mature tree plantings in Unit 2 to screen the new buildings at the College of Marin.

As discussed in Master Response 4, private views are not considered to be an impact in the context of CEQA; therefore, private views are not discussed in the Draft EIR. Views of the College of Marin buildings and school facilities are part of the existing visual environment.

C20-2 This comment requests that the District add picnic tables and benches on the left bank of Unit 2 along Bike Route 20 (as shown in Figure 3.1-9 in the Draft EIR) and plant trees to screen Unit 2 and the stormwater pump station.

The proposed project would include a pocket park at the lower end of Unit 2. The existing picnic tables and benches would be relocated to that area. As discussed in Section 3.1 of the Draft EIR, the proposed project would result in less-than-significant aesthetics impacts on Unit 2 and the stormwater pump station. Therefore, no mitigation is required. Private views are not considered to be an environmental impact in the context of CEQA. See Master Response 4 for further discussion.

C20-3 This comment advocates retaining trees in Unit 2, as shown in Figure 3.1-19 in the Draft EIR.

The District does not propose removal of trees in the area shown in Figure 3.1-19 in the Draft EIR. The extent of tree removal in Unit 2 would be determined by USACE as part of its Section 408 permit authorization. See also response to comment B1-17.

2 COMMENTS AND RESPONSES

Comment Letter C21

From: Nick Romero <nickromero@gmail.com>
Sent: Wednesday, March 24, 2021 9:41 AM
To: Dixon, Joanna <JDixon@marincounty.org>
Cc: Corte Madera Creek <cortemaderacreek@marincounty.org>
Subject: Re: Corte Madera Creek Flood Risk Management Project

Thank you, do you know if there us a plan yo cut trees and replant near the COM bldgs? the diameter / existing ratio means a big eye sore as the new, younger, trees fill back in for a decade

C21-1

--

Nick Romero
+1.805.746.5528
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2 COMMENTS AND RESPONSES

2.5.9 Response to Letter C21: Nick Romero

C21-1 This comment asks whether a plan exists for tree removal and planting near the College of Marin buildings. The comment also states that it would be a big eye sore while waiting over a decade for the new trees to mature.

A conservative estimate of tree removal in Unit 2 and the Lower College of Marin area is shown in Figures 2.6-4 and 2.6-5 on pages 2-31 and 2-32 in the Draft EIR. Construction of the proposed floodwall in Unit 2 would require removal of four trees. Construction of the proposed floodwall in Unit 3 and the stormwater pump station would require removal of sixteen trees. The removal of 20 trees for project construction would not significantly impact aesthetics, as discussed from page 3.1-26 through 3.1-28 in the Draft EIR.

2.6 Public Hearing

2 COMMENTS AND RESPONSES

Comment Letter PH



Public Hearing Comments

Date: March 2, 2021, 2:00 PM

Location: Zoom Link: <https://www.zoom.us/join>

Meeting ID: 946 4251 8384

Password: 352 533

Subject **Marin County Flood Control and Water Conservation District Board of Supervisors Public Hearing, Public Comments**

Table 1 Oral Comments (Not verbatim)

Name	Question	
Michael Wanger	Is the access ramp included in the EIR?	PH-1
	Upstream extension of the floodwall is located in land that is owned by the flood control district at the end of Locust Avenue. In the past, that strip of land has become a river with water flowing out of Corte Madera Creek across that strip of land and onto Locust and Cedar Avenue. How does the access ramp going to the bottom of the channel affect that? And how far upstream will the wall extend?	PH-2
GGP – Garril Page	First of all, the scheduling of this hearing is as subtle as parking in Joe Garbarino on Ross Common.	
	Second the County worked with the Corps of Engineers until terminating relations in March of 2019 then resulted in an EIR that was both procedurally deficient per CEQA and hydrologically flawed because the natural channel of Unit 4 was omitted. Comments of these failings have been ignored for years. Instead of dumping that deceptive document the District incorporated it into the current EIR.	PH-3
	Despite its mass and use of boilerplate, the current EIR is replete with repetition and is unresponsive to comments leaving question or frustrated for example this lowering of the grade in alternative 1 slide 38 is relatively new information that is undeveloped and improperly identified in the EIR.	PH-4
	Induced flooding remains an unmitigated consequence of the proposed project. Who is going to pay for that?	PH-5
	I repeat for the record of this hearing, this EIR is a procedurally and functionally indefensible document.	PH-6
		PH-7
		PH-8
Laura Conrow	How far away does the project grading and channel in Frederick Allen Park end from the tennis courts?	PH-8
	How many mature trees in the Frederick Allen Park area are slated to be saved as opposed to cut down?	PH-9

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Name	Question	
Charles Goodman	I'm a 50-year resident of the Town of Ross, on the Town Council for 12 years, and was a Mayor for three terms. I also live on the confluence of Corte Madera Creek and Ross Creek. The proposal is to remove the only 800 feet of the concrete channel that actually functions as designed by the Army Corps of Engineers and handles the super critical speed necessary. This section has not overflowed its banks. You are replacing this portion of the concrete channel with a detention basin/settlement basin and still referring to that as a park by widening this area, you are slowing down the flow of water and sediment will drop out and accumulate. The estimated dead load of sediment in that area per year is around 7,000 tons which is several hundred truck loads.	PH-10
	So, my question was in the Draft EIR how the County plans to mitigate the substantial disruption of removing sediment from the Town. The question was not addressed and not answered, and I think it's a very important question.	
	The next point is that you are doing this whole project piecemeal, and it does not come together when you finish putting the pie together. For example, you have left out the complete area from San Anselmo Winship Bridge to the Lagunitas Road Bridge. There is no plan for any protection in that area and yet you are increasing the flow of water coming out of San Anselmo you are not addressing any of the water that comes from San Anselmo Bolinas Avenue, Shady Lane, Norwood, Southwood, Lagunitas Road that has to somehow get into the concrete channel and that needs to be addressed.	PH-11
	I would say in final that the least expensive of these proposed projects is Alternative 1 because I believe it provides the most benefit for the dollar and it's the least detrimental to the environment.	PH-12
	I would be happy to meet with any of you set up a meeting and show you the Frederick Allen Park.	
Willian Conrow	I wasn't even going to mention this but the Alternative 1 has the least as he mentioned detrimental to Frederick Allen Park. One of you said well it's that doesn't affect the tennis court. I disagree it's very close to the tennis courts and it would really basically destroy Frederick Allen Park with no trees etcetera.	PH-13
	Now, my real question though is are you concerned about flooding and if you're concerned about flooding is it because of water coming down Corte Madera Creek or is it you concern about ocean rising ocean level coming in. Which one of the two is the main concern?	PH-14
Julie McMillan	Julie McMillan is currently the Mayor of the Town of Ross. We will be considering this issue at our March 11th meeting and we will be submitting written comments before the March 17th deadline. We have received an initial report at our February meeting, but we really haven't had a chance to dive deep into the issue so you can look forward to hearing a written comment from the town of Ross.	PH-15

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Name	Question	
Beth Foster	My property backs up to the concrete channel and it a bit upstream end of Unit 3, immediately downstream of the fish ladder. Our property extents to the centerline of the channel. A portion of the project is proposed on our property. I want to first to say that we apricate the potential flood benefit of the project, so we like to see it to move forward.	PH-16
	I have some concerns that are rather maybe questions about the potential impacts on our property. First of all is seeking some more information about the retaining walls that are proposed to the downstream side of the fish ladder, not really clear about the heights or appearance of these walls.	PH-17
	In addition, concern about the proposed clearance of trees. Section 2.2.6 of the EIR shows all the trees behind our house would be removed because of the 15-foot clearance. This included trees that are beloved to us and are important view from our home and screen the channel that is currently covered with graffiti. I don't think the EIR has to analyze impacts on private property. But we do have concern about the impact on our property value. We just want to have an opportunity to understand more about what is specifically being proposed at our home.	PH-18
	And lastly, more information about overland flow of stormwater in large storm events. There is a great deal of water that runs through the backyards of homes along Sir Francis Drake. I just like to understand better how this flood water is being handled with the project.	PH-19
	I would appreciate if the District would reach out to us again with more information.	PH-20
Pam Grant	I am Pam Grant. I live on Kent Avenue. I have three questions. One has to do with the drainage. At the point where the channel goes from dirt to cement, that is right around the Kentfield Hospital and right beyond the tennis court. At that point, are you going to put in any drainage, large drain that could be open? If there is an overflow, it is going to tunnel back into the cement channel and may jump out, ruining the Kentfield Hospital. I don't know what could possibly happen.	PH-21
	My next question is about the new building that College of Marin is putting in. When you show the diagram of the orange area, it looked to me like that orange area was right by the new building and when I went to that meeting, I asked them about flood issues, and they seem to be very vague they didn't know anything about flood issues were putting a presentation on. So, I was hopping there was communication between College of Marin and you guys. I just want to know why. I'm sure there is but there is a bridge or gap, if College of Marin is discussing any kind of help with the flood issue.	PH-22
	Number three question is I didn't understand, first of all I don't live in Ross thank God I live in Kentfield and so I can say bad things about Ross I don't be afraid of anyone going to go is really weird that you guys are all afraid but bottom line Ross is going to benefit from an area that's not used much now then maybe will be used more I mean the kids won't be able to do their looky-loos in an in the on the ground anymore because that'll be all cleared away	PH-23

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Name	Question	
	<p>but then getting back to the kids what are you guys thinking about protecting kids going into the wash. I mean during normal time especially during a flood.</p> <p>And what is meant by heightened sensitivity in Ross about the trees. I love trees I have tons of trees. They can be a problem. When you say sensitivity. Does it mean the Ross citizens are requesting to keep it beautiful and keep the leaves which would be a fire hazard. Or they want to protect the endangered fish or what is it exactly about.</p> <p>One other comment I want to make is when the flood does come in five or six years, I hope that you're going to put funds away from the flood fees to help the citizens recuperate.</p>	<p>PH-23 cont.</p> <p>PH-24</p> <p>PH-25</p>

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2.6.1 Response to Public Hearing Comments

PH-1 This comment asks whether the access ramp is included in the Draft EIR.

The access ramp would not be part of the proposed project. The access ramp would qualify for a Categorical Exemption and would provide a utility for concrete channel maintenance in the absence of the proposed project. A Notice of Exemption was filed on March 15, 2021, for the access ramp. Therefore, the access ramp is addressed as a cumulative project in the cumulative impact analysis in Chapter 4 in the Draft EIR.

PH-2 This comment asks how the access ramp would affect the issue related to flooding in the area at the end of Locust Avenue and how far upstream the wall would extend.

The new access ramp would be a concrete structure on District property at the end of Locust Avenue. The access ramp would extend from the existing ground surface into the concrete channel. A new floodwall also would be installed above ground around the access ramp, and would connect to the proposed floodwall in the Granton Park area. The floodwall would minimize creek flow overtopping to the Granton Park neighborhood. The entrance to the access ramp would be elevated above the existing grade to prevent water from flowing out the entrance to the access ramp. The access ramp itself would not affect the floodplain and creek flow. In addition, at the access ramp and along the Granton Park floodwall alignment, multiple storm drain inlets with backflow preventors would be installed to drain surface water from behind the floodwall. At the Granton Park pump station, a new storm drain inlet also would be installed, to drain runoff from the informal pathway along the concrete channel.

PH-3 This comment states that the 2018 Draft EIS/EIR is both procedurally deficient and hydrologically flawed because the natural channel in Unit 4 was omitted.

The current project design has been modified from USACE's 2018 project design, and the Draft EIR differs from the 2018 Draft EIS/EIR. The Draft EIR was prepared in accordance with all CEQA procedural requirements, and the hydrologic analysis in Section 3.9 in the Draft EIR presents substantial evidence for the impact determinations.

PH-4 This comment states that the District incorporated the deceptive 2018 Draft EIS/EIR into the Draft EIR.

As explained in response to comment PH-3, the Draft EIR differs from the 2018 Draft EIS/EIR. The Draft EIR is a separate document, based on a different project design with a new impact analysis. The District used the baseline resource studies that previously were prepared by USACE to the extent that those studies accurately described the resources in the project area, and no change in resource conditions had occurred from the baseline studies (e.g., geology and soils characterization and cultural resource surveys). Additional baseline resource studies were conducted to address gaps in the baseline analysis in the 2018 Draft EIS/EIR, and to update the analysis (e.g., noise data collection, tree survey, wetland delineation, biological resource investigation, hydrologic

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modeling, and air quality modeling). The Draft EIR impact analysis reflects the impacts of the proposed project and alternatives considered and does not rely on the impact analysis from the 2018 Draft EIS/EIR.

- PH-5 This comment states that the Draft EIR lacks information regarding the lowering of grade in Alternative 1. The comment also states that Alternative 1 is undeveloped and improperly identified in the Draft EIR.

Alternative 1 would include all project elements that are described in Chapter 2, Project Description, in the Draft EIR, except for the Frederick Allen Park enhancements in the Town of Ross. The project description in the Draft EIR includes details on how the proposed project would be constructed, including the grading of the Unit 4 channel to address the fish ladder removal. See Section 2.5 in the Draft EIR for a detailed discussion of project elements and design and see Section 2.6 for information regarding project construction. The difference between the proposed project and Alternative 1 is that Alternative 1 would not remove the concrete channel and would not construct a natural floodplain and riparian corridor in Frederick Allen Park. Alternative 1 would install four additional fish pools in the concrete channel adjacent to Frederick Allen Park, instead of removing the concrete channel. Alternative 1 would include all proposed project elements in Unit 2, lower Unit 3 (downstream from Frederick Allen Park), and Unit 4.

- PH-6 This comment states that the induced flooding would not be mitigated because of the proposed project and asks who would be responsible to pay for future induced flooding impacts.

This comment is incorrect. The Draft EIR describes induced flooding and provides numerous graphics. Figures 3.9-7 to 3.9-9 and graphics in Appendix E in the Draft EIR detail the proposed changes in hydraulic conditions from project implementation. As discussed under Impact 3.9-5 beginning on page 3.9-54 in the Draft EIR, the hydraulic modeling shows no significant increase in flooding at any structures. The only significant increase in flooding would occur near the College of Marin. No mitigation is required because no significant increase in flooding would occur and require mitigation.

- PH-7 This comment states that the Draft EIR is a procedurally and functionally indefensible document.

The Draft EIR was prepared in accordance with CEQA requirements and meets all standards under CEQA. It contains substantial evidence for each impact conclusion. The Draft EIR was prepared and noticed in accordance with all CEQA procedural requirements.

- PH-8 This comment asks about the distance between the grading and natural channel in Frederick Allen Park and the tennis courts.

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The end of the grading area in Frederick Allen Park is approximately 7 feet from the tennis courts. A retaining wall would be installed upstream from the tennis courts (see Figure 2.5-1 in the Draft EIR), which would protect the grade and transition back to the concrete channel. See Master Response 1 for information regarding the preference for Alternative 1.

- PH-9 This comment asks how many mature trees are marked to be saved as opposed to be removed in Frederick Allen Park.

As shown in Figure 2.6-2 in the Draft EIR, approximately 100 trees are marked to remain in the Frederick Allen Park reach of Corte Madera Creek. See response to comment C9-11 regarding the extent of tree removal in Frederick Allen Park. See Master Response 1 and the preference for Alternative 1.

- PH-10 This comment states that removal of the functional concrete wall and widening the channel would slow down the flow of water and cause sediment accumulation. The comment asks how the District plans to mitigate substantial disruption of sediment removal from the Town of Ross.

See response to comment C18-1. Frederick Allen Park was not designed to function as a detention basin. The widened creek section provides the space needed to establish a natural creek corridor, while maintaining the flow conveyance capacity needed for flood risk reduction. The creek cross section design incorporated a low-flow channel approximating a natural bank full-creek geometry. The low-flow channel would concentrate creek flows to a smaller cross section, which would increase the energy needed to transport sediment. In a larger storm event, sediment deposition possibly could occur along the floodplain benches at Frederick Allen Park. Maintenance of the floodplain benches would be included in the District's ongoing stream maintenance program. If needed, service vehicles and equipment could access the park for maintenance using the multi-use path or the new access ramp to the concrete channel in the Granton Park area.

- PH-11 This comment states that the proposed project is piecemeal and would not address the area upstream from Winship Bridge to Lagunitas Road Bridge.

The modeling in the Draft EIR includes consideration of future conditions that would address planned and approved projects upstream from the project area on Corte Madera Creek.

See response to comment C11-10 regarding the District's jurisdiction. The District recognizes the integration and connectivity between the storm drain system, overland flow, and creek flow to provide stormwater runoff conveyance. The District would continue to work with municipalities across the watershed through the Ross Valley Watershed Program. The proposed project would be a part of the Ross Valley Watershed Program, and the hydraulic analysis in the Draft EIR includes the entire

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watershed. The proposed project would address flooding issues along Corte Madera Creek within USACE Units 2, 3, and 4. Future projects in the watershed program would address other flooding issues in the watershed. Although the proposed project would not include specific project elements upstream from Lagunitas Road Bridge, the proposed project would reduce flood inundation in downtown Ross and also in areas upstream from Lagunitas Road Bridge. The District and the watershed program would continue to address flooding issues throughout the watershed through future flood risk reduction projects.

PH-12 This comment states that Alternative 1 would be the least expensive option because it would provide the most benefits with least cost, and because it would be the least detrimental to the environment.

See Master Response 1 regarding staff's recommendation to adopt Alternative 1. See Master Response 5 for discussion regarding economic impact.

PH-13 This comment states that Alternative 1 would be the least detrimental to Frederick Allen Park. The comment further states that the proposed project would be very close to the tennis courts and would destroy Frederick Allen Park without trees.

As explained in response to comment PH-8, the project would install a retaining wall at the downstream end of Frederick Allen Park and upstream from the tennis courts. The retaining wall would provide protection to the tennis courts and transition back to the concrete channel. See Master Response 1 regarding staff recommendation to adopt Alternative 1.

PH-14 This comment asks whether the proposed project would be concerned about creek flooding or sea-level rising.

The proposed project would be designed to address flooding on Corte Madera Creek and would not address sea-level rise. However, the hydraulic modeling for future conditions considered the proposed project's potential effectiveness in reducing flooding with future sea-level rise. The results of hydraulic modeling indicate that the proposed project still would be effective in reducing flooding in Ross Valley when considering moderate and high projections for sea-level rise. See Section 3.9.5 on page 3.9-37 in the Draft EIR for information regarding how sea-level rise was incorporated into the hydraulic modeling and see Impact 3.9-5 on page 3.9-61 in the Draft EIR for an analysis of flood impact when considering sea-level rise. See also Master Response 3.

PH-15 This comment states that the Town of Ross was to submit a written comment letter on the Draft EIR before the public comment period ended on March 17, 2021.

The Town of Ross comment letter is included as comment letter A5.

PH-16 This comment states appreciation for the potential flood benefit of the proposed project and anticipation of seeing the project move forward.

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The comment addresses the merits of the project and not the environmental impacts.

PH-17 This comment asks about the height or appearance of the proposed project's retaining walls.

The new retaining wall along the left bank of the Corte Madera Creek channel, downstream from the fish ladder, would maintain the height of the existing concrete channel wall. See response to comment C16-5.

PH-18 This comment expresses concern about the proposed tree removal because of USACE's required 15-foot clearance and the potential impacts on property value.

The conservative estimate of tree removal that is included in the Draft EIR reflects USACE's guidance, as discussed in response to comment C16-7. See Master Response 4 regarding private views and privacy and Master Response 5 regarding impacts on property value and CEQA.

PH-19 This comment asks for more information regarding overland flow during large storm events.

See response to comment A5-26. Although the proposed project would not alter the existing overland flow pattern, it would provide net benefits through reduced overland flow along Sir Francis Drake Boulevard because of reduced overtopping of Corte Madera Creek flows upstream from the fish ladder.

PH-20 This comment expresses a desire for the District to reach out to the public again as the proposed project progresses.

The District is continuing coordination with public agencies throughout project implementation.

PH-21 This comment asks whether the proposed project would install any drainage around Kentfield Hospital and right beyond the tennis court.

The proposed project would not include storm drain improvements at Kentfield Hospital. At the downstream end of the Frederick Allen Park component, the creek flow would transition from the restored floodplain to the existing concrete channel. The hydraulic analysis did not show increased creek overtopping and inundation at Kentfield Hospital. Also see Master Response 3 regarding the hydraulic modeling for the Alternative 1 60 percent design.

PH-22 This comment asks whether the District and the College of Marin have communicated regarding the new building at the College of Marin and how the project would affect this building.

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The District has been coordinating with the College of Marin about the proposed project and would continue to coordinate with the College of Marin before project construction, to obtain any necessary easement. At the Learning Resources Center site, at the downstream limit of the site adjacent to College Avenue, the proposed project would construct a new floodwall to funnel overland flow along the banks of the concrete channel back into the concrete channel and minimize overland flow in the area. Refer to response to comment B2-1.

PH-23 This comment asks what has been proposed to prevent children from going into the creek during flood events.

As discussed under Impact 3.8-13 on page 3.8-13 in Section 3.8 in the Draft EIR, the District has proposed safety measures and procedures to reduce the risk of public hazards from flooding. The proposed measures and procedures would include closing access to the creek before predicted major storm events and posting signage at the access points to notify the public about the risk of flooding.

PH-24 This comment asks what is meant by heightened sensitivity in Ross regarding the trees.

Viewer sensitivity is used in the aesthetic analysis and is defined on page 3.1-2 and 3.1-3 in the Draft EIR. Viewer sensitivity refers to how concerned viewers are with changes to visual quality in an area. The scoping comments indicated that viewers would be sensitive to changes in the tree canopy and changes in visual quality in Frederick Allen Park.

PH-25 This comment states the desire to see the District set aside funds from the flood fees to help the citizens recuperate when future flood events occur.

This comment is not relevant to the proposed project or EIR impact analysis.

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